

U.S. Commission on International Religious Freedom Hearing

Safeguarding Religious Freedom in Northeast Syria

Written Testimony

Human Rights Priorities in Northeast Syria

Sara Kayyali

Human Rights Watch

Residents in northeast Syria have borne witness to and been victims of egregious human rights violations and instability over the last decade. The region was severely affected by the Syrian government's brutal campaign to silence its citizens' demands for justice and freedom following the 2011 uprising. With the backing of its allies Russia and Iran, Syria indiscriminately bombed, arbitrarily detained, tortured, and summarily killed tens of thousands of Syrians. But in 2013, another threat arose –the Islamic State of Iraq and Syria (ISIS). ISIS made the region the center of its self-styled caliphate, and the group sustained a six-year reign of terror by kidnapping and summarily executing thousands who expressed dissent or were perceived as a threat, including religious minorities such as the Yezidi and prominent religious figures. ISIS members also indiscriminately attacked and killed thousands of other civilians, violently restricted residents' fundamental freedoms, and damaged or destroyed religious sites.

The territorial defeat of ISIS in Syria was brought about by the Syrian Democratic Forces (SDF) -- the military arm of the Autonomous Administration of Northeast Syria (AANES) -- and the US-led Global Coalition to Defeat ISIS. The defeat strengthened AANES' control over the region, but also generated a set of questions and expectations with significant human rights consequences – how to justly deal with the legacy of ISIS, make [amends for the violations committed in the course of defeating ISIS](#), and protect and advance the rights of all residents with little resources and no international recognition.

But before we get into that, I want to take a step back and address the geopolitical context, and the different actors who have shaped the serious human rights violations we have documented throughout the conflict, but particularly 2019 and 2020. The region has suffered a decade of hostilities, with a large segment of its infrastructure destroyed, including by the anti-ISIS coalition itself, and hundreds of thousands of people displaced. The AANES, which is Kurdish-led, is presiding over a majority Arab population, exacerbating existing tensions and severe communal mistrust. Despite its role in defeating ISIS, the AANES' position was (and remains) precarious. Large swathes of territory are now under its control, but it has few resources and even less international recognition to govern, resulting in an overreliance on a single external actor – the United States – to support it in stabilizing the region. The AANES is also the authority detaining tens of thousands of ISIS suspects and affiliated families including at least 14,000 non-Iraqi foreigners—about 2,000 men and boys in prisons as well as 8,000 children and 4,000 women in locked desert camps. The international community has effectively absolved itself of all responsibility for these individuals, including countries whose own citizens traveled to Syria to join ISIS.

Further complicating matters, Russia and Syria are awaiting any opportunity to retake the territory, while Turkey – the region's neighbor – treats the Kurdish-led authorities as an existential threat to be stamped out at all costs. These geopolitical dynamics played out detrimentally late last year when Turkey and Syrian non-state armed actors launched an offensive on northeast Syria. The offensive followed a decision by the US government to withdraw its troops, implicitly approving the actions of Turkey and the Turkish-backed Syrian National Army.

In addition to widescale displacement, the offensive created an opening for Russia and the Syrian government to expand their presence in the region. On October 13, 2019, the Syrian Democratic Council (SDC) and the Syrian government arrived at an agreement brokered by Russia to allow Syrian government forces into areas held by the SDF to support them against the Turkish incursion. Meanwhile, Turkey and Turkish-backed factions managed to capture and secure a segment of the border area previously held by the AANES, between Ras al-Ayn and Tal Abyad, which Turkey now effectively controls.

So where are we now? I see three major threats to human rights in northeast Syria.

Accountability for ISIS's legacy of horrors

Among the most important challenge is the question of what happens to the ISIS suspects, and families affiliated with ISIS suspects who remain detained in [deeply degrading and often inhumane conditions](#) in the region. The AANES' nascent justice system is unable to prosecute them in a fair and expeditious manner – as evidenced by the fact that the majority have not been charged with a crime or even brought before a court to determine the legality and necessity of their detention. Their families are being held by the Kurdish authorities in locked desert camps in [appalling and sometimes deadly conditions](#) that Human Rights Watch has witnessed firsthand during multiple visits.

The international community's abandonment of these detainees not only means that any innocent among them, including children, may remain indefinitely detained in unconscionable conditions. It also means that detainees who are implicated in serious ISIS crimes, including killing, kidnapping, raping or persecuting people whom ISIS viewed as "infidels" or "apostates," may never be prosecuted, denying victims their day in court.

The United States has been actively pressing countries to repatriate their citizens, but the US could do more. It is uniquely positioned to help the SDF improve conditions in camps and detention facilities, and work with the local authorities to ensure that all those detained receive a fair hearing and those unlawfully detained be released. The US could also rally support from other allies including anti-ISIS coalition members to help improve conditions for these detainees, the majority of them children under age 6.

