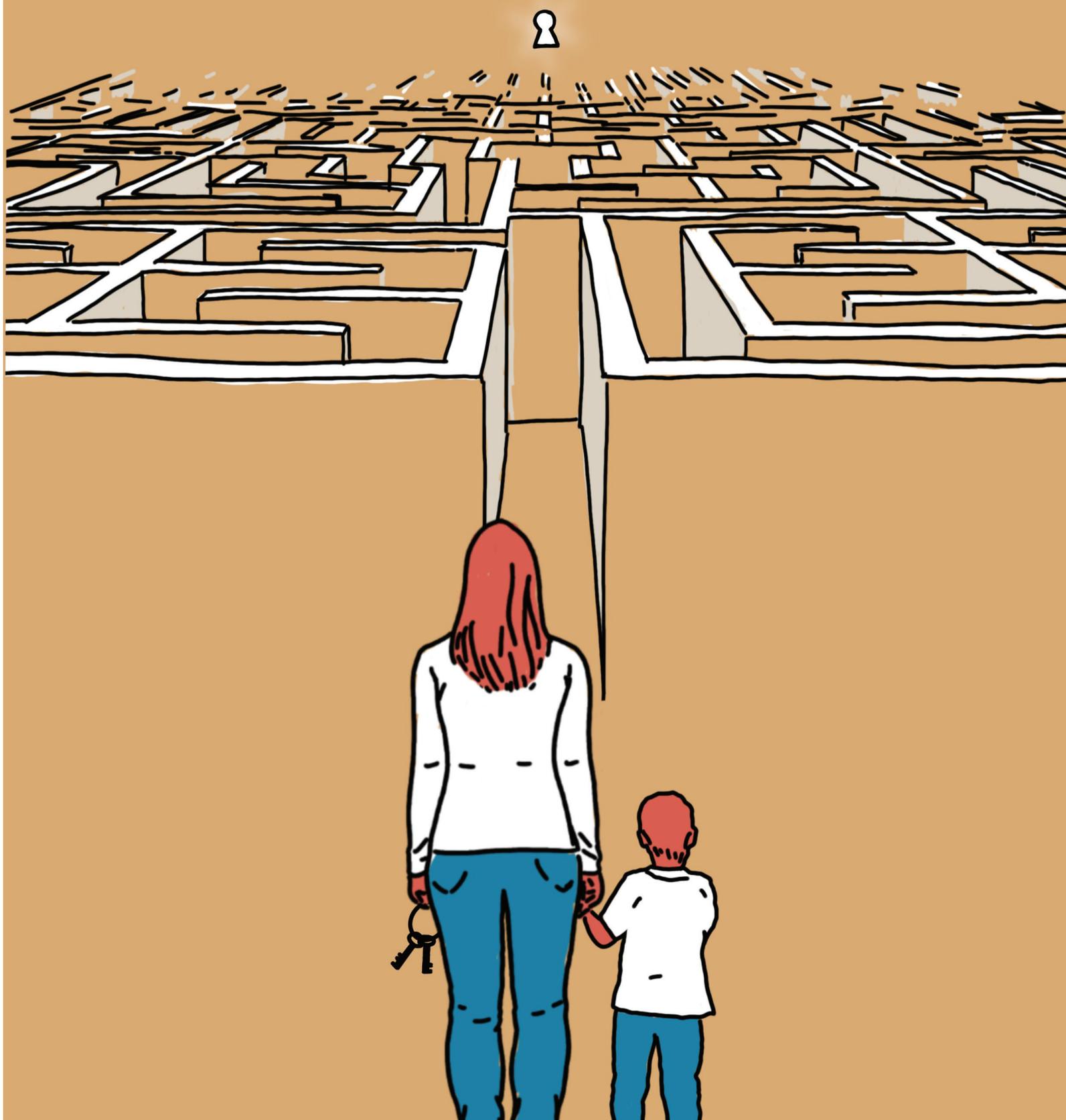


December 2021

# A GUIDE THROUGH THE UNTOLD DARKNESS

THE REALITIES OF SYRIA'S DISAPPEARED, ARBITRARILY  
DETAINED, AND THEIR FAMILIES







*Harriet K*











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## About

**International Center for Transitional Justice (ICTJ)** works across society and borders to challenge the causes and address the consequences of massive human rights violations. We affirm victims' dignity, fight impunity, and promote responsive institutions in societies emerging from repressive rule or armed conflict as well as in established democracies where historical injustices or systemic abuse remain unresolved. ICTJ envisions a world where societies break the cycle of massive human rights violations and lay the foundations for peace, justice, and inclusion. For more information, visit [www.ictj.org](http://www.ictj.org).

**Badael** ("Alternatives" in Arabic) is a Syrian nongovernmental, nonprofit organization committed to strengthening civil society groups and nongovernmental organizations in Syria that are active or want to become active in the promotion of nonviolence and in the implementation of activities to reduce the severity of violence, break its cycle, respond to the conflict, and prepare for the process of post-conflict peacebuilding. Badael's staff comes from different regions in Syria and includes activists in the fields of peacebuilding and human rights advocacy. For more information, visit [www.badael.org](http://www.badael.org).

**Center for Civil Society and Democracy (CCSD)** is an independent Syrian nongovernmental, nonprofit organization whose mission is to support and strengthen civil society and democracy and promote the values of freedom, justice, and coexistence. CCSD was founded in December 2011 with the aim of supporting sustainable and long-term movements for peace, justice, and democracy in Syria. Since then, CCSD has grown to include nearly 90 staff members working in Syria, Turkey, Jordan, Lebanon, and Iraqi Kurdistan. Through intensive trainings and mentoring focused on transitional justice, transparency, project design and management, and leadership, among other things, CCSD has developed the capacity of over 300 civil society organizations and local councils. As a result of these efforts, CCSD established and continues to act as the executive secretariat for three major networks: I Am She, Aman Network, and Syrian Civic Platform. The networks, respectively, focus on women's empowerment, community safety and conflict mitigation, and civil society's input on the peace process. For more information, visit [www.ccsdsyria.org](http://www.ccsdsyria.org).

**Dawlaty** is a nonprofit foundation that believes in nonviolence and peaceful resistance and works toward achieving a democratic and peaceful transition to a state that upholds human rights, equality, tolerance, and diversity. Dawlaty supports civil society in becoming active participants in Syria's transition to a just and democratic state. Dawlaty works to build the knowledge of civic values and life skills of young people so they can engage in their communities and nation. In addition, it works to build an archive of stories and artwork to memorialize the Syrian uprising and highlight the experiences and voices of marginalized groups within the Syrian conflict. Dawlaty works on the ground and online to document, advocate, and build the capacity of civil society groups and young people. Dawlaty works in partnership with Syrian organizations to amplify Syrian voices. For more information, visit [www.dawlaty.org](http://www.dawlaty.org).

**Lawyers and Doctors for Human Rights (LDHR)** is a Syrian civil society, nongovernmental organization that supports civilians in crisis, provides assistance aimed at stopping human rights violations, and helps those in need of rehabilitation services to become active members of society. LDHR originally started as a group of lawyers and doctors who devoted their efforts to documenting, according to international standards, the atrocities taking place in Syria against detainees. The group later took on other activities such as establishing evaluation committees, submitting recommendations under the supervision of international experts, and bringing together relevant bodies and helping them coordinate their efforts to achieve justice and enrich the spirit of society. For more information, visit [www.ldhrights.org/en](http://www.ldhrights.org/en).



**Syrian Institute for Justice (SIJ)** is a nongovernmental, nonprofit organization. It was established in 2011 in Aleppo by a group of lawyers specializing in human rights law and criminal documentation. SIJ documents all human rights violations in Syria, regardless of who the perpetrator is. In an effort to establish principles of transitional justice, SIJ sets up legal case files, according to the rules of international criminal courts, to be presented to the specialized courts, and to prevent perpetrators from escaping punishment. For more information, visit [twitter.com/SyrianInstitute](https://twitter.com/SyrianInstitute).

**The Day After Association (TDA)** is an independent, Syrian-led civil society organization working to support democratic transition in Syria. In August 2012, TDA completed work on a comprehensive approach to managing the challenges of a post-Assad transition in Syria. The initial Day After Project brought together a group of Syrians representing a broad spectrum of the Syrian opposition—including senior representatives of the Syrian National Council, members of the Local Coordination Committees in Syria, and unaffiliated opposition figures from inside Syria and the diaspora—to participate in an independent transition planning process. For more information, visit [www.tda-sy.org](http://www.tda-sy.org).

**Syrian Center for Media and Freedom of Expression (SCM)** is an independent, nongovernmental and nonprofit organization registered in France in 2004, governed by a nonremunerated board. It has held a special consultative status with the United Nations Economic and Social Council since 2011. SCM's vision is for a world based on freedom, justice, and equality that respects personal dignity, human rights, and fundamental freedoms. For more information, visit [www.scm.bz/en/](http://www.scm.bz/en/).

**Women Now for Development** is a Syrian nonprofit organization dedicated to deepening and strengthening women's role in Syria and in host communities by enhancing their political, social, economic, and cultural participation. Established in Paris in June 2012, Women Now for Development started by launching a series of small projects that supported 10 families. Today, it is the largest women's organization working to empower Syrian women across socioeconomic and cultural groups and boundaries, both inside Syria and in neighboring countries, and help them find their political voice. More than 11,000 women, children, and men benefited from its services in 2016 alone. For more information, visit [www.women-now.org](http://www.women-now.org).





## Acknowledgments

The co-authoring organizations would like to extend their sincerest gratitude to all those who were interviewed or participated in focus group discussions for this report. We are deeply moved by your stories and humbled by your commitment to justice. Thank you so much for contributing your brave voices to help us craft this report.

## Content Warning

This report contains descriptions and testimonies of enforced disappearance, torture, arbitrary detention, and gender-based violence that could remind you of a traumatic event. Please consider having someone you trust nearby while reading to offer support and seek out counseling for any distress you may feel. For information about organizations supporting Syrian victims, see Chapter 8: "Where to Turn: Agency and Activism."

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## Dear Reader,

Before you begin, we wanted to take a moment to introduce ourselves and our cause and to explain a little about what you are going to read.

We are a group of civil society organizations working to raise awareness about the plight of detainees, the forcibly disappeared, and their families in Syria. Our group of organizations—eight Syrian and one international—has been working together for four years to advocate for meaningful justice for Syria's innumerable victims of conflict and the regime's repression. We work to support victims, elevate their voices, and tell the stories that the world needs to hear. We believe that there can be no peace in Syria until the rights of the wrongfully detained, disappeared, and their families are fully restored. We stand firmly in solidarity with families on this cause because it is also our cause.

Arbitrary detention and enforced disappearance were widespread, systematic practices in Syria even before the peaceful uprising that spiraled into deadly armed conflict. Still, there is no doubt that the frequency of the violations has increased exponentially since the conflict began. Amnesty International estimates those who have been detained or disappeared since 2011 to be around 75,000, and the Violations Documentation Center estimates the number to be 84,212 (without counting 15,633 that were killed under torture). Meanwhile, the Syrian Network for Human Rights estimates that over 100,000 people have been detained or disappeared since 2011. That is more than 100,000 lives vanished into the labyrinthine world of Syria's official and makeshift detention facilities. Most are likely dead and those who remain alive are forever changed. Moreover, the numbers fail to capture the many family members who may never know the fate of their loved ones and who will instead spend the rest of their lives seeking answers and a sense of solace that will likely never come.

These numbers, and the dark reality confronting those affected by these violations, are nothing new. For Syrians, the phrase "never again" does not yet apply. The truth of the matter is better encapsulated in the question: "Will the unlawful arrests, torture, disappearances, and deaths ever stop?"

Victims' groups, civil society organizations, and other advocates have been engaged in tireless efforts to shed light on and stop what is happening, bring justice to victims, and hold perpetrators accountable. We, and other nongovernmental organizations, activists, and associations, have tirelessly collected evidence to document the Syrian regime's crimes and presented that proof to the courts and to the world, often at great personal risk, and yet the crimes continue unabated. We have written report after report and held event after event to the point that it has become routine. People come, listen, express shock and outrage, but then retreat to the familiar comfort of their lives.

This time we have decided to take a different, more direct approach by requiring you to step into the shoes of the victims so that you feel their struggle, the staggering pain, and the crushing challenges that they face daily. Our focus is on the obstacles they confront when trying to rebuild their lives and obtain the basic civil documentation that is fundamental to the fulfilment of the right to live as a person, family, and member of the community. We want you to see through their eyes, feel overwhelmed by the complexity of what they face, and confront the paralysis that comes from the lack of any ready or safe solutions. We believe that this approach may be the only way to apply new pressure because parties to the conflict insist on hiding the truth about the whereabouts and fate of victims, and because we fear too many in the international community have become desensitized or even complacent.

While you are reading this handbook, you might feel uncomfortable because the tone we take may seem jarring, intense, dark, or pessimistic. The particular perspective we have adopted is designed to inform you about what must be done and move you to take action. At times, it may





be upsetting to read; this is not because we don't care or have become jaded. On the contrary, for us, it is of the utmost importance to honor families' experiences and the harsh realities they live out daily. We were deeply affected while listening to and collecting testimonies from former detainees and families of Syrians who are still disappeared. We can only imagine their pain and the way these experiences have affected them directly.

We have tried our best to highlight the endless violations and challenges that confront these families and yet, we are only able to present a small fraction of what they must endure. We hope that by reading from the perspective of the affected, you will more fully understand that what may seem too inhumane to be anything but fiction is very much their reality.

If you are Syrian, especially a Syrian victim of detention and disappearance, or perhaps a victim of another conflict, we caution that the stories and their presentation may feel upsetting and reading the handbook may become difficult at times. If this happens, we advise you to stop reading, skip ahead, or go to the resources provided in the chapter entitled, "Where to Turn: Agency and Activism."

For the international community and those who have never been directly affected by conflict, consider this letter a reverse trigger warning. Please do not stop if it gets hard. The tone and perspective may make you feel uncomfortable, but our aim is to let you walk the path that victims tread, at least for a time, and understand that they have few, if any, options. Where necessary, we provide specific details so that you can better understand and feel prepared to grapple with families' and victims' challenges and are fully primed to help.

As a group of organizations working with victims on these issues every day, we hope that this work amplifies their oft-silenced voices. We hope that their stories will become a reason to persevere and serve as a catalyst for exerting real pressure and taking meaningful action towards justice, because without justice, victims' wounds will never heal.

**Sincerely,**

**Badael**

**Center for Civil Society and Democracy**

**Dawlaty**

**International Center for Transitional Justice**

**Lawyers and Doctors for Human Rights**

**Syrian Institute for Justice**

**The Day After**

**Syrian Center for Media and Freedom of Expression**

**Women Now for Development**



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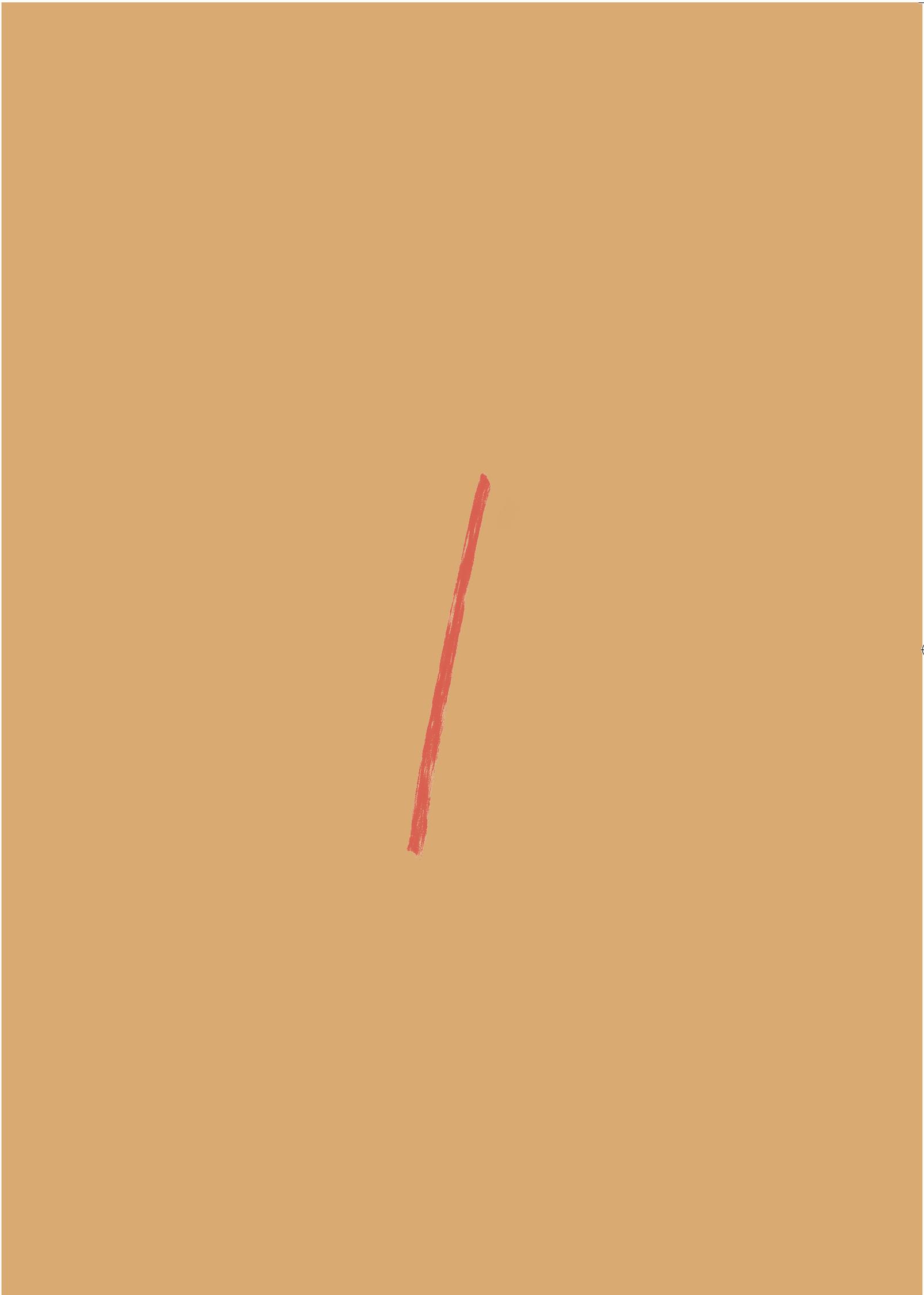
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# ***Introduction***





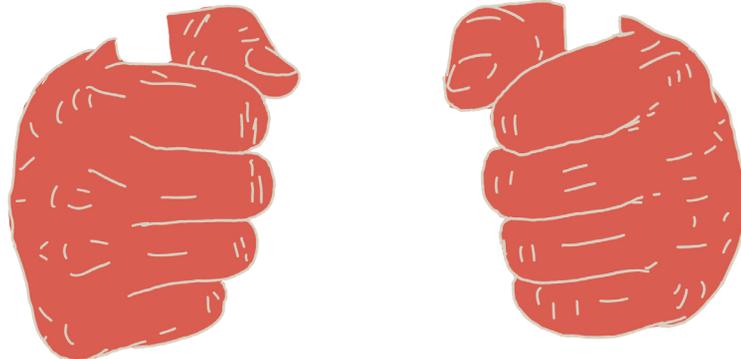
Welcome to our guide on living as a victim of arbitrary detention or enforced disappearance in Syria. Each of you has a story to tell about the horrors you have faced during these many years of war. Some of your experiences will bear similarities to those presented here; others will be unique to you. Each of you has something important to say about what it has been like to live under decades of iron-fisted control by the Assad family and its authoritarian regime that has long been hell-bent on silencing dissent, consolidating economic power, and purging society of any opposition.

maltreatment, and neglect, among many other crimes.

And finally, there are the violations that have brought you here: arbitrary detentions, abductions, and enforced disappearance, which is a crime against humanity under international law.

Unfortunately, the pain you feel and the consequences you will face are likely to be long-lasting and affect every area of your life. This is true whether it is you who was

an accurate accounting of their numbers is not available given a lack of official figures, estimates are tragically large. As of August 2020, Syrian Network for Human Rights had documented at least 148,191 individuals currently detained or forcibly disappeared at the hands of parties to the conflict, including 130,758 by the regime.<sup>1</sup> These are in addition to the thousands of Syrians who were arbitrarily detained in the 1970s and 1980s, a majority of whom were never released.



The lives of each of these victims and their families have been forever changed as a result of the regime's horrific crimes and its failure to meet its responsibility to protect Syria's

Because there are so many of you spread across what remains of Syria and in countries around the world after nearly a decade of war, it is impossible to capture all of your stories or to paint a complete picture of the brutality that the regime (or other parties to the conflict) has inflicted upon you and your family. The physical and mental scars you have suffered are too devastating to be captured on paper. The never-ending attacks perpetrated against you by the regime are legion: sieges, forced evacuations, starvation, dispossession, and the repeated use of chemical weapons, cluster munitions, and incendiary bombs, just to name a few. The vast network of security and intelligence agencies has also inflicted torture, summary execution,

detained or disappeared or a family member. As a direct result of these violations, you are likely facing numerous challenges and because of that, we want to help give you a sense of what you can expect now that you or your loved one has disappeared.

But first, here is a little background. Currently, tens of thousands of people remain in incommunicado detention in Syria's many prisons and in makeshift facilities operated by regime allies or non-state armed groups. Tens of thousands of individuals have also been forcibly disappeared by the regime and those acting with its authorization, support, or acquiescence. Although

population from human rights abuses committed by its own allies and non-state armed groups. Most have suffered immense harm, including physical or mental injuries, emotional suffering, economic loss, and the substantial impairment of other fundamental rights.

Given the environment of total impunity in Syria, abducted and disappeared individuals are subjected to all kinds of violations, in addition to deprivation of freedom: starvation; denial of basic necessities, including medical care; and torture that may lead to death. Although Bashar al-Assad's government ratified the Convention against Torture





and Other Cruel, Inhuman or Degrading Treatment or Punishment on July 1, 2004, it does not abide by the Convention's provisions. In addition, following their arrest, individuals are often accused of terrorism, charged with fabricated crimes, summarily executed or tortured to death, and then secretly buried or cremated on prison grounds or elsewhere.<sup>2</sup>

In most instances, the whereabouts of abducted or disappeared individuals are unknown, and the state does not acknowledge having detained them, a reality also faced by those in the custody of non-state armed groups. Many relatives of the missing have yet to know the fates of their loved ones and the prospects of uncovering any information in the near future remain dim.

Although there are no available statistics on the number of married persons among detainees and missing individuals, nor are there estimates of the number of dependents or affected relatives, it is beyond doubt that thousands of Syrian families are trapped in a cycle of grief, deprivation, and anxiety as a result of a family member's disappearance or abduction.

Forced disappearance is not a new phenomenon in Syria and it is not strictly limited to the 2011 popular uprising against the rule of Bashar al-Assad. It dates back to the rule of Hafez al-Assad in the 1970s and 1980s, during

which thousands of Syrians disappeared without a trace. Following the 2011 uprising, these same techniques were deployed in a more pervasive and horrific way, with the aim of crushing peaceful protests and terrorizing the Syrian citizenry.

The population of the families of the arbitrarily detained, abducted, and forcibly disappeared is a diverse one. It includes victims from different generations (grandparents, parents, spouses, children, and grandchildren) and victims



of different time periods of abuse. It also includes victims of both the regime and non-state actors. Although Syrian regime forces and their affiliated security apparatuses are primarily responsible, abductions have occurred at the hands of non-state armed groups and various rogue actors. The Syrian Network for Human Rights estimates the number of such abductions at 17,433<sup>3</sup>.

Forced disappearances have occurred at security checkpoints set up to sever links between cities, at workplaces, and in the middle of the night at your homes

thanks to the reports of a network of covert informants. Other tactics have also been employed, such as detaining and torturing family members to pressure other detainees, mass detentions after the regime (or forces allied to it) regains control of an area that rebelled against government forces, arrests of those leaving the country, and raids on homes and shops. Syrian law criminalizes most political activities and as such, political considerations are some of the most important factors contributing to enforced disappearances, although there are many others.<sup>4</sup>

The widespread and systematic practice of enforced disappearance by the regime must be understood for what it is—a signifier of the total disregard that the regime has for Syrians and their most basic rights and fundamental freedoms, including the right to life, a fair trial, freedom from torture, freedom of opinion and expression, and the right to work and education.

That antipathy is manifest not only at the time someone is arrested, but, as this guide discusses, it also infuses routine elements of everyday life. Along with criminalizing the exercise of fundamental civil and political rights, such as the right to free speech and assembly, the regime has also instrumentalized mundane bureaucratic functions in support of a surveillance apparatus designed to exercise total control over Syria's people, resources, and assets.

For the regime, no aspect of a Syrian's life is beyond its





reach. Ordinary interactions can provoke a punitive response, and many appear intended to create a heavy burden while also extracting money for the regime and its allies. Most requests for civil documentation trigger a security check by the security service of the Ministry of the Interior.<sup>5</sup> Some forms of essential identification, like the national identification card, or family documents, like the family booklet (an official record of births, marriages, deaths, and other life events in a family), can only be applied for in the country. This makes applicants susceptible to arrest or subject to extortion by officials or by third parties who they have hired to act as intermediaries.

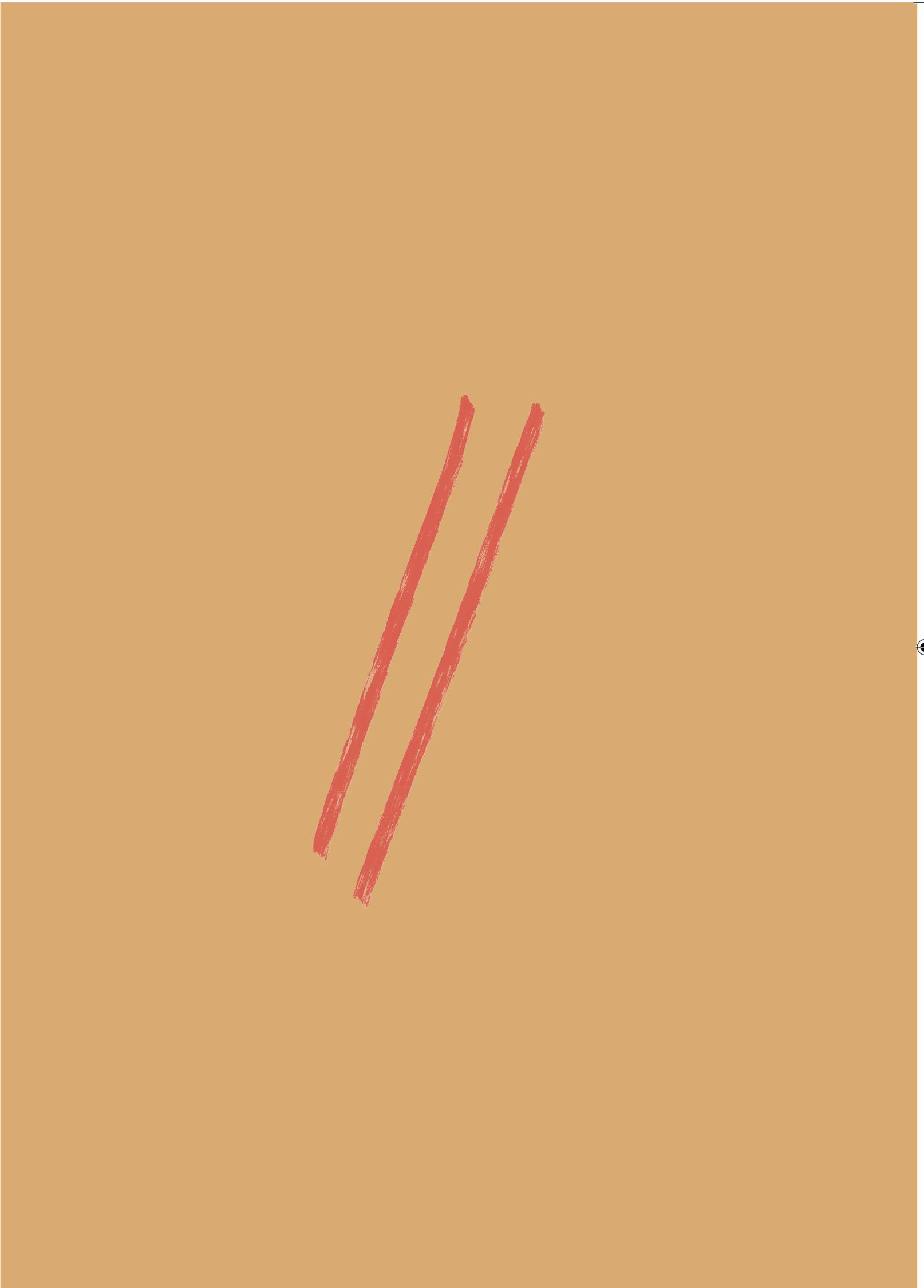
Because identification and family documentation serve a dual role in Syria, which is part bureaucratic necessity and part surveillance system, for Syrian families of those detained, abducted, and forcibly disappeared like you, simple administrative tasks are often fraught with risk. You are now among the ranks of those who live in fear of arrest or abduction when they seek to update paperwork, ask about a relative, or simply draw the regime's attention by dint of guilt by association. Or you may find yourself lost, unaware of or unable to take the steps necessary to move forward with life in the absence of your loved one. Today, thousands of families cannot access bank accounts, transfer property, travel, gain custody of their child, or collect the inheritance, death, and pension benefits they are owed. The mental,

physical, and economic toll is horrendous.

This guide attempts to prepare you for the long journey ahead by sharing what other families face as they work to navigate the system and manage the stifling burden of trauma and despair. It will take you on a journey from the immediate aftermath of the disappearance—and the frantic search for answers—through the painful process of settling the affairs of a disappeared person. Based on interviews and focus group discussions with 28 victims (and the prior testimonies of 13 others), each section of this guide looks at the realities for individual victims and their families. Each one concludes by recommending steps that the Syrian regime should take to support families, with the full understanding that it clearly has no interest in upholding human rights, respecting its obligations under international law, or protecting its people. With that in mind, there are also recommendations for steps that others could take to mitigate the currently insurmountable challenges facing all who are affected.









# ***Methodology***



This guide is the result of the collaborative efforts of nine civil society organizations<sup>6</sup> that have been working together in a partnership for four years. This is the group's second major publication<sup>7</sup> and one of several products and initiatives aimed at raising awareness about the plight of Syrian victims and inspiring action to promote their rights and holistic justice for the crimes they have experienced. Each organization brings to the group a different mandate and unique set of strengths, but all are focused on promoting justice in the face of the widespread human rights violations being committed against Syrians.

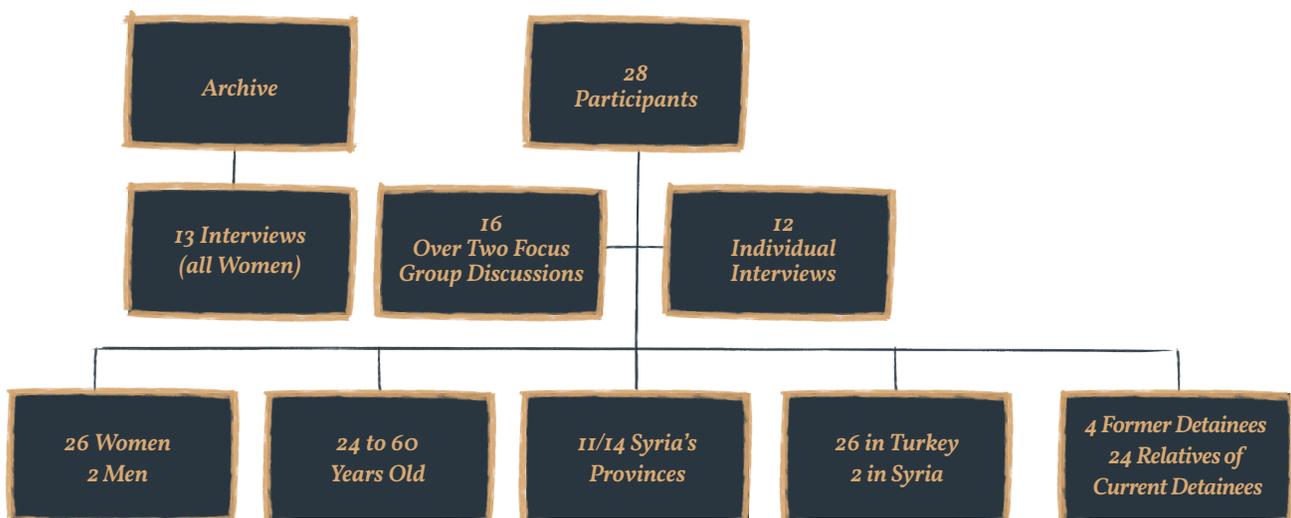
One of the primary objectives of the present work is to elevate the voices and stories of those affected by enforced disappearance, arbitrary detention, and kidnapping, so it was essential that the group collect first-hand testimonies from victims. These stories have been supplemented by extensive desk research, analysis of existing interview databases, select key informant interviews, and the general working knowledge of the eight Syrian organizations that confront these issues every day, as well as the expertise provided by one international organization that works on Syria and a range of other countries.

The organizations were divided into three sub-groups that were each tasked with collecting data on a distinct aspect of enforced disappearance and detention, including the aftereffects of the crimes. Because of this, the questions and methodologies used varied slightly by group.

