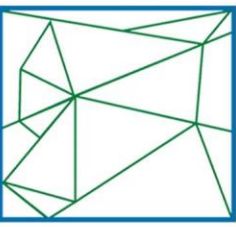


سوريون
من أجل
الحقيقة
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Syrians
For Truth
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March 2018



Various Grave Violations Against Syrian Children

“Flash Report (Part 1) Documents the Recruitment of Children under 18 by Several Parties of the Syrian Conflict”



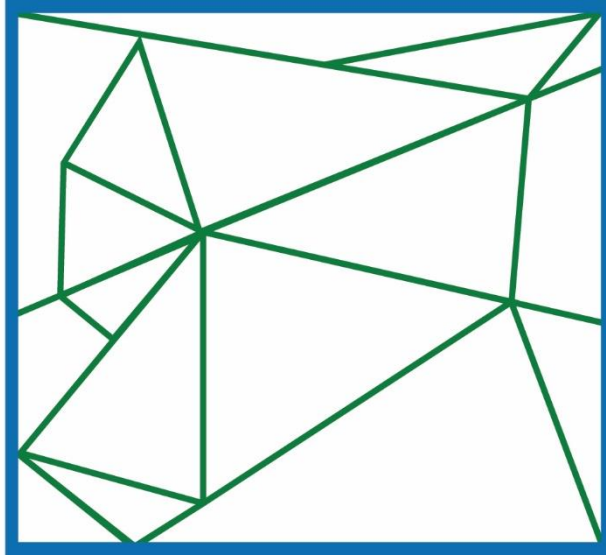
About Syrians for Truth and Justice/STJ

[Syrians for Truth and Justice /STJ](#) is a nonprofit, nongovernmental, independent Syrian organization. STJ includes many defenders and human rights defenders from Syria and from different backgrounds and affiliations, including academics of other nationalities.

The organization works for Syria, where all Syrians, without discrimination, should be accorded dignity, justice and equal human rights.

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Preface

Thousands of children in Syria face serious violations of their rights, including sexual violence in detention centers and other places, killing, recruitment and using them frequently in military operations fighting in the ranks of Syrian conflict parties.

In response to Security Council resolutions concerning children and armed conflict, including [Resolution No. 2225](#) (2015), the Secretary-General of the United Nations is requested to report annually on children and armed conflict issues.

[In his latest report](#), issued on August 24, 2017, the Secretary-General stated that incidents of children recruitment and using in Syria are rising steadily compared with previous years speaking about Syria and the grave violations against children there, he said:

"The recruitment and use of children increased sharply: the number of verified cases more than doubled compared with 2015. The United Nations verified 851 cases attributed to armed groups self-affiliated with the Free Syrian Army (507), ISIL (133), pro-government militias (54), People's Protection Units (46), government forces (29), Army of Islam (28), Ahrar al-Sham (17), the Nusra Front (also known as Jabhat Fath al-Sham) (10), Nur al-Din al-Zanki (3) and unidentified armed groups (24); 20 per cent of verified cases involved children under the age of fifteen."

[The United Nations Children's Fund \(UNICEF\)](#), in a report issued on March 12, 2017, also stated that 2016 was the worst year for Syrian children, as (851) children were recruited to fight in the conflict - double the number that were recruited in 2015. According to the report, at least (652) children were killed in only 2016.

The purpose of the present report is to highlight some of the cases documented and worked out in 2018 by some parties to the conflict, as work continues to update data on the issue of child recruitment by all parties to the conflict, whether those fighting in the Syrian government or in the opposed parties. This report is the first of a series that will document the recruitment of children by various parties to the conflict in Syria.



In 2014, ISIS recruited many children in the areas under its control, including two children under the age of 12 from Hawd al-Yarmouk, in the countryside of Daraa. Jayesh Khalid ibn al-Walid ¹ affiliated with ISIS, recruited two children (Ali Issa al-Kanawi) and (Abdullah al-Kanawi). According to many testimonies obtained by STJ, these children were killed later by committing suicide attacks against Syrian armed opposition factions in northern Syria.

