

Türkiye's Obligations under Article 2 of the ICCPR: Denial and Violations of Victims' Rights in Turkish-Occupied Territories in North Syria

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1. Introduction

Article 2 of the ICCPR is pivotal to ensuring that all individuals under a state's responsibility have the rights enshrined in the Covenant. It also establishes that this is to occur without discrimination on any ground, and it demands implementation to give “full effect” to those rights, with accompanying remedies for violations.

The words “all individuals within its territory and subject to its jurisdiction” in Article 2(1) affirm that the reach of the Covenant is extraterritorial. This wording re-affirm Türkiye's obligations to respect the rights enshrined in the Covenant and to ensure the full effect of these rights for Syrian citizens living under its jurisdiction or victims of human rights committed within its jurisdiction in Turkish-occupied territories in Syria.

Nonetheless, since the start of Turkish occupation in North Syria, Türkiye has failed to assume its responsibilities under the ICCPR towards the territories under its jurisdiction. It has not taken any measure to ensure the protection of civilians and has turned a blind eye to the violations committed by its proxy, the SNA. Furthermore, Türkiye has neither intervened to stop these abuses nor held the perpetrators accountable, denying victims access to and exercise of their right to remedy.

The report provides a comprehensive overview of the denial and violation of the right to remedy in Turkish-occupied territories in North Syria, pursuant to Article 2 of the ICCPR. The focus on the denial and violation of the right to remedy is warranted by the protection and accountability gap in the areas. It is, therefore, of utmost importance to reaffirm Türkiye's responsibility towards individuals under their jurisdiction in these territories and its duty to give full effect to the right of victims to remedy in accordance with the ICCPR when violations of the Covenant occur.

The report first provides an overview of the legal framework applicable to the areas under the jurisdiction of Türkiye in North Syria, and specifically the obligations pursuant to Article 2. The report further dives into the violation of the rights of victims under international law, namely justice, truth, remedy and reparations and guarantees of non-recurrence. Finally, the report provides recommendations to the Committee on measures, including interim and urgent measures, that Türkiye should take to address ongoing violations and the lack of access to effective remedies.

2. Legal Framework Applicable to Turkish-Occupied Territories in North Syria

It is largely accepted that human rights treaties apply extraterritorially, including in cases where a State has effective control over a territory of another State, exercising both power and authority over individuals. In its General Comment 31, the Human Rights Committee noted that a State Party must respect and ensure the rights laid down in the Covenant to anyone within the power or effective control of that State Party, even if not situated within the territory of the State Party.¹ This principle applies to those within the power or effective control of the State Party, regardless of the circumstances in which such power or effective control was obtained.

¹ HRCtee, General Comment no. 31 (The Nature of the General Legal Obligation Imposed on State Parties to the Covenant)

Occupation of North Syria by Türkiye: effective control through direct military and administrative means and through overall control of de-facto proxy actors.

Türkiye has been militarily occupying large parts of north Syria since 2016. In its first operation in 2016 (Operation Euphrates Shield), it occupied the predominantly Arab region north of Aleppo that included Azaz, al-Bab and Jarablus, which had previously been under the control of the Islamic State. In its second military intervention in 2018 (Operation Olive Branch), it captured Afrin, a Kurdish-majority area. Finally, in its third incursion in 2019 (Operation Peace Spring), Turkish armed forces gained control of the area between Tel Abyad/Girê Spi and Ras al-Ain/Serê Kaniyê. All these military operations were conducted with and through a local armed group, the Syrian National Army (SNA), which serves as a de facto proxy in the occupied areas, and were marked by massive displacement and serious abuses of human rights.²

Under international law, a territory is considered “occupied” when it comes under the effective control or authority of foreign armed forces without the consent of the domestic government. This is a factual determination, demonstrated by the fact that said authority was, in fact, established and exercised by the intervening State in the areas in question. In its DRC v Uganda case, the ICJ stated that, to this end, the Court had to satisfy itself that the foreign armed forces were not only stationed in particular locations but also that they had substituted their own authority for that of the domestic government.³

