

Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Syria

“Illegal Exit” from Syria and Related Issues for Determining the International Protection Needs of Asylum-Seekers from Syria

February 2017

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In line with UNHCR's International Protection Considerations (Update IV), dated November 2015, UNHCR considers that “most Syrians seeking international protection are likely to fulfil the requirements of the refugee definition contained in Article 1A(2) of the 1951 Convention, since they will have a well-founded fear of persecution linked to one of the Convention grounds.” UNHCR further notes that for many civilians who have fled the country, “the nexus to a 1951 Convention ground will lie in the direct or indirect, real or perceived association with one of the parties to the conflict.”¹ UNHCR considers that only in exceptional cases will asylum-seekers from Syria not meet the criteria of the refugee definition in the 1951 Convention, in which cases consideration needs to be given to other forms of international protection, including, in States bound by the Qualification Directive,² subsidiary protection.³

The International Protection Considerations (Update IV) provide UNHCR country guidance on the international protection needs of asylum-seekers from Syria.⁴ The present document provides relevant and up-to-date additional country of origin information (COI) relating to specific risk profiles identified in the International Protection Considerations (Update IV), to assist decision-makers in asylum procedures with the application of the guidance provided by UNHCR in the International Protection Considerations (Update IV).⁵ The present document also includes references to UNHCR's guidelines on claims for refugee status related to situations of armed conflict and violence, published in December

¹ UNHCR, *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update IV*, November 2015, <http://www.refworld.org/pdfid/5641ef894.pdf>, para. 36.

² European Union: Council of the European Union, *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (Recast)*, 13 December 2011, OJ L. 337/9-337/26; 20.12.2011, <http://www.refworld.org/docid/4f197df02.html>.

³ UNHCR, *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update IV*, November 2015, <http://www.refworld.org/pdfid/5641ef894.pdf>, para. 37.

⁴ UNHCR will publish Update V in the course of 2017 and also plans to publish information in relation to risk profiles not covered in this document.

⁵ This document is based on information available to UNHCR up to 23 February 2017.

2016.⁶ The present document must be read in conjunction with the International Protection Considerations (Update IV).

As noted in UNHCR's International Protection Considerations (Update IV), an overall assessment of an applicant's claim for international protection will have to take into account all elements relevant to his or her claim, including all aspects of the applicant's profile as well as all other relevant circumstances of the case such as the applicant's place of origin/residency and conflict-related developments in the area, religious/ethnic background, gender, age, professional/educational background, family and tribal links, political activities, and mode of departure (legal/illegal).⁷ Given that parties to the conflict in Syria use very broad criteria to attribute political affiliation to individuals and whole groups or communities, it is of particular importance to carefully assess cases in a holistic manner. For this purpose, an assessment of whether the applicant meets the criteria of the refugee definition in the 1951 Convention must consider the relevance of each of the aspects of the applicant's profile, taken alone and in combination with each other. The question of the legality, or illegality, of an applicant's departure from Syria would be one element among many others that would have to be considered in a thorough assessment. Only in exceptional cases where an applicant has been found not to meet the criteria of the 1951 Convention should, where applicable, eligibility for subsidiary protection be assessed.⁸

I. Departure from Syria

The information included in this section describes the situation based on applicable Syrian laws. However, in the context of the conflict in Syria, laws are reported to be implemented in an arbitrary and unpredictable manner.⁹ Moreover, border authorities may be given internal instructions about which no information is available publically.

⁶ UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions*, 2 December 2016, HCR/GIP/16/12, <http://www.refworld.org/docid/583595ff4.html> (hereafter: UNHCR, *Guidelines on International Protection No. 12*, 2 December 2016, <http://www.refworld.org/docid/583595ff4.html>).

⁷ UNHCR has identified the following non-exhaustive list of risk profiles:

- 1) Persons opposing or perceived to be opposing the government;
- 2) Persons supporting or perceived to be supporting the government;
- 3) Persons opposing, or believed to oppose, ISIS in areas under its *de facto* control or influence;
- 4) Persons opposing, or believed to oppose, anti-government armed groups in areas under their *de facto* control;
- 5) Persons opposing, or believed to be opposing, the PYD/YPG in areas under their *de facto* control;
- 6) Certain professionals, in particular journalists and other media professionals, citizen journalists; doctors and other health professionals; human rights defenders; humanitarian workers; artists; and businessmen and other people (perceived to be) of means or influence;
- 7) Members of religious groups, including Sunnis, Alawites, Ismailis, Twelver Shi'ites, Druze, Christians, and Yezidis;
- 8) Persons perceived as contravening *Shari'a* Law in areas under the control or influence of extremist Islamist groups;
- 9) Members of minority ethnic groups, including Kurds, Turkmen, Assyrians, Circassians, and Armenians;
- 10) Women;
- 11) Children;
- 12) Individuals of diverse sexual orientation and/or gender identity;
- 13) Palestinian refugees.

See UNHCR, *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update IV*, November 2015, <http://www.refworld.org/pdfid/5641ef894.pdf>, para. 38.

⁸ UNHCR, *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update IV*, November 2015, <http://www.refworld.org/pdfid/5641ef894.pdf>, para. 37.

⁹ Despite legal provisions being in place, individuals seeking to leave the country may still be prevented or asked for bribes. Syria has been ranked 173 (out of 176 countries surveyed) in Transparency International's Corruption Perceptions Index 2016; Transparency International, *Corruption Perceptions Index 2016*, January 2017, <http://bit.ly/2jTnyVi>. Freedom House reported: "Citizens are frequently required to bribe officials to complete bureaucratic procedures (...)" ; Freedom House, *Freedom in the World 2016 - Syria*, 7 June 2016, <http://www.refworld.org/docid/575aa7cd11.html>. "Public sector employees may demand bribes for required routine services"; US Department of State/Bureau of Economic, Energy and Business Affairs, *2011 Investment Climate Statement - Syria*, March 2011, <http://bit.ly/2lf9Ttd>. See also, Frederic Volpi, *Political Civility in the Middle East*, *Reproduction of Third World Quarterly*, Vol. 32, Issue 5, 2012, p. 53. For further examples of the reported arbitrary implementation of laws, see also footnotes 118 (age for reservist service) and 129 (rules and regulations regarding military service, particularly in relation to deferral and exemption procedures).

In principle, Syrian nationals are free to leave the country using national passports (or for Syrian nationals travelling to Lebanon: a valid ID card), via any of the functioning border posts, including at Damascus International Airport. Syrian nationals must pay a departure fee, the amount of which depends on the point of departure (land border or airport).¹⁰ Based on Law No. 18 of 2014, those leaving (or returning to) the country without a valid passport,¹¹ or without the required authorization,¹² or through an unauthorized departure point,¹³ face imprisonment and/or fines, depending on the circumstances of the case. It is unclear whether the law is actually applied and if persons returning from abroad have faced prosecution on the basis of Law No. 18 of 2014.

Certain categories of people require a travel authorization prior to being able to legally leave the country:

a) Civil servants

State employees do not enjoy unrestricted freedom to travel. Instead, they require an authorization to leave the country from their respective ministry. Depending on their rank, such authorization can be linked to certain conditions and can also extend to needing a ‘pre-authorization’ when applying for a national passport.¹⁴

b) Career military personnel

Career military personnel require an authorization prior to any travel abroad. Over the last years, however, such authorizations have reportedly only been granted for military personnel leaving the country for official purposes.¹⁵ Those leaving the country without authorization are reportedly treated in accordance with the laws applicable to military deserters.¹⁶

c) Other groups requiring travel authorization:

- Children require the written consent of the father in order to travel abroad (even when travelling with their mother).¹⁷
- Men of military age, between 18 and 42, require permission from the recruitment office in order to leave Syria legally.¹⁸ According to the information available to UNHCR, this is in practice

¹⁰ “Each person leaving Syria from an airport shall pay a fee of SYP 5,000 while those leaving from land borders or ports must pay SYP 2,000 each. Every car departing Syria incurs a fee of SYP 10,000”; Syrian Law Journal, *Legal Briefing - October 23, 2016*, 23 October 2016, <http://bit.ly/2IKQjWe>. See also, United States Department of State, *2015 Country Reports on Human Rights Practices - Syria*, 13 April 2016, <http://www.refworld.org/docid/571611ff15.html> (hereafter: US Department of State, *2015 Country Reports on Human Rights Practices - Syria*, 13 April 2016, <http://www.refworld.org/docid/571611ff15.html>).

¹¹ Imprisonment of three months and/or a fine of 25,000 to 50,000 Syrian Pounds; *Law No. 18 of 2014* [Syrian Arab Republic], 2 November 2014, <http://www.refworld.org/docid/58a5ded34.html>, Articles 2 and 13(A).

¹² Imprisonment of three months and/or a fine of 10,000 to 25,000 Syrian Pounds; *Law No. 18 of 2014* [Syrian Arab Republic], 2 November 2014, <http://www.refworld.org/docid/58a5ded34.html>, Articles 4 and 13(B).

¹³ Imprisonment of six months to two years and/or a fine of 50,000 to 100,000 Syrian Pounds; *Law No. 18 of 2014* [Syrian Arab Republic], 2 November 2014, <http://www.refworld.org/docid/58a5ded34.html>, Articles 5 and 13(C).

¹⁴ Article 114 of the Civil Servant Labor (Law No. 50 of 2004) and Decision No. 24 of 1989 of the Presidency of the Cabinet (relevant to those working at ministries and governmental institutions). Law No. 50 of 2004 is available in Arabic at: <http://www.parliament.gov.sy/laws/Law/2004/50.htm>.

¹⁵ “I can confirm that career military personnel require an authorization to travel outside the country with any travel outside these confines treated as desertion. I can’t confirm with absolute certainty that zero authorizations have been granted – we’ve seen unconfirmed rumours that some select personnel may have participated in training in Lebanon or Russia – but any authorization is certainly the strong exception. In general, limited travel on official government delegations may still be possible but allowed personal travel outside those bounds is almost non-existent”; Information from Christopher Kozak, Research Analyst at the Institute for the Study of War (ISW), 15 February 2017 (e-mail on file with UNHCR).

¹⁶ See Section IV.4 “Military Deserters”.

¹⁷ Article 148 of the Personal Status Law. See also, US Department of State/Bureau of Consular Affairs, *Passports & International Travel - Syria*, updated 11 July 2016, <http://bit.ly/2kcXbKX>; OECD Development Centre, *Social Institutions and Gender Index - Syria*, 2014, <http://bit.ly/2kienRH>.

¹⁸ Once military conscription age is reached, leaving Syria legally is subject to prior authorization by the General Directorate of Recruitment or its offices (Articles 48 and 49 of the Service of the Flag Law [Legislative Decree No. 30 of 2007, as amended by Law No. 3 of 2017]). A travel authorization is obtained under the cumulative conditions of providing a financial guarantee (50,000 SYP) and being sponsored by a military person or a civil servant; Article 48 of Legislative Decree No. 30 of 2007, as amended in January 2017; available in Arabic at: <http://bit.ly/2kq4pOU>. “The regime has barred the foreign travel of all males between eighteen to forty-two years of age without special permission granted from a recruitment office.” And further: “Any individual who receives approval

also the case for those holding a valid exemption (e.g. for medical reasons) or deferral (e.g. students enrolled in higher studies).¹⁹ Upon expiry of the deferral, they are expected to return in order to pursue their military service. In the event that they do not return as specified, they are reportedly considered as draft evaders.²⁰

Sources indicate that the security check conducted by border authorities at Damascus International Airport and other ports of entry (see below Section II. “*Treatment upon Return from Abroad*”) includes verifying whether a returnee exited Syria illegally.²¹

The mode of departure chosen by Syrians, whether through official or unofficial border crossings, reportedly depends on a variety of factors and reasons, including access to, or lack of documentation, security considerations (including security along the flight route), the person’s financial situation, physical proximity to a particular border crossing, etc. As borders with neighbouring countries became increasingly difficult or impossible to cross through official border crossings, more and more Syrians were reportedly compelled to leave Syria in an illegal manner.²² According to reports, some men fearing conscription by the government have reportedly left Syria via official border crossings by either making use of the short window of time between receiving the demand to report for military service and the moment their names were circulated at checkpoints and the border,²³ or by bribing officials to temporarily remove their name from the list of wanted persons at checkpoints and the border crossings.²⁴

II. Treatment upon Return to Syria

Specific information on the treatment of persons returning to Syria is scarce. Sources indicate that persons are investigated at the point of entry (land border, airport) to establish whether or not they are

to travel must post an individual sponsor and a ‘financial guarantee’ worth 50,000 Syrian Pounds. Individuals on official government business (including military) can avoid this bail”; Information from Christopher Kozak, ISW, 15 February 2017 (e-mail on file with UNHCR). “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”; DIS, Syria: Military Service, Mandatory Self-Defence Duty and Recruitment to the YPG, 26 February 2015, <http://www.refworld.org/docid/54fd6c884.html>, p. 11. See also, Zaman Al-Wasl, Assad to Modify Conscription Laws as Thousands Escape Military Service, 13 July 2016, <http://bit.ly/2ixxFTT>; The Daily Star, Travel Limits on Military-Age Syrian Males, 22 December 2014, <http://bit.ly/2kj7M9W>.

¹⁹ Information from Christopher Kozak, ISW, 15 February 2017 (e-mail on file with UNHCR). On deferrals and exemptions, see Section IV.3 “Draft Evaders”.

²⁰ See Section IV.3 “Draft Evaders”.

²¹ IRB Canada, Syria: Treatment of Returnees upon Arrival at Damascus International Airport and International Land Border Crossing Points, 19 January 2016, <http://www.refworld.org/docid/56d7fc034.html>.

²² Syria Direct, The Unknown Journey of Syria’s Refugees, 23 March 2016, <http://huff.to/1Ro3a8O>; IRIN, No Way Out: How Syrians Are Struggling to Find an Exit, 10 March 2016, <http://bit.ly/2kxmLO9>.

²³ For example, an anecdotal account suggests: “When he got the call, he knew he had to act fast. Instead of going through the police, the recruitment office had begun automatically giving the names of draftees to the checkpoints. Hazem estimated he had a day to leave Damascus before they would be looking for him, and about five days to get out of Syria altogether. He drove out to Tartus, a Syrian coastal city on the border with Lebanon, on the same day he got the call about being sent back to fight. From Tartus, he was able to cross the border into Lebanon before his name reached the Syrian police”; IB Times, Syrian Men Conscribed in Bashar Assad’s Army Choose Escape over ‘Kill or Be Killed’, 13 May 2015, <http://bit.ly/1IB2pYo>. See also, Al-Monitor, Syrian Youth Worry about Draft, 27 October 2014, <http://almon.co/2977>. However, as described in Section IV.3, the point at which a conscript’s name is shared with army and security agencies manning checkpoints, including at the border, is not consistent. Therefore, it is unclear whether it would still be possible today to use this window of opportunity to leave the country.

²⁴ “Soon after the military police came looking for the 25-year-old computer engineer at his family’s home, he fled Syria. He bribed a security officer to briefly remove his name from the list of men wanted for mandatory military service and paid a taxi driver \$1,000 to drive him across the border into Lebanon”; WSJ, Syria Army’s Weakness Exacerbated by Draft Dodgers, 5 June 2015, <http://on.wsj.com/2kG2wuU>. “All the sources consulted considered that a person whose name is on the list of persons wanted for military service may succeed in bribing his way through checkpoints. 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” (emphasis added); DIS, Syria: Military Service, Mandatory Self-Defence Duty and Recruitment to the YPG, 26 February 2015, <http://www.refworld.org/docid/54fd6c884.html>, p. 11.

wanted for security-related incidents (including for crimes, real or perceived anti-government activities or views, contacts with political opposition abroad, military conscription, etc.).²⁵

Individuals whose profiles raise any suspicion, in particular for the reasons highlighted in the risk profiles described below,²⁶ are reported to be at risk of prolonged *incommunicado* detention and torture.²⁷ Sources also report that returnees are at risk of arrest on account of family members wanted by the authorities;²⁸ because they have not completed their military service;²⁹ because they are from an area under opposition control;³⁰ or because they appear to be religious on account of their conservative

²⁵ According to a programme officer with the Center for Civilians in Conflict (CIVIC), border officials may check personal items, including mobile phones, to check for any “signs of dissent”; IRB Canada, Syria: *Treatment of Returnees upon Arrival at Damascus International Airport and International Land Border Crossing Points*, 19 January 2016, <http://www.refworld.org/docid/56d7fc034.html>.

²⁶ “Sources indicate that the following groups face a greater risk of mistreatment by border authorities: Kurds (...), as their ‘loyalty to the regime has traditionally been distrusted’ (...); Palestinians (...); Sunnis (...); ‘Known Islamists’ (...); and people who appear to be religious based on their dress (...). Sources indicate that anti-government activists face a greater threat of mistreatment by airport and border authorities (...) as do the family members of activists (...). In addition, sources note that there is a greater risk of harsh treatment for returnees who are from regions with more opposition activity (...) or fighting” (emphasis added); IRB Canada, Syria: *Treatment of Returnees upon Arrival at Damascus International Airport and International Land Border Crossing Points*, 19 January 2016, <http://www.refworld.org/docid/56d7fc034.html>. See also Section IV.

²⁷ On the risks faced by Syrians returning from abroad, a visiting senior research fellow with Kings College London, who specializes in Syria and has provided expert testimony in Syrian asylum cases in the UK, said that security officials who suspect someone “might detain the person immediately, in which case the person could disappear and be tortured”. The same source stated that the official “might allow the person to enter Syria but require that the person report to them at a later time”, which may then lead to the person’s disappearance. The Upper Tribunal decided: “In the context of the extremely high level of human rights abuses currently occurring in Syria, a regime which appears increasingly concerned to crush any sign of resistance, it is likely that a failed asylum seeker or forced returnee would, in general, on arrival face a real risk of arrest and detention and of serious mistreatment during that detention as a result of imputed political opinion. That is sufficient to qualify for refugee protection. The position might be otherwise in the case of someone who, notwithstanding a failed claim for asylum, would still be perceived on return to Syria as a supporter of the Assad regime”; Upper Tribunal (Immigration and Asylum Chamber) vs. KB (Failed asylum seekers and forced returnees) Syria CG [2012] UKUT 426 (IAC) (20 December 2012), <http://bit.ly/2kQSGqg>. “[T]he government routinely arrested dissidents and former citizens with no known political affiliation who attempted to return to the country after years or even decades of self-imposed exile,” US Department of State, 2015 Country Reports on Human Rights Practices - Syria, 13 April 2016, <http://www.refworld.org/docid/571611ff15.html>.

²⁸ “The Program Officer indicated that border officials at crossing points check to see if the person who is entering Syria has a family member who is wanted by authorities and can also face arrest and detention if the family member is wanted (ibid.). She explained that it is difficult for people to know if they, or a family member, are on the ‘wanted list’ (ibid.)”; IRB Canada, Syria: *Treatment of Returnees upon Arrival at Damascus International Airport and International Land Border Crossing Points*, 19 January 2016, <http://www.refworld.org/docid/56d7fc034.html>.

