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DANISH IMMIGRATION SERVICE

SYRIA

Military Service, Mandatory Self-Defence Duty and Recruitment to the YPG

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Introduction

The thematic report at hand focuses on military service in Syria, including information on general mobilization, areas where the government recruits, enforcement of the Syrian military service law, consequences of draft evasion and desertion and recruitment to pro-regime militias as an alternative to military service. Furthermore, the report provides information on implementation of the law on mandatory self-defence duty in the three autonomous Kurdish cantons of Jazeera, Kobane (Ayn al-Arab) and Afrin which was adopted by the PYD-dominated (Partiya Yekitiya Demokrat or the Democratic Union Party) Kurdish administration on 14 July 2014. Finally, the report includes information about recruitment to the People's Protection Units (YPG).

The report is the product of meetings which Country of Origin Information Division, Danish Immigration Service (DIS), had with five sources¹ during a visit to Beirut, Lebanon from 17 to 19 November 2014. The information collected during the visit is supplemented by written sources, in particular a recent report by Lifos, Centre for Country of Origin Information and Analysis, Swedish Migration Board, on Syrian military service.² The information provided on the law on mandatory self-defence duty and its implementation in the PYD-administered areas is entirely based on one source, TEVDEM, which is a PYD-affiliated source. As this law is a fairly new regulation which was implemented only in November of 2014, very limited information is currently available on this issue from other sources. The information provided in this paper about the implementation of self-defence duty law therefore needs to be updated through further research in the future.

All consulted interlocutors are referred to in the report by their name and/or the name of their organization in accordance with their own request on this matter. One of the interlocutors requested that some of the information provided by the source be included in the report on the condition that no reference would be given to the identity of the source. That part of the information provided by the source has been included in the report with reference to the source as "a Western analyst". Therefore, more sources appear in the report than the number of interlocutors who were actually consulted.

The notes from the interviews with the sources were forwarded to the interlocutor in question for approval, giving the source a chance to amend, comment or correct his or her statements. In the report, care has been taken to present the views of the interlocutors as accurately and transparently as possible. In this regard, all interlocutors' statements are found in their full extent in Appendix C of this report.

¹ In addition to the five sources included in this report, the delegation had requested a meeting with UNHCR in Beirut. However, the organization stated at the meeting that UNHCR in Beirut did not have much information to provide on military service in Syria or other topics addressed in this report. For this reason, there is no reference to UNHCR in this paper.

² Migrationsverket, Reguljär och irreguljär syrisk militärtjänst, 24 November 2014.

This report is not, and does not purport to be, a detailed or comprehensive survey of all aspects of the issues addressed in the report and should be weighed against other available country of origin information on military service in Syria and self-defence duty in the PYD-controlled areas.

Attention should be called to the unstable and changeable situation in Syria and the fact that the information provided may quickly become outdated. Therefore, the issues addressed in this report should be monitored periodically and be brought up to date accordingly. The research and editing of this report was finalized at the end of January 2015.

Executive Summary

Throughout the autumn of 2014, the Syrian government has intensified its efforts towards recruitment of Syrian men to the army, although no official changes have taken place with regard to the military service law and its enforcement. The government's recruitment to the Syrian army is, however, mainly restricted to the areas under the regime's control.

As regards the profile of those recruited, the government recruits all regardless of religious or ethnic background, including Sunnis. However, Sunnis tend not to be assigned to sensitive and crucial positions and tasks in the army.

Reservists are at present increasingly targeted as the government has intensified its pursuit for combatants. People who have completed their military service can be called to serve as reservists without prior warning. Evaders and deserters of military service will be searched for by the authorities. Names of draft evaders and deserters are registered in a list or a database which the authorities have access to at checkpoints and border crossings.

Pro-regime militias, particularly the National Defence Forces (NDF), have enjoyed increasing power and influence in different parts of Syria in recent years, and joining these locally-based militias has become a de-facto alternative to military service in the Syrian army.

In the Kurdish areas administered by the PYD³ (Partiya Yekitiya Demokrat or the Democratic Union Party) - that is Jazeera, Afrin and Kobane - the law on mandatory self-defence duty was adopted on 14 July 2014 by the Kurdish autonomous administration making it compulsory for all Kurdish men between the age 18 and 30 to perform self-defence duty for a period of six months. Women can voluntarily perform the duty. The law applies to all men regardless of their ethnic or religious background and regardless of whether they have completed their military service in the Syrian army.

Apart from performing self-defence duty, both men and women can join the YPG (Yekîneyên Parastina Gel, or the People's Protection Units) and the YPJ (Yekîneyên Parastina Jinê or the Women's Protection Units) respectively on a voluntary basis, however there have been reports of cases of forced recruitment. Although one finds persons from non-Kurdish groups of Christians and Arabs, Kurds comprise the majority of the YPG.

³ For more information on PYD, see Udlændingestyrelsen, Syrien: Baggrundsoplysninger om det kurdiske parti Partiya Yekitiya Demokrat (Democratic Union Party) – PYD, 4 November 2014 <https://www.nyidanmark.dk/NR/rdonlyres/7E34E27C-6A6E-40E0-AC59-044022D78776/0/NotatomPYD4nov2014.pdf>

Abbreviations

DIS	Danish Immigration Service
HRW	Human Rights Watch
ICG	International Crisis Group
IS	The organisation the Islamic State
NDF	The National Defence Forces
OHCHR	The Office of the United Nations High Commissioner for Human Rights
PYD	Partiya Yekîtiya Demokrat (Democratic Union Party)
TEV DEM	Rojava Democratic Society Movement (known by its Kurdish acronym, TEV DEM)
UNHCR	The United Nations High Commissioner for Refugees
YPG	Yekîneyên Parastina Gel (the People's Protection Units)
YPJ	Yekîneyên Parastina Jinê (the Women's Protection Units)

1. Military service in Syria

1.1. General mobilisation

The Syrian government has intensified its efforts to recruit Syrian men to the army. Officially, there are no adjustments in the law or in procedures regarding military service but in practice there are changes.

According to Noah Bonsey (ICG), there has recently been an increasing concern as the Syrian government is acting more aggressively in imposing military service on draft evaders and reservists. Even militants of the opposition who surrendered in Homs were reportedly sent to military service.⁴

The intensification of the regime's military recruitment should, according to UMAM D&R, be seen as a general ideological mobilization on all levels and a new approach to the conflict from the regime which started with the official emergence of the organisation the Islamic State, IS, in June 2014, rather than a need for regime combatants. According to this new narrative of the regime, it is the national duty of all Syrians to join forces and unite under the flag of the Syrian regime to fight against a "brutal" enemy that is the Islamic State. Seen in this context, the mobilisation of reservists, especially those with certain skills, has also become part of the new approach to the conflict.

The regime's activations of reserve forces are also reported in an article in the Washington Post from 28 December 2014. According to the article, the regime in recent weeks "also began upping threats to dismiss and fine state employees who fail to fulfill military obligations. In addition, it is reported that new restrictions imposed this fall have made it all but impossible for men in their 20s to leave the country."⁵

Article 3 paragraph B of the Syrian military service law stipulates that the military service age is between 18 and 42.⁶ According to a report from the Swedish Migration Board from November of 2014, presidential decree No. 35 of 19 March 2011 stipulates that as of 1 June of 2011, conscripts who have been in school for up to five years shall serve for 21 months while the duration of service for those with more than five years of schooling shall be 18 months.⁷

⁴ Noah Bonsey (ICG) did not specify the date of this event in Homs. The event took place in February 2014 according to UN Security Council, Implementation of Security Council resolutions 2139 (2014) and 2165 (2014), 21 August 2014, S/2014/611, para 19, <http://www.refworld.org/docid/54083f8b4.html>

⁵ The Washington Post, Desperate for soldiers, Assad's government imposes harsh recruitment measures, 28 December 2014 http://www.washingtonpost.com/world/middle_east/desperate-for-soldiers-assads-government-imposes-harsh-recruitment-measures/2014/12/28/62f99194-6d1d-4bd6-a862-b3ab46c6b33b_story.html

⁶ Arab Lawyers Network (Shabaka al-Mahamin al-Arab), Military service law n° 30/2007 (unofficial translation by DIS), <http://www.mohamoon.com/montada/Default.aspx?action=ArabicLaw&ID=427>

⁷ Migrationsverket, Reguljär och irreguljär syrisk militärtjänst, 24 November 2014, p.13 (unofficial translation by DIS)

However, according to a report from the Swedish Migration Board from November 2014, it has now become clear that no conscript is able to complete and be released from his service. The last round of release from military service (dawra) was in 2011. Persons who have completed their service are being “kept in active reserve duty”, of which some of their time is spent on the military base. Most of them are, however, sooner or later sent back to the front. The report further refers to examples of individuals who in 2012 and 2013 had deserted one year after their military service was supposed to have been completed specifically because they could not see an end to their service.⁸

1.2. Areas in Syria where the government recruits for military service

The Syrian government recruits for military service in areas under its control. The government does not normally provoke any confrontation in areas which are not under the government’s control solely for the purpose of recruitment. However, the government forces can recruit among people who live in rebel-held areas if such individuals approach and are controlled at a government checkpoint.

Abdelaziz Abdelaziz (OHCHR) explained that the authorities might seek out certain communities and demand that families send members who are wanted for army service. If the persons called for military service do not voluntarily show up or respond to summons, they would be listed as draft evaders and sought after by the authorities. Early on in the conflict, the government would also recruit from areas known as being pro-opposition by sending in troops with a list of names of the individuals wanted for service. In some instances, members of security branches carried out house to house searches where they lined up household members, demanded their respective IDs, and asked about ones who were not present. As the conflict escalated, it was no longer possible for the authorities to recruit in opposition-controlled areas. The government now only recruits in areas it controls. In Hama and other provinces, recruitment of individuals for military service has currently been reported. The government would, however, not break through checkpoints controlled by the opposition in order to recruit. However, individuals who are believed to be draft evaders are intercepted at checkpoints where the government's security elements keep lists of all wanted individuals.

(See also to 2.2. for government recruitment in Qamishli and al-Hasakah)

⁸ Migrationsverket, Reguljär och irreguljär syrisk militärtjänst, 24 November 2014, p.13 (unofficial translation by DIS)

1.3. Enforcement of the military service law

1.3.1. Enforcement of exemptions from military service

Exemptions for military service are still applied according to Abdelaziz Abdelaziz (OHCHR) and Nadim Houry (HRW). Nadim Houry (HRW) explained that the recruitment system in Syria is a centralised system, the same administration is still in place and there is no change in the system regarding military service. However, UMAM D&R found that respect for the law has decreased tremendously in recent years and one would expect a certain level of arbitrariness in how the country's laws are applied these days.

Noah Bonsey (ICG) found that it was difficult to tell how the law and regulations regarding military service are put into practice. The regime is really in need of recruits and people who felt safe up until now due to exemption rules, may not feel safe anymore as the level of arbitrariness has grown significantly. There is a general fear among people for what could happen at checkpoints run by the regime as well as a distrust towards the state. In some cases, men are reportedly afraid to leave their homes because they cannot be sure whether or not they are on the list of persons wanted by the authorities.