In 2016, many children have been recruited into the ranks of Hayat Tahrir al-Sham/ formerly the Nusra Front in a number of areas under its control in Idlib province. However, according to many testimonies obtained by the field researcher of STJ, a child identified as "Qusai", not yet 14 years old, was recruited at a headquarters of HTS, located on the outskirts of Ma'arat al-Nu`man city in Idlib countryside. Noting that he is still fighting till the date of the present report.

On December 4, 2017, the *Women's Protection Units* (YPJ) affiliated to Pro-Autonomous Administration, abducted the girl child, "Avin Abdullah ", 11 years, from near her school located in [Ad Darbasiyah](#) town northwest of Al-Hasakah province, and according to many testimonies obtained by [STJ](#), the girl's family later learned that their daughter had been forcibly recruited into Pro-Autonomous Administration military units..

First: You Have Seven Girls, One for Us and the Rest for You

On December 4, 2017, pro-Autonomous-Administration YPJ abducted the child "Avin Abdallah", identified "Avin Sarukhan, 11 years, from the front of her school located in the city of [Ad- Darbasiyah](#), north-west of Hasakeh province, The child's family was latter shocked that their daughter, Avin, had been forcibly recruited into the ranks of the military units of Autonomous-Administration, this is according to many testimonies obtained by [Syrians for Truth and Justice/STJ](#), specifically from Avin`s relative called Kh Sarukhan, he reported that this incident had been preceded by arresting Avin`s father by Asayesh forces of Autonomous-Administration, specifically in August 2017, against the background of marrying one of his underage daughters.

¹ It was formed by a merger of several Syrian rebel factions including The Islamic Muthanna Movement and The Yarmouk Martyrs Brigade, in June 2016. The number of its fighters is estimated of about (800), and it is currently scattered in a number of towns in the countryside of Daraa, namely, (Al-Shajara, Jamla, Ain Thakar, *Al Qusayr*, Adwan, Tasel, Nafa`ah, Saham El-Golan, Jalin, Muzayraa, al-Shabraq, Baiyt Irah, Koya and Maarriye).



Image of the child (Avin Sarukhan) who was abducted by the pro-Autonomous-Administration Women's Protection Units/YPJ on December 4, 2017.

Photo credit: Avin family

Marriage of Underage Girls in the Eyes of Autonomous-Administration

On May 22, 2016, the women committee for Autonomous-Administration [issued](#) its own laws on women and their rights within Autonomous-Administration controlled areas, one of the most important items is article 24 on women's rights, which is as following:

"It is prohibited to marry a girl before she is 18 years, and the sentence is seven-year prison for the girl guardian, considering him and the one who marries them as partners in the forgery."



In this sense, Autonomous-Administration has begun to monitor movements of young people in its areas through commune/ Komin/² as local people call it, which controls every micromanagement from the documents and notes in its supervised neighborhoods.

In Ad Darbasiyah, "Akram Abdallah Sarukhan" married his daughter Amina, 17-year- to a young man proposed to marry her , the matter that led Asayesh Forces of Autonomous-Administration to prosecute him, according to a relative identified as (Kh. Sarukhan who spoke to STJ saying:

"Asayesh Forces arrested Amina along with the young man who offered to marry her, they also arrested her father, prior their wedding day specifically in early August 2017, However, they were taken to the branches of Asayesh Forces inside Ad- Darbasiyah, Amina was released the same day while the father's arrest lasted for three months, and the young man arrested for two months, and also the father was fined (500) thousand Syrian pounds, of course, except for the bribes that were paid to the prison warden by the two families/Amina`s family and the young man`s family, to take care of the father and the husband/groom place in the prison."

(KH. Sarukhan) said that Autonomous-Administration had forced the girl's father to dissolve his daughter's marriage from the young man who offered to marry her, and made him write a pledge not to marry his daughter until she is 18 years old, after having been detained for three months without trial.

² A small council within each neighborhood under the control of Autonomous Administration in order to look into the services of the neighborhood in all respects, whether public services or social services.