*Out of the 16 people with whom the focus group discussions were conducted, six individuals, or approximately one third, received semi-official death notices through military hospitals affiliated with the Syrian regime.*

In total, the nine organizations conducted 12 individual interviews and two focus group discussions with eight people in each. The focus group discussions and most of the interviews took place in Turkey, with the exception of three interviews that were conducted virtually due to restrictions caused by the COVID-19 pandemic. All but two of the 28 interviewees and focus group participants were women and though not all participants provided their age, of those who did, the range was 24 to 60 years old. The participants represent 12 areas of origin around Syria,<sup>8</sup> covering 11 of Syria's 14 provinces. Twenty-six of the 28 are now living in Turkey while two remain in Syria. Four of the participants were detained themselves (three women and one man); the rest are relatives of a detained or disappeared person. Most of the participants with missing relatives are wives whose husbands were detained or disappeared, though some lost sons, parents, nephews, cousins, or other relatives. At least one of the former female detainees also has two sons who are disappeared, and, in a few cases, the participant had two or more relatives who were disappeared or detained.

### Demographic Profile of Study Participants

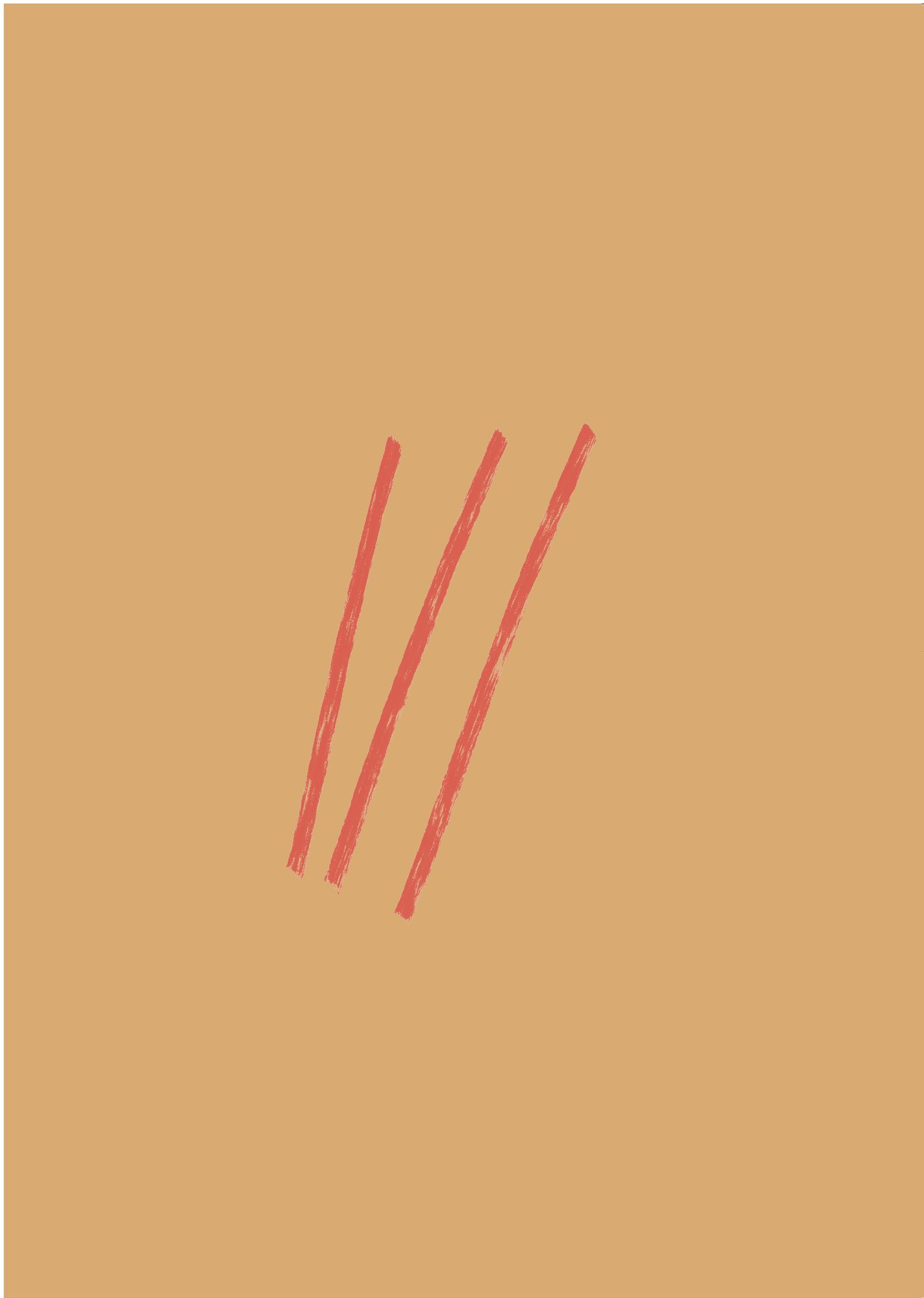




One of the three sub-groups decided not to conduct any form of new direct data collection and instead chose to thoroughly analyze each organization's existing archives of direct testimonies. This was to avoid unnecessarily traumatizing new victims or asking anyone to relive bad experiences, though the groups that did conduct interviews and focus groups followed strict organizational protocols to minimize any chance of harm or re-traumatization. The sub-group that did not conduct new research performed an exhaustive search of the organizations' existing archive of over 500 interviews and ultimately selected 13 for deeper analysis and inclusion in the guide based on the relevance of the stories to the topic. Of the 13, seven are wives whose husbands have been detained or disappeared; two lost their fathers; two have brothers who are missing; and two lost their sons.

*None of the participants in the focus group discussions was returned a body or any remains of their relatives, regardless of the participants' demographic characteristics. Receiving a body is extremely important for relatives of the disappeared, as it constitutes conclusive evidence that the person has indeed died.*







# ***The Search Process***



# Navigating the Impossible

In most places in the world, the search to find a missing person starts at the local police station, but the usual rules do not apply in Syria. Officially, families have the right to ask the police to initiate an investigation, and you or a close relative can go to the local police station in your community or in the area where the disappearance occurred to report someone missing. To do that, all you technically need is an identification card.

However, in reality, the official channels rarely yield results. At the police station, any available information is only provided at the whim of the person you meet there. However, the police force does not generally have the authority to access such information. There appear to be few formal procedures in place to ensure that you will be treated well or to fulfil your right to know the truth about where your loved one is and whether or not they are still alive. There are few official processes in place for reporting a missing person and the police are not mandated by law to respond to your inquiry by a certain date. In fact, the police will generally refuse to get involved in cases involving an arrest or detention because the design of Syria's security agencies shields them from scrutiny by the police or any other authority that is accessible to ordinary Syrians.

Instead, families usually must undertake the search alone, traveling from court to court and security office to security office, looking for answers. As with so much else in Syria, the families of those who have been detained, abducted, and disappeared rarely get any meaningful information. Iman<sup>9</sup>, a woman from Palmyra who lost her husband, described the runaround she endured:

“ I once went to the Counter-Terrorism Court at 5 a.m. to stand in the long queue. I—finally—entered at 12 p.m. to a room filled with records containing the names of detainees, organized alphabetically. Each detainee's family members were searching themselves for the name they want[ed]. I had 10 minutes to search but did not find anything. An officer there told me that there was a center nearby where I could file a missing person report. I do not remember the name of the center. I filled out an application, which required stamps and fees amounting to 1,500 liras [approximately USD30]. They referred me to the Military Police Department in Al-Qaboun to inquire there and then return if I did not find anything. I went to the Military Police and was informed that my husband was not there. I returned to the same center, where I filed a report that needed 40 days of processing. My mother-in-law went to Tishreen Military Hospital a while later and was given a death certificate.<sup>10</sup> ”

If you have any desire to search for your loved one, like Iman and most families in Syria, you are likely to be on your own.

You should know that there is no blueprint for searching. Different people take different approaches based on their loved one's routine or what they may have heard from colleagues, friends, or witnesses. Not everyone feels comfortable asking questions or undertaking the search unaided, and with reason because it is a very dangerous endeavor. We will cover some of the risks in the next section, but first we will answer some questions you may have about commencing the search for your relative.

## Your Loved One Has Gone Missing—What Happens Next?

### *What are families in and outside of Syria doing to obtain answers about the status and fate of their loved ones?*

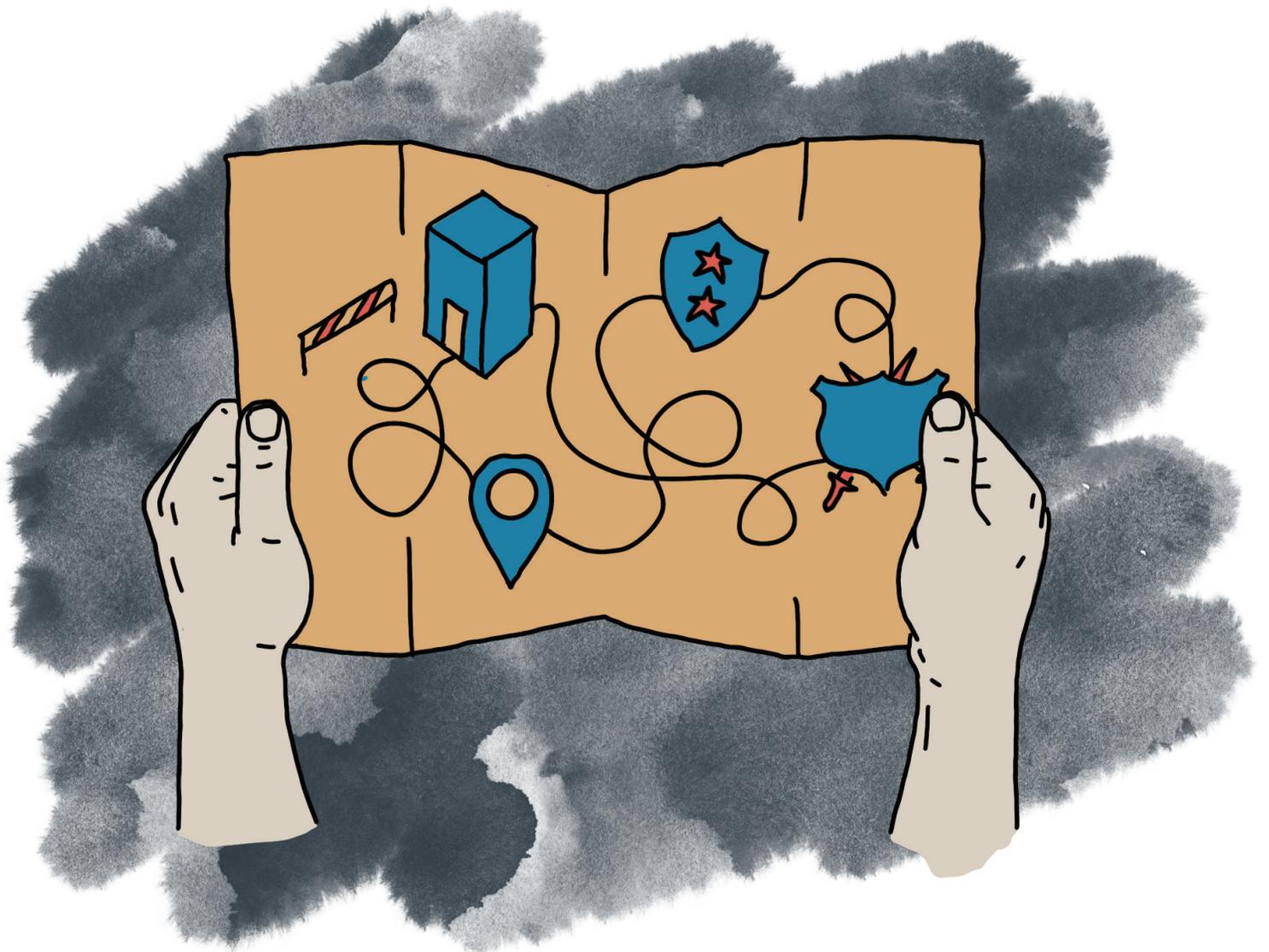
Usually, families begin searching for their loved ones after they've been missing for more than two days, or when they are informed by witnesses that their family member was arrested or detained. Depending on your loved one's age and employment status, one of the first places



many families visit for information is the person's workplace. That was the case of Widad\* who learned only a few details about what happened to her husband: "The employer said that at around 11 a.m., a security car pulled in front of the store, and four armed individuals came out of it."<sup>11</sup> No identifying badges or explanations were provided.

Other potential sources of information are nearby checkpoints maintained by the Assad regime, its allies, or by other non-state actors where your relative might have been stopped, as Rouba\* reported. "I went with my mother to ask about my two brothers at the checkpoint deployed on the road they usually take."<sup>12</sup> In some instances, the people manning a checkpoint may have seen or know something if they witnessed or conducted the arrest themselves or may be able to provide a lead on where to go next. A man known as Bassam\* described this in relation to his search for a relative in Aleppo: "One day later, I went to ask about him at the checkpoint. The officers told me that he was transferred to the Military Security."<sup>13</sup>

When these efforts fail, you could try reaching out to family connections or officials who are in contact with or trusted by the regime's security agencies. A frequent point of contact for families with no connection was Ali Haidar, the former Minister of National Reconciliation. This was true for Suhair\*, a 54-year-old woman from Damascus, who told us, "A member of our family is friends with Ali Haidar, the former Minister of National Reconciliation in the Assad regime government. We tried to find out where my husband and son were being detained. We discovered, through an intermediary, that they were being detained at Branch 215, the Raid Brigade."<sup>14</sup> Others, like Hossam\*, whose father disappeared, used their contacts within the security branches: "My uncle knows people who work for the government. He contacted Lieutenant Colonel (F.A), Commander of the Air Force Intelligence Department at the Airport. The Lt. Colonel allowed my uncle, sister, and uncle's wife to talk to my father."<sup>15</sup>





But what about those of you who don't have connections? In general, it is very hard for the families of the forcibly disappeared to officially appoint a lawyer, because of the risks that doing so entails for lawyers. In some situations, rather than reaching out directly, you might have heard that people are making inquiries through an intermediary, like an attorney or a broker, often for a fee.<sup>16</sup> This is tempting but risky. Many families have been exploited or extorted by brokers or middlemen hired to transfer messages between the families and security forces or kidnappers. These people often ask for large sums of money in return for information. But please believe us when we tell you that most of their information is false and is just an attempt to exploit you. Or take Sumayya's\* word for it, as she described the lengthy and expensive process she endured in the hope of seeing her husband.

“I went to Damascus, where I stayed at a hotel and began searching for him. They told me they would let me see him in return for half a million Syrian pounds. I agreed. All I wanted was to see him, to see a picture of him in prison or to hear his voice. [...] I stayed at the hotel for ten days. This was during Ramadan, and I was fasting. I had no kitchen, and I had to buy food and pay for everything, only to discover that it was all false promises.”<sup>17</sup>

Social media has also been a source of information for some families. Released detainees use social media to publish the names of detainees they encountered in detention as a way to deliver news to their families. Online groups and activists also gather information from officers who have defected to obtain the names of those held in certain facilities. Some officers use social media to reach out to detainees' families and offer information, which is mostly false, in return for money. Verifying information that comes through social media, however, is difficult and this makes it somewhat unreliable. In fact, as with everything that pertains to the search process, you are likely to find that reaching out online can be a fraught and upsetting experience, as Suhair found: "My husband's name was being circulated on social media and on the pages of revolution coordination groups. They were saying that he died under torture."<sup>18</sup>

Ultimately, for many families, the search begins or eventually leads to the doors of a prison or the headquarters of the security forces where they believe their loved one may have been taken. For many of you, you may have to make this journey alone, although you may get lucky and find someone to accompany you as Samira\*, the wife of a detainee from Aleppo, did: "I went with my husband's nephew to search for him. We enquired about him at the Military Security Branch, as he had connections there."<sup>19</sup>

Sometimes, when the detainee is held by police or under court order or pursuant to another official procedure, they will provide an update on your relative's status, as happened with Iman, the woman who asked for information about her husband at the Military Police Department in Al-Qaboun. She filed a report and was told to check back after 40 days. When she did, she was provided a death certificate, her husband's watch, mobile phone, and wallet.<sup>20</sup>

More often, however, and especially when the detainee is held directly by one of the four main intelligence agencies, you won't get any meaningful information at all. They could tell you they don't know anything, like in Suhair's case when Syrian security forces refused to confirm or deny her son's presence in their prisons.<sup>21</sup> Others will insist that your loved one was never even detained,<sup>22</sup> or they too may extort payments in return for information. (Be careful: if you do pay, you are not guaranteed to get the information you need.) Some people we spoke with faced violence, harassment, or threats. Noor\* from Aleppo shared the following story:

“[My husband's] father went to the Military Security Department in Latakia. They gave him a number and told him to check at Tishreen Military Hospital in Damascus. He was told that his son had died and that he could see him underground using the number he was given. However, due to his father's old age, he did not follow up on the matter. His brothers keep inquiring about him but are not given any information.”<sup>23</sup>





Even if that doesn't happen, it is likely that whatever information you get will be unreliable.<sup>24</sup> Often the authorities will contradict each other, or they may actually not be able to establish where a prisoner is being held, as was the case for Hiba\*:

“ I received news about [my husband] a year and two months after he was detained [...] They transferred him to the intelligence department in Damascus, but he had not been taken yet to Adra [Prison]. We are still trying to receive information, but we are being told that his file has not yet been transferred for investigation.<sup>25</sup> ”

Ultimately, it is up to the National Security Office, which oversees the regime's security agencies, to decide whether and when to release information about your loved one. However, the office rarely obliges. So, like other families, you will probably need to seek information from unofficial sources, including former detainees in the detention facility where you believe your loved one was held or one of the many organizations that have been compiling data about detainees. These organizations compare the data they have with the information provided by people who are released and sometimes facilitate meetings between released detainees and families of other victims. Suhair explained, “during the same six-month period, a 45-year-old man who was detained in the same cell as my son was released from Branch 227. My son gave the man my mobile phone number so that he could contact us.”<sup>26</sup>

### ***What do we know about prison visits?***

Families are not permitted to visit their loved ones in detention. Based on the information available to us, even the International Committee of the Red Cross (ICRC) is not reported to be visiting facilities within intelligence or military complexes and is making only limited progress in facilitating communication between families and prisoners. From what we've found, immediate family may be able to visit or set up a phone call with someone in some civil prisons, like Adra Prison in the Damascus countryside, while cases are still being actively reviewed by the court.<sup>27</sup> Military prisons like Sednaya only allow visits when someone is serving their sentence. Usually, neither visits nor phone calls are allowed if detainees are being held pending trial at the military police headquarters, an official military prison, or Sednaya Prison. Families can request periodic visits through the military police headquarters, but you may not want to. If you end up securing a visit, you will have to brace yourself for the possibility that it will be very brief and could be cut short after only a minute or two. Many families have reported that their relatives were tortured or brutalized after a family visit.

### ***What do you do if the authorities are not forthcoming with information about the fate or whereabouts of your loved one?***

The ICRC's Family Links Network helps people look for and reconnect with family members. There is an ICRC delegation in Damascus, though we cannot confirm how effective its operations are at present. If you are living outside Syria, you may visit the Red Cross or Red Crescent office in the country where you are currently living. For more information about how the ICRC can help, visit <https://familylinks.icrc.org/>. In addition, the International Committee for Missing Persons has developed the Tracing Center, which is a place to collect and store essential tracing data and thus constitutes a reference for concerned persons, available online from all over the world. You can use this tool to provide or obtain information on missing persons via the link: [https://oic.icmp.int/index.php?w=mp\\_reg&lang=en](https://oic.icmp.int/index.php?w=mp_reg&lang=en).





# What Should You Expect Now That Your Loved One Has Disappeared?

Now that you have had the great misfortune to be among the vast group of Syrians affected in some way by enforced disappearance or arbitrary detention, it is important to steel yourself for the long road ahead. You have already seen how difficult it can be to try to report your loved one missing or start the process of finding them. What else might you expect? Threats, violence, risk of detention, economic exploitation and extortion, missed economic opportunities, and maybe even displacement might be in your very near future. If you yourself have been released from detention, the nightmare is not necessarily over. You might find it impossible to go back to normal because you have lost your job, your family, or you may have to cope with long-lasting negative physical and mental health effects. In truth, a long and difficult road lies ahead.

## Threats or Acts of Violence, Harassment, and the Risk of Detention

Among the many consequences you will face as the family member of someone who has been disappeared, arbitrarily detained, or kidnapped are threats, violence, harassment, and fear, both when attempting to locate them and when just going about your daily life. Any time you engage with a state agency, for example to obtain identification documents for your children or to register your loved one's death if you think that is what has occurred, you will likely be mistreated or abused. You may be labeled the relative of a terrorist and as a result, you, too, may become wanted. That was the case for Noor: "When my husband was detained, I did not search for him, because I immediately became wanted, and my name was disseminated to security agencies. The day after my husband was detained, security agencies were searching for me."<sup>28</sup> Similarly, Iman told us that once her husband disappeared, "Due to extreme fear and the fact that I am also wanted by the regime, I did not take many administrative procedures." Iman's fear was exacerbated by the fact that she had previously been arrested at a checkpoint merely because she had the same name as a wanted woman. She was somewhat fortunate then because she was released soon after questioning, but the incident left its mark.<sup>29</sup>

Even if you are not arrested, you will have to endure unending humiliation, inhuman treatment, insults, and even death threats. As a woman, you may be castigated by your family or community for searching for your loved one and get blamed for any violence or harassment you suffer as a result. It is a harrowing experience. Security officers do everything they can to intimidate and threaten family members who come searching. Widad's son was detained, and she described how scared she was because of how security officers looked at her and how they cursed, insulted, and humiliated her even as she tried to appeal to them at the most human level. "The officers looked at me with hatred and spitefulness. I heard one of them saying, 'This is the mother of one of the dogs we have inside.' I felt terrified after I went inside." Once there, she continued, "I told him, 'Imagine if I were your mother. Have mercy on my son, I beg you. Let me take him with me, and I promise he won't do anything against your will,' to which he replied, 'You are not worth my mother's sandal.'"<sup>30</sup>

This makes inquiries at intelligence branches and detention centers a terrifying experience. Many families are too scared to ask questions, particularly those who lack community support or who have been displaced, whether internally or abroad, the latter of whom are often considered traitors by government officials. Ayat\* from Latakia shared that when her cousin went missing, his parents did not inquire about him "because their life would have been threatened if they did so."<sup>31</sup> This fear is certainly understandable but for those of you who remain undeterred, you may find yourself having to endure the search alone. Often, no one will be willing to go with you. Maisa'a\*, a 32-year-old from Aleppo, experienced this in the search for her husband: "A man was detained once when he went to ask for his cousin. No one knows where he is now. Therefore, when I sensed that no one was willing to go with me to intelligence branches, I went to all of them... all by myself."<sup>32</sup>





Fear for your own safety while searching is not the only thing that should give you pause. Some families fear that their detained relative will face retaliation if they attempt to find them. This was the case for Suaad\* from Homs. "We did not inquire from any authority [about a death certificate], because we thought that in doing so, we would do him more harm than good and possibly have him executed." Suaad also told us that since her husband went missing, she has not approached any state agency, not even to conclude a process she'd already started, like obtaining her son's identification documents.<sup>33</sup>

## Be Ready to Go in Circles

Even if you make it through the threats and torture and find someone to speak to, as we advised earlier, be wary of the information you get. Security officers often deny knowing anything or intentionally misdirect families to keep them going in vicious circles. Before Widad eventually tracked her son down and had the distressing exchange with the officers on duty (see above), she recounted having to visit several different security branches, all of which denied that her son was being held there. They each claimed to have lost track of him.<sup>34</sup>

*Samar, a 28-year-old, recounted how the last time she saw her husband in Sednaya Prison, he told her that if she really loved him, she would stop visiting him and just endure the pain of separation. Imagine how bad the torture must have been and then imagine how painful a thing to hear. That is the last Samar has ever known of her husband.*

Hossam's situation was more complicated. The Military Security Branch in Aleppo claimed that his father had been released, which Hossam knew could not be true because his father would surely have returned to his home in Bustan AL-Qasr. Nevertheless, the security branch categorically denied having any record of him, at that branch or any other. This made Hossam and his entire family feel that they had to keep pursuing new tips to try and get answers rather than misdirection.<sup>35</sup> When we last spoke with him, Hossam still did not know the fate of his father.

## Visits May Not Be What You Expect

You may eventually manage to figure out where your loved one is and if he or she is in a place where visits are allowed, typically in state civil prisons like Adra Prison or Central Aleppo Prison (versus a security branch). Before you consider yourself one of the lucky ones, know that you may be harassed or subjected to violence in front of your family member, or you may come to find out that they are subjected to "post-visit torture" every time you come.

When permitted, visits are typically very short and subject to severe restrictions. Usually, security officers are present for the duration of the visit, and they aren't there to make the visit a pleasant one. Officers often insult and threaten the detainee, the visitor, or both in an attempt to intimidate, extort, and humiliate them. This is what happened to Widad when she finally made it in to see her son. In her testimony, Widad said that security officers started to beat her son in front of her and that she begged them to stop and to have mercy on him. Instead of stopping, they threatened to detain her, too.

“The officers came holding my son, who had visible marks of torture on his body. He had a large, dark bruise under his left eye, which was obviously a punch mark. When he was brought in, the officer told him, "Your mother should sleep here tonight; what do you think?" My son said nothing, but they began beating him in front of me. I could not bear the sight. I bowed down to kiss the officer's feet. After that, we no longer received any information about my son, from the Air Force Intelligence Branch, the General Intelligence Branch, or anywhere else.<sup>36</sup>”





Samar\*, a 28-year-old, recounted how the last time she saw her husband in Sednaya Prison, he told her that if she really loved him, she would stop visiting him and just endure the pain of separation. Imagine how bad the torture must have been and then imagine how painful a thing to hear. That is the last Samar has ever known of her husband.<sup>37</sup>

## Displacement and Refugees

All of the fear, threats, and violence may just be enough to end up driving you out of your hometown, either to a different part of Syria or to another country altogether. Why would you stay when you live in fear that you or one of your children could be arrested, detained, or forcibly disappeared at any time? Once one person is on the regime's radar, or that of other armed factions, the whole family is at risk. On the other hand, leaving makes it much more difficult and expensive to continue the search for your relative, especially if you flee the country. You may find the decision to potentially leave them behind to be a horrible one to have to make, but these are the kinds of terrible choices you will have to contend with now that detention or disappearance is part of your reality.

This was true for Widad. After her harrowing experience visiting her son, her brothers urged her to leave Damascus for Idlib to protect her other sons and daughters.<sup>38</sup> In fact, a majority of the interview and focus group participants who told their stories for this handbook are no longer living in their hometown or even in Syria. Their reasons for leaving are many but the impact of the detention or disappearance and the fear that someone else in the family would get arrested played a big part.

Rima\*, a woman who was detained while working at a hospital in Homs, spoke of her family's displacement and the impact on their children.

“The displacement deprived my children of their education. We were forcibly displaced due to my previous detention and my fear of being detained once again. My son could not attend his exams. One of his friends was beaten with gunstocks by officers at a checkpoint on his way to his exams because they found Arab tobacco with him. When our neighbor's son went to receive his degree, he was detained and sentenced to six years of imprisonment.”<sup>39</sup>



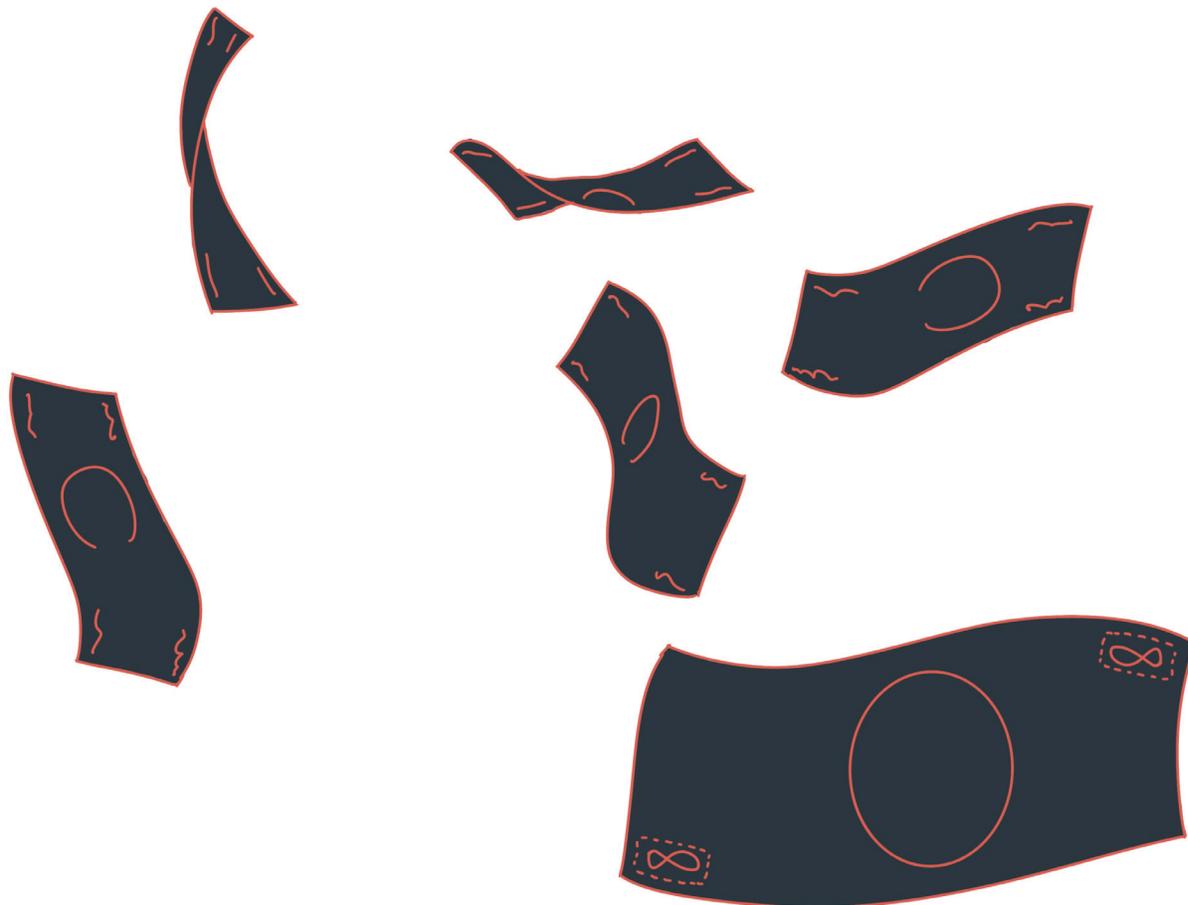


If you are a formerly detained woman, like Rima, you are at a much higher risk of becoming displaced. That's not surprising given how risky it is for you to stay where you were, although fear may not be the only factor dictating your decisions. You may also feel pressure from your family and community to leave—in the best case because they want to protect you and, in the worst, because as a woman they blame you for having gotten yourself detained in the first place. Not to mention what they assume might have happened to you while detained, but we will address that shortly.

Once you decide to leave, know that it will be dangerous to return. The Syrian regime will now label you a traitor and is not likely to welcome you back home. Isam Zahreddin, a major general in the Republican Guards, once said on national television, "To those who fled Syria to another country, I beg you don't ever return, because even if the government forgives you, we will never forgive or forget. If you know what is good for you, none of you return."<sup>40</sup>

## Expect to Pay... A Lot

Dealing with the crimes of enforced disappearance and arbitrary detention is not only traumatic, physically and emotionally taxing, and possibly dangerous, it's also expensive.<sup>41</sup> A black market has flourished on the sidelines of enforced disappearance cases to take advantage of the obstacles that the Assad regime has created for families who are searching for loved ones.<sup>42</sup> People who call themselves brokers, but who are essentially extortionists, will be ready and waiting to take advantage of your vulnerability and will demand cash or something else of value in return for what they promise to be meaningful information. If you think it might be worth it, you





should think again. As mentioned above, these third parties—many of whom are actually acting as middlemen for officials in the Assad regime or other actors—take the money and disappear.<sup>43</sup>

Suhair and her family underwent a more sinister variation of this practice. Brokers took advantage of her desperation over the disappearance of her son and husband in Damascus and charged her half a million Syrian pounds (USD10,000) for information and a promise to get them released. “Three weeks later, we were told that a general amnesty would be issued for all detainees and that my son would be among the ones to be released, but the release of my husband would take a bit longer. However, our ‘connection’ already knew that my husband was killed in a security branch.”<sup>44</sup>

Extortionists are not the only ones who may try to profit off of your situation. Even credible persons, such as attorneys and others who claim to have access to disappeared persons, have reportedly charged exorbitant fees to pass messages to the detained or help in other ways.<sup>45</sup> These actors may at least sometimes follow through, but the price is always high.

As Rawan\* put it, when someone is forcibly disappeared, “the entire family becomes suspect, and all ties with it are severed. This leaves the family in need of help from anyone, whether good or bad.”<sup>46</sup> Rawan’s 24-year-old son was arrested in 2012 on the charge of taking part in a protest in Idlib. She has heard nothing about him since that time.

Whoever it is that is promising you information, be careful because it may not just be the fees they are charging that you have to worry about. As we saw in Sumayya’s case above, you may end up travelling around the country, spending money on transport and lodging, based on nothing but false promises.

