



Criminal Complaint

against

Recep Tayyip Erdogan

**et al. under the German Code of
Crimes Against International Law (VStGB)
for Crimes Against Humanity and War Crimes**



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Berlin | November 2024



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Federal Prosecutor General at the Federal Court of Justice

Brauerstraße 30

76135 Karlsruhe

Cologne, 31.10.2024

**Criminal Complaint Against Recep Tayyip Erdoğan et al.
under the German Code of Crimes Against International Law (VStGB)
for Crimes Against Humanity and War Crimes**

Dear Sir or Madam

We,

MAF-DAD - Association for Democracy and International Law e.V., represented by the board of directors, represented by Mr. Mahmut Şakar, lawyer and Ms. Heike Geisweid, lawyer,

KURD-AKAD, Netzwerk Kurdischer Akademikerinnen e.V., represented by the board, which is represented by Ms. Dersim Dağdeviren, doctor

together with the

Kobanî Medical Center

and with the support of

Prof. Dr. med. Christian Haasen, Association of Democratic Doctors

hereby submit

criminal complaint

for the crimes committed as perpetrators, accomplices and accessories on 25.12.2023

committed in northern and eastern Syria, which are to be assessed as both war crimes and crimes against humanity:

Military force was deliberately used against civilians and civilian objects which, as protected persons and objects under international humanitarian law, were neither involved in the hostilities nor served military purposes. The attacks were directed at civilian facilities protected under international humanitarian law, such as schools, hospitals and undefended areas. The affected facilities include several health centers, including the Kobanî Medical Center (KMC) and the Mishtenur Medical Center in Kobanê, as well as the dialysis center and the USAID oxygen facilities in Qamishlo, which provided essential medical care for the civilian population.

In addition, attacks were carried out that caused disproportionate damage to the civilian population or civilian property compared to the expected military advantage, in clear violation of the prohibition of disproportionate attacks.

These acts not only constitute war crimes, but also fulfill the elements of crimes against humanity in that they were carried out as part of a widespread and systematic attack against the Kurdish-dominated civilian population in northern and eastern Syria.

These acts fulfill the elements of war crimes pursuant to § 11 para. 1 nos. 1-3 VStGB, § 10 para. 1 and § 8 para. 1 nos. 3 and 6, as well as crimes against humanity, in particular the expulsion and persecution of groups on the basis of their ethnicity and political opinion pursuant to § 7 para. 1 nos. 4, 8 and 10 VStGB.

against

- 1. President of the Republic of Turkey, Recep Tayyip Erdoğan**
- 2. the acting Minister of Defense of the Republic of Turkey, Yaşar Güler**
- 3. the acting Turkish Chief of General Staff, General Metin Gürak,**
- 4. the acting commander of the Turkish Air Force, Ziya Cemal Kadioglu,**
- 5. the former commander of the second army and current commander of the first army Metin Tokel and former lieutenant general and current commander of the second army Levent Ergün,**
- 6. the current Turkish Minister of Foreign Affairs, Hakan Fidan**
- 7. the acting head of the Turkish domestic intelligence service Millî İstihbarat Teşkilâtı, İbrahim Kalın**

as well as other as yet unnamed persons who have participated in a criminally attributable manner in the international crimes described here.

We suggest the initiation of a personal investigation against the named suspects

and the

investigation of further suspects as part of the ongoing structural investigation into Syria.

We request confirmation of receipt and notification of the reference number of the personal investigation proceedings and reserve the right to make further submissions on the present criminal complaint.

Yours sincerely

Heike Geiswald

Table of contents

I.	List of abbreviations	7-8
II.	Preliminary remark	9
III.	Facts of the case:	9
	A. Sources and evidence	9
	1. List of witnesses	10
	B. Overview of North and East Syria	10
	C. Current conflict dynamics in North and East Syria	11
	D. History of Turkey's military operations in North and East Syria	12
	1. Operation Euphrates Shield (2016)	12
	2. Operation Olive Branch (2018)	13-15
	3. Operation Peace Spring (2019)	15-17
	4. Air strikes between October 4, 2023 and January 15, 2024	17
	a) Timetable of the attacks	18
	b) The first wave of airstrikes	18
	c) The second wave of airstrikes	18-19
	d) The third wave of airstrikes	19-20
	E. Crimes committed against the population	20-21
	1. Indiscriminate military attacks	21
	2. Destruction of civilian infrastructure	22
	a) Destruction of medical facilities	23
	(1) The destruction of the Kobanî Medical Center	23-26
	(2) The destruction of the Mishtenur Medical Center	26-28
	(3) Destruction of the dialysis center and USAID oxygen facilities	28-30
	3. Severe physical and psychological damage	31
	4. Displacement of the population as a result of the violence	32
IV.	Suspects	32
	A. The Turkish President	32-33
	B. The Turkish Foreign Minister	33
	C. The Turkish Minister of Defense	33
	D. The Turkish Chief of General Staff	33-34
	E. The Commander of the Turkish Air Force	34-35
	F. The Turkish Army Commanders	35

G. The Turkish Intelligence Chief	35
V. Legal assessment	35
A. Applicable law	35-36
B. Lack of national prosecution	36-37
C. No immunity for the suspects	37
D. International crimes	38
1. War crime	38
a) Total offense	39
(1) International armed conflict (IAC)	39
(2) Nexus between the armed conflict and the individual acts	40
b) Individual acts	40
(1) Attacks on the civilian population or individual civilians pursuant to Section 11 (1) no. 1 VStGB	41
(a) Attack by military means	41-42
(b) Attack on the civilian population or individual civilians .	42-43
(2) Attacks against civilian objects pursuant to Section 11 para. 1 no. 2 VStGB	43-44
(3) Disproportionate use of force pursuant to Section 11 (1) No. 3 VStGB	45-46
(4) Attacks against humanitarian operations and emblems pursuant to Section 10 (1) and (3) VStGB	46-47
(5) Serious physical and psychological harm pursuant to Section 8 (1) No. 3 VStGB	47
(6) Expulsion pursuant to Section 8 para. 1 no. 6 VStGB	48
2. Crimes against humanity	48
a) Overall offense	49
(1) Attack against the civilian population	49
(2) Widespread and systematic	49-51
b) Individual acts	51
(1) Displacement according to Section 7 para. 1 No. 4 VStGB	51

(2) Persecution according to Section 7 para. 1 No. 10 VStGB	51
(a) Identifiable group or community	51-52
(b) Deprivation or Significant Restriction of Basic Human Rights	52
(c) Reasons for Persecution	53
(d) Functional Connection to the Overall Crime	53
E. Individual Accountability of the Accused	53-54

I. List of abbreviations

AANES	Autonomous Administration of North and East Syria Autonome Administration von Nord- und Ostsyrien - Rojava
COI	The UN Independent International Commission of Inquiry on the Syrian Arab Republic Die unabhängige internationale Untersuchungskommission der Vereinten Nationen für die Arabische Republik Syrien
CAH	Crimes against Humanity Verbrechen gegen die Menschlichkeit
FSA	Free Syrian Army Freie Syrische Armee
IDP	Internally Displaced Person Binnenflüchtlinge
IS	Islamic State of Iraq and the Levant Islamischer Staat
KMC	Kobanî Medical Center
MGK	Turkish National Security Council Der Nationale Sicherheitsrat der Türkei
MIT	National Intelligence Organization Der türkische Geheimdienst
NATO	The North Atlantic Treaty Organization Organisation des Nordatlantikvertrags
NES	North and East Syria Nord und Ost Syrien
NSAG	Non-State Armed (Opposition) Groups Nicht-staatliche bewaffnete Oppositionsgruppen
PKK	Kurdistan Workers' Party Arbeiterpartei Kurdistans
PYD	Partiya Yekîtiya Demokrat, Kurdistan Democratic Party Demokratische Union Kurdistans
RIC	Rojava Information Center

SDF	Syrian Democratic Forces Syrische Demokratische Kräfte
SNA	Syrian National Army Syrische Nationale Armee
UN	United Nations Vereinte Nationen
US	United States of America Die Vereinigten Staaten von Amerika
YPG/J	Yekîneyên Parastina Gel/Jin, People's/Women's Defense Units Volksverteidigungseinheiten/Frauenverteidigungseinheiten

II. Preliminary remarks

With the present criminal complaint, the complainants show the criminally relevant actions of Turkish officials and state representatives against civilian objects, in particular medical facilities like the Kobanî Medical Center (KMC), in northern and eastern Syria between October 2023 and January 2024. The aim is to create a comprehensive picture of the targeted destruction by Turkey of medical facilities with a focus on the KMC and to establish concrete responsibilities. In these cases, it is recommended to initiate personal investigations against the respective suspects on the basis of the available information and to apply for arrest warrants if there is sufficient suspicion. In cases in which the acts and perpetrators cannot be further individualized based on the information currently available, it is suggested that the aforementioned investigative approaches be pursued as part of the Federal Public Prosecutor General's structural investigation proceedings against state armed actors in Syria in order to enable further clarification and individualization of the individual acts.

III. Facts of the case

The statements on the facts of the case begin with a presentation of the sources and evidence (A.), before the background of the political and military situation in northern and eastern Syria shortly before and during the period of the crime is presented (B. - D.). This is followed by comments on the perpetrators and the acts of violence committed by them that are relevant under international criminal law (E. and IV.). Finally, the legal assessment is presented, which shows the legal basis for the investigation of the relevant acts and the responsibility of the accused (V.).

A. Sources and evidence

The present criminal complaint is based on the statements of survivors of the air raids, the administrative director of the dialysis center, the chairman of the board of the German organization Armut und Gesundheit e.V., statements by [REDACTED], doctor at the Kobanî Medical Center. It is also based on the assessments of various experts and on information from publicly and non-publicly accessible sources (see the appendices).

1. List of witnesses

All witnesses named below are protected persons within the meaning of the Geneva Conventions. They declare their willingness to testify to the German investigating authorities as witnesses to the incidents described here. They will be represented by lawyer Heike Geiswald, through whom the witnesses can also be contacted.

1. Witness 1: [REDACTED]
2. Witness 2: [REDACTED]
3. Witness 3: [REDACTED]
4. Witness 4: [REDACTED]
5. Witness 5: [REDACTED]
6. Witness 6: [REDACTED]
7. Witness 7: [REDACTED]
8. Witness 8: [REDACTED]
9. Witness 9: [REDACTED]

B. Overview of northern and eastern Syria

The Syrian conflict began in 2011 as part of the Arab Spring with mass demonstrations against the regime of President Bashar al-Assad. By 2012, it had escalated into a civil war in which opposition groups fought to take control from the government. The conflict became more complex with the rise of Islamist extremist groups, in particular the so-called Islamic State in Iraq and Syria (ISIL/ISIS), which conquered large swathes of territory in Syria and Iraq in 2014. In response to ISIS's rapid expansion and brutal tactics, an international, US-led coalition was formed that included Western allies such as the UK and France as well as regional partners to fight against ISIS and prevent further destabilization.

A key partner of the coalition on the ground was the Syrian Democratic Forces (SDF), a multi-ethnic military alliance founded in 2015. The SDF, which consists mainly of Kurdish fighters from the People's Defense Units (YPG/YPJ) as well as Arab and Assyrian forces, developed into the central military force in the fight against ISIS in NES. With military and logistical support from the US, the SDF played a decisive role in dismantling IS territorial control by 2019.¹

¹European Union Agency for Asylum, Syrian Democratic Forces and Asayish, April 2024, <https://euaa.europa.eu/country-guidance-syria-2024/33-syrian-democratic-forces-and-asayish>, last accessed on 22.10.2024.

The Kurds in Syria had already begun to organize their own autonomous administration in the early years of the civil war. In 2012, amidst the chaos of the conflict, Kurdish-led forces in NES established a self-government in the region that became known as the Autonomous Administration of North and East Syria (AANES), also referred to as Rojava. This *de facto* autonomous region comprises a diverse population of Kurds, Arabs, Assyrians, Ezidis and other minorities, governed under a social contract that emphasizes democratic values, gender equality and inclusivity.

C. The current conflict dynamics in North and East Syria

North and East Syria, administered by the AANES, remains a region of ongoing instability and conflict. Although the Syrian Democratic Forces (SDF) successfully rejected the territorial claims of ISIS in 2019, the region continues to face significant security challenges, political tensions and humanitarian crises. Turkey's intensified military operations since 2016 pose a serious threat to the region. At the same time, local clashes between the Syrian regime, various opposition groups and the remnants of extremist factions are contributing to the ongoing violence. The impact of these conflicts is far-reaching and includes displacement, damaged infrastructure and economic hardship, with the civilian population bearing the brunt of the instability.

The key conflict areas in northern and eastern Syria include the cities of Afrin, Tal Abyad, Ras al-Ayn (Serekaniye) and Manbij, as well as the border regions with Turkey. Afrin, once under Kurdish control, was captured by Turkish forces and Turkish-backed Syrian militias during the 2018 military operation "Olive Branch". Similarly, Tal Abyad and Ras al-Ayn were occupied by Turkish forces in 2019 as part of Operation Peace Spring. These regions have since experienced ongoing violence, including attacks on civilians and civilian infrastructure, forced displacement and clashes between Turkish-backed militias and Kurdish forces. Other significant conflict zones include areas near the Euphrates River and Deir Ez-Zor, where local Arab tribes and remnants of ISIS cells sporadically clash with SDF forces, adding to the complexity of the situation.

Turkey plays a central role in the conflict in northern and eastern Syria, motivated by its rejection of the increasing autonomy of Kurdish forces in the region. The Turkish government considers the Democratic Union Party (PYD) and the YPG to be offshoots of the Kurdistan Workers' Party (PKK), which is classified as a terrorist organization by Turkey, the EU and the US. In response to the formation of a cohesive Kurdish entity, Turkey has initiated several military operations, including "Operation Euphrates Shield" (2016), "Operation Olive Branch" (2018) and "Operation Peace Spring" (2019), which specifically target areas controlled by AANES and thus lead to the destabilization of the region.