²⁹ “Sources indicate that the security check conducted by border authorities at the Damascus International Airport and other ports of entry includes checking if the returnee completed military service (...). Several sources state that men of military age are particularly vulnerable to mistreatment by security authorities at the airport and other points of entry (...). The Emeritus Professor described military-aged men as ‘the most vulnerable’ group in terms of treatment by Syrian authorities at points of entry, ‘especially if they never served in the military’. According to the Program Officer [from CIVIC], young men between the ages of 16 to 40 are ‘particularly persecuted’ by border authorities (CIVIC 11 Dec. 2015)”; IRB Canada, Syria: *Treatment of Returnees upon Arrival at Damascus International Airport and International Land Border Crossing Points*, 19 January 2016, <http://www.refworld.org/docid/56d7fc034.html>. A Syrian man, who returned from Manus Island to Syria in August 2015, was reportedly held for 20 days and tortured on account of his origin in an area under opposition control (Al-Harra in Dera’a Governorate). According to ABC, which interviewed him following his release, “he was singled out by government officials when he landed in Damascus - his home village marking him as a dissenter”; ABC, *The 19th Syrian: The Asylum Seeker Convinced to Return to a War Zone*, 2 October 2015, <http://ab.co/1LILr4o>.

³⁰ “Sources note that there is a greater risk of harsh treatment for returnees who are from regions with more opposition activity (...) or fighting (...). For example, there may be a greater risk for people from Homs (...) and Daraa province, than to people from Damascus, where there is less fighting”; IRB Canada, Syria: *Treatment of Returnees upon Arrival at Damascus International Airport and International Land Border Crossing Points*, 19 January 2016, <http://www.refworld.org/docid/56d7fc034.html>. A Syrian man, who returned from Manus Island to Syria in August 2015, was reportedly held for 20 days and tortured on account of his origin in an area under opposition control (Al-Harra in Dera’a Governorate). According to ABC, how interviewed him following his release, “he was singled out by government officials when he landed in Damascus - his home village marking him as a dissenter”; ABC, *The 19th Syrian: The Asylum Seeker Convinced to Return to a War Zone*, 2 October 2015, <http://ab.co/1LILr4o>. Reports also document the arrest of persons at checkpoints in Damascus and other government-held areas based solely on account of their area of origin or residency in an area under control of the opposition as indicated in their identity card. For example, in July 2013, a woman was reportedly arrested at a Damascus checkpoint because her ID card indicated her former residence as Dera’a. According to the Independent International Commission of Inquiry on the Syrian Arab Republic, “[S]uch practices have curtailed the freedom of movement of civilians, in particular men and boys over 12 years”. The Commission further said that, “Government personnel at checkpoints arrested persons on the basis of their origin as indicated on their identity cards”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 12 February 2014,

clothing.³¹ Others are reportedly arrested and mistreated for no particular reason, as part of the widespread arbitrariness and abuse of power by security officials.³²

Human rights organizations such as Amnesty International and Human Rights Watch (HRW) have documented a number of cases in which Syrians were arrested, tortured and/or forcibly disappeared at the hands of security services at Damascus International Airport and at land border crossings, both upon departure and return.³³ The risk of arrest may persist following the returnee's initial entry into Syria. The Independent International Commission of Inquiry on the Syrian Arab Republic reported that a Syrian man who had been forcibly returned from Jordan to Syria was arrested at a checkpoint in the Homs countryside.³⁴

III. Issuance of National Passports Abroad

On 23 April 2015, the Syrian government reportedly eased restrictions on applying for or renewing passports at Syrian diplomatic missions abroad, by removing an intelligence service review of applicants.³⁵ At the same time, the Syrian government significantly raised the fees for passport issuance and renewal abroad, to USD 400 and USD 200, respectively.³⁶ Despite the high costs, a record number of Syrian passports have reportedly been issued and renewed in 2015 compared to previous years.³⁷

<http://www.refworld.org/docid/53182eed4.html>, paras 36, 138. See also Section IV.1 "Persons Residing in or Originating from Areas Currently or Formerly under Control of Anti-Government Armed Groups".

³¹ IRB Canada, *Syria: Treatment of Returnees upon Arrival at Damascus International Airport and International Land Border Crossing Points*, 19 January 2016, <http://www.refworld.org/docid/56d7fc034.html>.

³² According to a visiting senior research fellow with Kings College London, who specializes in Syria and has provided expert testimony in Syrian asylum cases in the UK, "(...) if a security official takes a dislike to a returnee, the returnee could be subject to mistreatment even if there is no valid reason." The source further said that the system is "very unpredictable." Similarly, a Program Officer from CIVIC stated in relation to returnees: "sometimes people who have nothing to do with the revolution get arrested and detained." And an emeritus professor of anthropology and forced migration at Oxford University, who is also the former director of Oxford's Refugee Studies Centre, said that "everyone" was vulnerable to mistreatment by border authorities; IRB Canada, *Syria: Treatment of Returnees upon Arrival at Damascus International Airport and International Land Border Crossing Points*, 19 January 2016, <http://www.refworld.org/docid/56d7fc034.html>.

³³ An emeritus professor of anthropology and forced migration at Oxford University, who is also the former director of Oxford's Refugee Studies Centre, said that she heard anecdotal accounts from Syrians in Damascus of returnees who had disappeared. She recounted that in some cases, their relatives were informed of their plans to return but they then never arrived and were not heard of again; IRB Canada, *Syria: Treatment of Returnees upon Arrival at Damascus International Airport and International Land Border Crossing Points*, 19 January 2016, <http://www.refworld.org/docid/56d7fc034.html>. The same report also includes a summary of documented cases of arrest and disappearance. A Syrian retired school teacher was quoted as saying: "During my return from the United Arab Emirates, when I was at the Damascus International Airport's passport control desk, the passport officer told me that they must keep me as required by security. I had left Syria 45 days before, and there had been no indication that I was wanted." He was subsequently transferred to a security agency in Damascus City, which held him for three weeks, during which he was accused of anti-government activities and subjected to torture; Syria Justice and Accountability Centre, *Participate in Funerals or Get Arrested*, 4 April 2014, <http://bit.ly/2jJUT6l>. See also, Alkarama, *Syria: Five Men Disappear Following Their Arrest at Checkpoints Between 2012 and 2016*, 30 September 2016, <http://bit.ly/2kjfAIv>; Alkarama, *Syria: Further Cases of Enforced Disappearances following Arrests at Checkpoints*, 16 June 2016, <http://bit.ly/2kBe8zm>.

³⁴ UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, <http://www.refworld.org/docid/54e74b777.html>, Annex II, para. 109.

³⁵ According to reports, under the new regulations, draft evaders and other Syrians who left Syria illegally, including with fraudulent documents, can apply for new passports or extensions at Syrian embassies abroad without having to return to Syria and without being subjected to an intelligence review by various security and intelligence agencies; ARA News, *Syrian Regime to Issue Passports for Citizens Abroad, Including Refugees*, 28 April 2015, <http://bit.ly/2k5YDD2>; Al Jazeera, *Syria Relaxes Passport Rules, Letting Refugees and Draft Dodgers Apply*, 27 April 2015, <http://bit.ly/1Gqz5iR>; AFP, *Syria Changes Passport Rules for Citizens Abroad*, 26 April 2015, <http://bit.ly/2lksZSo>; The New Arab, *Syria Promises to Renew Passports for Citizens Living Abroad*, 26 April 2015, <http://bit.ly/2k5ZRhc>.

³⁶ Presidential Decree No. 17 of 2015 regulates the new fees for consular services and sets the costs to USD 400 for a new passport and USD 200 for a renewal or the equivalent in Euro; *Legislative Decree No. 17 of 2015* [Syrian Arab Republic], 23 April 2015, <http://www.refworld.org/docid/58a5e27d4.html>. The fees for issuance/renewal of Syrian passports abroad reportedly stand in stark contrast to the cost of a new passport inside Syria, reportedly under USD 60; Middle East Eye, *Syria Government Profits from Hike in Passport Demand*, 26 October 2015, <http://bit.ly/2k39x7C>; AFP, *Syria Changes Passport Rules for Citizens Abroad*, 26 April 2015, <http://bit.ly/2lksZSo>; Syrian Observer, *Regime Increases Passport Renewal Fees for Syrians Abroad*, 23 April 2015, <http://bit.ly/2kVIM97>.

³⁷ "Al-Watan newspaper in June said Damascus was receiving some 5,000 passport requests a day from citizens inside and outside the country, a five-fold increase from 2014"; Middle East Eye, *Syria Government Profits from Hike in Passport Demand*, 26 October 2015, <http://bit.ly/2k39x7C>. See also, Tagesspiegel (in German), *800.000 Neue Pässe Ausgegeben: Syriens Regime Verdient Gut an Flüchtlingen*, 5 November 2015, <http://bit.ly/2aFbeot>.

According to reports, including Syrian government sources, the issuance of passports abroad is an important source of revenue for the Syrian government.³⁸

IV. Persons Holding, or Perceived to Be Holding Anti-Government Views

As noted in UNHCR's International Protection Considerations (Update IV), inhabitants of Syria who hold, or who are perceived to hold, an anti-government political opinion in the broadest sense are considered to be at risk of (have a "*well-founded fear*" of) persecution at the hands of the government. Political opinion (or imputed political opinion) constitutes a Convention ground in the sense of the 1951 Refugee Convention ("*for reasons of [...] political opinion*").³⁹

The Syrian Government has long been reported to suppress political dissent through intimidation, surveillance and imprisonment of political activists, journalists, writers and intellectuals.⁴⁰ Popular protests that erupted in March 2011 and the ensuing armed uprising have reportedly been met with staunch repression and violence by government and pro-government forces.⁴¹ In determining what constitutes political dissent, the government is reported to apply very broad criteria: any criticism, opposition or even insufficient loyalty to the government expressed in any way or form – peaceful or violent, organized or spontaneous, as part of a political party, armed group or at an individual level, virtual (on the internet) or on the battlefield – has reportedly resulted in serious repercussions for the individual. Numerous protestors, activists, draft evaders, deserters, citizen journalists, aid workers, doctors and others who might be perceived as holding anti-government views⁴² have reportedly been

³⁸ "Syria has netted more than \$500 million from passport fees this year, after raising charges for those obtained abroad to bolster foreign exchange reserves, the government said in a report on Monday. (...) When the government announced it was easing the procedures in June, it said the new fees would be 'an important source of foreign exchange'." Middle East Eye, *Syria Government Profits from Hike in Passport Demand*, 26 October 2015, <http://bit.ly/2k39x7C>. "However expensive the Syrian passport might seem, the intention of the government is not to keep poor refugees from re-entering, but rather to accrue capital"; NOW, *Why Syria Has the World's Most Expensive Passport*, 14 August 2015, <http://bit.ly/2k6tEBK>. "The higher fees, along with the elimination of bureaucratic hurdles, is intended to raise revenue for the Syrian government which is currently facing a foreign reserve crisis and is in desperate need of foreign exchange"; Syria Justice and Accountability Centre (SJAC), *Passport Controls Loosened but Problems Remain*, 13 May 2015, <http://bit.ly/2kVPXhM>. See also, Tagesspiegel (in German), *800.000 Neue Pässe Ausgegeben: Syriens Regime Verdient Gut an Flüchtlingen*, 5 November 2015, <http://bit.ly/2aFbeot>; SRF (in German), *Syrische Regierung Verdient an Flüchtlingen*, 18 May 2015, <http://bit.ly/2kplN3a>.

³⁹ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, Vol. 189, p. 137, <http://www.refworld.org/docid/3be01b964.html>, Article 1A(2).

⁴⁰ "The Syrian government has a long record of forcibly disappearing its own citizens and others. Between 1980 to 2000, the government of former President Hafez al-Assad forcibly disappeared an estimated 17,000 individuals, many of whom were members of the Muslim Brotherhood, communist and other leftist parties, the Iraqi Ba'ath party, Nasserist parties and different Palestinian groups. (...) President Bashar al-Assad continued the practice after he succeeded his father in 2000, albeit in a less widespread manner in his first years in power"; Amnesty International, *'Between Prison and the Grave' - Enforced Disappearances in Syria*, 5 November 2015, <http://www.refworld.org/docid/563b1c3a4.html> (hereafter: Amnesty International, *Enforced Disappearances*, 5 November 2015, <http://www.refworld.org/docid/563b1c3a4.html>), p. 26. "During the past four decades, suspected opponents of the Government have suffered torture, detention and long prison sentences imposed under vaguely defined crimes relating to political activity. Surveillance and suppression has been conducted by an extensive apparatus of intelligence, the mukhabarat. Decades of tight control of freedom of expression, as well as surveillance and persecution of opponents, have severely limited political life and the constitution of an autonomous civil society"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 23 November 2011, A/HRC/S-17/2/Add.1, <http://www.refworld.org/docid/4edde9d02.html> (hereafter: UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 23 November 2011, <http://www.refworld.org/docid/4edde9d02.html>), para. 17.

⁴¹ US Department of State, *2015 Country Reports on Human Rights Practices - Syria*, 13 April 2016, <http://www.refworld.org/docid/571611ff15.html>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 23 November 2011, <http://www.refworld.org/docid/4edde9d02.html>, paras. 27-28.

⁴² "(...) the people at greatest risk of arrest and detention have been **those who are perceived to oppose the government**, including peaceful opponents of the government such as demonstrators, human rights defenders and political dissidents; individuals considered to be disloyal to the government such as journalists, doctors who treated demonstrators and members of the military; and family members of wanted individuals" (emphasis added); Amnesty International, *Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison, Syria*, 7 February 2017, <http://www.refworld.org/docid/5899bd9a4.html>, p. 11. "Amnesty International's research since the beginning of the crisis in 2011 indicates that **anyone who could be perceived to be opposing the government** is at risk of being arbitrarily detained or forcibly disappeared and subjected to torture and other ill-treatment and possibly death in custody. Grounds for arrest on suspicion of opposing the government vary and can include peaceful activism, such as being a human rights defender, journalist or other media worker, providing humanitarian or medical support to civilians in need or having been involved in organizing or attending pro-reform demonstrations" (emphasis added); Amnesty International, *'It Breaks the Human': Torture, Disease and Death in Syria's Prisons*, 18 August 2016, <http://www.refworld.org/docid/57b8681e4.html>, p. 16.

subjected to arbitrary arrest and *incommunicado* detention,⁴³ torture and other forms of ill-treatment,⁴⁴ and summary or extra-judicial execution.⁴⁵ Many have reportedly been tried under the Counter-

“The UN Commission of Inquiry on Syria (COI) reported the number of forced disappearances remained high. The majority of disappearances reported by activists, human rights observers, and international NGOs appeared to be politically motivated. In August the SNHR [Syrian Network for Human Rights] attributed 96 percent of the estimated 65,000 forced disappearances to the government. The government reportedly targeted critics, specifically journalists, medical personnel, antigovernment protesters, their families, and associates” (emphasis added); US Department of State, *2015 Country Reports on Human Rights Practices - Syria*, 13 April 2016, <http://www.refworld.org/docid/571611ff15.html>. “Arrests targeted civilians perceived to be either supporting the opposition or insufficiently loyal to the Government”; UN Human Rights Council, *Out of Sight, out of Mind: Deaths in Detention in the Syrian Arab Republic*, 3 February 2016, A/HRC/31/CRP.1, <http://www.refworld.org/docid/56b9f4c24.html> (hereafter: UN Human Rights Council, *Deaths in Detention*, 3 February 2016, <http://www.refworld.org/docid/56b9f4c24.html>), para. 18. “Amnesty International has identified three common profiles of individuals who have been targeted for enforced disappearance since 2011: peaceful opponents of the government, individuals considered disloyal to the government and family members of individuals wanted by the government”; Amnesty International, *Enforced Disappearances*, 5 November 2015, <http://www.refworld.org/docid/563b1c3a4.html>, p. 26. See also, Wall Street Journal, *Syria Detains Opponents, as It Reasserts Control*, 7 February 2017, <http://on.wsj.com/2kO04VM>.⁴³ Given the lack of access by independent observers to detention facilities and the fact that those detained by the security and intelligence services are commonly held *incommunicado*, it is impossible to verify the number of persons arrested and detained by the government since March 2011. The vast majority of those arrested and detained since 2011 are male adults of fighting age; however, human rights organizations have also documented the arrest and detention of thousands of women, children and elderly men. The Violations Documentation Centre (VDC), for example, has recorded the names of over 63,000 adult males, over 2,000 women, and close to 1,500 children; VDC, *Database – Detainees*, accessed 12 February 2017, <http://bit.ly/2jUycMt>. The Syrian Network for Human Rights (SNHR) said it had recorded lists with the names of more than 117,000 detainees, including children and women. In 2016 alone, it recorded the arrest of over 7,500 persons, including 251 children and 448 women, at the hands of the government. The organization estimates the total number of persons detained in connection with the ongoing conflict to exceed 215,000, with the vast majority having been detained by the Syrian security forces on account of alleged opposition activity; SNHR, *No less than 10,047 Cases of Arbitrary Arrest Recorded in 2016*, 5 January 2017, <http://bit.ly/2jCNnZr>. See also, Human Rights Watch (HRW), *World Report 2016 - Syria*, 27 January 2016, <http://www.refworld.org/docid/56bd991ac.html>; Middle East Eye, *Syria's Detained Women Face a Lifetime of Rejection*, 8 April 2016 <https://shar.es/1ODPpet>. Detainees are reported to be held in formal and informal detention facilities operated within the various branches of the country's security and intelligence agencies, commonly under inhuman, degrading and life threatening detention conditions, with no access to judicial oversight, legal counsel or their families. Detention conditions for political or national security prisoners are reported to be particularly harsh. Detention conditions are described as inhuman, degrading and life threatening because of severe overcrowding, lack of hygiene and medical care, inadequate ventilation and lighting, and lack of food and water. According to the Independent International Commission of Inquiry on the Syrian Arab Republic, detention conditions alone reach the threshold of cruel, inhuman or degrading treatment or punishment. Specific medical needs of persons with chronic illnesses as well as women are routinely ignored and pregnant detainees have reportedly suffered miscarriages, premature births and deaths of new-borns. Children are reported to be frequently held with adults in detention facilities of the security and intelligence agencies; see reports by the Independent International Commission of Inquiry on the Syrian Arab Republic, available at: <http://bit.ly/2la15rZ>.