Forcible Abduction of Amina`s Sister by the Security Forces Affiliated to Autonomous-Administration

Four months after Amina marriage incident in Ad- Darbasiyah, the family shocked by the news of kidnapping her sister, 11 years old, and in this connection Kh Sarukhan told STJ:

"On the morning of December 4, 2017, we received news that a van had forcibly kidnapped Avin in front of her school of Autonomous-Administration, where she went to learn Kurdish language, and when Avin family was informed by that, her father went at once to the school where she had been kidnaped from. However, when he asked the owners of the shops located near the school, they told him that two girls wearing the military clothes belonged to YPJ, got out of the car and kidnapped his daughter, and those girls asked Avin to get into the van, but she refused so they threatened to beat her if she did not obey their orders, but Avin refused again, so she was pulled forcibly into the van and drove fast away from that place."

Kh Sarukhan added that Avin`s father hurried to General Asayesh center ins Ad- Darbasiyah, and then to one of the public relations centers of YPJ, in order to investigate about his daughter Avin. However, he was informed at the General Asayesh center that there is no girl with that name. He was also informed that he was unable to complain or claim concerning his lost daughter until 24 hours later, the family relative continued:

"The girl`s father reviewed the public relations office of YPJ several times, once they answered him saying:" You have seven daughters, one for us and the rest for you. "Anyway, after about 11 days, particularly in mid-December 2017, the father was shocked when he saw his daughter's image posted on the ["Office of Public Relations of Women's Protection Units/YPJ"](#), page where she was standing among fighters wearing military uniforms, so the father reviewed the center again, they informed him that the girl had voluntarily came to them and that he was unable to see his daughter unless she requests that."

 **The Public Relation office of** **مكتب العلاقات العامة لوحدة حماية المرأة**
YPJ ***

December 17, 2017 · 🌐

#قسم_الإعلام
#مكتب_العلاقات_العامة_لوحدة_حماية_المرأة
جمالكي ورفقتي.... لا يخفيان الثورة التي بداخلك....
....Good morning
....Rojbaş
#Beşê_Ragihandinê
#Nivîsgeha_Têkiliyên_Giştî_Ya_YPJ



359 Reactions 19 Comments 1 Share

The image of the post by the “The Republic Relation office of YPG”

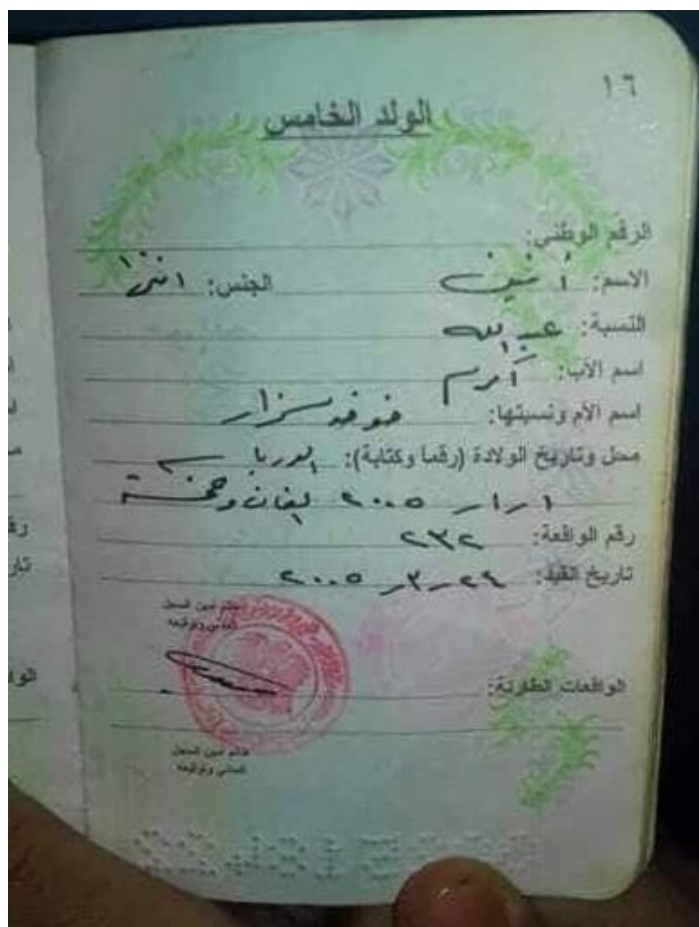


Image of the document of Avin Abdullah Sarukhan family book.

Photo credit: Avin family.