Those are just the direct costs you may incur in your search. There is also the matter of lost income. For one, you may be forced to quit your job because you fear being detained or kidnapped or may face repeated arrests and violence at your workplace. As a family member, you also might end up dedicating all your time to the search for your loved one and be unable to hold down a job as a result. Some of the interviewees we spoke with reportedly faced difficulties finding adequate job opportunities because they had been unable to pursue their education or because their health deteriorated as a result of the disappearance or detention. Ghada spoke to us about how the injuries sustained in detention have impacted her job search:

“

I have a degree from a private institute in physiotherapy. I can no longer work after my detention because I have a shoulder and chest injury as a result. I need to have plates installed, and the procedure will cost nearly 45,000 Turkish liras. I underwent treatment at a psychological health center in Turkey, and I used to attend psychological support sessions, but I am no longer in contact with them.<sup>47</sup>

”

As a formerly detained person, you may face stigma or people may fear associating with you. Again, that will make it harder for you to find and keep work. How difficult things may get, including economically, will likely depend on a number of factors, such as where you live. Interviews showed that the level of difficulty in finding job opportunities varied based on who is in control of your area and what your relationship is with the party responsible for your detention.<sup>48</sup> Nevertheless, the difficulties of searching for work will likely continue even in areas not under the control of the authority responsible for your arrest.



## Where Can I Report the Disappearance of My Family Member?

Relatives of disappeared people can submit cases to various entities such as the Online Inquiry Center, the Identification Data Management System, or the Working Group on Enforced or Involuntary Disappearances (WGEID) under the Office of the High Commissioner for Human Rights at the United Nations. In the case of the latter, the WGEID calls on the Syrian government to conduct investigations to determine the fate or whereabouts of family members who are reportedly disappeared. However, the WGEID does not have the authority to oblige the Syrian government to respond within a specified period and does not provide guarantees that the fate of the detainees can be known. When reporting, the WGEID will likely ask for certain pieces of information, including:

### *The Working Group on Enforced or Involuntary Disappearances (WGEID) Submission Requirements*

- + The disappeared person's full name and, if possible, gender, place and date of birth, and information from civil documentation such as a passport, national identity card, voter's card or any other relevant national identification.
- + Date on which the disappearance occurred (at least month and year).
- + Place of arrest or abduction, or where the disappeared person was last seen. The WGEID asks the informant to be as precise as possible, providing the street, city, province or any other relevant information.
- + Who is believed responsible? The WGEID asks for information about the forces (state or state-supported) believed to be responsible for the disappearance. Because the WGEID does not deal with disappearances perpetrated by non-state actors (e.g., rebel groups), informants are asked to include, if possible, information about "military, police, persons in uniform or civilian clothes, agents of security services, unit to which they belong, rank and functions, identifications presented, etc." If an informant cannot provide identifying information about the responsible state agents, they are instructed to indicate "why you believe that Government authorities, or persons linked to them, may be responsible for the incident."
- + Actions taken by relatives or others to locate the person (including police or jail inquiries, human rights commission, habeas corpus petition, etc.). The WGEID requires information about when, by whom, and before which organ the actions were taken. If no action was possible, an explanation as to why not must be provided.
- + Identity of the person or organization submitting the report.

In addition, if possible, the informant is asked to provide a description of the circumstances of the disappearance in as much detail as possible. If there are witnesses to the incident, the informant is asked to provide their names, if possible, and relationship to the victim, e.g., relatives or bystanders. If witnesses wish to remain anonymous, they can indicate if they are relatives, bystanders, or others. The informant can also request anonymity within the request itself.



## You've Been Released Yourself—Now What?

Congratulations! You are one of the lucky ones, if that word can really be applied here. You have been released when most have not. To be clear, the release of someone who was most likely detained illegally should not be a rare occurrence that must be celebrated when it happens. But until the regime and other parties to this conflict who are illegally detaining people recognize their obligations under international law and implement mass releases, as they must, we welcome the fact that you are safe for now. Still, as you know, the hardships do not end once you are out.

For one, your survival was never guaranteed. Instead, if you are getting released, it is probably against all odds and because you were able to survive torture, inhuman treatment, horrifying conditions, illness, and any number of other things. You are probably severely malnourished and in very poor physical and mental health. Yasser\* was detained and released twice and told us how he now suffers from partial kidney failure, neuropathy, and joint pain.<sup>49</sup> Rima faces continued problems in her hands and hips as a result of injuries she sustained. She spoke to us about what else she witnessed in detention:

“ There was no healthcare at the detention center. I suffered from many fractures and diseases due to my detention. We had a woman from Tartus with us, a mother of four, who became mentally ill due to beating and assaults. There was also a female detainee from Dara'a ... she became very ill and died in front of us in Adra. She was subjected to this harsh treatment to pressure her brothers to turn themselves in.<sup>50</sup> ”

Most of you will not have received medical treatment as is required while in prison,<sup>51</sup> nor are you likely to be seen and examined by a medical officer upon your release. Some of you might get lucky and a doctor may take some x-rays and run other diagnostic tests to assess your health. In that case, you will at least have a record.<sup>52</sup> But beyond that, do not expect anything by way of support for treatment or quality medical or psychological healthcare unless you or your family are able to pay for it independently, which you probably will not be able to do because of all the financial obstacles described above. If you have developed any chronic illnesses, whether physical, psychological, or both, you are likely to be on your own in terms of getting the treatment and paying for the medication you need, possibly for the rest of your life. The trauma you are likely to face is intense, but we will get into that later.

Other aspects of your life are likely to look quite different following release. We already mentioned the trouble you might have finding a job because you are now stigmatized in some way or because people may fear associating with you. This could extend beyond employment as well, as people may fear interacting with you socially, too. Even if you leave the country and are living elsewhere, you may find that the mere sight of security personnel causes intense fear and panic. If you were detained incommunicado for too long, your family may have had to make the horrible decision to assume you have died and moved on with their lives, including by remarrying. That's what happened to Yasser: "After security forces informed my parents that I passed away and my death was registered, my wife married another person and had kids with her new husband, while my children are being cared for by my family."<sup>53</sup> Perhaps your only consolation might be that it has no doubt been an incredibly difficult road for them, too.

There is also the issue of your gender. If you are a woman and have been released, get ready for some extra—and potentially devastating—obstacles to be thrown your way. You can read more about that in Chapter 5.





## ***So, What Must Be Done to Help?***

**What should happen (but probably will not, considering the utter disregard for human rights shown thus far by the Syrian regime, its affiliates, and others committing violations):**

+ The Syrian government and its affiliates must release all detainees and forcibly disappeared persons in prisons and detention centers and end practices of torture and degrading and inhuman treatment. The government must affirm that all military, security, and party forces are obligated to follow the law and that the power to arrest, detain, and investigate is limited to the judiciary. It must also affirm that all government agencies will abide by the requirements of a fair trial, in judicial bodies or those exercising judicial functions, and prohibit any secret or exceptional trials.

+ The Syrian government, its affiliates, and other parties that arrest people in their custody, must compile lists of the names of all detainees or those who have been arrested in their detention centers and facilities, and hand them over to the competent international bodies. The lists must include the detainees' full names and their mothers' maiden names, the place and date of arrest, the party responsible for the arrest, and the charges filed against them if they are referred to the judiciary, without ignoring the deaths and the causes leading to these charges.

+ The Syrian government should reveal the fate of detainees, the disappeared, and the missing without delay and take all possible measures to clarify the status of persons reported missing as a result of the hostilities and to provide their family members with any information they have about their fate. It must also allow the International Committee of the Red Cross to visit those still in detention.

+ The Syrian government, its affiliates, and other parties that are detaining people in their custody, must comply with UN Security Council Resolutions No. 2254 (2015) and 2258 (2015), which call on all parties to the Syrian conflict to release arbitrarily detained persons, especially women and children. If any party cannot provide legal justification for the presence of detainees in its prisons, these detainees should be released immediately and those responsible for the arrest should be punished.

+ The Syrian government, its affiliates, and other actors who are detaining people should allow families and humanitarian organizations access to those still in detention.

+ The Syrian government and all other parties to the conflict should move swiftly to immediately and unilaterally release detained persons who are vulnerable, such as the sick, the elderly, children, women, and the disabled, and to formalize a program of release of all detainees in Syria who are detained or serving sentences for nonviolent offenses related to the exercise of the fundamental guarantees set out in the International Covenant on Civil and Political Rights (which was ratified by Syria on March 23, 1976), in particular freedom of thought, conscience, and religion; freedom of expression and information; and freedom of assembly and association; and for conflict-related offenses since March 2011.

+ The Syrian government and its affiliates should take appropriate measures to protect family members searching for their loved ones or participating in an investigation from "any ill-treatment, intimidation or sanction," consistent with the ICCPED.

+ The Syrian government and its affiliates should conduct transparent investigations into the fate and whereabouts of all missing persons. As part of the investigation, the authorities should provide regular status updates to family members of the missing. For those still in detention, the Syrian government and its affiliates should establish a system for tracking and tracing prisoners and communicating their status and location to families.



+ The Syrian government should create a legal category that does not require the disappeared to be declared dead for their relatives to access benefits, such as inheriting the disappeared person's wealth and assets, or to take other steps under family and property law.

+ The Syrian government should establish a DNA database of all family members of the missing and take appropriate measures to protect possible mass graves in order to preserve information that may be vital to any future truth-seeking process.

+ The Syrian government must implement and uphold the international conventions it has signed and respect the principles that an accused person shall be presumed innocent until convicted by a final court and that citizens should not be subject to arrest and prosecution simply for their past or current residence in areas outside of the government's control.

**Others must do the following in the absence of state support, responsibility, and accountability:**

+ States hosting Syrian refugees and those forced to flee Syria should establish (or if already existing, enforce) measures to protect families from threats, intimidation, and reprisals when exercising their right to learn the truth about the fate or whereabouts of their arbitrarily detained, forcibly disappeared, or missing loved ones.

+ The international community should establish an independent and impartial mechanism to help families in their search for the detained and the missing, in Syria and elsewhere. While creating such an entity should be the obligation of the Syrian government, the international community must be involved to ensure full independence and impartiality. Arabic should be one of the main operating languages, and individuals, families, and civil society organizations should be able to submit inquiries. Information about the mandate, functions, and process for submitting reports should be widely disseminated to families in accessible ways (including in the appropriate language). The clearer and more transparent the process for engaging such a mechanism, the less susceptible families will be to bribery, extortion, and other dangers. It will also limit families' exposure to state authorities and the associated risks. The Syrian government should support the establishment of this mechanism, ratify the International Convention for the Protection of All Persons from Enforced Disappearance, and prosecute those responsible for enforced disappearances.

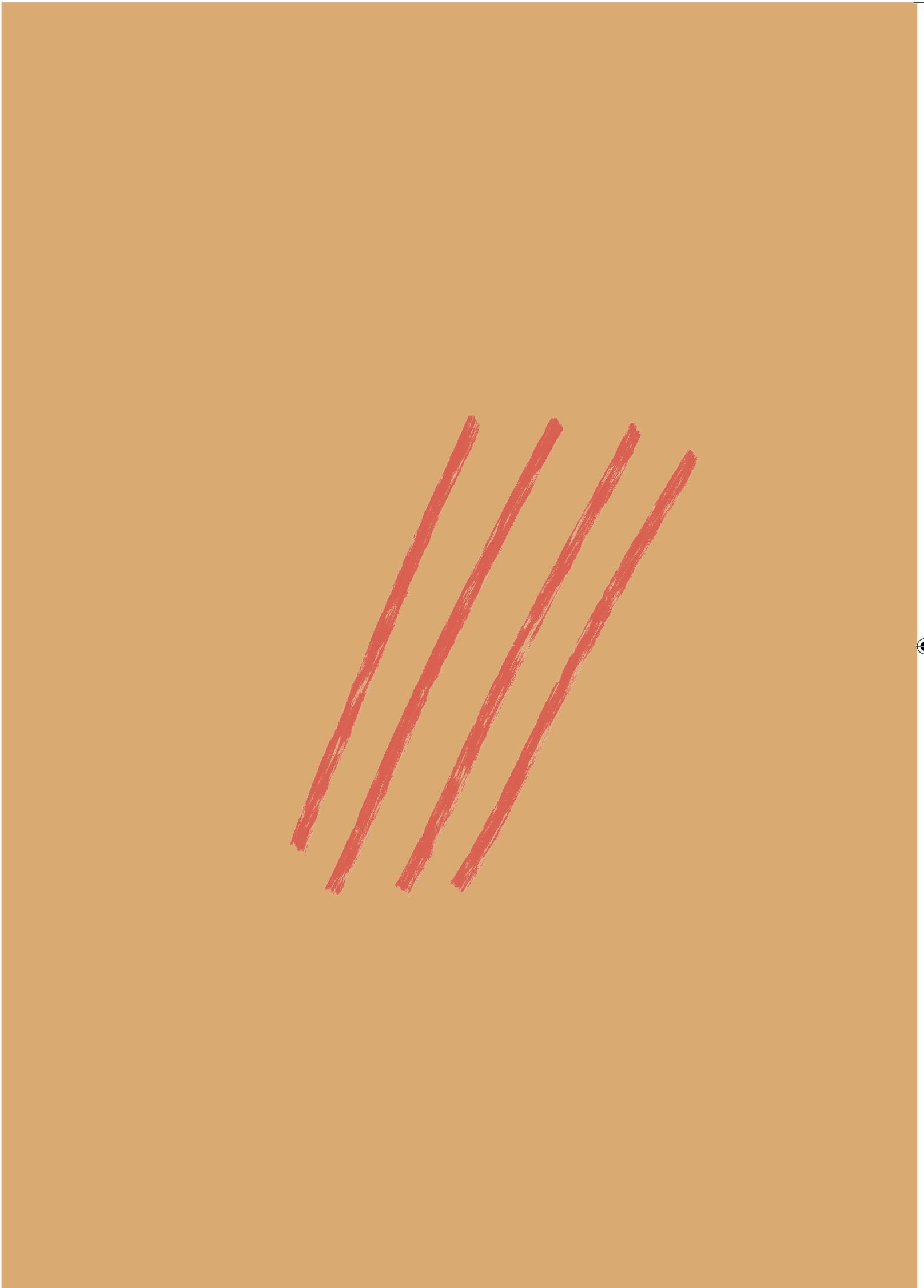
+ International organizations and donor entities should commit to better support families of the disappeared and detained in their struggle to locate their relatives and live free of harm. This could be through facilitating platforms for families and family associations to come together in a more systematic way, prioritizing funding of Syrian or family-led organizations and coalitions and working in tandem with Syrian civil society organizations when addressing issues relating to the families of the detained and missing. Increased direct support to such organizations will help them provide the kind of sustained, meaningful, culturally relevant, and tailored assistance that those affected by enforced disappearance and arbitrary detention need, including medical, psychosocial, vocational, economic, and legal assistance.

+ The international community should support legal centers that collect data on detainees. These centers should be affiliated with the United Nations, legally protected, and staffed by licensed lawyers specialized in human rights.

+ The international community should agree on a process for granting temporary civil documents for Syrian refugees, akin to what has been done for Palestinians, and should create incentives for host countries to adopt and implement it.

+ The UN and other independent bodies such as the IIM should establish a registry to document property violations, similar to the UN Register of Damage.







***The Not-So-Simple  
Matter of Life or Death:  
Death Notices and  
Registration***



Despite all your efforts, you now fear that the worst has happened and that your family member has died. You may have heard the news from someone who was with your loved one in detention or a regime official or leader in the community may have informed you. If you are one of the many 'Caesar families,' you may have identified your family member from among the over 55,000 photos that were smuggled out of the country or you may be among the families who received a death notice from the government.<sup>54</sup>

In this chapter, we will look at these different situations and try to help you understand what you might do next and what has or has not worked for others in similar situations.

## Government Death Notices

### I've Heard That Some People Have Been Told by the Government That Their Loved One Has Died. Is That True and What Were They Told?

Beginning in May 2018, many families learned about the supposed fate of their spouses, parents, and children for the first time when the Syrian regime informed the official Civil Affairs Directorate ("Civil Affairs") of the deaths of a few thousand persons. In most cases, only a few details were recorded on a single sheet of paper: the name of the deceased, the place and time of death, and a purported cause—for example, "natural causes" or "heart attack."<sup>55</sup> In a few cases, the alleged cause of death was recorded as "execution." However, Legislative Decree No. 13 of 2021, whose executive instructions stipulate that the cause of death should not be indicated in the civil registry in the event of execution, ended this practice.<sup>56</sup>



A Photo of a Death Statement issued by Civil Affairs

Updates of this type were issued to Civil Affairs and recorded in the registry in 2018-2019 for detainees who died while being held in one of the four intelligence agencies or in other military



detention facilities. Although the updates were available to the families of the deceased when inquiring for a civil registry for the family, Civil Affairs itself did not issue lists of those deaths directly to the families of the disappeared, nor did they announce when new updates were being made. In some instances, unofficial news may have been leaked, especially when updates for large numbers of detainees became available at one time. This means that some families only learned of their relative's death accidentally when they visited Civil Affairs to obtain an updated civil registry report for an unrelated reason. This is not the kind of news you want delivered without warning in public.

Some families were informed more directly about the fate of their loved one when a death note or report was issued by a public or private hospital, an official prison, or the locally elected neighborhood official, often together with a medical examiner's report. About one-third (or 6 out of 16) of the people who participated in focus group discussions received death notices through one of the military hospitals affiliated with the Syrian regime after inquiring about their detained family member.

The death notices issued by Tishreen Military Hospital in Damascus, for instance, include the victim's name and date of birth, as well as the alleged cause of death and the date on which it was claimed to have occurred. These certificates bear the seal of the Tishreen Military Hospital. For families, the process of obtaining a death notice directly from the authorities can be a dangerous and heart-rending experience. During our focus group discussion, Noor explained the agonizing process her family undertook to obtain a death certificate:

“My husband was arrested by the State Security branch in Latakia for 15 days, before being transferred to Damascus. Some said he is in Sednaya Prison or in Dara'a. My father-in-law hired an attorney. Each time we visit a security station, they deny his presence and they give us the same answer, claiming that he was detained by them but was released. After a while, my father-in-law was informed that my husband was being detained at Adra Prison. When he went there, he was told by the prison administration that his son passed away, along with 300 other prisoners, who were all registered as deceased within one week. They also gave him a death certificate and told him never to come back.”<sup>57</sup>

However, you are likely to find that these official notices are often rife with inaccuracies and misinformation. For instance, hospital officials rarely provide any information regarding the place of detention, and often falsify the cause of death. In many of the cases, it is stated that the person died at Tishreen Military Hospital due to 'health issues' such as respiratory failure or heart attacks.<sup>58</sup> This is the regime's way of attempting to protect itself and obscure the real cause of death, which is often torture, mistreatment, and/or starvation. This is in violation of international humanitarian law, which holds detention centers responsible for the detainees held there and the director of the center responsible for any death resulting from medical neglect. In fact, such cases, if widespread and systematic, may constitute a crime against humanity prosecutable under international law.

## Is the Death Note or Report from the Government Valid?

The death note or report provided by the regime is a formal legal notice required under Syria's Civil Status Law. Depending on where and how a death occurs, different authorities are responsible for issuing the paperwork verifying that it happened. In ordinary times, when a person dies in an area where a doctor is available, a local official (mukhtar in Arabic) prepares a written attestation, and a doctor prepares a medical report stating that the death was due to natural causes. However, in situations where no doctor is available,<sup>59</sup> the mukhtar's written attestation (signed by two



witnesses) verifying that the death occurred by natural causes is alone sufficient.<sup>60</sup> In the event the death is suspicious, the mukhtar must collect certain information and inform the judicial and administrative authorities of the matter.<sup>61</sup>

In other situations, the mukhtar may not be involved in the process. Syrian law addresses several scenarios where this may be the case, many of which may be relevant to you as a family member of someone who has been disappeared or lost during the conflict:

### **Syrian Government Authorities Responsible for Reporting Deaths**

<b>Situation of Death</b>	<b>Responsible Authority</b>
Accidental deaths recorded in prisons, quarries, and hospitals <sup>62</sup>	Directors of the institutions or their representatives record the death in the civil registry.
Death sentence <sup>63</sup>	The public defender or his deputy must prepare a report of the death.
Lost at sea <sup>64</sup>	Three months after the incident, the minister applies to a competent court to declare the person dead and send a copy of the decision to the civil registrar.
During military operations <sup>65</sup>	The Ministry of Defense sends to the competent civil registrar the death documents of the military personnel, civilian employees, and volunteers who die in the military sector.

In summary, by law, a medical death note or report should be issued by a public or private hospital, an official prison, or the locally elected neighborhood official, often combined with a medical examiner's report. For detainees, this is mostly issued for: (1) detainees who die in one of the official prisons while serving their sentence following their trial; (2) detainees who were transferred to the military police to be presented to a military or field military court but who died in detention while awaiting trial; and (3) detainees who were sentenced to death or died serving a sentence of hard labor. When a family is issued a death note or report, they can take it to Civil Affairs to register the death and issue a death certificate. In such cases, there is no requirement for witnesses, nor involvement by a mukhtar.

These rules are generally applicable but only a Syrian lawyer or the responsible government employee will be able to confirm that your notice meets all of the official requirements. In most cases, if you receive a death note or report from the Syrian regime, you may begin the formal legal processes to register the death and obtain a certificate. We cover those processes below.



A photo of a medical death certificate

## Registering a Death

### If I Received a Death Note, Should I Register the Death and Obtain a Death Certificate?

This is a very difficult decision and there is no right or wrong answer. Before you decide, it is important to consider the pros and cons of what you should do next.

When you are issued a death note or report, you can take it immediately to a Civil Affairs office to register the death there and begin the process of obtaining or updating yours and your family's basic civil documentation. There are many reasons for doing so, some associated with the death and some not.

As in many places around the world, the issuance of a death notice or death certificate is required for you to begin taking care of personal, financial, and legal business on behalf of yourself, the person who died, and any heirs. Without a death certificate, you will not be able to take the legal steps that are necessary to inherit and take possession of property and other assets, to gain custody of your child, and undertake other legal tasks necessary to settle your loved one's estate.

However, because Civil Affairs is an office of the government, it is likely to be a very dangerous place for you to go. It is often possible to send a distant family member (up to the 4th degree) to go on your behalf, but even distant relatives may be at risk of arrest or threatened when visiting a Civil Affairs office, though the risk is slightly lower. So, it is very important to think carefully and remember that your (and your family's) safety is the most important priority.



## There Is a Strict Deadline and a Filing Fee Associated with the Registration of Death. How Am I Supposed to Meet It and Pay the Fee?

If you decide to start the process of registering a death, it is important to remember that by law, you are required to request a death certificate within 30 days of the death (90 days in case of a death outside of Syria). If you fail to register a death in a timely fashion, you may incur a fine or penalty and face a police investigation.<sup>66</sup> However, delays in the registration of the death of a year or more will require a police report (by the police station located in the area where the death occurred), and payment of a fine of up to 10,000 Syrian pounds prior to further processing and registration.

According to Article 14 of the new Civil Status Law No. (13) of 2021, the death must be registered "within three months of its occurrence if it occurred within the state, and nine months if it occurred outside it." In the event of failure to report within the defined period, a 5,000 Syrian Pound fine shall be payable. However, delays in the registration of the death of a year or more will require a police report and payment of a fine of up to 15,000 Syrian pounds, according to Article 61 of the Civil Status Law No. (13) of 2021.

For most of you, it may be impossible to meet this deadline. You may not have the necessary documents, be too scared (rightly so) to approach a Civil Affairs office or live outside the country or in a place where you cannot reach a Civil Affairs office safely. If you still have a distant relative in Syria, they may register the death, although they too may be at risk from the authorities.

You may be inclined to hold out hope that your loved one is still alive even if the authorities have told you otherwise. Many of the people we interviewed said that they (or people they know) refused to believe death notices because they heard rumors about someone else who was reported dead but was actually still alive. Unfortunately, this is part of the intent of enforced disappearance—to sow confusion, fear, and misinformation. Whether a credible phenomenon or not, you may find yourself weighing official information against rumor. Iman was given a death certificate after inquiring about her husband at the Military Police Department in Al-Qaboun but told us that "a detainee was released a while later from Palmyra prison, and he told me that he was detained with my husband in Branch 215, and it turned out that he was with him in prison 15 days after I had obtained his death certificate."<sup>67</sup>

The lack of trust in the government's confirmations of death (or the strong desire to disbelieve them) also seems to be compounded by the fear that taking the requisite steps to register prematurely could actually lead the detaining party to kill the detainee. Iman was influenced by such a fear. "We did not take any steps after the death due to security challenges and the presence of ISIS. An attorney told us that, in the current situation, it is best not to document the death because he might still be alive. Once a death certificate is issued, they might execute him."<sup>68</sup>

In the beginning of the conflict, in 2011 and 2012, the Assad regime delivered the bodies of deceased detainees, most tortured to death, to their families. However, as images of those detainees started to circulate on traditional and social media, it stopped doing so. Instead, the Assad regime started developing official and unofficial mass burial sites and incinerators to dispose of the bodies without risk of drawing public attention. The horrible reality is that few, if any, families have received a body or the remains of their loved ones even if they received a death note. This is the experience of the participants of our focus group discussions, regardless of their demographic characteristics. Without a body, human remains, or other reliable evidence of death, you may be unsure about whether your loved one is truly deceased and therefore unable





to undertake the required legal steps, perform the necessary religious rituals, and otherwise honor your loved one's life in a dignified way.

Unfortunately, it is likely that this is how it is going to be, at least for a long time. Regrettably, you will eventually have to make a decision about what to do next without the certainty to which you are entitled.

## What Are the Downsides of Registering a Death?

Unfortunately, as the family of a missing, detained, or forcibly disappeared person, there are potential legal consequences for registering a death. By issuing a death notice and then pushing families to obtain a death certificate, the regime may be trying to create barriers to prosecution.

That is because, under international law, the crime of enforced disappearance is considered ongoing (i.e., a "continuing offence") as long as the perpetrators continue to conceal the fate and whereabouts of persons who have disappeared. As such, perpetrators of the criminal acts cannot take advantage of statutes of limitations under a country's criminal code; and there is no statute of limitations for genocide, crimes against humanity, and war crimes.

By releasing incomplete and unverifiable information in the form of a notice, the regime is trying to circumvent its obligation to disclose the "destination of the remains" and return them to the family. Consistent with the right to truth, the government should ensure that the most basic rights of the families of missing or disappeared persons are upheld, namely, the right to know the fate of their relatives, whether they are still alive, or, if they have died, to know the reasons and circumstances of their death, to identify the location of the remains, and to facilitate the recovery of those remains.

## I Cannot Register the Death Because I Refuse to Accept the Cause of Death Provided By the Government. I Worry That Doing So Would Absolve the Regime of Responsibility!

Many families are not registering the deaths of those who have disappeared out of concern that doing so will relieve the regime of any form of accountability for the death. They refuse to accept the regime's stated cause of death.

Of the 16 focus group participants, none had received an official death certificate issued by the Secretariat of Civil Affairs because they were prevented from doing so as a result of the security situation or because they chose not to out of fear that their action would be interpreted as acceptance of the regime's likely falsified account of the cause of death.

Not having received a death certificate means that the disappeared individual is alive under the law and still has duties and rights, according to the official civil registry, as long as the death has not been proven or the person's status is not resolved by application of a presumption of death.<sup>69</sup> As the family member of someone who has disappeared, you too have rights, and the government has responsibilities to you under international law. Families like you have a recognized right to know the truth about the fate and whereabouts of your family member. The government has a duty to investigate cases of alleged enforced disappearance.





In other parts of the world, governments have created a special legal status to make the process of transferring assets and obtaining death benefits easier while you wait for final word about what happened. In some countries, families are not forced to accept the death, but instead can obtain a declaration of absence due to enforced disappearance. The Syrian government has not yet created such a category and it should do so immediately. It is essential that the United Nations and other international bodies demand that this happens.

You may face many procedural and documentation challenges that prevent you from registering a death, which we discuss below. You are also taking on a significant degree of risk if you decide to undertake any other legal procedures after receiving the death certificate because of the strict security measures imposed by the regime against the families of missing persons.<sup>70</sup>

## What Do You Do If No Cause of Death Is Provided in the Death Notice or Death Certificate or If You Disagree with the Cause of Death Provided by the Government?

When someone dies, it is customary to provide the family with information about how the person died and assign a probable cause of death based on those circumstances. In most instances, a medical practitioner (a doctor or medical examiner) determines, as best as possible, the manner of death, whether naturally or by accident, suicide, or homicide.

In Syria, the regime prohibits the release of information about the cause of death in most situations. Under an Executive Direction to Article 37 of the Civil Status Law, the civil registrar is prohibited from referring to the cause of death in the civil registry. Likewise, the attorney general or their deputy may not indicate the cause of death when someone has been executed.<sup>71</sup>

Although in many contexts it is not unusual for the authorities to limit who may request a death certificate and learn the cause of death in order to protect the privacy of the individuals involved, in Syria, the Assad regime prohibits the release of such information even to family members.

In those cases where the regime does provide a cause of death, you would be well within reason to doubt its veracity. Many death notices and death certificates issued by the government are known to be untrue or to erroneously name the cause of death as a heart attack or some other natural cause when you have clear evidence of torture, physical injury, or starvation. Knowing this is a common pattern, it would certainly be understandable if you refuse to accept the document as written and seek to challenge it.

The Syrian Civil Status Law allows the secretary of Civil Affairs to correct incidents, like births or deaths, that were mistakenly registered by the registry. However, if the mistakenly registered incident, like the death of a detainee, was issued by a court ruling or a statement by a government institution, then the incident needs to be corrected through a ruling or a statement by the same institution that issued the original decision. Regardless of the information that you may have, you will find it very difficult to challenge the death notices and certificates issued by one of the regime's institutions. According to former judges with whom ICTJ spoke, death notices that lack the proper medical documentation and paperwork from the detaining facility can, in theory, be challenged through the courts.<sup>72</sup> This could be done by filing a conciliation lawsuit against the Civil Registry Secretariat to correct the record or the incident. Other than that, the Syrian law prohibits prosecution or litigation against the security services or one of the regime's intelligence agencies in one of its courts.<sup>73</sup>



## How Do You Register a Death and Obtain a Death Certificate in a Civil Affairs Office?

The process of registering a death and obtaining a death certificate in Syria is defined by Syria's Civil Status Law, which establishes the process and requirements for recording (or "registering") civil status events, including deaths. The death certificate is obtained by the family at the Civil Affairs office after presenting the medical death note or report and can then be used to issue any necessary papers for inheritance or to update other official papers. Recording a death is essentially a two-step process:

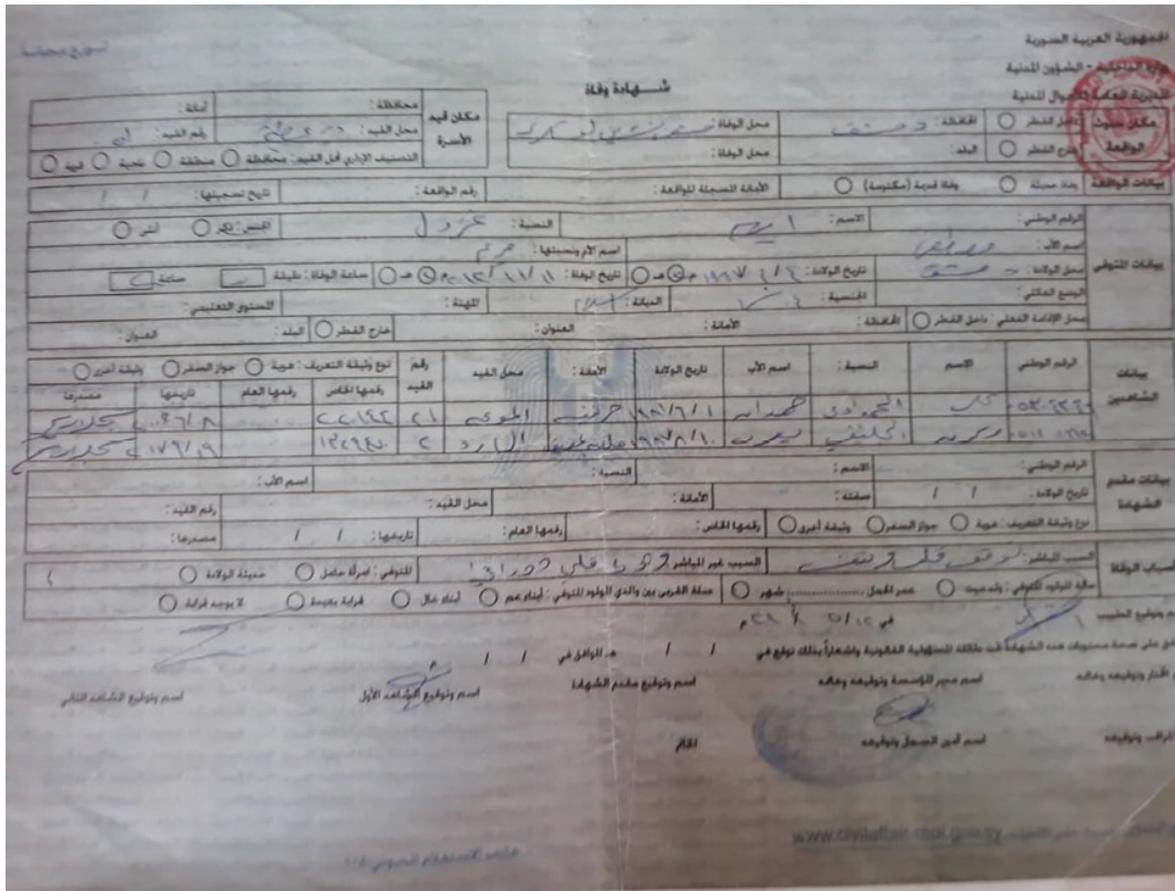
- + The first step—reporting a death and preparation of a death certificate—is generally the responsibility of a government official who prepares an official written attestation verifying the death. If a doctor is available, a medical report is also completed. A death certificate is then prepared.
- + The second step—registering the death and obtaining a copy of the death certificate—is the "duty" of the person's spouse, descendants, or adult relatives.<sup>74</sup> Families must submit the written attestation and the medical report, if prepared, to Civil Affairs, together with the family booklet (or a family civil registry statement) and their loved one's identification. In return, they are given a signed and stamped copy of the official death certificate, along with the family booklet now updated to reflect the death.

