Poll on The Work of The Sharia Courts in The Liberated Areas Inside Syria

Alkawakibi Human Rights Organization

May- 2015
Alkawakibi Human Rights Organization

With fund and support from

ARAB HUMAN RIGHTS FUND

Appreciation

Euro-Mediterranean foundation of support to human rights defenders, the main supporter of Alkawakibi Human Rights Organization

Local councils in the countryside of Idlib province

Tip:

All the contents of this report are exclusive responsibility for

Alkawakibi Human Rights Organization,

And does not reflect in any way the Views of the

Partners or supporters are mentioned above.
Index

1-.................................................The cover

2-.................................................Executive summary

3-.................................................Introduction

4-.................................................Methodology

5-.................................................The Results

6-.................................................Conclusion
Executive summary:

This research deals with the assessment of the reality of people's response to the project of monitoring the administration of justice in the areas under control of the regime. This project has been implemented by the Organization of Alkawakibi for Human Rights, by shedding light on the reality of the sharia courts in the Syrian liberated areas regarding; Their effectiveness on the ground, and their efficiency and ability to resolve all issues that are facing the Syrian citizens in the absence of specific and fixed authority.

The total number of citizens surveyed is 1000, 100 citizens from each area were chosen regardless of sex or political affiliation to achieve an accurate picture of the opinions of the citizens. The importance of this research stems from enabling the citizen to express their opinions on all matters relating to the work of sharia courts, who are responsible for protecting the rights of the citizens. As the Sharia courts take on the roll of the only judiciary possibility in some areas.

The survey shows:

• 100% of surveyed citizens agreed that Sharia Courts, exercise other functions besides judiciary.

• 64% of the surveyed citizens said that there is a big difference between the civil courts and the judiciary, while 32% of them answered that there is no difference between them. Only 4% reported that they do not know that.

• 65% of the surveyed citizens considered that Sharia Courts are not able of handling the task of elimination, while 30% of them answered that they are capable, and 5% were collecting that they do not know.

• 65% of surveyed citizens stated that the Civil Courts are better than the Sharia Courts, while 33% of them said that they are not, while 2% for them refused to answer this question.

• 65% of surveyed citizens said that it is necessary to monitor violations of Sharia Courts, while 20% of them replied that they no not see a clear benefit from it, while 15% of them refused to the answer.
• 66% of surveyed citizens agreed that sharia courts committed crimes and deserved punishment, while 25% answered with negative, and 9% said they do not know the answer.

• As 63% of surveyed citizens said they would prefer a return to Civilian Courts for several reasons, while 19% responded that they would prefer Sharia Courts and 18% of them refused to answer this question.

• 74% said that they were a side in a Sharia Court trail in one of these titles; witness, plaintiff, or claimant. 26% answered that they did not have any title.

• In terms of bias, 69% of the citizens agreed that Sharia Courts are biased or aligned to the side who founded them. 3% of them said that they are neutrality for all, while 28% of them said there was no bias. (The percentages did not change much with the difference between educational level or gender. However, the difference is clear in different areas.)

• 10% of surveyed citizens said that there is coordination between the Sharia Courts. 37% stated that there is no coordination, while 53% of them agreed that there is coordination in some cases.

• 100% of surveyed citizens agreed that there are no fixed rules for the court to work with concerning procedures.

• 100% of them agreed that the presence of defense lawyers is limited to only some of the cases.

• 60% of the surveyed citizens agreed that the Sharia Courts are temporary, 23% said that these courts will continue and 17% said that they don’t know the answer.

We were able, through this questionnaire, to deliver the standpoint of the Syrian citizen in the liberated areas concerning sharia courts which exist now. We have revealed the mechanisms followed by these courts in their conduct of Sharia law. We have collected citizens evaluation of our project, which we are currently implementing, and their opinion of its effectiveness now and in the future.
**Introduction:**

This report assess the success of project to Monitor and Control The Administration of Justice in Post Regime Controlled Areas. This project comes within the ongoing abuses by extra regime controlled Courts. (sharia and revolutionary) The military forces impose themselves in areas out of regime control, they established courts on non-professional and non-objective basis.

Alkawakibi Organization for Human Rights is a non-governmental organization (NGO) concerned with spreading the culture of human rights, including protecting the rights of women and children. Alkawakibi monitors and documents the human rights violations, and leads the pursuit of transitional justice. We work to address the historical legacy of human rights violations in Syria in cooperation with civilian actors working in this field regionally and internationally. Alkawakibi Organization activists are struggling on the front line of the Syrian crisis, as well as in the boarder countries working for the deployment of human and civil society as a culture. Alkawakibi Organization carries out many projects concerning the education of the general population helping them to understand and appreciate the standard international definition of a human rights culture.

An important note to make regarding this research is the sensitivity of the standard citizen living under Sharia rule. The poll percentages show that at least a portion of these communities lives in fear of expressing their opinions regarding the temporary courts that oversee them. The number of fearful responses indicates to the lack of success these courts are experiencing in securing the population they subjugate.

The goal of this research is; to provide a full study on the structure of the sharia courts, the citizen's opinion on the mechanism of its work, the possibility of its continuity, coordination and interference with the various sharia courts and the different supporting powers.

This survey had many results, the most important observation is the existence of a consensus on some points. while the different areas of severe impact are evident in the polling results. The very dangerous duty of documentation makes each subject area necessary to study independently and in-depth.
Methodology:

The outbreak of war in Syria is responsible for disrupting the judicial institutions that were responsible for conducting citizens affairs and overseeing minor disputes. This war created a security gap and chaos, the forces that dominate on the ground tried to avoid a security vacuum with the formation of local courts. These courts are subject to change abruptly with any shift in local military power without taking any of the citizens' opinions into account. This research is an opportunity for the citizens to express their opinion on the Sharia Courts and their working mechanism.