The Kurdish channel Arak also [published an interview](#) with the child uncle identified as "Aram Sarukhan ", just two days after the abduction of the child, "Avin Sarukhan", the following mentioned in a part of the interview:

"Avin was going to the Kurdish language school, and we didn't know that she would be brainwashed by Autonomous-Administration. Anyway, the girl got out of the school, and then YPJ elements pulled her forcibly to the car in front of people."



On January 9, 2018, Syrian local news reported the arrest of a child recruited in the ranks of the Syrian Democratic Forces/SDF by the so-called "Euphrates Shield Factions", the page has published images of this child, but STJ was unable to verify the image from an independent source.



Image of the child captured by the so-called "Euphrates Shield Factions", which was said to be recruited in the ranks of SDF.

Photo credit: the "Jehova post" page.



Second: More than 150 Children were Recruited by Jayesh "Khaled ibn al-Walid" in the Area of Hawd al-Yarmouk

Islamic State Organization, also known as ISIS, has recruited many children, under 18, in its ranks in Hawd al-Yarmouk area which controlled by ISIS³ represented by Jayesh "Khaled ibn al-Walid", that matter was confirmed to Syrians for Truth and Justice/STJ by Abu Bilal, an activist from [al-Hayt town, under Syrian armed opposition control, in the area of Hawd Yarmouk](#). Abu Bilal said that two children from his relatives, under the age of 12, had been pulled to fight beside Jayesh "Khaled Ibn al-Walid" affiliated to "ISIS", he continued:

"Jayesh Khaled Ibn al-Walid's has recruited more than 150 children in its controlled areas in Hawd al-Yarmouk, particularly in the towns of Tsel and Sahem El-Golan, which ISIS controlled them during February 2017. Dozens of children were deprived of education after spoliation curricula and replacing them by others inciting violence and fighting and sowing extremist ideas in children's` mind, they brainwashed children corresponded with their extremist project. Therefore, dozens of these children had left schools and joined the ranks of ISIS to fight against armed opposition forces, that was clear in an attack led by the organization on al-Hayt in order to wrest it from the armed opposition, whom had captured several children participated in that attack on January 24, 2018. However, the opposition forces published [a video footage](#) of those arrested children, they were between 12 and 16 years, while the media of Jayesh Khaled Ibn al-Walid" broadcast [a visual version](#), showing training several children of using arms in special camps of ISIS."

³ Hawd al-Yarmouk area was mainly under the control of Yarmouk Martyrs Brigade which formed at the end of 2012, under the name of Yarmouk Martyrs Battalion, located only in the western part of Daraa, and later pledge allegiance to ISIS . Activists stated for STJ that the Brigade was supported by "Monk Room" for the coordination of military operations in Jordan, it was cut of support partially then fully in 2014, following kidnapping the Brigade elements of United Nations by the brigade in June 2013



Abu Bilal continued that two of his relatives were victims of the recruitment in the ranks of ISIS, they are Ali Issa Al-Kanawi, 10 years old, and Abdullah Abdel Hakim al-Kanawi, 12, indicating that their father recruited them during 2014, knowing that he was previously Amir of "State of Charity" in Deir ez-Zor province and he was known as "Abu Abdullah al Jazrawi", he also sent his son (Abdullah al-Hakim al-Kanawi) to conduct a suicide attack at a headquarter of the Syrian armed opposition in northern Syria in 2015, resulting in his death, Abu Bilal added:

"Abdel Hakim al-Kanawi, the father of the two children, helped several people including his son Ali Issa Al-Kanawi, to reach ISIS controlled areas in the north of Syria during 2016, Ali was also the victim of extremist thinking, as he died in suicide attack carried out against opposition forces in north Syria. According to the information, we could reach, the children`s father could return to Hawd al-Yarmouk area, under ISIS control, in the middle of February 2018, and is likely to be the commander of Jayesh Khaled Ibn al-Walid, because of the experience he gained while he was in the north of Syria."