In a publication issued by the Ministry of the Interior, in cooperation with the United Nations High Commissioner for Refugees (UNHCR), the government describes the process of registering a death in Syria and obtaining an official government-issued death certificate. It lists the key documents that families must gather and present to the Civil Affairs office and summarizes some other aspects of the process:

- + Medical report issued by the physician confirming the death.
- + A death attestation issued by the hospital where the death took place, or, where the death took place outside a hospital, from the mukhtar (either the one responsible for the area where the death took place, or the one in-charge of the civil registry), signed by two witnesses.
- + Family booklet of the deceased.
- + The ID card of the deceased, any other recognized proof of identity of the deceased or a written declaration made by the relatives of the deceased proving the loss of the ID card.

It also explains that deaths can be registered in the Civil Affairs office where the deceased's records are kept or in the Civil Affairs office in the area where the deceased is registered.

However, the information in the Ministry of the Interior handbook is incomplete and does not reflect all the complexities you are likely to face, especially if you no longer reside in Syria or in areas under the control of the regime or are not in possession of the mandatory documents. We discuss those challenges in Chapter 7.



A Photo of a Death Certificate Issued by the Civil Affairs

## I Have Some Information Suggesting My Relative Has Died, but I Don't Know If It Is Enough. What Kind(s) of Evidence Do I Need to Prove the Death Occurred?

Tragically, many families receive news of the death of a family member informally, for instance from former detainees who witnessed the death or heard that the person had died. Others have received information through government officials, sometimes after paying a bribe, but have no formal document confirming the death.

Generally, unofficial reports (including Caesar's photos) are not sufficient to issue an official death note/certificate. Without a death certificate or an update from the National Security Office to the Civil Affairs office, families will not be able to prove their relative's death. Syrian law, for instance, requires that a police officer visit the site of a death to record it, but obviously this is impossible when you don't know where your family member died.

Usually, the body remains hidden and is not handed over, so as not to provide evidence that would prove the real cause of death. Noor reported, "My father-in-law requested to receive his son's body, but was informed that his son was buried in a mass grave along with a number of prisoners. They also admitted that 200 prisoners were dying every day due to diseases they are exposed to in prison." Another interviewee known as Amal\* told us that her nephew's father was told by military officials "that his son's body was torn to shreds" and that he had been given a "badge of honor certificate from the military unit in Homs."<sup>75</sup>



Moreover, the death notice may be issued months after the actual death, and the death of the forcibly disappeared individual is not deemed confirmed unless the location of the remains is known, and the body is handed over to the family.

That is complicated by the fact that there are also cases in which the body cannot be handed over, due to its complete elimination. Iman reported to us, "When I asked to receive the body, I was told that it was no longer available, since he passed away six months prior, and I was reprimanded for asking to receive the body of a 'terrorist.'"<sup>76</sup>

In cases where there are no remains and the body cannot be handed over, one should theoretically be able to confirm the death by conducting a serious investigation and providing other evidence. The government is supposed to undertake the investigation but is not currently fulfilling its responsibilities in that regard.

There are some steps you can take on your own to move the process forward, but these usually require the help of a lawyer and the intervention of a court, described next. This will cost money and can be burdensome and upsetting, which you may not feel ready for yet.

## What Are the Rules for Obtaining a Confirmation of Death in Court?

Syria's Personal Status Law defines general rules around missing persons and presumption of death.<sup>77</sup> Someone is considered "missing" "whose life or death is unknown, or whose life is known, but his place is unknown."<sup>78</sup> In addition, someone can be considered missing as a result of unforeseen circumstances which have "prevented [him] from returning to his place or managing his affairs by himself or his agent for a period of more than a year and thereby disrupting his interests or the interests of others."<sup>79</sup>

According to the law, you as a member of the family of a "missing" person can initiate an action to confirm a death. Death is presumed, for instance, if the missing person has reached the age of 80 while missing, or, in the case of a declared military action, such as that ongoing in Syria, or a natural disaster, the day after the person has been missing for four years.<sup>80</sup>

You will likely need to hire a lawyer to help with this process. The lawyer will either:

- + Seek to obtain legal guardianship over the missing person's assets/duties after they have been missing for one year.
- + Move to pronounce the missing person dead after they have been missing for four years (until such time that the Ministry of Defense announces the termination of military operations). For the four-year rule to apply, the police report should show that the person went missing after March 15, 2011, the date that military action was declared.

In both cases, the following documents need to be presented:

- + A police report indicating the date the person was reported missing and that the police have distributed a search memo for the missing person across the country. (For soldiers, the report is issued by the Ministry of Defense, and for police it is issued by the Ministry of the Interior.)
- + A criminal record from the Judicial Records at the Criminal Police Headquarters to show that the person is not missing due to an arrest by the police or sentence by the judiciary.
- + A family civil record that shows the relationship of the family member to the missing person.
- + A document showing that the missing person is not reported to have left the country issued by the Department of Immigration and Passports at the Ministry of the Interior. If the missing person is





reported as having left the country, then he is considered “absent” and therefore cannot be legally presumed dead.

Judges we spoke with said that because they know the regime is more likely to keep detainees locked up for years, they hesitate to rule that a missing person is dead. Instead, they direct families to ask for guardianship over money and property, which would give families access to these resources.

This process bears some similarities to processes in other countries, like Bosnia and Herzegovina. There, the authorities considered a person disappeared based on “reliable information” such as “information from which it can reasonably be concluded that a particular person has disappeared.”<sup>81</sup> In Lebanon, a family member or someone close to the missing person may submit a tracing request if they are able to provide “minimum data on the identity of the missing person,” consisting of “the given name and surname, place and date of birth, name of one parent, marital status, profession, and address of the missing or forcibly disappeared person, and reliable information on the circumstances of the disappearance.”<sup>82</sup>





## ***So, What Must Be Done to Help?***

**What should happen (but probably will not, considering the utter disregard for human rights shown thus far by the Syrian regime, its affiliates, and others committing violations):**

+ The Syrian government should ratify the 2006 International Convention for the Protection of All Persons from Enforced Disappearance and immediately implement the requirements of Article 4 of the convention to ensure Syrian law criminalizes enforced disappearances in a manner that meets the elements set forth in the definition of the 1992 Declaration on the Protection of all Persons from Enforced Disappearance.

+ The Syrian government should assist families to obtain, update, or renew all documentation (including individual and family documents) required for accessing social security, pension and other benefits, inheritance, property title, child guardianship, marriage, and travel, among other things, while the person's whereabouts are unknown.

+ The Syrian government should waive the deadlines for registering a death and extend waivers on imposing late fees or penalties.

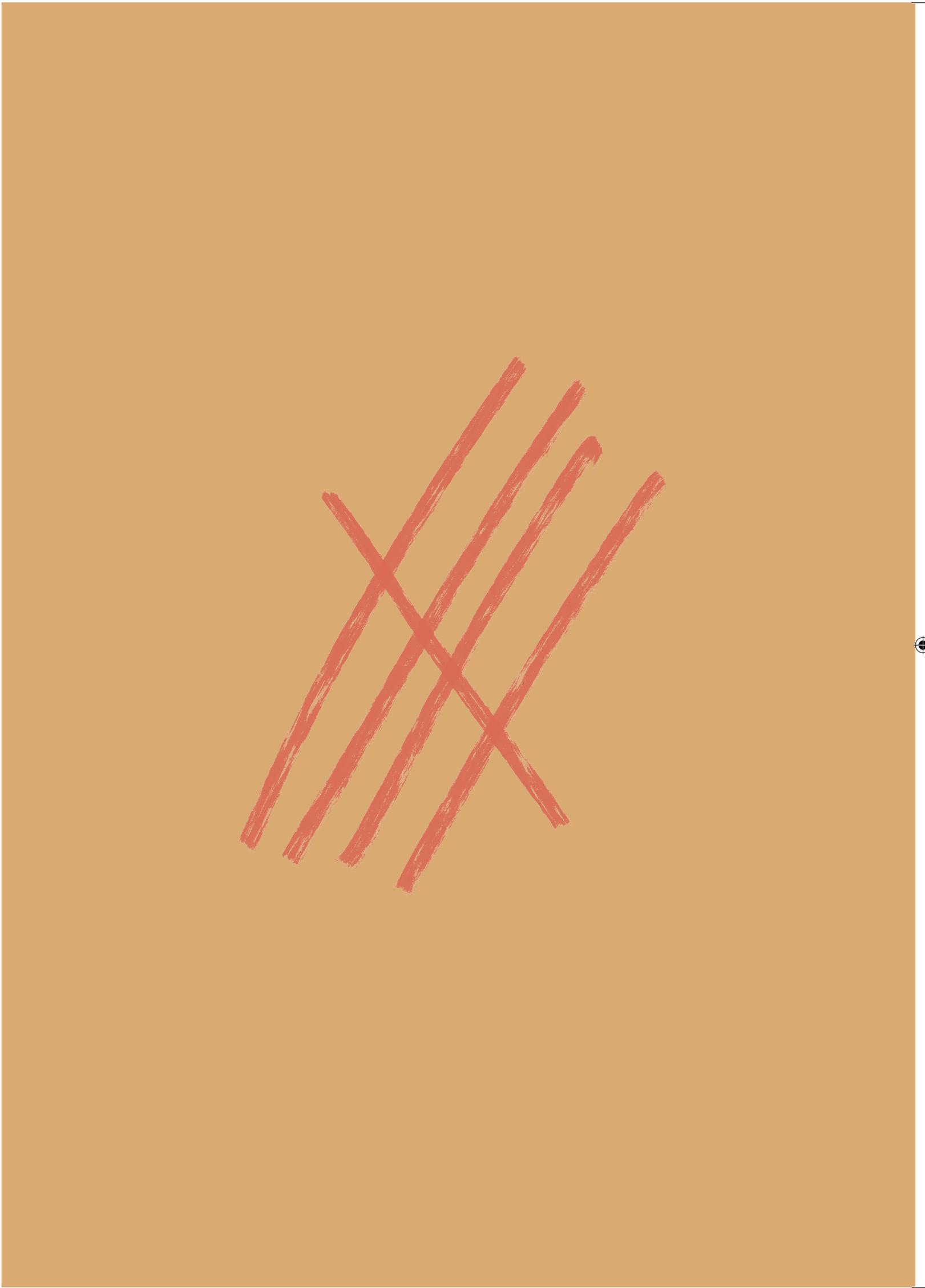
+ The Syrian government should return the personal effects of all persons who died in detention, including identification and other documents, to the family.

**Others must do the following in the absence of state support, responsibility, and accountability:**

+ Governments hosting families of the disappeared and missing in Syria should facilitate families' efforts to seek the truth about the fate and whereabouts of their loved ones and to secure civil documentation, including through the execution of bilateral, multilateral, or regional coordination initiatives or agreements.

+ The international community should continue and, if possible, increase, its financial and operational support to civil society organizations that are working to systematize information about the disappeared and missing in Syria. Consideration and support should also be given to the creation of an international impartial repository for the collection of information on people in detention in Syria and those who are believed to have been forcibly disappeared or who have gone missing before or during the conflict.







***Are You a Woman  
Affected by Enforced  
Disappearance (or Do  
You Know or Care About  
One)? This Chapter Is for  
You***







Unfortunately, being a woman might make things even more difficult for you during this already extraordinarily traumatizing time. Whether you are a bereaved mother or a wife now in charge of providing for your family, many of you may have essentially become prisoners of lost time, living in a state of uncertainty and shouldering immense responsibilities. You may have even been detained yourself and whether your community accepts you back or not may depend entirely on where you live. Whatever your situation, it is important to be aware of some of the additional risks and hardships you can expect to navigate because of your gender.

## Risk of Sexual Harassment and Violence

For one, you might be at risk of being subjected to sexual harassment or violence. This could happen as you search for your loved one: instead of simply being asked for monetary bribes in order to get information, you might be asked for both money and sex. When trying to locate or visit your relative, prison guards or other staff might harass you, threaten to commit some form of sexual violence against you...or worse.

Reem\*, a 24-year-old woman, recounted experiences of both outright violence and threats of sexual exploitation while searching for her disappeared husband. She first survived getting shot at while trying to identify his vehicle outside the military security branch in Hamida al-Taher in Dara'a. She then also experienced sexual harassment where she was summoned inside to receive "preferential treatment."<sup>83</sup>

Another woman interviewed for this report spoke of going several times to the General Intelligence branch in Damascus to inquire about her husband. She was humiliated at various checkpoints and at the entrance of the branch and spoke of being subjected to verbal harassment more than once. Eventually, state agents at the branch threatened her life, telling her that if she were to ask about her husband again, they would send her and her children to see him in the afterlife. This is how she found out her husband had died as a result of torture.<sup>84</sup>

These are the stories of women going to prisons to search for a detained loved one. If you are the detained loved one, it will likely be a harrowing experience. The Independent International Commission of Inquiry on the Syrian Arab Republic (COI) has documented the systematic use of rape and other forms of sexual violence in at least 20 detention sites holding women, very often with the approval (or direct complicity) of high-ranking officers.<sup>85</sup> This bleak reality was corroborated by Rima, who witnessed brutal acts of sexual violence firsthand while detained: "There was a little girl, aged 16, who had not yet finished her education because she was detained at a young age. She was held at the Central Prison in Homs, where she was raped and became mentally ill. She was always naked. I tried to help her, but her situation was very bad."<sup>86</sup>

Sexual violence is also not committed exclusively against women; in fact, the same report found sexual violence and rape against men and boys to be widespread in several intelligence facilities and other detention sites,<sup>87</sup> and a review of the medical reports of 138 male detainees by Lawyers and Doctors for Human Rights (LDHR) found that nearly 88 percent had experienced some type of sexual violence.<sup>88</sup> The forms of sexual violence being committed against both women and men have been described in depth elsewhere<sup>89</sup> and rest assured, they are sadistic and hard to fathom.

Sexual violence and harassment are widespread outside prisons, too. Sometimes just trying to survive without your loved one puts you at risk of exploitation and harassment. Nuha\*, who is now living in Turkey, recounted her experiences of harassment there and in Syria before she left.





Speaking of an interaction with the director of an aid relief office in Idlib, where she had initially fled, she told us, "I was sexually and verbally harassed, and I received indecent messages from this person during my displacement because he knew that I had no husband. He threatened to cut off aid to me if I did not cooperate with him." She later went to Turkey and explained, "When I first arrived in Istanbul, I lived with my mother in a widows' home in [the neighborhood of] Fatih. The director there tried to convince me to marry an Egyptian doctor by telling me that he would protect me and provide for my son and me. However, I discovered that his intention was to marry me temporarily, for pleasure. I refused his offer because he wanted to take advantage of me temporarily, given that I had no provider."<sup>90</sup>

It is also important to clarify that not every woman will experience sexual violence during the search process or detention. There is a risk of it occurring, but the widespread belief that all women in these circumstances will experience such violence also poses a problem given the stigma and associated shame that unjustly surrounds these crimes. See more on this topic below.

## No Autonomy over Your Life

In both legal and social terms, women in Syria are not always considered to be in charge of their own lives, and this will feel extra salient as a wife of a detained or disappeared person. Your own personal considerations may take a backseat to the many social, economic, and security issues you might be confronted with, not to mention the opinions of community leaders, religious scholars, or your family and in-laws.

You will probably be living in a state of confusion and stress for a while and will ultimately have to confront the impossible question of whether you should continue to wait for your disappeared husband to return or attempt to remarry. The latter may seem like a horrible choice to have to make but it also must be weighed against the fact that it is extremely difficult to live as a single Syrian woman, especially if you have a family to care for. But you must be careful! You may be told by your family that it is shameful and selfish to think about this while your husband might still be suffering behind bars somewhere. You may find yourself scolded for allegedly prioritizing your happiness, with no thought given to how difficult life might be for you and how you might be suffering in your husband's absence. This can certainly be frustrating, especially given that these customs do not generally apply to men, who are allowed to remarry days after their wives pass away.

If your father has gone missing, you may be pressured to marry even if you are very young. This could be because your family or community wants you to get married as a form of social control or it could be because your family has been left so economically vulnerable that it seems like you just don't have a choice.

Desperate Syrian families often see early marriage as their only chance to ensure their daughters' safety and survival. However, it is important you hear the stories of women who remained firm that they would not resort to this, since child and early marriage puts girls at high risk for all types of violence and economic vulnerability. Rima spoke to us about the issue:

My detention did not affect the girls' future, and I did not have to arrange an underage marriage for them. I am very protective of my daughters. My eldest daughter graduated in 2010. She used to work at a tourism agency, but I forbade her from going to work when the revolution began in 2011 and 2012 due to the detentions that were taking place. I was afraid she would be kidnapped. However, after my detention, she took care of her siblings and worked to secure an income. I did not have to arrange marriages for them, as I am fully aware of the consequences. However, one of our neighbors, whose husband was detained, had her daughters married despite their young age.<sup>91</sup>

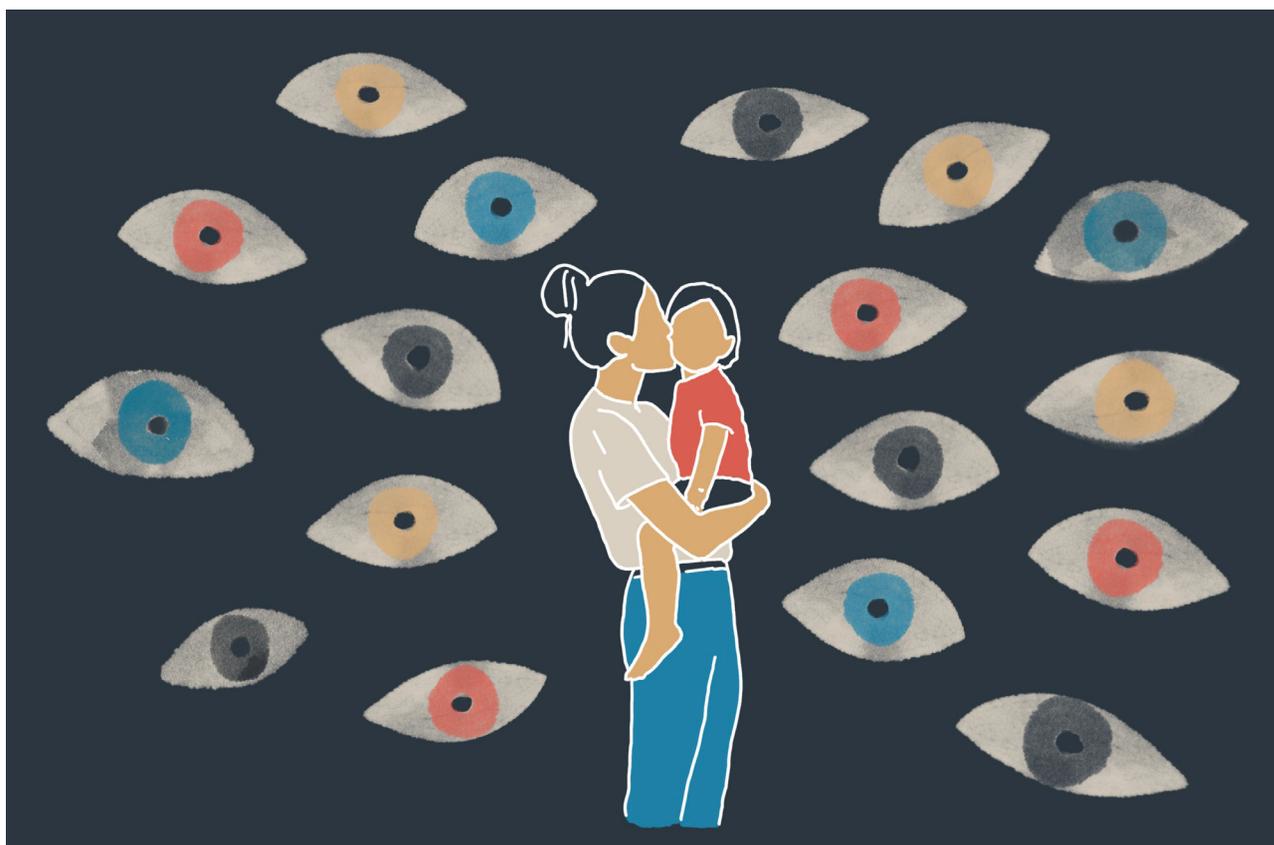


Decisions about marriage are not the only ones that may not wholly belong to you. Your freedom of movement might be affected, and you might even risk losing custody of your children, especially if you do decide to marry again. According to Article 138 of the Personal Status Law, the mother automatically loses custody in the event of her marriage to a man who is not related to the child. Two women interviewees, for instance, lost custody of their children after being pressured to transfer it to their in-laws in light of the disappearance of their husbands.<sup>92</sup>

This is not to say that many women have not overcome these ingrained social perceptions and legal obstacles, particularly once living outside Syria or their home community. For example, two of the women interviewed were able to secure employment in Turkey, allowing them to financially sustain themselves and their children. This has made it easier for them not to succumb to the pressure to give custody over to their in-laws. One woman has held various jobs in Turkey, including working in a pistachio processing plant, a pajama factory, and as a sales representative. Tuhani\*, originally from Idlib, told us, "In Turkey, I worked in an orphanage, and I used to cook. I was very happy. After we left our home, I worked as an office cleaner. There is no shame in that."<sup>93</sup> And Amina\*, who was previously detained, told us of how she persisted in her efforts to be able to continue her studies while in Turkey, "We do not have my university degree nor my husband's, as we could not bring them with us when we left. However, I managed to download a copy of my degree from the website of the Syrian Ministry of Education in 2014, and I used it to enroll at a Turkish virtual university to pursue my education."<sup>94</sup>

*"We do not have my university degree nor my husband's, as we could not bring them with us when we left. However, I managed to download a copy of my degree from the website of the Syrian Ministry of Education in 2014, and I used it to enroll at a Turkish virtual university to pursue my education."*

— Amina, Turkey



# Social Stigma and Ostracization

Unfortunately, enforced disappearance is a violation that causes lasting, ripple effects and may be traumatic for some time. It may even lead your family or community to ostracize you despite the fact that a crime has been committed against you, not the other way around. You might get blamed for the disappearance of your husband and called a bad wife even though you had nothing to do with it and are suffering terribly as a result. Or you might be pressured by your in-laws not to register a death as a way to prevent you from accessing the inheritance you might desperately need. Other struggles might emerge with your in-laws, including the custody battles mentioned above or battles over property. Noor told us, "My husband's family requested a copy of our house deed to take control of it. They tried to obtain the deed through various means, but I kept refusing."<sup>95</sup> Noor was also told by her in-laws that her children were not entitled to any share of her father-in-law's inheritance when he passed away, which is likely not the case. It's not just your in-laws that may ostracize you. You may also be ostracized from social circles and public life, as Iman from Palmyra was: "We were always told 'you are a widow, you should not go out.' This had a massive impact on us."<sup>96</sup>

If you are a woman who was detained, things might get really bad for you. Not only is it possible that your community will reject you if you were detained and released; they may even judge your entire family for it and cast them out socially as well. Or your own family could turn on you. Stories of parents sending their daughters out of the country or husbands leaving their wives once they are released are not uncommon.<sup>97</sup> This is largely due to the fact that in many parts of Syria (and countries around the world), when a woman has been detained, it is assumed that she must have been raped and is therefore now tainted or disgraced. Of course, it's neither true that every woman who is detained is raped nor that a woman who has been is in any way to blame or deserves punishment. On the contrary, what she deserves is to have her rights upheld and to see justice and redress granted to her for the horrendous harm that has been done to her.

Rawan explained the situation of former female detainees this way:

“

If a woman is detained, her parents wish for her death and disappearance. God help any woman who becomes a detainee. When she is released, they force her to relinquish custody of her children, and some women become pregnant after being raped. I hope I never have to go through such an ordeal.<sup>98</sup>

”

Because of these common societal beliefs, it is also often the case that formerly detained women are considered unworthy of marriage. Interviewees spoke of families prohibiting their sons from marrying any woman who was once detained. By contrast, if the released individual is a man, society generally offers support and sympathy and may even consider him a hero! That is not to minimize the experiences of male detainees, who have very likely been subjected to torture, horrible abuse, and other appalling treatment and conditions in detention (if they are even still alive). Many men who are released have experienced social ostracization, particularly by those with differing political opinions, and this has made it difficult for some to reintegrate into society. But the reality is that as a woman, you are likely to have to contend with particular forms of discrimination and social stigma upon release simply because of your gender.

*“If a woman is detained, her parents wish for her death and disappearance. God help any woman who becomes a detainee. When she is released, they force her to relinquish custody of her children, and some women become pregnant after being raped. I hope I never have to go through such an ordeal.”*

— Rawan



# The Economic Burden Will Be Harder for You to Overcome

In Syrian society, it is common for the husband to assume responsibility as the head of the household, and his absence often paralyzes the family and doubles the burden on women. Without as much employment experience and now faced with the dual responsibility of both providing and caring for the family, many women are left more financially insecure in the aftermath of a husband's detention or disappearance than before. Women who have been detained and subsequently released also face dire economic consequences. One study found that among a sample of 69 formerly detained women who were working prior to their detention, 83 percent did not go back to work upon their release for various reasons.<sup>99</sup>

This is to say nothing of how much time, energy, and money women must spend searching for their loved one, which makes it more difficult for wives in particular to sustain meaningful employment and fill the income gap left behind upon their husband's imprisonment. Mona\*, a woman from Idlib whose husband and one son were detained, spoke to us about the financial impact of this dual loss. "Due to our living conditions, we are having to bear more responsibilities than we can handle. Given our poor situation, my son could not pursue his university studies because we were not able to pay the tuition fees."<sup>100</sup>

Mona's comments about her son's inability to pursue his education are important for you to note because it is very possible your children's futures are going to be negatively affected in the short and long-term as a result of your detention or that of your family member's. You heard from Rima earlier about her son's arrest and the impact of their displacement on his education. Ghada also shared that "my son could not pursue his education. His two brothers are detained, and we know nothing about them. He began working here in Turkey to provide for us, but due to COVID-19, he was also laid off from work."<sup>101</sup>

There is also the issue of registering children without knowing where your husband is. We will return to this subject in Chapter 7 but for now, we will leave you with this story from Rima about her daughter-in-law's experience after Rima's son was detained. "My son's wife managed to register two of their little daughters by hiring a lawyer and declaring that the girls' father was missing. We paid the lawyer 250,000 Syrian pounds at the rate of 200 pounds per US dollar. However, we could not register the third daughter before the regime, despite having her registered at opposition authorities."<sup>102</sup>





## *So, What Must Be Done to Help?*

**What should happen (but probably will not, considering the utter disregard for human rights shown thus far by the Syrian regime, its affiliates, and others committing violations):**

+ The Syrian government should create a public register that includes the names, whereabouts of all detained persons, and relevant details about the alleged offense and update the information contained therein on a regular basis. This register should be accessible to judges, lawyers, and families of detainees and human rights organizations without any restrictions, and available to the public for direct viewing through an electronic database.

+ The Syrian government, its affiliates, and all other armed groups holding detainees must do more to protect people during the search process from violence, harassment, threats of detention, blackmail, and other forms of harm and abuse. The Syrian government should put strict protocols into place prohibiting this kind of behavior and should sanction state employees and any affiliates who violate these policies and commit violence or other harmful acts against family members who are searching for their loved one(s).

+ The Syrian government, its affiliated institutions, and all other armed groups should activate oversight mechanisms over law enforcement personnel and fully comply with the Code of Conduct for Law Enforcement Officials, Amnesty International's Ten Core Standards for Human Rights, and the Convention against Torture. All perpetrators of sexual and gender-based violence must be held accountable and permanently dismissed from public service.

+ The Syrian government, its affiliates, and all other armed groups should immediately cease all forms of human rights violations, including all forms of torture and other cruel, inhuman, and degrading treatment, being committed against detainees. This includes stopping all forms of sexual and gender-based violence occurring in prisons, detention sites, at checkpoints, and anywhere else.

+ Female detainees being held by the Syrian government or any other armed actor should be considered high priority in terms of release given their heightened vulnerability to gender-based violence during detention.

+ The Syrian government, other state parties, and opposition groups exercising control over areas of Syria, as well as relevant international agencies and civil society organizations, should provide ample support to women who are released from detention, as they are likely to be subject to added stigma, discrimination, and ostracization from their families or communities because of their gender.

+ The Syrian government, its affiliates, and multilateral organizations such as the United Nations and international agencies such as the International Committee of the Red Cross should work together and separately to improve protocols and processes related to the search process and should immediately inform family members of the fate and whereabouts of their loved ones. An improved flow of information and safe centers for families, as well as all other measures outlined in previous chapters to facilitate a safe and transparent search process, would go a long way to help women searching for their relatives do so in a safer manner, particularly if such measures limit contact with state agencies as much as possible.

+ As noted above, the Syrian government should create a new legal designation for those whose fate and whereabouts are unknown that does not require such individuals to be declared dead for their relatives to access benefits. This legal status must be formulated in such a way that would allow relatives to exercise their rights to child custody, inheritance, administration of property, transfer of assets, access to social security benefits, provision of economic and housing support, claiming of insurance, and other benefits.





**Others must do the following in the absence of state support, responsibility, and accountability:**

+ The international community should proactively support networks of families of the forcibly disappeared so that families can advocate for their rights and support each other in the search process and beyond. No wife or other family member should be left to navigate the complex aftermath of disappearance alone.

+ Governments hosting Syrian refugees should have safe, secure mechanisms for women to report acts of violence, blackmail, and other forms of harassment against them. Moreover, they should take these reports seriously and ensure meaningful action is taken to address the complaints.

+ Host governments and others in the international community should provide vocational assistance, educational opportunities (for whole families), literacy training, language education, and other measures for integrating wives of the detained and disappeared and their families fully into society. The women in our study who were able to secure employment were less vulnerable to threats from their families and in-laws (for example, to take away their children) and more autonomous in their new lives as forced breadwinners and caretakers.

+ National and international civil society organizations should offer legal aid services and other means of legal and administrative support to wives and other relatives of the forcibly disappeared and arbitrarily detained as they navigate complex documentation processes. Donor governments should support grassroots and other organizations doing this work.

+ Similarly, host governments should assist beneficiaries in proving their relationship to the disappeared and securing identity documents required for accessing benefits, formalizing new relationships, and other processes, even if it means amending existing policies or granting certain exceptions for conflict-affected Syrians.

+ In the provision of support services, aid, psychosocial support, and other forms of assistance to former female detainees and female relatives of the disappeared, it is important that all state, nonstate (including civil society), and international entities take into account the structural barriers that can prevent women from accessing support or otherwise limit the impact of such support. They should take actions such as paying extra transport stipends, providing enough meals or money for meals for the whole family (not just the woman participating), providing childcare assistance, providing aid in ways that do not require the beneficiary to have a bank account, not requiring identification documents that women may not have, and other such steps.







***A Violation Without  
End: Trauma and  
Enforced Disappearance***





We have already alluded to the trauma you are very likely to experience as someone affected by enforced disappearance and arbitrary detention. This could be as a family member of someone who has been disappeared or detained or because you yourself were. Of course, you really don't need us to tell you that trauma is now part of your reality. However, we can help you understand more about what it might look and feel like for you and your family.

In general terms, trauma can be described as the state of distress or negative emotional or psychological response that one feels following a painful, violent, or disturbing event or experience. Most of the events associated with war or conflict—bombings, displacement, abduction, rape and other forms of sexual violence, torture, or witnessing the death of a loved one, to name a few—can easily be characterized as the types of experiences that would provoke trauma. In fact, trauma is not limited to direct forms of physical harm. It can stem from a psychological threat or event as well, such as living in chronic fear amidst a devastating conflict. Does this sound familiar?

Trauma and its manifestations have been characterized in various ways, often related to factors such as the nature and severity of the event (or events), the frequency of exposure, degree of intentionality, and the amount of control one has over the situation.<sup>103</sup> As someone who has been surviving a drawn out and brutally violent armed conflict, you have likely experienced multiple forms of human rights violations, have lived in constant fear for your life and the lives of the ones you love, and are now confronted with what has been aptly termed the “ambiguous loss” of a loved one that precludes you from getting any sort of closure.<sup>104</sup> Let us assume that however your trauma might be categorized, it is profound.

The unique trauma of experiencing an ongoing violation that essentially does not end until you get answers—which may be never—has been described as “a drawn-out shock, a state of latent and prolonged crisis, in which the anguish and sorrow caused by the absence of the loved one continues indefinitely.”<sup>105</sup> This is not to say that others' suffering ends along with the violation they experience, because that is simply not the case. The trauma of being detained, tortured, experiencing sexual violence, or living through a bombing or siege can also persist well after the incident ends. But what stands out about the pain of losing a loved one, not to death but to the unknown, is that the very act of moving on would create a new form of anguish because it would mean exterminating the hope you have likely been holding onto just to keep going. You are robbed of the full grieving process because you don't know if it is time to begin.