⁴⁴ The widespread and systematic use of torture, particularly by government intelligence and security agencies, has been widely documented. According to the Independent International Commission of Inquiry on the Syrian Arab Republic, “[I]t is extremely rare to find an individual who has been detained by the Government who has not suffered severe torture”. Men between the ages of 18 and 60 are reported to be the primary victims of torture; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 August 2016, A/HRC/33/55, <http://www.refworld.org/docid/57d015fd4.html> (hereafter: UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>), paras 92-93, 95. “Detainees are tortured beginning from the moment of their arrest, during their ‘welcome parties’ – a term commonly used by Syrian detainees and guards to refer to the severe beatings received upon arrival at a detention facility – and throughout their interrogations. During interrogation, the Syrian authorities use torture to extract false ‘confessions’ from detainees, which the authorities then use to determine sentences in flagrantly unfair and shambolic ‘trials’. (...) As a result of the torture and conditions they are forced to endure, detainees in government custody are dying on a massive scale. According to the Human Rights Data Analysis Group, a non-governmental organization that uses scientific methods to analyse human rights violations, at least 17,723 people were killed in government custody between March 2011 and December 2015, an average of 300 deaths each month. Both HRDAG and Amnesty International believe that this is a conservative estimate and that the actual total is much higher”; Amnesty International, *Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison, Syria*, 7 February 2017, <http://www.refworld.org/docid/5899bd9a4.html>, p. 12. On deaths in detention, see also, SNHR, *The Yearly Report for 2016*, 18 January 2017, <http://bit.ly/2kslUxg>, p. 16; SNHR, *The Killing of no Less than 12,679 Due to Torture, 99% of Them at the Hands of the Syrian Regime Forces*, 27 June 2016, <http://bit.ly/294G9Ob>; UN Human Rights Council, *Deaths in Detention*, 3 February 2016, <http://www.refworld.org/docid/56b9f4c24.html>, paras. 20-25; HRW, *If the Dead Could Speak: Mass Deaths and Torture in Syria's Detention Facilities*, 16 December 2015, <http://www.refworld.org/docid/569616a54.html>.

⁴⁵ “Thousands of people detained in the red building [in Saydnaya Military Prison] have been killed in secret extrajudicial executions, after being held in conditions amounting to enforced disappearance. The killings have taken the form of mass hangings. Before they are hanged, the victims are condemned to death in ‘trials’ at the Military Field Court located in the al-Qaboun neighbourhood of Damascus, which last between one and three minutes. (...) On the basis of evidence from people who worked within the prison authorities at Saydnaya and witness testimony from detainees, Amnesty International estimates that between 5,000 and 13,000 people were extrajudicially executed at Saydnaya between September 2011 and December 2015. (...) there is no reason to believe that executions have stopped. Therefore, since December 2015, thousands more people are likely to have been executed”; Amnesty International, *Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison, Syria*, 7 February 2017,

Terrorism Law (Law No. 19 of 2 July 2012), which imposes heavy penalties, ranging from long-term prison sentences to the death penalty, on those who are found to have committed “terrorist” acts.⁴⁶ The laws define “terrorism” in broad and vague terms, leaving room to prosecute a wide range of activities, including participation in protests, posting statements on social media, distribution of humanitarian assistance, smuggling of medicines, and documentation of human rights abuses.⁴⁷ According to reports, most detainees are never formally charged.⁴⁸ Thousands of civilians have reportedly been tried before criminal courts, the Counter-Terrorism Court (CTC) in Damascus,⁴⁹ and military field courts,⁵⁰ in trials not meeting international fair trial standards, usually following months of pre-trial detention in facilities under the authority of the security agencies and on the basis of forced confessions.⁵¹ Sentences for those tried and convicted for anti-government activity are reported to be harsh, even where the nature of the activities in question was peaceful.⁵²

<http://www.refworld.org/docid/5899bd9a4.html>, p. 6. See also, UN Human Rights Council, *Deaths in Detention*, 3 February 2016, <http://www.refworld.org/docid/56b9f4c24.html>, paras. 34-35.

⁴⁶ The law stipulates sentences of 10 to 20 years of hard labour for “those who are direct members of a terrorist group” although the punishment may be more severe if the goal is to change the regime or the structure of the state. The law also provides that “(...) if these (terrorist) acts result in death or disability for the victims, the death sentence may be imposed”. Moreover, “(...) the financing of terrorism, including any action to collect and directly or indirectly provide money, weapons, ammunition, explosives, communication equipment or intelligence to aid acts of terrorism are punishable by 15 to 20 years in prison.” The lowest penalty is five years in prison for acts that do not result in loss of life or property. A separate law, Law No. 20 of 2012, applies to government employees, including former employees, who, if convicted of “any act of terrorism”, will be dismissed or risk losing their pension rights; as reported by SANA, see AFP, *Syria's Assad Issues 'Counter-Terror' Laws*: SANA, 2 July 2012, <http://bit.ly/1n2URD2>. According to VDC, the Counter-Terrorism Court (CTC) has imposed harsh prison sentences and the death penalty at a high and increasing rate, especially since late 2014; VDC, *Special Report on Counter-Terrorism Law No. 19 and the Counter-Terrorism Court in Syria*, April 2015, <http://bit.ly/2iUQ0dK> (hereafter: VDC, *Counter-Terrorism Law No. 19 and the Counter-Terrorism Court*, April 2015, <http://bit.ly/2iUQ0dK>), p. 19. The same report (Annex 1) contains an English translation of Law 19 of 2012.

⁴⁷ “Although authorities reportedly brought charges under the guise of countering violent militancy, allegations included peaceful acts such as distributing humanitarian aid, participating in protests, and documenting human rights abuses”; US Department of State, *2015 Country Reports on Human Rights Practices - Syria*, 13 April 2016, <http://www.refworld.org/docid/571611ff15.html>. “(...) legal texts use general, vague words and expressions which may apply to anybody opposing the regime's repression of the people's uprising whether adults or minors, male or female, civil activists or armed rebels, or any other group that might form the slightest possible threat to the government”; VDC, *Counter-Terrorism Law No. 19 and the Counter-Terrorism Court*, April 2015, <http://bit.ly/2iUQ0dK>, p. 12. See also p. 20 of the same report. “Human rights and peace activists form the large majority of those detained under article 8 of the anti-terrorism law, which prescribes imprisonment and forced labour for a variety of vaguely defined terrorism-related offenses that include distributing written materials or information”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 13 August 2015, A/HRC/30/48, <http://www.refworld.org/docid/55e955344.html> (hereafter: UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 13 August 2015, <http://www.refworld.org/docid/55e955344.html>), para. 149. See also, HRW, *Syria: Counterterrorism Court Used to Stifle Dissent*, 1 July 2013, <http://www.refworld.org/docid/51d1483a4.html>.

⁴⁸ UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, A/HRC/28/69, <http://www.refworld.org/docid/54e74b777.html> (hereafter: UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, <http://www.refworld.org/docid/54e74b777.html>), para. 88 and Annex II, para. 148; HRW, *Syria: Free All Arbitrarily Held Detainees, Hostages*, 15 March 2014, <http://www.refworld.org/docid/532830744.html>.

⁴⁹ The CTC was established under Law No. 22 of July 2012. According to the VDC, the “CTC came to expand the scope of those ‘threatening’ the state security to include much wider groups in the Syrian society especially peaceful activists (tens of thousands of protestors including hundreds of peaceful female activists and even hundreds of children) who stood before the CTC because of their activism in the Syrian revolution.” It further said that the purpose of the CTC was “to suppress and stifle any opposition voices”; VDC, *Counter-Terrorism Law No. 19 and the Counter-Terrorism Court*, April 2015, <http://bit.ly/2iUQ0dK>, pp. 10-11. The same report (Annex 2) contains an English translation of Law No. 22 of 2012.

⁵⁰ Military Field Courts were established through Legislative Decree No. 109 of 1968. “Their ‘trials’ usually last between one and three minutes. The judge uses the forced ‘confession’ provided by the detainee under torture to determine his sentence. The sentences issued by the court vary and include life imprisonment and the death sentence. Detainees tried by the Military Field Court are not informed of their sentence or given access to a lawyer”; Amnesty International, *Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison, Syria*, 7 February 2017, <http://www.refworld.org/docid/5899bd9a4.html>, p. 18.

⁵¹ “The authorities prosecuted some perceived opponents before the Anti-Terrorism Court and the Military Field Court, both of whose proceedings were flagrantly unfair. Judges failed to order investigations into allegations by defendants that they had been tortured or otherwise ill-treated or coerced into making ‘confessions’ that were used as evidence against them at trial”; Amnesty International, *Amnesty International Report 2016/17 - Syria*, 22 February 2017, <http://bit.ly/1OR8Jwi>. See also, Amnesty International, *‘It Breaks the Human’: Torture, Disease and Death in Syria’s Prisons*, 18 August 2016, <http://www.refworld.org/docid/57b8681e4.html>, p. 17; VDC, *Counter-Terrorism Law No. 19 and the Counter-Terrorism Court*, April 2015, <http://bit.ly/2iUQ0dK>, pp. 5-6, 15.

⁵² For example, in May and June 2015, the CTC reportedly convicted 60 detainees on the charge of “terrorism”. Twenty detainees were reportedly sentenced to death, 25 detainees to 25 years in prison and 15 detainees to between 10 and 15 years in prison. The Office of the High Commissioner for Human Rights said that it had information that the individuals concerned were peaceful protesters, who

The Government reportedly monitors mail, online activities and political meetings.⁵³ The Government has been reported to use equipment to intercept communications, install spying software onto activists' personal computers, block text messages, and track mobile and satellite telephones.⁵⁴ Online surveillance has reportedly led to the arbitrary arrest, *incommunicado* detention, torture and killing of numerous political dissidents, activists, citizen journalists and others.⁵⁵ Countless people have reportedly been arrested for using social media to share, "like" or comment on a photo or video supporting the anti-government protests or uprising.⁵⁶ The so-called Syrian Electronic Army (SEA), which emerged in April 2011, reportedly hacks mainly websites and social media sites of opposition groups, certain western media and human rights organizations, and blocks them or floods them with pro-government content, reportedly with the tacit approval of the government.⁵⁷

Following the outbreak of anti-government protests in March 2011, it has been reported that Syrians engaged in such protests abroad have systematically been monitored, intimidated and at times physically attacked by Syrian embassy personnel and others believed to be acting on behalf of the Syrian government. When Syrians engage in protests or related activities abroad, remaining family members in Syria have reportedly been interrogated, threatened through phone calls, e-mails and Facebook messages, arrested, physically abused or even killed.⁵⁸ In Germany, four Syrian embassy officials who

had been arbitrarily detained and summarily tried in processes not meeting international fair trial standards; UN Security Council, *Report of the Secretary-General on the Implementation of Security Council Resolutions 2139 (2014), 2165 (2014) and 2191 (2014)*, 23 July 2015, S/2015/561, para. 22, <http://www.refworld.org/docid/55b763674.html>.

⁵³ "The state has stopped trying to block Facebook but instead uses it for surveillance, monitoring the pages of opponents and dissidents. (...) Private discussion is subject to heavy surveillance and punishment in areas controlled by the government (...)", Freedom House, *Freedom in the World 2016 - Syria*, 7 June 2016, <http://www.refworld.org/docid/575aa7cd11.html>. "The government controlled and restricted the internet and monitored e-mail and social media accounts. Individuals and groups could not express views via the internet, including by e-mail, without prospect of reprisal (...) The government often monitored internet communications, including e-mail and interfered with and blocked internet service, SMS messages, and two-step verification messages for password recovery or account activation. The government employed sophisticated technologies and hundreds of computer specialists for filtering and surveillance purposes, such as monitoring e-mail and social media accounts of detainees, activists, and others"; US Department of State, *2015 Country Reports on Human Rights Practices - Syria*, 13 April 2016, <http://www.refworld.org/docid/571611ff15.html>. See also, Freedom House, *Freedom in the World 2016 - Syria*, 7 June 2016, <http://www.refworld.org/docid/575aa7cd11.html>.

⁵⁴ "Numerous cases of targeted surveillance and phishing campaigns targeting email accounts and social media accounts of Syrian opposition groups and activists, as well as NGO workers and journalists, have been reported since April 2011"; Open Democracy, *Syria's Digital Civil War*, 13 February 2015, <http://bit.ly/1KLFrNU>. See also, Freedom House, *Freedom on the Net 2016 - Syria*, 14 November 2016, <http://www.refworld.org/docid/5834007113.html>; Reporters Without Borders (RSF), *Enemies of the Internet 2014 - Syria: Online Tracking Is a Family Affair*, 12 March 2014, <http://www.refworld.org/docid/533925b014.html>; Digital Frontier Foundation, *Campaign Targeting Syrian Activists Escalates with New Surveillance Malware*, 4 April 2012, <http://bit.ly/2kQuKmG>.

⁵⁵ "Many of those targeted are not known for their political activism, so the reason for their arrest is often unclear. This arbitrariness has raised fears that users could be arrested at any time for even the simplest online activities - posting on a blog, tweeting, commenting on Facebook, sharing a photo, or uploading a video - if it is perceived to threaten the regime's control"; Freedom House, *Freedom on the Net 2016 - Syria*, 2016, <http://bit.ly/2ixlczp>, pp. 9-10. See also p. 12 of the same report.

⁵⁶ RSF, *Enemies of the Internet 2014 - Syria: Online Tracking is a Family Affair*, 12 March 2014, <http://www.refworld.org/docid/533925b014.html>.

⁵⁷ "The progovernment Syrian Electronic Army has mounted a series of cyberattacks on opposition supporters, activists, and news outlets, including major foreign media"; Freedom House, *Freedom in the World 2016 - Syria*, 7 June 2016, <http://www.refworld.org/docid/575aa7cd11.html>. "The hacking group known as the Syrian Electronic Army has wreaked havoc online for years, defacing a seemingly endless series of media websites and Twitter accounts, as well as targeting Syrian dissidents and activists both in Syria and abroad"; Motherboard, *How the FBI Identified Two Members of the Syrian Electronic Army*, 22 March 2016, <http://bit.ly/2jv7Ent>. See also, Freedom House, *Freedom on the Net 2016 - Syria*, 14 November 2016, <http://www.refworld.org/docid/5834007113.html>. Open Democracy, *Syria's Digital Civil War*, 13 February 2015, <http://bit.ly/1KLFrNU>; RSF, *Enemies of the Internet 2014 - Syria: Online Tracking Is a Family Affair*, 12 March 2014, <http://www.refworld.org/docid/533925b014.html>; International Press Institute/IPI, *World Press Freedom Review 2012-2013*, 23 December 2013, p. 23, <http://bit.ly/1KYOGLg>.

⁵⁸ "Many have been filmed and orally intimidated while taking part in protests outside Syrian embassies, while some have been threatened, including with death threats, or physically attacked by individuals believed to be connected to the Syrian regime. Some of the activists have told Amnesty International that relatives living in Syria have been visited and questioned by the security forces about their activities abroad and, in several cases, have been detained and even tortured as an apparent consequence"; Amnesty International, *The Long Reach of the Mukhabarat: Violence and Harassment Against Syrians Abroad and Their Relatives back Home*, 3 October 2011, <http://www.refworld.org/docid/4e8e94e52.html>, p. 5. Cases of monitoring, including photographic and video surveillance of Syrians taking part in peaceful demonstrations and watching of online activities, have been reported by Amnesty International and others in Belgium, Canada, Chile, France, Germany, Spain, Sweden, the UAE, the UK and the USA; Emma Lundgren Jörum, *Repression Across Borders: Homeland Response to Anti-Regime Mobilization among Syrians in Sweden*, *Diaspora Studies*, Vol. 8, No. 2, 16 April 2015, <http://bit.ly/2kgFJHi>, pp. 104-119; Welt, *Syrischer Diktator: Wie Assad Oppositionelle in Deutschland Terrorisiert*, 19 July 2012, <http://bit.ly/2jVG2Yl>; EU Observer, *Syrian Intelligence Accused of Threatening People in*



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had allegedly monitored activities of Syrian opposition members were expelled.⁵⁹ Syrians in exile reportedly also fear being monitored, threatened, or exposed on social media as “anti-government” by other Syrians, who may be acting on their own initiative or as informants on behalf of the Syrian government.⁶⁰

An individual’s real or perceived political opposition is frequently also attributed to those around him/her, including **family members**, neighbours and colleagues. As such, family members (examples relate to spouses, children, siblings, parents and also members of the extended family) of, for example, (real or perceived) protestors, activists, members of opposition parties or armed opposition groups, defectors and draft evaders, have reportedly been targeted for arbitrary arrest, *incommunicado* detention, torture and other forms of ill-treatment, including sexual violence, as well as summary execution. In cases in which a wanted government opponent, or a person perceived to be a government opponent, cannot be found, security forces reportedly arrest and abuse members of his/her family, as a form of retribution for the wanted person’s opposition activities or defection, to obtain information about his/her whereabouts, and/or as a means to force the wanted person to turn him/herself in, or to confess to the charges brought against him/her.⁶¹ Female relatives have reportedly been arrested and

EU Capital, 2 April 2012, <http://bit.ly/2jVAehA>; The Local, *Syria 'Monitoring' Exiles in Sweden: Envoy*, 26 March 2012, <http://bit.ly/2kflrbe>; Dagens Nyheter (in Swedish), “Syrien Övervakar Syrier i Sverige”, 25 March 2012, <http://bit.ly/2jBSGsf>; The National, *Syrian Expats Fear Reach of Regime*, 27 February 2012, <http://bit.ly/2kfuu0U>; Frankfurter Allgemeine Zeitung (in German), *Assad Sieht Dich*, 11 February 2012, <http://bit.ly/2jUE5sS>; N-TV (in German), *Überfall auf Syrer in Berlin: Außenamt Warnt Botschafter*, 28 December 2011, <http://bit.ly/2jHzHwf>; CNN, *Syrian-Born American Held for Spying*, 12 October 2011, <http://cnn.it/2kpnIYE>; Wall Street Journal, *Syria Threatens Dissidents Around Globe, U.S. Says*, 17 August 2011, <http://on.wsj.com/1hWqPLG>; The Times, *Diplomat 'Leads Secret Police Threats Against Syrian Opposition in Britain'*, 24 June 2011, <http://bit.ly/2jBGdVC>. Amnesty International also reported that it had received reports about harassment and intimidation by individuals believed to be close to the Syrian government against Syrians in Jordan, Lebanon and Turkey; Amnesty International, *The Long Reach of the Mukhabarat: Violence and Harassment Against Syrians Abroad and Their Relatives back Home*, 3 October 2011, <http://www.refworld.org/docid/4e8e94e52.html>, FN 3.

⁵⁹ In December 2013, the Berlin state court convicted a German-Syrian dual national of spying on exiled dissidents in Germany for Syria's intelligence services and sentenced him to a nine-month suspended sentence. He was said to have worked for the Syrian intelligence through contacts in the military attaché's office at the Syrian Embassy in Berlin, providing it with photographs of political dissidents and other information. He reportedly also stole two mobile telephones from a dissident at a 2011 rally and passed along the data on them; Associated Press, *Syrian Convicted of Spying in Germany*, 18 December 2013, <http://bit.ly/1lFUbQ2>; The Local, *Syrian Charged with Spying from Embassy*, 30 July 2012, <http://bit.ly/1jFRYIA>; Bloomberg, *Germany Expels Four Syrian Embassy Diplomats after Spy Charges*, 9 February 2012, <http://bloom.bg/zSDYnp>.