Third: I Have no Choice but to Pray for him

HTS has also recruited many children in its ranks, particularly in several areas under its control in Idlib province during 2016, that was confirmed by Abu Qusai, father of one of the children, who was under 14 from Ma'arat Nu'man in Idlib countryside, recruited in HTS ranks in early 2016, he said:

"Qusai was a hardworking student at his school and loved by his colleagues and teachers, but early in 2016 I began to note some changes in his personality and in his behavior, as Qusai preferred solitude and silence and sometimes he was late to return to the house, I tried to ask him about what happened with him, but he always confirmed that he is fine and that the pressure of study is tiring him, sometimes we hear the sound of jihadism poems and lessons of some of the sheikhs and preachers from his room. Moreover, there was a significant decline in his academic and social level, I realized that there was something wrong, particularly since he befriended older people, and I've struggled to keep him away from them, but I couldn't."



Abu Qusai noted that, at the beginning of March 2016, his son confirmed joining in the fighting beside HTS saying that his task is limited only to helping the fighters at one of their headquarters located on the outskirts of the city of Mara 'at Nu'man, he added:

"I tried to stop him by all means, I forced him to stay at home, and prevented him from going out at all, but he insisted on his opinion, and he often fled the house to that headquarters. After that I spoke to one of the people there and asked him not to receive my son, but one of the legitimate people said that Qusai is doing what is right and that they can't stop him, at the end I realized that those people brainwashed the children to persuade them to join fighting beside them. On April 15, 2016, Qusai was not in the house for 15 days, I immediately went to the headquarters that he used to be in it, they told me that Qusai went to perform a legitimate course outside the city, and for security reasons we can't tell you where he is, I realized that they washed his brain and that I lost him forever. However, after several weeks he came back to the house wearing a military uniform, he apologized and said that what he did was the right and he must do so. At that time, I learned that the lack of awareness, mainly religious one, as well as many scenes, which incited violence, published on social media, and the presence of people who welcome children to join them, all that caused losing my son, who is still fighting in the ranks of HTS till now. Anyway, he has been injured several times in training camps and in the battles, but I have nothing to do but to pray for."

According to STJ researchers, the recruitment of children during the Syrian conflict has taken various forms, including the use of the children as a means of spying on the other part, helping with logistical matters, or using them as combatants involved in hostilities, this phenomenon is due to several reasons like lack of awareness among many parents, as well as the widespread ignorance and illiteracy caused by the destruction of schools because of shelling, along with the absence of the breadwinner, that pushed children to join fighting in armed groups, as it is the shortest way to make money in their view.



Child Recruitment & Use in Hostilities in International Law⁴

Ongoing reports continue to be received on the recruitment and use of children in hostilities in Syria, in violation of international humanitarian and human rights law. The Security Council-mandated Monitoring and Reporting Mechanism for grave violations against children in the Secretary-General's Annual Report on Children and Armed Conflict (MRM4Syria)⁵ documented that between January and June 2017, parties to the conflict in Syria continued to recruit children, train and actively use them in hostilities. The MRM4Syria verified the recruitment and use of 300 children aged as young as 12 years old, including 289 boys and 11 girls. Of the verified cases, 265 served in a combat role (88 per cent) and 35 served in a support role (12 per cent), ranging from guarding checkpoints, prison guards, patrolling streets, aides-de-camp and for sexual exploitation. A total number of 53 children were below the age of 15 (18 per cent).⁶

This note has been developed to support humanitarians working on Syria. Its aim is to provide a brief overview of the relevant international humanitarian law, international human rights law, and international criminal law applicable in the Syrian conflict relating to the recruitment and use of children in hostilities.

International Humanitarian and Human Rights Law

The Convention on the Rights of the Child (CRC) requires States to “ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child” and “take all feasible measures to ensure protection of children who are affected by an armed conflict”.⁷ They must take all feasible measures to ensure that persons under the age of 15 do not take a direct part in hostilities, and refrain from recruiting anyone under 15 into their armed forces.⁸ This is complemented by the Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict (Optional Protocol), which forbids state parties from *compulsorily* recruiting persons under 18 into their armed forces,⁹ and calls on them to take all feasible measures to ensure that members of their armed forces under 18

⁴ As a matter of clarity for the reader, STJ quotes below the paper published by OHCHR-Syria on Sept 2017.

⁵ The MRM4Syria is a Security Council-mandated Monitoring and Reporting Mechanism (MRM), activated in Syria following the listing of parties to the conflict for grave violations against children in the Secretary-General's Annual Report on Children and Armed Conflict. The MRM4Syria is tasked with timely documentation of grave violations against children in Syria with a view to feeding into regular Security Council reporting and providing an evidence basis for advocacy, dialogue and response.

