

Report

**Syria: Reactions against deserters and
draft evaders**



LANDINFO

Utlendingsforvaltningens fagenhet for landinformasjon

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SUMMARY

Syrian males who do not show up for compulsory military service risk being listed as wanted by the government. Security forces are actively searching for draft evaders in government controlled areas. Those caught are in most cases dispatched directly to the military, but in some cases additional punishment is meted out. During the first years of the civil war, tens of thousands of soldiers and officers deserted. Deserters are treated in the same fashion as other opposition activists and risk being killed or jailed and subjected to torture if caught. Family members of deserters have in some instances been arrested or put under pressure. A number of amnesty decrees have been issued for deserters and draft evaders. These amnesties also cover some of the men left behind in opposition areas that have concluded local truce agreements with the government. These men are forced to enrol in the military, but are in most cases not subjected to other punishment.

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1. INTRODUCTION

Military service in Syria is compulsory. Service is compulsory for all men, but exemption or deferral may be granted to certain groups in accordance with the regulations of the Syrian Military Service Act.¹ The majority of soldiers in the army are conscripts, whereas the officer corps consists of professional officers. After the Civil War broke out in 2011, a significant number of officers and conscripted soldiers chose to desert. Deserters fled the country or joined one of the many armed insurgency groups that emerged during the first year of the war. In addition, many failed to report for compulsory military service. Combined with high losses, this has resulted in a sharp reduction of the Syrian army's standing army. According to the Institute for the Study of War the army was reduced from about 300,000 men before 2011 to somewhere between 150,000 and 175,000 in 2014. In subsequent years, the army has been further weakened. Estimates from October 2015 are between 80,000 and 100,000 men (Kozak 2015, p. 12; Al-Masri 2017). However, the army has survived as an institution and still exists. No officers have taken entire divisions with them to the opposition. Only individuals have deserted (Khaddour 2016).

The rules on military drafting, exemption and deferral of military service are still applied with only minor adjustments, however the authorities have taken comprehensive action to remedy the shortage of recruits. First, almost no one in active service has been demobilised since the outbreak of the war in 2011, but instead has had to serve beyond the compulsory 18 months. In addition, more and more reservists who have previously completed military service have been called back as reserve officers. The authorities have also actively searched for deserters and draft evaders, by looking them up at home and in controls carried out in public places in government-controlled parts of the country (UNHCR 2017a, pp. 21-23). Last but not least, a large number of regime-loyal armed militant groups have been established, and these support the Syrian army with guard duties and in the fight against opposition groups (Landinfo 2017b).²

This report describes the type of punishment meted out to those who have deserted or failed to attend for compulsory military service or reserve service. Chapter 2 briefly explains how military service in Syria has been enforced during the civil war. Chapter 3 describes reactions against draft evasion, while Chapter 4 addresses reactions against desertion. Chapter 5 describes possible actions or reprisals against family members of deserters and draft evaders. Finally, in Chapter 6, amnesties granted to deserters are described, as well as how men of serviceable age have been treated as the areas in which they live have entered into local ceasefire agreements with the regime.

¹ The rules for exemption and deferral are described in more detail in Landinfo's report Syria: Military Service - enrolment, suspension and exemption (Landinfo 2017a).

² The regime-loyal militias are described in more detail in Landinfo report Syria: regime-loyal militias (Landinfo 2017b).

1.1 FURTHER DETAILS ON SOURCES

The information in this report has been partly obtained through fact-finding missions conducted by Landinfo to Syria, Lebanon and Jordan between 2014 and 2017.³ On these missions, Landinfo interviewed representatives of various UN organisations and other international organisations, local civil society organisations, aid organisations, academics and human rights activists. Some of the sources did not want to be quoted under their full name and are thus anonymised in the report.