Even though the rule of law in the regime-controlled areas is enforced to a larger extent compared to other areas, the increasing influence of militia groups has over the last two years contributed to an erosion of the rule of law. The security services of the Syrian state do not function anymore because a large number of militias have emerged since the conflict began, and the state is increasingly dependent on these militias in order to control different parts of the country. There is a general fear among the population as there is no rule of law. Much of the bureaucracy is still maintained but as pro-regime militias are playing a bigger role, there is no rule of law in areas where militias are in control according to Noah Bonsey (ICG).

The Swedish Migration Board refers in its report from November 2014 to information indicating that it has lately become significantly more difficult to be granted a deferral from military service, even against payment. The report also refers to information indicating that in principle all possibilities for obtaining deferral of service are being abandoned.⁹

In an article published on 15 December 2014, Institute for Study of War reports that there is a focus on university students in the conscription campaign. While students had previously been able to defer military service by extending their studies, the regime has begun to erect checkpoints near universities in Damascus, Dera'a, Homs, and Latakia provinces to detain young men for military service.¹⁰

⁹ Migrationsverket, *Reguljär och irreguljär syrisk militärtjänst*, 24 November 2014, p.17-18, (unofficial translation by DIS)

¹⁰ The article reports: "Students at Latakia University, for example, have sardonically renamed the roundabout in front of the college to 'Reserves Roundabout' after 200 students were arrested at a nearby checkpoint between October 20 and November 20. Other youths began returning to their homes after dormitory managers began preparing detailed lists of students which were seen as an

1.3.2. Profile of conscripts

The Syrian government recruits Syrian men of all religious and ethnic backgrounds, including Sunnis. However, the government tends not to place Sunnis in important positions or assign them crucial tasks.

According to UMAM D&R, the Syrian regime is facing difficulties in recruiting among Alawites which is the religious hotbed of the regime, as Alawites are increasingly unsatisfied with the regime's approach to the conflict which has caused a tremendous loss of life among this particular minority sect. A Western analyst explained that it is well-known that Alawites have paid the highest price during the Syrian conflict when it comes to military service. This is due to the fact that the government has been able to impose the military service law in the Alawite areas and that the regime is dependent on Alawites as their core fighters.

Regarding the situation of Sunnis in the Syrian army, Abdelaziz Abdelaziz (OHCHR) informed the delegation that since 2011, commanders have been asked to keep an eye on Sunnis recruits from Idlib, Hama and Aleppo. Abdelaziz Abdelaziz (OHCHR) has heard from a number of persons he has interviewed that machine guns are taken away from the Sunnis and they are given some administrative tasks.

UMAM D&R stated that Sunnis are not used in offensives against opposition groups due to risk of desertion and they are often assigned to secondary and less-important tasks in the army.¹¹

1.3.2.1. Recruitment of Ajanib Kurds

Ajanib Kurds who have obtained Syrian nationality were called to serve in the Syrian army like other citizens when the uprising began, according to Nadim Houry (HRW). However, the government's access to these Kurds has been limited as most of them live in the PYD-dominated areas. Nadim Houry (HRW) did, however, not know what the present situation of Ajanibs with regard to military service was. TEV DEM emphasized that only Ajanibs who have obtained Syrian citizenship and who are of military age are called up in areas under the government's control. Most of the Ajanib Kurds have either fled to areas under Kurdish control or out of Syria.

A report from the Norwegian Country of Origin Information Centre published on 22 December 2014 informs that a considerable uncertainty has surrounded the stateless Kurds who have obtained citizenship with regard to which specific age group would be called up and when a call-up would be sent to conscripts. The uncertainty connected to military service resulted in many

initial census for military enrolment." (Institute for the Study of War, 15 December 2014)¹¹ The delegation does not have information from other sources on which specific positions and tasks in the Syrian army Sunnis are assigned to.

¹¹ The delegation does not have information from other sources on which specific positions and tasks in the Syrian army Sunnis are assigned to.

choosing not to apply for citizenship, or fleeing to KRI before their applications had been processed.¹²

1.3.3. Calling up of reservists

Articles 14 to 24 of the Syrian military service law from 2007 stipulate the organization of reservists. According to the law, in the event of war or emergency, all Syrian men up to the age of 42 who have completed military service can be called up for reserve service (ihtiyat). It is stipulated by the law that people's names are deleted from the lists of reservists when they reach the age limit.¹³

The sources consulted by the delegation explained that the government has intensified efforts towards imposing military service and reservists are at present more targeted than before as the government is constantly looking for combatants.

According to UMAM D&R, it is not a specific profile of the reserve that is being called up, for example those with a certain educational background or specific qualifications, and anyone can thus be called up.

Noah Bonsey (ICG) pointed out that people who have completed their military service can be called to serve as reservists without prior warning. Bonsey referred to a report from al-Jazeera suggesting that there are as many as 35,000 names on the government's list of persons wanted for military service. In the regime-controlled areas, houses are reportedly searched for individuals on the list.

In an article published on 15 December 2014, Institute for Study of War reports that the regime announced an unprecedented series of army reserve activations in the second half of October 2014 in several major urban centers. According to the article, lists of 'reserves to be mobilized' numbering up to 70,000 names circulated to checkpoints across Syria, threatening both local residents and internally-displaced persons from eastern Syria with redeployment.¹⁴

The Swedish Migration Board refers in its report to the Syrian military service law according to which one is no longer listed as part of the reserve after the age of 42. The Swedish report further refers to Syrian opposition sources, according to whom, "this age limit is no longer set in stone.

¹² Landinfo, Temanotat: Syria: Identitetsdokumenter og pass, 22. December 2014, p.15, (unofficial translation by DIS)

¹³ Arab Lawyers Network (Shabaka al-Mahamin al-Arab), Military service law n° 30/2007 (Unofficial translation by DIS) <http://www.mohamoon.com/montada/Default.aspx?action=ArabicLaw&ID=427>

¹⁴ Institute for the Study of War The Assad Regime Under Stress: Conscription and Protest among Alawite and Minority Populations in Syria; Syria Updates, 15 December 2014 <http://iswsyria.blogspot.se/2014/12/the-assad-regime-under-stress.html>
The article reports: On October 20 the regime issued a general mobilization of all reservists born in or after 1984 in the city of Hama, with activists reporting over 1,500 men detained for service at checkpoints or during raids over a four-day period. Activists and eyewitnesses reported that the regime conducted a similar operation in Homs city over the same time period, arresting roughly 1,200 men. Another general mobilization began in Deir ez-Zour city, a zone of active conflict between the regime and ISIS, on October 27. Generally, these mobilizations were preceded by reinvigorated regime attempts to enrol thousands of former conscripts into the reserves.

There are reportedly examples of 45 -year-olds partaking in reserve duty currently.” According to some of the sources consulted by the Swedish Migration Board, it is difficult to observe a clear pattern with regards to who is called up for reserve duty. Some sources have mentioned the type of force (for example everyone in the Air Force), the need for combatants, one’s position etc. as more significant factors rather than age.¹⁵

1.4. Consequences of draft evasion and desertion

1.4.1. Registration and search for draft evaders¹⁶

The Syrian government searches for draft evaders and deserters. The names of draft evaders and deserters are passed to checkpoints and border controls, however, the government is not always effective in keeping its lists of wanted persons updated.

Nadim Houry (HRW) explained that sometimes, the government forces at a checkpoint immediately arrest people and send them to military service if it turns out that they are draft evaders, while in other instances, people are only warned and requested to report to a unit.

Abdelaziz Abdelaziz (OHCHR) explained that from Damascus and its surroundings through the corridor up to Latakia where the government is in control, people are summoned by the local authorities for military service. The bureaucracy is still intact in the government-controlled areas and the authorities will carry out a search for possible candidates in various ways. Depending on the situation, the authorities might go to families and search houses, issue summons, or activate the intelligence service in search of draft evaders. Persons displaced in areas under government control are normally registered in those areas. This information could be used later to identify and recruit candidates for military service.

If caught, draft evaders would be detained by one of the security branches, most likely the Military Intelligence or Air Force Intelligence, and eventually be taken to the military court in al-Qaboun, Damascus. The individual might be subjected to torture and ill-treatment while in the custody of security branches. OHCHR has documented cases of torture and ill-treatment at the hands of military security and Air Force intelligence branches.¹⁷ A military judge may sentence the individual to prison before sending him to military service. In some cases, alleged draft evaders were sent directly to military service without being sentenced. It could also be part of a ceasefire or evacuation deal with opposition groups in certain areas that young men are handed over to

¹⁵ Migrationsverket, Reguljär och irreguljär syrisk militärtjänst, 24 November 2014, p.23 (unofficial translation by DIS)

¹⁶ For more information, see also Al-Monitor, “Syrian regime pursues draft dodgers”, 22 December 2014, <http://almon.co/2bnc>

¹⁷ Abdelaziz Abdelaziz (OHCHR) referred to UN Office of the High Commissioner for Human Rights (OHCHR), Open Wounds, Torture and ill-treatment in the Syrian Arab Republic, 14 April 2014, <http://www.ohchr.org/Documents/Countries/SY/PaperOnTorture.pdf>

security branches after which they would be drafted. The evacuation of old Homs in February 2014 is an example.¹⁸

According to UMAM D&R, it is common that families (particularly fathers) of draft evaders or deserters, whom the authorities do not have access to, have been harassed by the authorities in order to force the draft evader or the deserter to report to the authorities and enlist/reenlist in the army.

Institute for the Study of War reports on 15 December 2014 on the regime's concentrated crackdowns on young men attempting to avoid compulsory military service by employing mobile checkpoints and raids in regime-held areas in almost every Syrian province – "from regime-held neighborhoods of Aleppo city in the north to Dera'a in the south, and from Latakia and Tartus along the Alawite coast to Hasaka in the east." The article points out that over 5,400 arrests for military conscription have already been catalogued during the first seven months of 2014, but the regime has reportedly started to take stricter measures to target men avoiding military service.¹⁹

1.4.2. Exit from Syria for draft evaders and deserters

The Syrian authorities usually have the names of draft evaders and deserters at the borders and a person cannot leave the country legally if he has evaded military service or if he has deserted from the army. Despite these restrictions, some people are able to find their way out.

UMAM D&R emphasized that the control at the airport is very strict and because of that, most of draft evaders and deserters would leave the country via the land borders. Although control of Lebanese-Syrian land borders has recently become more strict, these land borders are still less regulated than the airport.

Nadim Houry (HRW) explained that due to widespread corruption and a chaotic system at the border crossings, it is possible to pass through the legal land border crossings by bribing the authorities, an option that the Syrian upper and middle class tend to use to avoid the dangerous and long illegal routes. Noah Bonsey (ICG) elaborated on this by saying that in some cases, it has reportedly been possible to pay a bribe to get one's name off the wanted list and leave the country. For those who do not have money, the situation is very difficult.