⁶⁰ “Activists and human rights lawyers [in Germany] say the Assad loyalists, also known as shabiha, go undercover and supply the Assad regime with intelligence”; Al Jazeera, *Syrian Refugees in Germany Fear Undercover 'Shabiha'*, 25 October 2015, <http://aje.io/w3zd>. “[An] activist had her picture taken at a high-profile anti-regime activity in Stockholm. It was published by a pro-regime Facebook group with members asking for information on her identity and whereabouts. She later received an anonymous text message saying ‘You are dead’. It is difficult to examine whether this type of direct (or, in the case of the Facebook discussion on an activists’ identity, indirect) threats link to Syrian authorities or whether they are rather the result of initiatives taken by pro-regime individuals”; Emma Lundgren Jörum, *Repression Across Borders: Homeland Response to Anti-Regime Mobilization among Syrians in Sweden*, *Diaspora Studies*, Vol. 8, No. 2, 16 April 2015, <http://bit.ly/2kqFIHi>. See also, Berlin Journal (in German), *Shabihas: Assads Folterer Kommen als Flüchtlinge Getarnt nach Deutschland*, 17 January 2016, <http://bit.ly/2jYvWnk>; Zeit Online (in German), *Gefürchtete Gespenster*, 9 December 2015, <http://bit.ly/1NVjNwj>.

⁶¹ “Government forces held thousands of detainees without trial, often in conditions that amounted to enforced disappearance, adding to the tens of thousands whose fate and whereabouts remained undisclosed following their enforced disappearance by government forces since 2011. They included peaceful critics and opponents of the government as **well as family members detained in place of relatives whom the authorities sought**” (emphasis added); Amnesty International, *Amnesty International Report 2016/17 - Syria*, 22 February 2017, <http://bit.ly/1OR8Jwi>. “Government forces arrested or abducted **family members** of men believed to be fighting against the Government. Those detained in such circumstances are effectively held hostage and are released only when their male relative hands himself in” (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, para. 90. “Officials reportedly targeted and tortured children **because of their familial relations**, or assumed relationships, with political dissidents, members of the Free Syrian Army (FSA), and activist groups. (...) According to witnesses, authorities continued to hold a number of children to compel parents and other relatives associated with opposition fighters to surrender to authorities. (...) Reports continued of security services arresting relatives of wanted persons to pressure individuals to surrender” (emphasis added); US Department of State, *2015 Country Reports on Human Rights Practices - Syria*, 13 April 2016, <http://www.refworld.org/docid/571611ff15.html>. “Residents of opposition-controlled areas, **relatives** of suspected members of armed groups, activists, defectors and military personnel suspected of sympathising with the uprising, and those believed to be providing medical care to the opposition were arrested with the purpose of obtaining information or as punishment” (emphasis added); UN Human Rights Council, *Deaths in Detention*, 3 February 2016, <http://www.refworld.org/docid/56b9f4c24.html>, para. 18. “Countless men remain detained due to activities relating to their exercise of freedom of expression or assembly. Others appear to **have been detained to pressure family members wanted** by the authorities, rendering their detention unlawful” (emphasis added); UN Human Rights Council, *Report of the Independent International*

used as “bargaining chips” in prisoner exchanges with anti-government armed groups.⁶² Furthermore, even neighbours, colleagues and friends have reportedly been targeted.⁶³

For fear of being themselves subjected to arrest and abuse, family members reportedly often refrain from investigating the whereabouts of an arrested family member or from complaining about the arrest.⁶⁴ Instead, they reportedly feel regularly compelled to pay bribes to corrupt government officials in order to obtain information about a detainee’s whereabouts, to arrange for the detainee’s transfer from a security branch to a central prison, or to secure a detainee’s release – with no guarantee of success.⁶⁵ Presidential amnesties have reportedly also opened opportunities for judges to obtain bribes from families seeking the release of a detained family member.⁶⁶ In particularly grave instances, entire families related to members of the opposition or defectors have reportedly been arrested or extra-judicially executed, for example during house searches.⁶⁷

Commission of Inquiry on the Syrian Arab Republic, 13 August 2015, <http://www.refworld.org/docid/55e955344.html>, para. 41. “As the war intensified, security forces began conducting widespread systematic raids on opposition strongholds and used checkpoints to arrest women relatives of opponents to obtain information and force their relatives to turn themselves in. Since the summer of 2012, the Syrian government has increasingly resorted to this practice to force fighters to stop their operations” (emphasis added); Euro-Mediterranean Human Rights Network, *Confined, Abused and Instrumentalised: Detention of Women in Syria*, March 2015, <http://bit.ly/2j4M3mH> (hereafter: EuroMed, *Detention of Women in Syria*, March 2015, <http://bit.ly/2j4M3mH>), p. 3. See also, Middle East Eye, *Syria’s Detained Women Face a Lifetime of Rejection*, 8 April 2016 <https://shar.es/1ODpet>.

⁶² “In Nawa (Dar’a), civilian women and family members of armed groups originally from the rebel-held locality of Busra al-Harir (Dar’a) were detained by government forces and subsequently released as part of a swap”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, A/HRC/31/68, <http://www.refworld.org/docid/56d6b3843ea.html> (hereafter: UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>), para. 100. See also, Reuters, *Syrian Government, Rebels Swap more than 100 Prisoners in Hama*, 7 February 2017, <http://reut.rs/2jZ7kd4>; Middle East Eye, *Syria’s Detained Women Face a Lifetime of Rejection*, 8 April 2016, <https://shar.es/1ODpet>; EuroMed, *Detention of Women in Syria*, March 2015, <http://bit.ly/2j4M3mH>, pp. 3-4.

⁶³ The US Department of State Human Rights report listed “critics, specifically journalists, medical personnel, antigovernment protesters, their families, and associates” (emphasis added) as those being targeted for arrest and enforced disappearance; US Department of State, *2015 Country Reports on Human Rights Practices - Syria*, 13 April 2016, <http://www.refworld.org/docid/571611ff15.html>. HRW documented the arrest of female relatives and neighbours of opposition activists and members of armed opposition groups; HRW, *Syria: Detention and Abuse of Female Activists*, 24 June 2013, <http://www.refworld.org/docid/51cae0ec4.html>.

⁶⁴ “(...) family members inquiring about their relatives at detention centres have been routinely arrested and subjected to enforced disappearance themselves.” And further: “(...) relatives of disappeared detainees believe that if they are perceived to be complaining to the Syrian authorities, other family members might face punitive measures such as travel bans, arrests or being forcibly disappeared themselves.” Furthermore: “Other Syrians have told Amnesty International that, as a result of an enforced disappearance, their immediate or extended family fled the country, out of fear that they too could be arrested or disappeared”; Amnesty International, *Enforced Disappearances*, 5 November 2015, <http://www.refworld.org/docid/563b1c3a4.html>, pp. 8, 14, 25. See also, HRW, *If the Dead Could Speak: Mass Deaths and Torture in Syria’s Detention Facilities*, 16 December 2015, <http://www.refworld.org/docid/569616a54.html>, pp. 10, 84; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, <http://www.refworld.org/docid/54e74b777.html>, Annex II, para. 114.

⁶⁵ “In government-held areas, a market has developed in the context of arbitrary arrests, detentions and disappearances. Government officials demand bribes from families seeking information about their relatives, and for their release”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, para. 143. “The extreme fear of arrests and the knowledge of the level of violence that awaits following the arrest is one of the driving forces which compels families to pay lump sums which cause them to find themselves in a dire financial situation”; Heinrich Böll Stiftung, *The Malice of Power: Arrests in Syria as Part of a Politico-Economic Rationale*, 5 November 2015, <http://bit.ly/2kCHLAE>. See also, US Department of State, *2015 Country Reports on Human Rights Practices - Syria*, 13 April 2016, <http://www.refworld.org/docid/571611ff15.html>.

⁶⁶ “(...) amnesties offer a basis for wide-ranging corruption. These are general amnesties which bring remission of certain penalties with them, without determining the individuals it is issued for beforehand. Payments are made in order to receive a place on a list of those granted an amnesty”; Heinrich Böll Stiftung, *The Malice of Power: Arrests in Syria as Part of a Politico-Economic Rationale*, 5 November 2015, <http://bit.ly/2kCHLAE>. See also, Amnesty International, *Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison, Syria*, 7 February 2017, <http://www.refworld.org/docid/5899bd9a4.html>, p. 16.

⁶⁷ UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 12 February 2014, A/HRC/25/65, <http://www.refworld.org/docid/53182eed4.html> (hereafter: UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 12 February 2014, <http://www.refworld.org/docid/53182eed4.html>), para 20; UN Human Rights Council, *Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 26 June 2012, A/HRC/20/CRP.1, <http://www.refworld.org/docid/4febf9ae2.html>, para 67.

Against the background of the preceding information, and as noted in UNHCR's *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update IV*, dated November 2015, persons who are likely to be perceived by the Syrian authorities as being critical of the government or having sympathies or actual ties to the opposition are considered to likely be in need of international refugee protection on the basis of their political opinion or imputed political opinion, depending on their individual profile and the circumstances of the case.⁶⁸ Based on available country of origin information the mere suspicion of a person holding anti-government views, or being affiliated with a person holding such views, would be sufficient to establish a well-founded fear of persecution. Individuals of a number of different profiles may fall into this category, including the following profiles⁶⁹ on which more information is provided below:

- 1) Persons Residing in or Originating from Areas Currently or Formerly under Control of Anti-Government Armed Groups;
- 2) Males of Fighting Age from Areas under Control of Anti-Government Armed Groups;
- 3) Draft Evaders;
- 4) Military Deserters;
- 5) Persons Engaging in Certain Activities Abroad.

1) Persons Residing in or Originating from Areas Currently or Formerly under Control of Anti-Government Armed Groups

In the context of armed conflicts, civilians are often at risk of serious human rights violations or other serious harm amounting to persecution.⁷⁰ In situations of armed conflict and violence, individuals or entire groups or populations⁷¹ may be at risk of being singled out or targeted for persecution for reasons of the 1951 Convention.⁷² The question to guide decision-makers is: do the reasons for the person's feared predicament, within the overall context of the country, relate to a Convention ground?⁷³

In its Guidelines on claims for refugee status related to situations of armed conflict and violence, UNHCR noted that:

Situations of armed conflict and violence may be rooted in, motivated or driven by, and/or conducted along lines of race, ethnicity, religion, politics, gender or social group divides, or may impact people based on these factors. In fact, what may appear to be indiscriminate conduct (i.e. conduct whereby the persecutor is not seeking to target particular individuals), may in reality be aimed at whole communities or areas whose inhabitants are actual or perceived supporters of one of the sides in the situation of armed conflict and violence. Who belongs to or is considered or perceived to be affiliated with, a particular side in a situation of armed conflict and violence, is often interpreted broadly by actors during such situations – and may include a range of people, including family members of fighters as well as all those who belong to the

⁶⁸ UNHCR, *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update IV*, November 2015, <http://www.refworld.org/pdfid/5641ef894.pdf>, para. 38.

⁶⁹ A longer (non-exhaustive) list of risk profiles is included in: UNHCR, *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update IV*, November 2015, <http://www.refworld.org/pdfid/5641ef894.pdf>, para. 38.

⁷⁰ “Such persecution could include, but is not limited to, situations of genocide and ethnic cleansing; torture and other forms of inhuman or degrading treatment; rape and other forms of sexual violence; forced recruitment, including of children; arbitrary arrest and detention; hostage taking and enforced or arbitrary disappearances (...)”; UNHCR, *Guidelines on International Protection No. 12*, 2 December 2016, <http://www.refworld.org/docid/583595ff4.html>, para. 13.

⁷¹ “Whole communities may be affected by, and be at risk from, aerial bombardments, the use of cluster munitions, barrel bombs or chemical weapons, artillery or sniper fire, improvised explosive devices, landmines, car bombs or suicide bombers, or siege tactics, for example”; UNHCR, *Guidelines on International Protection No. 12*, 2 December 2016, <http://www.refworld.org/docid/583595ff4.html>, para. 18.

⁷² The fact that many or all members of particular communities are at risk does not undermine the validity of any particular individual's claim. “(...) a person may have a well-founded fear of persecution that is shared by many others, and of a similar or same degree. An applicant fleeing a situation of armed conflict and violence is not required to establish a risk of harm over and above that of others similarly situated (sometimes called a “differential test”). No higher level of risk is required to establish a well-founded fear of persecution in situations of armed conflict and violence compared to other situations”; UNHCR, *Guidelines on International Protection No. 12*, 2 December 2016, <http://www.refworld.org/docid/583595ff4.html>, paras 17, 22.

⁷³ UNHCR, *Guidelines on International Protection No. 12*, 2 December 2016, <http://www.refworld.org/docid/583595ff4.html>, para. 32.

same religious or ethnic groups or reside in particular neighbourhoods, villages or towns. A Convention ground is regularly imputed to groups of people based on their family, community, geographic or other links.⁷⁴

As noted in UNHCR's International Protection Considerations (Update IV), it is a particular feature of the conflict in Syria that different parties to the conflict frequently **impute a political opinion** to larger groups of people, including whole towns, villages or neighbourhoods, by association. As such, members of a larger entity, without individually being singled out, become the targets for repercussions by different actors, including government forces, ISIS, and anti-government armed groups, for reason of real or perceived support to another party to the conflict. According to consistent reports, whole communities that are perceived to be holding a particular political opinion or affiliation in relation to the conflict are targeted by aerial bombardments, shelling, siege tactics, suicide attacks and car bombs, arbitrary arrest, hostage-taking, torture, rape and other forms of sexual violence, and extra-judicial executions. The perception of sharing a political opinion or affiliation in relation to the conflict is often based on little more than an individual's physical presence in a particular area (or the fact that he/she originates from a particular area), or his/her ethnic, religious or tribal background.⁷⁵ The risk of being harmed is serious and real, and in no way diminished by the fact that the person concerned may not be targeted on an individual basis.⁷⁶

Reports indicate that the government generally considers civilians living in or originating from locations that have seen popular protests and/or have a presence of, or have (even temporarily) fallen under control of anti-government armed groups, to be associated with the armed opposition.⁷⁷ These civilians are thus considered by the government to be opposing it. According to reports, this is part of a broader policy whereby civilians are targeted by association, on account of being present in or originating from an area considered to be opposing the government and/or supporting anti-government armed groups.⁷⁸ Reports describe that the government seeks to erode popular support for anti-government armed groups by punishing civilians for their real or perceived opposition to the government and by making life unbearable in areas under the control of these groups.⁷⁹ Civilians in these locations are reportedly

⁷⁴ UNHCR, *Guidelines on International Protection No. 12*, 2 December 2016, <http://www.refworld.org/docid/583595ff4.html>, para. 33 (emphasis added, footnotes omitted).

⁷⁵ "Civilians have been deliberately killed in attacks where the belligerents have conflated a community's ethnic and/or religious backgrounds and its perceived political loyalties"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, para. 104.

⁷⁶ UNHCR, *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update IV*, November 2015, <http://www.refworld.org/pdfid/5641ef894.pdf>, para. 17.

⁷⁷ "Consistent with previously documented patterns, men – **particularly those with identification cards showing them to be from restive areas** – are arbitrarily arrested by Government forces" (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 13 August 2015, <http://www.refworld.org/docid/55e955344.html>, para. 41. For example, "In mid-August [2015], government forces raided the homes of families of armed groups in areas around Zabadani, including Bloudan and Bqine, to check residents' registration cards. Individuals determined to be originally from Zabadani were forcibly displaced to Madaya. Government forces tightened their siege around Madaya in September [2015]"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, para. 96.

⁷⁸ The Commission of Inquiry spoke of the Syrian government attacking "communities perceived to support armed groups – owing to their geographic location and/or religious background." And further: "The Government, through its unlawful attacks and acts of enforced disappearance, has targeted communities believed to support armed groups or be insufficiently loyal to the Government. This has disproportionately affected the Sunni majority, in particular those from restive areas"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, paras. 115 and 117. "Regime killings and use of lethal tactics increased during the year. The government reportedly targeted members of opposition groups and **the communities presumed to be sheltering them** (...)" (emphasis added); US Department of State, *2014 Country Reports on Human Rights Practices - Syria*, 25 June 2015, <http://www.refworld.org/docid/559bd53712.html>. "Government forces have directed attacks against the civilian population. The attacks have included widespread shelling and bombardment of civilian-inhabited localities and the targeting of civilians for arrest, detention and disappearance on the basis of their association or perceived opposition to the Government. The coordination and active participation of government institutions indicates that the attacks are conducted as a matter of State policy. As part of this widespread attack on the civilian population, government forces have perpetrated murder, torture, rape and acts of enforced disappearance"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, <http://www.refworld.org/docid/54e74b777.html>, para. 49.

⁷⁹ "Victims have often described the Government's strategy as that of 'tansheef al bakhar', or 'draining the sea to kill the fish'; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February

subjected to a variety of punitive measures, including arrests,⁸⁰ torture, sexual violence, and extrajudicial executions committed by government and pro-government forces during ground incursions, house searches and at checkpoints.⁸¹ Government and pro-government forces have reportedly also engaged in the pillaging and destruction of homes and shops belonging to perceived opponents during military raids.⁸² As the government lost control over parts of the country, it has reportedly increasingly resorted to subjecting civilians in these locations to extensive artillery shelling and aerial bombardment.⁸³ These deliberate attacks, including against hospitals, funeral processions, public markets, bread lines and bakeries, have been described as a tactic designed to punish and terrorize the

2015, <http://www.refworld.org/docid/54e74b777.html>, para. 10. “Civilians are targeted on the basis of their perceived opposition to the Government. Merely living in or originating from certain neighbourhoods leads to targeting. In a particularly brutal military campaign, the Government intensified its widespread and systematic attack against the civilian population of Aleppo in October 2013 to punish and terrorize civilians for supporting or hosting armed groups in an apparent strategy to erode popular support for those groups. Government forces are now employing a similar strategy in Ar Raqqa [under ISIS-control], with total disregard for the distinction between civilian and military targets”; Independent International Commission of Inquiry, 5 February 2015, para. 50. See also, UN Human Rights Council, *Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/29/CRP.3, 23 June 2015, <http://www.refworld.org/pdfid/558aa6cc4.pdf>, para. 40; Amnesty International, *Syria: Government Bombs Rain on Civilians*, 14 March 2013, <http://www.refworld.org/docid/514305d42.html>, pp. 2, 13; UN News Centre, *Syrian Civilians Continue to Bear Brunt of ‘Collective Punishment’ – UN Rights Panel*, 12 March 2012, <http://bit.ly/2j57bFi>.

