

Schnellrecherche der SFH-Länderanalyse vom 20. Oktober 2015 zu Syrien: Umsetzung der Freistellung vom Militärdienst als «einziger Sohn»

Fragen an die SFH-Länderanalyse:

- Wird die Freistellung vom Militärdienst als «einziger Sohn» noch umgesetzt?
- Gibt es Probleme bei der Umsetzung?

Die Informationen beruhen auf einer zeitlich begrenzten Recherche (Schnellrecherche) in öffentlich zugänglichen Dokumenten, die uns derzeit zur Verfügung stehen.

1 Freistellung als «einziger Sohn»

Freistellung als «einziger Sohn» im Prinzip noch gültig. In einem aktuellen Bericht des *Danish Immigration Service* (DIS), der im September 2015 publiziert wurde, äusserten sich verschiedene Quellen zu Freistellung vom Militärdienst als «einziger Sohn». Die vom DIS kontaktierten Quellen gehen davon aus, dass prinzipiell die Freistellung als Einzelsohn immer noch gilt. Verschiedene Quellen weisen jedoch darauf hin, dass die Umsetzung nicht immer gewährleistet ist.

Gemäss einer *internationalen Organisation* ist die Freistellung im Militärbüchlein festgehalten. Bis die Mutter 50 Jahre alt ist, muss die Freistellung jährlich neu beantragt werden. Danach gilt die Freistellung für immer. Das Militärbüchlein muss immer mitgetragen werden, da sonst die Gefahr droht, an einem Checkpoint verhaftet und rekrutiert zu werden.

Verschiedene Quellen in DIS, September 2015:

Internationale Organisation:

«According to information available to the international organization, in principle, it is still possible to be exempted from the military service. The international organization however pointed out that according to reports it has become more difficult to obtain an exemption or deferral and potential conscripts are often worried as to whether they would be able to obtain an exemption or deferral. The international organization referred to reports saying that students can still apply for the postponement of their military service, but are reportedly conscripted immediately after their graduation. The Institute for the Studies of War reported that as part of its intensified military recruitment campaign, the government started to tap “previously protected populations”, including students, and erected checkpoints near universities in Damascus, Dera’a, Homs, and Lattakia governorates to detain young men for military service. Those not holding their military booklet proving the postponement of their military service are said to be at risk of arrest and conscription. According to a report, the government has reportedly been cracking down on those granting exemptions and deferrals in return for bribes. The international

Weyermannsstrasse 10
Postfach 8154
CH-3001 Bern

T++41 31 370 75 75
F++41 31 370 75 00

info@fluechtlingshilfe.ch
www.fluechtlingshilfe.ch

Spendenkonto
PC 30-1085-7



organization explained that a legislative decree was issued by the Syrian President in August 2014 (Decree No. 33 for 2014), which amended a number of articles of the mandatory military service law (Decree No. 30 of 2007) in relation to exemptions. Under the amendment, conscripts can postpone their military service if they have brothers already serving. **The exemption granted to only sons reportedly continues to be applied.**» Quelle: Internationale Organisation; in: Danish Immigration Service, Syria, Update on Military Service, Mandatory Self Defence Duty and Recruitment to the YPG, September 2015, S. 45:

www.nyidanmark.dk/NR/ronlyres/D2CD3A2F-402C-439C-9CD3-62EA255ED546/0/SyrienFFMrapport2015.pdf.

Carnegie Middle East Center, Kheder Khaddour:

«According to Kheder Khaddour (Carnegie), all exemption rules are still fully implemented in Syria.» Quelle: Kheder Khaddour, Carnegie Middle East Center; in: Danish Immigration Service, Syria, Update on Military Service, Mandatory Self Defence Duty and Recruitment to the YPG, September 2015, S. 52:

www.nyidanmark.dk/NR/ronlyres/D2CD3A2F-402C-439C-9CD3-62EA255ED546/0/SyrienFFMrapport2015.pdf.