Following these military operations, Türkiye now exercises effective control over the areas subject to military incursion. This control is exercised directly as occupying power through military and administrative means. Türkiye maintains control over the territories it occupies through the presence of its armed forces and intelligence agencies, with over 100 military sites, bases and observation posts across northern Syria. Furthermore, each of these occupied territories is administratively controlled by local authorities in neighbouring districts inside of Türkiye: the governors' offices of Hatay, Kilis, Gaziantep, and Sanliurfa directly oversee the provision of education, health, financial services and humanitarian aid in adjacent territories of Syria alongside local councils established by Türkiye and whose representatives are often approved or appointed by Türkiye. Thus, the Hatay governor oversees the Afrin local council, the Kilis and Gaziantep governors oversee the work of councils in the “Euphrates Shield” areas, while the Sanliurfa governor is responsible for the areas between Tel Abyad/Girê Spi and Ras al-Ayn/Serê Kaniyê.⁴

In addition to administrative control, the occupied areas are de facto treated as an extension of Türkiye. The Turkish lira has replaced the Syrian currency, and financial services are exclusively provided by Turkish banks and the Turkish post office. Electricity is provided by and through Türkiye's companies and power grid, while healthcare facilities are overseen by Türkiye's health directorates. Inhabitants of the areas are also required to obtain local council-issued ID cards, which are linked to the Turkish national ID system, with information presented in both Turkish and Arabic, while Syrian government-issued identity cards are no longer accepted in these territories.⁵

² Human Rights Watch, “Everything is by the Power of the Weapon: Abuses and Impunity in Turkish-Occupied Northern Syria”, February 29, 2024, available online at: <https://www.hrw.org/report/2024/02/29/everything-power-weapon/abuses-and-impunity-turkish-occupied-northern-syria> (last access: 29 August 2024)

³ ICJ, DRC v. Uganda, paras. 172–177

⁴ New Lines Institute for Strategy and Policy, Intelligence Briefing: The Gangs of Northern Syria: Life Under Türkiye's Proxies, December 2022, available online at: <https://newlinesinstitute.org/wp-content/uploads/20221206-Intel-Briefing-Turkish-Proxies-in-Syria-NLISAP-1.pdf>, (last access: 29 August 2024)

⁵ Ibid

In addition to its military and administrative control, Türkiye further reinforces its control over the occupied areas through its de facto proxy force, the SNA. It has also indeed been established under International Humanitarian Law that effective control over an occupied territory can also be exercised through proxy armed forces. This is the case when armed groups act as occupying power on behalf of another state which has “overall control” over them, therefore exercising effective control over local authorities in the occupied territory or over the organised groups that have such effective control over the territory of another state.⁶

Türkiye exercises direct control over the SNA, which it supplies with military training, weapons, salaries and logistical support.⁷ While the SNA officially reports to the Ministry of Defense of the Syrian Interim Government (SIG), a self-declared governing body in Azaz, its factions ultimately answer only to Turkish military forces and intelligence agencies. Indeed, Turkish military and intelligence agencies oversee the factions' conduct in these areas, through their operation rooms in al-Bab, Jarablus, Ras al-Ayn/Serê Kaniyê and Afrin. Turkish authorities frequently join the SNA in its operations, including in the context of arbitrary detention. Turkish armed forces and the SNA often arrest and illegally transfer Syrian nationals to Türkiye, a conduct that is indicative of collaboration and joint operations between Türkiye and the SNA.⁸

Based on the aforementioned factual assessment and legal framework, we argue that human rights abuses in North Syria fall under the jurisdiction of Türkiye and constitute violations of the ICCPR, of which Türkiye is a State Party. We argue that Türkiye exercises full authority and effective control over North Syria territories as occupying power, both directly and through overall control of de-facto proxy forces.

Based on the above, Türkiye is not a mere observer of violations and abuses in occupied territories. Instead, under Article 2(1), Türkiye has an obligation to respect and ensure the rights recognised by the Covenant in occupied areas and towards Syrian civilians under its jurisdiction. This legal obligation is both negative and positive in nature and requires Türkiye to:

- Refrain from violations of the rights recognised by the Covenant,
- Adopt legislative, judicial, administrative, educative and other appropriate measures in order to fulfil their legal obligations,
- Ensure that individuals have accessible and effective remedies to vindicate Covenant rights and make reparations to individuals whose Covenant rights have been violated,
- Ensure that individuals responsible for violations are brought to justice in cases where investigations through remedy procedures reveal violations of certain Covenant rights,
- Take measures to prevent the recurrence of violations of the Covenant, including by providing for and implementing provisional or interim measures to avoid continuing violations and to endeavor to repair any harm caused by such violations.