⁶ www.humanitarianresponse.info/system/files/documents/files/2017_syria_pmr_170830.pdf.

⁷ 1989 Convention on the Rights of the Child, article 38(1) and (4).

⁸ *Ibid*, articles 38(2) and (3).

⁹ Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict, article 2. Article 3 requires state parties that permit voluntary recruitment into their national forces of those under 18 to maintain safeguards to ensure, as a minimum, that the recruitment be genuinely voluntary, with the informed consent of the person's parents or legal guardians, that the person is fully informed of the duties involved in such military service, and the person provide reliable proof of age prior to acceptance into national military service.



who were *voluntarily* recruited do not take a direct part in hostilities.¹⁰ The Optional Protocol further requires state parties to “*take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices*”.¹¹

The Optional Protocol also lays out that “*armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years*”.¹²

Syria is a party both to the CRC and the Optional Protocol, and thus both are applicable throughout the territory of Syria and to armed groups, both those affiliated with the Government, and those opposed to it. The prohibitions on both the recruitment and use of children to participate directly in hostilities are also generally accepted norms of customary international law applicable in non-international armed conflicts.¹³

Interpretation

The international humanitarian law and international human rights law prohibitions on both the recruitment of children and their participation in hostilities, along with the corresponding war crime in international criminal law, can be broken down into two elements:¹⁴

- i) Recruitment of children
- ii) The use of children in hostilities.

¹⁰ *Ibid*, article 1.

¹¹ *Ibid*, article 4(2).

¹² *Ibid*, article 4(1).

¹³ Such norms are contained in such international instruments as the CRC, Protocol Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of Non-International Armed Conflicts, 8 June 1977, article 4(3)(c); Rome Statute of the International Criminal Court, article 8(2)(e)(vii). They are also included in the military manuals of many states, and are prohibited in the legislation of many states. See also ICRC, Customary International Humanitarian Law: Volume 1: Rules, rules 136 and 137.

¹⁴ While not legally binding, over 100 states have endorsed the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups which were based on international law and standards and developed with the intention to affect the behaviours of a broad number of actors including states, human rights and humanitarian actors, military and security actors, UN and other international organisations. They aim to guide interventions in order to i) prevent the unlawful recruitment or use of children; ii) facilitate the release of children associated with armed forces and armed groups; iii) facilitate the reintegration of all children associated with armed forces and groups; and iv) ensure the most protective environment for all children. As such they are an essential guide for all actors aiming to effect policy and approaches by actors in the Syrian context on the prevention of the recruitment and use of children in hostilities: www.unicef.org/emerg/files/ParisPrinciples310107English.pdf.



Government of Syria

Prohibition of recruitment into the armed forces

Both Syria's ratification of the CRC, as well as customary international law prohibits the recruitment of children and their participation in hostilities by the Government of Syria. Further, Syria's ratification of the Optional Protocol to the CRC prohibits the Syrian Government from *compulsorily* recruiting persons below 18 into its armed forces. This should be read in conjunction with Article 38(3) of the CRC which calls on states to endeavour to give priority in recruitment to the oldest of those aged between 15 and 18. The Optional Protocol goes further and provides a detailed breakdown of safeguards under its Article 3 which the Government of Syria must adhere to in ensuring that the recruitment of persons between the age of 15 and 18 is genuinely voluntary. Additionally, safeguards are also included under Article 4 which requires the Government of Syria to take all feasible measures to prevent the recruitment and use of persons under the age of 18 into armed groups distinct from the armed forces of the state.