Institute for the Study of War informs that the regime in the autumn of 2014 passed several decrees which restricted the ability of military-aged males to leave the country and avoid mandatory service. On October 20 – concurrent with the start of major reserve mobilizations – the General Mobilization Administration of the Department of Defence banned all men born between

¹⁸ Abdelaziz Abdelaziz (OHCHR) referred to para 19 in UN Security Council, Implementation of Security Council resolutions 2139 (2014) and 2165 (2014), 21 August 2014, S/2014/611 <http://www.refworld.org/docid/54083f8b4.html>

¹⁹ Institute for the Study of War, The Assad Regime Under Stress: Conscription and Protest among Alawite and Minority Populations in Syria; Syria Updates, 15 December 2014 <http://iswsyria.blogspot.se/2014/12/the-assad-regime-under-stress.html>

1985 and 1991 from exiting the country for any reason. Another new regulation ordered all authorized travellers to pay a 50,000 Syrian pound deposit returnable upon reentry to the country in order to ensure that the traveler is not attempting to flee.²⁰

1.5. Enrolment in pro-government militias as an alternative to military service

Joining pro-regime militias, particularly the National Defence Forces, NDF, is reportedly a de facto alternative to military service in the Syrian army. However, the sources consulted did not have detailed information on how the NDF operates in practice, including its cooperation and coordination with the army.

UMAM D&R explained that in recent years, a number of small self-organized pro-regime militia groups have emerged which are led by former, but also present, high-ranking officers from the Syrian army who act as local warlords.²¹ Nadim Houry (HRW) explained that these groups, particularly the NDF, have increasingly become an important defence force for the government. Members of these groups tend to be highly motivated and they are often characterized by a strong local and/or ethnic identity as Druze, Alawite etc.

Noah Bonsey (ICG) mentioned that although the name of the NDF sounds as if it is an official entity, it is actually an umbrella term applied to a number of militias whose members are connected to the regime structure at different levels, and some of them are closer than others to the regime leadership.

Nadim Houry (HRW) explained that the NDF is a mixture of young and older men. The elder members were originally part of the Syrian security service, Mukhaberat, or other army personnel who founded the militia after having retired. However, the NDF does not have a uniform structure and way of functioning all over the country as it is an informal system working according to local dynamics. The NDF in different areas have their own checkpoints and detention facilities and they may even conduct activities such as kidnappings on their own initiatives. The source further explained that the NDF typically will run checkpoints and take care of day-to-day control after the army has operated in sensitive areas, but their function may vary from area to area. Originally, they were mainly operating locally on their own accord, but the state has tried to "run them in" and the NDF militias are increasingly operating in coordination with the army.

The report from the Swedish Migration Board refers to the Syria specialist at the Carnegie Middle East Center who emphasizes that the NDF today has become "the leading institution" among the

²⁰ Institute for the Study of War, The Assad Regime Under Stress: Constriction and Protest among Alawite and Minority Populations in Syria; Syria Updates, 15 December 2014 <http://iswsyria.blogspot.se/2014/12/the-assad-regime-under-stress.html>

²¹ As an example, UMAM D&R mentioned Soheil Hassan known as "the Tiger", an Alawite officer from the Syrian army who has his own YouTube channel where he shows videos of his militia riding on motorbikes fighting the opposition groups.

pro-regime militias that the regime encourages people to join, which to some extent is to the detriment of the regular army. "Within the NDF one has an employment contract that extends up to one or more years. The younger recruits can show their contracts to the military authorities in order to get their regular military service suspended. In this way, they in practice do not need to complete their military service. The NDF units usually consist of locally-based people and individuals belonging to the same religious group as residents in the area where they operate. For example in Homs, the NDF is mainly comprised of Alawites. In Deir Al-Zour, the NDF element consists of Sunnis from local Sunni Arab tribes /clans. Although one finds a number of Sunnis in the NDF in Idlib, Hama and Dara'a, the backbone of the NDF is largely Alawites."²²

The Swedish report further states that it since 2013, in practice, no longer is mandatory for conscripts to complete their military service in the army and its regiments at a distance from their home town as young men facing military service in practice seem to have the option of serving in locally-based pro-regime militias instead of the regular army. This appears to have led to an increase in the number of recruits to both the NDF and the Sunni-dominated Baath Battalions where serving reportedly is considered easier and better paid.²³

²² Migrationsverket, Reguljär och irreguljär syrisk militärtjänst, 24 November 2014, p.9 (unofficial translation by DIS)

²³ Ibid.

2. The situation in the Kurdish controlled areas with regard to recruitment to the Syrian army, mandatory self-defence duty and recruitment to the YPG

2.1. Presence of government forces in the Kurdish areas²⁴

Syrian authorities are present in some parts of the Kurdish areas, namely Jazeera canton and al-Hasakah province. However, the government still pays salaries to employees in the civil administration in the PYD administered areas (Jazeera, Afrin and Kobane cantons). The Kurdish security forces, Assayish, is responsible for enforcement of the rule of law and internal security in the PYD-controlled areas. However, one source, namely TEV DEM, asserted that the Kurdish administration is fully in charge of the civil administration in the areas under its control and that it is the Kurdish administration which pays the salaries of the employees in different sectors.

Nadim Houry (HRW) explained that there is a level of co-existence and cooperation between the government and the Kurdish local administration in the areas where the government forces are present. The government's civil administration in the three PYD controlled areas, Jazeera, Kobane and Afrin, is still functioning as the government still pays salaries to hospital and school staff, and the national ID documents are still being issued to people residing in these areas. The enforcement of some of the national laws may differ from one area to another, as for example enforcement of the law on property rights in connection with settling land disputes. Additionally, in some schools, the Kurdish administration has made some changes to the national curriculum to include Kurdish language, culture and history.

The cities of al-Hasakah and Qamishli are under joint control and both government and the PYD reportedly have their own checkpoints close to each other. Afrin and West of Qamishli are under PYD control according to Noah Bonsey (ICG). TEVDEM explained that in Qamishli, the Syrian regime controls an area of one square kilometre of Qamishli called "the Security Square" ("al-Moraba' al-Amni") which covers a part of the city centre of Qamishli and the area up to and including the Qamishli Airport. There are two to three bases within the security square. The Qamishli Airport is under the control of the Syrian forces. There are domestic flights between Qamishli, Latakia and Damascus at the moment.

Al-Hasakah is, according to Nadim Houry (HRW), de facto controlled by the Kurdish forces, however the government forces have their checkpoints in areas around the city of Hasakah and the government continues to pay salaries of employees in public offices and institutions. In some

²⁴ For more information on PYD, see Udlændingestyrelsen, Syrien: Baggrundsoplysninger om det kurdiske parti Partiya Yekitiya Demokrat (Democratic Union Party) – PYD, 4 November 2014, <https://www.nyidanmark.dk/NR/rdonlyres/7E34E27C-6A6E-40E0-AC59-044022D78776/0/NotatomPYD4nov2014.pdf>

areas, the government and the PYD have found a “modus vivendi”. In Raqqa, the government stopped paying salaries when IS took over.²⁵

There have been recent reports of clashes between the YPG and regime forces in al-Hasakah. Institute for the Study of War reports in its Syria Update, Januar 13-19, 2015 that between 17 and 19 January 2015 YPG fighters seized several regime positions in Northern Hasakah city following clashes with regime soldiers and the National Defence Forces (NDF) militia-men.²⁶

2.2. Government recruitment in Qamishli and al-Hasakah

The Syrian government has made some attempts in the Kurdish areas in recent years to recruit Kurds, but it has failed in doing so as it faced severe resistance from the Kurdish forces present in the area. According to UMAM D&R, at the end of October/beginning of November 2014, the government forces detained around 40 Kurds in Qamishli with the purpose of recruiting them to the army. The Assayish in the area responded immediately by kidnapping a number of officers from the Syrian army who were not on duty and who were then exchanged for release of the 40 Kurds. After this episode, the Syrian regime’s recruitment efforts in this particular Kurdish-controlled area ended

According to Noah Bonsey (ICG), the Syrian government does not have the capacity to impose the military service law in areas that are not under its control. The government would most probably not be able to compel conscription in Afrin and Kobane, and would face significant difficulty in doing so in al-Hasakah province and Qamishli.

Abdelaziz Abdelaziz (OHCHR) assessed that the government might occasionally try to recruit individuals for military service in Qamishli but that it often results in tension between the government and the PYD. In Qamishli, the regime is currently in a weak position and it is not interested in any confrontation with the Kurds.

According to TEV DEM, the Syrian forces present at the Qamishli Airport usually do not arrest Kurdish evaders approaching the Qamishli Airport. However, the Kurdish administration advises Kurds without proper documents not to approach the airport.

TEV DEM further explained that government forces in Qamishli do not move out of the above-mentioned security square and that the Syrian government does not recruit people residing in the security square and its surroundings as the government, according to an agreement with the

²⁵ For more information on the situation in Raqqa see Udlændingestyrelsen, Syrien, Baggrundsoplysninger om situationen i Raqqa, 26 February 2015 <http://www.nyidanmark.dk/NR/rdonlyres/675A4B10-F7A2-4352-B900-91F44B9954DD/0/NotatbaggrundsoplysningeromRaqqaSyrien.pdf>

²⁶ Institute for the Study of War, Syria Update: January 13-19, 2015 <http://iswysyria.blogspot.dk/2015/01/syria-update-january-13-19-2014.html>

Kurdish administration, is not authorized to do so. The source added however, that the Syrian regime does otherwise recruit Kurds in areas under the government's control.

2.3. Mandatory self-defence duty in the PYD controlled areas²⁷

The Kurdish administration passed the Law on Mandatory Self-defence Duty in the Democratic Autonomous Areas ("Ghanoon Ada' Wajib al-Difaa' al-Zati aan Manatiq al-Idara al-Zatia al-Dimoqratia") on 14 July 2014 (see Appendix B). According to TEVDEM the law was implemented in Jazeera on 20 November 2014 when the first group of persons were recruited and started their training. The law has not yet been implemented in the two other Kurdish cantons, that is Kobane and Afrin.

TEVDEM explained that self-defence duty can be postponed or one may be exempted for different reasons. For example, only one child from each family is obligated to enrol in the service, and if a family only has one son, he will be exempted. One could also be exempted due to medical reasons. Students may use their three months summer vacation in two consecutive years to complete their service. Self-defence duty can be carried out for a total of six months within one year. The length of service will be the same in the three cantons of Jazeera, Afrin and Kobane. If a conscript is married, he will receive 20,000 Syrian pounds per month as salary.

2.3.1. Profile of conscripts

The mandatory service law is the same for all cantons and applies for everyone (Kurds, Arabs, Christians, etc.) regardless of their ethnic or religious background according to TEVDEM. An individual who has completed his military service in the Syrian army is not exempted from performing the obligatory self-defence duty in the Kurdish cantons.

The age of persons called up for self-defence duty is between 18 and 30 as stipulated by the law. TEVDEM underlined that no one under the age of 18 will be called up as it is against the law on self-defence duty. There are special schools that offer theoretical teaching in self-defence for those under the age of 18. Enrolment in these courses takes place on a voluntary basis.

2.3.2. Process of recruitment to mandatory self-defence duty

There are a number of mandatory self-defence centres ("markaz wajib al-difa' al-zati") operating under the defence committee of the Kurdish administration, who are responsible, together with the security police Assayish, for recruiting people for mandatory service.