In addition, Turkey significantly expanded its military presence in northern and eastern Syria through a series of airstrikes between October 2023 and January 2024, which further intensified the conflict dynamics. These airstrikes targeted strategically important areas controlled by the Autonomous Administration of North and East Syria (AANES) and had a devastating impact on the civilian population as well as critical civilian infrastructure. Turkish forces attacked oil and gas facilities, water stations, schools, hospitals and residential buildings, severely disrupting basic services and the region's economic base. Agricultural land and bakeries were also attacked, exacerbating the already tense humanitarian crisis.

Turkey fears that the establishment of an autonomous Kurdish region in Syria could promote Kurdish autonomy within its own borders. However, the classification of AANES and the SDF as terrorist organizations is not shared by international actors in Syria. Many, including the US-led coalition, consider the SDF, which also includes the YPG, to be crucial allies in the fight against IS and a stabilizing force in the region.

D. History of Turkey's military operations in northern and eastern Syria

Due to its geographical proximity to Syria as well as its political, economic and cultural interests in the region, Turkey is a key player in the Syrian civil war. After the failed coup in 2016, Turkey's involvement in Syria became crucial to restore confidence in the Turkish armed forces.

Over the course of four years, Turkey launched three major military operations in Syria, officially declared as “counter-terrorism operations”, targeting Kurdish-controlled areas.

1. Operation Euphrates Shield (2016-2017)

On 24 August 2016, Turkey launched “Operation Euphrates Shield”, invoking its right to self-defense under Article 51 of the UN Charter. According to a statement by the Turkish National Security Council, the operation aimed to secure the Turkish-Syrian border, combat IS terrorism and, from Turkey's perspective, prevent the emergence of a so-called “terror corridor” that could be established by the PKK and the PYD/YPG along Turkey's southern border.²

At the heart of Operation Euphrates Shield were the Turkish Special Forces and the Turkish Armed Forces (TAF), supported by Turkish-backed rebel groups (TBRF), including the Free Syrian Army (FSA). In the course of the operation, Turkey captured the towns of Jarabulus, Al-Rai and Al-Bab. Within the first 50 days, Turkish forces secured an area of 1,100 square

²Hurriyet, *Turkey can start new operation if necessary as Euphrates Shield ends*: PM, March 2017. Available at: <https://www.hurriyetdailynews.com/turkey-can-start-new-operation-if-necessary-as-euphrates-shield-ends-pm--111401>, last accessed 17.10.2024.

kilometers, which was expanded to 2,000 square kilometers by the end of the operation in March 2017. By the end of the operation, Turkey had established a so-called “security zone” along its border with Syria, allowing it to assert control over the region. As part of its broader strategy, Turkey trained some 7,000 FSA (later renamed the Syrian National Army (SNA)) fighters to fight on its behalf. Turkey also announced that it had relocated the Free Syrian Army (FSA) as well as Syrian refugees previously living in Turkey to this so-called 'safe zone', further expanding its influence in northern Syria.³

Despite the officially stated objectives, IS was largely spared, while the real intention of the operation was to prevent the unification of Kurdish-controlled areas in northern Syria - namely Kobanê, Cizîrê and Efrîn - and thus block the formation of an autonomous Kurdish region and weaken Kurdish self-government under the AANES. This action led to political tensions within NATO, especially with the United States, as Turkey's priority was to prevent the unification of Kurdish areas instead of prioritizing the fight against ISIS.⁴

The Syrian government condemned the operation, accusing Turkey of violating Syria's sovereignty and attempting to establish its own zone of influence by using allied rebel groups.⁵

2. Operation Olive Branch (2018)

On January 20, 2018, the Turkish military began attacking the Kurdish-inhabited region of Afrin in Syria as part of “Operation Olive Branch”. In a letter to the Security Council dated January 22, 2018, Turkey declared this action as an act of self-defense under Article 51 of the UN Charter. The letter states: “The terrorist threat from Syria targeting our borders continues. The recent increase in rocket attacks and shelling targeting the provinces of Hatay and Kilis in Turkey from the Afrin region in Syria, which is under the control of the PKK/KCK/PYD/YPG terrorist organization, has led to the deaths of many civilians and soldiers and injured many more.”⁶

This pretext served as justification for a full-scale military offensive that began with airstrikes by 72 Turkish warplanes on over 100 targets, including military facilities and civilian

³BBC, *Turkey 'ends' Euphrates Shield campaign in Syria*, 30.03.2017, <https://www.bbc.com/news/world-middle-east-39439593>, last accessed on 22.10.2024.

⁴Hurriyet, *Turkey can start new operation if necessary as Euphrates Shield ends*: PM, March 2017. Available at: <https://www.hurriyetdailynews.com/turkey-can-start-new-operation-if-necessary-as-euphrates-shield-ends-pm--111401>, last accessed 17.10.2024.

⁵RFI, *Damascus condemns Turkish intervention in Syria*, 24.08.2016. Available at: <https://www.rfi.fr/en/contenu/20160824-damascus-condemns-turkish-intervention-syria>, last accessed 17.10.2024.

⁶Academic Service of the German Bundestag, *Legal Assessment of Turkey's "Operation Olive Branch" Against the Kurdish YPG in Northern Syria*, WD 2 - 3000 - 023/18, 07.03.2018, <https://www.bundestag.de/resource/blob/546854/07106ad6d7fc869307c6c7495eda3923/wd-2-023-18-pdf-data.pdf>, last accessed on 22.10.2024.

infrastructure. Air superiority was crucial due to the mountainous terrain of Afrin. Turkey received Russian consent to use the airspace in NES, which enabled the Turkish airstrikes to be carried out.

The airstrikes were followed by a ground offensive involving around 25,000 fighters from various militias under the umbrella of the Turkish-backed Syrian National Army (SNA). These militias, which included groups such as Ahrar al-Sham, Faylaq al-Sham, Jaish al-Nukhba and Jabhat al-Shamiya, had different ideological backgrounds, many of which were rooted in Islamist ideologies. Some, like Faylaq al-Sham, were closely aligned with Turkey, while others had previously switched allegiances between rebel factions.

The operation resulted in significant civilian casualties and widespread displacement. According to Airwars, between 543 and 699 civilians were killed by air and artillery strikes in Afrin between January and March 2018. In addition, over 300,000 civilians were displaced and dozens, including children, were killed or injured. Human rights organizations such as Human Rights Watch and Amnesty International documented civilian harm from precision-guided munitions and indiscriminate attacks.⁷

Numerous legal experts⁸, international organizations⁹ and NGOs have condemned the invasion, which undeniably violated international law. Turkey could not sufficiently substantiate its accusations. Although there were rocket attacks from Afrin that caused some casualties, these appear to have taken place after the Turkish invasion. Therefore, there was a lack of evidence of an armed attack that could have justified self-defense. Furthermore, the criteria of necessity and proportionality were not met, especially in view of the Turkish president's announcement to extend the operation to other areas.¹⁰

In addition, there was no other justification under international law for the use of force, especially not in the form of an invitation by the Syrian government. On the contrary, Syria officially protested against the attacks. This statement is to be regarded as an official position.¹¹ Any secret consent or tacit approval by Syria would not be considered valid consent

⁷Amnesty International, *Syria: Turkey must stop serious violations by allied groups and its own forces in Afrin*, 02.08.2018. 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-afirin/>, last accessed on 17.10.2024;

Human Rights Watch, *Syria: Afrin Residents Blocked from Fleeing, Aid*, 08.04.2018. Available at: <https://www.hrw.org/news/2018/04/08/syria-afirin-residents-blocked-fleeing-aid>, last accessed on 17.10.2024.

⁸Anne Peters, *The Turkish Operation in Afrin (Syria) and the Silence of the Lambs*, EJIL:TALK, 30 January 2018. Available at: <https://www.ejiltalk.org/the-turkish-operation-in-afirin-syria-and-the-silence-of-the-lambs/>, last accessed on 17.10.2024.

⁹Report of the Independent International Commission of Inquiry on the Syrian Arab Republic (A/HRC/40/70) [EN/AR].

¹⁰Anne Peters, *The Turkish Operation in Afrin (Syria) and the Silence of the Lambs*, EJIL:TALK, 30 January 2018. Available at: <https://www.ejiltalk.org/the-turkish-operation-in-afirin-syria-and-the-silence-of-the-lambs/>, last accessed on 17.10.2024.

¹¹Hazem Sabbagh, Syria strongly condemns Turkish aggression on Afrin, Syrian Arab News Agency, 20 January 2018, <https://sana.sy/en/?p=125216>, last accessed on 17.10.2024.

under international law. Based on the known facts, this was a clear violation of international law.

On March 18, 2018, Turkey declared the conquest of Afrin and officially ended the operation.¹² Subsequently, Turkey established its own administrative structures in Afrin by dismantling the institutions of the Autonomous Administration of North and East Syria (AANES) and replacing Kurdish with Turkish and Arabic as official languages. The Turkish lira became the local currency and the names of streets and schools were changed.¹³

The Turkish-backed militias in Afrin have been widely accused of committing serious human rights violations, including arbitrary arrests, torture, looting, enforced disappearances and sexualized violence. Cultural and religious sites, including UNESCO-protected sites, have been damaged by Turkish bombardments. These acts have been condemned as violations of international law, leading human rights organizations such as the European Center for Constitutional and Human Rights (ECCHR) and Syrians for Truth and Justice (STJ) to file criminal complaints with the German Attorney General.¹⁴

3. Operation Peace Spring (2019)

Operation Peace Spring was launched by Turkey on October 9, 2019, following the withdrawal of US troops from this AANES-controlled area. The Turkish government identified two main objectives for the operation: (1) the establishment of a 30-kilometer deep “security zone” along the Syrian-Turkish border, where up to 2 million of the 3.6 million Syrian refugees living in Turkey could be resettled, and (2) the displacement of Kurdish YPG forces, which Turkey considers a Syrian offshoot of the PKK, east of the Euphrates River.¹⁵

The offensive began with Turkish airstrikes on the border towns of Ras al-Ayn/Serê Kaniyê and Tell Abyad/Girê Spî in northeastern Syria, followed by ground operations by the Turkish

¹²Daily Sabah, Turkey-backed Free Syrian Army forces declare victory over terrorists in Afrin, 18.03.2018. Available at: <https://www.dailysabah.com/politics/2018/03/18/turkey-backed-free-syrian-army-forces-declare-victory-over-terrorists-in-afrin>, last accessed on 17.10.2024.

¹³AL-HILU, Khayrallah, Afrin under Turkish control: political, economic and social transformations, 25.07.2019, p.10, <https://cadmus.eui.eu/handle/1814/63745>, last accessed on 17.10.2024.

¹⁴ECCHR, Crimes in Syria: The neglected atrocities of Afrin, <https://www.ecchr.eu/en/case/crimes-in-syria-the-neglected-atrocities-of-afrin/>, last accessed on 17.10.2024.

¹⁵Twitter Account of Recep Tayyip Erdogan, Tweet from 09.10.2019, <https://x.com/RTErdogan/status/1181922277488762880>, last accessed on 17.10.2024.

Armed Forces (TAF) and Turkish-backed SNA militias.¹⁶ The operation was interrupted by two ceasefires brokered by both the United States and Russia.¹⁷

As part of an agreement between Turkey and Russia on 22 October 2019, the SDF had to withdraw about 30 kilometers from a 120-kilometer border strip with Turkey. As a result, the area came fully under the control of the Turkish armed forces and their allied SNA factions.¹⁸ Despite these agreements, the “security zones” established were smaller than originally planned. Parts of the previously Kurdish-controlled areas, including Kobanê and Manbij, came under the control of the Syrian government in the context of external security.¹⁹ This operation enabled Turkey to achieve its goal of significantly reducing the Kurdish presence along its borders.²⁰

While Turkey declared the operation a military and diplomatic success, it faced widespread international criticism. Numerous reports of human rights violations and war crimes attributed to the TAF and SNA militias have been published, including attacks on civilians, the use of banned weapons such as phosphorus bombs, targeted killings, displacement and ethnic cleansing.²¹

Since its invasion of the region, Turkey has exercised *de facto* control over Ras al-Ayn/Serê Kaniyê and Tell Abyad/Girê Spî. This control was confirmed in the September 2020 report of the Independent International Commission of Inquiry on the Syrian Arab Republic (COI-Syria).²² Turkey secures its rule through more than 41 military bases and bases as well as through its proxies, the SNA, which it supports financially, militarily and logistically. Turkish forces and their allied factions have seized the homes of displaced civilians and used them as military headquarters.²³

¹⁶VOA News, “Which Syrian Groups Are Involved in Turkey’s Syria Offensive?”, 9 October 2019, <https://www.voanews.com/a/extremism-watch-which-syrian-groups-are-involved-turkeys-syria-offensive/6177353.html>, last accessed on 17.10.2024.

¹⁷ The White House, “*The United States and Turkey Agree to Ceasefire in Northeast Syria*”, The White House, 17 October 2019, <https://trumpwhitehouse.archives.gov/briefings-statements/united-states-turkey-agree-ceasefire-northeast-syria/>, last accessed on 17.10.2024.

“*Memorandum of Understanding Between Turkey and the Russian Federation*”, Official Internet Resources of the President of Russia, 22 October 2019, <http://en.kremlin.ru/supplement/5452>, last accessed on 17.10.2024.

¹⁸ibid.

¹⁹ Joanne Stocker, *Syrian government forces set to enter Kobani and Manbij in SDF deal*, 13.10.2019, <https://thedefensepost.com/2019/10/13/syria-government-russia-kobani-manbij-sdf/>, last accessed on 17.10.2024.

²⁰ Human Rights Watch, “*Everything is by the Power of the Weapon*”, 29.02.2024, <https://www.hrw.org/report/2024/02/29/everything-power-weapon/abuses-and-impunity-turkish-occupied-northern-syria>, last accessed on 17.10.2024.