Landinfo's latest fact-finding missions to Syria in 2016 and 2017 focused on military service issues only to a very limited extent, as the main focus of these trips was different. The trips in 2014 and 2015 had a greater focus on military service. Reference is therefore made to interviews conducted in 2014 and 2015. This is supplemented with more recent information from the trips in 2016 and 2017 and other sources to ensure that the information is updated. Other sources include reports from the Danish immigration authorities, who investigated the topic of military service in Syria in connection with a fact-finding mission to Lebanon in May 2017 (Danish Refugee Council & Danish Immigration Service 2017). Reference is also made to scientific articles, news reports and other relevant written publications of more recent date.

2. ENFORCEMENT OF MILITARY SERVICE DURING THE CIVIL WAR

Syrian men must attend for registration in compulsory military service at their local recruitment office (*maktab at-tajnid*) in the year they reach 18, or by the age of 19 at the latest. Once the registration has been completed, the recruit receives written notice of where and when to attend the service. Students at universities may under certain conditions be deferred. Some groups are also exempted, including those who are the only male amongst the siblings in the family. Those who have previously performed military service can be called to the reserve service/repetition service. The call up of reservists has increased in scope during the civil war. Palestinians in Syria must undertake military service under exactly the same regulations as Syrian nationals and may, like the Syrians, be called up to reserve service/repetition service. The right to refuse military service because of conscientious objections is not recognised and there are no alternatives to military service in the law.⁴ Those who do not attend at the right time for registration or military service are in many cases searched for and are likely to be arrested. Sometimes they are only searched for by certain intelligence services, but not by others. In other cases, they are searched for throughout the country (Landinfo 2017a, p. 8; UNHCR 2017a, p. 20; Danish Refugee Council & Danish Refugee Service 2015, p. 16; spokesman for the Alliance of Palestinian Resistance

³ The trips were conducted together with the Swedish immigration authorities' country information service. Some of the sources used here are also used in the Swedish report *Regular and irregular Syrian military service* (Lifos 2017).

⁴ In the course of the civil war, it has become possible in practice for young people who join a regime-loyal militia to be deferred for military service, even though this is not stipulated in the law (Landinfo 2017a, p. 25; Landinfo 2017b, p. 15).

Forces, meetings in September 2015 and September 2016; HRW's office in Beirut, meeting in September 2015; Syrian civil society organisation 1, meeting in September 2015).

2.1 CHECKS THROUGH ROADBLOCKS AND ARREST CAMPAIGNS

During the civil war, a large number of men in the age group for military service or reserve service have deserted or failed to attend for service. They usually stay at home or in their immediate neighbourhood and avoid the regime's control posts. Others flee to rebel-controlled areas or out of the country to avoid military service. Draft evasion is considered to be the main reason young men flee the country (Hilsman 2016; The New Arab 2017; UNHCR 2017a, p. 22; international organisation 1, meeting in May 2017).

The authorities have invested considerable resources in finding and arresting deserters and those who have evaded military service or reserve service. Those who do not attend are usually searched for by the police and by the security services. A large number of checkpoints have been set up in government-controlled parts of the country, including in towns and at entry points to cities. In addition, temporary checkpoints are set up in places where many people gather, such as markets, to capture young persons who have evaded or abandoned service (Syrian Human Rights Committee 2016 p. 73; The New Arab 2017; UNHCR 2017a, p. 22). There are also checkpoints at the entrance to several of the universities, where male students are checked every time they enter or leave the university area (Syrian Human Rights Committee 2016 p. 73).

At the checkpoints young men are checked against lists of wanted persons. Those who staff the checkpoints do not necessarily have access to electronic online registers of wanted persons, but regularly receive lists in paper format or on CDs that can be read on PCs. Usually there is also a representative of one of the intelligence services at the checkpoint. Some people are sought after by one intelligence service, but not by others. Not all checkpoints necessarily have the same updated lists. Wanted persons may be included on lists at certain checkpoints while they are not on the lists at other checkpoints (Danish Refugee Council & Danish Immigration Service 2015, p. 16; international organisation 2, meeting in May 2016).

