Human Rights Report

My All Attempts to Regain My House were in Vain

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“My All Attempts to Regain My House were in Vain”

A report highlights the seizure of public institutions and houses by Syria Democratic Forces in Deir Ezzor

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Summary:

Syria Democratic Forces (SDF), with support of the US-led anti-terrorism coalition, controlled vast areas in Deir Ezzor province following fights against ISIS as the latter still controls some villages on the Syrian-Iraqi border.

SDF captured houses owned by civilians and public institutions and turned them into military and security headquarters, detention centers, and investigation centers. They forced the IDPs who reside those houses and institutions to leave them.

Abdulkarim, a pseudonym, said “During ISIS control on our town, I was not there as I was wanted by ISIS. ISIS seized my house and turned it into headquarter. Following ISIS exit, displaced families resided in the house, however, SDF members forced them to leave the house under the excuse that this house was an ISIS headquarter”.

Justice for Life Organization documented the seizure of SDF on three primary education schools in Al Tayyana and Al Shannan villages in Theeban sub-district in the north of Euphrates River. SDF forced IDPs who resided the schools to leave those schools after turning them into headquarters.

JFL includes in this report a testimony for four people including two whose houses were seized. The testimony was collected by direct interviews.

The report states a group of information that were collected by JFL about the seized institutions by SDF and turning them into security and military headquarters and detention center.

The principle 21 of the guiding principles on internal displacement stated the following:

1. No one shall be arbitrarily deprived of property and possessions.

2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:

(a) Pillage;
(b) Direct or indiscriminate attacks or other acts of violence;
(c) Being used to shield military operations or objectives;
(d) Being made the object of reprisal; and
(e) Being destroyed or appropriated as a form of collective punishment.

3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

JFL demands SDF to refrain from seizing civilians and IDPs houses, respect the right of property in the held areas in Deir Ezzor province, return these houses to their original owners, take all feasible precautions to protect what they control including residents and civilian objects. JFL also demands SDF to cooperate with the international and local human rights organizations to facilitate the process of documenting violations and collecting evidences.
Introduction:

SDF Held Areas:

SDF took over parts of Deri Ezzor province following battles against ISIS within Al Jazeera Storm battle which started on September 9th 2017 with support of the US-led coalition.

SDF held areas include most towns and sub-districts located in the north of Euphrates River such as Al Kasra sub-district, Theeban sub-district, Al Suwar sub-district, AL Busayrah sub-district, etc. The only villages that are still held by ISIS are some villages in Al Boukmal outskirts nearby Iraqi border.

Background:

As SDF controlled parts of Deir Ezzor province, it divided these areas into sectors. SDF established a civil council for each sector in a way that all councils subordinate to the main civil council in Al Kasra, west of Deir Ezzor.

These councils were formed out of the populations with the task of providing services and response to the citizen’s needs. However, populations and members of those councils complained from the non-response besides the military influence on the civil sides.
Report Objective:

The report highlights the seizure of SDF members in the Deir Ezzor held areas on civilians’ houses and public institutions that were turned into headquarters. SDF seized houses, post office, and water pumping stations that some of them were ISIS military headquarters, and others were empty as the owners were displaced.

Most of these houses and institutions that were turned into headquarters for SDF are located in areas resided by civilians, the fact that exposes those civilians to the danger of frequent armed attacks.

SDF rejected to return the seized houses to their original owners, and also refused to leave the headquarters located in civilian areas.

Most witnesses who were interviewed by JFL said that the seized houses and headquarters play no military role for SDF, but it causes danger to the civilians.


Legal Framework:

Rule 15 of the ICRC study on the customary international humanitarian law stated “In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects. All feasible precautions must be taken to avoid, and in any event to minimise, incidental loss of civilian life, injury to civilians and damage to civilian objects”.

Rule 23 stated “Each party to the conflict must, to the extent feasible, avoid locating military objectives within or near densely populated areas”

Rule 52 stated “Pillage is prohibited”, accordingly, pillaging any town or seizing it forcibly is considered grave violations of the laws and customs in place in the non-international armed conflicts. This practice may be considered a war crime as per “Pillaging a town or place, even when taken by assault” article 8, 2 B (xvi) of Rome Statute of the International Criminal Court.

In addition to the above, Protocol Additional II to the Geneva Conventions 1977 article 4 (2) stated “Without prejudice to the generality of the foregoing, the following acts against the persons referred to in paragraph 1 are and shall remain prohibited at any time and in any place whatsoever:

a) Violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;

b) Collective punishments;

c) Taking of hostages;

d) Acts of terrorism;

e) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;
f) Slavery and the slave trade in all their forms;
g) Pillage;
h) Threats to commit any of the foregoing acts

Rule 22 of the ICRC study on the customary international humanitarian law stated “The parties to the conflict must take all feasible precautions to protect the civilian population and civilian objects under their control against the effects of attacks”

Rule 133 of the same study stated “The property rights of displaced persons must be respected”.

Principle 21 of the Guiding Principles on Internal Displacement stated that “1. No one shall be arbitrarily deprived of property and possessions.

2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:

(a) Pillage;

(b) Direct or indiscriminate attacks or other acts of violence;

(c) Being used to shield military operations or objectives;

(d) Being made the object of reprisal; and

(e) Being destroyed or appropriated as a form of collective punishment.