⁶ ICTY, Prosecutor v. Duško Tadić, Trial Chamber, Judgment, 7 May 1997, Case No. IT-94-1-T, para. 584

⁷ See note 4

⁸ Report of the Commission of Inquiry on the Syrian Arab Republic, A/HRC/45/31, September 15, 2020, available online at: <https://undocs.org/en/A/HRC/45/31>

3. Türkiye's Obligations to Victims under Article 2(3) of CCPR

Article 2 of the ICCPR imposes on Türkiye a general obligation to respect the Covenant rights and to ensure them to all the individuals in the territory and subject to its jurisdiction. Most importantly, pursuant to Article 2, paragraph 3, Türkiye is required to make available effective remedies to people whose rights have been violated under its jurisdiction. Article 2 of the ICCPR is pivotal to ensuring respect for and ensuring to all individuals under a State's responsibility the rights enshrined in the Covenant. It also establishes that this is to occur without discrimination on any ground, and it demands implementation to give "full effect" to those rights, with accompanying remedies for violations.

The obligations in Article 2(3) are to ensure an effective, enforceable remedy for a violation of a Covenant right. Such remedies should be appropriately adapted so as to take into account the special circumstances of victimisation of the victims. This is of particular relevance in contexts of occupation where the rule of law and the authority by proxy may create protection and accountability gaps, as is the case of Turkish-occupied territories in Syria.

It is also relevant in circumstances in which the pattern of violations and profile of victims indicate underlying discrimination and possible persecution on ethnic grounds. Within this context, Article 2(1) of the ICCPR requires States parties to ensure respect and protection of rights recognised in the Covenant "without discrimination of any kind". Additionally, Article 26 prohibits all forms of discrimination, stating that "all persons are equal before the law and are entitled without any discrimination to the equal protection of the law". As a result, the CCPR obliges Türkiye to ensure that access to and the provision of effective remedies be without discrimination of any kind - both in regards to discrimination between access to remedy enjoyed by individuals under its jurisdiction (namely, Turkish citizens in the territory of the State and Syrian citizens under Turkish occupation) and in relation to ethnic, religious and other possible discrimination grounds.

A broad range of remedies is required under Article 2(3), including provisional and interim measures to avoid continuing violations, restitution, rehabilitation, and measures of satisfaction such as public apologies, public memorials, guarantees of non-repetition, and changes in the relevant laws and practices, as well as bringing to justice perpetrators.

Türkiye has obligations to ensure that remedy is accessible in practice from a procedural perspective and effective in addressing the victim-specific case. The accessibility of a remedy cannot be theoretical or illusory but must be accessible. For a remedy to be accessible, it must enable victims to "genuinely be able to file it", which means that, by law and by practice, victims must have access to judicial guarantees and protection, which includes access to relevant information concerning violations and reparations mechanisms. In Turkish-occupied territories, as detailed in the "Right to Remedy" section, there are no judicial guarantees and protection that allow individuals to genuinely file for remedy. On the contrary, in many cases, individuals are further targeted once they claim their rights. If remedies are not genuinely available, States should undertake a review with a view to filling any gaps - including whether these obstacles are structural, political or resulting from discriminatory practices and policies.

For a remedy to be effective, it is not sufficient for a remedy to be available in merely formal terms, but it must be practical and provide real access to justice, such as being capable of finding whether a violation took place and, if so, be able to remedy it. Furthermore, the effectiveness implies a certain minimum

requirement of speediness, as it is possible for the adequate nature of the remedy to be undermined by its excessive duration. The remedy must be impartial, fair and independent in terms of the authority responsible for adjudicating the equation of the remedy in a particular case. The requirement of independence and fairness are particularly important in contexts of occupation where authorities responsible for the administration of justice are directly tied to the military and administrative actors in control of the territory.