During the war, the security forces have also carried out a large number of house searches and arrest campaigns, including in areas recently recovered from insurgent groups (Syrian Network for Human Rights 2017a; UNHCR 2017a, p. 22; Danish Refugee Council & Danish Refugee Service 2015, pp. 17-18). When the regime reconquered the entire Aleppo city in December 2016, men between the ages of 30 and 50 were allegedly either arrested or sent directly to military service (US Department of State 2017, p. 21). The military police, civil police or intelligence services occasionally search the homes of persons sought for having failed to meet for military service (Analyst at Carnegie Middle East Centre, meeting in October 2014; Syrian Human Rights Committee 2016 p. 73; Danish Immigration Service 2015, p. 10).

The authorities also check those who travel in or out of the country by crossing the official border crossings. The border authorities, *The Directorate of Migration and Passports*, are connected to computer systems with an overview of wanted persons and of persons who have been issued a ban on departure (travel ban). They stop and

arrest any person who is sought for non-attendance for military service (Danish Immigration Service 2015, p. 11; international organisation 2, meeting in May 2016).

In addition, prison inmates have on several occasions between 2015 and 2017 supposedly been offered to serve military or militia service in exchange for reduced sentences or impunity. The offer has been made to inmates convicted of murder, theft, drug smuggling or other crimes, but not to those convicted of “political crimes” or terrorism (Hilsman 2016; Syrian Network for Human Rights 2017b; The New Arab 2016).

3. PENALTIES FOR EVADING SERVICE

The 1960 Military Criminal Code, revised in 1973, stipulates the penalties for evading military service. In peacetime, those who do not attend for service can be punished with a prison sentence of from one to six months. Then, they must serve their full military service. Those who report voluntarily within 30 days after they should have attended service, have their sentences reduced by half. In wartime, the penalty for failing to attend for military service is up to five years in prison depending on the circumstances. After serving the sentence, the person must complete his military service (Military Criminal Code 1950, Arts 98-99). In June 2012, President Assad declared that Syria was in a state of war (Al Jazeera 2012).

In practice, the law’s provisions are not consistently followed. Those arrested are usually sent directly to the military. Various sources that Landinfo has spoken to in Damascus indicate that those who have evaded service and are arrested are sent to compulsory military service without having to serve a prison sentence (Syrian civil society organisation 2, meeting in May 2016; Syrian local employee in an international organisation, meeting in May 2017). Often they are sent for a short stay at a recruitment school and then directly to service at the front (The New Arab 2017; UNHCR 2017b, pp. 39-40). Sources interviewed by the Danish immigration authorities in the spring of 2017 were also of the opinion that those arrested after having evaded service were usually sent to military service, while deserters were often given stricter sentences (Danish Refugee Council & Danish Immigration Service & 2017, p. 13.).

However, some people may also be given different penalties, depending on the circumstances. Draft evaders may risk being arrested by one of the intelligence services, even though most of them are sent directly to military service. Some are beaten up and subjected to torture. Some disappear. Some persons face various forms of punishment in the military, including being subjected to violence from their superiors. However, this depends on the officers in the relevant department (Danish Refugee Council & Danish Immigration Service 2015, p. 18; military adviser to the UN Commission on Inquiry for Syria, meeting in October 2014; Syrian local employee in an international organisation meeting in May 2017; UNHCR 2017b, p. 40).

Government employees risk losing their jobs if they evade military service. According to several decrees issued between 2014 and 2016, state employees will lose their jobs if they fail to meet up for military service (UNHCR 2017a, p. 24; The Syrian Observer 2017).

3.1 ARREST OF PERSONS WITH VALID DEFERRAL OR EXEMPTION FROM MILITARY SERVICE

The regulations on exemption and deferral that applied before the outbreak of war in 2011 are still being applied with only minor adjustments. For example, if there is only one son amongst siblings in a family, he may be exempted from military service. Syrians residing abroad may, under certain conditions, gain exemption by paying a fixed amount of money. University students are still able to defer, but the regulations were strengthened through a change in law at the beginning of 2017. The consequence of the change is that deferral can only be obtained if a relevant specialisation is taken within an existing course. If you register for a course that is not relevant to your education, or which is not a direct supplement to your study program, your application for deferral will be rejected. Similarly, deferral and exemption may be refused for people who do not comply with the given application deadlines. Deferral due to studies or exemptions because you are the only son amongst siblings must be renewed each year. Failure to comply with the deadline for application may mean having to start military service (Syrian local employee in an international organisation meeting in May 2017; Landinfo 2017a, p. 19).

