Legal Recommendations

for Addressing Issues Related to Missing Persons, Civil Documentation, Property Rights, and Personal Status of Conflict-Affected Families in Homs

Amal Healing and Advocacy Center (AHAC)

With support from the Euro-Mediterranean Foundation of Support to Human Rights Defenders (EMHRF)

Executive Summary

This paper draws on the field experience of the Amal Healing and Advocacy Center (AHAC) through the operation of its legal clinic in Homs, the provision of legal consultations, the management of referrals, and the delivery of legal awareness sessions for families affected by conflict, displacement, and enforced disappearance.

Cases handled by the legal team have demonstrated that a significant proportion of the challenges encountered do not arise solely from beneficiaries' lack of legal knowledge, but also from the inadequacy of ordinary legal and administrative procedures in addressing the exceptional circumstances resulting from the conflict. These challenges include uncertainty regarding the fate and whereabouts of missing persons; difficulties in registering births, marriages, and deaths; loss of property documentation; the continuing consequences of previously imposed attachment orders; difficulties in establishing legal rights in the absence of official records or original documents; and complications associated with cross-border legal procedures.

The paper concludes that addressing these challenges requires a shift from individual case-by-case responses toward the adoption of an exceptional legal and administrative framework based on simplified procedures, recognition of alternative forms of evidence, clear designation of competent authorities, establishment of binding deadlines for responding to applications, and effective coordination among courts, civil registry offices, land registry authorities, the National Commission for Missing Persons, and legal aid providers.

I. Overview of the Amal Healing and Advocacy Center

The Amal Healing and Advocacy Center (AHAC) was established in Türkiye in 2017 as a women-led, non-profit civil society organization dedicated to promoting human rights, empowering women and marginalized communities, and supporting survivors of conflict and human rights violations, particularly Syrian women and families of missing and forcibly disappeared persons.

AHAC works to advance justice, equality, and community participation through an integrated approach combining direct service provision, human rights advocacy, and capacity building. Its principal areas of intervention include legal aid and consultations, mental health and psychosocial support, case management, community awareness, documentation of human rights violations, support for transitional justice and accountability efforts, and the promotion of women's participation in decision-making and peacebuilding processes.

The Center implements its activities in Türkiye and Syria in cooperation with civil society organizations and local and international partners, with particular emphasis on ensuring that vulnerable populations can access essential services and exercise their rights. AHAC also places special importance on supporting families of missing persons and survivors of torture and other serious violations, facilitating their access to justice, and ensuring that they receive appropriate legal, psychological, and social assistance.

> AHAC's work is guided by the conviction that sustainable recovery requires not only addressing the individual consequences of conflict, but also tackling its structural causes, strengthening the rule of law, upholding human rights and equal citizenship, and contributing to the establishment of an inclusive democratic society founded on justice and human dignity.

II. Project Overview

The Amal Healing and Advocacy Center is implementing a project to establish and operate a legal clinic in Homs, with support from the Euro-Mediterranean Foundation of Support to Human Rights Defenders (EMHRF).

The project aims to ensure the continuity and expansion of free legal aid services for families of missing persons, women heads of households, returnees, internally displaced persons, and other conflict-affected populations.

The project's main activities include:

1. Operating a legal clinic that provides free and confidential legal consultations.
2. Following up on cases concerning civil status, personal status, missing persons, inheritance, property rights, and powers of attorney.
3. Referring cases requiring specialized intervention to the appropriate governmental, legal, or psychosocial service providers.
4. Conducting legal awareness sessions on marriage, divorce, powers of attorney, birth registration, inheritance, and property rights.
5. Documenting recurring legal obstacles and using field findings to develop legal and policy recommendations.

> The project's monthly reports have identified a recurring pattern of legal challenges, indicating that these issues constitute structural barriers rather than isolated individual cases.

III. General Context in Syria and Homs

1. Impact of Conflict and Displacement

Throughout the years of conflict, Homs and its surrounding countryside experienced extensive waves of displacement and forced population movements, alongside widespread damage to housing, infrastructure, public records, and documentation. Many families lost personal identification and property documents as a result of the destruction of their homes, repeated displacement, confiscation of property, or urgent departure from the country.

With increasing numbers of people returning from neighboring countries and areas of internal displacement, legal problems accumulated over years of absence have become increasingly apparent. These include unregistered children, marriages that have not been formally documented, deaths that have not been entered into official records, properties for which ownership cannot be established, outdated or insufficiently defined powers of attorney, and unresolved inheritance rights.

2. Existing Legislative Framework

Law No. 13 of 2021, the Civil Status Law, regulates the registration of births, marriages, divorces, and deaths, as well as the correction of civil registry records. The Law sought to unify civil registration databases and simplify certain procedures, including those relating to civil status events occurring outside Syria.