²¹ Amnesty International, *Syria: Damning evidence of war crimes and other violations by Turkish forces and their allies*, 18 October 2019, <https://www.amnesty.org/en/latest/press-release/2019/10/syria-damning-evidence-of-war-crimes-and-other-violations-by-turkish-forces-and-their-allies/>, last accessed on 17.10.2024.

²² Report of COI-Syria (A/HRC/45/31), 15 September 2020, para. 67.

²³ Euro News, *Syrian National Army: Our salaries and weapons come from Turkey when necessary (in Turkish)*, 12 August 2018, <https://tr.euronews.com/2018/08/12/suriye-milli-ordusu-maasimiz-ve-gerektiginde-silahimiz-turkiye-den> last accessed on 17.10.2024.

The Syrian government strongly protested against the intervention, citing violations of its sovereignty.²⁴ The European Parliament condemned the operation and expressed deep concern about the humanitarian consequences and the potentially destabilizing effect on the region, particularly with regard to a possible resurgence of ISIS.²⁵ The Research Service of the German Bundestag also classified the Turkish attacks of 2018 and 2019 as contrary to international law, as Turkey did not sufficiently meet its burden of proof to justify an acute self-defense situation.²⁶

Particular attention was paid to atrocities committed by Turkish-backed militias, including the execution of prominent Kurdish politician Hevrin Khalaf²⁷ and lawyer Luqman Hamid Hanan, which further intensified international criticism. The European Parliament and various human rights organizations condemned these acts and expressed concern about Turkey's role in exacerbating the humanitarian crisis in the region.

The military operation resulted in significant civilian casualties, including 120 civilians, according to reports by the Syrian Observatory for Human Rights (SOHR).²⁸ UN sources pointed out that the operation led to the displacement of at least 180,000 people, including 80,000 children.²⁹

4. Airstrikes Between October 4, 2023, and January 15, 2024

Turkey's military operations against the AANES and SDF in northeastern Syria escalated significantly once again in October 2023, marking the start of the period under investigation in this complaint. This escalation initiated a series of intensive air campaigns primarily targeting civilian sites. The escalation followed a suicide attack on Turkey's Interior Ministry in Ankara on October 2, 2023, which was attributed to the PKK. In response, Turkey declared that

²⁴ "Syria blames Kurdish forces for Turkish military offensive". *Xinhua Net*. 11 October 2019. Archived from the original on 11 October 2019.

²⁵ European Parliament, [European Parliament resolution of 24 October 2019 on the Turkish military operation in northeast Syria and its consequences \(2019/2886\(RSP\)\)](#).

²⁶ Academic Services, German Bundestag, "International Law Aspects of the Turkish Military Operation "Peace Spring" in Northern Syria", October 17, 2019, p. 8, available at: <https://www.bundestag.de/resource/blob/663322/fd65511209aad5c6a6eae95eb779fcba/WD-2-116-19-pdf-data.pdf>, last accessed October 22, 2024.

²⁷ STJ, *New Evidence Supporting the National Army's Accusations in the Murder of the Kurdish Politician Hevrin Khalaf*, 10 December 2019, <https://stj-sy.org/en/new-evidence-supporting-the-national-armys-accusations-in-the-murder-of-the-kurdish-politician-hevrin-khalaf/>, last accessed October 22, 2024.

²⁸ Syrian Observatory for Human Rights, *11 days of Operation "Peace Spring": 120 civilian casualties, SDF withdraws from "Ras al-Ain" and the international coalition withdraws from 2 military bases. The death toll among the "SDF", the regime, Turkish forces and factions loyal to it rises to 470*, 20.10.2019, <https://www.syriahr.com/en/144627/>, last accessed October 22, 2024.

²⁹ UN Security Council 8645. Meeting, *Turkey's Military Operation Has Displaced Thousands of Civilians, Worsened Syria's Dire Humanitarian Crisis*, Top Official Warns Security Council, 24.10.2019, SC/13994, <https://press.un.org/en/2019/sc13994.doc.htm>, last accessed October 22, 2024.

infrastructure and energy facilities in NES, especially those linked to the SDF, would be considered legitimate military targets.³⁰

A. Timeline of the Attacks

On October 4, 2023, Turkey's Foreign Minister, Hakan Fidan, announced that all structures associated with the PKK and YPG, including infrastructure, would be targeted by Turkish military operations.³¹ Between October 4, 2023, and January 15, 2024, Turkey conducted three separate air campaigns involving over 200 airstrikes.³² These targeted critical infrastructure such as oil and gas fields, power stations, and water supply facilities. Repeated bombings continued even after repair efforts, leading to severe damage to essential services affecting millions of civilians.³³

B. The First Wave of Airstrikes

The first wave of airstrikes began on the night of October 4, 2023, when Turkish forces launched attacks over several days on more than 150 critical targets. The areas targeted included power plants, energy facilities, and water supply infrastructure that served major cities and communities. One of the most significant attacks took place at the Suwaydiyah power plant, which supplied electricity and gas to the al-Jazira/Cezîre region and Hasakeh/Hesekê Governorate. The destruction of this facility caused widespread power outages and disrupted gas supply, leaving over one million residents without electricity. Additionally, Turkish drones attacked villages, resulting in civilian injuries and fatalities.³⁴

C. The Second Wave of Airstrikes

As further retaliation for a PKK attack in northern Iraq on December 23, 2023, Turkey launched a second large-scale air offensive against NES on December 25, deploying drones and military aircraft once again.³⁵ On December 26, Turkey's intelligence service (MIT), led by İbrahim Kalın, released a report detailing the attacks. These resulted in the destruction of

³⁰Turkish Ministry of Defense, No: 246, October 6, 2023, *Press Release Regarding Operations Against PKK/YPG Terrorist Targets in Iraq and Syria*, available at: https://www.disisleri.gov.tr/no_-246_-irak-ve-suriye-de-pkk-ypg-teror-hedeflerine-yonelik-operasyonlarimiz-hk.en.mfa, last accessed October 18, 2024.

³¹Bianet News, *Hakan Fidan: All Facilities Under the Control of the PKK and YPG Are Now Legitimate Targets* (in Turkish), October 4, 2023, available at: <https://bianet.org/haber/hakan-fidan-pkk-ve-ypg-nin-kontrolundeki-tum-tesisler-artik-mesru-hedef-285783>, last accessed October 18, 2024.

³² Rojava Information Center (RIC), *Turkey's October Campaign: Airstrikes Targeting North and East Syria's Essential Infrastructure*, 12.12.2023, <https://rojavainformationcenter.org/2023/12/turkeys-october-campaign-airstrikes-targeting-northeast-syria-essential-infrastructure/>, last accessed October 18, 2024.

³³ Syrians for Truth and Justice (STJ), *'As If an Earthquake Had Struck': Turkish Airstrikes Are Killing Life in Northeast Syria*, 25.06.2024, <https://stj-sy.org/en/as-if-an-earthquake-had-struck-turkish-airstrikes-are-killing-life-in-northeast-syria/>, last accessed October 18, 2024.

³⁴ *ibid.*

³⁵ RIC, *TURKEY'S CHRISTMAS AIRSTRIKES TARGETING NORTH AND EAST SYRIA'S CIVILIAN SERVICE FACILITIES AND INFRASTRUCTURE*, 25.12.2023, S.5, <https://rojavainformationcenter.org/storage/2023/12/first-short-report.pdf>, last accessed October 18, 2024.

nearly 50 facilities across various cities in the region, including Qamishli/Qamishlo, Amuda, and Ayn al-Arab/Kobanî.³⁶

The facilities, designated as "terrorist" targets, were largely civilian in nature, with health facilities specifically impacted this time. Among the destroyed sites were the Sadcop industrial plant, a printing press, the old train station, a cement factory, a mill, grain silos, a cotton factory, a park near the Alaya prison, a ceramics warehouse, the Al-Falaheen gas station, and an agricultural supplies factory in Qamishlo. In Amude, a lentil packaging plant, a wedding hall, and an olive oil factory were hit. Additionally, Mehrkan village in Tirbespi, the Mishtenur Medical Center, and the Kobanî Medical Center in Kobanê, an auto repair shop, and a feed factory in Kobanê were targeted in the attacks.³⁷ These airstrikes resulted in the deaths of at least nine civilians and injured at least 18 others.³⁸

As part of this campaign, which deliberately targeted civilian infrastructure, the Turkish air force again focused on the Auda oil field and several other energy facilities. Most of the airstrikes concentrated on critical infrastructure such as food production sites, industrial facilities, warehouses, and health facilities. Two medical centers in Kobanê, the Mishtenur Medical Center and the Kobanî Medical Center (KMC), were destroyed and had to cease operations completely. The destruction of the Kobanî Medical Center forms the basis for this criminal complaint. Additionally, the perimeter of an internally displaced persons (IDP) camp in Hasakah city was attacked, forcing several humanitarian organizations operating in the camp to temporarily suspend their activities.³⁹ In another strike on a printing press, four employees, including a young woman, lost their lives.⁴⁰

D. The third wave of air strikes

In January 2024, Turkey launched its third intensive air campaign, which lasted from the 12th to the 15th of the month. Fighter jets and drones targeted at least 64 locations in different regions. The airstrikes focused on much of the region's critical civilian infrastructure, including the Suwaydiyah gas and power plant and facilities in the Auda oil field, which had already

³⁶NTV, "MIT Operation in Syria: Nearly 50 Targets Hit" (in Turkish), December 26, 2023, available at: <https://www.ntv.com.tr/turkiye/mitten-suriyede-operasyon-50ye-yakin-hedef-vuruldu.cTMstiEYOE2TPfL9MLNxA>, last accessed October 18, 2024;

Press Release of the Turkish Ministry of Defense, *Statement on Air Operations in Northern Iraq and Northern Syria*, December 23, 2023, available at: https://www.disisleri.gov.tr/no_-246_-irak-ve-suriye-de-pkk-ypg-teror-hedeflerine-yonelik-operasyonlarimiz-hk.en.mfa, last accessed October 18, 2024.

³⁷ RIC, *TURKEY'S CHRISTMAS AIRSTRIKES TARGETING NORTH AND EAST SYRIA'S CIVILIAN SERVICE FACILITIES AND INFRASTRUCTURE*, 25.12.2023, S.5, <https://rojavainformationcenter.org/storage/2023/12/first-short-report.pdf>, last accessed October 18, 2024.

³⁸ Syrians for Truth and Justice (STJ), "As If an Earthquake Had Struck": Turkish Airstrikes Are Killing Life in Northeast Syria, 25.06.2024, <https://stj-sy.org/en/as-if-an-earthquake-had-struck-turkish-airstrikes-are-killing-life-in-northeast-syria/>, last accessed October 18, 2024.

³⁹ *ibid.*

⁴⁰ Airwars Civilian Casualties, "Civilian Casualties: December 25, 2023," <https://airwars.org/civilian-casualties/ts670-december-25-2023/>.

been completely or partially destroyed in the previous two campaigns. The attacked facilities were put out of operation during this offensive. The airstrikes resulted in injuries to six civilians, including two children.⁴¹

E. Crimes committed against the civilian population

Various institutions, including the Independent International Commission of Inquiry on the Syrian Arab Republic⁴² (established on August 22, 2011 by the United Nations Human Rights Council to investigate human rights violations during the Syrian Civil War), Syrians for Truth and Justice (STJ)⁴³, Human Rights Watch⁴⁴, the NES NGO Forum⁴⁵, the Research Services of the German Bundestag⁴⁶ and others have documented serious human rights violations targeting the Kurdish-dominated civilian population in northeastern Syria. These violations include indiscriminate military attacks, the destruction of critical civilian infrastructure, severe physical and psychological harm and displacement.

In the following section, these acts of violence are described in detail, with concrete evidence provided for further clarification. A particular focus of this criminal complaint is the destruction of the Kobanî Medical Center (KMC), which served as a vital medical dispensary for the local population in Kobanê. The attacks on the Kobanî Medical Center (KMC) and other medical facilities have severely disrupted medical care and triggered a wave of displacement. The attacks caused considerable physical and psychological damage, as patients no longer had

⁴¹ Syrians for Truth and Justice (STJ), "As If an Earthquake Had Struck": Turkish Airstrikes Are Killing Life in Northeast Syria, 25.06.2024, <https://stj-sy.org/en/as-if-an-earthquake-had-struck-turkish-airstrikes-are-killing-life-in-northeast-syria/>, last accessed October 18, 2024.

⁴² Statement by Paulo Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic (New York, 24 October 2023), <https://reliefweb.int/report/syrian-arab-republic/statement-paulo-pinheiro-chair-independent-international-commission-inquiry-syrian-arab-republic-new-york-24-october-2023>, last accessed October 18, 2024; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 12.08.2024, A/HRC/57/86, <https://documents.un.org/doc/undoc/gen/q24/133/77/pdf/q2413377.pdf>, last accessed October 18, 2024..

⁴³ Syrians for Truth and Justice (STJ), "As If an Earthquake Had Struck": Turkish Airstrikes Are Killing Life in Northeast Syria, 25.06.2024, <https://stj-sy.org/en/as-if-an-earthquake-had-struck-turkish-airstrikes-are-killing-life-in-northeast-syria/>, last accessed October 18, 2024.

⁴⁴ Human Rights Watch, *Northeast Syria: Turkish Strikes Disrupt Water, Electricity*, 26.10.2023, <https://www.hrw.org/news/2023/10/26/northeast-syria-turkish-strikes-disrupt-water-electricity>, last accessed October 18, 2024.

⁴⁵ NES NGO Forum, Situation Report #1, October 7, 2023: *Escalation of Hostilities Targeting Critical Civilian Infrastructures in Northeast Syria*, 07.10.2023, https://reliefweb.int/attachments/fbd05075-b9fc-4584-929e-45f66cadcd98/NESF%20SITREP%20on%20Escalation%20of%20Hostilities%20targeting%20Critical%20Civilian%20Infrastructures%20in%20Northeast%20Syria_October%201157%202023.docx_FINAL.pdf, last accessed October 18, 2024; NES NGO Forum, Situation Report #2, October 16, 2023: *Escalation of Hostilities Targeting Critical Civilian Infrastructures in Northeast Syria*, 16.10.2023, <https://reliefweb.int/report/syrian-arab-republic/situation-report-2-october-16-2023-escalation-hostilities-targeting-critical-civilian-infrastructures-northeast-syria>, last accessed October 18, 2024.