⁸⁰ Initially, arrests have reportedly taken place mostly during protests, house-to-house searches, during or immediately following ground operations and at checkpoints. Since 2013, arrests have reportedly occurred mostly at checkpoints. Persons originating from areas perceived to be opposing the government are reported to be under general suspicion of themselves opposing the government; they are thus at heightened risk of arrest, detention and abuse, especially at checkpoints, on the basis of their origin as indicated in their ID cards. “Residents of opposition-controlled areas (...) were arrested with the purpose of obtaining information or as punishment” (emphasis added); UN Human Rights Council, *Deaths in Detention*, 3 February 2016, <http://www.refworld.org/docid/56b9f4c24.html>, para. 18. “As the crisis in Syria escalated into an armed conflict, the Syrian authorities began arresting and forcibly disappearing individuals they considered to be disloyal. For instance, **civilians in neighbourhoods or cities populated by armed opposition groups** were arrested en masse soon after government forces established control. (...) The government forcibly disappeared individuals who crossed into government-controlled areas from areas controlled by the opposition, particularly since 2013”; Amnesty International, *Enforced Disappearances*, 5 November 2015, <http://www.refworld.org/docid/563b1c3a4.html>, p. 44. According to the Independent International Commission of Inquiry on the Syrian Arab Republic, “(...) checkpoints are the principal point of direct contact between Government forces and those living outside of its area of control. They are regarded with great fear by civilians, particularly those whose identification documents indicate they hail from restive areas or who have injuries, whether conflict or non-conflict related.” And further: “The circumstances of many of the arrests indicate that they were conducted on discriminatory grounds, such as religious or geographic origin of persons”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, <http://www.refworld.org/docid/54e74b777.html>, paras 104, 106. See also below Section IV.2. “Males of Fighting-Age from Areas under Control of Anti-Government Armed Groups”.

⁸¹ “As the unrest evolved into armed violence in late 2011, the Government intensified its ground assaults on restive areas. The murder and torture of civilian residents and captured armed individuals formed part of the earliest ground attacks. By 2012, as the country moved towards civil war, government forces had committed a number of mass killings of civilians during ground assaults.” And further, “[V]ictim and witness accounts of sexual violence were also recorded in northern governorates. During house searches in Aleppo city in 2012 and 2013, Government forces sexually assaulted women and men in their homes”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, <http://www.refworld.org/docid/54e74b777.html>, paras 8, 12 and Annex II, para. 181. See also, UN Committee Against Torture (CAT), *Consideration by the Committee Against Torture of the Implementation of the Convention in the Syrian Arab Republic in the Absence of a Special Report Requested Pursuant to Article 19, Paragraph 1, in fine: Concluding Observations of the Committee Against Torture: Syrian Arab Republic*, 29 June 2012, CAT/C/SYR/CO/1/Add.2, <http://www.refworld.org/docid/5305e52f4.html>, para. 20 (h).

⁸² The pillaging and destruction of property appears to have a punitive element against individual persons, e.g. defectors, and whole communities perceived as supporting anti-government armed groups: “[J]ustifying their actions either as ‘spoils of war’ or as **retribution for supporting the opposing side**, parties to the conflict burn, loot and pillage homes and businesses” (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 4 June 2013, A/HRC/23/58, <http://www.refworld.org/docid/51aee9484.html>, para. 127. “Government forces and affiliated militia intentionally destroyed the homes and businesses of (suspected) anti-Government members and supporters during raids on villages and neighbourhoods. Instances of overt destruction included the burning down of property, blowing it up, and damaging it beyond repair” (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2013, A/HRC/22/59, <http://www.refworld.org/docid/513727e62.html>, para. 155 and Annex XIII, paras 2-9.

⁸³ “Areas not under government control suffered from ground shelling by pro-government forces. Many missile and rocket attacks were launched on areas containing no discernible military targets. Where they resulted in casualties, the majority – if not all – were civilians, including a large number of children”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, para. 35. See also, HRW, *World Report 2017 - Syria*, 12 January 2017, <http://www.refworld.org/docid/587b58196.html>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, <http://www.refworld.org/docid/54e74b777.html>, Annex II, para. 3.

civilian population in areas held by anti-government armed groups or ISIS, and to render living conditions unbearable.⁸⁴ In a number of areas held by anti-government armed groups, the government is reported to have laid sieges, thereby systematically depriving civilians of basic necessities such as food and medical assistance.⁸⁵ Persons trying to leave besieged areas to seek medical treatment have reportedly been arrested, targeted by snipers, or prevented from leaving.⁸⁶ Persons carrying food or other basic supplies into a besieged area, or seeking to flee from a besieged area, are reported to be targeted for harassment, arrest, detention, torture and killing.⁸⁷ The government's siege tactics against

⁸⁴ The International Crisis Group (ICG) described the Syrian Government's use of airstrikes to be "*part of a scorched-earth strategy and a way to mete out collective punishment*"; ICG, *New Approach in Southern Syria*, 2 September 2015, Middle East Report N°163, <http://www.refworld.org/docid/55e6bf644.html>, p. ii. "[T]he scale, intensity and duration of the Syrian government's [aerial bombardment] campaign strongly suggests that it has adopted a policy of **collective punishment against the civilian population in opposition-held areas of Aleppo city**" (emphasis added); Amnesty International, 'Death Everywhere' - War Crimes and Human Rights Abuses in Aleppo, Syria, 4 May 2015, <http://www.refworld.org/docid/5550707f4.html>, pp. 15-16. "Government aircraft were now routinely deployed to attack residential neighborhoods harboring armed rebels. Adopting a **policy of collective punishment**, government helicopters and fixed wing aircraft bombed and strafed places where civilians congregated in these areas and were most exposed, including bakeries, schools and clinics. In stark contrast to the first two phases of the conflict, after mid-2012 the use of air power against vulnerable civilians dominated the conduct of armed hostilities." And further, "Syrian government forces have used aircraft, tanks, heavy artillery and cluster munitions **to terrorize and kill anyone presumed to be supporting the regime's opponents, including civilians living in opposition-controlled areas of Aleppo, Damascus, Daraa, Idlib and Ar-Raqqa governorates**" (emphasis added); Global Centre for the Responsibility to Protect, *Failure to Protect: Syria and the UN Security Council*, 5 March 2015, <http://bit.ly/1FOsLBi>, pp. 6, 8. "In neighbourhoods around Damascus, including Yarmouk, Darayya, Babbila and Barzah, **civilians were targeted on the basis of their perceived opposition to the Government. Merely living in or originating from those neighbourhoods led to targeting**. The Government has carried out a widespread and systematic attack against the civilian population of Aleppo to punish and terrorize civilians for supporting or hosting armed groups, in an apparent strategy to erode popular support for those groups" (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 13 August 2014, A/HRC/27/60, <http://www.refworld.org/docid/53fed8134.html>, paras 103 and 104. On the specific targeting of hospitals and medical facilities, "(...) evidence strongly suggests that the Assad government and its allies targeted hospitals deliberately, as part of a strategy intended to break the will and infrastructure of the resistance"; Atlantic Council, *Breaking Aleppo*, February 2017, <http://bit.ly/2l6nSoi>, p. 30. See also pp. 19-30 of the same report. "Airpower and artillery are also used to pound areas not under government control, deliberately targeting crops, bakeries (a critical source of food for many), and hospitals – destroying commerce and the infrastructure of life support. The objective is to force people to move out of rebel zones, thereby depriving the rebels of popular support"; Rand Corporation, *The Dynamics of Syria's Civil War*, 2014, <http://bit.ly/1MNHDKg>, p. 12. See also, Habitat International Coalition, *Submission to the Universal Periodic Review of The Arab Republic of Syria – 2016*, 2016, <http://bit.ly/2lrsp18>, pp. 2-3; Amnesty International, *Syria: Ruthless and Unlawful Government Attacks Killed Scores of Civilians in Al-Raqqa*, 17 March 2015, <http://bit.ly/1Du8R2Z>; International Crisis Group (ICG), *Rigged Cars and Barrel Bombs: Aleppo and the State of the Syrian War*, 9 September 2014, Middle East Report N°155, <http://www.refworld.org/docid/5411952c4.html>, pp. 8-9.

⁸⁵ "Civilians living in besieged locations are denied their basic rights, including freedom of movement and access to adequate food, water, and health care. Frequent denial of entry of humanitarian assistance into these areas and blockage of urgent medical evacuations result in civilian deaths and suffering"; OCHA, *2017 Humanitarian Needs Overview: Syrian Arab Republic*, 1 December 2016, <http://bit.ly/2k6TwNU>, p. 7. The Independent International Commission of Inquiry on the Syrian Arab Republic and others described the sieges as part of the government's military strategy: "(...) the mainstays of government attacks on restive areas have remained static. They include (a) the encirclement of an area, including the setting up of checkpoints at all access points; (b) the imposition of a siege, including preventing the flow of food, medical supplies, and sometimes water and electricity, into the town or area; (c) the shelling and aerial bombardment of the besieged area; (d) the arrest, and often disappearance, of wounded persons attempting to leave the besieged area to seek medical treatment no longer available inside and of those attempting to break the siege, usually by smuggling in food and medical supplies"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, <http://www.refworld.org/docid/54e74b777.html>, para. 10. See also, Atlantic Council, *Breaking Aleppo*, February 2017, <http://bit.ly/2l6nSoi>, p. 13-15; Amnesty International, *Syria: Briefing Note on Sieges Across Syria*, 16 April 2014, <http://www.refworld.org/docid/536c8abf4.html>.

⁸⁶ Amnesty International, *Amnesty International Report 2016/17 - Syria*, 22 February 2017, <http://bit.ly/1OR8Jwi>; OCHA, *2017 Humanitarian Needs Overview: Syrian Arab Republic*, 1 December 2016, <http://bit.ly/2k6TwNU>, p. 7; Middle East Eye, 'A Giant Graveyard': UN Condemns Aleppo Assault as Dozens Killed, 30 November 2016, <http://bit.ly/2fD7z0h>; Save the Children, *Childhood under Siege - Living and Dying in Besieged Areas of Syria*, <http://bit.ly/2kVMwrS>, pp. 14, 19; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, para. 34; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 13 August 2015, <http://www.refworld.org/docid/55e955344.html>, paras 99, 106; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, <http://www.refworld.org/docid/54e74b777.html>, Annex II, para. 108; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 12 February 2014, <http://www.refworld.org/docid/53182eed4.html>, paras 112, 134.

⁸⁷ "Torture and ill-treatment were routinely committed at (...) checkpoints around besieged areas (...) and as part of the sieges of communities that are being used to control and contain people"; UN Security Council, *Report of the Secretary-General on the Implementation of Security Council Resolution 2139 (2014)*, 24 March 2014, S/2014/208, <http://www.refworld.org/docid/53abeaa04.html>, para. 10. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, <http://www.refworld.org/docid/54e74b777.html>,

areas under control of anti-government armed groups are reportedly aimed at punishing civilians in these areas, eroding the armed opposition's popular base and forcing civilians and fighters into submission.⁸⁸

Government forces have reportedly increasingly resorted to the evacuation of civilian populations from areas previously held by anti-government armed groups, as part of local truce agreements, often following sustained periods of besieging and bombarding such communities.⁸⁹ The UN and independent observers have expressed their concern that these operations amounted to the forced displacement of civilians.⁹⁰ Moreover, opposition sources and independent observers point to the sectarian dimension of such forcible relocations of (Sunni) populations from formerly opposition-held areas, as in several

Annex II, para. 108; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 12 February 2014, <http://www.refworld.org/docid/53182eed4.html>, paras 53, 133.

⁸⁸ “Throughout Syria, parties to the conflict, particularly the Government of Syria (GoS), **continue to use siege as a military tactic**, inflicting indiscriminate and direct suffering on the civilian population” (emphasis added); OCHA, *2017 Humanitarian Needs Overview: Syrian Arab Republic*, 1 December 2016, <http://bit.ly/2k6TwNU>, p. 10. “Sieges continued to **be used as a tactic of war**; confined populations were bombed and starved until they surrendered” (emphasis added); UN Human Rights Council, *Human Rights Council Holds Interactive Dialogue with the Commission of Inquiry on Syria*, 19 September 2016, <https://shar.es/1921Ku>. “As demonstrated in places such as Yarmouk, Madaya, and now Darayya, **sieges and the collective punishment of civilians** are among the most effective tactics of the Syrian war” (emphasis added); Carnegie Middle East Center, *Will Darayya Normalize the Expulsion of Civilians?*, 7 September 2016, <http://ceip.org/2cGtS4x>. “In Syria, this military tactic has been applied systematically against civilian populations primarily by the Syrian government, and to a much lesser extent by some opposition groups as well as ISIS, **as a form of collective punishment against areas it does not control**” (emphasis added); PAX, *More than a Million People Living under Siege in Syria*, 27 January 2016, <http://bit.ly/2kXRO31>. “The government has used siege strategies to effectively starve civilian populations into submission and force negotiations that would allow the government to retake territory”; HRW World Report 2016 - Syria, 27 January 2016, <http://www.refworld.org/docid/56bd991ac.html>. “Where frontlines have stalled, the Government has employed a strategy of controlling the population, combining long-lasting sieges with continuous air and ground bombardment. Civilians are targeted on the basis of their perceived opposition to the Government. Merely living in or originating from certain neighbourhoods leads to targeting.” And further, “Government forces instrumentalise the basic needs of civilians, including access to medical care and food, as part of a military strategy to erode civilian support in areas under non-State armed group control and **punish those perceived to be affiliated with armed groups**. (...) The denial of medicine has no military justification and is used as **part of a punitive strategy**” (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, <http://www.refworld.org/docid/54e74b777.html>, para. 50 and Annex II, para. 264. “The Syrian government is cruelly **punishing civilians living in opposition-held areas**” (emphasis added); Amnesty International, *Syria Peace Conference Must End Starvation for Besieged Civilians*, 16 January 2014, <http://www.refworld.org/docid/52d8e8db4.html>.

⁸⁹ “Throughout the conflict, more than forty localities have been besieged, most in the suburbs of Damascus and Homs. Following Russia's military intervention in 2015, and particularly from the summer of 2016, key sieges were intensified into air and ground assaults. This ultimately forced the opposition to accept evacuation or “reconciliation” deals, which left the shattered shells of their former strongholds once more in government hands”; Atlantic Council, *Breaking Aleppo*, February 2017, <http://bit.ly/2L6nSoi>, p. 12.

⁹⁰ Under-Secretary-General and Emergency Relief Coordinator Stephen O'Brien has expressed “**extreme concern**” regarding the evacuation of the entire population from the town of Darayya (Rural Damascus) in August 2016 and called it “**forced displacement of the civilian population**.” And further: “**agreements resulting in a mass evacuation of civilians after a prolonged period of siege do not comply with international humanitarian law and human rights law**”; UN OCHA, *Statement on Darayya and the Situation in other Besieged Areas in Syria*, 30 August 2016, <http://bit.ly/2cLSwOr>. The UN Special Envoy for Syria, Staffan de Mistura said there were “**indications that after Darayya we may have other Darayyas**”, adding that the government clearly had a “**strategy**”; UN Department of Public Information, *Transcript of Stakeout by UN Special Envoy for Syria, Mr. Staffan de Mistura and UN Senior Adviser, Mr. Jan Egeland*, 1 September 2016, 1 September 2016, <http://bit.ly/2lqMLaD>. Lama Fakih from HRW called the evacuations the result of “**effectively coercive measures**” such as bombardments, siege tactics and humanitarian access restrictions: IRIN, *Syrian Evacuations Break the Will to Resist*, 20 September 2016, <http://bit.ly/2diUuaG>. See also, Middle East Eye, *Surrender or Die: Syria's Sieges Are the Difference-Makers in the Conflict*, 29 December 2016, <https://shar.es/1921oV>; The New York Times, *Stark Choice for Syrians in Rebel Areas: 'Doom' or the Green Bus*, 29 October 2016, <http://nyti.ms/2jQ9GPb>; Atlantic Council, *Increasing Tactics of Forced Displacement in Syria*, 6 October 2016, <http://bit.ly/2kjjZfB>; Wall Street Journal, *Syrian Government Sieges Drive Out Sunni Population*, 13 September 2016, <http://on.wsj.com/2cLGW4d>; Carnegie Middle East Centre, *Will Darayya Normalize the Expulsion of Civilians?*, 7 September 2016, <http://ceip.org/2bVYSaQ>; Physicians for Human Rights, *PHR Calls Forced Evacuation of Syrian Suburb a War Crime*, 2 September 2016, <https://shar.es/192Zl6>. At the time of writing, the most complex and large-scale of such “evacuations” involved the relocation of 36,000 people from eastern Aleppo between 15 and 22 December 2016; UN Security Council, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016)*, 20 January 2017, S/2017/58, <http://www.refworld.org/docid/5889fa1f4.html>, paras. 4, 5. For other examples of evacuations from areas under the control of anti-government armed groups over the last few months, see also previous reports from UN Security Council on the relevant Security Council Resolutions, available at: <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&skip=0&query=resolution+2139&coi=SYR>.

instances members of religious minority groups considered loyal to the government have reportedly been allowed to move into vacated areas. The Government has rejected these claims.⁹¹

In areas in which the government has taken back control from anti-government armed groups, it reportedly made widespread arrests, especially of men and boys over the age of 12, for reason of their perceived sympathy or support for these groups.⁹²

2) Males of Fighting Age from Areas under Control of Anti-Government Armed Groups

Men and boys over the age of 12 from areas under opposition control are reported to be at risk of arrest and enforced disappearance,⁹³ torture and extra-judicial execution on account of their perceived participation in hostilities against the government, their perceived aid to armed groups or, more generally, their perceived anti-government views, if and when government forces get hold of them.⁹⁴ Often, arrests are reported to be based merely on the fact that a man originates from an area associated with the opposition.⁹⁵ Widespread arrests reportedly occur mainly at checkpoints,⁹⁶ during raids in

⁹¹ The Guardian, *Iran Repopulates Syria with Shia Muslims to Help Tighten Regime's Control*, 14 January 2017, <http://bit.ly/2jwloyf>; IRIN, *Syrian Evacuations Break the Will to Resist*, 20 September 2016, <http://bit.ly/2diUuaG>; Wall Street Journal, *Syrian Government Sieges Drive Out Sunni Population*, 16 September 2016, <http://on.wsj.com/2cLGW4d>; The Washington Institute, *Iran's 'Useful Syria' Is Practically Complete*, 8 September 2016, <http://washin.st/2k72niu>.

⁹² "(...) opposition activists and residents say it [the government] is using mass detentions and other security-state tactics to snuff out dissent in places that were out of its control for years." According to the SNHR, "[N]early 2,000 people were caught up in a regime dragnet in the final month as Aleppo fell to the government and its allies" with most of those arrested reportedly being "men wanted for compulsory military service". However, SNHR reported that also many women and 17 families, including children, were arrested; Wall Street Journal, *Syria Detains Opponents, as It Reasserts Control*, 7 February 2017, <http://on.wsj.com/2kO04VM>. See below Section IV.2. "Males of Fighting-Age from Areas under Control of Anti-Government Armed Groups".