The intensified control aimed at finding those who evade service means that all young men may be thoroughly investigated at checkpoints to determine if they have a valid exemption or deferral from the military service. Minors under 18 are not called up for military service but must be able to document their age if they are stopped at a checkpoint (Finnish Immigration Service 2016, p. 8). Those who have valid exemption or deferral, but who cannot document this on-site by displaying a military book or certificate from recruitment offices, risk being arrested on suspicion of evasion of service (Syrian civil society organisation 1, meeting in September 2015; Syrian Human Rights Committee 2016 p. 73; international organisation 2, meeting in May 2016). For this reason, young men always usually carry their military book or some other written documentation from the military authorities (local employee at an embassy in Damascus, meeting in September 2015). There are also examples of persons who have been arrested because of they have similar or identical names to wanted persons. As a rule, those who are “mistakenly” arrested in this way are released after the authorities have concluded that they were not wanted or after verifying that they actually have a valid exemption or deferral. In some cases, it may take several weeks before they are released (international organisation 2, meeting in May 2016). If the family approaches the authorities and presents the necessary documentation for exemption or deferral, the case will sometimes be slowed up and government officials will demand bribes from the family before the person is released (Syrian Human Rights Committee 2016 p. 73).

According to analyst Christopher Kozak of the American Research Foundation Institute for the Study of War (as quoted by UNHCR 2017a), the rules for exemption and deferral are not always implemented consistently. Local authorities may commit irregularities, such as intelligence officers, police officers and managers at checkpoints making decisions on arrests at their own discretion. Such arbitrary decisions to arrest persons with valid exemption or deferral are overlooked by officers higher up in the decision making hierarchy, because they wish to fill quotas for recruitment to military service or enrich themselves through bribery. Much of the decision-making has become decentralised during the conflict. Central authorities in Damascus may issue vaguely formulated orders to local commanders to conduct recruitment campaigns, whereupon the local commanders will take their own decisions on how to implement

the orders. This may mean that they do not necessarily follow national rules on deferral of military service to the letter (UNHCR 2017a, p. 23). Some sources interviewed by the Danish immigration authorities in Beirut in May 2017 stated that persons who had previously been exempted due to medical conditions, had to undergo new medical tests to determine whether they were still unsuitable for military service. In addition, persons who were exempted because they were the only son could still be called up (Danish Refugee Council & Danish Immigration Service 2017, p. 9).

Sources interviewed by Landinfo in connection with fact-finding missions to Syria in 2015 and 2016 said that there were rumours that young people are being arrested even if they have a valid exemption or deferral, and even young people under the age of 18 are arrested and called up to the military. The sources knew of many specific examples of persons who had evaded service and who had been arrested at checkpoints or on the border with Lebanon, although they did not have specific examples of arrest or call up of minors or persons with valid exemption or deferral (international organisation 1, meeting in September 2015; international organisation 2, meeting in September 2016).

4. PENALTIES FOR DESERTION

Between the last half of 2011 and the beginning of 2013, tens of thousands of officers and conscripted soldiers deserted. They fled or joined one of the many armed insurgent groups (Al Jazeera, n.d., Gaub 2014; UNHCR 2017b, p. 42). Subsequently, as of the second half of 2013, relatively few examples of desertions have been seen, and relatively few people are arrested for it today (Al Jazeera n.d.; UNHCR 2017b, p. 42).

According to the Military Criminal Code of 1950, revised in 1973, desertion may be punished by imprisonment of between one and ten years in peacetime depending on the circumstances. In times of war, penalties up to fifteen years can be issued. Desertion in front of the enemy in connection with actual combat is punished with a life sentence or the death penalty for those who also join the enemy (Military Criminal Code 1950, Arts 100 - 102; UNHCR 2017a, p. 25).