Heinrich Böll Stiftung, Program Manager, Haid Haid:

«According to Haid Haid (HBS), the exemption rules seem to be still in force, i.e. only sons are not serving and persons with medical problems and students are also exempted. The source has not heard of cases where exemption rules are not being implemented. To postpone one's military service due to study, one has to submit an application with a reason for postponement once a year, usually before February or March. If a new application is not submitted each year, the person's name will appear on the list of persons wanted for military service, by next call.» Quelle: Haid Haid, Program Manager, Heinrich Böll Stiftung (HBS), Middle East; in: Danish Immigration Service, Syria, Update on Military Service, Mandatory Self Defence Duty and Recruitment to the YPG, September 2015, S. 55:

www.nyidanmark.dk/NR/ronlyres/D2CD3A2F-402C-439C-9CD3-62EA255ED546/0/SyrienFFMrapport2015.pdf.

Lebanese University, Faculty of Political Science, Prof. Bassel Alhassan:

«The Prof. referred to the Decree 33 from August 2014 by which it is possible to be exempted by paying a certain amount. This applies to people who have left Syria legally to work or study abroad for a minimum of four years and to sons of diplomats. The Prof. mentioned that many urban Sunnis who belong to the middle or upper classes and who have been outside Syria have benefited from this Decree 33. **Students are still exempted but the Decree also stipulates that students can perform certain periods of their service during holidays which will later be deducted from their military service. Handicapped people and only sons are also still exempted.**» Quelle: Prof. Bassel Alhassan, Faculty of Political Science, Lebanese University; in: Danish Immigration Service, Syria, Update on Military Service, Mandatory Self Defence Duty and Recruitment to the YPG, September 2015, S. 62-63:

www.nyidanmark.dk/NR/rdonlyres/D2CD3A2F-402C-439C-9CD3-62EA255ED546/0/SyrienFFMrapport2015.pdf.

Treffen und Kommunikation mit einer internationalen Organisation und DIS:

«From sources consulted by the international organization, it is understood that upon presenting himself to the local conscription office, the conscript has to undergo medical examinations and, depending on the outcome, he will be considered able to serve or be exempted from certain functions or from the military service altogether for medical reasons. If the individual is considered physically able to serve and no exemptions/deferrals apply, his civil ID card will be retained in exchange for a **military ID document (“Flag Service Card”, commonly known as military booklet or Daftar alTajneed)**, issued by the Ministry of Defence, which records all events and duties of the bearer throughout his military service, including whether he is entitled to exemption or deferral of service as well as location(s) of deployment. Syrian males must carry this booklet with them at all times, so that the authorities can at any time check their details and see if any violation has been committed.»

Quelle: Treffen und Kommunikation mit einer internationalen Organisation und DIS, June/August 2015; in: Danish Immigration Service, Syria, Update on Military Service, Mandatory Self Defence Duty and Recruitment to the YPG, September 2015, S. 42:

www.nyidanmark.dk/NR/rdonlyres/D2CD3A2F-402C-439C-9CD3-62EA255ED546/0/SyrienFFMrapport2015.pdf.

2 Umsetzung der Freistellung

Zunahme von Willkür. Verschiedene vom DIS kontaktierte Quellen weisen darauf hin, dass die tatsächliche Umsetzung der Freistellung vom Militärdienst je nach Situation willkürlich gehandhabt wird. Eine vom DIS kontaktierte *westliche Botschaft in der libanesischen Hauptstadt Beirut* weist darauf hin, dass es in der momentanen Situation in Syrien keine Garantie gibt, dass die Gesetze respektiert werden. Die Situation in Syrien sei höchst fragil und das, was tatsächlich passiere, hänge eher von den individuellen Umständen, als von gesetzlichen Grundlagen ab. Ein *syrischer Anwalt in Beirut* meint, dass die Freistellungsregeln im Prinzip umgesetzt werden, doch gebe es keine Garantie, da das Rechtssystem in Syrien nicht intakt sei. Er kenne Fälle von Männern, die als einziger Sohn vom Militärdienst eigentlich freigestellt waren, jedoch trotzdem an Checkpoints in die Armee eingezogen wurden.