4. Denial and Violations of Victims' Rights

Türkiye has failed to assume its responsibilities under the ICCPR towards the territories under its jurisdiction in Northern Syria. It has not taken any measure to ensure the protection of civilians and has turned a blind eye to the violations committed by its proxy, the SNA. Furthermore, Türkiye has neither intervened to stop these abuses nor held the perpetrators accountable, denying victims access to effective remedies and violating their rights to truth, justice, remedy and reparations and guarantees of non-recurrence.

- Violation of Right to Justice

Despite the litany of human rights abuses, the commanders and various members of the SNA and Turkish intelligence and army accused of having committed abuses in Turkish-occupied territories since at least 2018 have rarely been held accountable, neither by the SNA's own military courts nor by Türkiye. Instead, in some cases, Turkish forces were themselves involved as partners in committing such violations. Since early 2024, Synergy Association for Victims has [documented](#) no less than 40 arrests carried out by Turkish intelligence forces.⁹

As an occupying power, the Turkish authorities must ensure that their own officials and those under their command in the SNA do not commit human rights abuses, including arbitrary detention and torture. As a State Party to the CCPR, Türkiye is bound to investigate alleged violations of the Covenant and to ensure that those responsible are appropriately punished.

No public information exists on whether Türkiye has investigated or held accountable any of its own officials for their complicity in detention-related abuses. As reported by Human Rights Watch, only when particularly outrageous incidents make it to the media or are met by public dissent and protests do SNA factions address the abuses. However, these cases are rare and still deny victims a full and effective access to justice as military court trials run by the SNA are not open to the public and often no information on the proceedings is ever made publicly available.¹⁰ In this regard, it is worth noting that military courts are not

⁹ Synergy, "Unheard Cries: the Reality of Arbitrary Arrest and Torture in the 'Safe Zones' of Northern Syria", July 2024, available online at: <https://hevdesti.org/wp-content/uploads/2024/07/Unheard-Cries-the-Reality-of-Arbitrary-Arrest-and-Torture-in-the-Safe-Zones-of-Northern-Syria.pdf> (last access: 06 September 2024)

¹⁰ Human Rights Watch, "Everything is by the Power of the Weapon: Abuses and Impunity in Turkish-Occupied Northern Syria", February 2024, available online at: <https://www.hrw.org/report/2024/02/29/everything-power-weapon/abuses-and-impunity-turkish-occupied-northern-syria> (last access: 06 September 2024)

considered an effective or appropriate remedy for victims of gross human rights violations and their families under the ICCPR.¹¹

Pursuant to Türkiye's obligations under the ICCPR, both a criminal investigation and a consequential prosecution are necessary remedies for violations of rights recognised by the Covenant, such as those protected by Articles 6 and 7. Expedition and effectiveness, including through an independent and competent authority, are particularly important for the adjudication of cases concerning torture, the right to life and threats to personal security. Under Article 2(3), States have a duty to enforce the remedies. In this context, failure to bring to justice perpetrators of violations by the SNA is in and of itself giving rise to a violation of the Covenant. Furthermore, impunity for these violations is an important contributing element to the recurrence of these violations.

- Violation of Right to Truth

During the first half of 2024, Synergy [documented](#) the arrest of at least 338 individuals at the hands of Turkish forces and its proxy, SNA in Turkish-occupied territories in Afrin, Ras al-Ayn/Serê Kaniyê and Tall Abyad/Girê Spî. 107 of the total were released, while the fate of 213 remains unknown, with families having no information about their fate.¹² Hundreds of families of those forcibly disappeared by the SNA are themselves subjected to torture as a result of the suffering arising from the uncertainty and lack of information about the fate and whereabouts of their loved ones. As documented by Synergy, many families have tirelessly worked to obtain information about their missing ones, but to no avail.¹³

In six of the cases of arbitrary detention documented in the first half of 2024, the victims were transferred to Türkiye.¹⁴ Illegal transfer of detainees from Turkish-occupied territories has been extensively documented by Human Rights Watch as well.¹⁵ In many cases, detainees' families said that, after their initial arrest, they lost contact with the men, and it was at least a month and a half before they found out that they had been transferred to a prison in Türkiye. Other relatives said that they went without information for over a year. Illegal transfers of detainees into Türkiye puts individuals at risk of enforced disappearance and puts families into a form of anguish and suffering tantamount to torture.

