

# **‘Nothing is ours anymore’<sup>1</sup> – HLP rights violations in Afrin, Syria**

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## **INTRODUCTION: AFRIN’S PLACE IN THE SYRIAN HLP CRISIS**

In the last eight years of conflict in Syria, issues relating to housing, land and property (HLP) have occurred with striking prevalence across the country. For example, in a study by humanitarian actors, almost 50 per cent of internally displaced persons (IDPs) in southern Syria reported that their pre-displacement residences had been either destroyed or damaged beyond repair.<sup>3</sup> The intensive use of airstrikes in the US-led campaign against the Islamic State has also significantly damaged infrastructure, especially in Raqqa.<sup>4</sup>

As the conflict in Syria has evolved, some territories have changed hands several times, creating multiple waves of displacement and return, and thus engendering complicated and intersecting HLP challenges.<sup>5</sup> Beyond housing and property lost as collateral damage, the Syrian government has deliberately destroyed property to punish restive populations in opposition strongholds.<sup>6</sup> It has also introduced a series of laws facilitating the transfer of housing from communities perceived as having supported the opposition. Moreover, it is seeking to capitalise on much of this destruction through a controversial reconstruction agenda.<sup>7</sup>

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1) This title is drawn from media reporting on HLP violations as they evolved in Afrin during mid-2018: Chulov, Martin and Shaheen, Kareem, “‘Nothing is ours anymore’: Kurds forced out of Afrin after Turkish assault”, *The Guardian* (7 Jun. 2018), available at: <https://www.theguardian.com/world/2018/jun/07/too-many-strange-faces-kurds-fear-forced-demographic-shift-in-afrin> (accessed 6 Mar. 2019).

2) The author would like to acknowledge the valuable comments provided by the peer reviewers, as well as the constructive feedback on an earlier draft by Hivin Kako and several other experts from Syria/Afrin wishing to remain anonymous.

3) Norwegian Refugee Council (NRC) and the United Nations High Commissioner for Refugees (UNHCR) (2017): ‘Displacement, housing, land and property and access to civil documentation in the south of the Syrian Arab Republic’, available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/final\\_nrc\\_displacement\\_hlp\\_and\\_civil\\_doc\\_s\\_syria\\_23\\_07\\_2017\\_en.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/final_nrc_displacement_hlp_and_civil_doc_s_syria_23_07_2017_en.pdf) (accessed 14 Mar. 2019).

4) Amnesty International (22 Oct. 2018): ‘Syria: While Raqqa’s dead are buried in mass graves, US-led coalition buries its head in the sand’, available at: <https://www.amnesty.org/en/latest/news/2018/10/syria-while-raqqas-dead-are-buried-in-mass-graves-us-led-coalition-buries-its-head-in-the-sand> (accessed 22 Feb. 2019).

5) See Vignal’s chapter in this volume.

6) Human Rights Watch (HRW) (30 Jan. 2014): ‘Razed to the Ground: Syria’s Unlawful Neighborhood Demolitions in 2012-2013’, available at: <https://www.hrw.org/report/2014/01/30/razed-ground/syrias-unlawful-neighborhood-demolitions-2012-2013> (accessed 27 Jan. 2019).

7) See Hanna and Harastani’s chapter in this volume; Yazigi, Jihad (2017): ‘Destruct to Reconstruct: How the Syrian Regime Capitalises on Property Destruction and Land Legislation’, Friedrich Ebert Stiftung, available at: <http://library.fes.de/pdf-files/iez/13562.pdf> (accessed 10 Jan. 2019).

Against this backdrop, in January 2018 the Turkish-led ‘Operation Olive Branch’<sup>8</sup> in northwest Syria opened up a new front in the Syria conflict. In Kurdish-majority Afrin, which was targeted by the offensive, violations of HLP rights have been widely reported. These include looting and confiscating houses and shops,<sup>9</sup> as well as plundering the olive harvest.<sup>10</sup> According to international media, the organised relocation to Afrin of families from elsewhere in the country has led locals to complain, ‘Lands are being confiscated, farms, wheat, furniture, nothing is ours anymore’.<sup>11</sup> The Afrin case study implicates a tangle of actors in HLP issues – from military entities (the Turkish Armed Forces and their armed Syrian partner factions) to other Turkish state institutions and the local councils and civil police forces set up to administer the area after the operation. In many cases, HLP issues underscore the tensions between the rights of the original (now often displaced) residents and those of civilians relocated to Afrin from other parts of Syria. IDPs in the latter category had often lost their own homes and land as a result of the ‘siege, starve, destroy and transfer’ strategy implemented by the Syrian government since 2014.<sup>12</sup>

While HLP issues across the country have sometimes coincided with demographic changes due to conflict-induced displacement, the role of Turkey – an external state actor with a history of forced displacement against its own Kurdish population – introduces a distinctly ethnic dimension to the analysis of developments in Afrin. In March 2018, at the end of Operation Olive Branch, a seasoned journalist of the Middle East commented, ‘The first thing to see is whether it is followed by ethnic cleansing and “Arabisation”’, noting that ‘the removal of opposing ethnic or sectarian communities has become a frequent feature of the Syrian civil war’.<sup>13</sup> This chapter engages with that very question through focused analysis of HLP violations in the area, and considers the attribution of accountability accordingly.

## METHODOLOGY

Building on documentation by local organisations and the author’s regular online monitoring (including opposition-linked and community-run social media platforms), most of the study’s primary data comes from 28 semi-structured interviews the author conducted with key informants (KIs) from Afrin: journalists and activists of differing political dispositions, business and olive-press owners, teachers, humanitarian workers and retired residents.<sup>14</sup> Given the demographics of the local population, the majority of the interviewees (25) were of Kurdish ethnicity. To protect their identities, all names have been anonymised, sometimes with pseudonyms. Interviewees were generally able to talk about the situation of their own homes, land and property, and also relay narratives of relatives and other acquaintances from Afrin. Due to the controlling forces’ limitations on direct

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8) In Turkish: Zeytin Dalı Harekâtı.

9) Amnesty International (1 Aug. 2018): ‘Syria: Turkish occupation of Afrin has led to widespread human rights violations – new findings’, available at: <https://www.amnesty.org.uk/press-releases/syria-turkish-occupation-afrin-has-led-widespread-human-rights-violations-new> (accessed 3 Mar. 2019).

10) Badcock James, ‘Turkey accused of plundering olive oil from Syria to sell in the EU’, The Telegraph (14 Jan. 2019), available at: <https://www.telegraph.co.uk/news/2019/01/14/turkey-accused-plundering-olive-oil-syria-sell-eu/> (accessed 28 Feb. 2019).

11) Chulov and Kareem, “‘Nothing is ours anymore’: Kurds forced out of Afrin after Turkish assault”, The Guardian (7 Jun. 2018), available at: <https://www.theguardian.com/world/2018/jun/07/too-many-strange-faces-kurds-fear-forced-demographic-shift-in-afrin> (accessed 6 Mar. 2019).

12) The Syria Institute and PAX (2017): ‘No Return to Homs: A case study on demographic engineering in Syria’, p. 28, available at: <https://www.paxforpeace.nl/publications/all-publications/no-return-to-homs> (accessed 15 Feb. 2019).

13) Cockburn Patrick, ‘After my recent trip to Syria, I knew Afrin’s fall was inevitable – now we must concern ourselves with the next phase of war’, The Independent (18 Mar. 2018), available at: <https://www.independent.co.uk/voices/afrin-turkey-ypg-kurdish-forces-erdogan-syria-russia-recent-trip-fall-inevitable-next-war-a8262236.html> (accessed 24 Mar. 2019).

14) The author expresses his gratitude to all the interviewees who contributed to the study.

access to the area by independent researchers, journalists and human rights organisations, most interviews were conducted remotely or with individuals outside Afrin at the time of the interview. Given these limitations, interview data were triangulated with independent reporting by recognized human rights groups. Media sources were also consulted in order to reflect the official positions of the Turkish government and Syrian opposition groups, as well as the social media platforms for the local councils and armed factions in Afrin.

## **HISTORY OF HLP VIOLATIONS AGAINST KURDS IN SYRIA**

Syria's post-independence Arabisation policies repeatedly violated the HLP rights of the population of Kurdish-majority areas. In 1952, the government introduced a decree 'prohibit[ing] the building on, transfer or improvements on land located in the border areas', which was reported to disproportionately impact Kurdish-majority communities.<sup>15</sup> This was part of a series of legal provisions restricting HLP transactions in 'border territories' under broadly defined 'securitisation' policies that continued until 2011. For example, Decree 49 of 2008 intensified existing prohibitions on the transfer of property and housing within 25 km of the international border without permission from the central government – which was almost never granted to Kurds.<sup>16</sup>

As the Syrian government grew increasingly nervous about the nationalist resistance of Iraqi Kurds spreading across the border in the 1960s, it started a comprehensive programme to disenfranchise Kurds in eastern Syria. In 1962, the government conducted a special census in the Kurdish heartland of Hassakeh governorate that resulted in some 120,000 Kurds losing their Syrian nationality almost overnight.<sup>17</sup> Those made stateless were severely restricted from owning, buying, selling or transferring housing, property and land. Many stateless Kurds had to resort to precarious practices of registering their property and real estate in the names of Syrian citizens.<sup>18</sup> A year later, the former head of intelligence in Hassakeh, Mohammad Talib Hilal, published his notorious study advocating a series of 12 repressive measures to manage the 'Kurdish issue', which he described as 'a malignant tumour in the body of the Arab nation.'<sup>19</sup> Hilal proposed deporting Kurds and replacing them with Arab settlers, and creating a military cordon known as the 'Arab Belt' along the border with Turkey. Over the following decades, all his recommendations have to some extent been implemented by the Syrian government.<sup>20</sup>

Although the government's anti-Kurdish policies before 2011 primarily focused on the northeast, the northwest district of Afrin was also subjected to the Arabisation of village names<sup>21</sup> and resettlement policies. KIs report that during the political union with Egypt

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15) Habitat International Coalition (2011): 'Systematic Housing and Land Rights Violations against Syrian Kurds', available at: <https://www.hln.org/img/documents/kurds%20status%20in%20Syria.pdf> (accessed 30 Oct. 2018).