Eine *internationale Organisation* sagte dem DIS, dass zwar prinzipiell die Freistellung vom Militärdienst noch gelte. Gemäss der *internationalen Organisation* befürchten jedoch die Menschen, dass ihnen die Freistellung oder die Verschiebung des Militärdienstes nicht gewährt wird. Sie weist darauf hin, dass die Situation in Syrien nicht statisch ist und dass das Regime aufgrund des Druckes, Männer in den Militärdienst rekrutieren zu müssen, neue Massnahmen ergreifen und sich die Implementierung der Freistellung rasch ändern kann. Sie weist auch auf die Gefahr hin, dass jemand, der zwar eine Freistellung hat, sein Militärbüchlein jedoch nicht auf sich trägt, verhaftet und rekrutiert werden kann.

Eine *Gruppe von Mitarbeitern verschiedener zivilgesellschaftlicher Organisationen* meint, dass die Freistellungen zwar noch angewendet werden, doch sei es seit dem

Ausbruch des Krieges komplizierter geworden. Eine Person der Gruppe, der selber als Einzelsohn und vom Militärdienst freigestellt ist, berichtete, dass ihm vermehrt an Checkpoints gedroht wurde, rekrutiert zu werden. Er geht davon aus, dass die Drohungen auch eingesetzt wurden, um Bestechungsgelder zu erpressen.

Erpressungen an den Checkpoints. Iyad Agha und Muhannad Kanawati von der Dachorganisation *Watan* weisen darauf hin, dass die Freistellungen weniger systematisch umgesetzt werden. Sicherheitskräfte bedrohen Personen, die vom Militärdienst freigestellt sind, um Bestechungsgelder einzuziehen. Denjenigen, die kein Geld haben, um die Behörden zu bestechen, droht Haft und die augenblickliche Versetzung an die Front, ohne vorangehenden Training. Auch der vom DIS befragte *syrische Anwalt* weist darauf hin, dass Sicherheitskräfte Personen an Checkpoints erpressen, die offiziell vom Militär freigestellt sind. Die *internationale Organisation* weist auf Bestechungen in Bezug auf den Erhalt einer Freistellung vom Militärdienst hin.

Auch das *Institute for War and Peace Reporting* (IWPR) zeigte im Juli 2015 an einem Beispiel, wie eine Mutter für ihren Einzelsohn Bestechungsgeld bezahlen musste, damit er ein Dokument zur Bestätigung seiner Freistellung erhielt. Die Mutter fürchtete trotzdem an jedem Checkpoint, dass ihr Sohn verhaftet wird, da sie sich nicht sicher war, ob das Dokument von den jeweiligen Sicherheitskräften akzeptiert wird.

Verschiedene Quellen in DIS, September 2015:

Westliche Botschaft in Beirut:

«Students are still exempted from military service while studying, however, there is no guarantee that the law is respected in the current situation. Students may also have to pay a bribe to avoid being drafted although they by law are exempted. The source explained that the situation in Syria today is highly changeable and what is happening on the ground depends on individuals rather than the law. The embassy believed that only sons are still exempted.» Quelle: Western embassy in Beirut; in: Danish Immigration Service, Syria, Update on Military Service, Mandatory Self Defence Duty and Recruitment to the YPG, September 2015, S. 81:

www.nyidanmark.dk/NR/rdonlyres/D2CD3A2F-402C-439C-9CD3-62EA255ED546/0/SyrienFFMrapport2015.pdf.

Syrischer Anwalt in Beirut:

«The exemption rules are generally enforced by the government, but there are no guaranties as the legal system is flawed. Due to the present situation and the regime's need of manpower, people are sometimes treated in an arbitrary way at checkpoints and even those who according to the law are exempted from military service (i.e. an only child of a family, students, people with health problems) may risk being dragged away at checkpoints and sent to military service. Sometimes, the purpose of holding people back at checkpoints is to make them pay a bribe for being released, but the lawyer knew of cases of students or young men who were the only child of their families and who were tak-

en to military service even though they could prove that they were exempted from military service. According to the lawyer, nobody really knows what happens to people arrested at checkpoints as people are often not allowed to call their families to inform them about their situation.» Quelle: Syrian lawyer, Beirut; in: Danish Immigration Service, Syria, Update on Military Service, Mandatory Self Defence Duty and Recruitment to the YPG, September 2015, S. 93:

www.nyidanmark.dk/NR/rdonlyres/D2CD3A2F-402C-439C-9CD3-62EA255ED546/0/SyrienFFMrapport2015.pdf.