In relation to cases of enforced disappearances, the State Party to the ICCPR has a duty to investigate these cases in order to clarify information about the fate and whereabouts of the person who was disappeared. In the case of secret extrajudicial executions and/or undisclosed burial, the Human Rights Committee has

¹¹ Views of 29 July 1997, José Vicente and Amado Villafañe Chaparro et al. v. Colombia, Communication No. 612/1995; and Views of 13 November 1995, Nydia Erika Bautista v. Colombia, Communication No. 563/1993.

¹² Ibid

¹³ Synergy, "Northern Syria: Arbitrary Detention and Torture as Systematic Policy in SNA-Held Areas", February 2024, available online at: <https://hevdesti.org/wp-content/uploads/2024/02/Northern-Syria-Arbitrary-Detention-and-Torture-as-Systematic-Policy-in-SNA-Held-Areas.pdf> (last access: 06 September 2024)

¹⁴ See note 2

¹⁵ Human Rights Watch, "Illegal Transfers of Syrians to Türkiye: Over 60 Detained, Forcibly Moved from Occupied Territories", February 2021, available online at: <https://www.hrw.org/news/2021/02/03/illegal-transfers-syrians-turkey> (last access: 06 September 2024)

noted that, under Article 2(3), an effective remedy includes determining the location where the victims are buried and providing family members with the victims' body.¹⁶

- Violation of Right to Remedy and Reparations

The right to remedy pursuant to Article 2(3) consists of ensuring that victims have access to protection mechanisms to protect them from violations of the rights enshrined in the Covenant and judicial guarantees to remedy the violation. The absence of legal guarantees through remedy measures is evident in arbitrary detention cases and forced displacement, in violation of rights enshrined in the Covenant pursuant to Article 9 and 12.

- *Violation of the Right to Remedy and Reparations in the Context of Arbitrary Detention*

In cases of arbitrary detention, the State Party should guarantee access to remedy procedures specific to contexts of deprivation of liberty. Pursuant to Articles 9(3) and 9(4), Türkiye should guarantee that anyone arrested or detained on a criminal charge shall be brought promptly before competent authorities to decide without delay on the lawfulness of the detention, with the goal of ensuring immediate release if the detention is lawful, or to ensure that the person detained is entitled to a fair trial within a reasonable time. In cases documented in 2023, none of the interviewed victims were promptly informed about the reasons and legal bases for their detention and were not brought before a court at any stage to address the legality of their detention.¹⁷

Within this context, individuals arbitrarily detained are only able to obtain an end to the arbitrary detention and the release of their loved ones through the payment of exorbitant fees or after being forced to give up their properties. All victims detained in 2023 confirmed that they were released after paying fees or after giving up their properties.¹⁸ In four cases documented by Synergy in 2024, families of the detainees were forced each to pay 2,900 USD for their release, whereas in other cases, the families were asked to pay 25,000 USD as a ransom.¹⁹ Extortion practices make the exercise and fulfilment of fundamental rights dependent on families' economic status and ability to pay rather than being protected and legally guaranteed. The lack of effective, accessible remedy results in victims being further victimised, as in the case of three of these victims who, due to their inability to pay, remain detained and forcibly disappeared.²⁰

Pursuant to Article 9(5), Türkiye is also bound to ensure that anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation. Nonetheless, despite documented cases of detention, individuals have not received any form of compensation from Türkiye.

¹⁶ See, inter alia: Views of March 30, 2006, Communication No. 1196/2003, Boucherf v. Algeria, para. 11; Views of 30 March 2006, Communication No. 992/2001, Bousroual v. Algeria, para. 11; Views of 10 July 2007, Communication No. 1327/2004, Grioua v. Algeria, para. 9; and Views of 24 October 2007, Communication No. 1422/2005, El Hassy v. Libyan Arab Jamahiriya, para. 8.