TEVDEM explained that a group of three recruiters, comprising of two persons from the local self-defence centre and one person from Assayish, go from house to house asking families with male children to send one person to mandatory service. If the person from Assayish is not able to participate in the recruitment, he will be replaced by a person from the self-defence centre in question. It is up to the family to decide which one of their sons is to enlist. All families with sons

²⁷ See the introduction regarding availability of sources on this subject.

eligible for mandatory service in the area will be contacted. Upon the visit by recruiters, conscripts should report to the recruitment office (“Markaz al-Tajmid”) in the city where they live.

However, as the demographic composition is different in different cantons, the way the law is enforced in each canton may vary slightly. As an example, TEV DEM mentioned that in a canton with a Syriac population, it is people of Syriac background who go from house to house asking people to participate in the training.

2.3.3. Training

Training lasts about one and a half months and it takes place in training centres in the city where conscript lives. Trainers are experienced YPG fighters and the aim of training is to teach conscripts the importance of defending their cities and to train them in key elements of self-defence. The training comprises both military training and education in political issues. Upon finishing the training, conscripts will be assigned the task of guarding their cities for the remainder of their self-defence duty period. TEV DEM emphasized that those who finish the training will not be sent to the front in order to fight as fighting is taken care of by the YPG. However, it is possible to enlist in the YPG and be sent to the front on a voluntary basis.

2.3.4. Consequences of draft evasion and desertion

TEVDEM explained that if someone does not show up within one week upon being called up for self-defence duty, his name will be passed to Assayish. The Assayish keeps a list of names of those who do not show up, and if such a person is stopped at checkpoints manned by Assayish, he will immediately be sent to mandatory service. However, Assayish would not search for such a person at his home.

If a person deserts from the self-defence duty and he gets arrested, he will be taken to court. The court will then investigate the case and will, depending on the situation, put the person in prison for a certain period. According to Tev Dem, the purpose of the imprisonment is to educate the deserter about the importance of the self-defence duty. The courts in the Kurdish area are still discussing the situation of deserters and may find new, appropriate and fair methods to process desertion cases according to the source.

Regarding consequences of failure to enlist for self-defence duty, KURDWATCH reported on 1 January 2015 that “the defense committee for the transitional administration for the canton of Jazirah, which was appointed by the Democratic Union Party (PYD), has designated January 20, 2015 as the final deadline by which all affected residents must fulfill their compulsory military service (...). According to [a] notice published on December 17, 2014, anyone who has not registered with the PYD’s People’s Defense Units (YPG) by this date must expect legal consequences.”²⁸

²⁸ KURDWATCH, Al-Qamishli: Final deadline for »volunteer« recruitment, 1 January 2015. <http://www.kurdwatch.org/?aid=3315&z=en&cure=1029>

2.4. Recruitment to the YPG

According to TEVDEM, one finds people from different ethnic and religious origins in the YPG although the majority are Kurds.

2.4.1. Forced/voluntary recruitment

Regarding the way the PYD recruits to the YPG, UMAM D&R commented that the PYD sends notifications to families and calls the heads of the families to tell them that they want the family to send one or more family members to join the YPG. Both men and women are recruited by the PYD to serve in the YPG and the YPJ as the PYD wants to present itself as a party that supports gender equality. Whether women are obliged to serve in the YPJ, depends a lot on the local situation as the Kurdish authorities, for instance, avoid recruitment of women in conservative areas. However, UMAM D&R added that whenever the Kurdish authorities can, they encourage recruitment of women. It was however emphasized by the source that this information about recruitment of women had not been confirmed yet.

Both Nadim Houry (HRW) and the Western analyst stated that recruitment to the YPG takes place on a voluntary basis. Nadim Houry added that there are a large number of volunteers. The Western analyst explained that the YPG appears to enjoy significant support from Kurds living in the PYD-controlled areas, and some non-Kurdish groups of Christians and Arabs have joined them. The source emphasized though that Kurds comprise the majority of YPG.

Abdelaziz Abdelaziz (OHCHR) referred to reports²⁹ on complaints about forced recruitment over the previous couple of months (in the context of the IS attacks on Kobane), but Abdelaziz emphasized that these reports had not been verified.

2.4.2. Recruitment of minors

Nadim Houry (HRW) stated that HRW had heard that minors are being recruited again in Kobane due to an urgent need for resources, but HRW has not monitored the area recently and could therefore not confirm that.

The Western analyst said that the PYD appears to have made an effort to stop recruitment of minors, possibly in order to improve their image in the West according to the source.³⁰

²⁹ Abdelaziz Abdelaziz (OHCHR) referred to Syria Deeply, YPG's Mandatory Military Service Rattles Kurds, 27 August 2014 <http://www.syriadeeply.org/articles/2014/08/6014/ypgs-mandatory-military-service-rattles-kurds/> and War Resisters' International, Conscription begins in Kurdish region of Syria, evasion elsewhere, 29 August 2014 <http://www.wri-irg.org/node/23519>

³⁰ According to a report from UN Human Rights Council published on 13 August 2014, "Instances of recruitment of children under the age of 18 by YPG were documented in document A/HRC/25/65. Pursuant to their pledge on 5 July to abolish such practices, YPG have demobilized child soldiers from their ranks and undertaken to monitor adherence to their commitments."; UN Human Rights Council, Report of the independent international commission of inquiry on the Syrian Arab Republic, 13 August 2014 <http://www.refworld.org/docid/53fed8134.html>

Abdelaziz Abdelaziz (OHCHR) stated that Kurdish officials have informed OHCHR that they have released 149 children serving with the PYD in Afrin and al-Hasakah,. However, children are reportedly still fighting alongside the PYD in Kobane, according to Abdelaziz Abdelaziz (OHCHR).

However, Institute for the Study of War reported in its Syria Update 6-12 January 2015 that on January 11, 2015, "Kurdish residents of Amuda, west of Qamishli in Hasakah Province held a demonstration protesting the compulsory conscription of minors for service in YPG forces following the conscription of a 16-year-old schoolgirl in the town." ³¹

Also the Daily Star, Lebanon, reported on 30 January, 2015 that recruitment of minors, including girls, for the purpose of serving as YPG conscripts still takes place in Afrin and Jazeera cantons.³²

It is however, not clear to the delegation whether the above-mentioned reports on forced recruitment of minors refer to recruitment to mandatory self-defence duty (see 2.3.) or whether minors are, according to these reports, recruited as ordinary fighters to the YPG.

³¹ Institute for the Study of War, Syria Update: January 13-19, 2015 <http://iswsyria.blogspot.dk/2015/01/syria-update-january-13-19-2014.html>

³² The Daily Star, Lebanon, Mobilization efforts on the rise in Syria's war of attrition, 30 January 2015, <http://www.dailystar.com.lb/News/Middle-East/2015/Jan-30/285810-mobilization-efforts-on-the-rise-in-syrias-war-of-attrition.ashx>

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According to Abdelaziz Abdelaziz (OHCHR), the OHCHR Syria Monitoring Team, which consists of a number of human rights officers, was dispatched to the region in March 2013 to monitor and report on the situation of international humanitarian law (IHL) and human rights in Syria. As OHCHR continues to be denied access to Syria, team members travel to countries neighboring to that country in order to conduct interviews and receive primary source information on violations and abuses which occur inside Syria. In addition, team members also conduct Skype interviews with eyewitnesses inside Syria. The OHCHR monitoring aims at verifying allegations of IHL and human rights violations by all parties to the conflict. In addition to public statements, OHCHR has issued three thematic reports; on sieges, on torture in detention, and on conditions in the Aleppo Central Prison.³³ OHCHR has also issued a number of reports on casualty figures in the context of the Syrian conflict.³⁴
- Human Rights Watch (HRW), Nadim Houry, Deputy Director, Middle East and North Africa.
- International Crisis Group (ICG), Noah Bonsey, Senior Analyst, Syria.
- Rojava Democratic Society Movement (known by its Kurdish acronym, TEV DEM), TEV DEM's representative in Lebanon.
According to TEV DEM's representative in Lebanon, TEV DEM comprises political parties, civil organizations, women's organisations, youth organizations etc. Among the parties which are members of TEV DEM, the source mentioned the Democratic Union Party ("Hizb a-Ittihad al-Dimoqrati" in Arabic or "Partiya Yekîtiya Demokrat" in Kurdish) known as PYD, the Liberal Union Party ("Hizb al-Ittihad al-Liberali"), the Kurdish Democratic Peace Party ("Hizb al-Salam al-Dimoqrati al-Kurdi"), the Democratic Party of Kurdistan, Syria (al-Barti

³³ The source referred to (1) UN Office of the High Commissioner for Human Rights (OHCHR), Living under Siege, The Syrian Arab Republic, February 2014 <http://www.ohchr.org/Documents/Countries/SY/LivingUnderSiege.pdf>; (2) UN Office of the High Commissioner for Human Rights (OHCHR), Open Wounds, Torture and ill-treatment in the Syrian Arab Republic, 14 April 2014, <http://www.ohchr.org/Documents/Countries/SY/PaperOnTorture.pdf>; (3) UN Office of the High Commissioner for Human Rights (OHCHR), Surrounded by Death, Former Inmates of the Aleppo Central Prison, The Syrian Arab Republic, 12 August 2014 <http://www.ohchr.org/Documents/Countries/SY/AleppoCentralPrison.pdf>

³⁴ Last one in August 2014

al-Dimoqrati al-Kurdistani, Suria”), the Kurdish Communist Party (al-Hizb al-Shiu’i al-Kurdistani”), the Kurdish National Unionist Party (“Hizb al-Tajamo’ al-Watani al-Kurdistani”), the Kurdish Democratic Party for Change (“Hizb al-Taqir al-Dimoqrati al-Kurdistani”), the Democratic Leftist Party (“Hizb al-Yasar al-Dimoqrati”) etc. According to the source, these parties together with other leftist parties, the Green Party (“Hizb al-Khazr”) and Arabic and Syriac parties are represented in the autonomous Kurdish administration. The PYD is the biggest party in TEV DEM.

TEV DEM was established in the Kurdish area in Syria in 2011. The movement has three headquarters in the three Kurdish administrative units/cantons: one in Jazeera, one in Afrin and one in Kobane.

- UMAM Documentation and Research
UMAM Documentation and Research (UMAM D&R) was founded in Beirut, Lebanon as a non-profit civil company in 2004 and received official recognition as a non-governmental organization (NGO) by the Lebanese Ministry of Interior and Municipalities in 2005. UMAM D&R aims to preserve, examine, and debate the memories of civil violence as well as to provide a platform for public access to, and exchange of such memories. Ultimately, the organisation seeks to shed light on these conflicting memories, analyze them, and evaluate collectively the shared responsibilities associated with their continued presence mainly in Lebanon, but also in neighbouring countries.