That is really one of the cruelest parts of enforced disappearance—that any process of grieving is at once truncated and prolonged indefinitely. You cannot fully move through it because you do not really know what you are grieving, but you also cannot deny the magnitude of the loss in the present. You are coping with something indistinct which means that the already messy process of grief will be even messier for you. As Judith Twala from the Center for Victims of Torture framed it, “Ambiguous loss can traumatize and immobilize grief and coping processes and prevent individuals and families from moving forward with their lives.”<sup>106</sup> If you have felt at times like the pain you are feeling almost amounts to its own form of torture, you are both right and not alone. In fact, there is even a legal basis for this idea. The European Court of Human Rights<sup>107</sup> and the Inter-American Court of Human Rights<sup>108</sup> have both found that the level of mental stress, anguish, and profound psychological harm that families of the disappeared experience amounts to a violation of the prohibitions on torture and other cruel, inhuman, or degrading treatment. The UN Human Rights Committee also found the same.<sup>109</sup>

Beyond the anguish caused by not knowing, many studies have found that the lack of support from the state, as well as your community and other social networks, can exacerbate the psychological toll of disappearance and other traumatic events.<sup>110</sup> This feeling of abandonment is arguably part of the intent of disappearances or arbitrary detentions. It is not

*“Ambiguous loss can traumatize and immobilize grief and coping processes and prevent individuals and families from moving forward with their lives.”*

*— Judith Twala, Center for Victims of Torture*





enough to detain or even kill a loved one; instead, the state uses the ambiguity as an additional tool of psychological warfare. They have taken your loved one and now deny they have them, leaving you helpless since this is also the entity to which you are allegedly supposed to turn for help. Disappearance “confronts those impacted by it with the power of perpetrators; power to not only deny life but to deny even confirmation of death.”<sup>111</sup>

Because of the stigma or even just your uncertain status, you will likely feel marginalized by others beyond the state as well. For example, in her testimony, Noor lamented, “We, the wives of detainees, were treated unfairly, not like the wives of martyrs, who receive help from charitable associations. By contrast, there are no associations that provide aid to the families of detainees. Even psychological support is not provided.”<sup>112</sup> All the hardship that ensues when a family member disappears—forced displacement, blame, legal challenges, tenuous or illegal status in a host country, and socioeconomic vulnerability—makes it harder to recover than it might be in situations where the loss is similar but there are strong systems of support in place.<sup>113</sup>

## The Forms Trauma Takes

So, what does it actually mean to be experiencing this level of trauma? What does it look like and how is it going to affect your life? It is well beyond the scope of this handbook to get into the many possible manifestations and responses that are possible in the aftermath of a traumatic event, particularly since experiences of trauma are both highly personal and influenced by a diverse array of factors.<sup>114</sup> But what we can do is tell you about what our interviewees and focus group participants have experienced.

Many of our testimonies reflect a degree of denial, a commonly employed defense mechanism that people resort to when faced with traumatic news or experiences. This is only natural considering that you are likely to have been left with no information, no ideas about where your loved one might be, and no proof to confirm any rumors or claims about their status. The denial could be about their whereabouts or arrest in general, but it more likely centers on their ultimate fate.

*“My whole world collapsed. I lost all my senses. It felt like I was dreaming. I could not believe what had happened. I used to just sit there, waiting for him. I counted each and every day. Today is day 322. A while ago I was still at 250. I count every single day.”*

— Reem

This was the case for Reem, who had a hard time accepting the reality of her husband’s disappearance for a long time and who still feels a sense of disbelief. “My whole world collapsed. I lost all my senses. It felt like I was dreaming. I could not believe what had happened. I used to just sit there, waiting for him. I counted each and every day. Today is day 322. A while ago I was still at 250. I count every single day.” She told us that her mother-in-law was also in a state of denial after being informed about her son’s death. They received a death certificate and were asked to pick up her son’s identification and belongings from the Tishreen Military Hospital, but without a body, his mother still

believes that her son is alive.<sup>115</sup> Hossam shared a similar sentiment: “We are still waiting to receive news about our father, who was detained unjustly. We long for the day we will be reunited with him because we will not believe that he was killed unless we see his body with our bare eyes.”<sup>116</sup>

This is all part of the intention—without proof or confirmation, there is just enough space to create theories and deny the most feared possibility. Of course, denial is also made easier by the rampant nature of rumors and misinformation that you will likely hear during your search. All of this could put you at particular risk of exploitation and extortion when you reach the point where you are desperate enough to want to confirm the reality you wish to believe. Therefore, you put your trust (and money) into the hands of third parties you likely know do not have your best interests at heart.





Rouba expressed this idea in her testimony, explaining how she felt "high hopes followed by disappointment every time a negotiation or prisoner exchange campaign is announced. Many opportunists take advantage of rumors to deceive families, particularly female relatives. They promise to deliver news, follow up on their cases, provide legal representation, or release their detained relative."<sup>117</sup>

You may also find yourself consciously or subconsciously engaging in forms of escapism. Dalal\*, a 27-year-old, recounted a visit to her doctor after losing her husband.

“ I went to a psychiatrist, and he asked me if I had sleeping disorders. I told him I used to sleep a lot, sometimes for two or three days straight, and I did not want anyone to wake me up. He said I had symptoms of escapism. I asked him what that meant, and he said, 'escaping from reality.'<sup>118</sup>

If our testimonies are any indication, words like "exhausted," and "defeated" are likely to soon become an integral part of your vocabulary. Feelings of intense sadness, uncontrollable crying, anger, anxiety, and depression are all possibilities for you now that you have joined this most unfortunate group.

Rouba, who lost two of her brothers, describes her mother's anger upon learning that one of her sons went missing:

“ I did not know what to say to my mother. My uncle told her when she was in the Baghdad Station neighborhood in Damascus. My mother began to cry uncontrollably. She is a diabetes patient. She suffered from an episode and was taken to the hospital for treatment.





They say time heals all wounds but that may not apply to you while you are stuck in this excruciating limbo. Maisa'a told us, "To this day, whenever I remember him, I feel like he was just taken in front of me. The pain is still the same, if not more intense, now that the kids are growing up."<sup>119</sup> Some, like Tuhani, liken the experience to being in their own form of prison: "I am exhausted. I feel like I am trapped in prison and forced to wait. He has been gone since 2012, and I know nothing about him."<sup>120</sup> These intense feelings of exhaustion and pain will also likely affect you if you were the one who was disappeared. Yasser shared that "I am psychologically exhausted since my friend snitched on me. My parents and my wife registered me as dead, and my wife married another man."<sup>121</sup>

If you have children, you may feel pressured to appear strong and hopeful for them during the day even when you may feel like you are falling apart on the inside. This can be seen in the testimony of Batoul\*:

“ I stay with my children all day. I try to encourage them to stay hopeful and positive. I never let them feel that I am sad because they are already suffering. At night, however, after they sleep, I wish I would die and not see the light of day. I don't let anyone feel that, deep down, I am a very sad person. I never disclose that.<sup>122</sup> ”

Physical manifestations of your trauma may await you as well. Many of our testimonies reference troubled sleep and nightmares, for example. Rouba talked of how a particular incident from her search has affected her: "Many [bodies] had rotted in the water and could no longer be identified. This day still haunts me in my sleep."<sup>123</sup> Chronic pain, insomnia, fatigue, and other physical ailments are also commonly reported among Syrians and families of the disappeared elsewhere.<sup>124</sup> Your trauma could even affect your ability to function and work, as one participant described. She works as a hairdresser but has to close her shop every time she remembers her son.<sup>125</sup> We did warn you that none of this was going to be easy.

## Trauma Takes Its Toll on Families, Too

If it is beginning to sound like the trauma and pain are too much for one person to bear, brace yourself because there is another element you may need to consider if you have children. You see, trauma has no age limits and affects everyone without discrimination. Many of the wives we spoke with who have children spoke of how deeply the children have been affected by the loss of their father, and how this in turn affects the women, too. Mothers reported that their children cry spontaneously or uncontrollably and cannot understand why their father [or other relative] went missing. Many women also reported that their children suffer from tantrums, fits of anger, depression, deep anxiety, and feelings of insecurity.

*“We are psychologically exhausted. When our children see other children playing with their fathers, they cry and ask why they are deprived of their father. They ask where their father is, and I do not know what to say to them. When I get sick, my daughter begins to cry and tells me that she is scared I might die too and leave them all alone. She is in second grade now.”*

— Iman

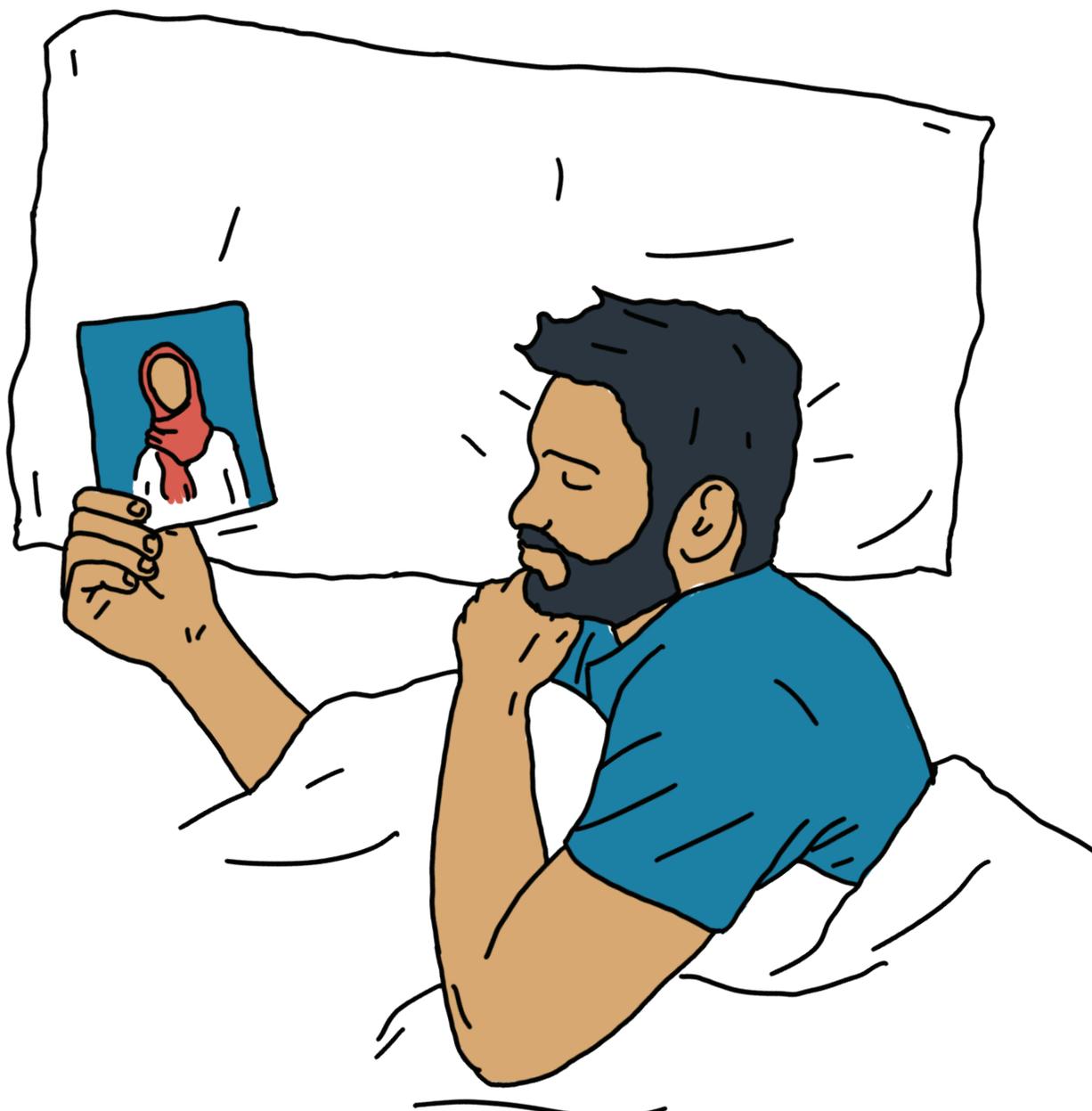
In her testimony, Samira from Aleppo described the state of distress her daughter has been in since her father's disappearance: "My 5-year-old daughter, Sedra, began saying that her father was never coming back home. She often starts to cry, and I cannot console her, despite my attempts. Since that day, she no longer talks to anyone, despite our efforts."<sup>126</sup> Iman shared



how debilitating it can be to watch her children suffer so much: "We are psychologically exhausted. When our children see other children playing with their fathers, they cry and ask why they are deprived of their father. They ask where their father is, and I do not know what to say to them. When I get sick, my daughter begins to cry and tells me that she is scared I might die too and leave them all alone. She is in second grade now."<sup>127</sup>

Your children's responses may be severe enough that it becomes a real cause for concern, as was the case for many of the women with whom we spoke. Maisa'a told us: "If you see my children, you'd think they are mad. This [ten-year-old boy] ... It doesn't feel right. No one stands up for him. I try to support him, but it's still not the same as having his father beside him. Children are more afraid of their fathers than their mothers. His older brother is also suffering. Sometimes they start to cry out of nowhere. I ask them why they're crying, but they don't reply."<sup>128</sup>

As a mother, you will have to deal with your own pain and all of the challenges we have already discussed plus the worries about your children's wellbeing. You may reach a point where you fear you cannot provide your children with a normal life because you feel so defeated. Your child may even blame you on some level, as was the case for Mona: "I suffer from severe psychological pain due to the absence of my husband and my son, and the void that this has left. My son asks me why his friend has a father and he doesn't, why he is forced to assume responsibilities at his young age, what he did wrong. Children are unable to comprehend this situation, and they put the blame on us."<sup>129</sup> Another approach is that



of Batoul, mentioned above, which is to do whatever you can to maintain normalcy and make your children forget what happened, all while still dealing with your own trauma behind closed doors.<sup>130</sup>

There are likely to be few safe places where you or your children can escape the pain and ramifications of your loss. In fact, many children may endure hardships at school. Many women reported that their children are bullied in their schools when people learn they are the child of a detainee. This is true even if you are living outside Syria.

## ***So, What Must Be Done to Help?***

**What should happen (but probably will not, considering the utter disregard for human rights shown thus far by the Syrian regime, its affiliates, and others committing violations):**

+ The Syrian government should commit to providing a measure of justice to all victims of the Syrian conflict, including families affected by enforced disappearance and arbitrary detention.

+ The international community, especially intergovernmental entities like the United Nations should also share this commitment and take the necessary steps to pursue justice for victims, ideally, but not necessarily, with the support of the Syrian regime. Mechanisms of justice are important means to help victims cope with trauma and begin to alleviate their pain. A study by the Center for Victims of Torture found that many victims feel that measures aimed at truth seeking, criminal accountability, and other forms of justice are integral to the healing process.<sup>131</sup>

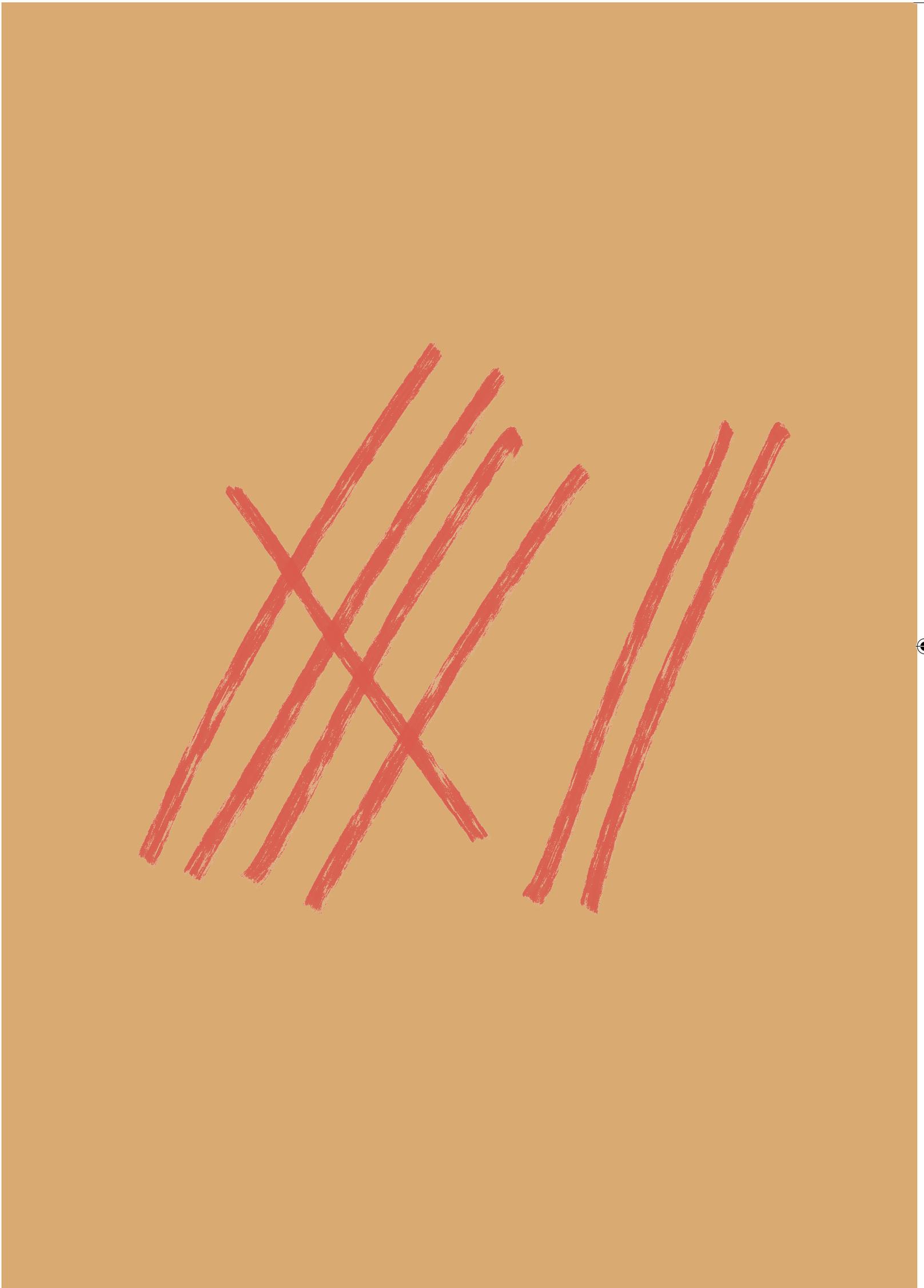
**Others must do the following in the absence of state support, responsibility, and accountability:**

+ Both the Syrian government and international entities—state and civil society alike—should work (both together and separately) to create safe spaces for families of the missing and disappeared. This could include direct support but should be focused on supporting Syrian organizations and networks already doing this work. The whole family is affected when someone is forcibly disappeared or detained and there is no space specifically for them. They need to feel supported first and foremost.

+ The same entities need to provide families with financial, logistical, and social support to address social issues like isolation, poverty, and hardship. This can help families feel supported, which goes a long way toward mitigating the impacts of trauma.

+ Special attention and resources should be dedicated to vocational support for the family members that are left behind, particularly for women. This kind of support can be an important step in helping women resolve the challenges associated with economic hardship while also providing a sense of autonomy and connectedness at a time when this is of utmost importance for psychological health.

+ Forms of psychological and psychosocial support are also important and should be widely available. Such support should be long term, accessible, culturally relevant, and provided by trained professionals. Too often, 'psychosocial support' is tacked onto other initiatives by NGOs who may mean well but are not necessarily qualified to provide this and who cannot sustain the support over the long term. The international community, and eventually the Syrian government, should be supporting organizations who are deeply embedded within Syrian communities (inside and outside the country) and who therefore know how to provide this kind of care in sensitive, sustainable ways that do not inadvertently cause more harm to victims.





***The Aftermath:  
How to Protect Your and  
Your Family's Interests  
and Future?***





Given what you have been through and what you already know about the regime's endless capacity for cruelty, you may feel there is no escape and no real future for you and your family. Although only a small consolation, it is important to know that you are not alone. There are many families from Syria who have suffered the same fate. Some have banded together into associations of the forcibly disappeared and missing from Syria, and you may be able to share your experiences with them and get help. There are also many websites created by families of the disappeared and missing in other countries where you can learn about how they came together to advance their rights and overcome difficult challenges in their lives.

Even with support, it would not be surprising if you feel overburdened by the sheer number of legal processes that you need to complete to protect your rights and those of your family. Some of the steps are quite simple; others are more complex and may require legal knowledge.

Under Syrian law, the registration of life events is mandatory.<sup>132</sup> As a result, no matter your circumstances, you will likely need to obtain a death certificate, renew a passport, update your family booklet, or replace essential civil documentation like your national identification card, among other things. If you are seeking to renew or update an existing civil document, like a passport, the process is usually more straightforward. You may not need to visit the Civil Affairs office in person or someone may be able to go to the office on your behalf.

If, however, you are seeking to obtain a new form of civil documentation because something has changed, such as your marital status or the birth of a child, the process is likely to be more burdensome, particularly depending on where you live. If you have remained in government-controlled areas during the war but did not register necessary information or paperwork, the government may charge you a late fee if you missed the deadline and may ask questions about why you failed to register in a timely manner.

If you were living abroad or outside regime-controlled areas in Syria and have now returned, you should expect to face more rigorous questioning and a security clearance process, as well as harassment and possible arrest. The Syrian regime will not care how or why you ended up in an area outside its control, whether you were fleeing endless bombings or were near starvation as a result of a regime-imposed siege. They will not care if you would have faced injury or death to travel home to file simple paperwork in a government office. No matter the reason, the Syrian regime will probably consider you a "terrorist" and will treat you as such. The possession of civil documents issued by the authorities of a non-state actor or a foreign government will be treated like a red flag by the regime.

In those circumstances, people have sometimes resorted to extreme measures like obtaining fake documentation: "I obtained a fake ID, rather than an official one, due to the fact that regions such as Idlib or those under the control of the Syrian Democratic Forces do not recognize IDs issued by local councils under Turkish control. They only recognize IDs issued by the Syrian regime. Therefore, I issued a fake ID that looks like a regime ID in order to facilitate my mobility."<sup>133</sup> The possession of falsified documents is likely to put you at additional risk of breaking a rule or law, whether you are living in Syria or abroad.

To make matters worse, during the war, many of the Civil Affairs offices that were under the control of the opposition or non-state actors faced relentless bombing attacks by the regime and its allies. As a result, many of the buildings and infrastructure located in these areas, including government buildings, were destroyed or damaged. Although the government claims it has all the records, it is possible that many paper records no longer exist.<sup>134</sup>

To help you navigate these challenges, this chapter covers the most common civil documentation processes, focusing in particular on the legal and bureaucratic challenges faced when someone is detained, goes missing, or disappears. These include:





- + Obtaining the replacement documents necessary to receive a formal confirmation of death
- + Moving forward with inheritance procedures
- + Proving ownership of real estate or the right to use or access real estate
- + Registering existing and new marriages
- + Meeting the documentation requirements for a child or children in your care
- + Travel and the challenges of obtaining or renewing passports

After reading this chapter and the rest of the handbook, you will surely still have many questions. Quite frankly, the rules are complicated and require familiarity with numerous provisions of Syrian substantive and procedural law, including those contained in Syria's Personal Status Law and its Civil Status Law, as well as the laws and procedures promulgated by a foreign country or by a non-state actor with authority over the place where you may now be residing.

The most important thing to keep in mind is that the government often charges fees for registering documents and fines you if you run afoul of some official protocol, even if unwillingly. Because we cannot anticipate each person's individual situation, to help you avoid administrative traps, we also provide you with online resources that contain additional information and a list of organizations that offer more personalized assistance. Please understand that these resources may be incomplete and that the organizations may ask for money in return for answers to your questions.

## Stuck in Administrative Limbo

The Government of Syria has a responsibility to help you find out what happened to your loved one and to facilitate basic tasks,<sup>135</sup> like accessing money in your bank account, ensuring that your son or daughter can register for school, establishing property rights, or traveling abroad. In reality, this is not at all what they are doing.

Instead, you may find that the regime seems determined to make your life harder by forcing you to file documents in person despite the dangers involved. They will likely harass and even threaten you. To avoid that danger, you may try to hire an intermediary to file the paperwork, but that costs a lot of money and still puts you at risk of harm or harassment, now by the intermediary instead of the regime. The regime is also known to purposely delay or refuse requests for passports and other documents such as verifications of university degrees and transcripts, which are needed when applying for a job. It is also known to monitor and track electronic communications.

In addition to harassing you, the regime will often use simple interactions as a way of gathering information about you for security reasons. This is why Noor's family decided not to begin filing paperwork. "Given the strict security measures imposed by the regime against the families of missing persons, we did not take any legal procedures after receiving the death certificate."<sup>136</sup> In many instances, the regime will not issue any official paper until your information is passed to the security services to make sure your name, or that of a family member, is "cleared." The regime requires such clearance particularly when attempting to transfer property,<sup>137</sup> but it may also happen for other transactions, especially if you were living for a time in an area that was not under the control of the Syrian regime. Security checks are intrusive and ask for personal information usually only sought when applying for a job that requires high-level security clearance. For example, reports mention that you will need to provide copies of basic documents like a national identification card and passport photos, as well as "personal data, contact details, career history, political orientation, criminal record, if applicable, and travels abroad." In addition, you may be required to answer "questions about relatives who are active opponents of the [Government of Syria]."<sup>138</sup>





This is also true for Syrians living abroad who report that they face intense questioning by the staff at the Syrian embassy or consulate when they visit to update or request documentation.<sup>139</sup> In fact, "Military Intelligence detachments" are known to be embedded within Syrian embassies to keep "tabs on dissidents' activities overseas."<sup>140</sup> These interactions are used to intimidate the diaspora community and to harass and threaten relatives still in Syria.

Because of these harsh realities, some of you may have been forced to use intermediaries to obtain documents and may be worried that the documents you now possess may not be official or could get you into trouble if you try to use them. This is a legitimate concern as some governments will fine, imprison, or cancel your refugee status if you present a forged or counterfeit document. Fortunately, if you are in possession of a biometric identity card, it is unlikely to be forged or counterfeit.

## Steps for Updating Your Legal Status

Spouses, particularly wives, who do not know the status of their disappeared loved ones often face major obstacles when trying to regain any semblance of a normal life, whether inside or outside of Syria (or when trying to return home). One of the most painful steps that you might be forced or decide to take is registering the death of your loved one at the Civil Affairs office, which is described in general terms in Chapter 4. Here we discuss how to obtain replacement copies of the civil documents you will need to register a death.

## Replacing Civil Documentation

### What If I Have a Formal Confirmation of Death but Do Not Have Other Documents Needed to Register a Death and Obtain a Death Certificate? How Do I Obtain Replacements?

If you have received some confirmation of death, you must now start gathering the other documents that are required to register a death, including the family booklet (or family civil registry statement). Ideally, you would also have the missing person's identification (ID) card, but in the event that you do not, you will be required to submit a written declaration proving the loss of the ID card. In this case, the civil registrar will match the medical death certificate with the family card or the family's civil registry statement.

It is not unusual to lack one of the required documents. Cruelly, the security forces and prison officials will often keep the belongings of those whom they arrest and detain.<sup>141</sup> This may include valuables that your loved one was wearing, like a wedding ring or watch, as well as official documents, such as their national ID or family booklet. Institutionally, there is no formal process by which citizens can interact with intelligence agencies to retrieve valuables. Instead, the belongings of detainees who die while under the authority of the intelligence agencies may be destroyed or lost, or the agencies could just refuse to return them.

In addition, many of you may have been forced to flee the conflict or have been required to leave your home by the government or someone else. In the rush to escape, you may have left behind key documents that are needed to register a death. Or an official at a border crossing may have taken your ID, passport and other documentation. That was the policy in some countries like Jordan, for example,



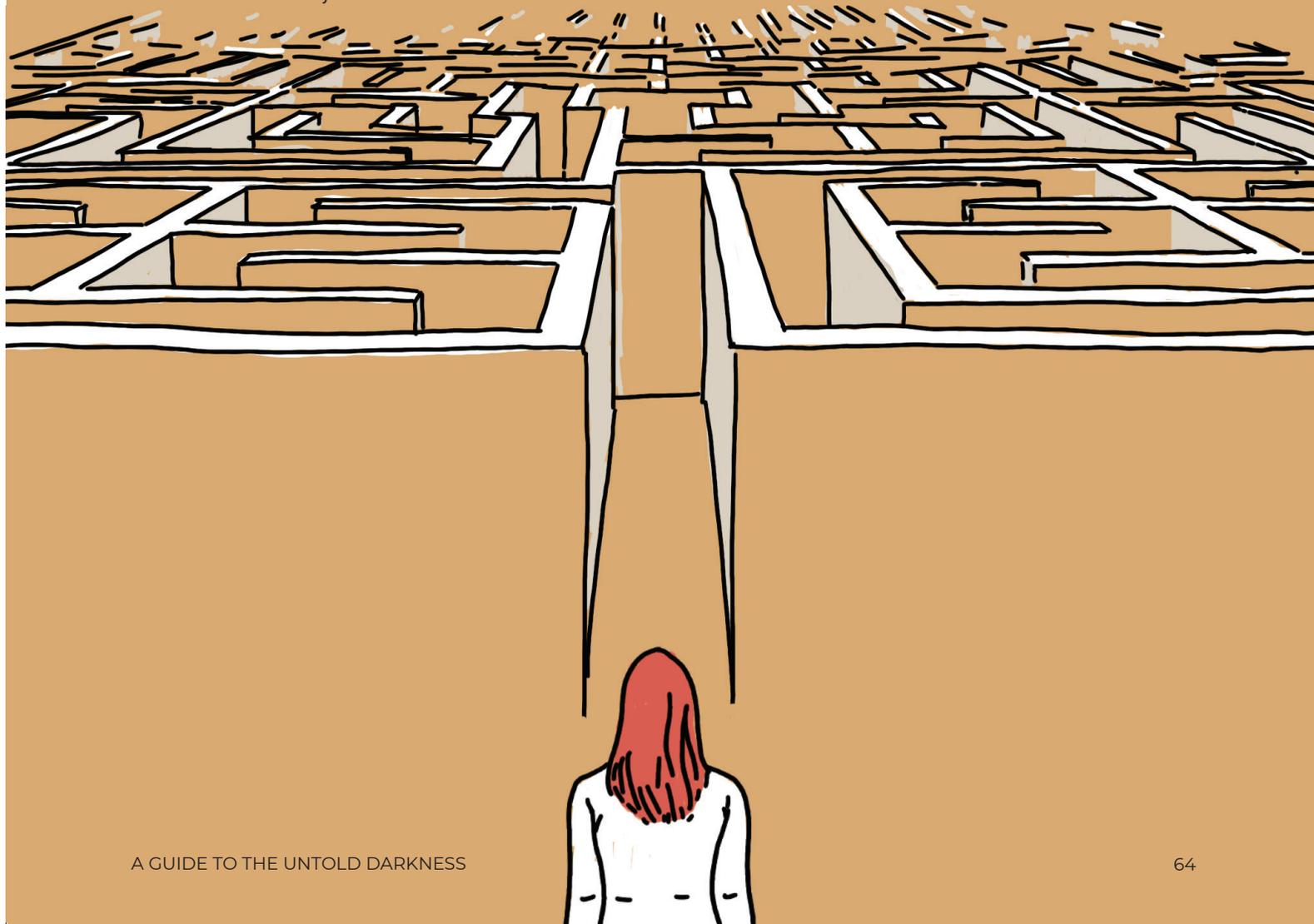
until 2014.<sup>142</sup> Now refugee families in Jordan can request the return of documents that were retained by the authorities there.<sup>143</sup>

Some of you may have obtained official documents from another government<sup>144</sup> or from the UNHCR and are wondering whether they can be used in Syria. For instance, if you are living in Jordan, you are likely to have registered with the Jordanian Ministry of the Interior (MOI) by presenting yourself at a local police station, where you would have received a MOI Service Card.<sup>145</sup> UNHCR issues a "Proof of Registration" document that is valid for the duration of a refugee's time living in a camp. For those refugees living outside of formal camps, UNHCR provides a document called an Asylum Seeker Certificate (ASC), which states that they are "persons of concern" to UNHCR and "can take advantage of services."<sup>146</sup>

However, the Syrian government will only recognize as legal a document issued by a foreign country if it has been authenticated by the mission of the Syrian Arab Republic in the host country and bears the signature of the official in charge of certifying documents, a mission stamp, and the seal of authority of the Syrian Ministry of Foreign Affairs and Expatriates (Foreign Ministry).

Documents, including a national ID and family booklet, can only be issued by the Syrian government after you appear in person. As a result, all documents issued by local authorities in areas that were not under the Syrian regime's control during the war are not recognized, and some are viewed as illegal and even dangerous to possess.

If you no longer have your or your loved one's ID or your family booklet, you will need to file paperwork with the Syrian government. Until now, despite the conditions of war, displacement and 10 years of conflict, the Syrian government has not granted special dispensations with regard to the issuance of documents, especially to families of those arrested, detained, or imprisoned who no longer possess documentation, even if the documents were never returned by the security forces or prison officials. This is particularly problematic for you since, as a family member of someone missing in Syria, if you request information at the prison or seek replacement documents, you too may fall under suspicion and be arrested by the authorities.



## **The Basics**

### ***Obtaining Replacement Documents***

The Civil Status Law states that "the owner of the personal card that has been damaged, lost, corrected or amended in the civil registry on any of the data contained therein, is obligated to apply for a replacement within thirty days from the date of the correction or modification, damage, or loss." Any civil registration statement or personal or family card can be obtained from any civil registry office after you were obligated to extract it from the civil registry office in which your family's record is kept. You can also implement judicial or administrative corrections at any civil registry center without limiting this procedure to the civil registry where your family's records are.

You will need to obtain a police report of the loss (from the district in which the ID card was lost), requiring two adult witnesses of 18 years of age or older. After that, you must go to any civil registry secretariat and bring the following documents:

- + The original police report or a certified copy.
- + Four color photos of the applicant (passport type, on white background).
- + The military booklet (for men between the ages of 18 to 42).
- + Other proof of identity such as a military booklet, family booklet, driver's license, passport, or an identification certificate from the mukhtar.
- + Stamps and a fee totaling 7,000 Syrian pounds.

After submitting the required documents, you will receive a receipt for the application, and an initial date will be set for issuing the replacement card, as happens when applying for an ID card for the first time.

