



# Seeking the Rule of Law in the Absence of the State:

## Transitional Justice and Policing in Opposition-Controlled Syria Pt. II

August 2014

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## Objectives of this report

This report is the second in a three-part series focusing on the current status and lessons learned relating to transitional justice and policing initiatives in opposition-controlled Syria.

**Part I** focuses on the effects of the departure of judicial and security elements of the Syrian state has had on conditions on the ground currently, and on the nascent justice institutions that have emerged in this void (including levels of institutionalisation, Islamic law, and the legal systems currently being debated and trialed in some areas).

**Part II** examines the variety of institutions and structures attempting to implement these various legal systems and practices, and explores attempts to build a unity among this diverse mix.

**Part III** explores the critical role of legal professionals in the various justice and security initiatives that have been attempted or are currently in place in areas outside of the control of the government, and examines the role of local governance organisations in such initiatives. In conclusion, Part III also provides a brief summary of lessons learned and recommendations for future efforts based upon these lessons.

Information in this paper is primarily drawn from interviews conducted between January 2013 and March 2014. It focuses in particular, on cases from the Aleppo, Idlib and Dara'a governorates and alludes to some of the differences between these situations. It also refers to material from other governorates outside of government-control (Rif Damascus, Deir Ez-Zor, the three cantons of Rojava, and areas of Raqqa) and those within it (where the state's increasing reliance on, and unwillingness or inability to control, local paramilitary actors<sup>1</sup> poses serious longer-term questions for the nature of administration's judicial and policing writ<sup>2</sup>). For further information or briefings on the material included in this report, please contact Integrity at [syria@integrityresearch.com](mailto:syria@integrityresearch.com).

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<sup>1</sup> Such as the National Defence Forces and popular committees.

<sup>2</sup> The more autocratic administration of the current president's father, Hafez al-Assad faced a similar problem with its own pro-regime paramilitary organisation. The original '*shabiha*' that emerged in 1980s Syria were given similar free reign to operate smuggling and drug rings with comparative freedom. The shabiha were known for fierce displays of pro-regime support and high-ranking military and administrative ties. However the state had its own serious problems with them, finding the level of corruption and autonomy so great that bringing them back under control became a conscious element of the economic liberalisation of Syria's state-run economy in the 1990s.

## Implementing Justice: Professional purist, mixed, and literalist institutions

A categorisation of justice institutions by their levels of professionalisation and implementation capacity is crucial to an understanding of emergent justice institutions. These levels can be framed in four ways:

- A. **New professional institutions:** These include a few new professional institutions where legal or policing professionals have the pre-eminent role (some of whom have been suspended for lack of material and military support), and a handful of active civil magistrate courts mentioned in Part I that are still using the state seal and which were not established but have continued pre-conflict activities (albeit constricted to notary functions).
- B. **Literalist institutions:** These institutions take exclusively non-professionals as judges (usually a sheikh<sup>3</sup>), under the banner of a salafi<sup>4</sup> (literalist) interpretation of the Shari'a directly from its sources. These are generally backed by powerful armed groups with significant resources who see such institutions as critical to their mission in Syria. These institutions tend to include some foreign nationals and may be smaller in number than mixed courts. ISIS-style<sup>5</sup> military tribunals consider themselves salafist institutions and do not appear to involve any professionals and may not necessarily involve religious figures (as with rulings by a military commander).<sup>6</sup>
- C. **Mixed courts:** These contain both defected professionals and others (volunteers or former Free Syrian Army (FSA) in the case of police; or religious figures in the case of courts) and are the most prolific version of justice institutions in opposition-controlled areas. They tend to range from entirely unarmed bodies (lacking any enforcement or defence mechanisms) to moderately powerful organisations.

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<sup>3</sup> This report hereafter refers exclusively to a sheikh in the religious sense, not a tribal one.

<sup>4</sup> The term salafist is used in this report to refer to those groups or individuals who take a 'literalist' position on religious texts, rejecting some reformist Islamist scholars 'contextualisation' of sources.