⁹³ "Civilians, mainly men of fighting age, continue to vanish from the streets of the Syrian Arab Republic. Tens of thousands of Syrians are missing, many in circumstances that suggest they have been forcibly disappeared. (...) In a pattern that began in March 2011 and which continues to this day, Syrians are arrested or abducted by State agents and thereafter disappear from public view"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, paras 75 and 77. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, <http://www.refworld.org/docid/54e74b777.html>, para. 12.

⁹⁴ "The government reportedly arrested **fighting-age, especially Sunni, men perceived to be associated with opposition groups**" (emphasis added); US Department of State, *2015 Country Reports on Human Rights Practices - Syria*, 13 April 2016, <http://www.refworld.org/docid/571611ff15.html>. "Men and boys who are considered to be of 'fighting-age' (...) have been subjected to physical and psychological violence on the basis of their gender. **Perceived as likely to participate in hostilities against the Government or aid armed groups**, men and boys have been arrested, tortured, disappeared, and killed on grounds of suspected affiliation or loyalty" (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, <http://www.refworld.org/docid/54e74b777.html>, Annex II, para. 174. "Checkpoints operated by the government were another commonly reported location for arbitrary detention, sometimes resulting in transfer to a long-term detention facility or disappearance. In Um Walad, Dara'a, government military and security forces arrested men at checkpoints solely for being of military age"; US Department of State, *2013 Country Reports on Human Rights Practices - Syria*, 27 February 2014, <http://www.refworld.org/docid/53284a6414.html>.

⁹⁵ "The Special Rapporteur [on the human rights of internally displaced persons] was informed of patterns of detention of internally displaced men by government forces – frequently at checkpoints – **and of those identified as coming from areas controlled by non-State armed groups**. Investigations identify a countrywide pattern of seizure and disappearance of adult male civilians by government forces and non-State armed groups alike." And further: "Reports indicate that displaced boys considered to be of fighting age continue to be detained and treated as adults at checkpoints" (emphasis added); UN Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons on His Mission to the Syrian Arab Republic*, 5 April 2016, A/HRC/32/35/Add.2, <http://www.refworld.org/docid/575131d14.html>, paras 59, 67. "Consistent with previously documented patterns, men – **particularly those with identification cards showing them to be from restive areas** – are arbitrarily arrested by Government forces." And further: "**Boys considered to be of fighting age** continue to be held at Government checkpoints. Once held, children are imprisoned with adults and tortured in Government detention centres" (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 13 August 2015, <http://www.refworld.org/docid/55e955344.html>, paras 41, 72.

⁹⁶ "The Syrian regime forces practiced various method to carry out arrests through raids or abductions from the streets and at checkpoints"; SNHR, *The Yearly Report for 2016*, 18 January 2017, <http://bit.ly/2ksIUxq>, p. 14. "In a pattern that began in March 2011 and which continues to this day, Syrians are arrested or abducted by State agents and thereafter disappear from public view. Relatives continue to report cases of those who disappeared between 2011 and 2015. Common sites of arrest and abduction include checkpoints, hospitals, workplaces and homes"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 August 2016, <http://www.refworld.org/docid/57d015fd4.html>, para. 77. "In recent years, checkpoints have become a tool for the Syrian authorities to create a climate of fear in the country. Individuals passing checkpoints are systematically thoroughly scrutinised by the security services and are, **if perceived as supporting the opposition**, arrested and brought to unknown places of detention, their families being denied any information on their fate and whereabouts" (emphasis added);

recaptured areas and during evacuations,⁹⁷ but also in public places (including hospitals, government offices,⁹⁸ airports and border crossings).⁹⁹ The fact that a man may have also evaded draft or deserted from the army would likely compound the risk of arrest and subsequent serious ill-treatment.¹⁰⁰ Syrian males of fighting age, including teenage boys, are therefore reportedly avoiding passing through government checkpoints.¹⁰¹

3) Draft Evaders

According to reports, the armed conflict in Syria continues to be characterized by widespread and systematic violations of human rights and international humanitarian law (IHL) in a climate of impunity.¹⁰² The Independent International Commission of Inquiry on the Syrian Arab Republic and human rights organizations have accused the Syrian government forces of war crimes as well as crimes against humanity.¹⁰³ Indiscriminate and direct attacks on civilians, sieges and denial of humanitarian access as well as attacks on medical facilities and workers have reportedly emerged as a pattern of

Alkarama, Syria: Further Cases of Enforced Disappearances Following Arrests at Checkpoints, 16 June 2016, <http://bit.ly/2kBe8zm>. “Government military and security forces reportedly arrested men at checkpoints solely for being of military age” (emphasis added); US Department of State, 2015 Country Reports on Human Rights Practices - Syria, 13 April 2016, <http://www.refworld.org/docid/571611ff15.html>.

⁹⁷ “Over 1,800 people from Aleppo were reportedly arrested in December [2016] alone; some of those arrests can now be verified. Executions, too, can be examined. Such examinations are essential when assessing the risk posed to those being evacuated or ‘reconciled’ in other localities”; Atlantic Council, *Breaking Aleppo*, February 2017, <http://bit.ly/2l6nSoi>, p. 46. “When they [government forces] allowed civilian evacuations from besieged areas, government forces **detained men and boys among those evacuated**, subjecting many to long-term detention for ‘screening’” (emphasis added); Amnesty International, *Amnesty International Report 2014/15 - Syria*, 25 February 2015, <http://www.refworld.org/docid/54f07d919.html>. “Government forces have engaged in mass arrest campaigns leading to the enforced disappearance of **fighting-age men in areas that have fallen under their control**” (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, <http://www.refworld.org/docid/54e74b777.html>, para. 55. “Forced truces, a mark of the Government’s strategy of siege and bombardment, are often followed by **mass arrests of men of fighting age, many of whom disappear**” (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 13 August 2014, A/HRC/27/60, <http://www.refworld.org/docid/53fed8134.html>, para. 11. See also, Oman Observer, *With Aleppo Advance, Syria Sweeps Up Conscripts*, 15 December 2016, <http://bit.ly/2hIpUqF>; OHCHR, *Statement by the Independent International Commission of Inquiry on the Syrian Arab Republic on the Situation of Civilians Affected by the Capture of Aleppo*, 14 December 2016, <http://bit.ly/2gBfhUo>; Reuters, *Hundreds of Men from East Aleppo Missing: U.N. Rights Office*, 9 December 2016, <http://reut.rs/2hihw2W>; Washington Post, *Syrian Men Caught in Government Net as Aleppo’s Rebel Zones Fall*, 30 November 2016, <http://wapo.st/2gVJbn5>; Foreign Policy, *Rewriting Syria’s War*, 18 December 2014, <http://atfp.co/1r3naWY>; Open Democracy, *Making Local Ceasefires Work in Syria*, 13 December 2014, <http://bit.ly/1GK9IOw>; Wall Street Journal, *Fate of Hundreds of Men Evacuated from Homs and Detained Uncertain*, 11 February 2014, <http://on.wsj.com/1w3FDTr>.

⁹⁸ “For those [men] who have left areas controlled by non-State armed groups without documents, for example, the process of engaging with the authorities to replace or renew documents may create anxiety, particularly for men of fighting age, since reports suggest that they may be forcibly recruited, harassed or even arrested by security forces suspicious of people from opposition areas”; UN Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons on His Mission to the Syrian Arab Republic*, 5 April 2016, A/HRC/32/35/Add.2, <http://www.refworld.org/docid/575131d14.html>, para. 34. “The government forcibly disappeared individuals who crossed into government-controlled areas from areas controlled by the opposition, particularly since 2013. This pattern of arrest and enforced disappearance seems especially prevalent among government workers, such as teachers or nurses, who were compelled to enter government-held areas to collect their salaries or pensions”; Amnesty International, *Enforced Disappearances*, 5 November 2015, <http://www.refworld.org/docid/563b1c3a4.html>, p. 44. See also, UN News Service, *UN Rights Chief Calls on Syria to Release Detainees, Describes ‘Grim’ Conditions, Torture*, 19 February 2015, <http://www.refworld.org/docid/550199544.html>.

⁹⁹ “Syrian regime forces carried out wide raids in public places, markets, and gathering centers in the main cities that fall under the Syrian regime’s control. Additionally, Syrian regime carried out arrests at inspection points in airports or border points that connect Syrian and Lebanon”; SNHR, *The Yearly Report for 2016*, 18 January 2017, <http://bit.ly/2kslUxq>, p. 14.

¹⁰⁰ See Section IV.3. “Draft Evaders”.

¹⁰¹ “In 2011 and 2012, widespread arrests were conducted in a number of different circumstances, including ground searches. By 2013, most were made at checkpoints. Arrests targeted males between the ages of 15 and 60 years, and were often arbitrary, accompanied by ill-treatment and torture. They also led to disappearances. By 2014, Syrians were going to extraordinary lengths to avoid checkpoints”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, <http://www.refworld.org/docid/54e74b777.html>, para. 12.

¹⁰² “Crimes against humanity continue to be committed by government forces and by ISIS. War crimes are rampant”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, para. 148. See also successive reports of the Independent International Commission of Inquiry on the Syrian Arab Republic available at: <http://bit.ly/2la15rZ>.

¹⁰³ UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, <http://www.refworld.org/docid/56d6b3843ea.html>, para. 148.

violations carried out by Syrian government forces.¹⁰⁴ According to reports, Syrian government forces have used weapons in an indiscriminate manner, including artillery, airstrikes, barrel bombs, incendiary weapons, cluster munitions and chemical weapons.¹⁰⁵ In its Guidelines on claims to refugee status related to military service, UNHCR has observed that recognizing the right of individuals to object to military service on the grounds that serving in the army would mean having to engage in activities which constitute violations of international humanitarian, criminal or human rights law, and granting refugee status in such cases, is consistent with the rationale underlying the exclusion clauses in the 1951 Convention.¹⁰⁶

Syrian men are reportedly required to register for military service at their local conscription office (*Maktab Al-Tajneed*) when reaching conscription age. A failure to report to the local conscription office in due time renders the person liable to arrest by the Military Police and punishment for draft evasion under the 1950 Military Penal Code, as amended in 1973.¹⁰⁷ The right to conscientious objection is not legally recognized and there are no provisions for substitute or alternative service.¹⁰⁸

Draft evaders inside Syria who do not present themselves for military service within 30 days after the prescribed notice period are subject to imprisonment ranging from one to six months (during peacetime), in addition to having to serve the regular military service.¹⁰⁹ For individuals who voluntarily report for military service within 30 days after the notice period the punishment is reduced by 50 per cent.¹¹⁰ In wartime, the punishment for draft evasion is imprisonment for up to five years, depending on the circumstances.¹¹¹ After having served the sentence, the draft evader has to serve the regular military service.¹¹²

The government reportedly regularly considers draft evasion not merely as an act prosecutable by law but as an expression of political dissent and unwillingness to defend the home country from “terrorist” threats. In practice, draft evaders are reportedly arrested and detained for various periods of time before being deployed to their military unit. During detention, they are reported to be at risk of torture and

¹⁰⁴ Amnesty International, *Amnesty International Report 2016/17 - Syria*, 22 February 2017, <http://bit.ly/1OR8Jwi>; HRW, *World Report 2017 - Syria*, 12 January 2017, <http://www.refworld.org/docid/587b58196.html>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 August 2016, A/HRC/33/55, <http://www.refworld.org/docid/57d015fd4.html>, paras. 22, 23, 32-36, 41-61.

¹⁰⁵ “Government forces used at least 13 types of internationally banned cluster munitions in over 400 attacks on opposition-held areas between July 2012 to August 2016, killing and injuring civilians, including children. (...) Government forces, and their allies, also increasingly resorted to the use of incendiary weapons, with at least 18 documented attacks on opposition-held areas in Aleppo and Idlib between June 5 and August 10. (...) Government forces also continued using toxic chemicals in several barrel bomb attacks in violation of the Chemical Weapons Convention. Syrian government helicopters dropped barrel bombs with toxic chemicals on residential neighborhoods in opposition-controlled parts of Aleppo city on August 10 and September 6”; HRW, *World Report 2017 - Syria*, 12 January 2017, <http://www.refworld.org/docid/587b58196.html>. See also, Amnesty International, *Amnesty International Report 2016/17 - Syria*, 22 February 2017, <http://bit.ly/1OR8Jwi>; HRW, *Syria: Coordinated Chemical Attacks on Aleppo*, 13 February 2017, <http://bit.ly/2kCQNN7>; Atlantic Council, *Breaking Aleppo*, February 2017, <http://bit.ly/2l6nSoi>, pp. 19-46.

¹⁰⁶ For further details, see UNHCR, *Guidelines on International Protection No. 10: Claims to Refugee Status Related to Military Service Within the Context of Article 1A (2) of the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees*, 3 December 2013, HCR/GIP/13/10/Corr. 1, <http://www.refworld.org/docid/529ee33b4.html> (hereafter: UNHCR, *Guidelines on International Protection No. 10*, 3 December 2013, <http://www.refworld.org/docid/529ee33b4.html>), paras 21, 22 and 26-30.

¹⁰⁷ Legislative Decree No. 61 of 27 February 1950, as amended.

¹⁰⁸ With the exception of Christian and Muslim religious leaders; US Department of State, *2015 Report on International Religious Freedom - Syria*, 10 August 2016, <http://www.refworld.org/docid/57add822c.html>; UN Human Rights Committee (HRC), *UN Human Rights Committee: Concluding Observations: Syrian Arab Republic*, 9 August 2005, CCPR/CO/84/SYR, <http://www.refworld.org/docid/43f2ff770.html>, para. 11; War Resisters International, *Syria*, last updated 25 April 1998, <http://bit.ly/2juWPDd>. On the right to conscientious objection against compulsory military service, see also, UNHCR, *Guidelines on International Protection No. 10*, 3 December 2013, <http://www.refworld.org/docid/529ee33b4.html>, paras. 8-11.

¹⁰⁹ Legislative Decree No. 61 of 27 February 1950, as amended, Article 98 (1) and (3).

¹¹⁰ Legislative Decree No. 61 of 27 February 1950, as amended, Article 98 (2).

¹¹¹ Legislative Decree No. 61 of 27 February 1950, as amended, Article 99. President Al-Assad declared on 27 June 2012 that Syria was in a state of war; AFP, *Assad Says Syria 'in a State of War'*, 27 June 2012, <http://bit.ly/2k5Kgv0>.

¹¹² Legislative Decree No. 61 of 27 February 1950, as amended, Article 99 (2).

other forms of ill-treatment.¹¹³ The government reportedly also targets family members for arrest as a means to pressure military-age men to join the army.¹¹⁴

According to reports, it is not clear how individuals are notified of the obligation to report for military service. Nor is it clear how much time passes between a person's failure to report for duty and their name being shared with army and security agents manning checkpoints, calling for the arrest of the person in question for evading military service. Moreover, anecdotal information suggests that at least in some cases individuals have been conscripted into the army after having been arrested at checkpoints, without having been previously notified of their obligation to report for duty.¹¹⁵ Irrespective of the exact time as of when a person would be considered to be subject to conscription (and thus liable to prosecution for non-compliance if they fail to report for military service) in accordance with applicable Syrian law, UNHCR has observed that "*draft evasion may also be pre-emptive in the sense that action may be taken in anticipation of the actual demand to register or report for duty*", e.g. by leaving the country.¹¹⁶

As the government seeks to strengthen its reportedly strained military capacity,¹¹⁷ it has reportedly intensified its efforts of conscription and reservist mobilization¹¹⁸ in areas under its control, including

¹¹³ Lydia Gall, a lawyer and researcher with HRW, said that in Syria "we know people are being detained for refusing to serve in the army. (...) Syrians could face inhumane and degrading treatment in prisons and the risk of bodily harm and death"; Al Jazeera, *Why is the World Afraid of Young Refugee Men?*, 20 June 2016, <http://aje.io/16tr>. "The sources mentioned a number of possible consequences if an evader is caught by the authorities: immediate conscription upon arrest; deployment to the frontline, investigation and torture, and/or imprisonment. Which one or a combination of these consequences the person may risk being subjected to, may depend on the profile of the person, his connections and the area. If the authorities suspect the person to be in connection and cooperate with the opposition groups, the person would be subjected to investigation and ill-treatment including torture. Nadim Houry (HRW) mentioned that while an Alawite from the coastal area might just get a 'slap on the wrist', a working class Sunni from an area known to be supportive of the opposition might be investigated and be subjected to ill treatment, accused of having supported the opposition"; Danish Immigration Service (DIS), *Syria: Military Service, Mandatory Self-Defence Duty and Recruitment to the YPG*, 26 February 2015, <http://www.refworld.org/docid/54fd6c884.html>, p. 18. "Wie bereits von der SFH beschrieben, werden Deserteure und Personen, die sich dem Militärdienst entzogen haben, inhaftiert und verurteilt. In Haft kommt es zu Folter und Menschenrechtsorganisationen berichten über Exekutionen von Deserteuren"; Swiss Refugee Council/Schweizerische Flüchtlingshilfe (SFH), *Syrien: Mobilisierung in die Syrische Armee*, 28 March 2015, <http://bit.ly/2jmnGA>, p. 4. See also, Foreign Policy Magazine, *It's Time to Give Assad's Soldiers a Ticket Out*, 4 November 2016, <http://atfp.co/2eHsHOW>.

¹¹⁴ "It [the government] has also begun to crack down on draft dodgers, **threatening families** in order to pressure their sons to don the uniform of the Syrian army. Last summer, in the Tartous town of Qadmous, residents say security forces detained 11 children so that their **older brothers** would surrender themselves as conscripts in exchange for their release" (emphasis added); Syria Deeply, *Government Cracks Down As Young Men Duck Mandatory Army Service*, 23 May 2014, <http://nwsdp.ly/wa420>. See also, Quartz, *Syria's Young Men Face an Impossible Choice*, 14 December 2016, <http://bit.ly/2iB5un8>; DIS, *Syria: Military Service, Mandatory Self-Defence Duty and Recruitment to the YPG*, 26 February 2015, <http://www.refworld.org/docid/54fd6c884.html>, p. 11.

¹¹⁵ "Samer told us that his brother Ahmad was recently arrested at a checkpoint and conscripted to serve in the reserve force. Ahmad had never received a notice of conscription"; UPI, *Amid War and Conscription, Damascus now a City Without Men*, 13 May 2016, <http://bit.ly/2i2Oxx1>. "I fled Syria because the Syrian army had drafted me for service. I choose to flee my homeland instead of fighting my countrymen. We reached Jadeadat Artouz, the border checkpoint of Damascus province, after five checkpoints. I was supposed to report for service in four days' time on November 7, 2012. I was afraid my name was already circulated to the Syrian border crossings. Generally, a draft dodger's name is only circulated if his draft date passes. **At the beginning of the revolution, the army granted draftees two months to appear for duty after being summoned. If they did not appear, the army would circulate their names to all Syrian border checkpoints. These rules are inconsistent at best and I did not dare allow an exit stamp on my passport. The situation has worsened since I fled**" (emphasis added); Newsweek, *Confessions of a Syrian Draft Dodger*, 16 February 2016, <http://bit.ly/2hsZ9q6>. "Fadi, a 26-year-old with an M.A. in Arabic from the University of Damascus, said he hasn't left home in weeks because his permit to postpone military service expires in March 2016. 'The problem is that the university sends a list with the names of the students who graduated to the Recruitment Division, and the Recruitment Division sends these lists to all checkpoints. This means that although my permit does not expire until March, my name is already at all the checkpoints,' he said." News Deeply, *Fear of Checkpoints Spreads in Damascus*, 16 December 2015, <http://bit.ly/2hMZC6d>.