## **How Do I Obtain a Replacement National ID Card?**

National ID cards bearing an individual's unique identification number are very important documents in Syria because, as elsewhere, they establish a person's identity and nationality. Without the national ID, you will not be able to access some basic services, and you might be rearrested if you move around without one.

For families of victims of enforced disappearance, you must surrender your loved one's national ID card to the authorities when you visit the Civil Affairs office to register their death. If the ID is lost, you must inform the police of that fact by submitting a written declaration proving the loss of the identity card. The Civil Affairs secretary will record the medical death certificate on the family card usually in red ink or on a computerized family statement.

When visiting the Civil Affairs office to register a death, you will also need to bring your national ID card with you to prove who you are. If you are no longer in possession of your ID card, you must follow the usual procedures for obtaining a replacement card.<sup>147</sup> To do that, you must go in person to any of the Civil Affairs offices and present a police report. If you are living abroad, the same rules apply despite the immense risks you would face returning to war-torn Syria.

## How Do I Obtain a Replacement Family Booklet or a Family Civil Registry Statement?

You need to present either the deceased's family booklet or a family civil registry statement<sup>148</sup> to register a loved one's death. If you no longer possess one of these documents, you will again need to request a replacement.

If you already had a family booklet, the process should be slightly easier, because the Civil Affairs office should have a record of you and your family, although either you or someone else will still need to visit the Civil Affairs office in person. Family members to the fourth degree<sup>149</sup> can obtain an individual or family civil registry record on your behalf, as can a third party but they must be in possession of a notarial power of attorney that is no more than three months old. However, a legal custodian appointed to represent a minor in his/her custody cannot obtain a family booklet, only a special ID. To replace a lost family booklet, the government requires a police report. And of course, you'll need to pay a fee and get the requisite stamps, which also cost money.

In addition, when a husband is missing or disappeared, a wife is required to provide a passport photo when applying for a family booklet.<sup>150</sup> She must also pay a fee and buy a Red Crescent and a Martyrs stamp at an authorized center or public library. You should know that only 40 percent of the money raised through the purchase of the Red Crescent stamp contributes to the Syrian

### *The Basics*

#### *What Is the Difference Between a Family Booklet and a Family Civil Registry Statement?*

Syria's Civil Affairs Directorate is obligated to maintain a civil registry that records life events (marriages, births, divorces, and deaths). The family booklet contains a record of a marriage and the birth of children, whereas a family civil registry statement is usually issued for a specific life event or to confirm the information recorded in the registry. Unfortunately, registry statements expire after only three months, whereas family booklets have unlimited validity.

An individual can obtain an individual or family registry statement by going in person to a Civil Affairs office. The former confirms the individual's identity, and states the name of the person, their father's and mother's names, their date and place of birth, marital status, religion, the number and area of the civil registry record, the date of enrollment in the civil registry, and the individual's unique national number.

The latter confirms all the information found in the family booklet, including the full names of each family member, the father's name, mother's name, "dates and places of birth, national numbers, religion, sex, marital status, and dates of registration at Civil Affairs departments, and any additional notes, such as dates of transfer of records of the wife, date of death, divorce/ date of divorce, etc.)\* You can use a family civil registry statement as a temporary replacement for a damaged or lost family booklet. It can also be used to gain access to public services or to prove that you are your child's parent.

\* Syrian Ministry of the Interior and UNHCR, Civil Documentation and Registration in the Syrian Arab Republic (July 2018), 10-11. [www.unhcr.org/sy/wp-content/uploads/sites/3/2018/09/Personal-Documentation-En-Jul-2018.pdf](http://www.unhcr.org/sy/wp-content/uploads/sites/3/2018/09/Personal-Documentation-En-Jul-2018.pdf).



Arab Red Crescent (SARC), while the Martyrs stamp contributes to a government fund for the veterans of the Syrian Army, or families of killed government soldiers,<sup>151</sup> which many families of the disappeared resent.

## What If I Never Registered as a Family in Syria and Never Had a Family Booklet?

First-time applicants for a family booklet<sup>152</sup> must go to a Civil Affairs office in person in Syria. Either spouse can apply for a family booklet, as can their children; or a guardian may do so on behalf of underage children. Family civil registry statements can be applied for "by any member of the family—notably the spouses, the ascendants or descendants, the applicant's siblings (incl. their families), or a third party (using a power of attorney that is max. 3 months old)."<sup>153</sup>

## Where Should I Go to Obtain the Required Civil Documentation If I Am Abroad?

That is not an easy question to answer because processes vary depending on the place and type of documentation required. Under Syria's Civil Status law, civil status events that occur in a foreign country are considered valid if "treated in accordance with the provisions of the laws of that country" and are "not in conflict with Syrian laws."<sup>154</sup> So religious marriages performed and registered abroad are recognized, but civil marriages are not, since they are not recognized in Syria.

Events "not in conflict with Syrian laws" must still be registered with the Syrian embassy or consulate, which then sends a copy of the document to the relevant Civil Affairs Directorate through the Foreign Ministry. The documents are then deemed valid in Syria.

There are Syrian missions in many capital cities around the world, although you should confirm whether they are still operating as some have been closed. At the time of this report, for example, Turkey had closed Syria's Embassy in Ankara and its Consulate-General in Gaziantep but had kept the Syrian Consulate-General in Istanbul open. Canada similarly suspended operations at Syria's Embassy in Ottawa.<sup>155</sup>

However, not all events or documents are treated the same. As already mentioned, certain documents, such as the national ID and the family booklet, can only be obtained by visiting one of the Civil Affairs offices in person in Syria or by sending a representative on your behalf, when allowed.

Such in-person visits to a country at war, in particular by individuals like you who are considered suspects by the government, are likely to be very dangerous. Foreign governments hosting Syrians need to work together to simplify and standardize civil documentation processes to make it easier for families of the disappeared and missing to obtain documentation locally and avoid excess fees or fines. One example of this is what the Government of Jordan did: "The Government of Jordan does not require Syrian refugees to visit their embassy to complete civil documentation processes in Jordan. For Syrians and Jordanians alike, the main institutions involved in civil documentation in Jordan are the Civil Status Department, which is part of the

*"The Government of Jordan does not require Syrian refugees to visit their embassy to complete civil documentation processes in Jordan. For Syrians and Jordanians alike, the main institutions involved in civil documentation in Jordan are the Civil Status Department, which is part of the Jordanian Ministry of the Interior (MoI), and two branches of the Jordanian court system: the civil courts and the religious courts."*

*— International Human Rights Clinic and Norwegian Refugee Council*





Jordanian Ministry of the Interior (Mol), and two branches of the Jordanian court system: the civil courts and the religious courts."<sup>156</sup>

## Moving Forward with Inheritance

The right of inheritance is guaranteed by Syria's 2012 Constitution<sup>157</sup> and is governed by the Syrian Personal Status Law.<sup>158</sup> Inheritance, like other personal status matters, falls under the jurisdiction of the religious courts.<sup>159</sup>

However, like all interactions with the government, beginning the inheritance process (also known as "settling the estate") may be risky, as Rima reported: "I also could not settle the estate for my deceased husband. In Homs, parents are banned from disposing of the properties of their children if the latter are fugitives who are wanted by the government or security forces."<sup>160</sup>

Inheritance processes can also be expensive, as Ghada found: "My husband was ill, and he died as a result of a sniper shot. I could not settle the estate after his death. I hired a lawyer to follow up on the procedures."<sup>161</sup> Or the regime may be preventing you from getting the documents you need to file, as happened to Noor when the regime did not issue official documents confirming her husband's death. As a result, the legal procedures by the family to distribute the inheritance and properties had to be discontinued.<sup>162</sup>

Despite the dangers and costs, you may decide to move forward with the inheritance process in order to establish your and your children's rights to property and other benefits, including pensions. To do that, you will need to gather any documents executed by your loved one establishing their intentions relating, for instance, to the distribution of property and the determination of guardianship after their death. When a person dies, one of the first questions to be asked is whether the person had a Last Will and Testament, a legal document that states who will inherit the deceased person's assets and who is legally authorized to settle the estate and implement the person's wishes. Under Syria's Personal Status Law,<sup>163</sup> the terms of a legally executed will usually govern, although its terms must not be "forbidden by Sharia."<sup>164</sup>

However, as often happens, many people never prepare a Last Will and Testament. In those situations, the courts will follow the rules established by your sect or the religion provision of the Personal Status Law. For Muslims, whatever is not covered in the law is to be derived from the Islamic Hanafi school of thought. Men generally receive a larger percentage of inheritance in the distribution of assets; this is usually twice as many shares as women.<sup>165</sup>

For example, a son inherits twice the amount that a daughter inherits. These principles are embodied in Book Six of the Personal Status Law. Article 209 provides that a will may not contain anything prohibited by Sharia. Unless all heirs agree, only up to one-third of an estate may be bequeathed in a will to persons not considered heirs under religious law, and the remaining two-thirds are distributed in accordance with religious principles.<sup>166</sup>

A wife is entitled to a quarter of the inheritance if her deceased husband had no children, and to one eighth of the inheritance if there are children. Meanwhile, a husband is entitled to half the inheritance of his deceased wife if he and his wife had no children, and to one quarter of the inheritance if there are children. A child's entitlement is dependent on their sex and whether the deceased still has living parents. In most cases, after taking out the wife's share, the children get the rest of the inheritance, with boys getting twice the amount girls inherit.

For anyone who has lost a loved one, the probating of a will and the task of managing a loved one's estate, personal bequests, and inheritance can be a trying process. As one of the many families of the disappeared and missing in Syria, some of you may feel overwhelmed by the inherent





complexities of the legal process, or you may not have the time to take on this task yourself, because of your other responsibilities. You may also find this process particularly upsetting given that it is happening while you are still grieving and are likely struggling to pay the bills and may even be living in fear of arrest. Some of you may be fearing not only for your future, but for your very life.

In addition, your neighbors, members of your community, or even some members of your family may try to stop you from taking the legal steps necessary to obtain your share of your loved one's property or that owed to your sons or daughters. In some cases, there have been reports of people falsifying documents in an attempt to take property from the families of the missing and forcibly disappeared or of instituting legal processes for the purpose of doing so. To counter these legal maneuvers, you may need to take steps to protect yourself, for instance by hiring a lawyer.

Similarly, your children may not have the ability to access the assets or inheritance of your missing spouse if your children were not registered in the Civil Registry. To register your child, you should submit the birth certificate, the family booklet, and a copy of your ID. If you live in one of the areas outside regime control, one of your relatives, or someone with a power of attorney, can do the registration for you, although you are again very likely to find yourself forced to pay a bribe to continue the process.

## Property and Real Estate

Legal issues related to property registered in the name of activists, protesters, detainees, and disappeared persons are likely of immediate concern to you because the government has been actively stripping families like yours of their property for years and is now accelerating that process. It is important to consider your options and take the steps you feel are necessary now, as long as you feel safe doing so.

Processes involving property are among the most complicated you are likely to face. This is true whether you are proving ownership over property, gaining access to or selling it, or establishing the right to occupy an apartment or store if you are a renter. Many of you will already know who owns the house, land, and other property that you now occupy or once occupied. Some of you may have documentation like a deed (in Arabic, *Tabu*) that proves that you or your loved one holds formal title to your property. Or you may be able to show that you and someone else hold title jointly. However, some of you may not be sure about how your property ownership is held. For instance, your loved one may have owned it either directly as a private person or indirectly in the name of an entity in which they had an ownership interest.

In addition, there may be questions relating to the title itself, as happened to Iman: "I hired an attorney to complete the registration process for the house we had bought, because we bought it from inheritors. However, we have not been able to complete the process because we lost most of our papers. We only have the house contract."<sup>167</sup>

Because there are different forms of ownership and occupancy rights in Syria, in ordinary circumstances you would probably consult a lawyer or other adviser (if you could afford it) who is familiar with Syrian law and procedures to obtain advice about what is best for you and your family. However, in the current circumstances, you will need to be very careful because, as already discussed, some people have been defrauded by intermediaries, including lawyers, who prey on those who cannot visit a real estate registry office themselves. Families of disappeared and missing persons are also frequently targeted by the regime when a family tries to sell the property of a former or current detainee, or if property is to be distributed as an inheritance.





Former detainees may be denied the security clearance required to sell their property, even when they are acting through a power of attorney.<sup>168</sup>

That being said, there are many reasons why you will want to prove that you or a family member owns or has the right to occupy or use property, most importantly to protect your and your family members' rights going forward. In the worst case, you may be trying to prevent the government or someone else from taking your property away from you. This may be another family member, someone who is squatting on your property, or a business or stranger who is claiming some right to your home, business, or land.

## What Documents Do I Need to Prove My Ownership or Occupancy Rights over Property?

If you own the property, you may be able to prove ownership by presenting one of the following: (1) a copy of the Tabu or land deed, (2) a court decision proving the purchase of the property, (3) proof of purchase through a notarized agent, or (4) a purchase contract with a utility bill.

The Tabu is your strongest proof of ownership, although you may also be able to use a contract of sale as proof. However, a large percentage of the Tabu in Syria are not issued in the name of the owner or owners, but rather in the names of their older relatives because the family has owned the property for generations. Or the ownership of real estate is often shared between family members.

In the case that your Tabu was seized at a checkpoint or was otherwise lost or destroyed, your ownership would still be registered at your local real estate registry office. To file for a replacement, you will need a police report, the land registration (obtained from the Real Estate Registry), a photo ID, and advertisement fees.<sup>169</sup> The process of obtaining a replacement Tabu takes from 20 to 30 days.

Or perhaps, you were never an owner, but were instead a renter. In that case, you may have a signed lease (i.e., rental agreement) or other contract that establishes the terms of your right to access and use the property. If you rent property, under Syria's Personal Status Law, you may also be able to continue to benefit from the use of rented property after your loved one's death by presenting a Last Will and Testament, which may be valid for transferring the rights by inheritance.<sup>170</sup>

## What Is the Status of Syria's Land Records?

There are no definitive government statements or statistics on the extent of damage to the real estate records in the country. According to a 2016 statement by the former head of the Syrian Real Estate Registry, Abdulkareem Idrees, the Real Estate Registry is purported to preserve a central archive for all real estate registries in Syria.<sup>171</sup> However, human rights reports confirm the theft of real estate records from some areas, such as Al-Bab district in the countryside of Aleppo. There is also evidence that some records, including real estate and court records and notary public documents proving property rights, were destroyed by government forces intentionally, such as those held in the registry offices in Zabadani, Daraya, Qusayr, and Homs.<sup>172</sup>

In the event that it is not possible to obtain documentary proof of ownership, it is also possible to prove ownership through a local official by presenting witness testimony. However, this process is only available if you are still residing on the property.



Keep in mind that some people have taken advantage of the chaos of war to file fake property documents. As a result, it is possible that unbeknownst to you someone may have transferred your property to someone else. Non-state actors like Ahrar al-Sham and Haya'at Tahrir al-Sham have conducted de facto transfers of property, and some lawyers have falsified documents to effectuate sales.<sup>173</sup> In those cases, it may be very hard to regain your property rights, especially if the property has been sold multiple times, including to legitimate buyers.

## Where Do I Obtain Proof of Ownership or Rights to Occupy the Land?

If you do not possess proof of ownership, you will need to obtain copies of the property records maintained by the government. The good news is that there is a national real estate registry authority in Syria; the bad news is that the government has not yet finished the process of digitizing land records that began in 2010. According to the former head of the Real Estate Registry, the process digitized 75 percent of all lands by 2017. However, in May 2016, registrations were suspended at real estate registries that were closed due to "unstable security conditions."<sup>174</sup> Thus there are still gaps in the system that may affect your ability to locate the necessary records. As of now, there is no confirmed information about the digitization process and electronic storage of title deeds in Syria.

*In Daraya, following the destruction of the real estate registry, the government formed a committee from the locals left in the town to confirm ownership of property. Because a security clearance was required to confirm ownership, many had difficulties doing so.*

To obtain a Tabu replacement, you will need to go to the real estate registry where your property is registered with witnesses who can testify to the loss or damage of your Tabu. The registry director will prepare a report of the loss that includes your proof of ID and other information related to the specifications of the property. The report must then be published in the official and three local newspapers. After 15 days, if no objection is received, the registry director may issue a replacement Tabu "if he's convinced of the claim" as defined by the Real Estate Registry Law. The lack of transparency around the extent of the damage to land records leaves open the opportunity for the government to claim that records are damaged though they may not be damaged in the first place, and damaged records without the names of their original owners.





In areas outside regime control, other groups may have possession of land records. For instance, the local councils in Azaz and a-Bab in northern Aleppo are reported to have opened a real estate registry office in Azaz in northern Syria with the support of Turkey.<sup>175</sup> Any transfer of property that happened in areas that were outside the Syrian regime's control but were later taken back by the regime is particularly problematic. The Syrian regime refuses to acknowledge any of the transactions that happened in those areas during the period they were outside its control.<sup>176</sup>

In Eastern Ghouta, Real Estate Registry employees were able to preserve records by transferring them to safe areas. In addition, some local councils photographed the records during the process of automating them to preserve them from damage and loss. The records were delivered to the Syrian regime after it took control of the area. However, the regime refuses to acknowledge any of the property transactions that happened while the area was out of its control despite having the records.<sup>177</sup>

In those situations, to prove ownership, both the buyer and the seller must go to the Real Estate Registry and establish the transfer of property. Otherwise, the ownership will remain in the name of the person who held it prior to opposition control. This policy has also opened the door for a lot of unethical transactions where land sellers were able to resell properties they have already sold to new buyers and register the properties at the government's Real Estate Registry, further displacing families who stayed in areas once held by the opposition.

Unfortunately, the regime has also issued many laws and decrees that may undermine your ownership of property. In many instances, the regime is trying to take people's land even if they prove ownership. The regime is also denying families access to furniture and other possessions they left behind on the property, as Rima from Homs confirmed: "I have properties and lands in Talbiseh, Homs, with all the required property deeds, but I cannot have access to them. They—the regime—even banned me from taking or selling the furniture of my house in Bab Al-Sebaa."<sup>178</sup> We also know that looting by government forces occurred in places like Daraya,<sup>179</sup> and by non-state actors like the Syrian Democratic Forces and some factions of the Syrian National Army.<sup>180</sup> Unfortunately, as of now, there are no means of recourse for these crimes, although under the laws of war forcibly taking private property for personal use is prohibited and can also constitute a war crime.

Similar to its conduct in other situations, the regime does not care. In fact, it has institutionalized the taking of property. One of the laws passed by the government is Decree 10 of 2018, which governs the establishment of new urban zones. This law requires you to establish your ownership rights over property in order to be compensated for its confiscation, if there is no record of ownership in the real estate registry. If you cannot do so in person, a family member or designated agent may do so on your behalf. However, the family member too will need to provide proof of ownership and may be subject to a security check.

In addition, the National Security Office issued executive orders to the Ministry of Finance to confiscate the property of individuals who are affiliated with the opposition, and the property of those individuals' families.<sup>181</sup>

If you are living abroad, you may need to obtain the assistance of someone else to protect your ownership rights under Decree 10 and other laws issued by the regime. For instance, the regime has issued various counter-terrorism laws, which also affect families' property rights by freezing or confiscating the assets of rebel fighters, aid workers, and opposition civil employees and their families.<sup>182</sup> One focus group participant shared the following with us:

“ I have a house in Aleppo. I told my husband's family that they could take it, so that nobody else would reside in it. They told me that it had become a terrorist house and that they could not dare approach it. I then contacted a woman in Aleppo, who referred me to a person living in a regime-controlled area. This person told me that they would seal the door to the house with a brick wall in return for 200 Turkish liras. They actually did so, and they sent me a picture of the door.<sup>183</sup> ”



In addition, it also may be necessary to protect your ownership rights against strangers or unfortunately even against other family members. For instance, Noor's in-laws kept requesting "a copy of our house deed to take control of it. They tried to obtain the deed through various means, but I kept refusing."<sup>184</sup>

## Is It True That I Can Establish Property Ownership by Presenting Alternative Forms of Proof?

If you no longer have proof of property ownership, you are not alone. The majority of displaced persons (approximately two-thirds according to a survey conducted by a partner organization, The Day After) do not have documents because they were destroyed by bombings, were lost, or they never had them in the first place.<sup>185</sup> In addition, during the war, many government real estate registries in areas under the control of non-state actors did not provide registration services for many years.

To remedy that situation, in 2016, the government issued a decree that allows officials to end the freeze on registration services and establishes a process for updating the registries based on the latest records. According to the decree, new registries will be recorded in a temporary registry and then are posted in the lobby of the registry for two months before being moved to the official registry.

The government also issued Law 33 of 2017, which allows owners with digitized deeds to request a new copy of a deed if it was lost or stolen. Those without a digitized deed can seek to establish ownership as follows:

- + Administrative reconfiguration: If the documents available in the real estate departments are sufficient to reconstitute the real estate registry from contracts, copies of contracts, copies of land deeds, and other approved documents from reliable government data sources.
- + Judicial reconfiguration: In the absence of sufficient documents to reconstitute the land deed, and according to Article 5 of Law 33 and the provisions of Law 186 of 1926, the Director General of Real Estate Services proposes to the Minister of Justice to assign one or more real estate judges to each governorate to consider reconfiguring damaged or lost real estate documents and issue the necessary decisions in accordance with the provisions of the law. Each judge would then establish a committee of civil engineers and real estate experts to reconstruct the records of the area. The committee would then conduct field visits accompanied by the local mukhtar to determine the specifications and ownership of each property using the testimonies of the mukhtar, locals, and the occupants or owners of the properties. If you are still living in one of those areas, your utility bills, contract, testimonies of your neighbors or of the mukhtar might be sufficient to prove your ownership. All is dependent on the government, including the intelligence agencies, not indicating to the committee or the local mukhtar any concerns about your political history.

After that process is completed, claims can still be made against the property for five years. During that waiting period, the court hears claims registered in the real estate registry. Ownership only becomes final after the five-year period passes. Affected persons remain entitled to claim material compensation within a period of fifteen years.

Unfortunately, in many cases where the government has issued area-specific property decrees, these alternative processes may not be effective.

## What If I Was Renting Property in Syria or Was Occupying It Based on an Informal Arrangement?

In addition to the right of ownership, you may possess a right to occupy or use property. For example, you or your loved one may have signed a formal rental agreement for the use of an apartment, store, or office for a certain time period. Or you may have entered into some informal arrangement for the use or occupancy of public land or may be occupying land held by the Syrian state.

In many instances, rather than a formal lease, you may hold a "license" that gives you the right to access and use a small shop. These licenses are held not in the name of the shopkeeper. Instead, they follow the property. As a result, it is not necessary to transfer the license through the inheritance process. You will however need to pay whatever licensing fees are owed to the government to operate a commercial business.

For many years, rents in Syria were commonly managed through Legislative Decree No. 111/1952, which determined rents "by reference to the market value of the premises and were not permitted to exceed a fixed percentage of that value."<sup>186</sup> Renters were given "provisional (automatic) extension" options. As a result, after the rent contract ends, renters can extend the contract indefinitely as long as they continue to pay the rent as set in the contract.

Under Syria's Personal Status Law, a right to benefit from leased property can be passed on as part of an inheritance. As a result, rent contracts can be inherited and some renters' heirs continue to pay the same amount of rent as their parents or grandparents based on the existing contracts. In 2001, however, the government regulated housing and summer rents which allowed landlords to evict tenants by offering them a buy-out option amounting to 40 percent of the current value of the property.<sup>187</sup> In 2015, the government modified the law by allowing landlords to "set rental prices as they see fit."

## Registering Marriages—Existing and New

There are many reasons why you might need to prove whether you are married, separated, widowed, divorced, or single. Among the primary reasons would be if you are registering the birth of a child or initiating inheritance procedures.

As someone who was imprisoned or is the family member of someone who is or was, it may be hard to secure the paperwork that you will need to properly record a change in marital status.

Similarly, if you have been displaced as a result of the war, you too may face difficulties. For instance, you may need to prove you are married to access services like shared family housing for displaced persons. Or you may be living abroad and are hoping to reunify with a family member and must establish a family relationship. Likewise, you may need to present proof of marriage when seeking to reunite with a child. There are differences between countries in the requirements for verifying parent-child relationships. Some countries, like Germany, are strict about documentation requirements for verifying parent-child relationships and will even insist on a DNA test if official documentation cannot be provided.<sup>188</sup>

Depending on where you are living, the steps necessary to prove your marital status will vary. Countries differ as to what constitutes a bona fide marriage. For instance, civil marriages (e.g.,



marriages performed by a government official) are not recognized by the Syrian government regardless of religion, although during the war, civil marriages were made legal in some areas outside government control.<sup>189</sup> This is in contrast to the fact that in many countries around the world, civil marriages are a common occurrence. As such, the specifics of what constitutes a valid marriage are too complicated to discuss here, and it is best if you consult a lawyer, religious leader, or official to discuss your particular situation.

In all of these circumstances, what you need to know for civil documentation purposes is that any marriage involving Syrians must be registered by a competent Civil Affairs office in Syria if it is to be considered valid. This is true whether you are living in Syria or abroad.

## What Documents Do I Need to Get Married and Then Register the Marriage?

During ordinary times, for many of you, it is generally a fairly simple process to make arrangements for and celebrate your marriage, consistent with your religious background. Most of you will know the process very well. After a marriage is registered, both the husband and wife should receive a copy of their marriage contract. First, you will need to register the marriage contract in accordance with the applicable religious law. After that, you must also register the marriage at the Civil Affairs office or with the accredited embassy or consulate in the case you reside abroad.<sup>190</sup>

Marriages that are not officially registered are considered customary marriages and are not valid, even if the required religious rites are conducted.<sup>191</sup> It is important to register your marriage. Otherwise, you will not be able to register the birth of a child later.

If you are in Syria, you will need to gather a number of documents and reports prior to the ceremony. Other countries often have similar requirements. Some, like the individual civil registry statement, must be obtained in Syria, either in-person or through a proxy. If you are living in Turkey, the original individual civil registry statement is often carried across the border and delivered to you in return for a significant fee.

Since 2011, the process of registering a marriage can be challenging depending on where you are living. Couples who married outside government-controlled areas in Syria may not be able to record the marriage in a Civil Affairs office recognized by the government. The courts in opposition areas recognize marriage contracts documented in other conflict areas, while the courts of the Syrian regime do not recognize marriage documents issued in opposition areas. If such documents are submitted to the regime, it will result in a security review as the person is likely to be considered a collaborator with "terrorists."

If you are living outside Syria, the process will be defined not only by the nation's domestic law, but by Syrian law as well. In Lebanon, for example, your marriage must be registered at the Foreigners' Register of the Personal Status Department and then certified by the Lebanese Ministry of Foreign Affairs and the Embassy of Syria in Lebanon.<sup>192</sup> The Embassy then sends it to Syrian Civil Affairs to register the marriage in Syria. However, if you've married a citizen of another country, you "may be required to technically marry again in Syria in order to have their marriage recognized by the Syrian authorities."<sup>193</sup> Failure to do so may jeopardize the legal status of any children born to the marriage.

In some countries, there are organizations that can help you navigate the process to ensure your marriage is recognized. Religious courts may provide legal advice as well. In Jordan, for instance, there are some 61 religious courts located throughout the country where you can get the necessary approval from the Ministry of the Interior before the marriage and then register it later.



Unfortunately, all these processes can take time, which may make it difficult to register your marriage contract at the Civil Affairs office in Syria within the 60-day period set for marriages that occurred outside Syria. If you register within the 60-day period, the mission will not charge a fee. However, at the time of this publication, a fine of USD50 or its equivalent was being charged after the lapse of that period. The fine increases to USD100 or its equivalent after one year.

## **The Basics**

### ***What You Need to Get Married***

- + A medical report for each spouse from the Medical Prenuptial Examination Center. Upon completion of the necessary form, the center's doctor will interview and draw blood from both partners for testing. The results will be provided to the couple through a report bearing the center's seal. The requirement for a medical report is waived in the case of a child born out of undocumented marriage or the pregnancy of the future wife (in this case, a medical report regarding the age of pregnancy, issued by one of the governmental hospitals authorized by the Ministry of Justice, is required).
- + A copy of each spouse's ID card (provided to the medical center).
- + Two color photos of each spouse (provided to the medical center).
- + Stamps (for ca. 400 Syrian pounds) and fees totaling 8,000 Syrian pounds, in addition to fees for the medical report that should be provided to the medical center. Individual civil registry statements for each spouse.
- + The required forms, including the medical center's report, which need to be filled out and signed by the mukhtar, and then authenticated at the municipality (Muhafazah). Irrespective of age, if the bride has never been married before, the presence and approval of her legal guardian is required.
- + For men between 18 and 42: A marriage license from the Obligatory Military Service Department. The marriage license is waived if the wife is pregnant, or if a child has been born out of an undocumented marriage.
- + Additional documents and steps are required if you are marrying a non-Syrian, which you can read about in the Ministry of the Interior handbook.

\* Excerpted from Syrian Ministry of the Interior and UNHCR, Civil Documentation and Registration in the Syrian Arab Republic (July 2018), 16, [www.unhcr.org/sy/wp-content/uploads/sites/3/2018/09/Personal-Documentation-En-Jul-2018.pdf](http://www.unhcr.org/sy/wp-content/uploads/sites/3/2018/09/Personal-Documentation-En-Jul-2018.pdf).

## **What Documents Are Required to Prove a Marriage?**

There are several documents that generally establish the existence of a legal marriage.

- + Family booklet
- + Individual Registry Statement in which a marriage has been recorded by Civil Affairs.
- + Attested copy of the marriage contract, bearing an official serial number and date. The marriage contract is recorded first by the religious court and then forwarded to Civil Affairs to update the spouses' records. After a marriage is registered, both the husband and wife should receive a copy of their marriage contract.
- + Marriage ratification certificate issued to couples who married outside the official process (e.g., a sheikh marriage) and subsequently legalized their marriages.

These documents should be recognized by the Syrian authorities, by officials in other countries, as well as by international actors who work with or on behalf of internally displaced persons



(IDPs) and refugees. Non-state actors such as the Syrian Democratic Forces (SDF) should also recognize these documents, although the SDF does not recognize second, third, or fourth wives.

In addition, some people have reported that documents like a UNHCR-issued Asylum Seeker Certificate bearing the names of the husband and wife may be accepted, too.<sup>194</sup> It would be helpful if such UN documents were considered for formal recognition by both the Syrian government and authorities in other countries.

Marriages effectuated outside Syria should also be recognized if you 1) follow the requirements of the country where you are living and 2) register the marriage in Syria. To meet those requirements, you will need to follow the rules relating to marriage in Syria's Personal Status Law and the rules set by your religious family courts. As already mentioned, religious marriages performed and registered abroad are recognized, but civil marriages are not, since they are not recognized in Syria.

However, if you did not or cannot register your marriage, it will be more difficult to meet the requirements to prove a marriage, whether you are inside or outside Syria. Many countries where people have fled have strict requirements for registering a marriage, making the de facto nature of many marriages in Syria challenging, especially if your husband is not with you.

In some places like Jordan, you can apply for a marriage ratification certificate, one of the documents listed above. The basic requirements for doing so are similar to the requirements for registering a marriage in the first instance. In Jordan, however, a couple can either file an application or a lawsuit in the Jordanian religious courts. The court may require that the witnesses to the marriage and sometimes even the sheikh who performed the ceremony appear in court. You will also likely need to pay a fine. If successful, the judge will issue a certificate that confirms the marriage.

## What Is the Status of a Marriage Registered in the Armed Opposition Areas in Northwestern Syria or in the Syrian Democratic Forces Areas in Northeastern Syria?

Marriage contracts concluded in areas controlled by the Syrian government are recognized by the local authorities in the areas controlled by the armed opposition. The same is true in the areas controlled by the Syrian Democratic Forces, except that polygamy is not recognized there. This makes marriage contracts concluded in Syrian government courts illegal in the event of polygamy and exposes the husband to a prison sentence for a period of six months, with a fine of up to 500,000 Syrian pounds.

In the areas under control of the Syrian Democratic Forces, marriages are registered in the municipality under the law of the Autonomous Administration. Meanwhile, in opposition-held northwestern Syria, people either conclude their marriage in local religious courts or through the local councils, in the very few cases where they are available. Both civil and religious marriage contracts issued by non-state actors in the northeastern and the northwestern regions are not recognized by the government in Damascus or by other countries, which forces couples to register their marriage in the regime's religious court, if they can obtain the required official documents and if the man is not required for military or security service. This process becomes harder when one of the individuals is a foreigner. Children may still be issued birth certificates and official papers by local non-state authorities to register in schools in both regions, however, those birth certificates are similarly not recognized by the Syrian government.





The customary marriage contract—handwritten in most cases—has two important elements: the contract and two witnesses. The contract is usually made in triplicate: one copy is held by the husband, one by the family of the wife, and one by the cleric officiating the marriage. This type of marriage contract is usually the first step in socially officiating a marriage but might sometimes be the only step taken due to security concerns and lack of access to Civil Affairs and religious courts. It, too, must be officially registered with the government. Otherwise, later on, the family will not be able to register children and obtain a birth certificate, both of which are needed to enter school or obtain a personal ID in the future.

Customary marriage differs from illegal marriage. The first is valid but has not yet been proven in court, while in the second, the conditions and principles of marriage are not met, including the signing of a marriage contract before witnesses. In June 2018, the Syrian government issued Law No. 24 of 2018 to increase the penalty for concluding marriage contracts outside the competent courts so that it now includes imprisonment and a fine.

## How Long Must I Wait to Remarry After My Spouse Dies?

Syria's Personal Status Law establishes four-months and 10-day waiting period (in Arabic, *iddat*) before a woman can remarry. If the woman is pregnant, the waiting period extends until delivery or termination.