<sup>5</sup> The Islamic State of Iraq and al-Sham emerged in April 2013 as a merger between JN and the Islamic State of Iraq (ISI). Throughout summer 2013, ISIS established areas of control in key positions across northern and eastern Syria, especially near the Turkish border. Although ISIS did not have zones of control in Idlib as they did in other parts of Syria, they had areas of strong concentration, particularly in the north of the Governorate. In early 2014 several rebel coalitions dedicated to pushing ISIS out of opposition-held areas of Syria emerged across the north of Syria. In Idlib and western Aleppo, the newly formed Syrian Revolutionaries' Front (SRF) as well as the Islamic Front led the fight against ISIS. At the time of writing ISIS has very limited presence in Idlib Governorate, as well as having lost some ground in Aleppo. However, the group has successfully carried out several assassinations of leaders of rival factions in several towns where they were previously active in opposition-controlled Idlib.

<sup>6</sup> As noted the areas of this study do not include the governorates where ISIS has the broadest areas of continuous contiguous control and therefore does not discuss the arguably more developed governance and court institutions there which might be considered more than a "military tribunal".

- D. **Checkpoint authorities:** These are highly localised entities which are generally very small and informal, and consist of little more than physical check points, few guards, and possibly a room nearby. Their function is either purely military security (e.g. preventing entry of explosive laden vehicles, or armed individuals from entering specific areas, such as a town market) or meting out punishments (e.g. seizure of property from people accused of being “*shabiha*”) with varying levels of sincerity and accuracy. They may potentially also not involve religious, legal, or police authorities.

### Professional Institutions

The immediate response to the removal of government control over an area in regards to justice provision can be broadly characterised as ad-hoc and localised. However, this depends on significantly on the social and economic conditions of areas, and the extent to which previous state judicial structures and resources were incorporated and consolidated.

The argument of judicial purists that courts must be run by legal professionals and implement national law has remained largely theoretical to date. However, in the early period of the conflict, civic sentiment and rhetoric was strongest, and nationalist AOGs experienced hopes of being receiving significant funding. At this stage in the conflict, some early advances towards this goal were noted by interviewees. Several early opposition courts (such as in Tel Rifa’at Marea and in Harem, Idlib) included strong representation of legal professionals, even including judges. Evidence suggests that initially there was a degree of freedom to make pronouncements against armed opposition groups (AOGs) and that there were even cases whereby such courts ruled against prominent military commanders, who acquiesced to judgements.<sup>7</sup>

In Aleppo City during this early period, the establishment of organised and independent judicial entities was complicated by several factors. Firstly, the city only partially shifted to opposition control and intense and continual fighting hindered the consolidation of civilian-orientated institutions. For example, according to one defected judge, an important judicial institution – the Aleppo Court of Justice - was located beneath the Aleppo citadel (controlled by the government) while the main courthouse was in another part of the city (controlled by opposition forces). Secondly, Aleppo city was itself taken by forces who entered the city from the rural areas and

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<sup>7</sup> One interviewee, a lawyer who had worked such a court stated, ‘Our first case was against [a defected SAA officer and prominent opposition commander whose] men had taken substantial goods from an Aleppo trader who they accused of having financed pro-regime forces. [The commander’s] men then bought weapons with this fund. [The commander] submitted to the court summons and repaid the full financial value of the monies and car taken from the trader. Another case was when a member of Jabhat al-Nusra (JN) captured an Air Force Intelligence officer. When the prisoner appeared before the court he looked as though he had been tortured so the court sent for the JN member in whose custody he had been kept. The JN member refused to appear before the court, so his superior was summoned and came. The superior said that he had not given the orders for the torture and therefore was not responsible. However the court ruled he was responsible with no appeal, since there was no appeals court at the time.’

