



WORKING GROUP
CHILDREN RECRUITED BY TERRORIST AND VIOLENT EXTREMIST GROUPS

Role of Organized Criminal Groups with regard to Contemporary Forms of Slavery

Special Rapporteur on Contemporary Forms of Slavery
Call for Input

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Syrian Arab Republic

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1. Types of criminal groups involved in contemporary forms of slavery

c. Is there evidence of organized criminal groups engaging in contemporary forms of slavery in your country?

- Organized criminal groups engaging in contemporary forms of slavery are active in the Syrian Arab Republic and engage in human trafficking, recruitment and use of child soldiers, sexual exploitation and sexual slavery, early marriages.

d. If so, please provide further information about these groups, including their names, social, cultural or ethnic profiles, and structures (e.g. large hierarchical groups or network-based small groups working individually or in collaboration with others).

- The criminal groups include but are not limited to the Islamic State of Iraq and the Levant (ISIL), People's Protection Units (YPG), Ahrar al-Sham and Hay'at Tahrir al-Sham (HTS).
- ISIL is a Salafi-Jihadist terrorist organization aiming at establishing a Caliphate and expand Salafi ideology globally. ISIL adopts a highly complex profile including an organizational structure that has proven to be resilient to leadership decapitation. It includes power sharing leadership strategies and a hierarchical architecture composed by the Shura Council, in charge of appointing the Caliph, the Delegated Committee, exercising administrative control of ISIL's affairs and the Sharia Council implementing ISIL's interpretation of Sharia Law.
- YPG is social-democratic organization formed by local communities regardless gender, ethnicity and religion. The current leader is Mazloun Abdi. and aligns with other forces against ISIL including the Peshmerga in Iraq and the Free Syrian Army.
- Ahrar al-Sham is a coalition of multiple Islamist and Salafist units including Hay'at Tahrir al-Sham and ISIL. Ali al-Omar is the current deputy commander of the group.

- Hay'at Tahrir al-Sham is an active Sunni Islamist militant group. Abdul Mohsen Abdullah Ibrahim al-Sharikh is the key leader and strategist, while Abu Muhammad al-Julani is the current military leader, Sami al-Oreidi is the group top religious figure and second in command.

e. **Do these criminal groups operate domestically or internationally?**

- ISIL has global reach and exerts influence across eighteen countries globally. The YPG operates locally in Rojava. Ahrar al-Sham and Hay'at Tahrir al-Sham operate respectively in NWS and NES.

2. **The nature and extent of criminal groups' involvement in contemporary forms of slavery**

c. **What is the nature and extent of the involvement of organized criminal groups in contemporary forms of slavery in your country?**

- Since the inception of the Syrian Civil War, organized criminal groups have been responsible for the recruitment and use of children in armed conflict, sexual slavery, human trafficking, forced labour, forced marriage, domestic servitude, systemic rape and other forms of contemporary slavery. While contemporary forms of slavery is not exclusive to ISIL, the extent and scale of enslavement brought by this terrorist group is unprecedented in scale and proportion not only to other organized criminal groups active on the Syrian territory but also to other terrorist organizations. ISIL has systematically targeted children, both boys and girls, in territories under its control across Syria and Iraq, some as young as 7 years old. About 7,000 women and children from the Yazidi religious minority in Iraq were abducted, sold as slaves, abused and raped. Approximately, 4,000 children have been victims of ISIL recruitment and use and have been used in both auxiliary and active roles including as human shields, carriers of person-borne explosive devices or as suicide bombers. Despite the territorial defeat of the 'Caliphate', ISIL continues to pursue its trafficking scheme both in Syria and Iraq and abroad. The level of exposure of children to contemporary forms of slavery in Syria continues to remain extremely concerning.

- d. Is there information regarding individuals being exploited by organised criminal groups in criminal activities (e.g. drug production, theft, etc.)?
- Yes.
- e. Is there evidence of individuals being exploited in legitimate businesses run by organised criminal groups, such as agriculture, domestic work, construction and catering?
- No. However, child IDPs are particularly exposed to exploitation and often are subjected to forced labour by begging rings and the Syrian refugee population across the MENA is highly exposed to sexual trafficking, forced marriages and forced labour in agriculture.
- f. Is there evidence of corruption (e.g. bribery) and obstruction of justice (e.g. witness & jury intimidation) committed by organised criminal groups? If so, in what way does this affect victims/survivors of contemporary forms of slavery?
- No evidence-based data is available to inform regarding bribery or obstruction of justice by YPG, Ahrar al-Sham, Tahrir al-Sham or ISIL. However, widespread corruption, bribery, abuse of power and embezzlement at all levels of the public sector has been extensively confirmed.
- g. Does the involvement of organized criminal groups in contemporary forms of slavery pose additional challenges in the identification of victims? If so, please provide details.
- Yes.

3. Legislative Frameworks

- c. In addition to legislation relating to contemporary forms of slavery, does your country have any statutory frameworks criminalising the activities of organised criminal groups (e.g. participating, leading/directing, organising or being a member)? If so, please provide details, including statistical information on prosecutions/convictions if available.