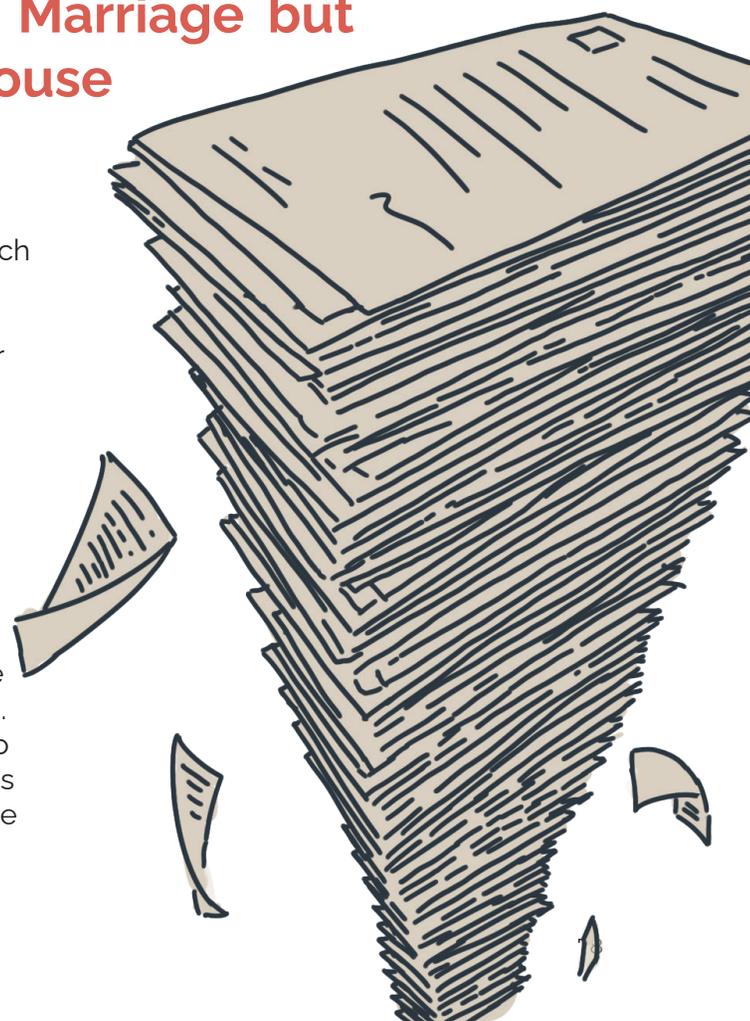
To effectuate a divorce, you will need to go to the religious family court of the religious community to which you belong. Once filed and approved, the religious court then informs the Civil Affairs office where the couple is registered, which enters the divorce in the civil registry. The Civil Affairs office records the divorce in the family booklet and the divorced woman is removed from her ex-husband's family register and re-entered into that of her father.

## What If I Am Considering Marriage but Still Do Not Know if My Spouse Is Alive or Not?

Syrian law provides a few circumstances in which someone may be presumed dead by a court

- + if the person is missing for more than one year and has reached 80 years of age, or
- + if the person is missing for a period of four years as a result of military operations or similar cases stipulated in the applicable military laws.<sup>195</sup>

For the purposes of remarrying, however, there is some additional guidance. Article 109 of the Syrian Personal Status Law addresses the right of the wives of missing persons to request separation. According to this article, the wife has the right to request separation one year after her husband has gone missing without an acceptable excuse or if he





is sentenced to imprisonment for more than three years. In those situations, the wife may petition a judge to allow a "reactionary divorce," provided there are witnesses from the families of both the husband and the wife who can confirm that the husband has been missing for one year at a minimum.

Religious court judges in the northern liberated territories believe that "a woman who ceases to receive news about her detained husband must wait four years for his return," according to the Maliki school, unless the damage is too severe, which many scholars consider to be the case in situations of disappearance. Then, "the woman may request separation one year after the disappearance of her husband."<sup>196</sup>

In its 11th session held in Mecca in 2013, the Muslim World League's International Islamic Fiqh Academy also agreed that women have the right to request separation after a minimum period of one year and a maximum period of four years. Sheikh Mujeer al-Khatib, a former scholar at a religious institute in Damascus, argues that "there is no authentic Hadith upon which to decide the fate of the wife of a missing person. We only have jurisprudential interpretations and the sayings of the Prophet's companions." The Hanafi and the Shafi'i Schools believe that "the wife of a missing person may not annul the marriage contract until her husband's contemporaries pass away." Sheikh al-Khatib also mentions that the four-year waiting period before separation may be justified in times of war.

Most religious court judges in liberated regions, however, allow separation one year after the husband goes missing.

In the absence of a specific law, Syria's Personal Status Law permits the application of the rules of Hanafi jurisprudence.<sup>197</sup>

## What If I Don't Have a Copy of My Marriage Contract?

In most cases the family booklet is all you will need to update life events. However, there are a few circumstances where a marriage contract is likely to be needed. For instance, a marriage contract is required if a woman wants to record the birth of her child without the consent of her husband. A marriage contract is also required to obtain a family booklet.

To obtain a replacement copy of your marriage contract, you must go to the court that certified your marriage. Unfortunately, in Syria, these courts are not centralized. As a result, you will likely need to return to your place where the marriage was registered to obtain the replacement copy.

## Implications for Children

In July 1993, Syria ratified the Convention on the Rights of the Child (CRC) and committed to taking steps to ensure that children can be registered "immediately after birth" and that they "have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents."<sup>198</sup>

However, despite these commitments on the part of your government, the rights of your children may be seriously affected by the disappearance of a family member on a social, legal, and personal level. As we saw from the stories above of Mona, Rima, and Ghada, your son or daughter may be forced to work to secure the livelihood of the family, or perhaps agree to marry.





In addition, you may be encountering difficulties obtaining basic civil documentation that is needed to register for and attend school and obtain benefits. This is true not only for children of a parent who has been targeted by the security forces but also for those who have been forced to flee their homes to save themselves from the horrors of war.

Many children cannot obtain a national identification card because the family no longer possesses the family booklet and cannot obtain a family civil registration statement. Or their parents were unable to register their birth in a timely manner, putting them at risk of becoming stateless. This is a common problem among refugee children and those who are displaced. In addition, children who are born to a non-Syrian father cannot get Syrian documents.

Many of these documents are also necessary to register for school, apply for a passport, obtain medical care and other services from the government whether in Syria or abroad. Amina is already worried about the future of her child, who she has not been able to register according to Syrian law:

“Even here in the liberated region, where we currently reside, we faced difficulties in registering my second son. So far, I haven’t been able to register him, neither in the liberated region nor in regime-controlled areas, due to the high cost of the procedure in regime-controlled areas and to the fact that we have no copy of the official family extract. If we wanted to register him in opposition-controlled areas, we would need a new family extract. This means that we have to sign a new marriage contract and register our marriage once again in the liberated areas. However, given the fact that the activities of local mukhtars have been suspended in liberated areas, we would need a birth certificate from the hospital where my son was born. The procedure is thus very complicated, and that is why I haven’t been able to register my son, despite the negative repercussions that will arise when he reaches school age.”<sup>199</sup>

Your rights as a parent may also be affected. Under the Personal Status Law, the father of a child, or in his place the father’s father, is the child’s legal guardian with decision-making authority over economic, medical, educational, psychological, and disciplinary matters.<sup>200</sup>

These are terrible circumstances for you and your children. You are right to feel immense sadness and anger for what the regime has done to you and your children, and disappointment in the lack of any effective response by those who have the power to help but have not. However, there are some basic steps you can take to protect your children and your rights as a parent:

1. If you are living abroad, you should register the birth of a child in accordance with the law of the country where you are living.
2. If you are living in an area that is or was outside the Syrian regime’s control, you should seek and obtain a certificate from a local mukhtar, a hospital administrator, or the doctor or midwife who attended the birth, or a witness and have it certified by a local judge or community leader.<sup>201</sup>
3. If possible, register the birth with the Civil Affairs Directorate in Syria.

## What Documents Should Your Child Possess?

As a Syrian citizen, your child enjoys citizenship rights by birth, but you will need to obtain a number of documents on their behalf to prove those rights:

- + Birth Certificate
- + Passport
- + National Identification
- + Individual Family Statement



Some of these documents—like the birth certificate—are foundational identity documents and are among the first documents that a person obtains. A birth certificate serves as proof of a person's date and location of birth, age, identity, and, if the father is Syrian, the person's right to hold Syrian citizenship. Because birth certificates are so important, you should apply for one as soon as possible after a child's birth to avoid paying additional fees. If you are living in Syria, you have 30 days to register a birth and 90 days if you are living abroad. Usually, your family booklet will be updated to record a child's birth when you register for a birth certificate. The family booklet will be the primary form of identification for the child until the age of 14 years when the child and their parents can apply for their national identification card. A parent or guardian must apply for a child's national identification card within a year after the child turns 14.

Other documents like a passport can be applied for later. You are not required to have a passport unless you plan to travel outside Syria.

## What If I Registered My Child's Birth Abroad, but Have Not Registered the Birth in Syria?

Generally, either parent can register a birth by bringing a medical report certified by a doctor, midwife or mukhtar to the Civil Affairs office where the father is registered. The duty to report the birth rests with the father, but in his absence, it falls to the mother or relatives of the child. To register a birth, the following steps must take place:

### ***The Basics***

#### ***To Register a Birth, You Need the Following Documents:***

1. The official local birth certificate organized by the authorities of the country in which the birth took place, duly certified by the Ministry of Foreign Affairs of the country concerned.
2. The person submitting the birth certificate form fills out a birth certificate and signs it in addition to the signature of the two witnesses and the consul.
3. A marriage contract, family card, or any document proving that the marriage has been registered in the civil status records in Syria. In the absence of a family booklet or extract, the identity cards of the spouses are required.
4. Applicable fees.

- + The person delivering the baby, usually a doctor or midwife, issues a birth notification.
- + An official local birth certificate is then issued by the authorities of the country in which the birth took place, duly certified by the Ministry of Foreign Affairs of the concerned country.
- + A parent or adult relatives must then submit the birth notification and/or local birth certificate together with the form required by the Syrian authorities to a Syrian embassy or consulate, together with copies of the parents' marriage contract, the family booklet, and other documents provided the marriage was registered in the Syrian civil registry.
- + The necessary registration form must be filled out and signed by the parents, two witnesses, and the Syrian consul.
- + Pay the applicable fees.

The marriage contract, family booklet, or family civil registry statement is required because in Syria, you must show proof of marriage to register the birth of a child. This is also true in some

places outside Syria. In Jordan, for instance, you must provide proof of marriage to register the birth of a child.<sup>202</sup>

In Turkey, families can obtain a medical certificate from the doctor who administered the birth and use that as supporting documentation to register the birth and obtain residency status. Unfortunately, the residency application process in Turkey can be slow, sometimes taking more than four months, despite the fact that you are required to apply within six months after birth. However, once the process is finished, children can obtain a Temporary Protection Card from the Turkish authorities and attend school.

If you are residing in a country in which there is no Syrian diplomatic or consular representation, you must obtain a copy of the documentation from the local authorities and get it certified by the embassy in charge of conducting business in the country where you live. Or send the certificate to Syria, certified by the country in which the birth took place. The official birth certificate is issued based on this document.

Troublingly, high costs are a major impediment for families who would like to register a birth in Syria. You are likely to be charged fees not only by the authorities in Syria but also by the government where you are living. Plus, if you are not able to travel to Syria, you will likely need to hire a lawyer there, which will cost a substantial sum. In addition, you will likely be charged fees associated with obtaining a notarized power of attorney, the application itself, and any potential bribes the lawyer might need to pay depending on your situation. Sources cited figures between USD2,500-3,000 to register a birth.

## Do I Need to Be My Child's Legal Guardian in Order to Apply for a National ID Card, Passport, or Other Forms of Civil Documentation?

You do not need to be a legal guardian to apply for civil documentation. However, there are certain transactions, such as the issuance of a passport, the sale of real estate, or the marriage of a daughter, that require the consent of a legal guardian. In most instances, the father or paternal grandfather is the legal guardian of a minor child.

This can make matters very difficult. One focus group participant described how one of her children was not allowed to leave with her when she tried to flee Damascus for Idlib after finding out her husband died of torture while in detention. Her son's identification documents had been confiscated by the regime so he did not have them, and she has been unable to secure new identification documents for her son because his father is absent.<sup>203</sup>

For a long time, Syrian law did not grant women the right to permanent guardianship over their children. In the absence of a male guardian (such as the grandfather, uncle or older brother of the minor), the religious judge would historically have become the guardian. However, Law 4 of 2019 finally



gave the mother full guardianship over her children in the absence of a male guardian, so long as she is the same religion as her husband.<sup>204</sup>

Before you feel too heartened, a mother may be denied guardianship if misconduct is proven before a court. The misconduct is generally defined by the judge and usually relates to mistreating the child or failing to provide sufficient care. It also includes loosely defined "crimes that effect honor" like being officially accused of adultery. A mother may also lose guardianship if she remarries and her guardianship is contested by a relative.

Generally, legal guardianship ends if the guardian is missing, imprisoned, or arrested, but in the case of a father who has been detained, the mother may not necessarily become the guardian automatically. That's because Syrian law permits both the father and the grandfather to specify a guardian in their will with the approval of the religious court. This means that the chosen guardian is usually the person appointed by the father or grandfather to manage the minor's funds or inheritance upon the father's death. The court also appoints a special guardian when the interests of the minor conflict with the interests of his guardian.<sup>205</sup>

If the child is still a minor, a temporary guardian may be appointed by a judge if there is no family member who is eligible to serve. The court may also serve as guardian. Guardianship ends when the minor reaches adulthood.

## What Paperwork Should I Bring With Me to Apply for My Child's National ID Card?

The handbook published by the Ministry of the Interior states that Syrians residing abroad who are over 14 and have not previously obtained an ID card are required to apply for an ID card in Syria. The minor must be accompanied by a guardian or a relative up to the 4th degree of consanguinity to apply for an ID at the Directorate of Civil Affairs covering their place of residence. They are very likely to face a security check.

### ***The Basics***

#### ***Applying for a National ID for Your Child for the First Time***

**According to Syria's Civil Affairs Law, when you apply for a national ID card for the first time, you must bring the following items:**

- + Four color photos of the applicant (passport type; on white background).
- + The family booklet and ID card of the father; or, in the absence of the father, the family booklet and ID card of the mother.
- + For men between the ages of 18 and 42, the military booklet, or a status report issued by the relevant Drafting Departments in case the military booklet is not available.
- + Stamps and a fee totaling 1,000 Syrian pounds.
- + Persons aged 15 or above who have not previously obtained an ID card or any other proof of identity, and if the person would be identified by individuals other than the legal guardian, must provide an identification certificate with a personal photo from the mukhtar. The applicant will also be fined 5,000 Syrian pounds.



Late fees may be levied when applying for a national identification card depending on how long after the birth of a child you apply.

If a child is not included in a family booklet, he or she cannot obtain an identity card or passport. Until the age of 14, the family booklet serves as proof of identity, including in asylum countries. In addition, a family booklet is needed to gain access to public services, such as education, healthcare, and emergency assistance, and all bread, fuel, and basic commodities subsidies. You cannot access those services without physically presenting the family book.

## What Are My Rights Under Syria's Personal Status Law in Regard to Child Custody?

Custody matters are governed by the Law of Personal Status of 1953 and may be affected by a number of factors. Generally, both parents are entitled to custody over their child. However, if a mother remarries, she often loses custody. Depending on the situation, your in-laws, in particular the father's mother, may have the right of custody as fourth in line after your husband and your mother.<sup>206</sup>

The child's age is also a factor. Under Syria's Personal Status Law, upon marriage, the custody period ends when the child, a boy or a girl, reaches the age of fifteen.<sup>207</sup>

## Can My Family Prevent Me From Seeing My Children Because My Husband Is Detained?

Custody rights are different from visitation rights. Generally, parents have the right to see their children if they are no longer living with them.<sup>208</sup> Under the Personal Status Law, each parent has the right to see his or her children if someone else is granted custody. In the event that you are denied this right, you may apply to a judge for review.

## What Papers Do I Need to Enroll My Children in School?

The Universal Declaration of Human Rights states that "Everyone has the right to education,"<sup>209</sup> although that may not be what you are experiencing now because of the regime's failure to uphold this right. It may be impossible for your son or daughter to attend school in Syria given the widespread destruction of schools during the war and their use by troops.

Or, your family may face harassment, threats, or even arrest when your children take steps to pursue their education as happened to the son of Rima's neighbor (mentioned above) who was detained and sentenced to six years in prison when he went to receive his degree.<sup>210</sup>

In the event that it is possible for your child to attend a nearby school, you may already know what is required, especially if you are living in an area where you are familiar with the rules. If, however, you have been displaced or are living abroad, you may not know what is required or you may struggle to meet the requirements.



Generally, if you are still living in Syria, you should be able to register at any age-appropriate school in the country. To register, you will likely need to provide the following documents:

- + Written Request for Registration (form) with the stamp of the Teachers' Union from the school.
- + Written Pledge from the parent (or other legal guardian) stating that (s)he has read the provisions of Law No. 7 of 2012 and Law No. 32 of 2002; and a pledge to continue sending the child to school until the end of the basic education stage. This pledge must be signed by the principal and sealed with the seal of the school.
- + Copy of the student's family booklet with legal stamps and the seal of the school affixed.
- + Copy of the father and mother's page in the family booklet.
- + Copy of the parent's (or other legal guardian's) ID card.
- + Three photographs of the student.
- + Health card obtained from the school health directorate, or generalized school card of the previous academic year.<sup>211</sup>

You should also bring any documents showing how far your child has already progressed in school. Depending on your child's age, the document may be called either a "basic education certificate," a "general secondary certificate," or an elementary, preparatory, or secondary certificate. If you no longer possess your child's certificates, you may seek replacements. The secretariat of the school that your child attended should keep a file for each student which should contain a stamped copy of the student's certificates. However, given the number of schools and administrative offices destroyed during the war, that may no longer be the case.

The regime claims that even if your child does not have the official documents required to enroll, he or she should be able to sit for a placement exam and register accordingly.<sup>212</sup> The regime also claims that it is providing alternative education programs, including intensive education, remedial classes, and vocational training, among other things, although you will need to confirm whether or not that is true in the area where you live.

## What If I Am Living Outside Syria?

If you are living outside Syria, each country has its own laws regarding the enrollment of children in schools. In most cases, you will likely be asked for proof of birth and family status. In Turkey, for instance, it is necessary for a child to have a Temporary Protection Card or a residency card, as well as the following documents:

- + Residence address—rental contract
- + Proof of identity for the child and his guardian and proof of residency or protected status
- + Syrian Civil Registry Statement
- + Personal photos of the child
- + Completion certificate for the previous grade and transcripts for children wishing to continue their education, certified by the Syrian Ministry of Foreign Affairs, and then translated to Turkish, certified, and evaluated in Turkey.

These papers are submitted to the Ministry of Education in Turkey. In the event that certificates are not available in the case of Syrian refugees, a test may be taken to assess the student's level and enroll him in the appropriate class.

In Lebanon, some schools are content with documents provided to you by UNHCR to register a Syrian student. However, you will likely also be asked for:

- + Syrian Civil Registry statement
- + UNHCR Refugee ID



- + Family booklet
- + Vaccination book
- + Certified transcripts
- + One personal photo
- + A 1,000 LBP stamp

Even if you are able to meet the registration requirements in Lebanon, your child will still face many challenges to obtain schooling. In Lebanese public schools, no Syrian students are permitted to sit for morning classes until after the completion of the registration of Lebanese students and students of other nationalities. Instead, Syrian students are accepted into classes held from two in the afternoon until seven in the evening. Once a student begins evening classes, they are strictly prohibited from moving to the morning shift. In many instances, evening classes do not have sports and art classes.

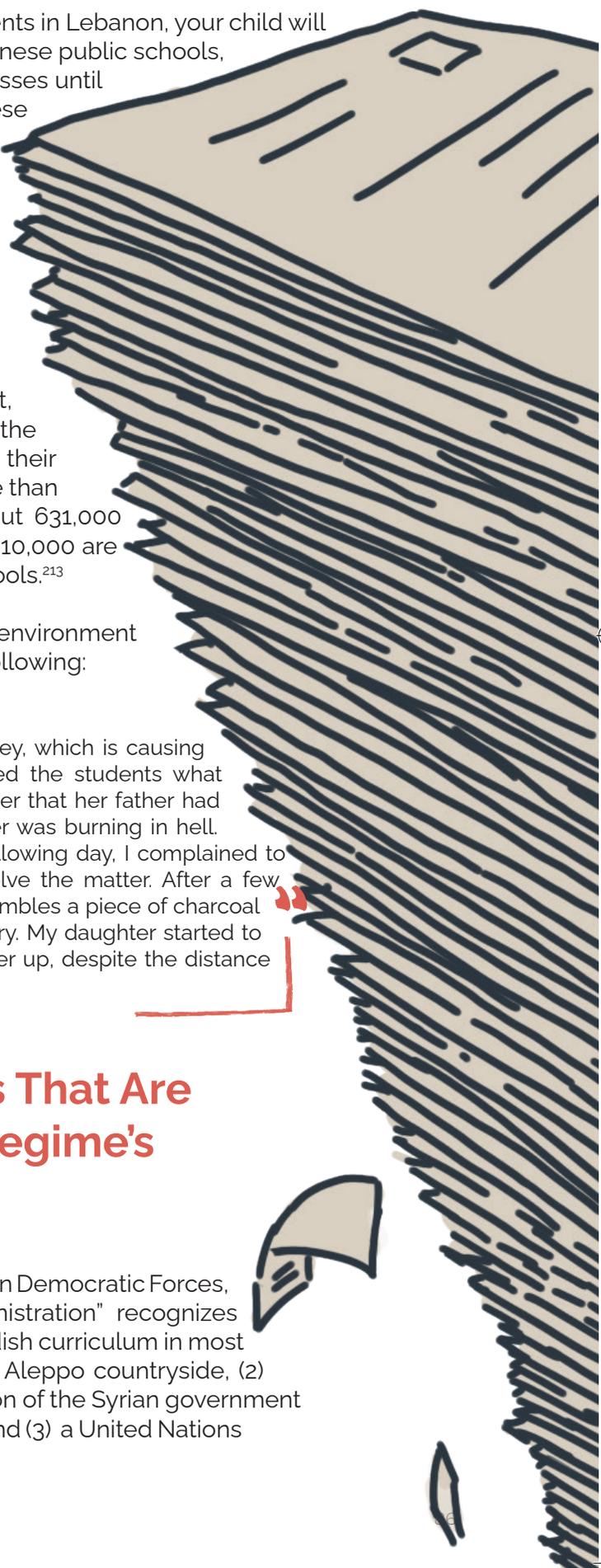
In addition, some Lebanese schools refuse to register Syrian children citing a lack of space. As a result, many Syrian middle school students who completed the 2018-2019 school year were not able to complete their registration for the 2019-2020 school year. In fact, more than half of refugee children of school age, totaling about 631,000 children, do not receive any kind of education, while 210,000 are registered in public schools and 63,000 in private schools.<sup>213</sup>

Even those who attend may not always find a supportive environment for learning. One focus group participant told us the following:

"My children are facing problems at school in Turkey, which is causing them psychological trauma. Once, a teacher asked the students what their father did for a living, and my daughter told her that her father had been martyred. The teacher told her that her father was burning in hell. My daughter cried and did not reply to her. The following day, I complained to the administration, and they said they would resolve the matter. After a few days, they started telling my daughter that she resembles a piece of charcoal because she is dark-skinned. That also made her cry. My daughter started to hate school. Even the school bus would not pick her up, despite the distance between the school and the house."<sup>214</sup>

## What About Schools in Areas That Are Not or Were Not Under the Regime's Control?

In the areas of northeastern Syria controlled by the Syrian Democratic Forces, the Education Authority of the "Autonomous Administration" recognizes three educational systems: (1) the Administration's Kurdish curriculum in most of Hasaka province and the Shahba IDP camp in the Aleppo countryside, (2) the official curriculum of the Syrian Ministry of Education of the Syrian government in Manbij and its countryside and in al-Aremeh town, and (3) a United Nations





Children's Fund (UNICEF)-approved curriculum in Raqqa province and the cities and towns of Eastern Deir Ezzor countryside.<sup>215</sup> For registration, the Autonomous Administration requires:

- + A Civil Registry statement or a copy of the family booklet
- + A personal photo
- + A phone number and an address

In the areas of northwestern Syria controlled by the armed opposition, there is no unified educational system in place.

## Travel Documents

Like the other forms of documentation, the regime uses applications for essential documents like a passport to single out and harass families of the detained, disappeared, activists, and anyone who fled the country during the revolution. Many families are afraid to go to the passport office or feel under threat when there, as happened with Mona when she visited the Immigration Department in Hama to obtain a passport for her son: "they asked about my husband. I told them he was traveling abroad. A few moments later, I left the Immigration Department in a private car and headed straight home. I was afraid they would take away my second son."<sup>216</sup>

The regime may deny you a passport if they think you are an opponent of the regime. Amina described to us the hardships she and her family faced:

“After we left Aleppo, I had no ID card, passport or identification documents of any kind. I hired a broker to issue passports for me and my children, as well as a marriage certificate for me and my husband. That cost me around USD1,200 in fees and broker's commissions. My husband's passport application was rejected, and the Immigration and Passport Administration refused to issue a passport for him, as he was wanted by Syrian security forces.”<sup>217</sup>

## What Is the Procedure If I Am Applying for a Passport For the First Time?

Syrians may apply for a passport at any age inside Syria at the Directorate of Immigration and Passports in Damascus and at its offices in each governorate.<sup>218</sup> Outside Syria, a passport application can be made at its diplomatic missions, including embassies and consulates where open. To apply, you will pay a fee and fill out an application form (available in Arabic and English) and present an ID card or individual civil registry statement that has been authenticated by the mukhtar or by the Syrian Ministry of Foreign Affairs and Expatriates, along with two passport-sized photographs.

## What If I Am Renewing A Passport?

Although Syrian passports are generally valid for six years, for those living abroad, the Directorate of Immigration and Passports is authorized to issue passports that are valid for a much shorter duration of two years.<sup>219</sup> This rule also applies to "Syrians against whom measures have been taken or who have not performed military service yet."<sup>220</sup>





By forcing people to reapply for a passport more frequently, the regime can keep track of where people are and extract additional renewal fees, which, depending on the consulate's location, can be exorbitant. For example, for Syrians living abroad, the fee is USD300 for regular processing (10-21 working days) or "USD800 for expedited processing (3 working days), in addition to a regular consular registration fee should the applicant not already be registered there."<sup>221</sup> However, Syrians living abroad have reported charges totaling USD1,200, and other discrepancies in the amounts charged by Syrian consulates in different countries.

## I've Heard That the Government Imposes Additional Requirements on Civil Servants, Minors, and People Subject to Compulsory Military Service When Applying for or Renewing a Passport. Is That True?

Yes, the government has established the following additional requirements on certain categories of Syrians before obtaining a passport:

- + **Civil servants** must obtain the approval of the department where they work.
- + **Men between 18 and 42**, who are not otherwise exempted from military service must obtain an approval of the Military Division (Ministry of Defense).<sup>222</sup>
- + **Minors (who have not yet reached the age of eighteen)**<sup>223</sup> must receive consent in writing from their legal guardian.
- + **Relatives of the passport holders who are abroad** must prove kinship by presenting a family civil registry statement or a duly certified power of attorney issued by the Syrian diplomatic mission and certified by the Syrian Foreign Ministry and the Directorate of Civil Affairs in case there is no kinship.
- + **Syrians living abroad** must also provide a birth certificate and a family booklet if the applicant is married or has children.

Some of these requirements, like the military approval, are particularly difficult to obtain from abroad.

## Can I Travel With My Child or Children If My Husband Is Missing or Disappeared?

Under Syria's Personal Status law, "a spouse cannot travel with their child during marriage without the permission of the other spouse."<sup>224</sup> If your husband is dead or you have divorced and you have a young child, a mother with a baby can only travel to the township where she resided or worked on condition that a blood relative must live there.<sup>225</sup>

As a result, you and your family may not be able to leave Syria or to move about with ease. To do that, a woman must first gain legal guardianship of her children from a judge.





## ***So, What Must Be Done to Help?***

**What should happen (but probably will not, considering the utter disregard for human rights shown thus far by the Syrian regime, its affiliates, and others committing violations):**

- + The Syrian government should fulfill its obligations under the Article 9 of the Covenant on Political and Civil Rights, which categorically prohibits enforced disappearance.
- + As mentioned in earlier chapters, the Syrian government should enact a law creating a legal category that does not require the disappeared to be declared dead for their relatives to access benefits and exercise their civil and inheritance rights. The legal category known in some countries as "absence by enforced disappearance" should be recognized in countries hosting Syria refugees.
- + The Syrian government should assist families of the disappeared to secure identity documents required for accessing social security benefits, inheritance, and property title, and allow relatives to formalize new relationships.
- + The Syrian government and the international community should provide greater support to families such as social welfare, financial matters, family law, and property rights. This should include the provision of legal support to families of the disappeared and missing in Syria to clarify confusing and ambiguous laws and processes.
- + The Syrian government should establish an urgent reparations program for victims of enforced disappearance and wrongful detention that includes the restitution of civil rights to those arrested, indicted, prosecuted, or convicted for political offenses.
- + The Syrian government should expunge the criminal records of persons who were or are detained or who served sentences for nonviolent offenses related to the exercise of fundamental guarantees set out in the International Covenant on Civil and Political Rights (which was ratified by Syria on March 23, 1976), in particular freedom of thought, conscience, and religion; freedom of expression and information; and freedom of assembly and association.
- + The Syrian government should waive late fees and penalties associated with registering or updating events such as marriage, birth, and divorce at all Civil Affairs offices.
- + The Syrian government should expand and simplify the use of alternative forms of proof to establish ownership or rental rights over property.
- + The Syrian government together with the UN should establish an independent international mechanism for receiving, collecting, processing, and reviewing property claims in preparation for a program of property restitution and reparations.
- + The Syrian government should establish programs directed at individuals whose schooling was interrupted as a result of the conflict. These programs should cover, at a minimum, children of victims of forced disappearance, those detained for political crimes, and those who were abducted or detained by any of the warring parties. These measures should include accelerated learning programs, adult education, and literacy programs, free access to primary education, vocational training, waivers of tuition and certificate and exam fees, and the establishment of a scholarship program for university, technical, and vocational studies.





**Others must do the following in the absence of state support, responsibility, and accountability:**

+ The Syrian government, neighboring countries, and countries hosting refugees should take immediate steps to ensure the provision of civil documentation to those who have become undocumented since March 2011.

+ Governments hosting Syrian refugees should ease the requirements and processes for obtaining essential civil documentation, including by reducing or eliminating fees and penalties. As part of this process, host governments should offer access to mobile wallets for un-banked refugees and explore other digital technology to distribute benefits.

+ The UN and its Member States should consider the issuance and recognition of "laissez-faire passports" on a temporary basis for Syrian refugees lacking travel documents.







# ***Where to Turn? Agency and Activism***





This handbook has presented you with the grim reality of what it means to be a Syrian who has been personally affected by arbitrary detention, enforced disappearance, or a similar violation in Syria. However, we also want you to know that there is hope and that Syrian civil society organizations and many others are actively seeking ways to put your needs first. Forced to lie dormant prior to the revolution, civil society has mobilized and come together to create victim-centered approaches and support services that are designed to make your journey a little more manageable.

Eight Syrian organizations (as well as one international one) have taken part in this project with the hope of highlighting your stories and telling things as they are. But the work of these organizations extends well beyond this project. Since the early days of the revolution, they have tirelessly pursued ways to hold perpetrators of human rights violations in Syria accountable and fight impunity. In this chapter, we want to highlight some of the work being done—by the eight Syrian organizations involved in the project and by others—to support victims of arbitrary detention, enforced disappearance, or similar violations in Syria. We hope this will give you the push you need to keep going. But most of all, we hope to remind you, and the entire world, of the resilience of the Syrian people. We hope to remind international organizations, policymakers, and anyone else that while Syrians were dealt all the wrong cards, they continue to believe in justice and that without it, there will be no peace.





### The Day After (TDA)

TDA works on protecting ownership rights (including property ownership rights) and seeks to raise awareness of this important topic. Over the course of five years, TDA has worked on the National Project to Preserve Civil Documents, which resulted in an archive of two million documents. The organization also published research papers on Law No. 10 and its impact on ownership rights, a study on the real-estate issue in Syria and a study on forced displacement and ownership rights. TDA has also held several workshops on property and real-estate issues to raise awareness and coordinate efforts. Currently, the organization is managing the Property Protection Coordination Group, which includes several organizations tackling property issues for various segments of the population. TDA also holds discussion sessions and awareness workshops for the families of missing persons on the importance of documentation and accountability mechanisms, and it puts them into contact with the International Commission on Missing Persons when possible.

### Dawlaty

Dawlaty has been a vocal advocate for victims of detention and forced disappearance in Syria for many years. Noticing that the voices of certain marginalized groups in Syria had gone largely unheard, Dawlaty launched an Oral History Project aimed at collecting stories and testimonials from youth and women relatives of the detainees and the forcibly disappeared, many of which are captured in the 2018 report "Shadows of the Disappeared." Dawlaty also helped launch Families for Freedom, a campaign to shed light on the cause of detainees and the forcibly disappeared in Syria. The campaign has evolved into a movement led by Syrian women who lost their loved ones to detention or forced disappearance. Dawlaty and partners Women Now and the Syria Campaign continue to support the movement by facilitating communication between Syrian civil society and the international community and engaging in targeted advocacy campaigns. Dawlaty supports families by building local teams, providing psychological support and legal training, and working with advocates and families on organizing strategies and effective ways to communicate their message at the local and global levels.