⁴⁶ Wissenschaftliche Dienste des Deutschen Bundestags, *Türkische Militäroperation in Nordsyrien aus völkerrechtlicher Sicht*, WD 2 - 3000 - 010/24, 28. Februar 2024, https://goekay-akbulut.de/wp-content/uploads/WD-2-010-24_Kriegsverbrechen-in-Nordsyrien.pdf, last accessed October 18, 2024.

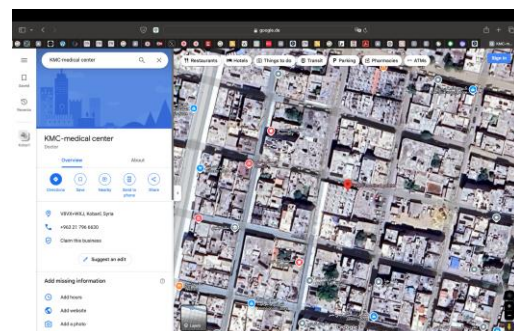
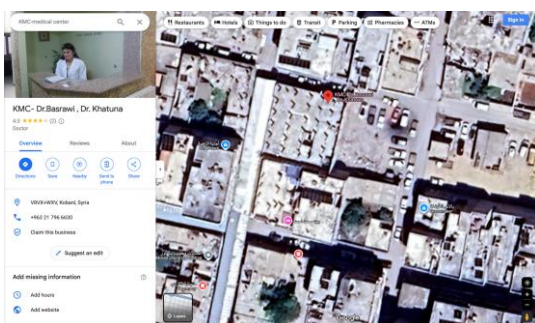
access to the necessary medical care. As a result, the civilian population, especially in Kobanê, is suffering from fear and trauma. The targeted destruction of medical infrastructure has permanently shaken confidence in the safety and availability of healthcare and is increasing the suffering of the people in the region.

1. Indiscriminate military attacks

Indiscriminate attacks are characterized by the fact that they hit both military targets and civilians or civilian objects without distinguishing between them. Between October 2023 and January 2024, Turkey significantly intensified its airstrikes on AANES and carried out one of the worst military operations since 2019. Not only military, but especially civilian objects such as homes and infrastructure were targeted without warning, which can be seen as an act of violence against the civilian population. These acts are a form of collective punishment in response to the suicide bombing that took place in Ankara on October 1, 2023.⁴⁷

The air campaign, which began on October 4, led to the systematic destruction of critical civilian infrastructure, including the Kobanê Medical Center (KMC). In the attack on the KMC, Turkish missile strikes made no distinction between medical facilities and military targets. This becomes particularly clear when the location of the KMC in Kobanê is considered. Satellite images clearly show that the KMC is located in the city center, surrounded by civilians and civilian objects such as pharmacies, other medical facilities, doctors' offices, supermarkets, jewelers, restaurants, cell phone stores and numerous other services for the population. There was therefore no military necessity to attack the KMC, as there were no military targets of the SDF in the immediate vicinity.

Evidence: Satellite images (coordinates: 36.89487, 38.34991) from Google Maps as Appendix A1 and A2



⁴⁷ Rojava Information Center (RIC), *Turkey's October Campaign: Airstrikes Targeting North and East Syria's Essential Infrastructure*, 12.12.2023, S.3, <https://rojavainformationcenter.org/2023/12/turkeys-october-campaign-airstrikes-targeting-essential-infrastructure/>, last accessed October 18, 2024.

2. Destruction of civilian infrastructure

The Turkish airstrikes on north-eastern Syria between October 2023 and January 2024 led to widespread destruction of critical civilian infrastructure and exacerbated an already severe humanitarian crisis. These attacks targeted essential facilities such as power plants, water facilities, schools, hospitals and agricultural land, crippling the region's ability to provide basic services to millions of residents. The attacks not only affected access to vital resources such as electricity, water and medical care, but also devastated local economies, leading to widespread displacement and loss of livelihoods. Humanitarian organizations condemned the attacks, citing violations of international law, while the local population struggles to survive with growing shortages of fuel, food and clean water. A report by the NES NGO Forum, a coalition of international organizations active in the region, documented the specific damage to infrastructure and highlighted the far-reaching consequences for the civilian population.⁴⁸

As the criminal complaint focuses on the targeted destruction of medical facilities, especially the Kobanê Medical Center and the Mishtenur Medical Center, the focus is on the detailed portrayal of the attack on these medical facilities and the explanation of how this attack constitutes a clear violation of international humanitarian law and international criminal law. The destruction of medical facilities protected under the Geneva Conventions is classified as a war crime, as such actions violate the principle of the inviolability of humanitarian and medical facilities in armed conflicts.

a. The destruction of medical facilities

One of the most devastating effects of the Turkish airstrikes was the destruction of medical centers and health facilities in December 2023. The targeted attacks on these facilities have severely impacted life-saving services for residents in Kobanê, Qamişlo and surrounding villages. Since October 2023, airstrikes and the deteriorating security situation have severely disrupted the operations of 38 health facilities in Heseke and Aleppo governorates. The ongoing airstrikes in NES have further weakened the regional healthcare system.

On 25 December 2023, several medical facilities, including the Mishtenur Medical Centers, which was supported by international organizations such as Doctors without Borders, and the Kobanê Medical Center, a central health facility for the local population, were completely destroyed by Turkish airstrikes.

⁴⁸ NES NGO Forum, “*Continued Impact of Damaged and Destroyed Critical Infrastructures in Northeast Syria*”, Situation Report #3, January 26, 2024.

1. The destruction of the Kobanî Medical Center

Armut und Gesundheit e.V. is a non-profit organization based in Germany that has been committed to providing medical care and support for people in crisis and war zones for many years. Since January 1, 2017, the association has been running a medical outpatient clinic in Kobanê, which treats patients with diabetes mellitus in particular. This outpatient clinic is part of the Kobanî Medical Center, which includes an emergency outpatient clinic for the urban population, an outpatient clinic for diabetics and a children's vaccination center. The Poverty and Health Association is responsible for the KMC's diabetes outpatient clinic and has been committed to helping victims of war, existential poverty, natural disasters and terror worldwide for many years. The KMC was marked with a red emblem of the Geneva Conventions to clearly signal its medical function.

Since its foundation in 2017, the KMC has provided comprehensive medical assistance, especially for war wounded injured by the attacks of the so-called IS, as well as for the examination and treatment of newborns and children. In 2018, the center opened a specialized outpatient clinic for the treatment and care of diabetic foot syndrome, as there were no comparable services in the region. Patients with diabetic complications and chronic wounds were treated here, while at the same time nursing staff were trained in dealing with these patients and instructed in patient education.

Diabetic foot is a serious complication in people with diabetes that is caused by nerve damage and circulatory problems and can lead to ulcers, infections and, in the worst cases, amputations. Skipping treatment is serious as it increases the risk of infection and impairs wound healing, which can lead to long-term health consequences and a significant reduction in quality of life. Early and continuous medical care is therefore crucial to avoid complications and ensure the quality of life of those affected.⁴⁹

In 2019, the KMC began prescribing medications such as Gliclazide and Metformin to ensure adequate medical care for diabetics in the region. In 2020 alone, the center examined and treated a total of 2,260 patients, although this figure does not include patients treated specifically for diabetes. In the same year, the center's medical team was actively involved in the fight against the COVID-19 pandemic from March to June.

⁴⁹ CDC. (n.d.). *Your Feet and Diabetes*, available at: <https://www.cdc.gov/diabetes/diabetes-complications/diabetes-and-your-feet.html>, last accessed October 19, 2024.

Since 2021, the KMC has had its own ambulance, which was used for home visits and transporting patients within a 30-kilometer radius of Kobanê. The ambulance was marked with a red emblem of the Geneva Conventions to clearly signal its medical function.

Evidence: Armut und Gesundheit in Deutschland e.V., “*Brief overview of the work of the Kobanî Medical Center in Kobanê, Syria*” as Appendix A3

The center's diabetes outpatient clinic cared for over 3,100 patients, while the emergency outpatient clinic treated between 200 and 300 people every day. The Center's services were particularly indispensable for people with chronic illnesses such as diabetes. A total of 204 patients with diabetic foot syndrome received regular treatment. The number of patients increased continuously, and around 2,500 registered people received ongoing examinations and necessary medication. The affiliated laboratory functioned smoothly and the vehicle provided by “Armut und Gesundheit in Deutschland e.V.” was continuously available to transport immobile patients for treatment. Thanks to the close cooperation with the municipal hospital in Kobanî, both facilities were able to use their resources efficiently and further strengthen medical care in the region.

The KMC was located in the city center of Kobanî, surrounded by civilians and other civilian objects such as pharmacies, other medical facilities, doctors' offices, supermarkets, jewelers, restaurants, cell phone stores and numerous other services for the civilian population (see Section III, E.1). The services offered by the KMC included an emergency clinic, a diabetes clinic and a children's vaccination center, all of which played an essential role in the well-being of the civilian population. The KMC exclusively served the civilian population and did not fulfill any military purposes.

Evidence:

Image 1: Waiting area in front of the “diabetic foot center” as Appendix A4



Image 2: Sign with red cross emblem at the entrance to the “Diabetic Foot Center” as Appendix A5



Image 3: Blood control in a diabetic patient as Appendix A6



Image 4: Figure 4 Operation on a seriously wounded civilian as Appendix A7



██████████ the head of the diabetes clinic and himself a native of Kobanê, worked tirelessly for his community. Despite the dangers, he treated the survivors of war and IS terror and thus made a significant contribution to health care in the region.

Proof: Press release by Prof. Dr. Gerhard Trabert, Chairman of the association “Armut und Gesundheit e.V.” as the sponsor of the KMC, dated 26.12.2023 as Annex A8 +

Image 5: ██████████ with a small patient who had injured an arm and a leg as Appendix A9



Until the time of the attack, six dedicated employees worked at the Kobanê Medical Center as a core team: two doctors (██████████, ██████████), two nurses (██████████ and ██████████), a driver (██████████) and a cleaner (██████████).

Evidence: Pictures of the KMC

Image 1:

Picture of the KMC core team from 2021-2022 as Appendix A10



Image 2:

Picture of the entire staff at the “Diabetic Foot Center” as Appendix A11



On December 25, 2023, the Kobanî Medical Center was completely destroyed by Turkish air strikes. The following pictures illustrate the extent of the KMC's destruction.⁵⁰

Evidence: Pictures of the KMC after the bombing as Annexes A12

Image 1: The entrance area directly after the attack



Image 2: The health center shortly after the attack



Image 3: The destroyed entrance area



Image 4: Dr. Mahmoud in front of the destroyed building

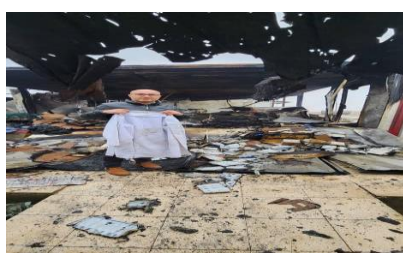
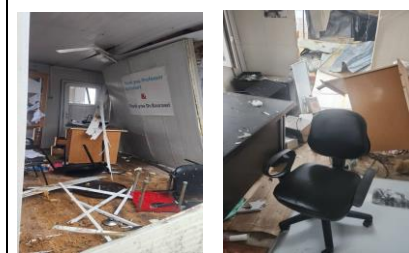


Image 5: The destroyed surroundings of the Medical Center



Images 6 and 7: The destroyed login area



⁵⁰ [A/HRC/55/64](#), paras. 98 and 99.

Image 8:
A destroyed treatment room



Image:
A destroyed treatment room



Image 10: A destroyed blood analysis laboratory device



2. The destruction of the Mishtenur Medical Center

On December 25, 2023, the Mishtenur Medical Center was hit four times by targeted airstrikes, completely destroying it. These attacks caused significant damage to all areas of the facility, including the medical departments, psychosocial support (MHPSS), sexual and reproductive health (SRH), pharmacy, storage rooms and waiting areas. Fortunately, the facility was closed for the holidays, so there were no fatalities. Nevertheless, the material losses were enormous: medical equipment, medicines, vaccines, hygiene products, furniture and MHPSS materials were destroyed. Even recently received donations of medicines from partner organizations fell victim to the attacks.⁵¹

Evidence: Statement by



Appendix A13 (in Arabic)

The Mishtenur Medical Center remains out of service. This facility was an essential care facility for the local population, providing medical assistance and free medicines not only to the residents of Kobanê but also to the surrounding villages. The center comprised several departments and offered emergency services, outpatient treatment and specialized care for women, children and diabetes patients. It cared for around 500 patients a day and reached over 110,000 people a year. The Turkish airstrikes caused severe damage to the facility, rendering it unusable. Essential medical equipment, medicines and ambulances were destroyed, resulting in an estimated loss of 200,000 US dollars.⁵²

⁵¹ Doctors of the World, *NEW ATTACK ON HEALTHCARE FACILITIES IN SYRIA*, 15.01.2024, <https://www.doctorsoftheworld.org.uk/news/new-attack-on-healthcare-facilities-in-syria/>, last accessed October 19, 2024.