16) YASA Kurdish Centre for Legal Studies & Consultancy (December 2010): 'Forum on Minority Issues at UN Human Rights Council, Geneva'. An English translation of the decree is available at: [http://www.kurdwatch.org/pdf/kurdwatch\\_dekret49\\_en.pdf](http://www.kurdwatch.org/pdf/kurdwatch_dekret49_en.pdf) (accessed 15 Dec. 2018).

17) Kurdwatch (2010): 'Stateless Kurds in Syria: Illegal invaders or victims of a nationalistic policy?', available at: <https://www.kurdipedia.org/docviewer.aspx?lng=14&book=2013100810352692383> (accessed 9 Nov. 2018).

18) HRW (1996): 'Syria: The Silenced Kurds', available at: <https://www.hrw.org/report/1996/10/01/syria-silenced-kurds> (accessed 1 Aug. 2019).

19) Hilal, Mohammad Talib (1963): 'Study of al-Jazira [Hassakeh] Governorate from National, Social and Political Perspectives' (in Arabic). Republished by the Amude Center for Kurdish Culture (2003), p. 5, available at: <http://www.amude.net/erebi/mihemed-taleb-hilal-lekolin.pdf> (accessed 8 Aug. 2019)

20) While President Hafez al-Assad officially abandoned the 'Arab Belt' construction in 1976, Kurdish sources have generally argued that the Syrian government has attempted to complete the process via subsequent land reforms and legislation: Ababsa, Myriam (2009): 'Fifty Years of State Land Distribution in the Syrian Jazira: Agrarian reform, Agrarian Counter-reform, and the Arab belt Policy (1958–2008)', *Cairo Papers in Social Science*, Volume 32, No. 2, pp. 44-60.

21) One interviewee recalled how the village of Gewenda was officially renamed Al-Batra/Petra.

t in the United Arab Republic (1958-1961), the Syrian government resettled Arab families, mostly to Afrin city and the Jandarîs subdistrict. A schoolteacher from Afrin confirmed in an interview that after local land reforms, a number of Arab families from the 'Amirat tribe in the countryside east of Aleppo were given land in his village, which until then had been inhabited by only three large families of Kurdish origin who intermarried over several generations. Families from the Bubana tribe were also brought to Afrin from around Menbij (eastern Aleppo) and authorised by the government to join the nomadic Arab herders who had long transited through the area on a seasonal basis.<sup>22</sup> Other interviewees stated that Afrin (with its long border with Turkey) was badly affected by Decree 49, which made it extremely difficult for homeowners in border regions to obtain official housing deeds (*tabu akhdar*).<sup>23</sup>

## **AFRIN AND OPERATION OLIVE BRANCH**

The predominantly Kurdish area of Afrin covers some 365 villages across seven administrative subdistricts in Syria's northwestern Aleppo governorate. From 2012, the area has been administered by the dominant Kurdish political actor in Syria, the Democratic Union Party (Kurdish acronym: PYD<sup>24</sup>) and its military counterpart, the People's Protection Units (YPG<sup>25</sup>). Since the Syria conflict began in 2011, Afrin had largely been spared the severe destruction seen elsewhere in the country. The area's relative stability had transformed it into a haven for displaced civilians from other parts of Syria, with the United Nations reporting a population of around 125,000 IDPs.<sup>26</sup> That stability, however, was dramatically ruptured on 20 January 2018 when Turkish President Erdogan launched Operation Olive Branch, a military campaign on Afrin by the Turkish Armed Forces and their Syrian allies.

Turkey has long perceived the Syrian Kurds' autonomous governance project on the other side of its border as a national security threat. It considers the project to be closely affiliated with the Kurdistan Workers Party (PKK<sup>27</sup>), which it proscribes as a terrorist group. Turkish state officials have regularly cited the need to counter what they term an emerging 'terror corridor' in Syria.<sup>28</sup> Indeed, the goal of isolating Afrin from other Syrian territories under Kurdish control had motivated Turkey's first direct military intervention in Syria, Operation Euphrates Shield (August 2016 – March 2017). That offensive split Afrin from Kurdish-controlled Kobani in the east, preventing the formation of a contiguous Kurdish-controlled territory in northern Syria.

Building on Operation Euphrates Shield, in mid-2017 Turkey consolidated assorted Syrian armed opposition factions under the auspices of the Turkey-based opposition body, the 'Syrian Interim Government' (SIG). The factions were trained and equipped by Turkey's state

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22) For more details on the impact of land reforms and Arab settlement in Afrin, see: Afrini, Rowshan, 'Arabs in Afrin region: From Cattle and Livestock Herders to Owners and Rulers of the Region' (in Arabic), *Rojava News* (2005), available at: <https://rojavanews.com/arabic/index.php/ku/item/7918-rojavanews> (accessed 20 Feb. 2019).

23) See the chapter by Hanna and Harastani in this publication for an explanation of why such documentation is important for securing HLP rights in Syria.

24) *Partiya Yekîtiya Demokrat*.

25) *Yekîneyên Parastina Gel*.

26) United Nations Office for the Coordination of Humanitarian Affairs (OCHA) (18 Mar. 2018), 'Afrin District: Facts and Figures', available at: <https://reliefweb.int/report/syrian-arab-republic/syria-afrin-district-facts-and-figures-updated-18-march-2018-enar> (accessed 1 Aug. 2019).

27) *Partiya Karkerên Kurdistanê*.

28) 'Turkey, militants clash as Erdogan vows to destroy "terror corridor" in Syria', *Middle East Eye* (8 Oct. 2017), available at: <https://www.middleeasteye.net/fr/news/turkey-troops-syria-jihadists-clash-ahead-expected-incursion-99068758> (accessed 25 Apr. 2019).

intelligence agency (MIT<sup>29</sup>) and its military Special Forces to become the ‘National Army’.<sup>30</sup> According to Turkish media, the National Army is a structure ‘composed of 36 different opposition groups under the umbrella of the Free Syrian Army (FSA) ... divided into three army corps’,<sup>31</sup> while a Syrian Kurdish researcher publishing for a US think-tank reports that it includes ‘a combination [of 17 groups] of Salafist, jihadist and ultra-extremist militants.’<sup>32</sup>

In January 2018, the sudden and provocative announcement of US plans to form a 30,000-person ‘Border Protection Force’ under the leadership of its Kurdish allies presented Turkish officials the opportunity to frame Operation Olive Branch as a specific response to cross-border security threats.<sup>33</sup> This trigger also resulted in a policy shift by Russia, which had previously used its troop presence west of the Euphrates river to buffer attacks on Afrin by Turkish forces and Syrian opposition groups.<sup>34</sup> Suddenly Russia withdrew its troops in what appears to have been an agreement with Turkey ahead of a new round of diplomatic talks on Syria.<sup>35</sup> This interpretation is underpinned by the simultaneous launch of the Russian-backed Syrian government offensive against opposition fighters in rural Damascus and the Turkish-backed Operation Olive Branch for Afrin.<sup>36</sup> High-level Turkish officials have framed the operation as ‘based on Turkey’s inherent right to self-defence under international law, stemming from Article 51 of the United Nations Charter’.<sup>37</sup> However, research by the BBC’s media watchdog suggests that Turkey may have exaggerated the actual threat Afrin posed as a pretext to launch Operation Olive Branch.<sup>38</sup>

With much of Afrin directly bordering Turkey, Operation Olive Branch began with ground incursions from five separate points. Turkish tanks and military hardware quickly massed as Turkish-trained Syrian armed factions from the newly-formed National Army advanced across the border. Meanwhile, the Turkish military used sustained airstrikes and artillery to push deeper into the area, causing significant physical destruction, particularly in the Jandarıs and Rajjo subdistricts close to the border of western Afrin (see map). Despite fierce resistance and counter-offensives by the YPG and their allied Women’s Protection Units (YPJ<sup>39</sup>) that had controlled the area for almost six years, by March 2018 Operation Olive Branch forces had taken most of the border territory, as well as several subdistrict capitals, and turned their attention towards Afrin city itself.

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29) Millî İstihbarat Teşkilatı.

30) ‘Turkey-backed opposition to form new army in northern Syria’, TRT World (30 May 2017), available at: <https://www.trtworld.com/MEA/turkey-backed-rebels-to-form-new-army-in-northern-syria-367931> (accessed 14 Apr. 2019).

31) ‘What is the new Syrian National Army?’, TRT World (27 Jan. 2018), available at: <https://www.trtworld.com/middle-east/what-is-the-new-syrian-national-army--14648> (accessed 16 Jun. 2018).

32) Kajjo Sirwan, ‘Who are the Jihadists Fighting alongside Turkey in Syria?’, Gatestone Institute (20 Mar. 2018), available at: <https://www.gatestoneinstitute.org/12061/turkey-jihadists-syria> (accessed 17 Feb. 2019).

33) Barnard Anne, ‘U.S.-Backed Force Could Cement a Kurdish Enclave in Syria’, The New York Times (16 Jan. 2018), available at: <https://www.nytimes.com/2018/01/16/world/middleeast/syria-kurds-force.html> (accessed 12 Dec. 2018).

34) Candar Cengiz, ‘Turkey continues its foreign policy blunders’, Al-Monitor (2 May 2017), available at: <https://www.al-monitor.com/pulse/originals/2017/05/turkey-has-never-been-so-isolated.html> (accessed 7 Dec. 2018).

35) For analysis of the geostrategic background and Turkish domestic motivations around Operation Olive Branch, see: Schmidinger, Thomas (2018), *Afrin – Kampf um den Berg der Kurden: Geschichte und Gegenwart der Region Afrin*. Bahoe Books, Vienna.