¹¹⁶ UNHCR, *Guidelines on International Protection No. 10*, 3 December 2013, <http://www.refworld.org/docid/529ee33b4.html>, pp. 1-2.

¹¹⁷ Syria's military manpower has reportedly substantially decreased as a result of defections, high death tolls and draft evasion; Voice of America, *Can Syrian Army Find New Volunteers?*, 26 November 2016, <http://bit.ly/2kbYric>; Reuters, *Seeing no Future, Deserters and Draft-Dodgers Flee Syria*, 20 July 2016, <http://reut.rs/2abYeqY>; Syria Deeply, *Analysis: The Fifth Corps and the State of the Syrian Army*, 11 January 2016, <http://bit.ly/2jbxHwQ>; Staatssekretariat für Migration (SEM), *Focus Syrien: Aktuelle Lage in Syrien*, Referat von Christoph Reuter, 19 November 2015, <http://bit.ly/2kjmivE>, p. 9; BBC News, *Syria: President Assad Admits Army Strained by War*, 26 July 2015, <http://bbc.in/1LwtGw8>; New York Times, *An Eroding Syrian Army Points to Strain*, 28 April 2015, <http://nyti.ms/2k483hH>; International Business Times, *The Syrian Army Is Shrinking, and Assad Is Running Out of Soldiers*, 19 December 2014, <http://read.bi/1DRsIcS>.

¹¹⁸ According to Article 15 of Legislative Decree No. 30 of 2007, after completion of the compulsory period of duty and if he chooses not to enlist, a Syrian man remains in the reserves and can be called up for active duty until the age of 42. Before the current conflict,

at mobile and fixed checkpoints, during raids, house searches and searches on public transportation.¹¹⁹ Teenage boys appearing to be 18 years of age have reportedly also been detained at checkpoints.¹²⁰ Many men of conscription or reservist age are reported to avoid movements, have gone into hiding, or have fled the country for fear of harassment at checkpoints and enlistment.¹²¹ Conscripts and reservists are reported to be commonly deployed to the frontlines after limited, if any, military training.¹²² In areas retaken by government forces from anti-government armed groups, men of mandatory military service or reserve duty age have reportedly been arrested and recruited in large numbers.¹²³

the government only infrequently called up reservists before 2011 and the reserve service generally consisted of only several weeks or months of training in order to maintain necessary military skills similar to reservists in other countries. Since 2011, the government has increasingly called up reservists up until age 42. According to Christopher Kozak, Research Analyst at the Institute for the Study of War (ISW), there are anecdotal reports speaking of the age limit for reserve service being raised if the reservist holds certain technical qualifications (e.g. doctors, tank drivers, airforce personnel, artillery specialists, combat engineers). Mr. Kozak further noted: “I am not aware of the full extent of this practice (i.e. if it operates on a case-by-case basis or as official policy) nor whether an upper age limit exists for these skilled reservists”; Information from Christopher Kozak, ISW, 15 February 2017 (e-mail on file with UNHCR). The Swedish Migration Board found: “There are reportedly examples of 45-year-olds partaking in reserve duty currently. The Swedish report further refers to Syrian opposition sources, according to whom, ‘this age limit is no longer set in stone’”. According to Noah Bonsey of the International Crisis Group, men who have completed their mandatory military service “can be called to serve as reservists without prior warning”; DIS, Syria: Military Service, Mandatory Self-Defence Duty and Recruitment to the YPG, 26 February 2015, <http://www.refworld.org/docid/54fd6c884.html>, pp. 9-10. See also, Quartz, Syria’s Young Men Face an Impossible Choice, 14 December 2016, <https://qz.com/862890>.

¹¹⁹ “Throughout 2015, the security bodies, especially the military intelligence services, continued detaining young men in all regions under the control of the Syrian regime for military conscription. Identity checks are carried out at permanent and temporary checkpoints and compared to the lists of names required for conscription. In addition, young men are sought after by the air force intelligence and the military police in their homes and universities”; Syrian Human Rights Committee (SHRC), *The 14th Annual Report on Human Rights in Syria (January 2015 – December 2015)*, January 2016, <http://bit.ly/2jbiCeE>, p. 73. See also, SNHR, *Civilians Arrested by Syrian Regime Forces in Khattab Village in Hama Governorate*, January 17, January 2017, <http://bit.ly/2iwZ7kB>; Zaman Al-Wasl, *Latakia: Regime Wages Arrest Campaign Against Youth Escaping Conscription*, 29 August 2016, <http://bit.ly/2kKJinM>; Wall Street Journal, *Syria Regime Drafts Prisoners, Teachers to Bolster Depleted Army*, 5 August 2016, <http://on.wsj.com/2aWGx1Y>; SNHR, *Government Forces Raided on Al Debagha Neighbourhood and Al Asi Square in Hama City in July 17*, July 2016, <http://bit.ly/2iICWGG>; Ara News, *All Parties to Conflict in Syria Using Force to Recruit Young Men*, 10 May 2016, <http://bit.ly/2k3sPdy>; SNHR, *Civilians Arrested by Government Forces for Conscription in Homs City in April 10*, April 2016, <http://bit.ly/2jV4KFI>; SNHR, *Civilians Arrested for Conscription by Government Forces in Raid on Al Qusour Neighborhood in Deir Ez-Zour City in January 21*, January 2016, <http://bit.ly/2jGbjMM>; SNHR, *The Syrian Regime Forcibly Recruits Civilians in Regions Under its Control*, 22 December 2015, <http://bit.ly/2iJYcvR>; ISW, *The Assad Regime Under Stress: Conscription and Protest among Alawite and Minority Populations in Syria*, 15 December 2014, <http://bit.ly/1IXKtXS>.

¹²⁰ “Checkpoints have become part of the conscription system. A 19 year old evading conscription said that he was subjected to humiliating treatment in checkpoints in the Dara’a area. Another interviewee said that boys aged 12 and over would face such harassment. One woman with a well-built 14 year old son said that he would be questioned about conscription at each of the checkpoints separating her village from Dara’a city”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2013, A/HRC/22/59, Annex X, para 25. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/24/46, 16 August 2013, <http://www.refworld.org/docid/52302c5c4.html> (hereafter: UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 16 August 2013, <http://www.refworld.org/docid/52302c5c4.html>), paras 56, 103.

¹²¹ “(...) military conscription puts tremendous pressure on Syrian youth, essentially forcing an entire generation to choose between fighting for an authoritarian government, risking imprisonment, fleeing the country, or joining the rebels”; Quartz, Syria’s Young Men Face an Impossible Choice, 14 December 2016, <https://qz.com/862890>. “The Government’s recent campaign of conscripting men into its armed forces has further inhibited the movement of adult men to and within Government-held areas”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 13 August 2015, <http://www.refworld.org/docid/55e955344.html>, para. 45. See also, Asharq Al-Awsat, *Campaign to Conscript Syrian Men Pushes Them to Emigrate*, 21 December 2016, <http://bit.ly/2jO87i7>; Middle East Eye, *Forced to Fight: Syrian Men Risk all to Escape Army Snatch Squads*, 3 April 2016, <https://shar.es/1OumYs>; International Business Times, *Syrian Men Conscripted in Bashar Assad’s Army Choose Escape over ‘Kill or Be Killed’*, 13 May 2015, <http://bit.ly/1IB2pYo>; SNHR, *Syria Without Youth*, 24 December 2014, <http://bit.ly/2jOkdIm>.

¹²² According to Christopher Kozak, a Syria analyst at the Institute for the Study of War, “[R]eservists are almost always sent to the front lines, and new conscripts are thrown into battle with barely any training”; International Business Times, *Syrian Men Conscripted in Bashar Assad’s Army Choose Escape over ‘Kill or Be Killed’*, 13 May 2015, <http://bit.ly/1IB2pYo>. See also, Middle East Eye, *Forced to Fight: Syrian Men Risk all to Escape Army Snatch Squads*, 3 April 2016, <https://shar.es/1OumYs>; Newsweek, *Confessions of a Syrian Draft Dodger*, 16 February 2016, <http://bit.ly/2hsZ9g6>; NOW, *Syria Regime Rounding Up Young Men in Damascus: Activists*, 28 October 2015, <http://bit.ly/2kgf3Wg>; Syria Direct, *‘No Point in Fighting’: Damascus Youth under the Shadow of Conscription*, 1 June 2015, <http://bit.ly/1J5Lm3z>; International Business Times, *Syrian Men Conscripted in Bashar Assad’s Army Choose Escape Over ‘Kill or Be Killed’*, 13 May 2015, <http://bit.ly/1IB2pYo>; Swiss Refugee Council/SFH, *Syrien: Mobilisierung in die Syrische Armee*, 28 March 2015, <http://bit.ly/2jmnGA>, p. 4.

¹²³ The UN Secretary-General reported in relation to the retaking of Aleppo by government forces in December 2016, “There were distressing reports of killings, disappearances and forced conscriptions” (emphasis added); UN Security Council, *Implementation of*

Men of military age can only leave the country if they have permission from the recruitment centre.¹²⁴ They also must obtain permission to get married or to work as a government employee.¹²⁵ Many of those serving their compulsory military service reportedly saw their terms extended beyond the regular 18 months.¹²⁶ Those that are discharged following the end of their mandatory service are commonly automatically enlisted in the army reserves, according to reports.¹²⁷

With the prolonged conflict and growing needs for military recruits, an increasing level of arbitrariness is reportedly applied to rules and regulations regarding military service, particularly in relation to deferral¹²⁸ and exemption procedures.¹²⁹ The government is also reported to have increasingly called up

Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016), 20 January 2017, S/2017/58, <http://www.refworld.org/docid/5889fa1f4.html>, para. 45. “During negotiations for the surrender of rebel-held Moadamiyeh in September [2016], the regime’s demands included that young men, many of whom were children when the siege began, join the army. After the siege in Aleppo this week, a Reuters photographer captured hundreds of young men being forcibly conscripted”; Quartz, *Syria’s Young Men Face an Impossible Choice*, 14 December 2016, <https://qz.com/862890>. See also, Syria Direct, *Post-Surrender Regret in Damascus Suburb: ‘Everyone Who Lost Sons and Daughters to this Revolution Will Never View Assad as Anything but a Criminal’*, 18 January 2017, <http://bit.ly/2iQzn12>; Washington Post, *Syrian Men Caught in Government Net as Aleppo’s Rebel Zones Fall*, 1 December 2016, <http://bit.ly/2iFfOde>. See also footnote 97.

¹²⁴ See footnote 1818. According to information obtained from the Passport Office in the Immigration Department in Damascus (dated 4 October 2016), boys above the age of 13 are only issued Syrian passports with a maximum validity of two years. Only after completing their military service are men issued passports with the regular validity of six years. See also, Newsweek, *Confessions of a Syrian Draft Dodger*, 16 February 2016, <http://bit.ly/2hsZ9q6>.

¹²⁵ According to Kheder Khaddour, a Syrian non-resident scholar at the Carnegie Middle East Center, “If you want to be an employee of the Syrian state, you must get permission from military office”; Quartz, *Syria’s Young Men Face an Impossible Choice*, 14 December 2016, <https://qz.com/862890>. “Syrian law requires approval from the ministry of defense as a prerequisite for marriage”; Syria Deeply, *Marriage in Syria: Difficulties, Bribes, and Lack of Recognition*, 4 August 2015, <http://bit.ly/2kHJNhT>.

¹²⁶ Under Presidential Decree No. 35 of 19 March 2011, compulsory military service was reduced from 21 to 18 months. Conscripts who have been in school for up to five years shall serve for 21 months. However, reports corroborate that most conscripts are no released from service in line with the law. According to Kheder Khaddour, a Syrian non-resident scholar at the Carnegie Middle East Center, there are still men serving today who were drafted before the start of the conflict in 2011: “They joined the army before the uprising and they [still] haven’t left”; Quartz, *Syria’s Young Men Face an Impossible Choice*, 14 December 2016, <https://qz.com/862890>. See also, Washington Post, *New Recruitment Drive Indicates Deep Manpower Problems in Syria’s Army*, 22 November 2016, <http://wpo.st/umiS2>; Syria Direct, *A Syrian Army Soldier after 7 Years of Service: ‘We Offer Up Our Souls on the Frontline and Die for Nothing’*, 15 November 2016, <http://bit.ly/2fuepE7>; Middle East Eye, *Forced to Fight: Syrian Men Risk all to Escape Army Snatch Squads*, 3 April 2016, <https://shar.es/1OumYs>; Syria Direct, *Syrian Arab Army Soldier: ‘I just Want the War to End’*, 8 March 2016, <http://bit.ly/21VIQ9k>; Syria Deeply, *Government Cracks Down As Young Men Duck Mandatory Army Service*, 23 May 2014, <http://nwdsdp.ly/wa420>; War Resisters’ International, *Syria Shortens Military Service*, 12 April 2011, <http://bit.ly/2jCxCqCD>.

¹²⁷ The Syrian Observer, *Despite its Weakness, the Syrian Army Remains Central to the Regime’s Survival - Syrian Expert*, 13 February 2017, <http://sobsvr.com/ktY52yJN>; AFP, *With Aleppo Advance, Syria Army Sweeps Up Conscripts*, 15 December 2016, <http://bit.ly/2jC3bQ7>; Reuters, *Seeing No Future, Deserters and Draft-Dodgers Flee Syria*, 20 July 2016, <http://reut.rs/2abYeqY>. Information confirmed by Christopher Kozak, ISW, 15 February 2017 (e-mail on file with UNHCR).

¹²⁸ By law, deferrals are allowed for post-secondary studies, eldest sons whose fathers are deceased, and a few other cases; Syrian Arab News Agency (SANA), *President al-Assad Issues Legislative Decree Amending Mandatory Military Service Law*, 6 August 2014, <http://sana.sy/en/?p=9155>. “According to HRW Beirut experiences, it has recently become significantly more difficult to obtain deferment of military service, even in return for payment. According to the Military Adviser to the COI it is increasingly more difficult and more expensive to bribe for any kind of benefit from the army. (...) Overall, it nonetheless seems increasingly difficult to obtain or extend deferment,” (unofficial English translation, original report in Swedish) Lifos, *Temarapport: Reguljär och Irreguljär Syrisk Militärtjänst 2.0*, 4 December 2015, <http://bit.ly/2ixDmRC>, pp. 21-22. See also, Zaman Al-Wasl, *Assad to Modify Conscription Laws as Thousands Escape Military Service*, 13 July 2016, <http://bit.ly/2ixxFTT>.

¹²⁹ “It remains very safe to say that the regime does not consistently implement its own regulations regarding deferrals and military service exemptions. From my vantage point, these discrepancies largely occur at the local level as decisions made by local checkpoint commanders, intelligence officials, and police officers. These decisions then become reinforced through all levels of the regime by the willingness of higher officials to abet these violations or look the other way in order to fulfill quotas, collect bribes, and bolster the flagging strength of pro-regime forces. A key factor to note in these developments is the mounting decentralization of the regime over the past five years of conflict. The regime has become less of a centralized, top-down decision-making body over time. Instead, top-level officials increasingly provide broad guidance to local officials and paramilitaries who are given wide latitude to carry out their orders. Thus, top officials could give guidance for a new recruitment drive in Latakia and Tartus Province. Local intelligence, police, military, and paramilitary forces would take these orders and enact them by any means necessary – including turning a blind eye to deferrals. This decentralization also provides incentives for local actors to target protected populations in order to secure private gain by extorting individuals and their families under the threat of recruitment, even if the individual in question holds a valid deferment”; Information from Christopher Kozak, ISW, 15 February 2017 (e-mail on file with UNHCR). “Though exemptions are still technically in place, there might be arbitrariness in the way they are implemented. For example, even if one has a certificate of studies and an exemption because of that, the certificate can simply be torn up at check points”; MIGRI, *Syria: Military Service, National Defense Forces, Armed Groups Supporting Syrian Regime and Armed Opposition*, 23 August 2016, <http://bit.ly/2ixzsrX>, p. 8. “Checkpoints in cities are increasingly manned by minors, older men or young men with medical conditions that should exempt them from military service”; Wall Street Journal, *Syria Regime Drafts Prisoners, Teachers to Bolster Depleted Army*, 5 August 2016,

previously “protected populations” such as university students, civil servants¹³⁰ and prisoners¹³¹ for compulsory military service.¹³²

Since 2011, Syrian President Al-Assad has issued a series of amnesty decrees for members of armed opposition groups, draft evaders and deserters, which exempted them from punishment, if they turned themselves in within a specified period of time. On 17 February 2016, the Syrian President issued Legislative Decree No. 8 granting a general amnesty for military deserters inside and outside Syria, as well as draft evaders and reservists.¹³³ No information is available about the implementation of these decrees, nor are accurate figures available as to how many draft evaders may have benefited from

<http://on.wsj.com/2aWGx1Y>. “SHRC documented a number of cases in which young men were detained even though they were exempted from military service but did not carry the relevant documents providing so at the moment of arrest at the checkpoints. When the documents are later presented by their families as requested, the authorities delay the process, demanding bribes from the families in exchange for the release of the detainees”; SHRC, *The 14th Annual Report on Human Rights in Syria (January 2015 – December 2015)*, January 2016, <http://bit.ly/2jbiCeE>, p. 73. See also, Orient News, *Assad Checkpoints; Pay more, Pass Quicker*, 9 February 2016, <http://o-t.tv/fQOf>; New Canadian Media, *Escaping Conscription: One Syrian Man's Story*, 4 December 2015, <http://bit.ly/1NvkmYQ>.