This research has been implemented in the following cities and regions; Saraqib, Kafr Nabl, Maart Al nuaman, Harem, Salqin, Jisr Shaghor, Bench, Jabal Alzawiya and Bdama. Where samples have been selected from each city randomly regardless of age, sex and educational level. The number of people who were surveyed was 1000 citizens. We could communicate with 1148 citizens from all the previous cities, and it is as follows: Saraqib 112 - Kafr Nabl 113 - Maart Al nuaman 112 - Harem 110 - Salqin 109 - Jisr Al shghor 124 - binch 118 - Sarmada 117 - Jabal Alzawiya116 - Bdama117. 148 of them refused the questionnaire for fear of the consequences. The percentage of men surveyed is 90% and the percentage of women is only 10%.
In terms of educational qualifications; The percentage of illiterate surveyed was 2%. Those who have primary school certificates were 9%, middle school 48%, and secondary school certificate holders were 29% only 12% University graduates.

While in terms of age; 48% of surveyed citizens were 31-40 years old, 33% of them were of 41-50 years of age, 10% of them were 51-60 years old, category 3% were 20-30 years and 2% were over 60.
• We have tried to design our survey to phrase questions so that they do not bring feelings of fear to the surveyed. We are also careful that it does not invoke a hostile reaction between the surveyed citizen and the Alkawakibi activist delivering the questions. We also sought to make the questionnaire clear concise. We worked on getting the largest amount of personal information about the surveyed person, to give more credibility and transparency to the search as we tested the questionnaire on a small group to clarify any fuzzy questions.

• The team conducted interviews with families that were included in the sample to visit. The visit was conducted in their homes after obtaining their consent to conduct the questionnaire. In each home there was a state of fear causing hesitation. Many people expressed concern that their survey may make them a target for the unaccountable and often temporary military powers on the ground.

• It is important to express here that the interviewing process took longer than specified. The team was obliged to temporarily stop due to the deteriorating security situation in the area. Due to the Air Force bombing many cities and regions that had been polled already, most people were forced to flee abroad, this created difficulties in communication, as well, some citizens refused to participate for fear of the presence of security obstacles.

• The members of the team were required obtain a prior consent prior to the survey for each person, also they were obligated to clarify the purpose of the survey.

• The great role played by the sharia courts now, regardless of its advantages and disadvantages, makes it necessary to study them and their impact on the citizens and the local community as one part. It is also important to measure the level of achieved success concerning the conduction of citizens issues, Sharia rulings and security issues. As well it is imperative to study the effectiveness of issued rulings, the mechanisms used to enforce these provisions, the selection mechanism of professionals including judges who are working under its jurisdiction, also to studying the possibility of the development of these Sharia structures because it is the only solution that is currently available.
The results:

The results of our meticulous collection and calculation are as follows:

- 100% of surveyed citizens agreed that sharia courts exercise other duties as well as the judiciary, such as the collection of endowments and interference with the appointment of local councils.

- 64% of participants said that there is big difference between sharia courts and civil courts, while 32% said that there is no difference, and 4% answered with I don’t know.
65% of the surveyed said that sharia courts are not capable of obtaining rights, while 30% said that these courts can obtain rights and 5% answered with I don’t know.

65% agreed that Civil Court is better than Sharia Court, while 33% said that Sharia Court is better, and 2% refuse to answer the question.
65% agreed that it is necessary to monitor the Sharia Courts violations while 20% said there is no use. 15% refused to answer the question. (do we need to monitor sharia courts violations).

66% agreed that sharia courts do really make violations that maybe considered as crimes, while 25% answered the opposite, and 9% answered with I don’t know.
- When they asked about the Court system they would rather find themselves in, 63% of them expressed their desire to default to the Civil Courts while only 19% expressed their desire to have recourse in Sharia Courts, while 18% of them refused to answer the question.

- Sharia Courts bias: 69% of the citizens surveyed said that the Sharia Courts are biased to the military who provides their security, while 3% of them stated it is biased to civilians, and 28% of them considered that there was no bias.
- Coordination of courts with each other: 10% of surveyed citizens consider that there is coordination between the legitimate courts. 37% said that there is no coordination, while 53% agreed that there is coordination in some cases.

![Image of bar chart showing coordination levels among surveyed citizens.]

- The existence of stable rules: 100% of surveyed citizens agreed that there are no rules and firm foundations that legitimize courts they depend on when taking any measures.

![Image of pie chart showing responses to stable rules.]

The ratios remained convergent, regardless of age, except the people whose ages are older than 60, where 80% of them considered the courts are capable of obtaining the legitimate rights to rule.
• 74% of surveyed citizens showed that they were parties in Sharia Court cases as one of the following characters; witness, Plaintiff, Defendant. 26 % said that they never attend the Sharia Court.

• 60% of the surveyed citizens agreed that Sharia Courts are temporary. 23% said that these courts will continue, but 17% they said they don’t know.
Courts capability to fulfill justice: 48% of the surveyed civilians said that Sharia Court has the ability while 52% said that these courts don't have the ability to fulfill justice.

100% of surveyed citizens agreed that Sharia Courts do not adhere to jurisdiction.
Conclusion:

This report reveals to us the progress of the citizen's awareness regarding the importance of litigation rights. As well the importance of objectivity and professional standards in the construction of any fair judicial system. These ratios emphasize the importance of civil justice and the need to monitor violations of Sharia Courts. The results also show the feeble confidence the people have in the abilities of these courts to adhere to local customs and international standards for the judiciary process.

Alkawakibi Human Rights Organization

www.alkawakibi-sy.org

info@alkawakibi-sy.org