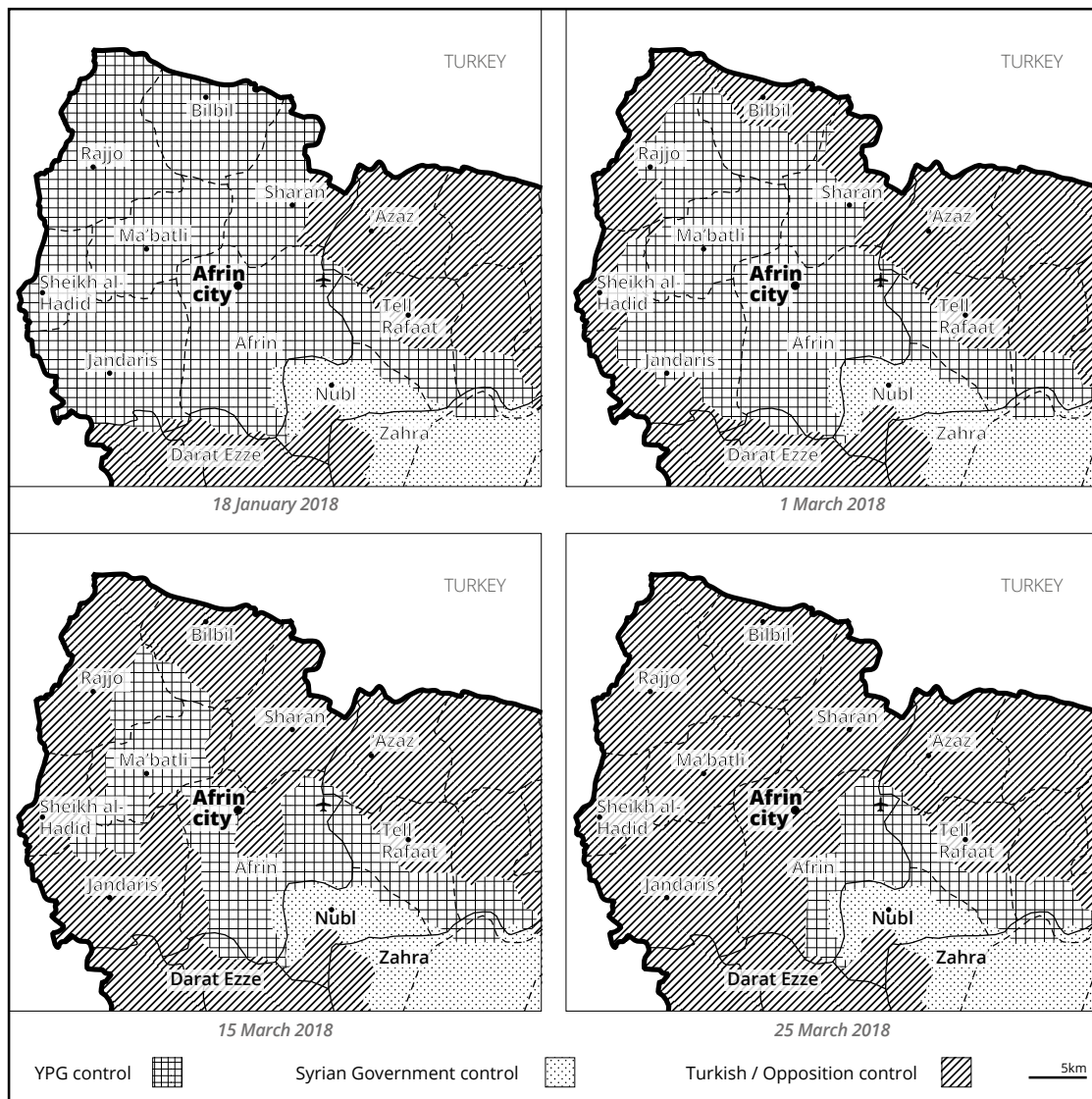
36) ‘Syrian government makes Ghouta gains; Turkey steps up Afrin attack’, Reuters (3 March 2018), available at: <https://www.reuters.com/article/us-mideast-crisis-syria/syrian-government-makes-ghouta-gains-turkey-steps-up-afrin-attack-idUSKCN1GF0L8> (accessed 13 Nov. 2018).

37) TRT World Research Centre (April 2018), ‘Operation Olive Branch’, p. 25, available at: <https://researchcentre.trtworld.com/images/files/reports/OperationOliveBranch.pdf> (accessed 11 Nov. 2018).

38) Koker İrem, ‘Reality Check: How many attacks did Turkey face from Afrin?’, BBC Turkish (20 March 2018), available at: <https://www.bbc.com/news/world-middle-east-43262839> (accessed 14 Apr. 2019).

39) Yekîneyên Parastina Jin.

## AREAS OF CONTROL IN AFRIN THROUGHOUT OPERATION OLIVE BRANCH



At the start of the operation, local inhabitants were displaced from villages close to the Turkish border. As the offensive went on, secondary waves of displacement took place, leading to increasing numbers of people seeking sanctuary in the city of Afrin. In the first days, the UN reported that approximately 5,000 individuals had moved towards the city,<sup>40</sup> a number that multiplied at least tenfold by the end of February according to sources in the field.<sup>41</sup> Around 8 March, as the YPG was preparing to make its last stand in Afrin, civilians began to flee the city, heading east towards Tel Rifaat, with some managing to cross into Syrian government-held territories. On 18 March, after 58 days of resistance, the YPG and Kurdish authorities in Afrin made a strategic withdrawal, evacuating civilians from Afrin city.

40) OCHA (23 January 2018): 'Recent Developments in Northwestern Syria (Idlib Governorate and Afrin District)', available at: <https://reliefweb.int/report/syrian-arab-republic/turkey-syria-recent-developments-northwestern-syria-idlib-governorate> (accessed 17 Oct. 2018).

41) Triangulated figures from author interviews conducted with 3 journalists, 2 activists and 4 other IDPs from Afrin, late Feb. 2018.

The same day, Erdogan marked the completion of Operation Olive Branch by announcing that the Turkish military and its Syrian partners had gained control over the entire area of Afrin.<sup>42</sup>

During the final stages of the battle for Afrin city and its chaotic aftermath, more local families fled the region and took sanctuary in the areas of Nubl, Zahra and the Tell Rafaat east of Afrin (called 'Shahba' by Kurdish authorities – see map). In late May 2018, the UN estimated that some 134,000 IDPs from Afrin were still there, in poorly serviced camps.<sup>43</sup> Only those able to pay checkpoint fees to cross into Syrian government-controlled territory could enter Aleppo city; Human Rights Watch (HRW) recorded prices as high as USD 1,000 per person.<sup>44</sup> Some individuals connected to the Kurdish authorities who had been governing Afrin, or their associated security forces, feared kidnap and persecution on returning, and moved further east to Kobani and Hassakeh. Few male youths have returned because they are vulnerable to accusations of being 'Kurdish fighters'. Arab IDPs living in Afrin before Operation Olive Branch generally also fled for fear of being considered as PYD collaborators.

All interviewees reported that Turkish military airstrikes during Operation Olive Branch, and artillery by the Turkish army and their Syrian partners, were not limited to military targets. They indiscriminately inflicted significant damage on public service infrastructure, including hospitals and water stations,<sup>45</sup> and destroyed civilian homes.<sup>46</sup> The practice of cutting off water supplies to the area forced further locals to leave.<sup>47</sup> Turkish airstrikes also reportedly targeted a number of local heritage sites during the operation, feeding accusations that Turkey sought to eradicate traces of Kurdish culture and history in the area.<sup>48</sup> Leaving behind a trail of conflict-induced destruction, the cessation of military operations did not mark the end of HLP violations in Afrin, but instead signalled the start of a new chapter of property looting and housing occupation.

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42) 'Turkey-backed Free Syrian Army forces declare victory over terrorists in Afrin', Daily Sabah (18 Mar. 2018), available at: <https://www.dailysabah.com/politics/2018/03/18/turkey-backed-free-syrian-army-forces-declare-victory-over-terrorists-in-afirin> (accessed 6 Mar. 2019).

43) OCHA (15 Jun. 2018): 'Syrian Arab Republic: Humanitarian situation update in Afrin District and for IDPs in surrounding communities', available at: <https://reliefweb.int/report/syrian-arab-republic/syrian-arab-republic-humanitarian-situation-update-afirin-district-and> (accessed 30 Jul. 2019). Local journalists and other KIs generally agreed that in mid-2019, the figure was still around 100,000 people.

44) HRW (8 Apr. 2018): 'Syria: Afrin Residents Blocked from Fleeing, Aid, Turkish Allied Groups Loot, Destroy People's Property', available at: <https://www.hrw.org/news/2018/04/08/syria-afirin-residents-blocked-fleeing-aid> (accessed 10 Mar. 2019).

45) Such claims are echoed by UN statements of concern and independent investigations: OHCHR (16 Mar. 2018): 'Press briefing notes on the situation in Afrin, Syria', available at: <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=22839&LangID=E> (accessed 20 Nov. 2018); Bellingcat (19 Mar. 2018), 'Did Turkey Bomb Afrin's General Hospital?', available at: <https://www.bellingcat.com/news/mena/2018/03/19/did-turkey-bomb-afirin-hospital> (accessed 16 Apr. 2019).

46) Fisk Robert, 'Inside Afrin, the true victims of Turkey's invasion of northern Syria are revealed – refugees, babies, women and children', The Independent (28 Jan. 2018), available at: <https://www.independent.co.uk/news/world/middle-east/afirin-turkey-invasion-syria-enclave-kurds-ypg-airstrike-war-civil-a8182266.html> (accessed 10 Mar. 2019).

47) 'Syria's Afrin cut off from water, thousands displaced', Reuters (14 Mar. 2018), available at: <https://www.reuters.com/article/us-mideast-crisis-syria-afirin-water-idUSKCN1GQ0ZR> (accessed 27 Apr. 2019).

48) A notable example is the ancient Hittite archaeological site at Ain Dara, which was destroyed by aerial bombardment during the first week of Operation Olive Branch: European Space Imaging (5 Feb. 2018): 'Satellite Images of Afrin Identify Massive Damage to Ancient Temple', available at: <https://www.euspaceimaging.com/satellite-images-of-afirin-identify-massive-damage-to-ancient-temple> (accessed 26 Jun. 2018).