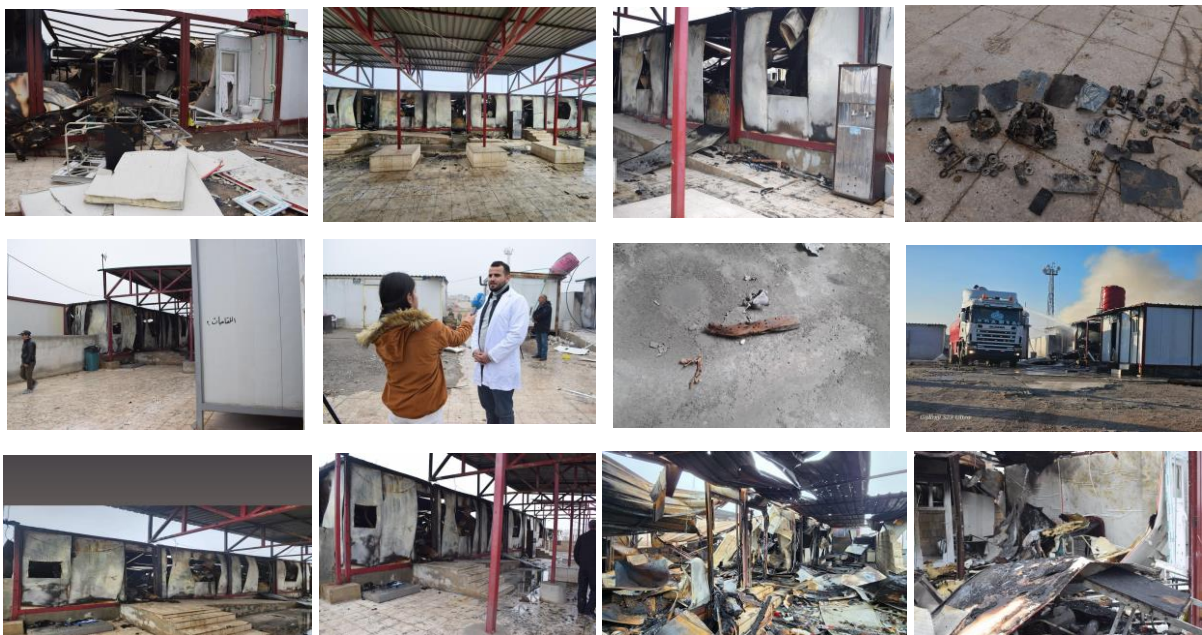
⁵² North Press Agency, *Only clinic in Syria's Kobani out of service after Turkish drone strikes*, 30.12.2023, <https://npasyria.com/en/109520/>, zuletzt besucht am 22.10.2024.

The Kobanê Health Council, which is part of AANES, reported that the center worked closely with international organizations such as Médecins du Monde (Doctors of the World) and a German partner to provide vital health services.⁵³ The closure of the center leaves a significant gap in healthcare provision in the region. Idris Ahmad, the center's director, warned that it could be months or even years before full operations are restored. Local residents such as Samira Ahmad, who relied on the center to receive free medication for chronic conditions such as diabetes and hypertension, expressed grave concern about the impact on low-income individuals who will now struggle to access necessary care. In addition, Jihan Osso, another resident, appealed to the international community to intervene, stressing that the repeated destruction of civilian infrastructure, including schools and medical centers, was placing an enormous psychological burden on the population, especially children.⁵⁴

The Mishtenur Medical Center was a purely civilian facility without any military function. It was located in the city center of Kobanê and was surrounded by other civilian facilities. There were no military targets in the immediate vicinity.

Evidence: Satellite image (coordinates: 36°53'N 38°20'E)

+ Pictures and videos of the Mishtenur Medical Center after the bombing as Appendix A14-A18



⁵³ *ibid.*

⁵⁴ *ibid.*

The ambulance, which was marked with a red emblem of the Geneva Conventions to clearly indicate its medical function, was also destroyed by the bombing.

Evidence: Picture and video of the destruction of the ambulance as attachments A19 and A20



3. The destruction of the renal dialysis clinic and medical oxygen filling station

On December 25, 2023 at 19:00, two central facilities of the health authority were targeted by Turkish forces: the dialysis center and the medical oxygen station.

The dialysis center, essential for the treatment of kidney patients since its opening in 2022, was the only dialysis center in the city.⁵⁵ It initially cared for 20 and most recently 70 patients. Each patient requires an average of three to four sessions a week, each lasting three to four hours. After the attack, the center was initially out of operation. The dialysis center suffered damage to doors, windows, interior fittings and the water pump, which was severely damaged and pumped 15,000 to 20,000 liters of distilled water a day. The extent of the damage required the immediate evacuation of the center's staff and patients. As part of an emergency measure, a few treatments could be partially restored. Nevertheless, treatment times had to be reduced in order to cope with the limited capacity. The damage inside the dialysis center is estimated at around USD 60,000.

The oxygen station, which has been operated since 2022 with the support of the US development agency USAID, was essential for the region's medical oxygen supply. It was the only oxygen bottling plant in Qamişlo. The attack rendered both facilities inoperable, with the oxygen station being completely destroyed. The total damage is estimated at 500,000 US dollars. Before the destruction, the station provided 250 to 300 oxygen cylinders a day, which

⁵⁵ North Press Agency, *Turkish strikes on dialysis center in Syria's Qamishli put patients at risk*, 05.01.2024, <https://npasyria.com/en/109658/>, last accessed October 19, 2024.

were distributed to five autonomous administration hospitals, ten private sector hospitals and other health centers. The oxygen station was located behind the city's kidney dialysis center. Behind the fence is a quiet residential area, and on the opposite side of the road is a public school.⁵⁶

Both facilities were used exclusively for civilian medical purposes and have no military function. The closest potential “military” target would be Allaya Prison, a detention facility about 200 meters away where IS members serve their sentences.

+ **Evidence:** Statement by

[REDACTED]
[REDACTED]

A21 (in Arabic)

+ Pictures of the destroyed oxygen bottling plant in Qamişlo as Appendix A22



⁵⁶ Meghan Bodette et. al, *Turkey Targets USAID Projects in Northeast Syria*, Kurdish Peace Institute, 27.04.2024, <https://www.kurdishpeace.org/research/kpi-qamishlo/turkey-targets-usaid-projects-in-northeast-syria/>, last accessed October 19, 2024.

Images of the destroyed dialysis center as Annex A23.



3. Severe Physical and Psychological Harm

The bombing of medical facilities resulted in grave physical harm to patients.

On December 28, 2023, 65-year-old Ahmed Abd al-Rahman Khadr, who was in urgent need of regular dialysis treatment due to chronic kidney failure, passed away. Following the destruction of the dialysis center in Qamişlo on December 25, 2023, by Turkish air or drone strikes, he could no longer access the life-saving treatment. Dialysis is essential for advanced kidney disease to remove harmful metabolic waste from the blood and prevent poisoning of the body. Khadr had suffered from kidney issues for over two years, and his death was directly linked to the loss of access to necessary medical care after the bombing.⁵⁷

Evidence: Statement by [REDACTED]

Dr. Ahmed Mahmud, who worked in diabetic foot treatment at the Meshtanour Medical Center, reported that on Monday, December 25, 2023, at 4:00 p.m., Turkish drones attacked and completely destroyed the hospital. The attack occurred on Christmas Day, an official holiday,

⁵⁷ Airwars Civilian Casualties, "Civilian Casualties: December 28, 2023," <https://airwars.org/civilian-casualties/ts674-december-28-2023/>.

meaning only a security guard was present at the hospital, sparing casualties. However, all equipment and medications at the facility were destroyed in the fire. Following this incident, the community was left without medical services for three months, forcing many patients to travel to distant cities such as Aleppo for treatment.

After the attack, the health condition of many patients worsened, as some could not afford to obtain necessary medications due to economic challenges. Several patients suffered more severe complications, such as amputations.

When the hospital resumed operations, most medical equipment was found to be missing. The new center is located outside the city in temporary prefabricated buildings, making it difficult for some patients to access treatment.

Evidence: Statement by [REDACTED] as Appendix A25.

4. Displacement of the Population as a Result of the Crimes

The deliberate destruction of numerous medical facilities by Turkish airstrikes not only drastically restricted healthcare services in the region but also led to the involuntary displacement of many patients reliant on life-saving medical care, particularly for diabetes and severe chronic kidney diseases. The destroyed infrastructure forced people to leave their homes and seek treatment in other cities.

Eighty-five-year-old patient [REDACTED], who suffers from severe diabetes, was forced to leave his hometown of Kobanê after the destruction of the Meshtanour Clinic to seek treatment in Aleppo. He has not returned since.

[REDACTED], a physician at the Meshtanour Clinic, also found himself compelled to flee due to the clinic's destruction, the severe humanitarian crisis, and the ongoing conflict. He sought refuge in Greece.

Similarly, civilian [REDACTED] felt forced to leave his hometown of Kobanê following the October 2023 attacks. He fled to Raqqa and has not returned.

Evidence: Testimonies of the respective witnesses.

The airstrikes displaced thousands of civilians, rendering their homes uninhabitable due to the intensifying bombardment. This led to a significant increase in internally displaced persons (IDPs), who sought refuge in already overburdened and overcrowded camps.

IV. Suspects

The complainants assert, based on publicly available information, that the following individuals are at least strongly suspected of having been criminally involved in the acts of violence described under Section III.E., either due to their command authority, prominent position, or direct contributions.

A) The Turkish President

Responsibility for the military operations in northern Syria primarily rested with Turkish President Recep Tayyip Erdoğan. As the Commander-in-Chief of the Armed Forces, he held ultimate accountability for the airstrikes conducted. On October 9, 2023, Erdoğan stated that Turkey had the right to continue cross-border operations and intelligence measures until the PKK and its alleged affiliates were completely eliminated. This declaration signaled an intensified and resolute approach against areas controlled by the Autonomous Administration of North and East Syria (AANES), which he regards as influenced by the PKK.

This statement, made following the initial airstrike campaign, underscores Erdoğan's individual criminal responsibility for the destruction of civilian infrastructure, as he justified the attacks as legitimate military targets without distinguishing between civilian and military objects. Additionally, Erdoğan implied that further airstrikes were planned, underscoring his authorization of the three airstrike campaigns between October 2023 and January 2024, which predominantly targeted the Kurdish-dominant civilian population in NES.⁵⁸

The president's role in decision-making concerning military actions demonstrated a deliberate orientation toward conducting these attacks, reflecting both "intent" and reckless disregard for civilian casualties. Given that the airstrikes occurred during a period with no active conflict with the SDF, Erdoğan's actions displayed a deliberate disregard for the principles of international humanitarian law, implicating him in war crimes.

B) The Turkish Foreign Minister

Turkish Foreign Minister Hakan Fidan is suspected due to his aggressive rhetoric following the suicide bombing in Ankara on October 1, 2023, which legitimized the escalation of military operations against the AANES. On October 4, Fidan stated that all infrastructure and facilities linked to the SDF would be considered legitimate military targets. Such statements not only

⁵⁸ Tweet (X) of Recep Tayyip Erdogan from 09.10.2023, <https://x.com/RT Erdogan/status/1711471618948542495?lang=de>, last accessed October 19, 2024.

promoted the military campaign but also undermined the legal protections afforded to civilians under international humanitarian law.

By categorizing civilian infrastructure as military targets, Fidan normalized the targeting of civilian facilities, thereby justifying war crimes. This justification rendered civilian casualties resulting from these attacks acceptable, posing a serious threat to the safety and well-being of civilians. Such actions demonstrate a deliberate disregard for international law, implicating Fidan in the consequences of the military operations.

This rhetoric blurred the distinction between military and civilian targets, significantly jeopardizing the protection of civilians in conflict zones.

C) The Turkish Minister of Defense

Turkish Defense Minister Yaşar Güler is suspected due to his strategic oversight of military operations, bearing responsibility for ensuring compliance with the principles of international law. In a statement on October 5, 2023, the Ministry of Defense justified airstrikes in northeastern Syria under the right of self-defense outlined in Article 51 of the UN Charter, claiming the strikes targeted the PKK/YPG and other terrorist-designated groups to neutralize security threats to the Turkish population.⁵⁹

However, reports of civilian casualties and infrastructure destruction in the region contradict the ministry's assurances that utmost care was taken to protect civilians and cultural sites during the attacks. This discrepancy raises serious questions about the minister's accountability and actions.

On December 23, 2023, the Ministry of Defense reiterated that airstrikes on PKK/KCK and other terrorist elements in northern Iraq and Syria aimed to preserve national security under Article 51 of the UN Charter. It emphasized measures to minimize civilian and cultural property damage. Nonetheless, the authorization of military actions targeting civilian infrastructure, including hospitals, schools, and utilities, further implicates Güler in war crimes. His role in enabling operations with systematic civilian infrastructure targeting, despite knowing the potential for significant civilian harm, supports allegations of deliberate violations of international law.

⁵⁹Press Release of the Turkish Ministry of Defense, "Statement on Airstrikes in Northern Syria", October 5, 2023, available at: <https://www.msb.gov.tr/SlaytHaber/928383eac1b04c42a191ae70467b2e6c>, last accessed October 19, 2024.

D) The Turkish Chief of General Staff

As Chief of the General Staff of the Turkish Armed Forces, Metin Gürak bore ultimate responsibility for military operations and strategies. He played a crucial role in planning and authorizing airstrikes, including decisions on target selection and engagement rules.

Gürak's actions in approving airstrikes on civilian facilities, particularly medical centers, directly implicate him. His knowledge of the civilian nature of the targeted objects and the intentional destruction of civilian infrastructure meet the criteria for *mens rea*, demonstrating unlawful intent.

E) The Commander of the Turkish Air Force

As Commander of the Turkish Air Force, Ziya Cemal Kadioğlu was responsible for conducting airstrikes, including the deployment of F-4/F-16 fighter jets. He had the authority to order and execute the attacks.

Kadioğlu's orders to target medical facilities, which are civilian by nature, also meet the threshold for individual criminal responsibility. The use of heavy explosive munitions in civilian areas reflects reckless disregard for civilian safety and confirms his awareness of the civilian nature of the targets.

F) The Turkish Army Commanders

Metin Tokel, Commander of the Second Army, played a pivotal role in implementing military strategies and the command structure leading to airstrikes. His decisions facilitated operations targeting civilian facilities.

Tokel's liability arises from his position in the command chain, which oversaw attacks on civilian objects. His failure to ensure civilian protection satisfies the criteria for *mens rea*. His actions and omissions indicate a deliberate disregard for civilian rights and protections.