who were not indigenous to the city itself. Some armed groups, primarily made up of urban Aleppo City residents, were created and continue to exist. Yet, a number of interviewees from Aleppo City, living in the opposition-controlled areas, stated that any police unit that could be organised to enforce the verdict of a revolutionary court in Aleppo would require the support of armed groups from the *rif* (surrounding countryside). Members of the Revolutionary Council for Aleppo did attempt to form a professional police force (involving, according to a source, an attempt to recruit defected police commanders) yet this was not successful. This was attributed to the insistence on the use of only “revolutionary” forces (used by respondents to differentiate between irregular, and often rural volunteer citizen fighters, from professional defectors or technocrats) who took the lead on that policing initiative.<sup>8</sup>

Despite this second dynamic and the proliferation of armed groups in the rural areas, it appears that the direct cause of the failure of organised courts at the beginning of the conflict was not always armed groups, but a lack of funding to maintain court operations. For example, in one of the early cases seen by the Harem court, set up by a group of defected judges, the court had to release most of the detainees to a non-professional court with better funding because they could not afford to feed detainees until a proper trial could be held.<sup>9</sup> Additionally, nascent opposition judicial institutions suffered from a lack of senior justices and skilled legal officials as many had fled opposition-controlled areas. In general, early initiatives to create independent civil institutions through courts such as in Manbij, Tal Rif’at, Marea and Harem were suspended and these courts were either heavily circumscribed or neutralised. In the case of Harem, the court was subsequently subordinated to a larger literalist court nearby and was taken over by local brigades.

A second variation on the use of Syrian Law is that of a handful of civil magistrate courts (perhaps as few as one per province), who continue to use the seal of the old state. Examples include Manbij in Aleppo Governorate, and Ma’arat al-Nu’man and Saraqib in Idlib Governorate. According to one interviewee, even as the town of Manbij became increasingly controlled by ISIS, the court was kept open through support from the nationalist and moderately Islamist brigade Liwa al-Tawheed. In Manbij (as with elsewhere), the reason appears to be twofold: Firstly, justices in the city never left their posts and were thus not trying to return to abandoned territory. Secondly, their judicial capacity is limited to little more than a notary function. This was

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<sup>8</sup> According to one defected Aleppo City lawyer familiar with this attempt, a now-deceased leader of Liwa al-Tawheed became head of the Revolutionary Police in Aleppo.

<sup>9</sup> The interviewee related, “We, the Free Independent Syrian Judges set up a court in Harem. The FSA brought us 105 prisoners to judge but our organisation ran out of money after we had processed about 35 (most of whom were acquitted) so I called Moaz al-Khatib to ask for NC money but despite promises of a mere US\$ 1000 nothing was received. Thus the commander who brought the prisoners decided to take those that were remaining, and 70 prisoners were sent to the Shari’a Committee [in Aleppo city].”



attributed to the practical utility for cross-boundary business that is still occurring, as well as facilitating continuity with old court records for use in marriages or license plate renewal (necessary for cross-boundary travel).

It is notable that more recent changes on the ground have opened a new (but time-limited) window of opportunity to bolster these professional institutions. This particularly relates to military changes in the North-west of Syria from ISIS-rule following the re-funding of moderate AOGs. While many urban and secularist Syrians already considered ISIS or similar takfiri<sup>10</sup> courts neither appropriate for Syria, nor Islamic, belief in their inappropriateness has grown considerably following personal experience with ISIS rule. Support for nationalist armed and unarmed resistance groups was weak to begin with and Syrians appeared to initially tolerate ISIS-like groups, despite such groups making clear their motives that went beyond action limited to military fronts against the regime. Following increased funding to non-takfiri groups, a major and successful push to dislodge ISIS occurred in early 2014, opening room for more mainstream institutions. The Harem court was subsequently re-opened, reportedly with a professional judge. A military opening of an area appears to be a pre-requisite, though not a self-sufficient condition, for professional independent institutions to emerge.

### **Mixed Courts**

Courts that have operated successfully have found ways of operating which sufficiently reassure the powers on the ground. Thus, the two most widespread varieties of courts on the ground are mixed courts and literalist ones.