3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.”
Methodology and Challenges:

A nine-member team along with one trainer of JFL conducted the interviews and recorded the testimonies, photos, and videos to collect accurate information related to the seizure of houses and public institutions by SDF.

Despite the difficulty of having testimonies, due to fear of houses owners and witnesses from any reprisal reactions from SDF member, JFL was able to collect testimonies from people whose houses were seized.

Most people reserved to state information and others reserved to mention their names.

The interviews were conducted between July 23rd 2018 and July 27th 2018. JFL preserves all details collected by the witnesses.
Testimonies on SDF Seizure on Houses:

As SDF announced the battle in Deir Ezzor and fights against ISIS, populations started to flee towards the desert. When they returned to their villages and towns, they were surprised that SDF seized them. SDF justified this action saying “This house is owned or was resided by ISIS member, or the house location is important to them”.

Omar, a pseudonym, says “SDF members seized my house which is located in a village nearby Al Kasra town, in the western countryside of Deir Ezzor under the excuse that ISIS member was residing the house before they control the area”. SDF members told the house owner that “the house location is important to them”. “They turned my house into a checkpoint where they keep the fleeing families from battles and check them” Omar adds.

Abdullah, a pseudonym, says “The owners of the seized houses in our village have official documents that prove their ownership, and they went to SDF, but there was no response. Some people could regain their houses after long and hard time. Other could not regain them yet”.

A photo of one of the seized houses by SDF

Date: July 29 2018, at 11:10 a.m.
Mohammad, a pseudonym, says “SDF members try to escape from answering the question related to the seizing issue, sometimes they say that the person who is in charge of your issue is not here, and sometimes they say that there is no one responsible for this issue in your area”.

SDF did not warn the owners of the seized houses, and they did not give them any evacuation order. Additionally, they did not give them adequate reasons for the seizure action.

Abdulkarim, a pseudonym, said “During ISIS control on our town, I was not there as I was wanted by ISIS. ISIS seized my house and turned it into headquarter. Following ISIS exit, displaced families resided in the house, however, SDF members forced them to leave the house under the excuse that this house was an ISIS headquarter”.

“As I returned to the town, I demanded SDF to leave my house and I told them that I was abroad and I could not return. I showed them the ownership documents. They promised my many times but all were in vain. I headed to leaders within SDF and local notables, however, they did not respond yet” he adds.

Abdulkareem confirms that SDF offered him a little amount of money as rental fee, but he refused and demanded to regain his house. The witness said that these forces seized many houses in his town; some of them were returned to their owners, and other were not, including his house, which is used as headquarter as they dag a duct nearby it and surrounded it with ramparts.
Seizure on Public Institutions by SDF:

SDF seized multiple public institutions and turned them into military headquarters, detention centers, and security points, including water pumping station, post office, municipality building, and three schools. There are other cases that JFL did not validate the seizure action yet.

Justice for Life Organization documented the seizure of SDF on three primary education schools in Al Tayyana and Al Shannan villages in Theeban sub-district in the north of Euphrates River. SDF forced IDPs who resided the schools to leave those schools after turning them into headquarters.
Al Shannan Primary Education School nearby Euphrates River

Satellite photo of Al Shannan Primary Education School nearby Euphrates River
Al Shannan Primary Education School nearby the Desert

Satellite photo of Al Shannan Primary Education School nearby the Desert
SDF seized a building of Irrigation Establishment and post office in Al Tayyana village and turned them into military headquarters.

Post Office in Al Tayyana Village

A Satellite photo for the post office and irrigation establishment branch in Al Tayyana village
The irrigation establishment branch in Al Tayyana village

Most of these seized buildings by SDF are located in areas resided by civilians and they are exposed to frequent attacks by groups who are likely affiliated to ISIS. This expose civilians to this risk.
A photo for the building of the municipality council in Al Tayyana village

A satellite photo for the building of the municipality council in Al Tayyana village
Water Station in Al Tayyana village

A satellite photo for the Water Station in Al Tayyana village
**Recommendations:**

JFL demands the following parties;

United Nations Security Council

To refer the Syrian file to the ICC.

Syria Democratic Forces

1. To refrain from seizing civilians and IDPs houses and to respect the right of ownership in the areas they control along with returning these house to their original owners.
2. The top leaderships within SDF must condemn all human rights violations and violations against the provisions of the International humanitarian law including pillage of the civilians and IDPs houses.
3. To direct that there should be no tolerance with violations against IHRL and IHL, and the perpetrators must held accountable.
4. To take all feasible precautions to protect civilians and civilian objects from attacks. Refrain from seizing the civilians and IDPs houses and using them as military headquarters.
5. Cooperating with international and local human rights organizations in their areas to facilitate the process of documenting violations and collecting evidences.
6. To avoid the collective punishment as it has negative impact which facilitate the re-emergence of extremism.

Syrian Government

1. Ratification of the Rome Statute establishing the International Criminal Court in order to enable the court prosecution to investigate in the violations and crimes committed in Syria.
2. To cooperate with the International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011. It is more
commonly referred to as “the Mechanism”, or “IIIM”, and Independent International Commission of Inquiry on the Syrian Arab Republic.

**US-led Coalition Supporting SDF**

1. To pressure SDF to respect IHL and IHRL
2. Cooperating with international and local human rights organizations in their areas to facilitate the process of documenting violations and collecting evidences.