Internationale Organisation:

«The international organization stressed that the situation in Syria is not static, and due to lack of manpower, the government started to do things not seen before. The international organization said that it could therefore not be excluded that the implementation of regulations relating to the exemption/deferral of military service might be subject to sudden changes.» Quelle: Internationale Organisation; in: Danish Immigration Service, Syria, Update on Military Service, Mandatory Self Defence Duty and Recruitment to the YPG, September 2015, S. 46:

www.nyidanmark.dk/NR/rdonlyres/D2CD3A2F-402C-439C-9CD3-62EA255ED546/0/SyrienFFMrapport2015.pdf.

Gruppe von Mitarbeitern verschiedener zivilgesellschaftlicher Organisationen:

«Only sons and students are among those exempted from military service. Exemption is granted for one year at a time for students, and they have to renew their papers each year. **An only son will be granted exemption for one year at the time until his mother turns 50, after which the exemption becomes indefinite.**

The exemption rules still apply, but since the beginning of the conflict things have become more complicated. For instance, for security reasons it is sometimes impossible for university students to reach their university and obtain the papers they need to apply for an exemption from military service. The military has also become stricter than before when it comes to students who fail their exams. Such students will not always be allowed to wait for the next exam and they will instead be conscripted.

Particularly medical students and students whose field of study and qualifications are needed in the military are likely to experience such strict practices. Students, who are not carrying their exemption papers when approaching a checkpoint, also risk being taken to serve in the army. It has become increasingly difficult to be exempted from military service for medical reasons. Chronically ill persons are still exempted. However, persons with health problems have to go through an extended number of medical exams with military doctors. Usually a huge file will be made, before a medical condition is approved as the basis for an exemption.

One person among the sources, who is an only son, had repeatedly been threatened to be taken to serve in the army when passing through checkpoints. He explained that the threats were also an excuse for demanding a bribe.» Quelle: Group of civil rights organizations; in: Danish Immigration Service, Syria,

Update on Military Service, Mandatory Self Defence Duty and Recruitment to the YPG, September 2015, S. 77:

www.nyidanmark.dk/NR/rdonlyres/D2CD3A2F-402C-439C-9CD3-62EA255ED546/0/SyrienFFMrapport2015.pdf.

Watan:

«The laws on exemption still apply. But they are applied less systematically. Students fail courses deliberately and register for masters without attending courses just to prolong their studies and thereby extend their exemptions from military service. A BA student may be exempted from military service up to the age of 26, a MA student may be exempted up to 28 years and a PhD student up to the age of 30. An exemption from military service for students has to be renewed every year. If a student has not renewed his papers, he may be taken right away to do military service. If a student is not carrying his student card with him, he risks being taken at checkpoints unless he pays a bribe. The sources further mentioned that students living in areas where demonstrations and riots had taken place in the beginning of the conflict were often harassed and had to prove their student status more often than others.

A student, who had applied for a delay due to his master studies, was visited by the security forces at his house. The security forces threatened to destroy his documents and informed that his student documents could be destroyed and he could be taken. This was mainly done to obtain a bribe. For those who do not have means to bribe the authorities, it could mean that they would be sent to jail and directly to the frontline without training.

In the past, many people paid bribes to obtain medical papers or bought false medical papers at the bazaar in order to be exempted from military service for medical reasons. According to the sources, this caused an escalation of exemptions based on medical reasons and therefore lately attracted a lot of attention. There have been rumors that the authorities are investigating this and they will revisit cases on exemption for medical reasons.

Only son of a family would also have to apply for an exemption each year, as long as his mother is below 50 years. Once she turns 50, he will be exempted for life time.» Quelle: Iyad Agha and Muhannad Kanawati, Watan; in: Danish Immigration Service, Syria, Update on Military Service, Mandatory Self Defence Duty and Recruitment to the YPG, September 2015, S. 99-100:

www.nyidanmark.dk/NR/rdonlyres/D2CD3A2F-402C-439C-9CD3-62EA255ED546/0/SyrienFFMrapport2015.pdf.