## **VIOLATING HLP RIGHTS AFTER OPERATION OLIVE BRANCH: INITIAL CHAOS**

*'Some of the factions behave better than others, and are not stealing from the civilians directly – but ultimately they have all subscribed to the same strategy and ideology [...] which is clearly against Kurds.'*<sup>49</sup>

From the moment Operation Olive Branch forces took control of Afrin, HLP issues intensified in the chaos between various Turkish-backed Syrian factions (under the National Army). One interviewee characterised the situation as 'the law of the jungle', while a local journalist explained that 'the factions were roaming around the city chaotically.' The UN noted that 'arbitrary arrests and detentions became pervasive throughout Afrin district'.<sup>50</sup> Indeed, within the first hours of taking control of Afrin city on 18 March, Turkish-backed Syrian armed factions bulldozed the statue of mythical legend, Kawa the blacksmith, an important symbol of the Kurds' struggle for freedom from tyranny. Most KIs from Afrin could not conclusively identify the group responsible but the fact that no faction publicly rejected or distanced itself from this action set the tone for what locals perceive as an era of collective punishment against the original Kurdish inhabitants.<sup>51</sup>

### ***TURKISH-BACKED FORCES PULL DOWN KAWA STATUE IN AFRIN TOWN CENTRE: REUTERS/KHALIL ASHAWI, 18 MARCH 2018***



49) Female interviewee in her late 30s residing in Erbil, who had interpreted for a local relief organisation in Afrin.

50) United Nations Human Rights Council (UNHRC) (31 Jan. 2019): 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic', available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/G1902320.pdf> (accessed 17 Apr. 2019).

51) This was a persistent theme in interviews conducted for this study, while reports shared with the author by the Rojava Information Center implicate Hamza and Sultan Murad Brigade in the destruction of the statue.



Over the next few days, international media agencies issued a flurry of reports about members of Turkish-allied Syrian factions looting the houses of displaced civilians.<sup>52</sup> Interviewees for this study consistently reported such events. For example, Juwan, who fled Afrin on 15 March 2018 and has subsequently returned a number of times to assess the situation, stated: ‘Our cars and olives and electricity generators have all been stolen, and strangers have put their hands on our homes and shops.’ Citizen journalist Rebwar commented, ‘They were stealing everything . . . our relatives saw fighters walking away with people’s chickens! Anything that wasn’t clamped down was gone immediately, and soon they had unclamped generators and stolen those too.’

Schoolteacher Aziz narrated how looting had started in the villages even before Afrin city fell: three of his brother’s tractors were stolen. A journalist from Afrin now living in Iraqi Kurdistan reported that, ‘Cars, tractors and other vehicles are in danger of being stolen’, adding that many locals have switched to using motorbikes instead of cars as they can be parked inside the house. All 28 Afrin locals interviewed believed that Syrian factions associated with the National Army had looted their family property. On 8 April 2018, HRW reported, ‘Armed groups working with Turkish forces are looting and destroying civilian property in the city of Afrin and surrounding villages, exacerbating the plight of civilians.’<sup>53</sup>

At first, Syrian factions from the National Army mostly looted and occupied the houses belonging to affiliates of the PYD and its associated governance/military structures. KI narratives conveyed the widespread perception that members of the factions often believe that it is halal (permitted) to seize the properties of ‘PYD infidels’. Although many unaffiliated civilians fled to Shahba, interviewees stated that in April 2018 the armed factions began to announce that they would consider everyone who did not return to Afrin as connected to the party or Kurdish military.<sup>54</sup> Several interviewees believed that Turkish media, including platforms close to the government, reproduced news of looting to deter returns. Armed factions were able to use ‘baseless accusations of affiliation to the PYD or YPG’ as an excuse to strip civilians, particularly the wealthy, of ownership rights and confiscate their property.<sup>55</sup>

Indeed, within a week after Operation Olive Branch ended, individual fighters from Syrian armed factions started to bring their relatives from opposition-controlled Idlib and northern Aleppo and settle them in empty houses in Afrin. One KI recalls, ‘When most Kurdish families were fleeing to Shahba [Tell Rifaat], my elderly parents decided to go back to our village in the southwestern countryside of Afrin. My father called me each day, describing the lines of cars and buses bringing people into Afrin from Idlib’. While members of armed factions took advantage of the absence of original inhabitants who had fled, one interviewee reported that even those who remained were not spared from looting: ‘Our village was one of the few where most people did not leave. The factions came there and stole things in the middle of the day. The television stopped working while my father was inside watching the news. When he went outside, he saw an armed man walking away with the satellite dish. These things are being sold in the markets of ‘Azaz [an Arab town east of Afrin] and Hatay [in Turkey].’

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52) ‘Syria war: Afrin looted by Turkish-backed rebels’, BBC (19 Mar. 2018), available at: <https://www.bbc.com/news/world-middle-east-43457214> (accessed 24 Apr. 2019).

53) HRW (8 Apr. 2018), op. cit.

54) According to one KI, this was done through loudspeaker broadcasts from the mosques.

55) Amnesty International (2 Aug. 2018): ‘Syria: Turkey must stop serious violations by allied groups and its own forces in Afrin’, available at: <https://www.amnesty.org/en/latest/news/2018/08/syria-turkey-must-stop-serious-violations-by-allied-groups-and-its-own-forces-in-afrin> (accessed 13 Mar. 2019).

In this context, interviewees reported that since late March 2018 families began to contemplate returning to Afrin, weighing the security risks against the prospects of reclaiming property and housing. The inhabitants of one village decided to return as a group in order to try and secure their houses together. Elsewhere, only a few families initially returned, sometimes sending a representative to assess the situation. They often brought back reports of houses occupied by armed factions and their families, and sometimes by Turkish forces.<sup>56</sup> A number of villages were entirely inaccessible to civilians because the Turkish military had appropriated them to use as bases,<sup>57</sup> while other sites were off-limits on grounds of unexploded ordnance (UXO) contamination.

Since Afrin was de facto carved up between different Olive Branch (National Army) factions, the situation regarding looting and confiscation in a particular location generally depends on the group, or set of individuals, in control. A student belonging to the Yezidi religious minority in one of Afrin's southern villages stated, 'The same faction may act differently in two places because individuals are given full liberty to do as they please'. There was broad consensus among interviewees from Afrin that HLP violations were routinely committed by almost all the armed factions in the area. Some groups, however, appear particularly notorious. In the words of one local elder, 'While all are bad, and it feels like [the National Army factions] are competing to see who can be the worst, some are clearly winning the competition'. The Hamza Division and Ahrar al-Sharqiya (both discussed later in greater detail) were often cited for egregious HLP rights violations.<sup>58</sup>

Locals consider that the widespread, chaotic looting and house occupations by members of armed factions was condoned by Operation Olive Branch leaders. This view is supported by a leaked official document from a section of the National Army, the joint security division in Afrin's Rajjo subdistrict (reproduced by a Kurdish media outlet). The document sanctions the free movement of looted goods across checkpoints in the area on the understanding that they are 'spoils of war'.<sup>59</sup> Interviewees stressed how Turkish-backed factions sometimes coerced local individuals to provide information on the political and financial profiles of owners of particular houses targeted for confiscation. 'They knew who had wealthy relatives abroad and could pay large ransoms or reclamation fees', one interviewee explained. Striking evidence of positive profiling is evident in the narrative of a former humanitarian worker: 'My father, unlike me, was well known for his defence of the Sunni Islamic rebel groups, and had been criticised by other Kurds for this. I do not believe it was a coincidence that all the other houses in our area were completely looted, destroyed or occupied, and my father's house was not touched at all.'

While the majority of HLP violations in the days following the Operation Olive Branch capture of Afrin city were committed by the armed Syrian partner factions, Turkish state military was simultaneously deploying to strategic locations within the area. One activist stated that, 'It was clear by the speed with which they established military bases in key buildings in each of the Ashrafia and Mahmoudiya neighbourhoods, as well as Têlêf

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56) See also: OHCHR (Jun. 2018), 'Between a Rock and a Hard Place – Civilians in North-western Syria', pp. 6-7, available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/ohchr\\_-\\_syria\\_monthly\\_human\\_rights\\_digest\\_-\\_june\\_2018.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/ohchr_-_syria_monthly_human_rights_digest_-_june_2018.pdf) (accessed 21 Mar. 2019).

57) According to interviewees, these included: Têlêf and Miskê Fawqani villages in the Jandarîs subdistrict, Darwish village in the Rajjo subdistrict, Bibarka in the Bilbil subdistrict, Jalbal and Kimar in the Afrin subdistrict, and Barava in the Sharan subdistrict.

58) These two Turkish-backed factions have clashed with each other on numerous occasions in Afrin. See: 'Al-Ahrar al-Sharqia gathering clashes with al-Hamzat division in Northern Aleppo', SMART News (6 Jun. 2018), available at: <https://smartnews-agency.com/en/wires/279217/alahrar-alsharqia-gathering-clashes-with-alhamzat-division-in-northern-aleppo> (accessed 1 Feb. 2019).

59) 'Afrin loot is legitimate spoils of war, leaked transit document shows', Rudaw (23 Aug. 2018), available at: <http://www.rudaw.net/english/middleeast/syria/230820181> (accessed 13 Apr. 2019).

[telecommunications point], that the Turkish military had identified locations to control ahead of reaching the city.’ At the same time, Turkish forces seized control of the key administrative buildings in the city centre. On 18 March, images showed Turkish troops had hoisted their state flag over the large Sarayi (old courthouse) building,<sup>60</sup> which has since become the main operational site for their special forces and military intelligence in Afrin. The Special Forces quickly set up headquarters in the new Faisal Qaddour high school in Afrin city, one of the largest buildings in the area. KIs reported that an MIT surveillance team was also located there. With these institutions occupying local public administration buildings in Afrin, it can be expected that the Turkish state is fully aware of the situation on the ground. According to one interviewee, ‘All violations take place under the eyes and supervision of the Turkish state’.

## **THE IDP DEBATE: ACCOMMODATING DAMASCUS’ DISPLACED AND DEMOGRAPHIC CHANGE**

*‘They are living in our homes like palaces while we are living in tents.’<sup>61</sup>*

Most of the HLP violations committed in Afrin appear to involve armed factions installing IDPs in the houses of absent Kurdish owners. A Kurdish report, one of the few available sources of quantitative data on HLP issues in Afrin, states that some 85 per cent of those who fled the area reported some kind of violation to their homes, with 45 per cent stating that their houses had been occupied by IDPs from elsewhere in Syria.<sup>62</sup> While it is difficult to determine if these figures are representative, the fact that all 28 KIs interviewed for this study reported HLP issues relating to IDPs settled in their homes or those of close relatives indicates a widespread phenomenon.