G) The Turkish Intelligence Chief

Ibrahim Kalın, head of the Turkish National Intelligence Organization (MIT), is suspected due to his central role in intelligence gathering and strategic planning for military operations. As intelligence chief, he was responsible for assessing and monitoring threats, including Kurdish

forces. Providing intelligence that knowingly facilitated or justified attacks on civilians constitutes complicity in war crimes.

In December 2023, the MIT claimed the destruction of 50 military targets. However, the majority were civilian objects, including the Kobani Medical Center, Mishtanur Medical Center, Dialysis Center, and USAID Oxygen Facility, indicating a lack of distinction between military and civilian targets. Kalın's actions and omissions contributed directly to the attacks on civilians, rendering him legally culpable for the crimes committed.

V. Legal Assessment

A. Applicable Law

The legal framework for evaluating Turkish airstrikes on northeastern Syria between October 2023 and January 2024, particularly concerning the destruction of medical facilities, is grounded in international law, specifically international humanitarian law (IHL). Additionally, the German Code of Crimes Against International Law (VStGB) is crucial.

The VStGB provides the legal basis for prosecuting international crimes, including genocide, crimes against humanity, and war crimes, under the principle of universal jurisdiction. This jurisdiction enables the prosecution of crimes regardless of where they were committed or the nationality of the perpetrators.

The jurisdiction of German law enforcement authorities for these offenses derives from §1 VStGB. Furthermore, these crimes are non-prescriptive under §5 VStGB and remain prosecutable at any time.

B. Lack of National Prosecution

There are no legal or procedural barriers preventing German authorities from initiating investigations, as neither Turkey nor Syria has taken substantial steps to investigate the alleged war crimes.

Since Turkey has not ratified the Rome Statute, the International Criminal Court (ICC) cannot exercise jurisdiction unless mandated by the UN Security Council, which has not occurred. Furthermore, the Turkish judiciary has repeatedly failed to investigate human rights violations, as documented by the European Court of Human Rights (ECHR).⁶⁰ In many cases, the ECHR has waived the requirement to exhaust domestic remedies due to the inactivity of the Turkish

⁶⁰Amnesty International, *ECtHR Ruling on Demirtaş Exposes the Arbitrariness of the Turkish Judiciary*, November 21, 2018, available at: <https://www.amnesty.ch/de/laender/europa-zentralasien/tuerkei/dok/2018/egmr-entscheid-zu-demirtas-legt-willkuer-der-tuerkischen-justiz-offen>, last accessed October 19, 2024.

judicial system. The lack of judicial independence, as admitted by high-ranking Turkish officials themselves, leaves little hope for impartial investigations, especially regarding senior political and military leaders. Additionally, Turkey systematically justifies its actions in Syria as counterterrorism, further undermining any willingness to investigate war crimes.⁶¹

Due to ongoing conflicts and the lack of judicial independence in Syria, it is unrealistic to expect Syrian courts to investigate war crimes. The Syrian government itself is implicated in war crimes, making prosecution unlikely. Since neither Syria nor Turkey are parties to the ICC and the UN Security Council has not intervened, international prosecution is currently unrealistic.

Germany has previously played a leading role in prosecuting serious international crimes, as demonstrated by trials against ISIS members for the genocide of the Yazidi community and against Syrian state officials for crimes against humanity. It is therefore crucial that Germany continues this practice in this case as well and does not shy away from the political sensitivities of the matter, even when Turkish officials are involved. Any deviation from this practice would undermine Germany's leadership in the global fight against impunity, especially in cases where other jurisdictions have failed.

C. No Immunity for Suspects

A significant shift in international law has fundamentally altered the understanding of individual accountability for war crimes, crimes against humanity, and severe human rights violations. This shift has significantly weakened the traditional concept of official immunity, especially in cases involving grave breaches of international norms. Merely acting in an official capacity no longer absolves individuals of personal responsibility for such violations. International law now clearly establishes that accountability exists regardless of one's position.

This principle is enshrined in Article 27 of the Rome Statute of the International Criminal Court (ICC), which emphasizes the "irrelevance of official capacity." It explicitly states that an individual's status as a head of state, government official, or representative does not exempt them from criminal responsibility for international crimes.

The ICC has confirmed the practical application of this principle in several landmark cases, including issuing arrest warrants against former Sudanese President Omar al-Bashir and Libyan leader Muammar al-Gaddafi, even while they were sitting heads of state. These cases,

⁶¹Council of Europe, *Turkey: Authorities must restore judicial independence and stop targeting and silencing human rights defenders*, February 19, 2020, available at: <https://www.coe.int/de/web/portal/-/turkish-authorities-must-restore-judicial-independence-and-stop-targeting-and-silencing-human-rights-defenders>, last accessed October 19, 2024.

along with recent developments such as the arrest warrant against Russian President Vladimir Putin for alleged war crimes in Ukraine, underscore the enforcement of these legal principles.⁶²

Germany's Code of Crimes Against International Law (VStGB) reflects these international legal principles, ensuring that severe crimes under international law can be prosecuted regardless of official capacity. As such, claims of immunity cannot obstruct investigations or prosecutions under the VStGB.

This development is also mirrored in the interpretation of Section 20 (2) of the German Judiciary Act (GVG), reinforcing the principle that state officials cannot claim immunity for serious international crimes, regardless of their office. The global trend toward eroding immunity in cases of grave offenses supports the aim of ensuring accountability for perpetrators of war crimes, crimes against humanity, and severe human rights violations, irrespective of their status or position.

D. International Crimes

The actions of the suspects against medical facilities between October 2023 and January 2024 exhibit the defining characteristics of war crimes under Sections 8(1)(3) and (6) and Sections 10 and 11(1)(1-3) of the German Code of Crimes Against International Law (VStGB). Additionally, they fall under the provisions on crimes against humanity pursuant to Section 7(1)(4), (8), and (10) VStGB, particularly regarding the displacement and persecution of an ethnic and political group.

The available evidence substantiates the suspicion that the individuals listed in Section IV are criminally liable for the war crimes and crimes against humanity under the VStGB, either as co-perpetrators (Section 25(2) of the German Criminal Code), accomplices (Section 27(1)), or direct perpetrators (Section 25(1)(1)).

1. War Crimes

a) Overall Act

The characteristics of war crimes as defined by §§ 8(1)(3), 6, 10, and 11(1)(1–3) of the German Code of Crimes Against International Law (VStGB) are fulfilled. These crimes were committed in the context of an armed conflict. In international law, an armed conflict refers to the use of

⁶² Queen's University, *Immunity and Impunity: Personal Erik TarBush, Immunities and the International Criminal Court*, 24.06.2020, <https://globaljustice.queenslaw.ca/news/immunity-and-impunity-personal-immunities-and-the-international-criminal-court>, last accessed October 19, 2024.

armed force between states (international armed conflict (IAC)) or a protracted armed confrontation between government forces and organized armed groups, or between such groups within a state (non-international armed conflict (NIAC)).⁶³

(1) International Armed Conflict (IAC)

The current conflict between Turkey and areas controlled by the AANES constitutes an international armed conflict (IAC). The classification as an IAC is based on several criteria relevant under international law.

First, the use of military force by Turkey against Syrian territory is decisive. Although the original conflict between Turkey and the PKK began as a non-international armed conflict within Turkey, it has acquired an international character. The Turkish government views the AANES and the SDF as offshoots of the PKK and classifies them as terrorist organizations. On this basis, Turkey conducts targeted military operations in areas controlled by the AANES. Despite the Syrian government's limited control over these areas, this territory remains part of the Syrian Republic under international law. The lack of Syrian state control over the area has not reached the level of a legally relevant state disintegration (dismemberment), leaving the international legal status of the territory as Syrian state territory intact. Turkey's military actions therefore represent an intervention into the territory of another state, meeting the criteria for an IAC.

Second, the state nature of the actors is evident. The Syrian government has repeatedly condemned Turkey's military operations on Syrian territory.⁶⁴ These repeated and clear statements by the Syrian government underscore the international dimension of the conflict and support its classification as an IAC under international law norms.⁶⁵ This assessment is also shared by the Turkish government, which cited Article 51 of the United Nations Charter—providing the right to self-defense in the context of inter-state military force—at the outset of its military operations. In doing so, Turkey acknowledges its intervention in another state's territory and seeks to justify this intervention under international law.

⁶³German Federal Court (BGH), decision from July 27, 2017, 3 StR 57/17, para. 11; see also Art. 1, para. 1, Additional Protocol to the Geneva Conventions of August 12, 1949, on the Protection of Victims of Non-International Armed Conflicts (Protocol II) of June 8, 1977.

⁶⁴Tagesschau online from October 14, 2019, "*Fighting in Northeast Syria: Kurds Seek Help from Assad*," <https://www.tagesschau.de/ausland/syrien-tuerkei-151.html>, last visited on October 20, 2024.

⁶⁵duvaR.English, *Syria stipulates Turkey's withdrawal from its territory for normalization talks*, 27.09.2024, <https://www.duvarenglish.com/syria-stipulates-turkeys-withdrawal-from-its-territory-for-normalization-talks-news-65006>, last visited on October 20, 2024; Hazem Sabbagh, *Syria strongly condemns Turkish aggression on Afrin*, Syrian Arab News Agency, 20. Januar 2018, <https://sana.sy/en/?p=125216>, last visited on October 20, 2024.

Third, there is no evidence of armed attacks by the SDF against Turkey. Rather, the SDF's military activities are primarily directed against non-state armed groups such as ISIS.⁶⁶ The SDF and the AANES are independent actors operating in a territory that formally falls under Syrian sovereignty. The classification of the SDF as a terrorist organization is not shared by any other international actor apart from the Turkish government. Moreover, both the AANES and the SDF explicitly emphasize that they are neither part of nor aspire to play a role in the internal Turkish conflict with the PKK.⁶⁷

Turkey's large-scale military operations in Syrian territory demonstrate that these actions are not primarily motivated by immediate threats from the SDF but rather constitute a strategic intervention in Syrian territory.⁶⁸ Accordingly, Turkey's attacks on these entities, even when framed as "counter-terrorism," qualify under international law as acts of aggression against the Syrian state.

(2) Nexus Between the Armed Conflict and Individual Acts

The bombings of medical facilities during Turkish airstrikes on NES between October 2023 and January 2024 are linked to the ongoing armed conflict as required by §§ 8 and subsequent provisions of the VStGB. A nexus between the crime and the conflict exists if the armed conflict plays a substantial role in enabling the perpetrator to commit the crime, influences their decision to act, shapes the manner in which the act is carried out, or defines the purpose behind the act. It is important that the crime does not occur "coincidentally" during the conflict but is functionally connected to it. In this case, such a connection is clearly present.

The Turkish airstrikes included targeted attacks on civilian infrastructure such as hospitals, schools, and critical supply services like gas, electricity, and water facilities. These attacks caused extensive destruction and civilian casualties, forcing large segments of the Kurdish-dominated population to flee their homes. The military campaign, which began on October 5, 2023, employed disproportionate air operations that directly contributed to the displacement of civilians, particularly in areas controlled by the AANES.

⁶⁶ US Combined Joint Task Force, *Who We Are*, <https://www.inherentresolve.mil/WHO-WE-ARE/>, last visited on October 20, 2024;

Wladimir van Wilgenburg, *SYRIAN DEMOCRATIC FORCES (SYRIA)*, European Council on Foreign Relations, <https://ecfr.eu/special/mena-armed-groups/syrian-democratic-forces-syria/>, last visited on October 20, 2024.

⁶⁷ Tweet by Mazloum Abdî, the Commander-in-Chief of the SDF, from October 4, 2023, <https://x.com/MazloumAbdi/status/1592136296981757953>, last visited on October 21, 2024; Tweet by Mazloum Abdî, the Commander-in-Chief of the SDF, from November 14, 2022, <https://x.com/MazloumAbdi/status/1592136296981757953>, last visited on October 21, 2024.

⁶⁸ Human Rights Watch, "Everything is by the Power of the Weapon", 29.02.2024, <https://www.hrw.org/report/2024/02/29/everything-power-weapon/abuses-and-impunity-turkish-occupied-northern-syria>, last visited on October 20, 2024.

Furthermore, the ongoing bombings, which caused further displacement and destruction of critical civilian infrastructure, created widespread fear and undermined Kurdish self-administration in the region.

These actions, including the destruction of essential infrastructure and the forced displacement of civilians, align with Turkey's publicly stated military objectives and broader political goal of dismantling Kurdish self-governance. The functional connection between these airstrikes and Turkey's campaign to control Kurdish-held areas and suppress the local population through fear and violence satisfies the nexus requirements under §§ 8 and subsequent provisions of the VStGB.

b) Individual Acts

In this context, at least the causing of severe physical and psychological harm, attacks on humanitarian operations and their emblems, attacks on civilians, as well as attacks on civilian objects and disproportionate attacks pursuant to § 8(1)(8) and (10) and § 11(1) of the German Code of Crimes Against International Law (VStGB) were committed by the suspects listed under A. V. (pp. 65 f.).

(1) Attack on Civilians or Individual Civilians pursuant to § 11(1)(1) VStGB

The crime of employing prohibited methods of warfare pursuant to § 11(1) VStGB is fulfilled when a person conducts a military attack against civilians or individual civilians who are not directly participating in hostilities.

(a) Attack by Military Means

In its airstrikes in NES, Turkey primarily used unmanned drones such as the Bayraktar TB-2. These lightly armed aircraft are suitable for targeted strikes on smaller targets. For larger targets, the Turkish Air Force relies on its fleet of F-4 and F-16 fighter jets. These aircraft typically carry NATO JDAM bombs with Mk 82 or Mk 83 warheads containing 89 kg or 202 kg of explosives, respectively, while the MAM-L missile of the TB-2 contains only 10 kg of explosives.⁶⁹

⁶⁹Rojava Information Center (RIC), *Turkey's October Campaign: Airstrikes Targeting North and East Syria's Essential Infrastructure*, December 12, 2023, p. 31, <https://rojavainformationcenter.org/2023/12/turkeys-october-campaign-airstrikes-targeting-nes-essential-infrastructure/>, last visited on October 20, 2024; X Account of the Turkish Ministry of Defense from October 6, 2023, <https://x.com/tcsavunma/status/1710184733383000111?t=iwSnhKvjsAhzQqte5yEKzQ&s=09>, last visited on October 20, 2024.