¹⁷ See note 13

¹⁸ Ibid

¹⁹ Synergy, "Northern Syria: Escalation of Arbitrary Arrests in Turkish-Occupied Territories", June 2024, available online at: <https://hevdesti.org/wp-content/uploads/2024/06/Escalation-of-Arbitrary-Arrests-in-Turkish-Occupied-Territories.pdf> (last access: 05 September 2024)

²⁰ Ibid

In several cases, actions taken by families to exercise their right to remedy result in further victimisation. Among the cases documented in the first five months of 2024, some civilians were arrested by the SNA because they demanded to restore their seized properties.²¹ In another emblematic case, a relative of an individual summarily executed by SNA was arrested and tortured after demanding the recovery of the body of the victim. In this case, only twenty days after the execution, and following an agreement between the SNA and tribal dignitaries, the family was allowed to receive the body of the victim in return for the story to be kept confidential.²² Detention following attempts to claim remedy indicates a clear lack of accessible forms of remedy for victims.

- Right to Safe and Voluntary Return

Safe and voluntary return constitutes the most pressing issue for victims, survivors and their families in North Syria. More than 150,000 indigenous people from Ras al-Ayn/Serê Kaniyê and Tall Abyad/Girê Sipî continue to be IDPs and forced migrants due to the Turkish occupation. Since Türkiye occupied Ras al-Ayn/Serê Kaniyê region, more than 85% of its original inhabitants have been forcibly displaced. The region has lost its original characteristics, with the number of Kurds today not exceeding 45 persons, when originally it constituted more than 75 thousands people.²³ The same pattern can be found in Afrin: Kurds constituted 92% of the local population before 2011, with a population of 200 thousand people. Local Kurdish sources indicate that they currently constitute only 20% of the population following the Turkish-occupation.²⁴

While more than five years have passed since the last stage of the Turkish military occupation in Syria, no step has been taken by the authorities to ensure the right to return of displaced people to their areas of origin.²⁵ On the contrary, further measures have been taken by Turkish authorities and Türkiye proxy actors to seize property and detain individuals with the intent of intimidating them to leave the areas. Additionally, in the few cases in which victims take steps to reclaim their rights, it has been common for individuals to be arrested after demanding restoration and restitution of their properties.

While property-related rights are not enshrined in the Covenant, Türkiye still has the duty to provide a remedy for violations of Article 12 under the Covenant for acts of forced displacement. Indeed, the general right to freedom of movement and to choose a residence in a place of one's choice within the territory (Article 12(1)) includes protection against all forms of forced internal displacement and makes forced displacement of a person or a group prima facie unacceptable under the ICCPR, according to the Human Rights Committee General Comment 12.

Pursuant to Article 2(3), Türkiye is therefore obliged to ensure a right to remedy, accessible and enforceable, for individuals whose rights under Article 12 have been violated. Within this context, Türkiye

²¹ Ibid

²² See note 2

²³ Synergy, "Syria: Role of International Agreements in Forced Displacement (3)", October 2023, available online at: https://hevdesti.org/en/role_of_international-agreements-in-forced-displacement-3/ (last access: 11 September 2024)

²⁴ Synergy, "Syria: Role of International Agreements in Forced Displacement (1)", October 2023, available online at: <https://hevdesti.org/en/syria-role-of-international-agreements-in-forced-displacement/> (last access: 11 September 2024)

²⁵ Synergy, "The Needs and Priorities of the Victims in Northern Syrian and Ways to Seek Justice for Them", November 2023, available online at: <https://hevdesti.org/wp-content/uploads/2023/11/The-Needs-and-Priorities-of-the-Victims-in-Northern-Syria-and-Ways-to-Seek-Justice-for-Them-latest-version.pdf> (last access: 06 September 2024)

has the obligation to guarantee a safe environment in the area it occupies, ensuring the safe and dignified voluntary return of the IDPs and individuals forcibly displaced to their original homes and to promptly halt any policies of “demographic changes” in the area it occupies, as well as to remove the aftermath ensuing from these practices.