For the purposes of this report, 'mixed' Shari'a Courts refer to courts that includes lawyers and religious scholars. Such courts infrequently include judges from the secular legal system and often contain lawyers from groups like the Free Lawyers (defected legal professionals who want a professional system). These courts aim to curb the arbitrary, non-institutional implementation of unwritten law by uneducated individuals by trying to influence these powerful nascent institutions to implement a written law code. In jurisprudential terms, mixed Shari'a Courts rely on the traditions of jurisprudence, combining the skills of lawyers and the scholarly community over a literalist approach to textual sources. This has been the case in much of central and Southern Idlib, Dara'a Governorate, and parts of Aleppo, broadly corresponding to areas where local brigades are nationalist rather than salafi or takfiri.

### **Literalist Courts**

Literalist courts do not give judicial professionals any notable role and are generally affiliated

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<sup>10</sup> This report uses the term "takfir" to mean literally "to declare somebody an infidel" and the word "takfiri" refers to Islamist groups who believe themselves to be qualified to pronounce other Muslims to be apostates, and hence, liable to execution.



with an armed group professing an affinity to a salafist understanding of Islam. ‘Literalism’ in this context implies a rejection of the traditions of Islamic jurisprudence and a literal reading of textual sources rather than any aspiration to a written code. These courts and their backers (including groups such as Ahrar al-Sham al-Islamiyya in the north of Idlib<sup>11</sup>, or Jabhat al-Nusra in Aleppo City and one town in South-east Dara’a) also tend to see implementation of Shari’a as unwritten law as an end in and of itself and the cornerstone of a future state, rather than as an interim solution.

ISIS-style tribunals are the most extreme and least accepted form of courts Syria. Although they see themselves as ‘literalist’, ISIS involvement in crucifixion of opposition members for “parlaying with infidels”, or the beheading of rival opposition Islamist, have frequently seemed more like extremist military tribunals, headed by a military commander. Respondents suggest that such tribunals are not generally acceptable to mainstream Syrian currents, including Islamist ones. More institutionalised ISIS courts in the North-east of Syria, where the group has a much greater and more consolidated control over area, have passed rulings demanding for example, the collection of a medieval protection tax on Christians. Such rulings have been met with disdain even by other salafi scholars and protests and commercial strikes by locals.<sup>12</sup>

## Attempts at unifying judicial institutions

Respondents note that a few examples exist of unification attempts among justice institutions in opposition-controlled areas. These are illustrative of a higher functioning of institutionalisation on the ground and of the considerable obstacles they need to surmount. Most notably, these obstacles include: the need to secure the buy-in of localised brigades; the sourcing of adequate funding; the navigation of parochial interests and often of much stronger, sometimes foreign, hard-line groups. Such obstacles also exist in the context of courts attempting to improve levels of professionalism and independence.

### The Shari’a Judicial Council (Idlib Governorate)

Until recently, the fragmentation and localisation witnessed in Idlib Governorate, as well as the appearance of ISIS in mid-2013, placed checks upon earlier attempts to created unified court

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<sup>11</sup> Until the withdrawal in mid-January 2014, the North-eastern and central part of Idlib was the only part of the Governorate with a significant ISIS presence. These areas tend to have a higher concentration of franchise brigades than other areas partly because of the strategic importance of the border crossings with Turkey and control of the M5 motorway to Aleppo. Amongst the strongest brigades in the north of Idlib has been Ahrar al-Sham al-Islamiyya (ASI), who has dominated the ‘literalist’ Shari’a Committees in Bab al-Hawa and Binnish.

<sup>12</sup> See Abu Qatada al-Filistini’s comments to [al-Hayat, 28 February 2014](#) on the subject, while on his way to trial in Jordan on terrorism charges.

systems in Idlib. More recently, initiatives led to a significant degree by local Islamic scholars, have contributed in part to creating at least a nominal level of unity among Shari'a Courts across the governorate. For instance, the Free 'Ulema Association (FUA) played a notable role in the foundation of the Shari'a Judicial Council (SJC) that better regulates the proliferation of Shari'a Courts arising in Idlib<sup>13</sup> and de facto promotes the use of Unified Arab Law.<sup>14</sup>

In Khan al-Subl (Idlib) the Shari'a Court acted partly as 'Motorway Security' and worked to prevent the movement of stolen goods in Idlib. It did so by establishing checkpoints in areas between Khan Sheikhoun and Saraqib as well as other duties. Significantly, sources suggest that unlike other judicial organisations, the Khan al-Subl Shari'a Court does not have an affiliation with a particular armed group. In fact, a source from the FUA in Syria states that the Association began as an organisation with the establishment of the Khan al-Subl Shari'a Court, demonstrating its independence.