¹³⁰ Based on a presidential decree issued in August 2014 (Decree No. 33 of 2014), a civil servants’ employment will be terminated if they fail to fulfil their military obligations. Presidential decree (Law No. 14 of 20 July 2016) stipulates that if a civil servant reports for military service within 30 days of receiving the notification of his employment termination, he will be placed on special leave without pay (in the case of mandatory military service) and leave with pay (in the case of reservist service), respectively, for the period of absence; Syrian Arab News Agency (SANA), *Law Issued on Cancelling Decision of Terminating Employment of State Workers Should They Join Military Service*, 20 July 2016, <http://sana.sy/en/?p=83067>; SANA, *President al-Assad Issues Legislative Decree Amending Mandatory Military Service Law*, 6 August 2014, <http://sana.sy/en/?p=9155>. “Thousands of state employees and teachers have been ordered to become part of the regime’s security apparatus and told that their salaries will be withheld if they refuse, according to state employees and anti-government activists”; Wall Street Journal, *Syria Regime Drafts Prisoners, Teachers to Bolster Depleted Army*, 5 August 2016, <http://on.wsj.com/2aWGx1Y>. “Another new recruitment pool is drawn from state employees. New regulations threaten government employees with five-year prison sentences, fines, and immediate dismissal if they refuse to enroll in compulsory military service. Civil servants, teachers, and even employees of state-run bakeries must present proof of enrollment in the army reserves in order to collect their salaries, with their eligibility cross-checked against lists compiled by their agencies”; ISW, *The Assad Regime Under Stress: Conscription and Protest among Alawite and Minority Populations in Syria*, 15 December 2014, <http://bit.ly/1IXKtXS>. See also, Washington Post, *Lacking Soldiers, Assad’s Government Imposes Harsh Measures to Boost Numbers*, 28 December 2014, <http://wpo.st/xriS2>.

¹³¹ “There are also numerous confirmed reports that government forces continue to coerce prisoners into military service. In one incident, 200 prisoners at Adra prison on the outskirts of Damascus reportedly agreed to join the army in exchange for leniency”; Quartz, *Syria’s Young Men Face an Impossible Choice*, 14 December 2016, <https://qz.com/862890>. See also, Washington Post, *New Recruitment Drive Indicates Deep Manpower Problems in Syria’s Army*, 22 November 2016, <http://wpo.st/umiS2>; Wall Street Journal, *Syria Regime Drafts Prisoners, Teachers to Bolster Depleted Army*, 5 August 2016, <http://on.wsj.com/2aWGx1Y>; Middle East Eye, *Syrian Prisoners Offered Freedom if They Fight for Government on Frontlines*, 2 June 2016 <https://shar.es/1OTY2S>.

¹³² “Activists and other students indicate that security services occasionally seize students for conscription even if the students possess proof of enrollment and a certificate of deferment. Some students have even reported security officials at checkpoints destroying these documents. These incidents may be the result of the uneven application of recruitment policy by local-level officials and recruitment centers. **However, they also form part of a larger pattern of the regime targeting previously protected populations – such as university students and civil service workers – for mandatory military service.** (...) The regime also announced a measure in November 2014 that stated that government institutions will only hire employees who have completed military service regardless of their educational background, further targeting degree-holders” (emphasis added); Information from Christopher Kozak, ISW, 15 February 2017 (e-mail on file with UNHCR).

¹³³ The decree grants amnesty on the full penalty for the following categories: military deserters, who remained inside Syria, provided they turn themselves in within 30 days from the issuance of the decree [note: deserters who joined armed opposition groups are not covered by the amnesty]; military deserters, who fled Syria to another country, provided they turn themselves in within 60 days from the issuance of the decree; and draft evaders or those who did not serve as reserve, when called. For the latter category, the amnesty decree does not specify any deadline by which the individual has to present himself in order to benefit from the amnesty. Draft evaders will not be exempted from the fines. Also, the amnesty does not exempt individuals from their military service obligations; Legislative Decree No. 8 of 2016 [A General Amnesty for Crimes of Internal and External Desertion and for the Crimes Stated in the Military Service Law Committed prior to 17 February 2016] [Syrian Arab Republic], 2 February 2016, <http://www.refworld.org/docid/58ac08c74.html>. See also, UNHCR Lebanon, *Q&A on the General Amnesty for Syrian Army Deserters and Draft Evaders*, 23 February 2016, <http://bit.ly/2jCZPse>; SANA, *President al-Assad Grants General Amnesty*, 17 February 2016, <http://sana.sy/en/?p=69730>. Other amnesty decrees were issued in preceding years, see SANA, *Decree Granting Amnesty on Deserters*, 25 July 2015, <http://sana.sy/en/?p=49411>; SANA, *President Al-Assad Grants General Amnesty*, 9 June 2014, <http://sana.sy/en/?p=2820>; Al Arabiya, *Assad Issues Fresh General Amnesty for Crimes Committed in Syria*, 16 April 2013, <http://ara.tv/rf3p>; SANA, *President Al-Assad Grants General Amnesty for all Penalties Provided in Some Articles of Military Service Law*, 2 May 2012, <http://bit.ly/2jvQZl4>; SANA, *President Al-Assad Issues General Amnesty Decree for Crimes Related to Current Events*, 16 January 2012, <http://bit.ly/2jHaPoC>; SANA, *Presidential Decree Grants Amnesty to Conscripts Defaulted from Compulsory Military Service*, 5 November 2011, <http://bit.ly/2jZTYOV>.

amnesty decrees since 2011. Human rights organizations and observers have repeatedly criticized the amnesties as intransparent and insufficient, and not benefitting those they ostensibly target.¹³⁴

Men returning from abroad are reported to be consistently checked for their military service records.¹³⁵

4) Military Deserters

Considerations included under Section IV.3 relating to an individual objecting to the means and methods of warfare also apply to military deserters. As noted above, the right of individuals to object to military service on the grounds that serving in the army would mean having to engage in activities which constitute violations of international humanitarian, criminal or human rights law, and granting refugee status in such cases, is consistent with the rationale underlying the exclusion clauses in the 1951 Convention.¹³⁶

Desertion is punishable under the 1950 Military Penal Code, as amended. Desertion is sanctioned by imprisonment of between 1 to 5 years during peacetime, which can be doubled in times of conflict.¹³⁷ Deserters who have additionally fled the country (so-called ‘external desertion’) are subject to treatment under article 101 of the Military Penal Code: 5-10 years imprisonment during peacetime and 15 years during times of conflict. Deserters who have additionally fled the country are subject to treatment under Article 101 of the Military Penal Code: 5-10 years imprisonment during peace and 15 years during times of conflict.¹³⁸ Desertion in the face of the enemy is punishable by life imprisonment.¹³⁹ Aggravated cases result in the death penalty.¹⁴⁰

The above notwithstanding, and as noted in Section IV.3, Legislative Decree No. 8 of 17 February 2016 grants a general amnesty for deserters who remained inside Syria, provided they turned themselves in within 30 days, and military deserters who fled Syria to another country, provided they turned themselves in within 60 days.¹⁴¹

According to reports, individuals who refused orders to shoot, deserted or were suspected to plan their desertion have commonly not been formally charged with an offence. Rather, they have either been subjected to immediate execution at the time of desertion or when caught, or have been subjected to

¹³⁴ HRW, *World Report 2016 - Syria*, 27 January 2016, <http://www.refworld.org/docid/56bd991ac.html>; The New Arab, *Assad 'Gives Amnesty' to Military Deserters*, 18 February 2016, <http://bit.ly/2jXnPde>; Swiss Refugee Council/SFH (in German), *Syrien: Umsetzung der Amnestien*, 14 April 2015, <http://bit.ly/2kVDk2V>; Amnesty International, *Amnesty International Report 2014/15 - Syria*, 25 February 2015, <http://www.refworld.org/docid/54f07d919.html>; HRW, *World Report 2015 - Syria*, 29 January 2015, <http://www.refworld.org/docid/54cf837c15.html>; AFP, *Syria Says 11,000 Freed in Prisoner Amnesty*, 11 November 2014, <https://yhoo.it/2jDiZOx>; Middle East Eye, *Syrian Refugees Ambivalent about General Amnesty*, 16 June 2014, <https://shar.es/1OTN7w>; SNHR, *The Presidential Amnesty in Syria 694 Were Released out of 215,000 Prisoners*, 10 July 2014, <http://bit.ly/2kqz9PS>; The Time, *Syria's Prisoners Are Granted a General Amnesty, but How Real Is the Offer?*, 10 June 2014, <http://ti.me/1u1rgKx>; Middle East Eye, *Syria's Assad Announces 'General Amnesty'*, 9 June 2014, <https://shar.es/1OTSyy>; Amnesty International, *Syria: 'General Amnesty' Fails to Free Hundreds Detained after Protests*, 21 June 2011, <http://bit.ly/2jXlxe7>.

¹³⁵ See Section II. “Young men can also be recruited to military service at the border. Even taxi drivers can be recruited. As a result, young men try to avoid the border”; Konrad-Adenauer Stiftung in Beirut, as quoted in: Finnish Immigration Service, *Fact-Finding Mission Report - Syria: Military Service, National Defense Forces, Armed Groups Supporting Syrian Regime and Armed Opposition*, 23 August 2016, <http://bit.ly/2kgxgp0>, p. 7.

¹³⁶ UNHCR, *Guidelines on International Protection No. 10*, 3 December 2013, <http://www.refworld.org/docid/529ee33b4.html>, paras 21, 22 and 26-30. According to the Guidelines, para. 11, the right to conscientious objection applies before and after joining the armed forces.

¹³⁷ Law No. 61 of 1950, as amended (Military Penal Code) [Syrian Arab Republic], 16 February 2017, <http://www.refworld.org/docid/58a5e1b34.html>, Article 100 (2) and (4).

¹³⁸ Law No. 61 of 1950, as amended (Military Penal Code) [Syrian Arab Republic], 16 February 2017, <http://www.refworld.org/docid/58a5e1b34.html>, Article 101 (2) and (3).

¹³⁹ Law No. 61 of 1950, as amended (Military Penal Code) [Syrian Arab Republic], 16 February 2017, <http://www.refworld.org/docid/58a5e1b34.html>, Article 102 (2).

¹⁴⁰ Law No. 61 of 1950, as amended (Military Penal Code) [Syrian Arab Republic], 16 February 2017, <http://www.refworld.org/docid/58a5e1b34.html>, Article 102 (1) and 103 (5).

¹⁴¹ Legislative Decree No. 8 of 2016 [A General Amnesty for Crimes of Internal and External Desertion and for the Crimes Stated in the Military Service Law Committed prior to 17 February 2016] [Syrian Arab Republic], 2 February 2016, <http://www.refworld.org/docid/58ac08c74.html>. See also above pp. 25-26.

arbitrary arrest, *incommunicado* detention, torture and extra-judicial execution.¹⁴² Others have reportedly been ordered to return to their military unit following an investigation.¹⁴³

Reports document that government forces have singled out family members of deserters, e.g. during arrest campaigns in areas considered to be sympathizing with the opposition.¹⁴⁴ The properties of deserters have reportedly deliberately been targeted for pillaging, burning and destruction.¹⁴⁵

5) Persons Engaging in Certain Activities Abroad

The government reportedly may perceive certain activities by Syrian nationals abroad as an expression of opposition to the government, including lodging an asylum claim,¹⁴⁶ participation in anti-government

¹⁴² “Arrests targeted civilians perceived to be either supporting the opposition or insufficiently loyal to the Government. Residents of opposition-controlled areas, relatives of suspected members of armed groups, activists, **defectors** and military personnel suspected of sympathising with the uprising, and those believed to be providing medical care to the opposition were arrested with the purpose of obtaining information or as punishment” (emphasis added); UN Human Rights Council, *Deaths in Detention*, 3 February 2016, <http://www.refworld.org/docid/56b9f4c24.html>, para. 18. “As the conflict evolved, so too did the government’s strategy. It forcibly disappeared those it considered to be disloyal, **such as defectors as well as government employees or soldiers who were believed to be considering defection**” (emphasis added); Amnesty International, *Enforced Disappearances*, 5 November 2015, <http://www.refworld.org/docid/563b1c3a4.html>, p. 7 (see also examples on pp. 44-45 of the same report). “Several interviewees indicated that soldiers who refused to execute orders or were suspected of harbouring opposition sympathies were subjected to reprisals, including disappearance”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 12 February 2014, <http://www.refworld.org/docid/53182eed4.html>, para. 19. “The majority of arrests occurred in four contexts: **arrests of those believed to be planning to defect or who had otherwise refused to follow orders** (usually to open fire on civilians); arrests of persons in house searches; arrests of persons at checkpoints; and arrests of protesters, either at or immediately subsequent to the protests” (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 16 August 2012, A/HRC/21/50, para. 66, <http://www.refworld.org/docid/503485d02.html>. “On 20 December, local residents discovered the bodies of 74 defectors in a deserted area between Kafar Awid and Kasanfra. Their hands had been tied behind their back and they appeared to have been summarily executed”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/19/69, 22 February 2012, <http://www.refworld.org/docid/50d2f40c2.html>, paras 40, 42. See also, International Business Times, *Syrian Men Conscripted in Bashar Assad’s Army Choose Escape over ‘Kill or Be Killed’*, 13 May 2015, <http://bit.ly/1IB2pYo>; UPI, *Syria’s Depleted Military Ramps Up Conscription*, 29 December 2014, <http://bit.ly/2jbN48w>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 13 August 2014, A/HRC/27/60, <http://www.refworld.org/docid/53fed8134.html>, para. 56; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 12 February 2014, <http://www.refworld.org/docid/53182eed4.html>, para. 24; Gulf News, *Syrian Forces Kill 30 Army Deserters*, 12 March 2013, <http://bit.ly/P8V0Ik>; HRW, “By All Means Necessary!” *Individual and Command Responsibility for Crimes Against Humanity in Syria* 15 December 2011, <http://www.refworld.org/docid/4f05a2c92.html>, pp. 67-68; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 23 November 2011, <http://www.refworld.org/docid/4edde9d02.html>, paras 57, 58, 64-65.

¹⁴³ Reuters, *Seeing No Future, Deserters and Draft-Dodgers Flee Syria*, 20 July 2016, <http://reut.rs/2abYeqY>.

¹⁴⁴ “Arrests appeared to be predicated on the person’s originating from a restive area or being a **family member of wanted persons, such as defectors**” (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 16 August 2013, <http://www.refworld.org/docid/52302c5c4.html>, para. 57. “On securing the area, Government forces undertook house-to-house searches. Defectors, activists and fighting-age men were systematically sought out during these operations. Wounded or captured anti-Government fighters were executed. In some cases, **family members** of fighters, **defectors** and activists, as well as others who appeared to have been randomly selected, were also executed” (emphasis added); UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 16 August 2012, A/HRC/21/50, <http://www.refworld.org/docid/503485d02.html>, para. 52. See also, Amnesty International, *Enforced Disappearances*, 5 November 2015, <http://www.refworld.org/docid/563b1c3a4.html>, pp. 45, 48-49; DIS, *Syria: Military Service, Mandatory Self-Defence Duty and Recruitment to the YPG*, 26 February 2015, <http://www.refworld.org/docid/54fd6c884.html>, pp. 19-20; EuroMed, *Detention of Women in Syria*, March 2015, <http://bit.ly/2j4M3mH>, p. 3; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 12 February 2014, <http://www.refworld.org/docid/53182eed4.html>, para. 20; HRW, “By All Means Necessary!” *Individual and Command Responsibility for Crimes Against Humanity in Syria*, 15 December 2011, p. 69, <http://www.refworld.org/docid/4f05a2c92.html>.

¹⁴⁵ US Department of State, *2015 Country Reports on Human Rights Practices - Syria*, 13 April 2016, <http://www.refworld.org/docid/571611ff15.html>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 16 August 2013, <http://www.refworld.org/docid/52302c5c4.html>, para. 161. See also earlier reports from the Independent International Commission of Inquiry on the Syrian Arab Republic and Reuters, *Fear of Retribution Hangs over Syria’s Defectors*, 6 August 2012, <http://reut.rs/QFle4f>.

¹⁴⁶ “On their return to the country, both persons **who unsuccessfully sought asylum in other countries** and those who had previous connections with the Syrian Muslim Brotherhood faced prosecution” (emphasis added); US Department of State, *2015 Country Reports on Human Rights Practices - Syria*, 13 April 2016, <http://www.refworld.org/docid/571611ff15.html>. According to an emeritus professor of anthropology and forced migration at Oxford University, who is also the former director of Oxford’s Refugee Studies Centre “[A] failed refugee claimant would be subject to arrest and detention. They would also be tortured in order to get a statement

protests, contacts with opposition groups, or other expressions of opposition to the government, including through the use of social media.¹⁴⁷

of why they left.” Similarly, the Executive Director of the Syria Justice and Accountability Center reported that “a failed refugee claimant would definitely be subject to arrest and detention. He or she would be charged with broadcasting false information abroad and would also be treated as anti-government or opposition. He or she would be subject to torture in an attempt by authorities to get information about other refugee claimants or opposition. The failed refugee claimant risks being tortured to death or being tortured and then sent to prison for a very long time.” According to a visiting senior research fellow with Kings College London, who specializes in Syria and has provided expert testimony in Syrian asylum cases in the UK, a failed asylum-seeker might be subject to arrest and detention on account of lodging an asylum claim abroad, however, this was not “automatic”. Rather, he assessed that some officials automatically regarded failed asylum-seekers as government opponents, in which case they might be subject to arrest, detention and torture; other officials, however, might recognized that people also left the country for other reasons. In any case, he assessed that the current conflict has likely “raised the suspicion levels of officials”; Canada: Immigration and Refugee Board (IRB) of Canada, *Syria: Treatment of Returnees upon Arrival at Damascus International Airport and International Land Border Crossing Points, Including Failed Refugee Claimants, People Who Exited the Country Illegally, and People Who Have not Completed Military Service; Factors Affecting Treatment, Including Age, Ethnicity and Religion (2014-December 2015)*, 19 January 2016, SYR105361.E, <http://www.refworld.org/docid/56d7fc034.html> (hereafter: IRB Canada, *Syria: Treatment of Returnees upon Arrival at Damascus International Airport and International Land Border Crossing Points*, 19 January 2016, <http://www.refworld.org/docid/56d7fc034.html>). Information from pre-2011 indicates that lodging an asylum claim abroad, if known to the Syrian authorities, would be considered as an expression of an anti-government opinion and result in detention upon return. Whether or not the Syrian authorities would be aware of the asylum claim would depend in particular on the mode of return (i.e. forced return); “(...) to seek asylum abroad is perceived as a manifestation of opposition to the Syrian government, so returned asylum seekers face the likelihood of arrest”; Amnesty International, *Syria: Briefing to the Committee Against Torture*, 20 April 2010, <http://www.refworld.org/docid/4c7fbee62.htm>. See also, Canada: Immigration and Refugee Board of Canada, *Syria: The Syrian Government's Attitude Towards, and Its Treatment of, Citizens Who Have Made Refugee or Asylum Claims, Particularly when the Claim Was Made in Canada or the United States (US)*, 1 May 2008, SYR102807.E, <http://www.refworld.org/docid/485953751a.html> (hereafter: IRB Canada, *Syria: The Syrian Government's Attitude Towards, and Its Treatment of, Citizens Who Have Made Refugee or Asylum Claims*, 1 May 2008, <http://www.refworld.org/docid/485953751a.html>).

¹⁴⁷ See above pp. 10-12. For the situation pre-2011, see IRB Canada, *Syria: The Syrian Government's Attitude Towards, and Its Treatment of, Citizens Who Have Made Refugee or Asylum Claims*, 1 May 2008, <http://www.refworld.org/docid/485953751a.html>.