As families displaced from Afrin continued to hesitate about whether to return, a new threat to their HLP rights emerged: the organised, collective resettlement to Afrin of civilians and opposition fighters evacuated from rural Damascus. A week after Afrin city had fallen, thousands of fighters from the Faylaq al-Rahman and Ahrar Al-Sham armed factions and civilians from Eastern Ghouta in rural Damascus surrendered to the Syrian government. They were evacuated and transferred to opposition-controlled territories of Idlib and Aleppo in northern Syria. This reportedly came about through an agreement between the factions and the Syrian government, with Russian guarantees to relocate the families to Afrin.<sup>63</sup> On 20 April, Kurdish media reported 31 large buses carrying some 1,600 members of the armed faction Jaysh Al-Islam and their relatives from another area of rural Damascus through ‘Azaz, north of Aleppo, to Afrin city.<sup>64</sup> According to a documentation committee linked to Afrin’s former Kurdish administration, the next day the Turkish Army brought the

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60) ‘Turkish army shares first video of Afrin town center since taking control’, Hürriyet Daily News (18 Jan. 2018), available at: <http://www.hurriyetdailynews.com/turkish-army-shares-first-video-of-afrin-town-center-since-taking-control-128912> (accessed 13 Mar. 2019).

61) Interviewee in Shahba IDP camp who fled Afrin on 15 Mar. 2018.

62) Rojava Center for Strategic Studies (Jan. 2019): ‘Ethnic Cleansing and Demographic Change in Afrin Region by the Turkish State and its mercenaries’, available at: <https://bit.ly/2ZDfVf> (accessed 21 Jun. 2019). Other responses included destruction of homes (10%); conversion into military barracks (13%); and looting (17%).

63) ‘Are the militias of Ghouta heading to Afrin?’, BBC (26 Mar. 2018) (in Arabic), available at: <https://www.bbc.com/arabic/amp/middleeast-43541883> (accessed 22 Feb. 2019).

64) ‘Evacuated Syrian rebels relocated to Afrin’, Rudaw (20 Apr. 2018), available at: <http://www.rudaw.net/english/middleeast/syria/20042018> (accessed 15 Feb. 2019).

buses to Jandaris town, where it installed some 200 families.<sup>65</sup>

Prior to their displacement, the civilians in these convoys had suffered significantly from the Syrian government's siege and bombardment tactics to retake control of rural Damascus from opposition forces.<sup>66</sup> While Turkish military patrols facilitated the entry of the convoys at checkpoints around Afrin, Turkish-backed Syrian factions managed the process of allocating houses to IDPs inside the area. Some of the IDPs were able to use personal connections with controlling factions to gain priority access to available housing.<sup>67</sup> According to interviewees, factions sometimes collected rent from displaced families for houses they did not own, leaving those without any financial means in a crowded IDP camp in southern Jandaris. Before long, factions like Faylak al-Rahman, who were relocated from rural Damascus, joined those from Operation Olive Branch in selling land to IDPs.<sup>68</sup>

Armed factions also expelled residents and confiscated property in order to re-house IDPs – often for financial gain. Several interviewees cited tactics used to intimidate original inhabitants to abandon their homes or sell them at low prices. One KI explained, 'After the factions repeatedly came late at night to ask for my cousin's house, and then a car bomb went off right in front of the door, he feared for his family's safety and eventually sold up for cheap and left the area. This was presented as a legal transfer but in reality he had little choice'. A restaurant owner from Afrin who was kidnapped while taking his pregnant wife to hospital in 'Azaz, was offered 'protection' by the group (Ahrar al-Sharqiya) in exchange for 50 per cent of his profits. He, too, packed up and left for Damascus, abandoning his home and restaurant.<sup>69</sup> A Syrian research organisation found that residents had been 'recurrently subjected to raids and lootings' by armed factions and 'live under constant threats of eviction and/or expropriation of their houses and properties'.<sup>70</sup>

While all the factions subscribe to the strategic objective and implicitly anti-Kurdish ideology of Operation Olive Branch, interviewees stressed that Ahrar al-Sharqiya and the Hamza Division were especially involved in seizing the homes of local residents. The former is mostly composed of fighters from Deir ez-Zor and the badia (steppe) region of eastern Syria.<sup>71</sup> Interviewees suggested that knowing they will not be able to return to western Deir ez-Zor, which is under Syrian government control, causes Ahrar al-Sharqiya fighters to increase their ruthless and malicious actions to assert control over Afrin.<sup>72</sup> At the same time, they resent the fact that authorities linked to the dominant Kurdish-led movement are governing Arab communities in Raqqa and the eastern countryside of Deir ez-Zor. Their animosity is evident in group members pledging to 'kill the Kurdish infidels'.<sup>73</sup>

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65) Self-Administration in North & East Syria, Foreign Relations Office (12 Jan. 2019), 'Turkish Crimes in Afrin', p. 8, available at: <https://www.kurdipedia.org/files/books/2019/228045.PDF?ver=131928403291665995> (accessed 15 Mar. 2019).

66) Hamou Ammar and Limoges Barrett, 'Seizing lands from Afrin's displaced Kurds, Turkish-backed militias offer houses to East Ghouta families', Syria Direct (1 May 2018), available at: <https://syriadirect.org/news/seizing-lands-from-afrin-s-displaced-kurds-turkish-backed-militias-offer-houses-to-east-ghouta-families> (accessed 18 Aug. 2018).

67) This narrative was consistently presented within author interviews.

68) 'SOHR: Militias selling stolen homes, property in Afrin', The Region (25 Sep. 2018), available at: <https://theregion.org/news/13131-sohr-militias-selling-stolen-homes-property-afrin> (accessed 19 Jan. 2019).

69) Told by a relative of the restaurant owner.

70) IMPACT (May 2019): 'Socioeconomic Impact of Displacement Waves in Northern Syria', available at: [https://www.impact-csrd.org/Socioeconomic\\_impact\\_of\\_Displacement\\_EN\\_web.pdf](https://www.impact-csrd.org/Socioeconomic_impact_of_Displacement_EN_web.pdf) (accessed 12 May 2019).

71) Puxton Matteo, 'Syrie: Ahrar al-Sharqiya, ces anciens d'al-Nosra devenus supplétifs de la Turquie', France Soir (3 May 2018), available at: <http://www.francesoir.fr/en-coop-matteo-puxton/syrie-ahrar-al-sharqiya-ces-anciens-dal-nosra-qui-combattent-avec-larmee> (accessed 22 Apr. 2019).

72) Assem Wael, 'Ahrar Sharqiya' faction announces Afrin city belonging to Deir ez-Zor', Al-Quds Al-Arabi (26 Mar. 2018), available at: <https://bit.ly/2TfkUfD> (accessed 7 Aug. 2018).

73) Frantzman Seth, 'Kurds Fear Turkish-Backed Syrian Rebel Extremists Will Attack as U.S. Withdraws', The Jerusalem Post (27 Dec. 2018), available at: <https://www.jpost.com/Middle-East/Kurds-fear-Turkish-backed-Syrian-rebel-extremists-will-attack-as-US-withdraws-575596> (accessed 28 Dec. 2019).

In addition to much of Jandaris, Ahrar al-Sharqiya reportedly controls several neighbourhoods in Afrin city where some of the most desirable residential properties are located, especially around Sharia' Villat ('Villa Street'). 'Aqarat al-Sharqiya', its real estate office, is said to be issuing contracts transferring ownership of homes and shops to newcomers to the area.<sup>74</sup> Meanwhile, there are multiple reports of the group clashing with other National Army factions, and even the supervisory military police, over property issues.<sup>75</sup> An activist working with an informal Afrin-Ghouta solidarity movement described how Ahrar al-Sharqiya evicted the IDP family from Ghouta for whom the activist had facilitated a rental agreement with a family from Afrin: 'They did not want to occupy somebody's house illegitimately, so we helped them get in touch with a family willing to rent their house at a fair price. But this was not tolerated by Ahrar [al-Sharqiya], who evicted the family and replaced them with another of their choosing.' In July 2018, after taking a strategic part of Rajjo city, the group's field commander Abu Uday occupied homes and instructed IDPs to relocate to the area, reportedly telling them that 'they have to settle in Rajjo and forget about [their] city of Deir ez-Zor.'<sup>76</sup>

For its part, the Hamza Division is one of the National Army factions to have received especially intensive training from the Turkish Special Forces and is led by Turkmen commander Sayf Abu Bakr who 'enjoys the strong patronage of Turkey.'<sup>77</sup> Many of its members and leaders hail from Arab-majority areas of northern Aleppo (e.g. Tell Rifaat, Minnigh and Deir Jamal). The fact that Operation Olive Branch did not target these areas, which are still under YPG control, fuels their historic anti-Kurdish sentiment. Also, although condemned by the Kurdish leadership, YPG members parading the corpses of slain opposition fighters from these areas in Afrin's streets during April 2016 likely created desire for retaliation and revenge.<sup>78</sup> KIs from Afrin say that Hamza Division has ruthlessly occupied homes and property, rented stolen shops and issued permits to resettled Arabs who open businesses in the premises of absent Kurds. Online reports support claims that the group was involved in seizing homes, stealing olives and olive oil during the 2018 harvest, and even evicting IDPs to house its leaders' relatives.<sup>79</sup>

Other Islamist groups close to Turkey have reportedly taken punitive measures against those they consider in violation of their faith: A prominent youth activist and humanitarian volunteer from Afrin recalls how members of the Turkmen Sultan Murad Brigade declared in front of him their belief that seizing the housing and property of Yezidis is halal (permitted) since they are non-believers.<sup>80</sup> A Yezidi who fled the mixed Yezidi-Muslim village of Kafr Zeid told the author he believes his family's property was targeted to 'punish' them for being

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74) Reported by interviewees from Afrin city and triangulated by a local documentation group.

75) E.g. 'Complaints of Violations and Attacks by Military Faction in Afrin City, Aleppo', SMART News (11 Sep. 2018), available at: <https://bit.ly/2ZLz0bq> (accessed 14 Apr. 2019).

76) Power Sharing for a United Syria (25 Jul. 2018): 'Report about the Situation in Afrin', available at: <https://power-sharing-syria.org/2018/07/25/report-about-the-situation-in-afrin/?lang=en> (accessed 26 Apr. 2019).