### **The United Judiciary Council (Aleppo Governorate)**

The origins of the Unified Judiciary Council in Aleppo City (also discussed in Part I) can be found in early attempts to create unified and 'professional' secular justice institutions after the opposition took control over much of Aleppo Governorate in summer 2012. The vacuum was partly filled by the ad-hoc legal service provision previously discussed. However, due to the significant lack of professionalism, a defected judge from Aleppo City attempted to create a judicial council made up of professional jurists, with the aim of spreading a form of judicial unity across the governorate. The founders prioritised the securing of support from local brigades, recognising that without AOG acceptance (or at least tolerance) the court would fail.

This entity was only deemed acceptable to the local brigades if affiliated sheikhs were included to make up half of the council, and if it followed Shari'a (the primary justification for the presence of individuals without professional legal training). A local lawyer intervened to suggest that United Arab Law should provide the juridical basis. This proposal was ultimately accepted by both local sheikhs and the Free Syrian Lawyers, and the UJC was formed in October 2012. Many of those involved in the creation of the Council were activists previously involved in the establishment of the Aleppo Transitional Council in 2012 (later the Aleppo Governorate Council).

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<sup>13</sup> In early 2012, a group of Islamic scholars in Idlib defected from the government Ministry of the Awqaf (Religious Endowments) to form the Free 'Ulama Association (FUA). According to a source from inside the FUA, the group established the Shari'a Court in Khan al-Subl in April 2013. Local loyalties affected the creation of two smaller court systems – the Shari'a Judicial Committee (JSC) and the League of the Virtuous. However the FUA now represents the many Islamic scholars in Idlib Governorate as well as including local dignitaries and leaders of armed group.

<sup>14</sup> Respondents report that SJC-associated courts in Idlib number 15 across the following locations: Ma'arat al-Numan, Saraqib, Rif Saraqib, Bab al-Hawa, Binnish, Hazanu, Kafr Nabel, Jarjanaz, Ma'arat Horma, Ma'arrat Misrin, Salqin, Al-Surman, Mintif, al-Rami.

However, the extent to which these organisations coordinated with each other is unclear.

Initially, an agreement was reached between the legal professionals and sheikhs in the UJC, assigning all judiciary functions to judges trained in Syrian Law, except for Personal Affairs matters, which would be headed by a religious judge. However, the number of ‘secular’ or at least professionally-trained members of the UJC in the court dwindled over time as a result of death and departure. At the time, the lack of a regular military backer was a key factor in constraining the UJC’s activities. For instance, respondents note that the court was threatened several times by local armed groups for attempting to bring in AOG members or their relatives. The UJC suspended its activities in late 2013 after most armed groups transferred their support to another court – the Aleppo Shari’a Committee – established by four Islamist brigades (see below). Additionally, the conflict environment of Aleppo, including the intensification of aerial bombing forced most people to leave, drastically reducing the number of people seeking justice services in the area.