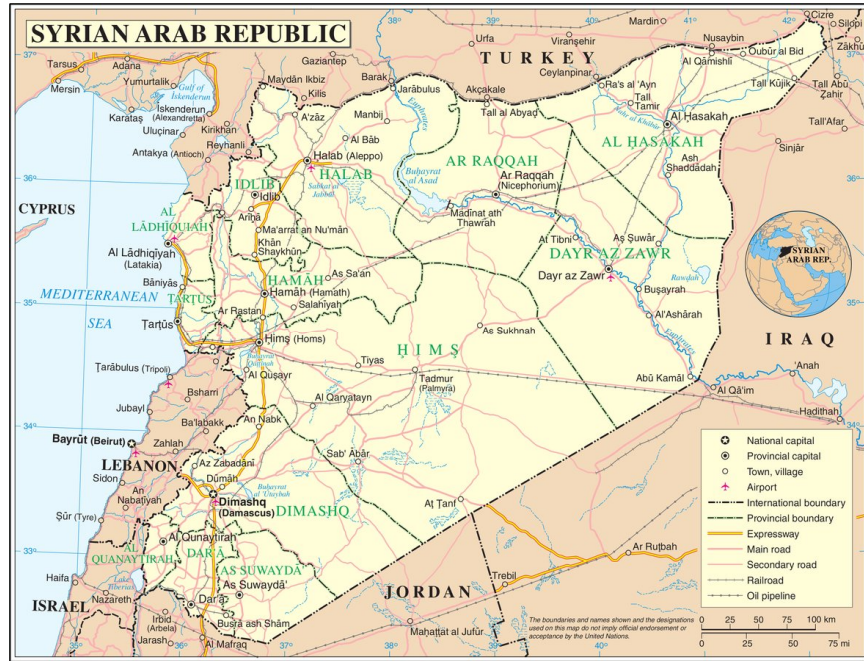
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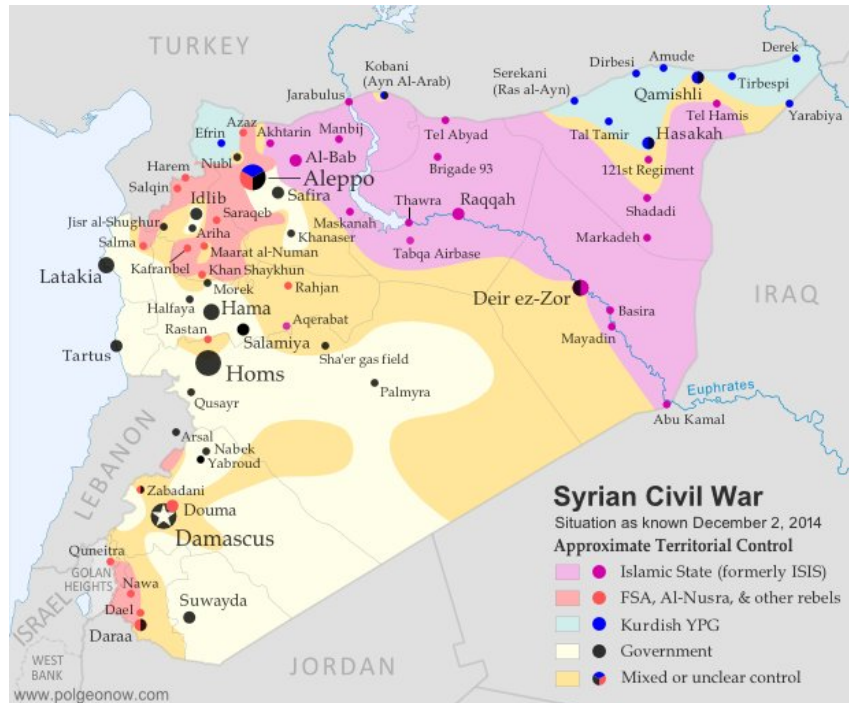
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Appendix A: Maps of Syria



Source: UN Cartographic Section, Map of the Syrian Arab Republic, May 2008, No. 4204 Rev. 2, available at: <http://www.refworld.org/docid/4937c7cb0.html>



Syria Civil War Map, December 2014
 Source: Political Geography Now, www.polgeonow.com

Appendix B: The Law on self-defence duty in the Democratic Autonomous Areas

Published on 14th July 2014³⁵

(Unofficial translation from Arabic by Country of Origin Information – Danish Immigration Service)

Article 1:

Name: Self-defence duty

Definition: Male residents of the Democratic Self-Administration Areas shall be recruited to People's Protection Units (YPG) under the name of self-defence duty.

Article 2:

Self-defence duty shall be considered a social and moral duty which comprises all social components. On this basis, it is an obligation for each household in the province to offer one of its members to perform self-defence duty.

Article 3:

The provisions contained in this law apply to all males aged between 18 and 30, but women can commit themselves voluntarily.

Article 4:

Length of self-defence duty

1. The length of self-defence duty is precisely six months.
2. The conscript has the right to carry out the duty continuously or intermittently.
3. If the duty is to be carried out intermittently, it must be completed within one year.
4. Students of schools, institutes and universities have the right to perform their duty within two consecutive years.

Article 5:

Exemption from self-defence duty

1. Family members of martyrs from the YPG, Assayish or the Kurdish National Liberation Movement ("Harikat al-Taharror al-Watani al-Kurdistani").
2. Single male child of a mother or parents.
3. Disabled persons and those with special needs as well as chronically ill patients are exempted from self-defence duty based on a certified medical report from the Military Health Council in the province.

Article 6:

Persons with maintenance obligation are given a cash assistance during the period of performance of self-defence duty.

³⁵ The law in Arabic is available at: <http://d-parastin.com/ar/index.php/2014-05-25-17-58-10/68-2014-07-14-08-15-31>

Article 7:

1. Persons who remain absent from self-defence duty, will be taken to the nearest recruitment point.
2. The provisions contained in the Military Penal Code apply to offenses and crimes committed during performance of self-defence duty.

Article 8:

Those who have completed their self-defence duty can serve in People's Protection Units (YPG) if they wish to do so.

Article 9:

This law is effective as of the date of its publication in the official gazette.

Amuda, 14 July 2014

The Information Office of the Legislative Council of the Jazeera province

Appendix C: Notes from meetings with sources

Meeting with Abdelaziz Abdelaziz, Team Leader, Syria Monitoring Team, Office of the High Commissioner for Human Rights, Middle East Region.

(Monday, 17 November 2014)

Initially Abdelaziz Abdelaziz (OHCHR) explained that the OHCHR Syria Monitoring Team, which consists of a number of human rights officers, was dispatched to the region in March 2013 to monitor and report on the situation of international humanitarian law (IHL) and human rights in Syria. As OHCHR continues to be denied access to Syria, team members travel to countries neighboring to that country in order to conduct interviews and receive primary source information on violations and abuses which occur inside Syria. In addition, team members also conduct Skype interviews with eyewitnesses inside Syria. The OHCHR monitoring aims at verifying allegations of IHL and human rights violations by all parties to the conflict. In addition to public statements, OHCHR has issued three thematic reports: on sieges, on torture in detention, and on conditions in the Aleppo Central Prison.³⁶ OHCHR has also issued a number of reports on casualty figures in the context of the Syrian conflict.³⁷

Regarding the Syrian government's recruitment for military service, Abdelaziz Abdelaziz (OHCHR) informed the delegation that the government would normally recruit in areas under their control. The government does not normally provoke any confrontation in areas which are not under the government's control solely for the purpose of recruitment. The authorities might seek out certain communities and demand that families send members who are wanted for army service. If the persons called for military service do not voluntarily show up or respond to summons, they would be listed as draft evaders and sought by the authorities.

Abdelaziz Abdelaziz (OHCHR) stated that early on in the conflict, the government would also recruit from areas known as being pro-opposition by sending in troops with a list of names of the individuals wanted for service. In some instances, members of security branches carried out house to house searches, where they lined up household members, demanded their respective IDs, and asked about ones who are not present. As the conflict escalated, it was no longer possible for the authorities to recruit in opposition-controlled areas. The government now only recruits in areas they control. The source referred to the present situation in Hama and other provinces where forced recruitment of individuals for military service has been reported. According to the source, the government would however not break through checkpoints controlled by the opposition in order to recruit. However, individuals who are believed to be draft evaders are intercepted at checkpoints, where security elements keep lists of all wanted individuals.

Asked about the present situation in Qamishli, Abdelaziz Abdelaziz (OHCHR) informed the delegation that the government is in control of the airport and surroundings whereas PYD is in control of the rest. The source assessed that the government might occasionally try to recruit individuals for military service in Qamishli but that often results in tension between the government and the PYD. In Qamishli, the regime is currently in a weak position and is not interested in any confrontation with the Kurds.

Abdelaziz Abdelaziz (OHCHR) stated that from Damascus and its surroundings through the corridor up to Latakia where the government is in control, people are summoned by the local authorities for military service. If someone does not show up when he has been summoned for service, the local authorities will pass the name to the security service and the person will be put on a list for draft evaders. Persons displaced in areas under government control are normally registered in those areas. This information could be used later to identify and recruit candidates for military service.

Abdelaziz Abdelaziz (OHCHR) explained that the authorities will track draft evaders down although its capacity to do so has been tremendously weakened in recent years. He emphasized that the bureaucracy is still intact in the government controlled areas and that the authorities will enforce a search for possible candidates in various ways. Depending on the situation, the authorities might go to families and search houses, issue summons, or activate the intelligence service to search for draft evaders.

Asked what the consequences would be, if a draft evader was picked up by the authorities, Abdelaziz Abdelaziz (OHCHR) explained that the individual would be detained by one of the security branches, most likely the Military Intelligence or Air Force Intelligence, and eventually taken to the military court in al-Qaboun, Damascus. The individual might be subjected to torture and ill-treatment while in the custody of security branches. OHCHR has documented cases of torture and ill-treatment at the hands of military

³⁶ (1) Living Under Siege, The Syrian Arab Republic, February 2004, <http://www.ohchr.org/Documents/Countries/SY/LivingUnderSiege.pdf>; (2) Open Wounds, Torture and ill-treatment in the Syrian Arab Republic, 14 April 2014, <http://www.ohchr.org/Documents/Countries/SY/PaperOnTorture.pdf>; (3) Surrounded by Death, From Inmates of the Aleppo Central Prison, The Syrian Arab Republic, 12 August 2014.

³⁷ Last one in August 2014

security and air intelligence branches.³⁸ A military judge may sentence the individual to prison before sending him to military service. In some cases, alleged draft evaders were sent directly to military service without being sentenced. OHCHR has in the past expressed concern over the fate of deserters and draft evaders who are returned/sent to military service. Abdelaziz Abdelaziz (OHCHR) also mentioned that it could also be part of a ceasefire or evacuation deal with opposition groups in certain areas that young men are handed over to security branches after which they would be drafted. The evacuation of old Homs in February 2014 is an example.³⁹

If someone has completed his military service, the person will be issued a certificate stating that he has satisfied the military service requirement. This certificate is a prerequisite for any government services, including the issuance of a national passport. Asked if the source by "certificate" meant "military book", the source replied that he believed that these terms are used interchangeably. In this connection, the source referred to the Law of Military Service, Article 196, where it reads: "Other than in the case of death, a soldier would be given a certificate to prove that he has completed the military service."⁴⁰

The names of draft evaders may be given to immigration and security officials at airports and border crossings in order to prevent those draft evaders from traveling outside the country. Some people are able to find their way out of Syria, despite these restrictions.