77) Heras, Nicholas (2018): 'Turkey's Man in Syria – Sayf Abu Bakr, Militant Leadership Monitor: Personalities Behind the Insurgency, 9(2) pp. 11-16.

78) See: van Wilgenburg Wladimir, 'Kurdish leaders condemn display of rebel bodies in Afrin by SDF fighters', ARA News (29 Apr. 2016), available at: <http://aranews.net/files/2016/04/kurdish-leaders-condemn-display-rebel-bodies-afrin-sdf-fighters> (accessed 12 Apr. 2018).

79) 'Leader of Hamza demands IDPs give up their houses to accommodate his relatives' (in Arabic), SMART News (11 Nov. 2018), available at: <https://bit.ly/2YueE9T> (accessed 2 Mar. 2019); Syrian Observatory for Human Rights, 'In the olive season, Olive Branch factions continue to steal the harvest and impose taxes on farmers' (20 Oct. 2018), available at: <http://www.syriahr.com/?p=288039> (accessed 2 Mar. 2019); 'Hamza militia steals 70 tanks of olive oil in Qada village' (in Arabic), Afrin Post (25 Jan. 2019), available at: <https://bit.ly/2TcPkEd> (accessed 3 Mar. 2019).

80) Author interview via telephone on 10 February 2019.

Yezidi.<sup>81</sup> Such HLP rights violations against people from Afrin, including by groups closely connected to the Turkish state, negatively impact social relations between locals and IDPs. While some IDP families have been reluctant to illegally occupy houses and readily left when their owners returned, others have fervently resisted giving up the houses they are occupying. Such dynamics became clear in Ma'abatli in July 2018 when IDPs organised protests staking their claims to remain. Slogans included: 'Those who want us out, bring us back home with guarantees of security' and 'Do not displace the displaced'.<sup>82</sup> The failure to resolve such disputes and remedy other HLP violations contributes to the non-return and further disenfranchisement of original Kurdish inhabitants, raising questions about the agendas of both Syrian and Turkish actors engaged in Afrin.

## **HLP MANAGEMENT IN POST-OLIVE BRANCH AFRIN: LOCAL CIVILIAN STRUCTURES UNDERMINED**

*'Our house was taken to be used as a centre for a faction. I have a lot of Arab friends in Syria from my studies in Damascus, so I started to contact them and make noise about the situation. I quickly got media attention and spoke about the issue in the EU Parliament. Suddenly, many activists and Syrian opposition politicians were contacting me to help me get our house back and end the bad publicity I was making for Operation Olive Branch.'*<sup>83</sup>

Generally, houses in the Afrin area were first occupied on an ad hoc basis, with competing armed factions staking their claims by simply spray-painting their names and the words 'confiscated' or 'occupied' on buildings. While a series of local civilian institutions have subsequently been established to administer the post-conflict situation, KIs in this study were unanimous that the armed factions continue to dominate the HLP landscape in Afrin. Syrian opposition actors and the Turkish state have jointly set up local councils and civil police forces – which the armed factions have prevented from playing an effective role in resolving community concerns, including those related to HLP.<sup>84</sup> Rather than relying on the civilian actors who should resolve such matters, most interviewees who managed to recover housing, land or property did so by informally mobilising their own networks to engage with the armed groups. This section highlights how the Syrian armed factions' continued dominance has undermined the role of the local councils and civil police in Afrin, where locals consider that Turkey has further restricted their ability to serve the community's best interests.

On 18 March 2018, as Operation Olive Branch was ending, ahead of the chaos that followed, MIT and the SIG convened the 'Afrin Salvation Congress' in Gaziantep, Turkey.

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81) Violations targeting Yezidis in Afrin are corroborated elsewhere: Khalil Shiyar, 'Violations against Yezidis by Opposition Factions in Afrin' (2 Oct. 2018), I am a Human Story, available at: <https://bit.ly/2M5366t> (accessed 19 Feb. 2019).

82) Violations in Afrin Observatory (28 Jul. 2018): 'Violation No. 157, Arab settlers refuse to leave Kurdish homes', available at: [https://www.facebook.com/permalink.php?story\\_fbid=1458801424266706&id=1343386779141505&\\_\\_tn\\_\\_=-R](https://www.facebook.com/permalink.php?story_fbid=1458801424266706&id=1343386779141505&__tn__=-R) (accessed 15 Feb. 2019).

83) Interview with an activist and artist from Sharan subdistrict now living in Europe, 1 Jan. 2019.

84) This point is underscored in a recently published study on Afrin: al-Hilu, Khayrallah (25 Jul. 2019): 'Afrin under Turkish Control: Political, Economic and Social Transformations', European University Institute, pp. 7-12, available at: [https://cadmus.eui.eu/bitstream/handle/1814/63745/MED\\_2019\\_10.pdf?sequence=3&isAllowed=y](https://cadmus.eui.eu/bitstream/handle/1814/63745/MED_2019_10.pdf?sequence=3&isAllowed=y) (accessed 2 Aug. 2019).

The meeting concluded with resolutions to form a civil council and a civil police force to 'provide security and civil protection to the people of Afrin'.<sup>85</sup> The first civil council, mostly composed of people based in Turkey, failed to gain local acceptance in Syria. On 12 April, a council was formed in Afrin city, followed by similar councils in the other subdistricts. The local councils nominally operate under the SIG and its 'Free Aleppo Governorate Council' but Turkish state institutions closely monitor them and the armed factions interfere with their work. The civil police forces established in association with each local council and trained by Turkey remain similarly limited by the factions' monopoly on power.

KIs reported that a number of local council members in Afrin are known for being committed to serving their communities. Some have sought to support locals resolve HLP issues but are challenged by the armed factions that remain in authority. One interviewee described how by late 2018 his uncle had joined a local council and called for civilians to be able to access their homes: 'He is not political: He joined the council as a patriot. The whole family was against him getting involved, but he believed he could help. However, when people started to approach him about the problems with their houses, one of the armed factions took him and beat him up terribly. He still works for the council but cannot do anything.'<sup>86</sup> Several other members of local councils have reportedly been arrested and assaulted by armed factions, including the Deputy President of Sheikh al-Hadid Council, Ahmed Sheikho. According to a Kurdish news outlet, he was killed under torture while detained by 'Amshat' faction of the National Army in the context of disputes between locals and IDPs.<sup>87</sup>

Online monitoring of the main social media platforms of the local councils in the seven subdistricts of Afrin<sup>88</sup> shows that some efforts have been made to regulate HLP transactions in their jurisdictions. In October 2018, for example, the Afrin Local Council notified civilians to bring proof of existing ownership (from before Operation Olive Branch) to its Properties and Real Estate Documentation Office in order to legalise deeds and protect their rights.<sup>89</sup> It added that the Council 'does not consider any new sales, which are completely illegitimate and carry no legal weight'. More recently, the Jandarisi Local Council has issued notice that its technical office must pre-approve all real estate purchases – after reviewing their legality.<sup>90</sup> In practice, however, the local councils and their associated civil police bodies appear to lack the empowered role needed to implement such policies when armed actors are involved. As one interviewee stated, 'Nothing is in their hands. Even if the council recognises this is your house, they and the civil police cannot enforce any action.'

The local councils' ineffectiveness is exemplified by their inability to apply their own regulations on collecting fees for harvested olives. Both KIs and media report that factions were adding their own taxes to the local council fees, which often made the process unprofitable for Afrin farmers.<sup>91</sup>

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85) Final Communiqué from the Afrin Salvation Congress, 18 Jan. 2019, published by Kurd Street, available at: <https://bit.ly/2ZDBhFb> (accessed 12 Aug. 2018).

86) A similar case has been recorded by activists: Afrin Now (27 Jul. 2018), available at: <https://www.facebook.com/afrinnow/posts/1836671356440894> (accessed 23 Mar. 2019).

87) 'Afrin: Deputy President of Sheikh al-Hadid Local Councils Martyred under torture at the hands of 'Amshat' (in Arabic), Rojava News (12 Jun. 2018), available at: <https://www.rojavaneews.com/arabic/index.php/ku/item/23715-2018-06-12-08-21-29> (accessed 3 Mar. 2019).

88) The author reviewed all posts on these platforms from their establishment until mid-May 2019.

89) Afrin Local Council, Legal Department, Notification No. 1, issued on 8 October 2018 (in Arabic), available at: <https://www.facebook.com/maherElyase/photos/a.183211975904261/183211439237648/?type=3&theater> (accessed 5 Feb. 2019).

90) Jandarisi Local Council, 13 May 2019 (in Arabic), available at: <https://www.facebook.com/193083614687912/photos/a.193109254685348/330748440921428/?type=3&theater> (accessed 16 May 2019).

91) Gênco Bahoz, 'Opposition militias impose additional fees on the olive season in Afrin', Bas News (in Arabic) (22 Oct. 2018), available at: <http://www.basnews.com/index.php/ar/news/kurdistan/474825> (accessed 28 Feb. 2019).

Local councils were likewise unable to prevent armed factions cutting down trees or stealing the olives.<sup>92</sup>

In February 2019, a citizen journalist from Bilbil reported to the author that after an elderly man complained to the local council about a faction stealing his olive cart, the council could not prevent the same faction kidnapping the man. Following persistent interference by various armed factions, the Afrin Local Council organised a three-day strike in early October 2018 that called for all National Army factions and military police to be expelled from the city.<sup>93</sup>

KIs frequently suggested that local councils are ‘superficial’ structures that primarily exist to execute Turkish authorities’ instructions. In the words of an activist from Afrin, they ‘just stamp forms and take administrative fees, and beyond that are powerless to intervene further in [HLP] issues... The most they can do to help is facilitate a connection with the factions or Turkish officers.’ The local councils’ work is closely coordinated with, and supervised by, the office of the wali (provincial governor) Rahmi Doğan of Hatay province in Turkey.<sup>94</sup> Interviewees said that Turkey distrusts and has disempowered the local councils after realising that many of their members prioritise service to Afrin over Turkey. One council member stated, ‘Turkey pays the salaries of the armed factions, just like it pays ours. Therefore, it has the leverage to control the actions of the factions, but chooses not to’. It is generally believed that in reward for the Syrian factions’ loyalty during Operation Olive Branch, Turkey has allowed them to dominate the HLP space and benefit from violations. Local civilians have dismal prospects for just redress to violations of their HLP rights. One stated, ‘We from Afrin are the ultimate victims – as supposedly allied factions steal our property from one another. They are fighting over the houses as if we do not exist’.