- Violation of Right to Non-Repetition

The recurrence and escalation of arbitrary arrests is a direct violation of the right to non-recurrence of victims and a consequence of a lack of effective guarantees of their right to remedy and justice following the initial abuse. For example, by comparing the documentation collected by Synergy in the first five months of 2023 with those of 2024, it can be noted that cases of arbitrary arrests in Turkish-occupied territories have doubled, rising from 182 cases in 2023 to 338 in 2024.²⁶ The ongoing nature of the violations indicates an ongoing and systemic policy aimed at intimidating the local population, in particular the Kurdish population, with the intent to force them to leave their original places of residence.

Under the ICCPR, States parties have obligations not only to provide victim-specific remedy but also to respond to and address systemic policies and practices to avoid the recurrence of the type of violation in question. Indeed, the concept of remedy required under Article 2(3) is forward-looking: “An effective remedy may in certain circumstances require States to provide for and to implement provisional or interim measures to avoid continuing violations.” Türkiye is, therefore, obligated to take the necessary measures to stop violations from recurring. This means addressing the structural, political and systemic conditions that allow violations to occur, continue and that are met with impunity, especially in contexts in which there may be underlying discrimination on ethnic, religious or other grounds.

In the context of Turkish-occupied territories, it is evident that the majority of violations occur in a broader context of systemic targeting and persecution of certain categories of individuals on the grounds of ethnic discrimination. This underlying discrimination and the policies and practices that sustain it and enable it must be addressed to ensure an end to violations in Turkish-occupied territories.

5. Conclusions and Recommendations

Since the start of Turkish-occupation in North Syria, Türkiye has failed to assume its responsibilities under the ICCPR towards the territories under its jurisdiction in Northern Syria. It has not taken any measure to ensure the protection of civilians and has turned a blind eye to the violations committed by its proxy, the SNA. Furthermore, Türkiye has neither intervened to stop these abuses nor held the perpetrators accountable, denying victims access to and exercise of their right to remedy. The failure by Türkiye to assume its responsibilities has left victims with an accountability and protection gap, unable to benefit from any legal and protection guarantees from violations committed by Türkiye proxy actors or to have recourse to any independent or fair form of remedy.

Within this context, it is key to refer to victims' demands and needs in order to ensure alignment with their priorities and visions for justice and redress. Synergy holds a [Forum for Victims](#) in Northern Syria on an

²⁶ Ibid

annual basis.²⁷ The Forum aims to provide a platform or a space for the victims in Northern Syria to represent themselves and claim their rights, in addition to coordinating among themselves and with other victims. The Forums aim to identify and develop recommendations that can guarantee pathways for victims to exercise and fulfil their rights in accordance with their vision, needs and perspectives. These views are reflected in the recommendations below.

We suggest the following non-exhaustive list of recommendations for the State Party to be raised by the Committee. We also call on the Committee to consider the recommendations related to “accountability for ICCPR violations in the context of occupation” and “access to justice and remedy” within its Follow-Up Procedure, pursuant to **Rule 75(1) of the Committee’s rules of procedure**.

Accountability for ICCPR Violations in the Context of Occupation

- Türkiye should acknowledge the extraterritorial application of the Covenant in Turkish-occupied territories in Syria and adopt all necessary measures to fully comply with its obligations to protect the rights guaranteed by the ICCPR to all individuals under its jurisdiction and subject to its authority in the areas it occupies. This includes ceasing ongoing violations and ensuring the effective realisation of the right to remedy for victims in the occupied territories.
- Türkiye must ensure the prompt, thorough, independent, and effective investigation of all reported cases of human rights violations committed against civilians in the Syrian-occupied territories. Perpetrators must be brought to justice, and information on the progress of the investigations should be made public.

Access to justice and remedy

The State Party should give effect to the rights to truth, justice, and full reparation for victims of violations of the Covenant. In particular, the State should:

- Ensure the prompt, thorough, independent and effective investigation of all reported cases of human rights violations committed against civilians since the Euphrates Shield operation, and also ensure that perpetrators are brought to justice and that the penalties imposed are commensurate with the severity of the offence and that trials are transparently and fairly conducted, in line with international standards, and widely disseminate information on the progress of the trials to the general public
- Türkiye must ensure that victims of ICCPR violations in the occupied territories have access to effective legal remedies. This includes establishing mechanisms for victims to report abuses