Local Kurdish journalist Baderkhan Ahmad documented the damage at several locations during Turkey's recent bombings. His recordings from the Odeh oil field near Tirbespi show a crater several meters deep and more than 6 meters wide. The Rojava Information Center (RIC) documented damage to the COVID-19 hospital facility in Derik and noted a similarly large crater. In discussions with a NATO weapons expert, it was confirmed that this corresponds to an explosion of 100-200 kg of explosives.⁷⁰

Smaller MAM-L missiles leave significantly smaller craters, such as those observed at the Qamishlo power station.⁷¹ Official videos from the Turkish Ministry of Defense also show F-16 fighter jets taking off, followed by targeting system footage of airstrikes in NES, although it is unclear whether this footage comes from the F-16s or unmanned drones.⁷² While it was claimed that these attacks targeted military objectives, they systematically targeted civilian structures essential for the population's survival, such as the destruction of the Kobanê Medical Center.⁷³

The airstrike on the KMC between October 2023 and January 2024 qualifies as the use of military means.

(b) Attack on Civilians or Individual Civilians

The crime of attacking civilians is committed when military attacks are intentionally or recklessly directed against civilians, where the target is clearly the civilian population or individual civilians.⁷⁴ The attacks must primarily target a civilian population rather than merely accepting collateral damage. In the context of war crimes, the collective impact on a group of people with shared characteristics, such as political affiliation, is central. It is not necessary for the entire population of a region to be affected; it suffices if a significant group is deliberately targeted based on their affiliation.⁷⁵

In retaliation for the suicide bombing in Ankara, which occurred in the context of the internal conflict between the PKK and Turkey, Turkey launched a series of airstrikes against the civilian population in northern Syria living under the AANES. At the time of the bombing, the attacks

⁷⁰Tweet from X Account of the Turkish Ministry of Defense from October 7, 2023, <https://x.com/tcsavunma/status/1710654083877454005?t=s9SWJr7XofBSAqcunon7pw&s=09>, last visited on October 20, 2024.
⁷¹ *ibid.*

⁷²X account of the Turkish Ministry of Defense from October 7, 2023, <https://x.com/tcsavunma/status/1710654083877454005?t=s9SWJr7XofBSAqcunon7pw&s=09>, last visited on October 20, 2024.

⁷³ Airwars Civilian Casualties, "Civilian Casualties: December 24, 2023," <https://airwars.org/civilian-casualties/ts668-december-24-2023/>.

⁷⁴ Human Rights Watch, "Everything is by the Power of the Weapon", 29.02.2024, <https://www.hrw.org/report/2024/02/29/everything-power-weapon/abuses-and-impunity-turkish-occupied-northern-syria>, last visited on October 20, 2024.

⁷⁵See BGHSt 64, 10, para. 164; BGH, decision of February 3, 2021 - AK 50/20, para. 32; OLG Koblenz, 1 StE 3/21, judgment of February 21, 2021, p. 185.

occurred during a period when there were no armed confrontations between the SDF and Turkey, raising questions about the legitimacy of a military attack on the AANES. A central element of Turkey's strategy is the use of terrorism narratives. By persistently labeling the Kurdish civilian population in NES and their political representation as "terrorists" or "offshoots of the PKK," the systematic destruction of civilian objects, especially essential medical facilities, is portrayed as necessary and justified. This rhetoric blurs the lines between military and civilian targets and serves to legitimize attacks on the Kurdish-dominated civilian population in NES.

The International Criminal Tribunal for the Former Yugoslavia (ICTY) has determined that attacks on civilians and civilian objects, primarily intended to spread fear and terror, are part of a broader strategy of terrorizing the civilian population. Such attacks are not isolated acts against "civilians or objects with special protection" under international humanitarian law but systematic measures to demoralize and intimidate the civilian population.⁷⁶

Turkey's bombing of medical facilities is a deliberate strategy to terrorize the civilian population in NES. These attacks not only undermine healthcare but also create an atmosphere of fear, deterring civilians from accessing essential services. The repeated destruction of such facilities leads to profound demoralization and a sense of helplessness among the people. They experience the loss of livelihoods and face arbitrary attacks, weakening the social fabric of the community. Through the deliberate destruction of civilian infrastructure, Turkey significantly worsens the population's living conditions, leading to a humanitarian crisis.

The destruction of several medical facilities in Kobanê and Qamishlo clearly demonstrates that Turkey has intentionally accepted long-term negative consequences for the civilian population. By targeting essential medical infrastructure, including the only dialysis center in Qamishlo and oxygen facilities, the healthcare of thousands of people suffering from chronic and acute illnesses has been severely restricted. These attacks have not only immediate health consequences but also contribute to a long-term health emergency that significantly diminishes the quality of life for the affected civilian population.

The attacks suggest that the civilian population was not considered mere collateral damage but the primary target of these military operations. Even in the absence of military activities or relevant military facilities near these sites, it becomes clear that the airstrikes were conducted in clear violation of the principle of protecting civilians.

⁷⁶ ICTY, *Prosecutor v. Galić*, Case No. IT-98-29-T, *Summary of Judgment (Trial Chamber)*, 5 December 2003, available at: www.icty.org/x/cases/galic/tjug/en/031205_Gali_summary_en.pdf.

Therefore, the suspects fulfill the elements of § 11(1)(1) VStGB, as they carried out targeted attacks on medical facilities without military necessity, thereby committing the crime of employing prohibited methods of warfare.

(2) Attacks on Civilian Objects, Section 11(1)(2) VStGB

The criminal offense of employing prohibited methods of warfare under Section 11(1)(2) of the VStGB is fulfilled when a person conducts a military attack against civilian objects protected under international humanitarian law. These include attacks on buildings used for religious, educational, artistic, scientific, or charitable purposes, as well as historical monuments, hospitals, and gathering places for the sick and wounded.

Furthermore, Article 54 of Additional Protocol I to the Geneva Conventions extends protection to objects indispensable for the survival of the civilian population. This specifically includes medical facilities vital to public health services. The attack, destruction, removal, or rendering useless of such objects is prohibited if carried out with the specific intent to deprive the civilian population or the opposing party of their use, regardless of motive. This prohibition applies even in cases where the aim is to starve civilians, force them to flee, or cause other forms of harm.

In December 2023, Turkey declared that its airstrikes exclusively targeted military objectives. For larger targets, it deployed F-4/F-16 fighter jets equipped with heavy explosive munitions, causing devastating damage. This campaign targeted a total of 18 civilian objects, including the Mishtenur Medical Center, the KMC, the dialysis center, and the oxygen facilities.⁷⁷ All affected medical facilities were completely destroyed. These facilities served a civilian purpose, providing medical services to the populations of Kobani and Qamishlo. Thus, the Mishtenur Medical Center, Kobani Medical Center, dialysis center, and oxygen facilities qualified as protected objects under the Geneva Conventions and international humanitarian law.

Medical facilities often become targets in armed conflicts despite their special protection under international humanitarian law. Attacks on such facilities are frequently part of broader tactics to terrorize civilian populations.⁷⁸ In the case of the destruction of medical facilities such as the Mishtenur Medical Center, Kobani Medical Center, the dialysis center, and the oxygen facilities

⁷⁷ RIC, *TURKEY'S CHRISTMAS AIRSTRIKES TARGETING NORTH AND EAST SYRIA'S CIVILIAN SERVICE FACILITIES AND INFRASTRUCTURE*, 25.12.2023, S.5, <https://rojavainformationcenter.org/storage/2023/12/first-short-report.pdf>, last visited on October 20, 2024.

⁷⁸International Criminal Tribunal for the former Yugoslavia (ICTY), *Prosecutor v. Galić*, Case No. IT-98-29-T, Indictment, 26 March 1999, p. 2, available at: www.icty.org/x/cases/galic/ind/en/gal-ii990326e.pdf. The ICTY indicted for the crime of terrorizing the civilian population under Article 51(2) of Additional Protocol I (AP I) and Article 13(2) of Additional Protocol II (AP II), both of which stipulate that "the civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence with the primary purpose of spreading terror among the civilian population are prohibited."

in Kobani and Qamishlo within a single day, it becomes evident that Turkish airstrikes were neither incidental nor purely military in nature.

The deliberate targeting of these civilian facilities clearly constitutes the offense outlined in Section 11(1)(2) of the VStGB, as the destruction of civilian objects with no military purpose is strictly prohibited in armed conflicts. Airstrikes deliberately directed at civilian infrastructure demonstrate a clear intent to cause damage beyond military objectives. Accordingly, the suspects fulfill the subjective elements (*mens rea*) of Section 11(1)(2) VStGB, as they knowingly and intentionally violated the principle of civilian object protection and the stipulations of international humanitarian law.

(3) Disproportionate Use of Force, Section 11(1)(3) VStGB

The criminal offense of disproportionate use of force under Section 11(1)(3) of the VStGB is established when an offender intentionally targets a military objective with the specific expectation that the anticipated civilian losses or damage to civilian property will be disproportionate to the intended military advantage.

To date, Turkey has not provided any evidence under international law to justify its attacks on medical facilities in NES. Such an attack on the sovereignty of another state requires a clear legal basis that adheres to the principles of international law and is verifiable. Under international humanitarian law, the use of military force on foreign soil is generally prohibited unless there is a clear and immediate threat that cannot be mitigated by any means other than military action.

Turkey frequently relies on a "terrorism" narrative in its operations against the SDF, derived from its internal conflict with the PKK. However, these narratives alone do not provide sufficient legal justification under international law, as the conflict with the PKK is primarily a domestic issue for Turkey, and neither the AANES nor the SDF poses an immediate threat to Turkish security. On the contrary, the SDF has been instrumental in stabilizing the region and combating ISIS, particularly by controlling and detaining ISIS prisoners. Therefore, there is no legal basis under international law to justify intervention in Syrian sovereignty. Internal conflicts with the PKK do not warrant cross-border military intervention.

Nevertheless, an international attack on northeast Syria requires Turkey to demonstrate that only legitimate military objectives were targeted and that the principles of proportionality and civilian protection were adhered to in all military operations. Turkey has violated multiple international legal requirements for cross-border military operations during its airstrikes on northeast Syria. International strikes conducted outside a state's territory must follow a

rigorously structured targeting process to ensure that only legitimate military objectives are attacked. This necessitates precise documentation and careful planning to verify that only military targets in northeast Syria were affected. However, the numerous attacks on civilian objects, including medical facilities, indicate that these guidelines were disregarded by Turkey.

Additionally, medical facilities enjoy special protection under international humanitarian law, and even if there is suspicion of the loss of this protected status, a clear warning and reasonable timeframe must be provided before an attack. Turkey failed to fulfill this obligation in the case of the attacked medical centers, which provided vital services to the civilian population in northeast Syria. No warnings or clear indications were given to suggest that the targeted facilities had lost their protected status.

The principle of proportionality further demands a careful balance between the expected military advantage of an attack and potential civilian losses or damage, especially when vital medical infrastructure is involved. However, Turkey has provided no indication that such considerations were made. The extensive destruction and the resulting long-term deterioration of healthcare services in the region suggest a disregard for this principle of proportionality.

The airstrikes on medical facilities are disproportionate, as the military benefit of the attacks was far outweighed by the significant and long-term civilian losses. A substantial portion of the targets were civilian objects, indicating that the perpetrators accepted the extensive and disproportionate consequences of their attacks on the civilian population.

Accordingly, the suspects meet the criteria of Section 11(1)(3) of the VStGB, as they disproportionately attacked medical facilities despite being aware that the expected civilian losses would far exceed the intended military advantages.

(4) Attacks on Humanitarian Operations and Emblems, Section 10(1) and (3) of the VStGB

According to Section 10(1) and (3) of the German Code of Crimes Against International Law (Völkerstrafgesetzbuch, VStGB), the crime of attacking humanitarian operations or peacekeeping missions is committed if a person deliberately targets facilities, personnel, or vehicles involved in humanitarian aid efforts or peacekeeping missions, as long as these missions are protected under International Humanitarian Law (IHL). Similarly, the crime of attacking medical units marked with the emblems of the Geneva Conventions is committed if a person deliberately targets facilities or transport bearing these protective symbols, provided they are not used for military purposes and retain their protection under IHL.

The December 2023 airstrike campaign targeted several medical facilities, including the Mishtenur Medical Center and the Kobani Medical Center in Kobani.

The Mishtenur Medical Center and the Kobani Medical Center were critical facilities for providing medical care to the civilian population in the conflict-affected Kobani region.

The Mishtenur Medical Center is supported by Doctors Without Borders, an internationally recognized organization dedicated to providing humanitarian aid in crisis zones. This support enabled the center to offer a wide range of medical services, including emergency care and surgeries, addressing the most urgent patient needs.

The Kobani Medical Center is supported by the German association "Armut und Gesundheit" (Poverty and Health), which is similarly committed to improving healthcare in disadvantaged regions. The KMC played a central role in the medical care of the Kobani region, particularly for patients with chronic illnesses like diabetes.

Both facilities, including the ambulances of the KMC, were marked with the emblems of the Geneva Conventions and operated in accordance with the principles of International Humanitarian Law. Their humanitarian operations not only improved medical care but also significantly contributed to the stability and well-being of the Kobani region. The facilities were actively involved in aid efforts and treated civilians. The KMC ambulance was exclusively used for transporting civilian patients, underscoring the focus of these facilities on humanitarian aid and protecting the civilian population.

By deliberately targeting the Mishtenur Medical Center and the KMC, the suspects fulfilled the elements of the offense under Section 10(1) of the VStGB.