## **TURKEY’S HLP AGENDA IN AFRIN**

Despite the obvious prevalence of HLP violations being committed in Afrin, it has proved difficult to hold actors to account. More broadly, the operational limitations of international law have left aggrieved locals with virtually no recourse to justice for the violations committed against them.<sup>95</sup> This is partly due to the international community’s difficulty in establishing the nature of the relationship between the Turkish state and its Syrian partner factions under the National Army. The United Nations has stated its inability to ‘confirm the exact extent to which Afrin or its environs were under the control of Turkish forces or [Syrian] armed groups’.<sup>96</sup> This situation is further complicated by conflicting interpretations within customary international law about attributing international responsibility to states

for violations committed by groups acting under their instruction, direction or control in another state’s territory.<sup>97</sup>

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92) Dawson Daniel, ‘Turkey Accused of Selling Stolen Syrian Oil as Its Own’, *Olive Oil Times* (15 Jan. 2019), available at: <https://www.oliveoiltimes.com/olive-oil-business/turkey-accused-of-selling-stolen-syrian-olive-oil-as-its-own/66581/> (accessed 27 Feb. 2019).

93) Gênco Bahoz, ‘Local Council in Afrin on Strike’, *Bas News* (in Arabic) (1 Aug. 2018), available at: <http://www.basnews.com/index.php/ar/news/kurdistan/456237> (accessed 7 Jan. 2019).

94) ‘Hatay Wali Rahmi Doğan in Afrin’ (in Turkish), *Haber Turk* (27 Dec. 2018), available at: <https://www.haberturk.com/hatay-valisi-rahmi-dogan-afrinde-2274703> (accessed 21 Jan. 2019).

95) Bodette Meghan, ‘Nowhere to turn: legal accountability in occupied Afrin’, *The Region* (17 Nov. 2018), available at: <https://theregion.org/article/13237-nowhere-to-turn-legal-accountability-occupied-afrin> (accessed 15 Dec. 2018).

96) UNHRC (9 Aug. 2018), ‘Report of the Independent International Commission of Inquiry on the Syrian Arab Republic’, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/246/15/PDF/G1824615.pdf?OpenElement> (accessed 2 Oct. 2018).

97) International Committee of the Red Cross (2017): ‘Customary International Humanitarian Law Database, Rule 149. Responsibility for violations of International Humanitarian Law’, available at: [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule149#\\_om](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule149#_om) (accessed 20 Mar. 2019).



However, examining Turkey's role in Operation Olive Branch more closely reveals that not only did it fund, train and equip the Syrian factions, but it also engaged in organising, coordinating and planning their military actions alongside its own. Firstly, the operation was led and planned by the Turkish Special Forces, who advanced into Afrin alongside the Syrian partner factions they had trained and equipped.<sup>98</sup> Secondly, the instrumental airstrikes by the Turkish Air Force that facilitated the joint Turkish-Syrian advances into Afrin were clearly coordinated.<sup>99</sup> Moreover, in addition to top Turkish officials announcing both the launch and the 'successful' conclusion of the operation,<sup>100</sup> the Turkish state has explicitly presented itself as the guarantor of post-operation prosperity. Just a few days before Operation Olive Branch forces took control of Afrin, Turkish state media reported planes of the Turkish Armed Forces dropping flyers on the city that read in Kurdish and Arabic, 'We are here for your peace and security. Trust in Turkey's justice, take our hand, please surrender. A good future with peace awaits you in Afrin'.<sup>101</sup>

However, Turkey's historic engagement with its own Kurdish community would give the people of Afrin little cause for comfort. HLP violations have been a consistent feature of Turkish domestic policies to curtail the influence of the dominant Kurdish political movement. Indeed, for decades before Turkey's recent intervention in Afrin, the state had forced Kurds to migrate from southeast Turkey, depopulating and destroying their villages. The displacement of entire villages during Operation Olive Branch is reminiscent of the evacuation and destruction of some 3,500 Kurdish rural settlements in Turkey during the 1990s in order 'to deprive the Kurdish armed movements of logistical support from the civilian population'.<sup>102</sup> In several cases, the European Court of Human Rights (ECtHR) has found Turkish security forces directly responsible for burning and destroying houses and property in Kurdish villages.<sup>103</sup> In the few years immediately before the Turkish-led invasion of Afrin, unprecedented HLP violations were committed by Turkish state institutions in urban centres across Kurdish-majority areas in southeast Turkey – especially Nusaybin, Cizre and the historic quarters of Sur in Diyarbakır/Amed.<sup>104</sup>

This situation occurred after the two-year peace process between the Turkish state and the PKK collapsed, and violence resumed in July 2015. While acknowledging the challenging circumstances, Amnesty International considers that Turkey's violations of Kurdish HLP

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98) 'Turkish police, gendarmerie special forces enter Syria's Afrin to clear YPG in urban warfare', Daily Sabah (26 Feb. 2018), available at: <https://www.dailysabah.com/war-on-terror/2018/02/26/turkish-police-gendarmerie-special-forces-enter-syrias-afirin-to-clear-ypg-in-urban-warfare> (accessed 25 May 2019).

99) Kasapoglu Can, 'Military Scorecard of Operation Olive Branch: Turkish Armed Forces once again proved its advanced capabilities, with Turkey's defense industry putting forward a visionary roadmap', Anadolu Agency (26 Mar. 2018), available at: <https://www.aa.com.tr/en/analysis-news/military-scorecard-of-operation-olive-branch/1099535> (accessed 14 Apr. 2019).

100) 'Turkey launches "Olive Branch Operation" against "PKK threat in Syria"', Hürriyet Daily News (20 Jan. 2018), available at: [www.hurriyetdailynews.com/turkey-launches-major-land-operation-into-ypg-militants-in-syrias-afirin-126031](http://www.hurriyetdailynews.com/turkey-launches-major-land-operation-into-ypg-militants-in-syrias-afirin-126031) (accessed 14 Mar. 2019). Presidency of the Republic of Turkey (18 Mar. 2018): 'Now, the symbols of peace and security are waving in Afrin, not the rags of the terrorist organization', available at: <https://www.tccb.gov.tr/en/news/542/91811/now-the-symbols-of-peace-and-security-are-waving-in-afirin-not-the-rags-of-the-terrorist-organization> (accessed 27 Feb. 2019).

101) Ahmet Aytac Seyit, 'Flyer in Afrin: Trust Turkey, don't believe terrorists', Anadolu Agency (16 Mar. 2018), available at: <https://www.aa.com.tr/en/middle-east/flyer-in-afirin-trust-turkey-dont-believe-terrorists/1090616> (accessed 7 Mar. 2019).

102) Global IDP Project (2001), 'Profile of Internal Displacement: Turkey', available at: [https://www.ecoi.net/en/file/local/1412241/dh1804\\_00629tur.pdf](https://www.ecoi.net/en/file/local/1412241/dh1804_00629tur.pdf) (accessed 13 Apr. 2019). See also: Jongerden, Joost (2010): 'Village Evacuation and Reconstruction in Kurdistan (1993-2002)', *Études Rurales*, 186, pp. 77-100.

103) The Foundation for Society and Legal Studies (TOHAV), Diyarbakir Bar Association, Minority Rights Group International (MRG) and the Mesopotamian Culture and Solidarity Association (MEZODER) (2006): 'The Problem of Turkey's Displaced Persons: An Action Plan for Their Return and Compensation', pp. 8-11, available at: <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-163-The-Problem-of-Turkeys-Displaced-Persons-An-Action-Plan-for-Their-Return-and-Compensation.pdf> (accessed 15 Nov. 2018); e.g. Ayder v. Turkey (No. 23656/94) 8 January 2004; Yöyler v. Turkey (No. 26973/95) 24 July 2003; Akdivar v. Turkey (No. 21893/93) 16 September 1996; Selçuk and Asker v. Turkey (No. 23184-5/94) 24 April 1998.

104) International Crisis Group (ICG) (2017): 'Managing Turkey's PKK Conflict: The Case of Nusaybin', available at: <https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/243-managing-turkeys-pkk-conflict-case-nusaybin> (accessed 22 Dec. 2018); Mazlumder Conflict Investigation and Resolution Group (Mar. 2016): 'Cizre Investigation and Monitoring Report on Developments During the Round-the-Clock Curfew Imposed on the Town Between December 14, 2015 and March 2, 2016', available at: [http://www.mazlumder.org/fotograf/yayinresimleri/dokuman/MAZLUMDER\\_CIZRE\\_REPORT\\_20162.pdf](http://www.mazlumder.org/fotograf/yayinresimleri/dokuman/MAZLUMDER_CIZRE_REPORT_20162.pdf) (accessed 14 Jan. 2019); Amnesty International (2016): 'Displaced and Dispossessed: Sur Residents' Right to Return Home', available at: <https://www.amnesty.org/download/Documents/EUR4452132016ENGLISH.PDF> (accessed 27 Feb. 2019).

rights were part of ‘a premeditated plan to displace residents, destroy and rebuild the areas to ensure security through changes in infrastructure and transfers of population’.<sup>105</sup> A UN report, drawing on satellite image analysis, states that ‘[t]he most intensive period of destruction started in the immediate aftermath of security operations, when the authorities reportedly prevented the displaced population from returning and reconstructing their own homes and brought in machinery to raze entire city quarters to the ground, including lightly damaged buildings and cultural heritage.’<sup>106</sup> Despite generally using other means (occupation by Arab IDPs), HLP violations in Afrin similarly serve Turkey’s objective of countering the dominant Kurdish movement’s ‘self-governance’ initiative by changing the demographics. Displacement and HLP violations have coincided with new political structures backed by the Turkish state: the wali and local council in Afrin and ‘trustee’ figures appointed to replace Kurdish mayors elected in southeast Turkey.<sup>107</sup>

Turkey has clearly drawn on its domestic experiences of military campaigns and repressive policies against its own Kurds for its engagement in Afrin. The commander in charge of Operation Olive Branch and the Afrin security situation for a year afterwards, Lieutenant General Ismail Metin Temel, is infamous for his career-long involvement in counter-insurgency operations against Kurds in Turkey.<sup>108</sup> Some Special Operations officers deployed to Afrin were reportedly selected because of experience acquired during the months of curfews in 2015 that devastated Kurdish communities (Diyarbakir, Şirnak and Mardin) in Southeast Turkey – revealing Turkish state intentions.<sup>109</sup> Moreover, resettling Syrian Arabs in Kurdish-majority areas is not unprecedented. It follows policies from 2016 to relocate non-Kurds (including Syrian refugees) in the destroyed districts of Kurdish towns like Diyarbakir.<sup>110</sup>

Although the Turkish state has directly committed few of the individual HLP violations in Afrin since the end of Operation Olive Branch, its status as the de facto occupying force arguably makes it responsible for those of its Syrian partners. As an international power claiming legal presence in Afrin under the UN Charter, Turkey is obviously failing its responsibility to maintain order and prevent HLP violations. Instead, it is reportedly giving ‘free reign’ to its Syrian partners, ‘turning a blind eye’ to their violations, including those related to HLP.<sup>111</sup> Given that Turkish institutions trained, equipped and mobilised the Olive Branch factions and continue to finance them, they should be able to use their chain of command to positively influence the HLP landscape in Afrin.