However, its practical implementation continues to face difficulties where individuals have lost original documents, are unable to obtain the required authentication, reside in countries without Syrian diplomatic representation, or have experienced registration delays lasting several years due to conflict, fear, or displacement.

Matters relating to marriage, divorce, parentage, and inheritance are governed by the Personal Status Law promulgated under Legislative Decree No. 59 of 1953 and its amendments, particularly Law No. 4 of 2019. Nevertheless, implementation of these provisions frequently presupposes the availability of official marriage, birth, and death certificates, which conflict-affected families do not always possess.

2. Existing Legislative Framework

Powers of attorney, contracts, property rights, and legal obligations are also governed by the general provisions of the Civil Code promulgated under Legislative Decree No. 84 of 1949. Meanwhile, Evidence Law No. 359 of 1947 regulates the admissible means of proof before the courts and was made applicable before Sharia courts pursuant to Legislative Decree No. 88 of 1970.

In the area of real estate, certain procedures are associated with Law No. 23 of 2015 on Urban Planning and Development and Law No. 10 of 2018 concerning the establishment of redevelopment zones, in addition to land registration regulations, the Civil Code, and other applicable legislative provisions.

Regarding precautionary attachment orders imposed on security-related grounds, some were issued pursuant to Legislative Decree No. 63 of 2012 and earlier counterterrorism legislation. In 2025, Decree No. 16 of 2025 was issued to address and revoke a range of previously imposed arbitrary attachment orders. Joint committees comprising representatives of the Ministries of Justice, Interior, and Finance were subsequently established to implement its provisions.

Concerning missing persons, the National Commission for Missing Persons was established under Presidential Decree No. 19 of 2025 as an independent body responsible for collecting information, documenting cases, establishing a national database, working to clarify the fate and whereabouts of missing and forcibly disappeared persons, and providing legal and humanitarian assistance to their families.

> These developments constitute an important institutional foundation. However, findings from the legal clinic indicate a continued need for clearer implementing regulations that connect these legislative frameworks with the everyday civil, family, and financial rights of affected populations.

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IV. Discussion and Legal Analysis of Identified Challenges and Barriers

Thematic Area 1: Missing and Forcibly Disappeared Persons and the Impact of Disappearance on Families

Cases involving missing and forcibly disappeared persons have been among the most frequently raised issues during the legal clinic's consultations. Families' inquiries have extended beyond procedures for registering a missing person to include determining their fate and whereabouts, obtaining information, establishing legal proof of death, settling inheritance matters, managing property, obtaining compensation, and addressing child custody, the wife's ability to remarry, and her financial rights.

> **The underlying legal challenge is that a person's disappearance affects a broad range of legal rights and statuses, while no adequate temporary mechanism is always available to enable families to manage their affairs pending clarification of the missing person's fate.**

The establishment of the National Commission for Missing Persons under Decree No. 19 of 2025 represented a fundamental step toward creating an official institutional authority responsible for this issue. Nevertheless, referrals undertaken by the legal clinic have demonstrated the continued need for:

- A clear mechanism for receiving missing-person reports at the governorate level.
- A unique reference number for each case, allowing families to monitor its progress.
- Clear guidance on the types of evidence accepted.
- Defined timeframes for responses and case updates.
- Regulated information-sharing procedures between the Commission, courts, civil registry authorities, forensic medicine services, and security agencies.
- Mechanisms addressing the civil and financial consequences of disappearance before a final determination regarding the missing person's fate.

These difficulties become particularly pronounced in cases involving areas that were outside the control of state institutions, or where a missing person appeared in video footage following the release of detainees but subsequently disappeared again.

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Thematic Area 2: Barriers to the Registration of Civil Status Events

Legal consultations have revealed repeated cases involving the non-registration of births, marriages, deaths, and divorces, particularly among Syrians who lived abroad or returned after prolonged periods of displacement.

Although Law No. 13 of 2021 establishes a general framework for the registration of civil status events, beneficiaries continue to encounter practical obstacles, including:

- Loss of original documents or the absence of required authentication.
- Lack of Syrian consular representation in the country of residence.
- Inability to issue a legally valid power of attorney.
- High costs associated with travel, document authentication, and translation.
- Accumulation of multiple unregistered civil status events within the same family.
- Significant periods of time having elapsed since a birth or death.
- Rejection or limited acceptance of witness testimony and alternative documentation.

The legal team documented cases in which children faced the risk of being deprived of civil registration, education, and healthcare because their birth certificates had been lost or replacement documents could not be obtained.

Difficulties were also identified in obtaining death certificates when several years had elapsed since the death, including cases in which families submitted statements or community testimonies corroborating the event.

> These cases expose a gap between the general legislative framework and the exceptional circumstances that objectively prevented individuals from completing registration procedures within the prescribed deadlines.