- Legislative Decree No. 3 of 2010 prescribes penalties for committing, participating in, instigating or being an accessory to a human trafficking offence. It criminalizes sex trafficking and labor trafficking and established minimum punishment to seven (7) years imprisonment and a 1-3 million Syrian Pound fine.
- Law No.11/2013 criminalized all forms of recruitment and use of children below the age of eighteen by both, official armed forces, non-state actors and other militias.
- The Syrian Penal Code specifies the penalties for forming criminal associations. Article 325 provides as follows: "Where two or more persons form an association or enter into an agreement for the purpose of committing crimes against people or property, they shall be punished by a term of hard labour."
- Article 304 of the Syrian Criminal Code defines acts of terrorism as "all actions that seek to create a state of panic and are committed using such means as explosive devices (and weapons of war), flammable substances, toxic or incendiary products and pathogenic or germ agents that may create a public danger." Any act of terrorism is punishable by 15 to 20 years of hard labor, while capital punishment may be imposed for any act which results in the "partial destruction to a public building, an industrial establishment, a ship or another installation, in disruption of the means of transport or communication person or in the death of a person."
- The issuance of Counter-Terrorism Law(CTL)expanded the penalties applicable to terrorist acts. Article 3 CTL provides that "anyone who joins a terrorist organization" shall be punished with a sentence not inferior to seven years of hard labor. CTL provisions also outline the participation to a training in a terrorist organization, the smuggle, manufacture, possession or stealing of arms, munitions and explosives and the distribution of publications¹⁶⁹ with a view to promote terrorist activities and establishes a range of sentences running from ten years of hard labor to the imposition of capital punishment.

- No statistical data is available regarding prosecution/convictions rate or justice processes by the Government.
 - The AANES has enacted the 20-2014 law providing a legislative framework for crimes perpetrated by terrorist organization or militias and criminalizes: civilian and armed membership; organized leadership; rape; human trafficking; murder and fighting against SDF. The AANES temporary courts and tribunals have, until present, tried approximately 8000 Syrian nationals. The number of prosecution/convictions cases for human trafficking charges is unknown.
- d. Do the legislative frameworks on contemporary forms of slavery stipulate the involvement of organised criminal group as an aggravating factor increasing penalties?
- No information available.
- c. Does your country have legislative frameworks to promote intelligence-led law enforcement (the use of special investigative techniques such as surveillance and interception of communications) to combat contemporary forms of slavery?
- The State of Emergency Act, promulgated by the Baath party as a permanent nation-wide state of emergency was lifted by virtue of Decree 161, after four decades, following popular demand for comprehensive reforms. The State of Emergency act imposed severe restrictions on the rights and freedom of Syrian citizens by enacting exceptional legislations which allocated extensive power to the executive system and replaced the ordinary judiciary. The Counter-Terrorism Law No. 19 (CTL)¹⁰¹ replicated many of these measures years later. No legislative framework exists in the Syrian Arab Republic to promote intelligence-led law enforcement to combat contemporary forms of slavery.
 - The AANES does not have forensic technology capacity or intelligence-gathering tools. No legislative framework exists to promote intelligence-led law enforcement to combat contemporary forms of slavery.

- d. Given the human rights implications arising from intelligence-led law enforcement (such as the rights to privacy and a fair trial), do these legislative frameworks provide for sufficient safeguards against abuse (e.g. judicial or other approval and oversight and grievance mechanisms in case of an abuse of process)?
- No.
- e. Does your country have legislative frameworks on money laundering and criminal asset recovery (or confiscation of criminal proceeds)?
- Article 1 of the Legislative Decree No.33 of 2005 on Combating Money Laundering and the Financing of Terrorism defines money laundering as “any comportment intended to conceal or alter the identity of funds having a connection with unlawful operations by disguising their origins so that they appear to have originated in lawful operations”. It further identifies money laundering offences as: i) The concealment of the true source of illegal funds by any means whatsoever or the provision of false evidence to substantiate such source; ii) The transfer or substitution of funds in the knowledge that they are illegal funds, for the purpose of concealing or masking the source or helping a person involved in the commission of an offence to evade responsibility; iii) The acquisition, possession, management, investment or use of illegal funds to purchase movable or immovable property or to carry out financial transactions in the knowledge that they are illegal funds. Article 2.b further describes terrorist-financing offences as „Any act aimed at providing or collecting funds by any means, whether directly or indirectly, from lawful or unlawful sources, for the purpose of their being used in a terrorist act either within or outside the territory (...).”
 - Article 9 describes provisional assets freezing and investigative procedures into suspected money laundering activities and terrorist financing offenses.

f. Does your country also support civil asset recovery without criminal conviction? If so, please provide details including any safeguards in place.