DIS, September 2015:

«1.2.2. Enforcement of exemption rules in practice

A majority of sources stated that exemption rules are still by and large enforced in Syria. A person can still be exempted from the military service for medical reasons or disability or if he is the only male child of the family, and students can obtain deferral and have their military service postponed while studying. An interna-

tional organization mentioned that according to the Decree 33 of 2014, conscripts can postpone their military service if they have brothers already serving.

Prof. Bassel Alhassan referred to the Decree 33 of August 2014 by which it is possible to be exempted by paying a certain amount of money. This applies to people who have left Syria legally to work or study abroad for a minimum of four years and also to sons of diplomats.

However, some sources emphasized that it has become increasingly difficult to obtain exemption or deferral. Among the measure, mentioned by these sources, which have been taken by the government to restrict exemption and deferral from military service are strict control over students and their education and extended medical examinations. In addition, CRO said that due to the conflict it is sometimes impossible for university students to reach their university and obtain the papers they need to apply for an exemption from military service.

A Syrian lawyer added that the legal system is flawed and that people are sometimes treated in an arbitrary way at checkpoints and may risk being conscripted even if they are exempted. Watan mentioned a student who was threatened by security forces, that his documents could be destroyed and he could be taken. **Both sources emphasized that sometimes the purpose of holding exempted persons back at checkpoints or threatening them is to force them pay a bribe.**

Two sources considered that students not carrying their exemptions papers risk being held back and conscripted at checkpoints.¹⁹ The international organization referred to a report saying that the government has reportedly been cracking down on those granted exemptions and deferrals in return for bribes. Cracking down on those granted exemptions and deferrals in return for bribes was also stated by other sources.» Quelle: Danish Immigration Service, Syria, Update on Military Service, Mandatory Self Defence Duty and Recruitment to the YPG, September 2015, S. 11-12:

www.nyidanmark.dk/NR/rdonlyres/D2CD3A2F-402C-439C-9CD3-62EA255ED546/0/SyrienFFMrapport2015.pdf.

IWPR, 20. Juli 2015:

«Ahmad had turned 18 while in prison, making him eligible for military service. However, he had not been issued with a national service card, so the military police sent off him to a “mediating office”. These offices are military departments supposedly responsible for solving soldiers’ problems, but the truth is only those able to pay money can get anything resolved. **I went to the office, and explained that Ahmad had been my family’s sole provider since his father died and was therefore entitled to defer conscription. But they refused to release him and I was forced to bargain with them to secure his release. I was willing to pay any amount of money they asked. I just wanted Ahmad to see the light of day again.**

I went to the mediating office with Abu Khalid, a relative who’d agreed to do the negotiating for me. We met a man called Aql who seemed to be in his fifties and had a thick moustache and a sour expression on his face. He spoke with an accent distinctive of the coastal region, the stronghold of President Bashar al-Assad. When the

*negotiations were over, Aql turned to me and said, "I helped your son because he's an orphan." **He gave me a document stating that Ahmed's military recruitment had been deferred as he'd just been released from prison. That paper cost me 100,000 pounds.***

*I decided we should return to Idlib together with a group of passengers heading for Foua, a town loyal to the regime whose residents enjoyed certain privileges. I felt we might be safer doing that. As we left Damascus and approached one of the last government checkpoints, my heart started racing. We had reached al-Qatifa, a checkpoint we called the "crossing of death" in Idlib because so many of our young men had disappeared there. The soldier on guard at al-Qatifa asked for our IDs, and the driver handed them over, mentioning that he was from Foua. Much to my relief the soldier immediately returned the IDs and said, "Go. God be with you." We continued on our journey, passing through many other checkpoints, and every time we did so, I felt terrified all over again. Eventually we reached Ariha, a small town near Idlib with another notorious checkpoint. We were stopped, and this time the soldier looked at our IDs. **When he checked Ahmad's ID he asked for his military service card, so Ahmad gave him the dubious permit we'd obtained. We waited for 15 long minutes in utter fear until the soldier came back and returned the document to Ahmad, saying, "It's legitimate."** At that moment, I wished I had trusted in the power of that document from the start. Had I done so I would have spared myself the fear I felt throughout the journey.» Quelle: Institute for War and Peace Reporting (IWPR), The Power of a Costly Document in Syria, 20. Juli 2015:
www.ecoi.net/local_link/309620/447524_de.html.*