Profile of recruited persons

Asked if the Sunnis would be given less sensitive and less important tasks in the army compared to other religious and ethnic groups, the source informed the delegation that since 2011, commanders have been asked to keep an eye on Sunnis recruits from Idlib, Hama and Aleppo. Abdelaziz Abdelaziz (OHCHR) has heard from a number of persons he has interviewed that machine guns are taken away from the Sunnis and they are given some administrative tasks.

According to Abdelaziz Abdelaziz (OHCHR), the government will recruit anyone who reaches the law-stipulated age of recruitment and not only certain profiles.

Abdelaziz Abdelaziz (OHCHR) said that he did not know how active the authorities are recruiting in the Kurdish areas.

On the question of exemptions for military service and their application, the source answered that these were still applied.⁴¹

Situation in the Kurdish controlled areas:

About recruitment to the YPG in the Kurdish controlled areas, Abdelaziz Abdelaziz (OHCHR) said that there were some complaints about forced recruitment over the last couple of months (in the context of the ISIL attacks on Kobane), but that has not been verified.⁴² Similarly, the source mentioned that Kurdish officials have informed OHCHR that they have released 149 children serving with the PYD in Afrin and al-Hasaka, but that there were still children fighting alongside the PYD in Kobane.

According to Abdelaziz Abdelaziz (OHCHR), the civil administration are created in the three areas – Jazeera, Kobane and Afrin. The Syrian government does not recognize the Kurdish autonomous authority and the cantons it has established in Kurdish areas. As a result, the government does not recognize school exams administered in these areas. However, people in the PYD controlled areas want their children to have government recognized school certificates and for this reason they had to send their children to government controlled areas to undertake final certification exams. In this connection, the source referred to the kidnapping of 153

³⁸ The source referred to UN Office of the High Commissioner for Human Rights (OHCHR), Open Wounds, Torture and ill-treatment in the Syrian Arab Republic, 14 April 2014, <http://www.ohchr.org/Documents/Countries/SY/PaperOnTorture.pdf>

³⁹ See para 19 in UN Security Council, Implementation of Security Council resolutions 2139 (2014) and 2165 (2014), 21 August 2014, S/2014/611, available at: <http://www.refworld.org/docid/54083f8b4.html>

⁴⁰ <http://www.syrianbar.org/index.php?news=150>

⁴¹ OHCHR referred to the Law of Military Service amended: <http://www.sana.sy/%D8%A7%D9%84%D8%B1%D8%A6%D9%8A%D8%B3-%D8%A7%D9%84%D8%A3%D8%B3%D8%AF-%D9%8A%D8%B5%D8%AF%D8%B1-%D9%85%D8%B1%D8%B3%D9%88%D9%85%D8%A7%D9%8B-%D8%A8%D8%AA%D8%B9%D8%AF%D9%8A%D9%84-%D8%A8%D8%B9%D8%B6-%D9%85.html>

⁴² See Syria Deeply, YPG's Mandatory Military Service Rattles Kurds, 27 August 2014 <http://www.syriadeeply.org/articles/2014/08/6014/ypgs-mandatory-military-service-rattles-kurds/> and War Resisters' International, Conscription begins in Kurdish region of Syria, evasion elsewhere, 29 August 2014 <http://www.wri-irg.org/node/23519>

school children by ISIS on 29 May this year (2014). The children had gone from Kobane to Aleppo to sit for junior and high school final exams. They were kidnapped by ISIL on their way back to Kobane. The last group of these children was reportedly released in November. In areas where both government and Kurdish authorities coexist, such as in al-Hasaka, families send their children to undertake final exams in government-controlled area.

As regards law enforcement in the Kurdish areas in general, the Kurdish police forces, Assayish, is in control in the towns and YPG in areas outside towns. The administrations are autonomous but the civil administration is still intact and basic services such as health and education are still based on previous government structures.

Meeting with Ibrahim Jum'a, the representative of Rojava Democratic Society Movement ('Harekat al-Mojtama al-Dimokratia' - NDDM) in Lebanon

(Monday, 17. November 2014 and Skype meeting Wednesday, 10. December 2014)

Rojava Democratic Society Movement (known by its Kurdish acronym, TEV DEM) stated that the organization comprises political parties, civil organizations, women's organisations, youth organizations etc. Among the parties which are members of TEV DEM, the source mentioned the Democratic Union Party ("Hizb a-Ittihad al-Dimoqrati") known as PYD, the Liberal Union Party ("Hizb al-Ittihad al-Liberali"), the Kurdish Democratic Peace Party ("Hizb al-Salam al-Dimoqrati al-Kurdi"), the Democratic Party of Kurdistan, Syria (al-Barti al-Dimoqrati al-Kurdistani, Suria"), the Kurdish Communist Party (al-Hizb al-Shiu'i al-Kurdistani"), the Kurdish National Unionist Party ("Hizb al-Tajamo' al-Watani al-Kurdistani"), the Kurdish Democratic Party for Change ("Hizb al-Taqir al-Dimoqrati al-Kurdistani"), the Democratic Leftist Party ("Hizb al-Yasar al-Dimoqrati") etc. According to the source, these parties together with other leftist parties, the Green Party ("Hizb al-Khazr") and Arabic and Syriac parties are represented in the autonomous Kurdish administration. PYD is the biggest party in TEV DEM. The source is the representative of TEV DEM in Lebanon.

TEV DEM was established in the Kurdish area in Syria in 2011. The movement has three headquarters in the three Kurdish administrative units/cantons: one in Jazeera, one in Afrin and one in Kobane.

According to TEV DEM, in the beginning of 2014 each canton established its own administration with 22 executive committees. These committees are responsible for different tasks, for example the education committee is responsible for administration of the school system etc. Headquarters differ from each other and the individual administrations are subject to change depending on the local dynamics. At present, there are temporary appointed legislative committees, however, in the future when the war ends and IS is defeated, elections for the legislative committees will be held.

Mandatory military service

TEV DEM informed the delegation that the Kurdish administration passed the Law on Mandatory Self-defence Duty in the Democratic Autonomous Areas ("Ghanoon Ada' Wajib al-Difaa' al-Zati aan Manatiq al-Idara al-Zatia al-Dimokratia") on 13th July 2014. The law was implemented in Jazeera on 20th November 2014 when the first group of persons were recruited and started their training. The source added that the law has not been implemented in the two other Kurdish cantons, that is Kobane and Afrin. As regards Kobane, implementation has not been possible due to the current fighting in the area. Regarding Afrin, the source explained that a delegation from the city has been on visit in Europe and as soon as the delegation is back from its visit to Europe, the mandatory service law will be implemented in Afrin.

When asked how people are called up for mandatory service, TEV DEM stated that there are a number of mandatory self-defence centres ("markaz wajib al-difa' al-zati") operating under the defence committee of the Kurdish administration, who are responsible, together with the security police Assayish, for recruiting people for mandatory service.

The source further explained that a group of three recruiters, comprising of two persons from the local self-defence centre and one person from Assayish, go from house to house asking families with male children to send one person to mandatory service. If the person from Assayish is not able to participate in the recruitment, he will be replaced by a person from the self-defence centre in question. It is up to the family to decide which one of their sons is to enlist. The source emphasized that all families with sons eligible for mandatory service in the area will be contacted. TEV DEM stated that upon the visit by recruiters, conscripts should report to the recruitment office ("Markaz al-Tajmid") in the city where they live.

According to TEV DEM, training lasts about one and half months and it takes place in training centres in the city where conscripts live. Trainers are experienced YPG fighters and the aim of training is to teach conscripts the importance of defending their cities and to train them in key elements of self-defence. The training comprises both military training and education in political issues. Upon finishing the training, conscripts will be assigned to the task of guarding their cities for the remainder of their self-defence duty period. The source emphasized that those who finish the training will not be sent to the front in order to fight as fighting is taken care of by the YPG. However, the source mentioned that it is possible to be sent to the front and fight for YPG on a voluntary basis.

The source added that mandatory service can be postponed or one may be exempted for different reasons. For example, only one child from each family is obligated to go through the service, and if a family only has one son, he will be exempted. One could also be exempted due to medical reasons. Students may use their three months summer vacation in two consecutive years to complete their service.

TEV DEM said that if someone has served his military service in the Syrian army, he still has to serve his "self-defence duty" in the Kurdish cantons.

Regarding the length of mandatory service, TEV DEM stated that it can be carried out for a total of six months within one year. The length of service will be the same in all three cantons of Jazera, Afrin and Kobane.

Asked about the age of persons called up for mandatory service, TEV DEM replied that it will be between 18 and 30 as stipulated by the law. The source underlined that no one under the age of 18 will be called up as it is against the law on mandatory service. The source added however, that there are special schools that offer theoretical teaching in self-defence for those under the age of 18. Enrolment in these courses takes place on a voluntary basis.

TEV DEM pointed out that the mandatory service law is the same for all cantons and applies for everyone (Kurds, Arabs, Christians, etc.) regardless of their ethnic or religious background in all cantons. Even in YPG, one finds people from different ethnic and religious origins although the majority are Kurds. However, the source added that as the demographic composition is different in different cantons, the way the law is enforced in each canton may vary slightly from canton to canton. As an example, the source mentioned that in a canton with Syriac population, it is people with Syriac background who go from house to house asking people to participate in the training.

To the question of whether conscripts receive salaries during their service, TEV DEM replied that if a person is married, he will receive 20,000 Syrian pounds per month as salary.

According to the source, members of YPG and YPJ and their families receive financial assistance from the local administration.

With regard to consequences of not showing up for mandatory service after being called up, TEV DEM said that if someone does not show up within one week, his name will be passed to Assayish who has lists with names of those who do not show up after being called up for service. If such person was stopped at checkpoints manned by Assayish, he would immediately be sent to mandatory service. The source added however that Assayish would not search for such person at his home.

Regarding deserters, TEV DEM explained that if a person deserts from the self-defence duty and he gets arrested, he will be taken to the court. The court will then investigate the case and will depending on the situation put the person in prison for a certain period. The purpose of the imprisonment is to educate the deserter about the importance of the self-defence duty. The court [in the Kurdish area] is still discussing the situation [of deserters] and it may find new, appropriate and fair methods [to process desertion cases].

Presence of the Syrian regime in Qamishli

According to TEV DEM, the three cantons - Jazeera, Afrin and Kobane - are under the control of the Kurdish administration.

When asked whether the Syrian government is present in the Kurdish areas, TEV DEM replied that the Syrian government is present only in one canton, namely Jazera.

TEV DEM informed the delegation that the Syrian regime controls an area of one square kilometre called “the Security Square” (“al-moraba’ al-amni”) which covers a part of the city centre of Qamishli and the area up to and including the Qamishli Airport. According to the source, there are two-three bases within the security square.