Prohibition on children taking a direct part in hostilities

Under the CRC and its relevant Optional Protocol, the Government of Syria is prohibited from using anyone under the age of 18 from taking a direct part in hostilities¹⁵. While no clear definition exists on what acts of children constitute participating in hostilities, the Appeals Chamber, in its Judgement in the case of Thomas Lubanga Dyilo noted the explanatory footnote to the phrase 'to participate actively in hostilities' provided in the ICC Preparatory Committee's Draft Statute, which set out the parameters of the requisite participation stating that:

*The words 'using' and 'participate' have been adopted in order to cover both direct participation in combat and also active participation in military activities linked to combat such as scouting, spying, sabotage and the use of children as decoys, couriers or at military checkpoints. It would not cover activities clearly unrelated to the hostilities such as food deliveries to an airbase or the use of domestic staff in an officer's married accommodation. However, use of children in a direct support function such as acting as bearers to take supplies to the front line, or activities at the front line itself, would be included within the terminology.*¹⁶

The Trial Chamber of the Special Court for Sierra Leone - the first international tribunal to consider the recruitment and use of children in hostilities as a war crime - also offers a useful interpretation:

¹⁵ The corresponding war crime included in the statutes of international tribunals including the Rome Statute of the International Criminal Court use the phrase of participating *actively* in hostilities, though the meaning remains the same.

¹⁶ "Report of the Preparatory Committee on the Establishment of an International Criminal Court' UN Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (Rome 15 June-17 July 1998) (14 April 1998) UN Doc A/CONF.183/2/Add.1". See also ICRC, Customary International Humanitarian Law: Volume 1: Rules, rule 137; *The Prosecutor v Thomas Lubanga Dyilo, Decision on Appeal against Conviction*, 1 December 2014, para. 334: www.icc-cpi.int/CourtRecords/CR2014_09844.pdf.



*the use of children to participate actively in hostilities is not limited to participation in combat. An armed force requires logistical support to maintain its operations. Any labour or support that gives effect to, or helps maintain, operations in a conflict constitutes active participation. Hence carrying loads for the fighting faction, finding and/or acquiring food, ammunition or equipment, acting as decoys, carrying messages, making trails or finding routes, manning checkpoints or acting as human shields are some examples of active participation as much as actual fighting and combat.*¹⁷

In the realities of war zones, many grey areas will exist with what does and does not constitute children taking an “active/direct” part in hostilities. That said, the relevant instruments were clearly designed in order to protect children from the dangers of armed conflict. Therefore, should there be any question of doubt as to whether a child under the age of 18 in Syria is or is not taking an active/direct part in hostilities then the former should be presumed.¹⁸

National law

Both the CRC and the relevant Optional Protocol oblige state parties to adopt all appropriate measures in order to guarantee the protections required under the CRC.¹⁹ The Optional Protocol specifically calls for the adoption of legal measures necessary to prohibit and criminalise the recruitment and use of children in armed conflict. In 2013 the Syrian Penal Code was amended to outlaw the recruitment of children under 18 for either involving them in hostilities or other related acts such as carrying arms, ammunition, equipment; transporting or placing explosives; manning check-points; conducting surveillance or information gathering; or use as human shields.

Non-state armed groups

The Optional Protocol places a complete prohibition on any armed group recruiting or using persons under the age of 18 in hostilities. This therefore prohibits non-state armed groups from recruiting any person under the age of 18 even if the recruitment is voluntary. This applies to all armed groups, regardless of whether they are fighting with, against, or alongside Government of Syria forces.

¹⁷ *The Prosecutor v. Brima, Kamara and Kanu*, Trial Judgement (AFRC Judgement) para. 737, Special Court for Sierra Leone: www.rscsl.org/Documents/Decisions/AFRC/613/SCSL-04-16-T-613s.pdf.

¹⁸ While examining it from a broader perspective applicable to civilians as a whole, for an in-depth analysis of the meaning of the international humanitarian law notion of “direct participation in hostilities”, see ICRC’s Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law: www.icrc.org/eng/assets/files/other/icrc-002-0990.pdf.

¹⁹ CRC, article 4; Optional Protocol, article 4(2) and article 6(1).



Declarations of intent

Some armed opposition groups have publicly issued statements or signed Deeds of Commitment under Geneva Call highlighting their intent to adhere to the prohibition on the recruitment of child soldiers.