### Lawyers and Doctors for Human Rights

Through its programs in Northern Syria, Turkey, and Jordan, Lawyers and Doctors for Human Rights (LDHR) engages in medical and legal documentation for detention survivors. LDHR also documents sexual violence against men, women, children, and the forcibly disappeared, and helps to prepare court cases for future trials utilizing medical evidence in coordination with other legal stakeholders such as the United Nations International, Impartial, and Independent Mechanism (IIIM). LDHR provides referral services for psychological and medical support services to survivors and their families through the referral network, through agreements with institutions and civil society organizations, and through confidentiality agreements to ensure the safety of survivors and their families. LDHR also takes part in a documentation program with the International Commission on Missing Persons (ICMP) to help families of the disappeared document the disappearance of their relatives in order to receive the help they need in uncovering their loved ones' whereabouts or finding their remains in the future. LDHR has issued numerous reports and conducted surveys that highlight the suffering and amplify the demands of the forcibly disappeared and their families. They also work to identify the factors that lead to social stigma, including discriminatory laws, and explore ways to counter it.

### The Syrian Center for Media and Freedom of Expression

The Syrian Center for Media and Freedom of Expression (SCM), through the Violations Documentation Center project (VDC), works on monitoring and documenting cases of arrest, torture and enforced disappearance in Syria since the beginning of the conflict, and periodically publishes statistics to highlight the extent of these violations and its perpetrators throughout Syria. The Center also established a special team of lawyers in Syria to provide legal support to detainees tried before the Terrorism Court. Moreover, the Center provides assistance to victims and their families through submitting reports and individual complaints to the United Nations mechanisms to report cases of torture and enforced disappearance. Further, SCM cooperates with the Independent International Commission of Inquiry on Syria COI and the International Impartial and Independent Mechanism IIIM To shed light on the arbitrary detention and the situation of detainees and detention centers in Syria. Believing in the importance of holding the perpetrators of these violations accountable, ending immunity of war crimes and compensating victims, SCM has benefited from the principle of Universal Jurisdiction in the national courts of the EU and filed, in cooperation with the victims, several cases related to torture and enforced disappearance.





### Human Rights Protectors

Human Rights Protectors is a nongovernmental, nonprofit human rights organization that monitors human rights violations in Syria and countries of asylum by documenting violations, publishing reports, participating in transitional justice mechanisms, and engaging with United Nations bodies. In partnership with the International Commission on Missing Persons, Human Rights Protectors supports families of the disappeared and advocates for their rights. It helped establish the Families of the Missing for Truth and Justice Association in Antakya, Turkey. Human Rights Protectors seeks to defend victims of enforced disappearances and extrajudicial killings and their families, promote a culture of human rights in Syrian society, build partnerships with specialized human rights organizations, and share data with the United Nations and other institutions committed to justice.

### Center for Civil Society and Democracy

The Center for Civil Society and Democracy (CCSD) supports the families of the missing and forcibly disappeared through advocacy initiatives and meetings carried out with networks like the Syrian Civic Platform and the I AM SHE network. CCSD works on several different tracks, including mobilization and advocacy, capacity building, research, and supporting diversity in the promotion of justice, equality, and human rights. CCSD has held numerous focus group discussions, workshops, trainings, and other events that help raise awareness about justice and human rights and contribute to a robust understanding of victims' needs and demands related to different issues. CCSD works to incorporate the voices of victims in its advocacy efforts at the local, national, and international levels.





### Horizon Humanitarian

Horizon Humanitarian has been working with ICMP on empowering individuals to advocate for the cause of the forcibly disappeared and their families. Horizon supported the establishment of the "Voices for Them" network and different trainings related to the missing, their rights, the rights of their families, and human rights concerns, along with leadership skills and civil society operating tools, among other topics. So far, the network has brought together 21 participants who are either relatives of missing persons or relevant stakeholders and produced multiple videos featuring families of missing persons and raising awareness about the issue. Efforts aimed at developing the network are ongoing, and Horizon plans to organize a series of legal trainings and surveys on documenting and reporting forced disappearance. Horizon also works with ICMP to collect data about detainees through field visits, with the hope that the data will one day contribute to unraveling the fate of the forcibly disappeared in Syria, inform reparations, and promote justice and accountability for victims.

### Syrian Association for Missing and Conscience Detainees

The Syrian Association for Missing and Conscience Detainees (Adalet) works in coordination with the ICMP to document detention and forced disappearance. Adalet has organized focus group discussions with detainees' families, in coordination with the Families for Freedom movement and the Gaziantep branch of the Free Syrian Lawyers Association. In addition, Adalet organizes awareness-raising and psychological support sessions, in coordination with the Urfa branch of the initiative's office for education and legal counsel.

### Concern Worldwide

Concern Worldwide provides economic and educational support to Syrian women without partners or those related to missing or forcibly disappeared persons. The support includes providing housing, rent, cash assistance, and food baskets; helping children enroll in school with a monthly stipend; and offering grants for small projects.





### **Syrian Institute for Justice**

The Syrian Institute for Justice (SIJ) operates across Syria, with a special focus on the provinces of Idlib and Aleppo. SIJ also works with Syrian refugees in the provinces of Gaziantep and Antioch in Turkey. One of SIJ's main programs focuses on empowering former detainees and their families to better advocate for their cause. SIJ organizes trainings and events to help integrate former detainees into local governing structures, support the documentation of violations, connect survivors and families of the forcibly disappeared, and serve as a platform for families to come together and advocate for their cause. SIJ is working on expanding its target areas by establishing a center in the province of Raqqa as well as in the northeastern region of Aleppo. SIJ works with international organizations like the Office of the High Commissioner for Human Rights (OHCHR), International Independent Investigative Mechanism (IIIM), International Civil Society Action Network (I-CAN), Amnesty International, and many others.

### **Women Now for Development**

Women Now first began supporting the families of the forcibly disappeared through its women's support centers, which provide a safe space for women. Many of the women were affected by arbitrary detention and enforced disappearance, and Women Now responded by providing psychological support to these women and their families. Women Now also worked with Dawlaty to compile the stories of the families of the disappeared in order to elevate victims' voices, show the impact of disappearance, and better understand women's needs and demands. Women Now is a coauthor of the report "Shadows of the Disappeared: Testimonies of Female Syrian Relatives Left with Loss and Ambiguity," which is being converted into a publicly accessible online archive of families' stories. Along with Dawlaty and the Syria Campaign, Women Now was a founding member of the Families for Freedom group, the first campaign led by Syrian women who have forcibly disappeared family members. The three organizations continue to work together to support the campaign through advocacy activities, strategic planning, community organization, and psychological support. Since 2019, Women Now has intensified its work on the inclusion of women in discussions about justice and accountability in Syria.





### No Photo Zone

Based in Beirut, Lebanon, No Photo Zone focuses on the issue of detention and enforced disappearance in Syria and provides legal aid and support to the families of the missing. The organization works along three different tracks: advocacy, legal assistance, and raising legal awareness. No Photo Zone offers legal support to the families of detainees and the disappeared in Bekaa and Beirut, providing personalized legal advice to families so that they know how to go about searching and supporting their detained and disappeared relatives. The organization also conducts awareness-raising sessions on the concepts of human rights, linking them to the subjects of arbitrary detention, enforced disappearance, torture and fair trial, and shedding light on the many legal issues resulting from these crimes. No Photo Zone developed and conducted a training of trainers module on families' legal rights. In addition, the organization produced six short awareness videos to complement the training module and a short documentary to raise awareness on the threat the COVID-19 pandemic poses to the legal rights of detainees.

### Damma Foundation

Damma is a women-led organization based in Bekaa, Lebanon, that supports vulnerable groups, especially women and children, through legal and economic assistance. The organization implemented two focus group activities with women family members of missing persons to identify their challenges and then held capacity-building trainings to help them better cope with their daily challenges. Damma also produced a short awareness video to disseminate the voices of women whose family members are missing.

### Caesar Families Associations

The association formed after several families identified their loved ones in the Caesar photos, the photos leaked by a Syrian military police defector showing the bodies of victims of torture coming out of Assad's prisons. They joined together in Berlin in 2018 and ever since, the association has been working with international organizations on matching relatives' DNA with that of the deceased victims in order to help in the identification process. Families of those who went missing after being detained by the Syrian government between May 2001 and August 2013 can file a missing person's report through the association's website. The association also works to support the efforts of the IIM in achieving its mandate and enhancing the participation of families in ongoing legal actions. The association is pursuing criminal cases based on the principle of Universal Jurisdiction and has called for the establishment of a special court for Syria. The association offers support to the families of those who appeared in the Caesar photos by offering a safe space for them to communicate with each other, supporting them as they seek to identify their loved ones, and linking them with organizations that provide psychological support.





### **Syria Legal Network**

The Syria Legal Network (SLN) is a network of lawyers founded in 2016 to provide legal support to Syrian communities in the Netherlands and Europe. SLN launched the "BS WENON" (Where Are They?) campaign to raise awareness of the cases of the missing and forcibly disappeared in Syria. The campaign aims to motivate the families of missing persons to report their missing relatives to international organizations that have the capacity to search for them. This also includes Syrians who may have been lost in their country of refuge or on their way to Europe. The campaign aims to document the missing persons in Syria and abroad. The Network also provides families of missing Syrians with legal and technical support. It designed and implemented an online awareness campaign that targeted Europe-based families of the Syrian missing.

### **Freedom Jasmine**

Freedom Jasmine is a Syrian non-profit organization based in Gaziantep, Turkey, that focuses on the issue of missing persons. Freedom Jasmine advocates through campaigns launched on regional and international platforms. Freedom Jasmine has conducted interviews on the challenges that affect the families of the missing and compiled the interviews in a book. The group also created a video to promote the book and its contents.

### **Amal Healing and Advocacy Center**

Amal Healing and Advocacy Center (AHAC) was established in 2014 in Hatay, Turkey, to protect women and children. AHAC provides psychosocial support, legal counselling, and advocacy for the cause of missing persons. AHAC invited women to become members of an advocacy group and take the lead in supporting the cause of missing persons. The participating women were trained in topics related to missing persons' rights, campaigning and advocacy. They created educational materials and are in the process of evolving into a family association.





# ***Conclusion***





This guide was originally intended to be used directly by families of the disappeared, abducted, and detained in Syria. But the more we examined the problem and spoke to those affected, the clearer it became that the situation is so dire that there are few reasonable avenues for families that do not involve risky actions such as bribery, paying questionable third-party actors, or other steps that could put families at risk for exploitation or worse. Where possible, we have included resources for families that could be of help to victims of enforced disappearance and abduction. Otherwise, we hope the combination of the personal testimonies discussed throughout, the at-times blunt style, and the second-person framing of the text encourages those who are not victims, especially those who are not Syrian and have some power to help, to put themselves in the place of the estimated millions of Syrians who are. By showing the complexity, gravity, and magnitude of the issues facing those affected by these violations, we hope this guide has invoked a deep sense of empathy and will inspire new and innovative action to help.

If the families of the disappeared, abducted, and detained are to regain even a semblance of normalcy in their lives, changes will need to be made to the legal, economic, social, and cultural frameworks to address the many burdens families face not only in Syria, but also abroad.

To do that, the consequences of forced disappearance in Syria cannot and should not only be the concern of civil society organizations, social workers, psychologists, the local mukhtar, and others who routinely assist families as they try to rebuild their lives, although they will surely have a significant role to play. Instead, "big picture" policymakers and leaders must also engage, including those at the head of international bodies, in legislative chambers and religious institutions, and in the agencies that write the regulations that families must abide by when seeking a death certificate, transferring title to property, or conducting any of the myriad other tasks that follow after someone goes missing or is disappeared. Justice for the many victims remains in the hands of a few—are you willing to do what you must to bring it to them?



## Endnotes

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2. Elena Naughton and Hanny Megally, ICTJ and NYU Center for International Cooperation, *Gone Without a Trace: Syria's Detained, Abducted, and Forcibly Disappeared* (May 2020); Association of Detainees and the Missing in Sednaya Prison, *Forcibly Disappeared in Syrian Detention Centers: Research about the Details of the Process of Forced Disappearance and the Fate of the Victims* (December 2020).
3. Syrian Network for Human Rights, The Ninth Annual Report on Enforced Disappearance in Syria on the International Day of the Victims of Enforced Disappearances, 7.
4. For example, a recent report by the Association of Detainees and the Missing in Sednaya Prison points to the likely financial motivations behind enforced disappearances and arbitrary arrests. Association of Detainees and the Missing in Sednaya Prison, *Forcibly Disappeared in Syrian Detention Centers*, 40-45.
5. Ministry of Foreign Affairs of the Netherlands, *Country of Origin Information Report Syria: Documents* (December 2019), 8.
6. The participating organizations are Badael, Center for Civil Society and Democracy (CCSD), Dawlaty, International Center for Transitional Justice (ICTJ), Lawyers and Doctors for Human Rights (LDHR), The Day After (TDA), Syrian Institute for Justice (SIJ), Violations Documentation Center (VDC), and Women Now for Development.
7. The first is the Save Syrian Schools project report, *We Didn't Think It Would Hit Us: Understanding the Impact of Attacks on Schools in Syria* (September 2018).
8. Aleppo, Damascus, Dara'a, Deir Ezzor, Hama, Al-Hasakah, Homs, Idlib, Lattakia, Palmyra, Salamiyah, and Sweida.
9. All names used in this report have been changed to maintain anonymity. The first time a name is used, it appears with an asterisk.
10. Focus group discussion conducted on December 14, 2019 in Antakya, Turkey.
11. Testimony taken from archives of coauthoring organizations. Original date June 2019.
12. Testimony taken from archives of coauthoring organizations. Original date December 2014.
13. Testimony taken from archives of coauthoring organizations. Original date January 2019.
14. Testimony taken from archives of coauthoring organizations. Original date March 2019.
15. Testimony taken from archives of coauthoring organizations. Original date not known.
16. Mentioned in testimony taken from archives of coauthoring organizations. Original date December 2014.
17. Interview originally conducted in 2017 by coauthoring organizations Dawlaty and Women Now for Development for the report *Shadows of the Missing: Testimonies of Syrian Female Relatives Left with Loss and Ambiguity*.
18. Testimony taken from archives of coauthoring organizations. Original date March 2019.
19. Testimony taken from archives of coauthoring organizations. Original date not known.
20. Focus group discussion conducted on December 14, 2019 in Antakya, Turkey.
21. Testimony taken from archives of coauthoring organizations. Original date March 2019.
22. As found in the testimony of Hossam, taken from archives of coauthoring organizations. Original date not known.
23. Focus group discussion conducted on December 14, 2019 in Antakya, Turkey.
24. As found in the testimony of Bassam, taken from archives of coauthoring organizations. Original date January 2019.
25. Interview originally conducted in 2017 by coauthoring organizations Dawlaty and Women Now for Development for the report *Shadows of the Missing: Testimonies of Syrian Female Relatives Left with Loss and Ambiguity*.
26. Testimony taken from archives of coauthoring organizations. Original date March 2019.
27. As soon as the detainee arrives at the civil prison, the names of his first-degree relatives

are taken and placed on a visiting card given to the family upon their first visit to the prison. After that, a day of the week is set for the visit - according to the dormitory - without papers, and this is done by bringing the visit card. In the event of a visit without assets or outside the designated day, the approval of the Attorney General must be obtained.

28. Focus group discussion conducted on December 14, 2019 in Antakya, Turkey.
29. Ibid.
30. Testimony taken from archives of coauthoring organizations. Original date June 2019.
31. Focus group discussion conducted on December 14, 2019 in Antakya, Turkey.
32. Interview originally conducted in 2017 by coauthoring organizations Dawlaty and Women Now for Development for the report *Shadows of the Missing: Testimonies of Syrian Female Relatives Left with Loss and Ambiguity*.
33. Focus group discussion conducted on December 14, 2019 in Antakya, Turkey.
34. Testimony taken from archives of coauthoring organizations. Original date June 2019.
35. Testimony taken from archives of coauthoring organizations. Original date not known.
36. Testimony taken from archives of coauthoring organizations. Original date June 2019.
37. Interview originally conducted in 2017 by coauthoring organizations Dawlaty and Women Now for Development for the report *Shadows of the Missing: Testimonies of Syrian Female Relatives Left with Loss and Ambiguity*.
38. Testimony taken from archives of coauthoring organizations. Original date June 2019.
39. Interview conducted online on June 24, 2020.
40. Middle East Eye, "Syrian General Apologizes After Apparently Warning Refugees Against Return," September 13, 2017.
41. Five families interviewed by the Trauma of Loss group said they were economically affected by the enforced disappearance.
42. Amnesty International, Syria: 'Between Prison and the Grave:' Enforced Disappearances in Syria (November 2015), 17-18.
43. Ibid.
44. Testimony taken from archives of coauthoring organizations. Original date March 2019.
45. Three families interviewed by the Trauma of Loss group said they were forced to pay large sums of money to receive information about their forcibly disappeared loved one.
46. Interview conducted on December 24, 2019 in Reyhanli, Turkey.
47. Interview conducted on December 24, 2019 in Reyhanli, Turkey.
48. Based on the findings and analysis of the 12 interviews conducted by one sub-group.
49. Interview conducted on December 14, 2019 in Reyhanli, Turkey.
50. Interview conducted online on June 24, 2020. Rima was arrested while working at a hospital and she described to us the many horrible violations that were being committed by the doctors and nurses at that hospital, including injecting patients with lethal injections, killing premature babies and injecting other infants with lethal doses of potassium. Rima was eventually arrested because she spoke out about many of these violations.
51. Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of July 31, 1957 and 2076 (LXII) of May 13, 1977.
52. Of the six interviewees that had a loved one who was released (or two who were released themselves), four did not receive any final medical examination or report and two did.
53. Interview conducted on December 14, 2019 in Reyhanli, Turkey.
54. Nicknamed the Caesar photos, these photos were smuggled out and then leaked by a Syrian military police defector. They showed the bodies of victims of torture killed inside Assad's prisons.
55. At that time, the Syrian regime revealed the fate of 836 detainees by informing civil records. The number of cases recorded at that time in Damascus Suburbs Governorate reached 193, while 146 cases were in Homs Governorate, 141 in Hasaka Governorate, 117 in Hama Governorate, and 92 in Damascus Governorate, while the report documented 78 cases in Daraa Governorate, and 29 in Idlib Governorate, And 23 in Lattakia Governorate,



- 8 in Aleppo Governorate, 6 in Deir Ezzor Governorate, and 3 in As-Suwayda Governorate  
<https://sn4hr.org/arabic/2018/08/27/10341/>
56. Syrian Arab Republic, Law no. 13 of 2021, Civil Status Law. <http://www.moj.gov.sy/ar/node/552>
  57. Focus group discussion conducted on December 14, 2019 in Antakya, Turkey.
  58. Ibid.
  59. Syrian Arab Republic, Legislative Decree No. 26 of 2007, Civil Status Law, Article 37, <http://ashrfmmshrf.com/?p=199>
  60. Ibid.
  61. Ibid. at Article 44.
  62. Ibid. at Article 38.
  63. Ibid. at Article 39.
  64. Ibid. at Article 41.
  65. Ibid. at Article 43.
  66. In 2017, Law 04 imposed fees on those who fail to register. On July 2, 2019, the president issued a presidential decree (no. 11/2019) allowing for a one-year waiver of the fee for those who had not yet registered. Syrian Law Journal, Syrian Law: Recent Legislation, <http://www.syria.law/index.php/recent-legislation/>
  67. Focus group discussion conducted on December 14, 2019 in Antakya, Turkey.
  68. Ibid.
  69. Based on an analysis of the focus group discussions conducted on December 14, 2019 in Antakya, Turkey.
  70. Ibid.
  71. Syrian Arab Republic, Legislative Decree No. 26 of 2007, Civil Status Law, Article 39, <http://ashrfmmshrf.com/?p=199>
  72. ICTJ interviews, July 17 and November 11, 2020, notes on file at ICTJ.
  73. Syrian Arab Republic, Legislative Decree No. 14 of 1969, Article 16: "It is not permissible to prosecute any of the employees in the administration for crimes they commit while carrying out the tasks entrusted to them or in the course of carrying out them except by virtue of a prosecution order issued by the director." Syrian Arab Republic, Legislative Decree No. 549 of 1969, Law of Internal Organizations of the State Security Department and the Rules of Service for its Personnel, Article 74: "It is not permissible to prosecute any of the State Security Department employees, delegates, seconded to it, or contractors with it directly before the judiciary in crimes arising from The position, or in the course of performing it, before being referred to the disciplinary board in the administration and the issuance of a prosecution order by the director. Syrian Arab Republic, Legislative Decree No. 64 of 2008, Article 64: "Amending Article 47 of the Code of Penal Procedures and Military Trials to limit the trial of members of the Internal Security Forces, Political Security, and the Customs Police to crimes they commit while performing their duties before the military judiciary by order of the Minister of Defense To establish immunity from prosecution for members of the security services.
  74. Syrian Arab Republic, Legislative Decree No. 26 of 2007, Civil Status Law, Article 36, <http://ashrfmmshrf.com/?p=199>.
  75. Focus group discussion conducted on December 14, 2019 in Antakya, Turkey.
  76. Ibid.
  77. Personal Status Law, 59/1953, Articles 202, 203, 204, 205, and 206.
  78. Ibid. at Article 202.
  79. Ibid. at Article 203.
  80. Ibid. at Article 205.
  81. Rules of the Central Record of Missing Persons Bosnia and Herzegovina, Article 7 (December 5, 2008).
  82. Law 105 Missing and Forcibly Disappeared Persons of Lebanon, Article 1.6.
  83. Interview originally conducted in 2017 by coauthoring organizations Dawlaty and Women Now for Development for the report Shadows of the Missing: Testimonies of Syrian Female Relatives Left with Loss and Ambiguity. Once a children's park, in 2011, Hamida





- al-Taḥer park was turned into the largest detention center and most notorious torture facility in Dara'a. The Syrian regime confiscated many residential buildings around the park in 2011 and turned the area into the main detention and security center, where most of the detention and disappearance activities in the city and its surroundings are carried out. More details in this special report, Syrians for Truth and Justice, *A Special Report About 'Hamida al-Taḥer' Detention Facility in Daraa: Survivors Tell Terrifying Stories of Egregious Violations inside the Cellars of the Facility* (June 2017).
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  85. Independent International Commission of Inquiry on the Syrian Arab Republic, 'I Lost My Dignity': Sexual and Gender-based Violence in the Syrian Arab Republic (March 2018), paras. 34-40.
  86. Interview conducted online on June 24, 2020.
  87. Independent International Commission of Inquiry on the Syrian Arab Republic, 'I Lost My Dignity,' paras. 43-50.
  88. LDHR, *The Soul Has Died: Typology, Patterns, Prevalence and the Devastating Impact of Sexual Violence Against Men and Boys in Syrian Detention*, (2019).
  89. See, for example: LDHR, *Voices from the Dark: Torture and Sexual Violence Against Women in Assad's Detention Centers*, (2017); LDHR, *The Soul Has Died: Typology, Patterns, Prevalence and the Devastating Impact of Sexual Violence Against Men and Boys in Syrian Detention* (2019); and Independent International Commission of Inquiry on the Syrian Arab Republic, 'I Lost My Dignity'.
  90. Interview conducted on December 14, 2019 in Istanbul, Turkey.
  91. Interview conducted online on June 24, 2020.
  92. Focus group discussion conducted on December 14, 2019 in Antakya, Turkey.
  93. Interview conducted on December 15, 2019 in Gaziantep, Turkey.
  94. Interview conducted online in July 2020.
  95. Focus group discussion conducted on December 14, 2019 in Antakya, Turkey.
  96. *Ibid.*
  97. Based on several interviews conducted by the Trauma of Loss group for this handbook as well as the authoring organizations' other experiences working with families.
  98. Interview conducted on December 24, 2019 in Reyahnli, Turkey.
  99. Of those not returning to work, 54 percent were arbitrarily terminated by the government, 32 percent were prevented from returning to work by their parents, 12 percent changed residence after their detention, and 2 percent did not return because of fears of security surveillance. Start Point, *Female Survivors and Problems of Integration in Syrian Society: A Field Research* (July 2017), 46.
  100. Focus group discussion conducted on December 14, 2019 in Antakya, Turkey.
  101. Interview conducted online on July 14, 2020.
  102. *Ibid.*
  103. For example, see Substance Abuse and Mental Health Services Administration, "Chapter 2 - Trauma Awareness" in *Treatment Improvement Protocol (TIP) Series 57 (HHS Publication No. (SMA) 13-4801, 2014), 33-58*. See also "Chapter 1- Trauma-Informed Care: A Sociocultural Perspective," 7.
  104. Judith Twala from the Center for Victims of Torture defines ambiguous loss as "unclear loss that defies closure; a situation or problem that has no answer and thus no resolution." Judith Twala, "Supporting Survivors through Ambiguous Loss," Center for Victims of Torture, August 31, 2015.
  105. Report of the Working Group on Enforced or Involuntary Disappearances, E/CN.4/1983/14, para. 136, citing a report drawn up at the Second Latin American Congress of Relatives of Missing Persons (Caracas, November 1981).
  106. Judith Twala, "Supporting Survivors through Ambiguous Loss."
  107. European Court of Human Rights (ECtHR), *Orhan v. Turkey* (2002), paras. 358-360; ECtHR, *Kurt v. Turkey* (1998).
  108. Inter-American Court of Human Rights, *Godinez Cruz Case, Compensatory Damages*, (Ser. C) No. 8 (1990), paras. 48-49.





109. UN Human Rights Committee, *Quinteros v. Uruguay* (1983).
110. Center for Victims of Torture, *Enforced Disappearances: Ambiguity Haunts the Families of Iraq's Missing* (2016), 3-4; Derek Summerfield, "War and Mental Health: A Brief Overview," *British Medical Journal* 321(2000): 232-235.
111. Simon Robins, *Families of the Missing: A Test for Contemporary Approaches to Transitional Justice* (New York: Routledge, 2014), 4.
112. Focus group discussion conducted on December 14, 2019 in Antakya, Turkey.
113. For example, see Carina Heeke et al., "Conflict-related Trauma and Bereavement: Exploring Differential Symptom Profiles of Prolonged Grief and Posttraumatic Stress Disorder," *BMC Psychiatry* 17 (2017): 118-128; Derek Summerfield, "War and Mental Health: A Brief Overview," *British Medical Journal* 321(2000): 232-235.
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115. Interview originally conducted in 2017 by coauthoring organizations Dawlaty and Women Now for Development for the report *Shadows of the Missing: Testimonies of Syrian Female Relatives Left with Loss and Ambiguity*.
116. Testimony taken from archives of coauthoring organizations. Original date not known.
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119. *Ibid.*
120. Interview conducted on December 15, 2019 in Gaziantep, Turkey.
121. Interview conducted on December 14, 2019 in Reyhanli, Turkey.
122. Interview originally conducted in 2017 by coauthoring organizations Dawlaty and Women Now for Development for the report *Shadows of the Missing: Testimonies of Syrian Female Relatives Left with Loss and Ambiguity*.
123. Testimony taken from archives of coauthoring organizations. Original date December 2014.
124. As reported in the interviews and focus group discussions conducted for this study. Also see: *Shadows of the Missing: Testimonies of Syrian Female Relatives Left with Loss and Ambiguity*, Dawlaty and Women Now for Development (2017); Christalla Yakinthou, ICTJ, *Living with the Shadows of the Past: The Impact of Disappearance on Wives of the Missing in Lebanon* (March 2015), 19; Simon Robins, "Towards a Victim-Centred Transitional Justice: Understanding the Needs of Wives of the Disappeared in Post-Conflict Nepal." *International Journal for Transitional Justice* 5 (March 2011): 75-98, 88; and Derek Summerfield, "War and Mental Health."
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126. Testimony taken from archives of coauthoring organizations. Original date not known.
127. Focus group discussion conducted on December 14, 2019 in Antakya, Turkey.
128. Interview originally conducted in 2017 by coauthoring organizations Dawlaty and Women Now for Development for the report *Shadows of the Missing: Testimonies of Syrian Female Relatives Left with Loss and Ambiguity*.
129. Focus group discussion conducted on December 14, 2019 in Antakya, Turkey.
130. Interview originally conducted in 2017 by coauthoring organizations Dawlaty and Women Now for Development for the report *Shadows of the Missing: Testimonies of Syrian Female Relatives Left with Loss and Ambiguity*.
131. Center for Victims of Torture, *Reclaiming Hope, Dignity and Respect: Syrian and Iraqi Torture Survivors in Jordan* (2015).
132. Syrian Civil Status Law, Legislative Decree No. 26 of 2007, Article 5, <http://ashrfmmshrf.com/?p=199>





133. Interview conducted online in July 2020.
134. Ministry of Foreign Affairs of the Netherlands, Country of Origin Information Report Syria, 28.
135. The Syrian government is responsible to provide a remedy and assist relatives "in fields such as social welfare, financial matters, family law and property rights." International Convention for the Protection of All Persons from Enforced Disappearance (December 20, 2006), 2716 U.N.T.S. 3., Article 24.6; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005.
136. Focus group discussion conducted on December 14, 2019 in Antakya, Turkey.
137. The Prime Minister office issued Resolution No. 4554 on August 4, 2015, which requires prior approval from the competent security authorities - the State Security Department - in the event of selling real estate designated for housing or designated for commercial activity in organized and unorganized areas, regardless of the status of the parties to the relationship. It also imposes on the Real Estate Registrar the requirement of security approval to register the transfer of real estate ownership, even if the transfer of ownership is in implementation of a judicial decision of final degree, the violation of which is considered a crime in accordance with the provisions of Article 361 of the Penal Code, which punishes imprisonment from six months to two years. Execution of a judicial decision.
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143. "As of May 2015, refugees had submitted more than 27,000 requests for returned documents through the urban verification exercise. In late August [2015], the document return process began in some northern governorates. The verification exercise should also allow refugees who left the camps outside the bailout system and who have an ASC to regularise their status and receive a new Mol Service Card." International Human Rights Clinic and Norwegian Refugee Council, Registering Rights, 13.
144. Rojava Information Center, Developing the Program and Work of the Civil Registry Electronically: Annual Report of the Autonomous Administration of North and East Syria (July 2020).
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146. Ibid. at 11.
147. The rules are less stringent for damaged ID cards. You need not obtain a police report. Instead, you should bring a photocopy of the damaged ID, four color photos of the applicant (passport type; on white background), and pay a fee.
148. Syrian Ministry of the Interior and UNHCR, Civil Documentation and Registration in the Syrian Arab Republic (July 2018), 26. ("If the death took place in an area other than where the deceased person's civil records are kept, then the civil registrar will verify the death attestation based on the deceased's ID card, family booklet, or a computerized family civil registry statement.") See also Civil Status Law, Legislative Decree No. 26 of 2007 and its subsequent amendments and implementing directives, Article 15, <http://ashrfmmshrf.com/?p=199> (requiring that records be maintained in the office where the original "incident" was recorded).
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  154. Civil Status Law, Article 17.
  155. CBC, "Global Affairs Canada ordered closing of Syrian consulate in Montreal," April 17, 2016.
  156. International Human Rights Clinic and Norwegian Refugee Council, Registering Rights, 9.
  157. Constitution of the Syrian Arab Republic 2012, Article 17.
  158. Syrian Personal Status Law, Articles 260-305.
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  160. Interview conducted online on June 24, 2020.
  161. Interview conducted online July 14, 2020.
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  165. Mikael Ekman (ed.), International Legal Assistance Consortium, Rule of Law Assessment Report: Syria 2017 (2017), 54.
  166. ABA Rule of Law Initiative, Status of Women: Assessment for Syria (April 2017), 6.
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  182. See, e.g., Syrian People's Assembly. Powers of the Judicial Police. Decree 63; Syrian Arab Republic: Damascus, Syria, 2012.
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198. Convention on the Rights of the Child, Articles 7 and 8.
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202. International Human Rights Clinic and Norwegian Refugee Council, Registering Rights, 5.
203. Focus group discussion conducted on December 14, 2019 in Antakya, Turkey.
204. These determinations may depend on a variety of factors including religion, sect, and competency. For more information, consult Article 178 of the Personal Status Law.
205. Personal Status Law, Article 175.
206. Ibid. at Article 139 ("the right of custody is granted for the mother, then her mother and if she is unable, the father's mother; and if unable the full sister, then the sister...").
207. Ibid. at Article 146.
208. Ibid. at Article 148.
209. UN General Assembly. 1948. Universal Declaration of Human Rights, Resolution 217 A (December 10, 1948), Article 26.
210. Interview conducted online on June 24, 2020.
211. UNHCR and the Norwegian Refugee Council, Guidance Note on Documents Requested for School Enrollment and National Exams in the Syrian Arab Republic (May 2018), 7.
212. Ibid. at 4.
213. Human Rights Watch, "Lebanon: Stalled Effort to Get Syrian Children in School: Donors, Education Ministry Should Fulfill Promises," December 13, 2018.
214. Focus group discussion conducted on December 14, 2019 in Antakya, Turkey.
215. Hussam al-Omar, "Students in Raqqa Schools Confused by Three Different Curricula," (December 22, 2020).
216. Focus group discussion conducted on December 14, 2019 in Antakya, Turkey.
217. Interview conducted online in July 2020.
218. The Directorate of Immigration and Passports in the Ministry of Foreign Affairs and Immigration.





219. Legislative Decree No. 17 of April 21, 2015. UNHCR translation available at <https://www.refworld.org/pdfid/58a5e27d4.pdf>
220. Syrian Ministry of the Interior and UNHCR, Civil Documentation and Registration in the Syrian Arab Republic, 12.
221. Ibid. at 13.
222. At the time of this writing, the government was not enforcing this requirement.
223. Personal Status Law, Article 162.
224. Ibid. at Article 148.









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