Based on interview findings, arguments that Turkey – with the world’s second largest NATO army – cannot control the situation on the ground in Afrin appear disingenuous.

Interviewees emphasise that, under the umbrella of the ‘Syria Task Force’ affiliated with the Turkish Police Special Operations Department (composed of members of the Ankara,

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105) Amnesty International (2016), op. cit. p. 6.

106) OHCHR (Feb. 2017): ‘Report on the human rights situation in South-East Turkey: July 2015 to December 2016’, available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/OHCHR\\_South-East\\_TurkeyReport\\_10March2017.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/OHCHR_South-East_TurkeyReport_10March2017.pdf) (accessed 19 Feb. 2019).

107) ICG (2017), op. cit.

108) Yahyaoğlu Suat, ‘The heroes of Afrin and Al-Bab operations in 5 articles: İsmail Metin Temel’ (in Turkish), GZT Politika (5 Jun. 2018), available at: <https://www.gzt.com/dunya-politika/5-maddede-afirin-ve-el-bab-operasyonlarini-yuruten-ismail-metin-temel-3388928> (accessed 17 Apr. 2019).

109) ‘Turkey sends police special forces to Afrin, signaling urban fight’, Hürriyet Daily News (22 Feb. 2018), available at: <http://www.hurriyetdailynews.com/turkey-sends-police-special-forces-to-afirin-signaling-urban-fight-127771> (accessed 13 Feb. 2019).

110) Cetingulec Tulay, ‘Syrians shifting demographics in Turkey’s Kurdish regions’, Al-Monitor (10 Aug. 2016), available at: <https://www.al-monitor.com/pulse/originals/2016/08/turkey-syria-syrian-refugees-kurdish-region.html> (accessed 28 Apr. 2019).

111) Amnesty International (2 Aug. 2018), op. cit.

Hatay and Gaziantep security structures),<sup>112</sup> a Turkish intelligence officer acts as the security focal point in each subdistrict and leads coordination with the armed factions. Three interviewees who had been detained in Afrin also confirmed that Turkish officers led their investigations.<sup>113</sup> Turkey's institutions have been deployed as top decision-makers. The UN reports that by June 2018, the wali of Hatay had appointed two Turkish nationals to perform the functions of wali in Afrin.<sup>114</sup> Field sources explained that Turkish officials in each subdistrict of Afrin report to the Hatay wali.

Interviewees stressed that Turkey has been selective in disciplining factions under its direction for their HLP violations. For example, multiple interviewees reported that their complaints to the wali about the various factions' conduct had gone unanswered. A local council member confirmed the same when he had approached the wali. In contrast, they emphasised that when the Turkmen brigades, closely linked to Turkey, complained about one faction's troubling presence, the Turks swiftly remedied the situation.<sup>115</sup> The continued dysfunction of factions in Afrin that operate under the Turkish-backed National Army is in striking contrast to the well-ordered security apparatus it regulates through a strong central command in the Arab-majority areas of Jarabalous and 'Azaz. This indicates that Turkey ought to be able to manage the situation between the groups it trained and stationed in Afrin. Its failure to do so has naturally led locals to believe that Turkey is refraining from using its influence to bring the situation under control as part of a strategy to cement its presence in the area. A journalist from Afrin suggested that 'Turkey wants us to see the in-fighting between the Syrian factions and call for it to expel them, which would give it even greater power over us'.

Interviews for this study reveal the strong perception among people from Afrin that, in addition to neglecting its responsibilities under international law, Turkey is actively pursuing a strategy to change the area's Kurdish-majority demography. They presented recurring arguments that Turkey had allowed, or even instructed, its Syrian partners to cultivate chaos to drive out the original inhabitants and change the local identity. The Turkification of the education system, along with the prominent display of Turkish nationalist political symbols, and replacement of Kurdish street names with Turkish ones (e.g. Rajeb Tayyeb Erdogan Square) have only increased such concerns.<sup>116</sup> HLP violations, as in southeast Turkey, appear to be an important pillar of the Turkish strategy initiated by Operation Olive Branch in Afrin. Indeed, the arrival of large numbers of Arab IDPs to occupy Kurdish homes, who in some locations now represent the demographic majority, could not have happened without facilitation at checkpoints controlled by the Turkish military.

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112) In Turkish: Suriye Görev Gücü, Emniyet Genel Müdürlüğü – Özel Harekat Başkanlığı. See: 'Turkish forces launch operation against crime group in Syria's Afrin', *Hürriyet Daily News* (19 Nov. 2018), available at: <http://www.hurriyetdailynews.com/turkish-forces-launch-operation-against-crime-group-in-afirin-139004> (accessed 13 Dec. 2018).

113) Human rights groups and media have reported that other Kurds from Afrin have been transferred to prisons in Turkey in violation of international criminal law: Syrian Observatory for Human Rights (15 May 2019): 'Turkish intelligence and the loyal factions move hundreds of Kurdish detainees from Afrin residents to unknown places amid increased fears for their lives', available at: <http://www.syriaohr.com/en/?p=127880> (accessed 16 May 2019); 'Turkey transfers all Kurdish prisoners to Turkish territory' (in Arabic), *Dar News* (16 May 2019), available at: [darnews.net/?p=4961](https://darnews.net/?p=4961) (accessed 20 May 2019).

114) OHCHR (Jun. 2018), op. cit. p. 5.

115) 'Clashes between pro-Turkish rebel factions kill 25 in Syria's Afrin', *Middle East Eye* (19 Nov. 2018), available at: <https://www.middleeasteye.net/news/clashes-between-pro-turkish-rebel-factions-kill-25-syrias-afirin> (accessed 28 Dec. 2019).

116) 'Policies of assimilation and cultural genocide continue in Afrin', *ANF News* (12 Nov. 2018), available at: <https://anfenglish.com/women/policies-of-assimilation-and-cultural-genocide-continue-in-afirin-30781> (accessed 4 Apr. 2019).

## CONCLUSION

This chapter highlights the HLP rights violations committed in the Afrin area since Operation Olive Branch began in January 2018. All 28 key informants interviewed for this study had lost housing, land and/or property in Afrin – either their own or that of their families. Their accounts paint a grave picture of an HLP landscape dominated by armed factions.

The study acknowledges the legal complexities in attributing international responsibility to states for HLP violations committed by factions acting on their instruction or under their control in foreign territory. However, Turkey's 'behind the scenes' role in Afrin does not lessen its presence or responsibility as the state actor that launched, coordinated and led the operation. Moreover, although its allied Syrian armed factions have been most prominent in committing HLP violations since the end of Operation Olive Branch, the Turkish state has been controlling the situation as the de facto occupying force. Its Special Forces and the MiT, which embedded in Afrin when the operation gained control of the area, selectively intervene on issues of concern. Although further research is needed, the Turkish state should be closely scrutinised and not permitted to evade legal responsibility by distancing itself from the HLP and other violations committed in association with Operation Olive Branch.

There are obvious parallels between HLP violations in Afrin and Turkey's historic repression of its own Kurdish population, including the evacuation of the civilian population for purposes of demographic engineering and spatial control. Turkish policies of mass displacement (including the use of airstrikes during Operation Olive Branch) and deterring return (tolerating the factions' intimidating practices) have created an enabling environment for HLP violations by its Syrian armed partners. Pre-conflict restrictions imposed by the Syrian government on the HLP rights of citizens in Afrin's border areas set the scene for the violations carried out under Operation Olive Branch. It is somewhat ironic that the Syrian government's 'Arab Belt' project to isolate Kurds from their brethren in Turkey appears to have been expanded under the Turkish state and the Syrian factions it directs – who nominally oppose the Syrian government.

Ongoing looting, confiscation and house occupations, not to mention the failure to provide any remedy, challenge social cohesion and future reconciliation in Afrin. The chapter's case study highlights the intractable nature of compound HLP issues in the Syrian conflict. These findings lead the author to recommend the following actions to the international community:

- Hold Turkey accountable, morally and legally, for HLP violations taking place in Afrin.
- Call for representative civil structures to be set up and empowered – over the armed factions – to regulate HLP cases in Afrin.
- Promote social cohesion in Afrin between local residents and IDPs by supporting civilian participation to resolve HLP disputes. Consider how to compensate those who have lost HLP.
- The UN to monitor conditions for voluntary return of IDPs to and from Afrin, and ensure continued relief for those still displaced in Syria.
- Support mechanisms to re-engage the peace process between Turkey and the PKK.

- Continue to advocate for access for international research, human rights and UN monitoring groups to conduct fact-finding fieldwork and document the situation in Afrin.
- Western states to review the provisions of arms and material support to Turkey and ensure that it cannot use foreign aid and exports against its own or Syrian civilians.
- EU states to ensure olive oil from Afrin is not imported into the Common Market as Turkish produce.
- Call for the release of those detained for politically opposing Operation Olive Branch