The Office of the President of the National Coalition issued a declaration committing to comply with international humanitarian law in which, amongst other principles it declared it would refrain from the recruitment of children and their use in hostilities.²⁰

The Supreme Military Council meanwhile issued a "statement about the recruitment of child soldiers" on 26 June 2014, calling on all factions to adopt mechanisms and working practices to prevent children from engaging in military actions or supporting military activity, and demanding that all units immediately release anyone under the age of 18.²¹

Most recently, on 30 July 2017 four brigades of the Free Syrian Army²² signed a Geneva Call Deed of Commitment, in which they pledged to respect the highest international standards to protect children in conflict, in particular the complete prohibition of the recruitment of children under 18.²³

It should be noted however, that while such statements or Geneva Call Deeds of Commitments²⁴ are welcome mechanisms which give non-state armed groups the opportunity to formally express their agreement to abide by humanitarian norms and take ownership of these rules, they do not override the international humanitarian law obligations of non-state armed groups - such as the complete prohibition on armed group in Syria using persons under the age of 18 in hostilities. The Kurdish YPG (*Yekîneyên Parastina Gel*, or People's Protection Units), YPJ (*Yekîneyên Parastina Jin*, or Women's Protection Units), and the "Democratic Self-Administration in Rojava" signed a "Deed of Commitment" under Geneva Call that they would adhere to a total ban on the use of children under 18 in hostilities.²⁵ However, contrary to the provisions of the Optional Protocol, a reservation was entered in the declaration stating that children aged 16 and over would be allowed to become members of the YPG/YPJ forces of their own volition but would be engaged in non-military activities and not allowed to directly or indirectly participate in hostilities.

²⁰ theirwords.org/media/transfer/doc/march_19_2014_sc_ihl_declaration-270988dac16e258e445a5cfcc37485b3.pdf.

²¹ theirwords.org/media/transfer/doc/fsa-280a7e3c5cb7d3512fa8d731dfed53c4.pdf.

²² 23rd Division, 21st Force Union, the Central Division, and the First Coastal Division.

²³ genevacall.org/syria-4-brigades-free-syrian-army-commit-prohibit-sexual-violence-use-child-soldiers.

²⁴ genevacall.org/how-we-work/deed-of-commitment.

²⁵ genevacall.org/wp-content/uploads/dlm_uploads/2014//07/2014-5july-YPG-YPJ-syria-children.pdf.



Accountability - International Criminal Law

All individuals involved in an armed conflict may be held individually criminally responsible under international criminal law for the commission of war crimes and/or crimes against humanity committed by themselves or persons under their command. Parties to the conflict are obliged to investigate and if necessary prosecute any member of their forces or persons under the command of their forces for suspected violations of international law. Such forces also include any irregular forces or militias fighting in support of a party to the conflict.

Conscripting or enlisting children under the age of 15 into armed forces or armed groups, or using them to participate actively in hostilities, constitutes a war crime in both international and non-international armed conflicts. It is listed as constituting a serious violation of international humanitarian law and a war crime by the ICRC,²⁶ and was first codified as a war crime in both international and non-international armed conflict in the Rome Statute of the International Criminal Court.²⁷ Since then, the first conviction handed down by the International Criminal Court in its history was for the crime of enlisting and conscripting children under 15 and using them to participate actively in hostilities in the context of a non-international armed conflict.²⁸ The Special Court for Sierra Leone has handed down convictions in three out its four cases for the conscripting or enlisting of children under 15 into armed forces or armed groups, and/or using them to participate actively in hostilities as war crimes.²⁹

²⁶ ICRC, Customary International Humanitarian Law: Volume 1: Rules, rule 156.

²⁷ Rome Statute of the International Criminal Court, articles 8(2)(b)(xxvi) and 8(2)(e)(vii).

²⁸ Trial Judgement: www.icc-cpi.int/CourtRecords/CR2012_03942.pdf; Appeals Judgement: www.icc-cpi.int/CourtRecords/CR2015_02631.pdf.

²⁹ 25 *The Prosecutor v. Brima, Kamara and Kanu*, Trial Judgement (AFRC Appeals Judgement), www.rscsl.org/Documents/Decisions/AFRC/Appeal/675/SCSL-04-16-A-675.pdf; *The Prosecutor v. Charles Ghankay Taylor*, (Taylor Appeals Judgement), www.rscsl.org/Documents/Decisions/Taylor/Appeal/1389/SCSL-03-01-A-1389.pdf; *The Prosecutor v. Sesay et al.* (RUF Appeals Judgement) - use of child soldiers only, www.rscsl.org/Documents/Decisions/RUF/Appeal/1321/RUF%20Appeal%20Judgment.pdf