²⁷ See reports from 2022, 2023 at the following links: Synergy, “Available Justice Mechanisms for Victims in Northern Syria”, November 2022, available online at: <https://hevdesti.org/wp-content/uploads/2022/11/Available-Justice-Mechanisms-for-Victims-in-Northern-Syria.pdf> (last access: 05 September 2024); Synergy, “The Needs and Priorities of the Victims in Northern Syrian and Ways to Seek Justice for Them”, November 2023, available online at: <https://hevdesti.org/wp-content/uploads/2023/11/The-Needs-and-Priorities-of-the-Victims-in-Northern-Syria-and-Ways-to-Seek-Justice-for-Them-latest-version.pdf> (last access: 06 September 2024)

without fear of retaliation, and providing reparations. Additionally, Türkiye must protect those seeking justice and redress from any form of intimidation or retaliation.

- Take immediate measures to ensure the full independence, impartiality, in law and in practice, of the judiciary, including by ensuring that civilians can only be tried before ordinary courts, in accordance with international standards
- Take immediate steps to stop any further transfer of detainees from Syria to Turkey, and re-evaluate the trials already conducted and the sentences imposed in accordance with international standards.

Non-discrimination

The State party should take immediate measures to eliminate and address all forms of discrimination. In particular, the State Party should:

- Guarantee that all persons under its jurisdiction, in particular those who are most vulnerable because of their ethnicity or religion are afforded the necessary protection from violent attacks and gross human rights violations, and that all acts of violence against them are promptly and effectively investigated, that perpetrators are brought to justice and, if convicted, punished with appropriate sanctions and that victims are provided with adequate remedies and effective access to legal, medical, financial and psychological assistance.
- Ensure that all persons, in particular those most vulnerable because of their ethnicity or religion, can fully enjoy, in law and in practice, all the human rights enshrined in the Covenant, including by addressing existing discriminatory policies and practices directed against them

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and liberty and security of person and conditions of detention

The State party should take immediate measures to end torture and other forms of cruel, inhuman or degrading treatment or punishment. In particular, the State Party should:

- Take all measures necessary to prevent torture and other cruel, inhuman or degrading treatment or punishment
- Facilitate the independent, effective and regular monitoring of all places of detention under its effective control, including those controlled by the SNA, without prior notice and on an unsupervised basis, including by establishing an independent mechanism to monitor prison conditions.
- Undertake prompt, thorough, transparent and impartial investigations conducted by an independent mechanism into all allegations of torture and other cruel, inhuman or degrading treatment in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and the Minnesota Protocol on the Investigation of Potentially Unlawful Death, ensuring that perpetrators

are prosecuted and, if found guilty, punished with sanctions commensurate with the severity of the crime.

- Provide victims with comprehensive redress and reparation, including rehabilitation and adequate compensation.
- Ensure that all persons deprived of their liberty have access to an independent and effective complaints mechanism for the investigation of allegations of torture and ill-treatment;

Enforced disappearance

The State party should take urgent measures to address and prevent the pattern of enforced disappearances in the context of the occupation in particular, it should:

- Take all measures necessary to combat impunity and ensure that all allegations and reports of enforced disappearance are promptly, impartially and thoroughly investigated and that direct and indirect perpetrators are prosecuted and, if found guilty, punished with sanctions commensurate with the gravity of the offences
- Uncover the fate and whereabouts of disappeared persons and, in the event of death, identify them and return their remains and ensure that families are regularly informed of the progress and results of investigations, are provided with the official administrative documents required by international standards and receive full reparations, including rehabilitation, adequate compensation and guarantees of non-repetition
- Cooperate fully with the Independent Institution on Missing Persons in the Syrian Arab Republic to address cases of individuals forcibly disappeared by its proxy, SNA, or transferred and lately disappeared within Turkish territory.

Forced displacement

The State party should take measures to ensure the right to return of internally and forcibly displaced individuals to their areas of origin, in accordance with relevant international standards, including the Covenant and the Guiding Principles on Internal Displacement. In particular, it should:

- Take all measures necessary to prevent all forms of violence against displaced and returnees, especially arbitrary detention, and torture.
- Ensure an effective restitution process for all internally and forcibly displaced persons and returnees.