- Syria is party to the Middle East and North Africa Financial Action Task Force (MENAFATF). The objectives of MENAFATF are: i) To adopt and implement the FATF 40 Recommendations on combating money laundering and financing of terrorism and proliferation; ii) To implement the relevant UN treaties and agreements and United Nations Security Council Resolutions; iii) To co-operate among each other to raise compliance with these standards within the MENA Region and to cooperate with other international and regional organizations, institutions and agencies to improve compliance worldwide; iv) To work jointly to identify issues of regional nature related to money laundering and terrorist financing, and to share relevant experiences and to develop solutions for dealing with them; and v) To take measures throughout the region to effectively combat money laundering and terrorist financing in a way that does not contradict with the cultural values, constitutional frameworks and legal systems in the member countries.
- Recommendation 3 FATF prescribes that countries party to MENAFATF may „(...) consider adopting measures that allow (...) proceeds or instrumentalities to be confiscated without requiring a criminal conviction, or which require an offender to demonstrate the lawful origin of the property alleged to be liable to confiscation, to the extent that such a requirement is consistent with the principles of their domestic law.”
- The level of implementation of MENAFATF Recommendations within domestic legislation is to be ascertained.

g. How does your country deal with corruption and obstruction of justice committed by organised criminal groups in relation to contemporary forms of slavery?

- Article 1(C)11 of Legislative Decree No.33 of 2005 on Combating Money Laundering and the Financing of Terrorism lists bribery and extortion as prosecutable offences. The Commission for

Combating Money Laundering and Financing of Terrorism (CCMLFT) at the Central Bank is the main body in charge of combating money laundering and terrorist financing. It is assigned with: receiving and analyzing suspicious transaction reports and other information related to money laundering and terrorist financing operations; carrying out financial investigations into transactions that are suspected to include illicit money laundering and terrorist financing; providing judicial authorities and other concerned authorities with the required information related to AML; and setting procedures and measures for the implementation of the provisions of AML Law and supervising the implementation thereof. In addition to CCMLFT, the following entities are assigned as “supervisory authorities” for reporting entities:

- a. The Banking Supervisory Commission at the Central Bank for banks and other financial institutions regulated by the Central bank
- b. The Commission of Financial Leasing for mortgage and financial leasing companies
- c. The Syrian Insurance Supervisory Commission for insurance companies
- d. The Syrian Commission on Financial Markets and Securities for financial intermediaries and brokers
- e. The Lawyers Bar for Lawyers
- f. The Internal trade departments is the governorates for real estate brokers
- g. The Association of Public Accountants for certified auditors and accountants.

h. What legislative and other mechanisms are in place to protect witnesses in criminal proceedings involving organised criminal groups?

- N/A

4. Victims'/survivors' access to justice and to remedies

c. What types of assistance (e.g. legal, medical, social and financial) is provided to victims who have been enslaved by organised criminal groups?

- The Government of the Syrian Arab Republic has made no to little progress in providing assistance to victims of enslavement by organized armed groups.
- No information regarding assistance to victims in AANES.

d. Is provision of such assistance linked to a formal victim identification process and/or cooperation in criminal investigations and proceedings?

- N/A

e. What mechanisms/channels exist for them to access justice and remedies, and in which ways are they able to participate in criminal proceedings?

- N/A

f. Can victims/survivors of slavery receive compensation in your country and if so, compensations to how many victims have been paid? Please provide details in this regard.

- The Government of the Syrian Arab Republic has neither set nor afforded, to date, compensation for victims.
- The AANES has neither set nor afforded, to date, compensation for victims.

g. Are confiscated criminal proceeds redistributed to enhance protection and assistance to victims and survivors? Please provide details.

- N/A

h. Does your country implement the non-punishment principle whereby the victims of contemporary forms of slavery are protected from criminal prosecutions even if they are allegedly involved in criminal activities?

- N/A

5. Other Questions

a. What are the key challenges in combating contemporary forms of slavery committed by organised criminal groups in your country?

- Lack of awareness; Victims identification; Lack of a solid political, legal and regulatory framework; Lack of sustainable and scalable assistance mechanisms for victims and retribution

b. Does your country make use of international cooperation tools to tackle transnational organized crime as it relates to contemporary forms of slavery (e.g. Mutual Legal Assistance, joint investigations, extradition, etc...)? Please provide details.

- N/A

c. Has COVID-19 had an impact on the modus operandi of the organised criminal groups which operate in your country and if so, in what way?

- Terrorist and violent extremist groups exploit chaos, conflict and instability to advance their agenda. The COVID-19 pandemic has offered an opportunity to further threaten local, regional and international stability. While there is no direct causal link between the COVID-19 pandemic and ISIL's modus operandi on a large scale, in April 2020 the group has launched new offenses in Syria and Iraq and called upon Muslims to not forget their duty to "act against infidels in their moment of crisis" and to, on the contrary, "take advantage of the situation to carry out attacks and weaken them". The COVID-19 pandemic has also led to a substantive increase in ISIL's global media campaigns and propaganda spread that aims at, by exposing the most vulnerable, particularly

children and youth to their narratives, to recruit new members and sympathizers through online settings and platforms.

d. Please provide any additional information which you deem relevant with regard to the subject matter of this questionnaire.

- N/A