Regarding Qamishli Airport, TEV DEM stated that the airport which is the only way out of the Kurdish controlled area for civil people, is under the control of the Syrian forces. The source added that there are domestic flights between Qamishli, Latakia and Damascus at the moment. Asked if a Kurdish draft evader can go to Qamishli Airport without being arrested by the Syrian government forces controlling the airport, TEV DEM replied that the Syrian forces present at the Qamishli Airport usually do not arrest people. The source added though that as the airport is controlled by Syrian forces, the Kurdish administration advises Kurds without proper documents not to approach the airport.

TEV DEM stated that government forces in Qamishli do not move out of the security square and that the Syrian government does not recruit people residing in the Security Square and its surroundings as the government, according to an agreement with the Kurdish administration, is not authorized to do so. The source added however, that the Syrian regime does otherwise recruit Kurds in areas under the government’s control.

TEV DEM explained that in areas under Kurdish control, the Kurdish administration does not accept interference by the Syrian government forces, and generally the government does not interfere in the Kurdish administration’s affairs in the Kurdish controlled areas. The Syrian government has learned from past experience that this type of action – that is stopping and detaining people at checkpoints – in the Kurdish areas may lead to confrontation with the Kurdish forces which the Syrian regime is not interested in.

To the question of whether the Syrian government still pays salaries of people employed in for instance the health and education sector in the PYD controlled areas, TEV DEM answered that the Kurdish administration is fully in charge of the civil administration in the areas under its control and pays the salaries of the employees in different sectors. The source believed that if the Syrian government were to pay salaries, it would create difficulties for the Kurdish administration. The source stressed that the Kurdish administration is autonomous and is responsible for the whole civil administration in the areas under its control. Asked from where the PYD administration gets its resources, the source replied that the administration generates income from sale of oil and receives foreign assistance. The source also mentioned that the main danger in the area is IS which is even more dangerous than the Syrian regime. The source further mentioned that the war is ongoing – especially in Kobane – and many people have fled from the area. The Kurdish authorities have resisted IS for more than two months now – a resistance which has only been possible due to a strong self- defence from the inhabitants of Kobane.

Regarding the situation in al-Hassakah, TEV DEM stated that the situation in Hassakah city is good and the city is under the control of YPG. The source mentioned though that there are some government checkpoints in al-Hassakah governorate. The source further mentioned that without People’s Protection Units (YPG), Hasaka would have surrendered to IS but this did not happen.

Asked whether the Syrian regime calls up Ajanib Kurds residing in the area under its control for military service, TEV DEM replied affirmatively, but emphasized that only Ajanib who have obtained Syrian citizenship and who are of military age are called up. The source added that most of the Ajanib Kurds have either fled to the areas under Kurdish control or out of Syria.

Meeting with UMAM Documentation and Research (UMAM D&R)

(Wednesday, 19. November 2014)

Military Service

UMAM Documentation and Research (UMAM D&R) stated that, according to reliable information it got from Syrian friends and colleagues, the Syrian government has intensified its attempt to recruit Syrian men to the army. Officially, there is no change but according to these sources, in practice there are changes due to the pressure the regime is under. The regime is pressuring families to send one male family member to join the army, and families are increasingly harassed. As an example, the source mentioned a Sunni family in Damascus with two sons that was harassed and whose business was put under pressure by the regime because the regime wanted the family to offer one of the sons to the army. In this connection, the source mentioned that previously, young

men living in Damascus were able to postpone their military service for educational purposes by registering, for example, in a university in Lebanon. This is no longer an option as the Lebanese authorities have become more restrictive with regard to allowing Syrians to cross the border to Lebanon. Therefore, young men in Damascus no longer have an excuse for postponement of their military service.

The intensification of the regime's military recruitment should, according to UMAM D&R, be seen as a general ideological mobilization on all levels and a new approach to the conflict from the regime, which started with the official emergence of IS in June 2014, rather than a need for regime combatants. According to this new narrative of the regime, it is a national duty of all Syrians to join forces and unite under the flag of the Syrian regime to fight against a "brutal" enemy that is the Islamic State. Seen in this context, the mobilisation of reservists, especially those with certain skills, has also become part of the new approach to the conflict. The source added that the neighbouring countries' growing restrictions with regards to allowing Syrians entry in recent months is contributing to making the regimes recruitment policy easier and more feasible. Tighter border control is also affecting those who have completed their military service as they are unable to leave Syria and thereby risk being called up as reservist.

UMAM D&R pointed out that the Syrian regime is facing difficulties in recruiting among Alawites which is the religious hotbed of the regime, as Alawites are increasingly unsatisfied with the regime's approach to the conflict which has caused a tremendous loss of life among this particular minority sect. Non-Alawite groups such as Christians, are divided in this regard, but apart from some small groups who ideologically support the regime, they are trying, in general, to avoid getting involved on the government's side.

As regards the Sunnis, UMAM D&R explained that the government is also recruiting among Sunnis, however, Sunnis are not used in offensives against opposition groups due to risk of desertion and they are often assigned to secondary and less-important tasks in the army. However, as the regime is trying to embark everybody on the same boat, even petty assignments count, according to the source.

Regarding recruitment of Kurds UMAM D&R stated that the government have made some attempts in the Kurdish areas in recent years to recruit Kurds, but it has failed in doing so as it faced severe resistance from the Kurdish forces present in the area. As an example, the source mentioned that a couple of weeks earlier, the government forces detained in Kameshlo around 40 Kurds with the purpose of recruiting them to the army. The Asayish in the area responded immediately by kidnapping a number of officers from the Syrian army who were not on duty and who were then exchanged for release of the 40 Kurds. After this episode, the Syrian regime's recruitment efforts in this particular Kurdish controlled area ended.

Asked about recruitment in Hassakah governorate, UMAM replied that it had no information on any attempt in Hassakah to draft people. However, the source stressed that as a general rule, the regime does not hesitate to recruit whenever and wherever possible.

UMAM stated that the names of those who do not sign up for military service will be passed to checkpoints and the border controls by the security service where they will be registered in a data base. The source did not believe that the Syrian authorities at all checkpoints had access to this database, however the source could not confirm that.

When asked whether it is possible for draft evaders or deserters to bribe the Syrian border control in order to leave the country legally, UMAM D&R replied that the control at the airport is very strict and because of that, the source believed that most of draft evaders and deserters would leave the country via the land borders. The source added that although the control of Lebanese/Syrian land borders have recently become more strict, these land borders are still less regulated than the airport.

Regarding the extent to which the Syrian law on military service, including regulations with regard to exemptions from the military service, is applied, UMAM D&R stated that it had no first hand information on this issue. However, the source emphasized that respect for the law has decreased tremendously in recent years and one would expect a certain level of arbitrariness in how the country's laws are applied these days.

Asked whether joining and being active in pro-government militias, including NDF, is considered by the Syrian government as an alternative to military service, UMAM D&R explained that the pro-regime forces have become a confederation of the regular army, NDF and Hezbollah. In general, as the Syrian conflict has developed, it has become increasingly difficult to distinguish between these entities as the military cooperation among them has increased considerably in recent years. According to the source, one should consider the regime's armed forces as a combination of different forces of which the Syrian army is only one constituent.

The source further explained that in recent years, a number of small self-organized pro-regime militia groups have emerged which are led by former, but also present, high-ranking officers from the Syrian army who act as local warlords. As an example, the source mentioned Soheil Hassan known as the Tiger, an Alawite officer from the Syrian army who has his own YouTube channel where he shows videos of his militia riding on motorbikes fighting the opposition groups.

The situation in the PYD controlled areas

UMAM D&R stated that the Syrian government still pays salaries of employees in public institutions such as schools and hospitals in the PYD controlled areas and the mobile network used in the Kurdish areas is owned and controlled by the government. However, UMAM D&R underlined that the government does not have the last say in the Kurdish areas as these areas are mainly controlled by the Kurdish PYD-dominated administration.

According to UMAM D&R, although the regime forces have checkpoints in Jazeera, the government prefers to rely on the pro-regime militias present in the area rather than sending troops there in case it faces a threat. Asked who these pro-regime militias are, the source replied that the NDF structure is very loose and it is difficult to say whether these militias belong to it or if they are "free agents."

UMAM D&R explained that Assayish is responsible for law enforcement and PYD has established their own courts in the Kurdish dominated areas. Even in the Kurdish areas where the government forces are present, i.e. Qamishli and Hassakah, the regime leaves it to Assayesh to enforce the law.

UMAM D&R mentioned that the popularity of PYD among Kurds varies from one place to another. For instance, the party is not as popular among people in Afrin as in other areas.

Regarding the Kurdish administration's new military service law, UMAM D&R stated that the adoption of this law is an attempt by the PYD-dominated Kurdish administration to manifest the authority of the Kurdish administration as an independent entity in relation to the Syrian government. The law has, thus, not led to any changes with regard to PYD's recruitment practice compared to earlier, according to the source, and the party continues to force Kurds to join YPG as before.

Asked about the way PYD is recruiting, UMAM D&R replied that PYD sends notifications to families and calls the heads of the families to tell them that they want the family to send one or more family members to join YPG. Both men and women are recruited by PYD to serve in YPG and YPJ as PYD wants to present itself as a party that supports gender equality. Asked whether women are obliged to serve in YPJ, UMAM D&R stated that it depends a lot on the local situation as the Kurdish authorities, for instance, avoid recruitment of women in conservative areas. However the source added that whenever the Kurdish authorities can, they encourage recruitment of women. It was however emphasized by the source that this information about recruitment of women had not been confirmed yet.

UMAM D&R stated that it is not a specific profile that is called up to serve in the Syrian army as reservist, f.ex. people with certain educations or qualifications, and everyone can be called up.

When asked whether families (particularly father) of draft evaders or deserters, whom the authorities do not have access to, have been summoned, detained and/or harassed by the authorities in order to force the draft evader or the deserter to show up and join/go back to the army, UMAM D&R replied affirmatively by saying that cases of family harassment are very common.

Meeting with Nadim Houry, Deputy Director, HRW

(Monday, 17. November 2014)

Military Service

Nadim Houry (HRW) stated that the Syrian regime only recruits people to the Syrian army within the government controlled areas. However, the source pointed out that the government forces can take people who live in rebel held areas if they find themselves at a government checkpoint. The source added that the government recruits people regardless of their ethnicity or religion, including Sunnis. However, the source emphasized that he suspects that the government would not put someone it does not trust in a sensitive or strategic position.

Nadim Houry (HRW) added that when the government negotiated a ceasefire with opposition groups in Old Homs, some of the young men who were former fighters in opposition groups were initially held and eventually sent to serve in the Syrian army.

Nadim Houry (HRW) said that Ajanib Kurds who have obtained Syrian nationality were called to serve in the Syrian army like other citizens when the uprising began. However, the government's access to these Kurds has been limited as most of them live in the PYD dominated areas. The source did however, not know what the present situation of Ajanib with regard to military service was.

Nadim Houry (HRW) explained that the Syrian military service law, including exemptions from the military service (due to for instance medical reasons or being the only child of a family), is still applied in Syria. The source explained that it is a centralised system, the same administration is still in place, and there is no change in the system regarding military service.