(5) Severe Physical and Mental Harm under Section 8(1)(3) of the VStGB

Under Section 8(1)(3) of the VStGB, a crime is committed when protected persons are subjected to severe physical or mental harm in the context of an armed conflict.

The case of Ahmed Abd al-Rahman Khadr illustrates how this legal framework applies to concrete events. Khadr, a protected person under the Geneva Conventions, relied on regular dialysis treatments due to chronic kidney failure. The bombing of the dialysis center in Qamishlo deprived him of access to this life-sustaining medical care. The loss of access to essential treatment constitutes severe physical harm, as it directly led to the deterioration of his health and ultimately to his death.

His death qualifies as severe physical harm because it was the immediate result of inadequate medical care caused by hostile attacks. The inability to receive necessary treatments results in physical impairments and, in extreme cases, such as Khadr's, even death. Therefore, his death is classified as severe physical harm under international criminal law, as it was a direct consequence of armed attacks on protected facilities.

Additionally, other patients suffered severe complications under similar circumstances, including amputations, which also constitute severe physical harm under Section 226(1)(2) of the German Penal Code (StGB). These incidents highlight the perpetrators' responsibility for the immediate and long-term physical harm inflicted on civilians in the context of the armed conflict.

The deliberate acceptance of these harms to protected persons demonstrates that these military actions were neither proportionate nor militarily necessary. Instead, they caused significant and lasting physical and mental harm to civilians. This clearly meets the criteria for the offense under Section 8(1)(3) of the VStGB, holding the suspects criminally accountable for their actions during the airstrike campaigns.

(6) Forced Displacement under Section 8(1)(6) of the VStGB

Under Section 8(1)(6) of the German Code of Crimes Against International Law (VStGB), the crime of forced displacement is committed when protected persons under international law are displaced through coercive measures in the context of an armed conflict.

This crime is fulfilled when displacement occurs involuntarily as a result of coercive actions, such as the destruction of essential medical facilities like the Mishtenur Medical Center, the Kobani Medical Center, and the dialysis center. By deliberately destroying these facilities, the civilian population of Kobani and Qamishlo was deprived of necessary medical care, forcing many people to flee their towns to access basic healthcare services elsewhere.

One example is the 85-year-old patient [REDACTED] who was forced to leave his hometown of Kobani and seek treatment in Aleppo after the destruction of the Mishtenur Clinic due to his severe diabetes. His involuntary relocation is a direct result of the coercive actions triggered by the destruction of medical infrastructure.

Similarly, [REDACTED], who worked at the Mishtenur Clinic, was compelled to seek refuge in Greece due to the destruction of his workplace and the precarious humanitarian situation.

Civilian [REDACTED] also felt compelled to leave his home in Kobani and flee to Raqqa following the attacks in October 2023.

These cases clearly demonstrate that the displacement of these civilians was involuntary and directly linked to coercive actions in the context of the armed conflict. Consequently, this forced displacement meets the criteria under Section 8(1)(6) of the VStGB, holding the suspects accountable for these crimes.

2. Crimes Against Humanity (CAH)

The destruction of the Mishtenur Medical Center, the Kobanê Medical Center, the dialysis center, and the oxygen facilities as part of military operations between October 2023 and January 2024 meets the elements of crimes against humanity according to § 7 Abs. 1 No. 4, 8, and 10 of the German Penal Code (VStGB).

The destruction of medical facilities not only represents a deliberate attack on civilian infrastructure but also reflects a systematic and widespread strategy against the affected civilian population. The prerequisites for crimes against humanity are therefore met, as these attacks were aimed at undermining the livelihoods of the civilian population and threatening the ethnic and political identity of the community.

a) Overall Offense

Based on publicly available information, there is sufficient suspicion that the responsible individuals, due to their leading positions and command authority, were involved in acts of violence within the meaning of § 7 Abs. 1 No. 4, 8, and 10 of the VStGB. These actions were carried out as part of a large-scale and systematic attack against the civilian population. The airstrikes on the Mishtenur Medical Center, the Kobanê Medical Center, the dialysis center, and the oxygen facilities caused significant physical and psychological harm to the affected population, as well as the deliberate displacement and persecution of the Kurdish-majority civilian population living under the administration of the AANES.

(1) Attacks Against the Civilian Population

Due to the alignment of the elements of the offense with § 11 Abs. 1 No. 1 of the VStGB, reference is made to the corresponding sections under V. D. b) (1). The conduct of Turkey clearly meets the elements of crimes against humanity according to § 7 Abs. 1 of the VStGB, as the attacks were not only targeting military objectives but were primarily aimed at significantly weakening the livelihoods and social cohesion of the civilian population.

(2) Large-Scale and Systematic

The destruction of the Mishtenur Medical Center, the Kobanê Medical Center, the dialysis center, and the oxygen facilities should not be seen as isolated military actions, but as part of a comprehensive and systematic approach serving clear strategic goals.

The airstrikes on NES between October 2023 and January 2024 were obviously the result of careful planning and strategic considerations that went far beyond an immediate trigger. The fact that these attacks were initiated within hours of a sudden suicide bombing by the PKK in Ankara on October 1, 2023, and a retaliatory attack by the PKK in northern Iraq on December 23, 2023, underlines the implausibility that these incidents alone can justify the airstrikes against northern Syria. Such a rapid response suggests that the attacks had already been coordinated and prepared in advance.

The conduct of military operations requires a comprehensive analysis of target areas, careful selection of specific targets, and the establishment of rules of engagement. These processes cannot be completed in such a short time frame, especially after an unexpected event. Therefore, it is clear that the decision to target civilian objectives was not reactive but part of a pre-defined military strategy.

Additionally, the repeated statements by President Erdoğan, particularly on October 9, 2023, about planned further attacks, highlight the organized strategy behind the airstrikes. These public statements show that the attacks cannot be interpreted as a spontaneous response to specific incidents; rather, they are part of a calculated plan aimed at weakening the Kurdish-majority population in NES and its infrastructure.

The targeted attacks on civilian infrastructures such as medical facilities, hospitals, power plants, gas stations, bakeries, residential buildings, schools, and water stations provide evidence of this strategy. The precise coordination of the airstrikes, which requires careful planning and target selection, points to the perpetrators' intention to attack civilian objects. These attacks were not the result of accidents or faulty target assignments but part of a systematic plan to intimidate the civilian population. The destruction of critical medical facilities confirms that the civilian population was not considered merely collateral damage but rather a primary target of these military operations.

Another central aspect is demographic restructuring. The destruction of medical facilities and other civilian infrastructure is part of Turkey's long-term strategy aimed at bringing about a demographic transformation in northeast Syria. This strategy includes the creation of a so-called "Safe Zone," where Arab refugees are to be resettled, thereby displacing the Kurdish-

majority population. The bombing of civilian infrastructure plays a crucial role in this plan, as it significantly worsens the living conditions of the Kurdish population, thus reducing the possibility of their return or continued existence in the region.⁷⁹

The use of terrorism narratives is another central element of the Turkish strategy. By continuously labeling the Kurdish civilian population and their political representation as "terrorists," the systematic destruction of civilian targets is portrayed as necessary and justified. This rhetoric blurs the lines between military and civilian targets, serving to legitimize the attacks and prevent the international community from condemning them as war crimes.

Another important point is the long-term destabilization that the attacks are intended to cause. The repeated destruction of civilian infrastructure, particularly the destruction of medical facilities, shows that the attacks were not only aimed at achieving short-term military objectives but also at causing long-term impacts on the living conditions of the civilian population. This strategy aims at achieving a sustainable destabilization of the region, which allows Turkey to pursue its political goals without facing open military resistance.

The attacks on the Mishtenur Medical Center, the Kobanê Medical Center, the dialysis center, the oxygen facilities, and other civilian targets are ultimately an expression of collective punishment against the Kurdish civilian population. This practice violates the principles of international humanitarian law and aims to punish the entire population of NES for Turkey's internal conflicts with the PKK, which is considered a threat by the Turkish state.

b) Individual Acts

The suspects mentioned in Section IV are suspected of committing the crimes described in Section III. E. These acts include, among others, forced displacements, causing severe physical and psychological harm, and the persecution of identifiable groups by depriving them of basic human rights for political, racial, national, ethnic, cultural, or religious reasons in accordance with Sections 7 para. 1 No. 4, 8, and 10 of the German Code of Crimes Against International Law (VStGB).

(1) Displacement according to Section 7 para. 1 No. 4 VStGB

Due to the consistency of the legal elements with Section 8 para. 1 No. 6 VStGB, reference is made to the corresponding explanations in Section V. D. 2. b) (2). The displacement of the civilians mentioned in Section V. D. 2. b) (2) is an intentional and

⁷⁹ Human Rights Watch, "Everything is by the Power of the Weapon", 29.02.2024, <https://www.hrw.org/report/2024/02/29/everything-power-weapon/abuses-and-impunity-turkish-occupied-northern-syria>, last visited on 19.10.2024.

systematic attempt to force the civilian population, particularly the Kurdish population and all those sympathetic to the AANES, from their hometowns. Thousands were forced to leave their homes because the destruction of their communities and livelihoods left them with no viable option to stay.

(2) Persecution according to Section 7 para. 1 No. 10 VStGB

Furthermore, the destruction of the Mishtenur Medical Center, the Kobanê Medical Center, the dialysis center, and the oxygen plants meets the criteria for persecution according to Section 7 para. 1 No. 10 VStGB. These campaigns have systematically deprived the Kurdish community of basic human rights due to their ethnic identity and political affiliations.

(a) Identifiable Group or Community

The Kurdish population in northeastern Syria represents an identifiable group, characterized by a distinct cultural tradition, a shared language, and historical ties to the region. The targeted airstrikes, particularly on the Mishtenur Medical Center, the Kobanê Medical Center, the dialysis center, and the oxygen plants, were directed against this ethnic community and characterize them as adversaries of the Turkish state. The systematic association of Kurds with terrorism – particularly with the PKK and YPG – reflects the broader context of discrimination. These attacks affect not only individuals associated with armed groups but also the entire Kurdish community, including vulnerable groups such as women and children.

(b) Deprivation or Significant Restriction of Basic Human Rights

The targeted destruction of the Mishtenur Medical Center, the Kobanê Medical Center, the dialysis center, and the oxygen plants has led to a significant restriction of basic human rights for the Kurdish-dominated population in Kobanê and Qamishlo. The medical facilities were essential for the healthcare of the civilian population and fulfilled vital medical functions. The destruction of these facilities has thus deprived thousands of people of their life-saving medical care and existentially endangered their healthcare.

This targeted attack has severely violated basic human rights, particularly the right to life and the right to health. The intention to control and intimidate the Kurdish population through the destruction of their central medical infrastructure is particularly evident here.

Shortly after the destruction of the dialysis center in Qamishlo, Ahmed Abd al-Rahman Khadr, a 65-year-old kidney patient, died on December 28, 2023, because he was denied access to life-saving kidney dialysis.

The systematic destruction of medical facilities is part of a broader pattern of human rights violations aimed at controlling and punishing the population in NES through the deliberate deprivation of essential support structures. These attacks go beyond military targets and suggest a strategy of persecution that directly threatens the lives and rights of the Kurdish-dominated community.

(c) Reasons for Persecution

The reasons for the persecution are obvious in the explicit targeting of the Turkish state against the Kurdish population due to their ethnic identity and political affiliation with the AANES. During the airstrike campaigns, Turkish authorities emphasized the elimination of "terrorists" while neglecting civilian casualties, thus equating the entire Kurdish community with support for the PKK. This rhetoric not only justifies military measures but also fosters an environment of fear and discrimination against the civilian population in NES.

(d) Functional Connection to the Overall Crime

The destruction of the Mishtenur Medical Center, the Kobanê Medical Center, the dialysis center, and the USAID oxygen plants is linked to the systematic attack on the Kurdish-dominated population in NES. This act of violence is not isolated but part of a coordinated strategy aimed at deliberately destroying civilian infrastructure, thereby causing significant human losses.

The airstrikes on the medical facilities highlight the deliberate decision of the Turkish military to destroy essential medical facilities. This attack shows the clear intention to destabilize the social fabric of the Kurdish community. The destruction of vital infrastructures leads to a significant impairment of the quality of life of the civilian population and creates an atmosphere of uncertainty.

Moreover, the systematic destruction of medical facilities contributes to creating an atmosphere of intimidation and fear. These targeted attacks on civilian facilities aim to expel the Kurdish-dominated civilian population from their home areas by depriving them of basic services and necessary medical care. Therefore, the destruction of the Mishtenur Medical Center, the Kobanê Medical Center, the dialysis center, and the USAID oxygen plants is not just a military operation but a deliberate attempt to control and oppress the Kurdish population.

E. Individual Accountability of the Accused

The responsibility of the accused for the actions of their subordinates arises from Section 4 of the Code of Crimes Against International Law (VStGB) and is both recognized in customary international law and enshrined in various international agreements. Article 28 of the Statute of the International Criminal Court (ICC) obligates superiors to properly control their troops and take necessary measures when aware of crimes. According to Article 86 para. 2 of Additional Protocol I to the Geneva Conventions, there is a command responsibility when superiors knew or should have known, based on available information, that a subordinate had committed or would commit a violation and did not take all possible measures to prevent or punish the violation.

This "duty to prevent" applies to both civilian and military leaders and has been reinforced by the consistent case law of the International Criminal Tribunal for the former Yugoslavia (ICTY). An example is the ICTY ruling in the Gotovina et al. case, where a high-ranking military official was convicted for failing to make serious efforts to prevent crimes committed by their subordinates.

For government members as civilian authorities, it should be additionally noted that the United Nations General Assembly emphasized in a resolution in 2005 the responsibility of member states to protect their populations from genocide, ethnic cleansing, war crimes, and crimes against humanity. Although this resolution is not legally binding, it is considered relevant under customary international law. This was recently reaffirmed by the United Nations Security Council, which criticized the violation of this duty to protect in Libya and called for measures to punish international crimes by the Libyan leadership, leading to the issuance of international arrest warrants.



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