### **Higher Syrian Judiciary Institute (Gaziantep, Turkey)**

The use of Unified Arab Law in the United Judiciary Council in Aleppo underscored the importance of having effective and respected staff in local courts and influenced the founding of the Higher Syrian Judiciary Institute (HSJI) in Gaziantep, Turkey. The Institute set out to provide training for both legal professional and religious-background members of courts, working on the ground in Syria with the aim of raising levels of professionalism. The Institute was established in August 2013 by a former Syria judge, Khalid Shabeeb, who was living in Kuwait, where he became associated with the Kuwaiti Islamist Umma Party. This Party consequently became one of the backers of the HSJI. The Institute’s primary ideological and practical backers are Syrian however, and they are affiliated with the League of Syrian ‘Ulama led by Sheikh Mohammad Ali Al-Sabouni. At various times, the Institute has received the backing of Moaz al-Khateeb (when he was head of the NC), other religiously-oriented members of the NC, and more recently, support from Qatar has been reported.<sup>15</sup> The Institute has graduated more than 600 individuals to date in more than 13, week-long training sessions with lecturers including judicial practitioners as well as religious scholars. Critics say that the training courses are too short to provide more than a rudimentary understanding of legal doctrine or procedures, and they eventually convinced

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<sup>15</sup> Respondents suggest that Qatar has agreed to fund short, follow-up training in Qatar for graduates of the first round. For some opponents of Unified Arab Law and members of the defected professional judiciary, the use of Unified Arab Law represents an attempt on the part of Islamist members of the opposition to lay the foundation for the establishment of an Islamic state. Given the background of some those involved in the establishment of the HSJI (e.g. the Islamist Umma Party of Kuwait, or Qatari backers), this argument carries some weight. However, while the Aleppo Shari’a Committee for example has received some exposure, many legal practitioners asked about Unified Arab Law were not even aware that there were projects engaged in training on the topic, even if they had heard of “some trainings” for lawyers and other court employees in Gaziantep.

the Institute to modify the name of the diploma from graduation of a “judge” to a “certificate of training”.

### **The Aleppo Shari’a Committee**

The formation of the UJC provides much of the context for the later establishment of the Aleppo Shari’a Committee. As explained earlier, the founding of the UJC was driven by the differences between armed brigades whose judicial basis was that of a ‘sheikh’ (generally appointed or approved by an AOG), and those entities whose judicial orientation was more professional and secular. Despite a relatively successful compromise reached around the use of the United Arab Law code as the basis of UJC, the four most prominent (Islamist) brigades in the area at the time eventually withdrew their support and formed their own institution, the Aleppo Shari’a Committee (ASC), in early 2013.<sup>16</sup>

Respondents suggest that over time, the ASC developed into a relatively sophisticated organisation, expanding its remit considerably further than its contemporaries and indeed beyond the remit of a court itself. As an institution, the ASC aspires to manage multiple fields in opposition-controlled territory including: security, judicial, clerical affairs, the magistrate’s office, civilian affairs, agriculture, and trade. It has also involved itself in notable cases involving military disputes (disputes between brigades, and disciplining some brigades). The ASC also has a police force to which each constituent brigade contributes. According to sources, although this police force was not much larger than 200 in number, it was able to call upon reinforcements from armed groups, mobilising reinforcements when needed while other contemporary police forces frequently patrol on foot with light weapons.<sup>17</sup> The administrative capacity of the Aleppo Shari’a Committee was also much more substantial, physically manifest in its operation from the large eye hospital complex in Aleppo City. By comparison, other courts or police stations have operated headquarters from a single room or a small converted house.

Evidence appears to suggest that the Aleppo Shari’a Committee operates at a much higher level of implementation and organisational capacity than nearly any other initiative throughout the governorates reviewed in this paper. However, even this body was far from exerting a total monopoly on the use of force or being a supreme authority in Aleppo City. The patchwork of smaller powers in Aleppo City like checkpoint authorities discussed above, did not disappear with the emergence of the powerful, brigade-backed ASC. While the Committee covers a range of civil administration issues and can now send police to pick up senior figures (even heads of

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<sup>16</sup>These four brigades were; Liwa al-Tawheed, Jabhat al-Nusra, Ahrar al-Sham al-Islamiyya and Suqour al-Sham (although Liwa al-Tawheed concurrently maintained a certain level of protection of the UJC. Other commentators have suggested that the initial founders of the SC could have numbered 15. Of these, Liwa Fajr al-Islam (an affiliate of ASI) and also Liwa Ahrar Suriya (a more moderate Islamist group) may also have been important.

<sup>17</sup> <http://www.youtube.com/watch?v=j2dMHafIAc>

some battalions), it has recognised the limits of its power and on some operational issues works in compromise with checkpoint authorities.