A second issue is how authorities will fulfil [their obligations to support the families of Syrians kidnapped](#) by ISIS. While the full scale of the missing is unconfirmed, the Syrian Network for Human Rights has reported more than 8,143 cases of individuals detained by ISIS whose fates remain unknown, including at least five prominent Christian leaders. Furthermore, more than 20 mass graves containing thousands of bodies have been found in areas of Syria formerly held by ISIS. Many were Shia Muslims or followers of other faiths, such as the Yezidi. In some areas, local teams had begun exhuming mass graves, but support and resources for their efforts have been inadequate. The sites are not being protected in accordance with international best practices, thereby damaging families' chances of identifying their loved ones.

Thus far, authorities on the ground have not coordinated or systematized the limited local efforts to take up this issue. In April 2020, Kurdish-led authorities announced their intention to create a regional commission to address the detained and disappeared, but we have yet to see progress on this issue.

- The global anti-ISIS coalition, and the US in particular, should provide the support necessary to uncover the answers to what happened to the families; including by prioritizing obtaining information from ISIS suspects in coalition custody regarding individuals detained and kidnapped by ISIS without resorting to unlawful means to obtain the information, sharing information obtained about the kidnapped with their families in a timely manner and allocating resources and the political will necessary to prioritize the search for the missing.

Turkish incursion into northeast Syria

As mentioned, in October 2019, Turkey and the SNA invaded territory in northeast Syria that since 2012 had been under the control of the AANES. Since the incursion began, Turkey and the factions it supports [have indiscriminately shelled civilian areas, carried out at least seven summary killings, unlawfully occupied private civilian homes and shops and looted the owners' property](#), and have not accounted for aid workers who may have been forcibly disappeared while working in their zones.

Under the laws of war, pillaging or forcibly taking private property for personal use is prohibited and can also constitute a war crime. Civilians who were forcibly displaced during a conflict should be allowed to return home as soon as possible without conditions. All parties to a conflict are obliged to investigate alleged war crimes by their members and ensure that those responsible are appropriately punished. So far, with the exception of one publicized case, neither Turkey nor the Syrian armed factions have reportedly conducted any such investigations.

Covid-19 response

Most recently, the onset of Covid-19 has opened the door for potentially fatal human rights violations. Human Rights Watch [has documented](#) Turkish authorities' failure to ensure adequate water supplies to Kurdish-held areas in Northeast Syria. Turkey and Turkish-backed forces took control of the Allouk water station during the Turkish offensive on Northeast Syria in October 2019. The Allouk water station, located near the town of Ras al-Ayn, serves 460,000 people in al-Hasakeh governorate, including al-Hasakeh city and three displacement camps.

Aid organizations have told Human Rights Watch that the Turkish authorities have interrupted water pumping several times since the start of the year, compromising humanitarian agencies' ability to prepare and protect vulnerable communities in the COVID-19 pandemic.

- Turkish authorities should not be allowed to weaponize water in such a manner and should immediately do everything they can to resume supplying water regularly through the Allouk water pumping station. Allies and friends of Turkey, including the United States, should call out such abusive practices.

Restrictions on aid deliveries from Damascus and Iraq are preventing medical supplies and personnel needed to prevent, contain, and treat Covid-19, placing the right to health of two million people in the region at risk.¹ Until January, the UN Security Council allowed UN agencies to transport aid to northeast Syria through a single border crossing, from Iraq to northeast Syria. It was mainly used by the World Health Organization (WHO) to supply medical aid. However, in January, the UNSC deauthorized the crossing. The [gap left by the UNSC's decision has translated into an inability to bring in the necessary medical supplies](#) to deal with Covid-19, as noted by both the WHO and the UN Secretary-General's recent report on cross-border aid in Syria. While Russia and Syria have argued that the gap can be filled with supplies coming in from government-held areas, the evidence shows that the combination of restrictions from Damascus, the KRG, and the Security Council is threatening the ability of healthcare centers in NES to continue operating.

- The UN Security Council immediately reauthorize al-Yarubiyeh. Members of the UN SC, including the US, should do all they can to provide the necessary aid to the region.
- Should the UNSC fail to do so, the US should work with the UN, INGOs, Iraqi authorities and like-minded countries to ensure that cross-border aid for northeastern Syria continues to the greatest extent possible.

While the United Nations and its implementing partners continue to provide humanitarian aid where access allows, the UN-led political process is at a standstill. The U.S., on the other hand, is one of the only countries

¹ <https://www.hrw.org/news/2020/04/28/syria-aid-restrictions-hinder-covid-19-response>

with the influence and resources to persuade at least some of the parties to the conflict to change their approaches. We hope that you will encourage the U.S. administration not to walk away but to use its considerable leverage to ensure that urgently needed humanitarian assistance continues to reach the suffering people of northeastern Syria.