Deserters are undoubtedly punished more severely than those who have evaded service, but in practice the provisions of the Military Criminal Code are not consistently followed. Some people are convicted by ordinary civil courts, some are convicted in the anti-terror court established in 2012 and some are convicted by officers in the field in so-called *Military Field Courts*, while yet others “disappear” or are executed without trial. It is unclear why different criminal proceedings and courts are used in different cases. From the outside it appears arbitrary what kind of criminal procedure is applied in each case (Danish Refugee Council & Danish Immigration Service 2017, pp. 13-14; HRW’s office in Beirut, meeting in October 2014, UNHCR 2017a, p. 9).

Deserters are often punished in the same way as those who join the opposition. Since 2011, activists, protesters, family members of armed insurgents and deserters have been arrested. Many of those arrested have disappeared without the families knowing what has happened to them or where they are. Arrested persons have been subjected to torture and many have died during incarceration as a result of injuries they have suffered, or as a result of bad detention conditions. There have also been summary

executions of arrested persons (Amnesty International 2015, p. 7; UN Human Rights Council 2016, p. 4).

5. REACTIONS AGAINST FAMILY MEMBERS

Family members of deserters and draft evaders have occasionally been subjected to pressure or arrest. This applies especially to the families of “high-profile” deserters, such as deserters who have killed soldiers or officers, or who have joined armed opposition groups and participated in armed actions against the army (Danish Refugee Council & Danish Immigration Service 2017, p. 14; Finnish Immigration Service 2016, p. 13). For example, families in Damascus of persons who are fighting for the opposition in Eastern Ghouta have been carefully monitored and pressured to provide the authorities with information in connection with their contact with the state bureaucracy, for example when applying for a passport. There are also examples of brothers of deserters being arrested with a view to exchanging them for the deserters if they appear (Danish Refugee Council & Danish Immigration Service 2017, p. 1415; Hilsman 2016).

According to an analyst at Carnegie Middle East Centre whom Landinfo talked to in 2014, family members of those who had avoided service were not faced with government retaliation, apart from the fact that the military police occasionally searched their homes to look for those who had evaded service. Family members of deserters, however, could be faced with punishment, especially in circumstances in which the deserter was a known person. Therefore, most “high-profile” officers who deserted in the first year of the war took their families with them into exile (analyst in Carnegie Middle East Centre, meeting in October 2014). When the first officers deserted in 2011 and created the Free Syrian Army (FSA) in 2011, the army went into their villages and burned down all the houses. Since then, the army has not retaliated in the same way, but family members of deserters still risk being arrested (military adviser to the UN Commission for Syria, meeting in October 2014).

Syrians in exile are sometimes reluctant to contact the authorities for fear of retaliation against family members in Syria who have deserted or evaded military service. Some Syrian refugees in Lebanon say that they do not dare to contact the Syrian Embassy in Beirut to register childbirths or renew documents. One of the reasons given is concern for family members in Syria who have not completed military service (aid organisation in Syria, meeting in May 2017).

6. AMNESTIES AND LOCAL CEASEFIRES

6.1 AMNESTIES

Since 2011, the President has issued a series of decrees on amnesty for members of armed insurgent groups, deserters and draft evaders. The amnesties frees them from

punishment if they give themselves up within specific deadlines (UNHCR 2017a, p. 24). The last decree on amnesty so far reported by the official Syrian news agency SANA is dated February 2017, and extends the deadlines of a previous decree of July 2016 until 30 June 2017 (SANA 2017).

It is not known exactly how these decrees are implemented or how many people have been covered by them (UNHCR 2017a, pp. 24-25). According to an international organisation in Amman, not many people have chosen to surrender to the authorities based on an amnesty. The problem is not that they do not trust the authorities' promise of amnesty, but that surrender means recruitment to the military (international organisation 3, meeting in September 2015). In areas where the government has entered into ceasefire agreements with the insurgents, many former insurgent soldiers have been covered by the amnesty (see chapter 6.2). Representatives of another international organisation active in Syria said that amnesties were generally observed. If someone had been involved in political work for the opposition or if other "security concerns" had been flagged by one of the intelligence agencies, however, it was not certain that the person would be granted immunity in practice (BFA 2017, p. 23; international organisation 4, meeting in May 2017).