According to Nadim Houry (HRW), draft evaders and deserters risk being detained at checkpoints depending on the capacity available at the particular checkpoint and the officer at the checkpoint. While some checkpoints have updated electronic lists of those wanted by the authorities, including draft evaders and deserters, others do not. Sometimes, the government forces at a checkpoint immediately arrest people and send them to military service if it turns out that they are draft evaders, while in other instances, people are only warned and requested to report to a unit..

Nadim Houry (HRW) stated that the Syrian authorities usually have the names of draft evaders and deserters at the borders and a person cannot leave the country legally if he has evaded military service or if he has deserted the army. Nevertheless, due to widespread corruption and a chaotic system at the border crossings, it is possible to pass through the legal land border crossings by bribing the authorities, an option that the Syrian upper and middle class tend to use to avoid the dangerous and long illegal routes.

According to Nadim Houry (HRW), reservists are still called to serve in the army, however it was not clear to the source how this takes place in practice and how the reserve is called in. However, the source assessed that reservists are at present more targeted than before as the government is constantly looking for combatants.

Nadim Houry (HRW) stated that military books are still issued and they are quite important for young people when going through checkpoints or leaving the country legally.

Pro regime militia groups

Nadim Houry (HRW) explained that pro-regime militia groups, particularly National Defence Force (NDF), have increasingly become an important defence force for the government. Members of these groups tend to be highly motivated and they are often characterized by a strong local or/and ethnic identity as Druze, Alawite etc.

According to the source, NDF is a mixture of young and elder men. The elder members were originally part of the Syrian security service, Mukhaberat, or other army personnel who founded the militia after having retired. However, NDF does not have a uniform structure and way of functioning all over the country as it is an informal system working according to some local dynamics. NDF in different areas have their own checkpoints and detention facilities and they may even conduct activities such as kidnappings on their own initiatives. The source further explained that NDF typically will run checkpoints and take care of day-to-day control after the army has operated in sensitive areas, but their function may vary from area to area. Originally, they were mainly operating locally on their own accord but the state has tried to "run them in" and NDF militias are increasingly operating in coordination with the army.

Nadim Houry (HRW) stated that HRW has repeatedly heard that being part of pro-government militias such as NDF counts as an alternative to the military service although the source did not have information on how the formal system (the army) works with these militias in practice. The source emphasized that this is a de facto alternative and he was not sure whether it was regularized by any law.

The situation in the PYD controlled areas

Nadim Houry (HRW) explained that the Syrian government is not present in most parts of the PYD- controlled areas. The government forces are present in Jazera where they have some checkpoints in Qamishli and where they also control Qamishli airport. The source explained that there is a complex system of local agreements between PYD and the government in Jazeera.

According to the source, there is a level of co-existence and cooperation between the government and the Kurdish local administration in the areas where the government forces are present.

According to Nadim Houry (HRW), the government civil administration in the three PYD controlled areas, Jazeera, Kobane and Afrin, is still functioning as the government still pays salaries to hospital and school staffs, and the national ID documents are still being issued to people residing in these areas. The source added though that the enforcement of some of the national laws may differ from one area to another as for example enforcement of the law on property rights in connection with settling land disputes. Additionally, in some schools, the Kurdish administration has made some changes to the national curricula to include Kurdish language, culture and history.

Regarding the rule of law, Nadim Houry (HRW) stated that it is the Kurdish security forces, Assayesh, that enforces the rule of law in the three PYD-dominated areas and the city of Hassakah.

As regards the situation in Hassakah, Nadim Houry (HRW) mentioned that Hassakah is de facto controlled by the Kurdish forces, however, the government forces have their checkpoints in areas around the city of Hassakah and the government continues paying salaries of employees in public offices and institutions. The source added that in some areas, the government and PYD have found a "modus vivendi". In Raqqa, the government stopped paying salaries when IS took over.

Nadim Houry (HRW) stated that the local administrations in the Kurdish areas are not homogenous Kurdish entities in that one finds representatives from other groups such as Christians and Yezidis in them, and there may be different views on different issues even among the Kurdish members. Seen in this light, the decision making processes in these administrations are dynamic and according to the source, they are quite pragmatic entities despite the fact that they are dominated by the PYD.

Recruitment to YPG and mandatory service in the PYD dominated areas

According to Nadim Houry (HRW), recruitment to YPG, which is the military wing of PYD, takes place on a voluntary basis and there are a lot of volunteers. HRW had heard that minors are being recruited again in Kobane due to urgent need for resources, but HRW has not monitored the area recently and could therefore not confirm that.

Regarding the new law passed by the Kurdish administration in July 2014 about mandatory military service in the Kurdish areas, Nadim Houry (HRW) stated that the law has been very contentious but he did not have information on how it was implemented and whether PYD/YPG used force to make young men serve the mandatory service

HRW also pointed at a new party law implemented by some of the local Kurdish cantons according to which all political parties have to register. People from non-PYD political parties were not happy about it. However, HRW has not visited the area since their last visit to Jazeera in May 2014 after which IS took over.

Meeting with Noah Bonsey, Senior Analyst, Syria, International Crisis Group

(Tuesday 18 November 2014)

When asked about the implementation of the rules regarding recruitment for military service, Noah Bonsey (ICG) explained that in Syria, one thing is the law and another thing is how it is implemented. According to Noah Bonsey (ICG), you never know how security forces will act. Recently, there has been an increasing concern as the Syrian government is acting more aggressively in imposing military service on draft evaders and reservists. If someone is wanted for draft evasion, he will be called up. A more aggressive recruitment by the government is, according to Noah Bonsey (ICG), connected to the overall situation. As an example, he mentioned that even militants of the opposition who surrendered in Homs were reportedly sent to military service.

According to the source, it is not clear whether there has been an official change in the rules for military service, however the government has intensified efforts towards imposing military service. People who have completed their military service can be called to serve as reservists without prior warning. One report from al-Jazeera suggested there are as many as 35,000 names on the government's list of persons wanted for military service. In the regime controlled areas, houses are reportedly being searched for individuals on the list.

Regarding calls for reservists, Noah Bonsey (ICG) said that there have been reports in both pro-regime and anti-regime Arabic media that reservists are being called up.

Asked if the rules for exemption for military service are still implemented, Noah Bonsey (ICG) informed the delegation that it was difficult to tell how these rules are put into practice. The regime is really in need of recruits and people who felt safe up until now due to exemption rules, may not feel safe anymore as the level of arbitrariness has grown significantly. There is a general fear among people for what could happen at checkpoints run by the regime as well as a distrust towards the state. In some cases men are reportedly afraid to leave their home because they cannot be sure whether or not they are on the list of persons wanted by the authorities. The source added though that the lists of wanted persons at checkpoints are not likely to contain the names of all draft evaders or deserters as the government is not always effective in keeping its databases updated.

According to Noah Bonsey (ICG), even though the rule of law in the regime controlled areas is enforced to a larger extent compared to other areas, the increasing influence of militia groups has over the last two years contributed to the erosion of rule of law.

Noah Bonsey (ICG) stated that the security services of the Syrian state do not function anymore because a large number of militias have emerged since the conflict began, and the state is increasingly dependent on these militias in order to control different parts of the country.

Noah Bonsey (ICG) explained that there is a general fear among the population as there is no rule of law. Much of the bureaucracy is still maintained but as pro-regime militias are playing a bigger role, there is no rule of law in areas where militias are in control.

As regards the NDF, the source mentioned that although the name of NDF sounds as if it is an official entity, it is actually an umbrella term applied to a collection of militias whose members are connected to the regime structure at different levels, and some of them are closer than others to the regime leadership. Being member of NDF is reportedly de facto an alternative to military service in the army, but the source did not have information on how it works in practice or whether this alternative also applies to reservists.

According to Noah Bonsey (ICG), the Syrian government does not have the capacity to impose the military service law in areas not controlled by the government. Noah Bonsey (ICG) informed the delegation that the government would most probably not be able to compel conscription in Afrin and Kobane, and would face significant difficulty in doing so in Hassakah and Qamishli.

Noah Bonsey (ICG) had no information on whether Ajanib Kurds have been called up for military service.

Noah Bonsey (ICG) explained that in some cases it has reportedly been possible to pay a bribe to get one's name off the wanted list and leave the country. For those who do not have money, the situation is very difficult, according to the source.

Situation in the Kurdish areas

According to Noah Bonsey (ICG), the Syrian government still pays salaries to employees in some PYD controlled areas; it has done so intermittently for employees in Afrin, and is still paying in al-Jazeera though reportedly it will continue to do so only to those who are not wanted for military service. The government has reportedly stopped paying salaries in Kobane. The source explained it by saying that the government needs PYD to stay "neutral" vis a vis the government for which reason it has an interest in supporting the PYD controlled areas. The source added that the cities of Hassakah and Qamishli are under joint control and both government and PYD reportedly have their own checkpoints close to each other. Afrin and West of Qamishli are under PYD control.

Noah Bonsey (ICG) stated that it is the Kurdish security forces, Assayish, who enforce the law in the PYD controlled areas.

Meeting with a Western analyst

Asked which profile the drafters/reservists have, a Western analyst stated that it is well-known that Alawites have paid the highest price during the Syrian conflict when it comes to military service. This is due to the fact that the government has been able to impose the military service law in the Alawite areas and that the regime is dependent on Alawites as their core fighters. However,

the source emphasized that Sunnis from some parts of the country are still serving in significant numbers. The analyst did not have any information as to where the Sunnis are serving but according to the source, it has been a longstanding practice that Sunnis are disproportionately excluded from critical positions in the army and security services.

Regarding the rule of law in the Kurdish areas, a Western analyst mentioned that the PYD governs with autocratic tactics. The source added that in the beginning of the Syrian conflict, the security police, Assayesh, was reportedly involved in different forms of suppression of political opponents to PYD, including apprehending of individuals and threats of seizure of people's property, assassinations and other human rights violations. The source emphasized that this was the situation in the beginning of the Syrian conflict and he was not sure if this still was the case. According to the source, Kurds opposed to PYD do not feel safe in the area. However, the source also emphasized that Human Rights Watch had been allowed a visit to the area.

According to a Western analyst, the court system in the Kurdish area is in theory an open system but in practice it is under the influence of PYD. The overall acceptance of other political views than that of PYD is limited, and the inclusiveness claimed by PYD is very different from the reality on the ground. The situation is a result of the competitive politics between PYD and other Kurdish parties, according to the source.

The analyst said that the YPG appears very effective in its recruitment. It is the perception that recruitment takes place on a voluntary basis. Those recruited also includes non-Kurdish parties/groups that operate their own forces, which indicates both the YPG's need for manpower and its desire to demonstrate that it incorporates non-Kurds under its umbrella. The source mentioned the Christian militia, Sutoro, as an example.

The analyst said that the YPG appears to enjoy significant support from Kurds living in PYD-controlled areas, and some non-Kurdish affiliated groups of Christians and Arabs have joined them. The source emphasized though that Kurds comprise the majority of YPG.

Regarding recruitment of minors, the source said that PYD appears to have made an effort to stop recruitment of minors, possibly in order to improve their image in the West.