A primary example of this compromised operation is the case of the crossing of goods into government-controlled areas in Bustan al-Qasr before the fall of that crossing. According to one account, traders sending trucks across pay approximately 1,000 Syrian Pounds to the ASC to register legitimate ownership of goods in preparation for crossing. However, they also pay a comparable fee to the AOG with control of the checkpoint at the time. Neither the checkpoint controls, nor the ASC police are professionally independent from any armed group, yet the UJC has no police of its own in the city. Furthermore, all of these police-like sub-sections of armed groups simultaneously retreated in the face of the ISIS advance, which wiped out local Shari'a councils, United Judiciary Council-affiliated courts in the Aleppo Rif, as well as all check-points at the eastern edges of Aleppo City, something even the Aleppo Shari'a Committee never dared to do.<sup>18</sup>

### **A tense marriage: Implementation, capacity and ideology**

Due largely to their unique funding capacity and stronger internal group discipline, a small number of harder-line 'literalist' institutions have to date reached comparatively unparalleled levels of implementation capacity and efficiency in areas of Syria. As a result, respondents suggest that such groups enjoy a degree of respect among populations.<sup>19</sup> Their capacity to discipline offenders and deliver justice that courts with weaker or no enforcements mechanisms could not, combined with considerable financial resources have impressed populations and competitors alike. Jabhat al-Nusra institutions are particularly notable in this regard because they have tried more than more other organisations such as ISIS, to win hearts and minds and to coordinate with other brigades at least to some degree in the mid-term.

Evidence of this can be seen in the founding of the Aleppo Shari'a Committee in 2013 with backing from Jubhat al-Nusra in combination with four other brigades, later expanded to 15. It started as a 'mixed institution', yet, as Jubhat al-Nusra (JN) has gained power, and as other civil and military alternatives have not consolidated, JN's influence has increased and the Committee has changed as a result.

Overall, Jubhat al-Nusra has pursued an approach that appears to demonstrate comparatively

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<sup>18</sup> As one defected National Coalition affiliate lawyer put it on the cusp of 2014 "Five months ago I had been making a map of the Shari'a committees and UJC-affiliated courts across the province. Every period a town with an SC and a UJC would become SC only by subsuming the UJC affiliate or removing it, but it was slow enough that I could track it. Now (late 2013 - early 2014) ISIS has been moving so fast, I have not bothered trying to update my map for months."

<sup>19</sup> Respondents noted however, that this respect did not translate necessarily to admiration, and some reported deep popular discomfort with many aspects of their ideology.

greater sensitivity to the national context in Syria, when contrasted with groups such as ISIS, which has appeared to target emerging civic and governance organisations as little more than regime targets. This was supported by multiple respondents. For example, a member of a competing Islamist brigade in Dara'a commented that a JN judge had settled a number of disputes (over military spoils from joint campaigns against government targets in favour of the former's group). A doctor working in a very poorly-financed field hospital also noted that "Jubhat al-Nusra offered me a contract to work in one of their hospitals with a blank at the salary line for me to fill in, while the INGO I work for currently has six months of salary arrears. If I was doing this for the money, do you think I would still be there? After three years of war, people don't have savings any more, and their expatriate family members cannot support at the level they did when they thought it would all be over in a few months." Another added:

*"Hauranis are practicing Muslims, but they do not generally agree with such groups' ideology. They have worried that they don't just stay on the fronts, and have secretive manners. If there is a rape case for example, at least Jubhat al-Nusra will run out and get the perpetrator immediately, whoever he is, whatever his family, and however well connected. They don't fear anyone, and sometimes that has an undisputed value. But when we had other funding sources we refused a garbage truck gift from al-Nusra because we didn't want their name on it, and they changed it. But, now? When there is no seriously capacitated alternative by the international community, how can you ask people to keep refusing? With what can they refuse? In six months will it still be possible?"*

END OF PART TWO



**LISTEN  
COMPREHEND  
RECOMMEND**