6.2 LOCAL CEASEFIRE AGREEMENTS

During the civil war, the regime and opposition have entered into local ceasefire agreements in a number of different places in the country. The regime refers to these agreements as "reconciliation agreements". They have typically come about after the areas over long periods of time have been exposed to extensive bombardment and siege that has resulted in a lack of food and medication for the civilian population. The population and the armed insurgency groups in these areas have thus been forced to conclude agreements after a long period of pressure. The agreements have a slightly different content from place to place, but usually mean that armed insurgents and civilians are given the opportunity to evacuate to other insurgent-controlled areas, in most cases to Idlib Province. Those who are not wanted, and do not expect to be arrested by the regime, can in most cases choose to remain settled after the regime has regained control. In some places, for example in the area of Darayya outside Damascus, where an agreement was signed in August 2016, the entire remaining population was evacuated. Some, including members of the armed insurgency groups, were according to their own wish evacuated to Idlib, which is not under government control. The others, primarily women, children and the elderly, were sent to an evacuation centre south of Damascus in a government-controlled area (Amnesty 2017, pp. 7-8; aid organisation in Syria, meeting in September 2016; international organisation 4, September 2016).

Men of military age who choose to remain rather than being evacuated to insurgent-controlled areas are usually forced to join the military or local police forces. However, they may still be covered by amnesties, which means that they do not get punished beyond entering the military. In some cases, the male population is also deferred for a fixed period, for example six months, before they have to sign up for military service. This happened, for example, in the Waer quarter of Homs, where a local agreement was entered into in March 2017. Such deferrals are usually respected, but the agreements are in some cases terminated and the persons are called up for military service earlier than agreed (Amnesty 2017, p. 56; international organisation 4, meeting in May 2017). The agreements that are entered into locally may also mean that persons

are allowed to serve in their local area when the service begins instead of being sent to another part of the country.

Often, the military authorities do not trust recruits from areas that have concluded ceasefire agreements, and they are therefore not used for sensitive missions (Syrian local employee in an international organisation, meeting in May 2017).

As part of the ceasefire process, the population must “legalise their status” (Arabic: *tawsiat al-wad*). This means that they will be “cleared” and possibly removed from lists of wanted persons. This is not possible for everyone. If a person has been active in an opposition or armed insurgent movement, the person may oftentimes not be able to legalise his status. Instead, such people usually take the opportunity to evacuate to insurgent-controlled areas in Idlib. Other people who in one way or another have worked for the opposition also tend to choose Idlib rather than running the risk of encountering the regime’s security forces. When East Aleppo was taken over by the regime in December 2016, for example, members of the relief corps White Helmets, health personnel and members of civil society organisations chose to evacuate to Idlib together with the insurgents, as they expected that they would otherwise be arrested (international organisation 1, meeting in May 2017). Arrests of those remaining in government-controlled areas to “legalise their status” may occur after ceasefire agreements, but are still relatively rare. Out of three thousand persons evacuated from Darayya to an evacuation centre in a government-controlled area south of Damascus in 2016, only three persons were subsequently arrested. However, those who had been active in the insurgent movement and assumed they would be arrested, chose to evacuate to Idlib instead (international organisation 4, meeting in May 2017). After a local agreement was signed in the Waer quarter of Homs in March 2017, 20,000 people were evacuated to Idlib, including local armed insurgents. Due to difficult living conditions in Idlib, 600 persons later asked for permission to return to Waer and received permission for this from the regime. None of them are known to have been arrested afterwards, but they had to sign up for military service. Other people evacuated to Idlib informed Amnesty in 2017 that they did not regard returning to Waer as an option because they feared arrest (Amnesty 2017, p. 9).

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