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Thematic Area 3: Cross-Border Marriage, Divorce, and Parentage Issues

The legal clinic has handled cases involving marriages concluded outside Syria or not officially registered, women seeking divorce due to physical or psychological violence, and matters relating to the establishment of parentage and the registration of children.

Such cases are governed by Personal Status Law No. 59 of 1953 and its amendments, including those introduced by Law No. 4 of 2019. However, the ability to exercise the rights provided under this legislation frequently depends on proving the existence of a marriage, establishing the authenticity of documents, determining judicial jurisdiction, and ensuring that legal notice can be served on the other party.

Particular difficulties arise when:

- A marriage contract was issued by an authority outside Syria and has not been duly authenticated.
- No Syrian diplomatic mission exists in the country where one of the spouses resides.
- Acts of violence occurred outside Syria and are difficult to establish before Syrian courts.
- The husband resides abroad and cannot be served with legal notice.
- The woman cannot afford travel, legal representation, or document translation costs.
- Children remain unregistered because their parents' marriage has not first been officially registered.

> Consequently, women may find themselves caught between multiple legal systems, without a clear and expeditious procedure for registering or dissolving marriages or safeguarding children's rights and financial entitlements.

Thematic Area 4: Lost, Looted, and Seized Property

Reports from the legal clinic indicate that property-related cases extend beyond conventional ownership disputes and include patterns directly associated with the conflict, such as:

- Theft or unlawful seizure of vehicles and private property.
- Loss of title deeds and cadastral documentation.
- Outstanding precautionary attachment or administrative seizure orders.
- Failure to implement decisions lifting property attachments.
- Difficulties transferring property ownership in informal settlements.
- Ownership claims based on informal contracts or long-term unregistered possession.
- Concerns among displaced persons residing abroad regarding unlawful occupation or appropriation of abandoned property.
- Misuse of general or broadly worded powers of attorney to sell real estate to the detriment of the rightful owner.

> - Unlawful appropriation of real estate through fraudulent or conflicting judicial judgments (multiple ownership claims): This issue is particularly prevalent in informal settlements, where the exploitation of administrative disorder and the unlawful procurement of judicial rulings have resulted in multiple individuals claiming ownership of the same property. Consequently, the original owner may become entangled in prolonged litigation, preventing the effective use of the property and potentially resulting in the de facto loss of ownership rights.

From a legislative perspective, the provisions of the Civil Code protect property rights, rights in rem, and contractual rights. However, establishing these rights becomes particularly difficult when supporting documentation has been lost or the property is situated in an area without a properly regulated land registration system.

Similarly, Law No. 23 of 2015 and Law No. 10 of 2018 relate to urban planning and redevelopment zones. Nevertheless, properties located in informal or unplanned areas require special protective and evidentiary procedures that take into account possession, informal contracts, municipal documentation, and local testimonies.

Previous property attachment orders associated with Legislative Decree No. 63 of 2012 have also produced continuing consequences for families' ability to sell, inherit, invest in, or return to their properties. Despite the issuance of Decree No. 16 of 2025, the cases reviewed demonstrate that removing attachment annotations from relevant registers and property records is not always carried out promptly or automatically.

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Thematic Area 5: Inadequacy of Traditional Evidentiary Mechanisms in Conflict-Related Cases

Evidence Law No. 359 of 1947 presupposes the availability of documents, witnesses, and legal procedures that can ordinarily be accessed. However, conditions resulting from the conflict are characterized by lost documentation, deceased witnesses, displacement, destruction of archives, changes in territorial control, and difficulties accessing the authorities that originally issued relevant documents.

As a result, some cases have been rejected or delayed despite the availability of reasonable corroborating evidence, including:

- Testimonies from neighborhood residents or the local mukhtar.
- Copies or photographs of historical documents.
- Video recordings.
- School or medical records.
- Utility bills and tax records.
- Documentation issued by humanitarian organizations.
- Informal contracts or outdated powers of attorney.
- Correspondence or records relating to detention.

> There is therefore a need to develop specific rules for assessing evidence in conflict-related cases, without removing judicial oversight or creating opportunities for fraud.

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Thematic Area 6: Fragmented Institutional Responsibilities and the Absence of a Unified Procedural Framework

Some families are required to approach multiple institutions, including courts, civil registry offices, land registry authorities, municipalities, the Ministries of Justice, Interior, and Finance, and the National Commission for Missing Persons.

The legal team has documented:

- Inconsistent instructions issued by different authorities.
- Absence of designated institutional focal points.
- Delayed responses or failure to provide written decisions.
- Lack of a system enabling applicants to track the status of their applications.
- Requests for documents that are difficult or impossible to obtain.
- Absence of clearly defined deadlines for deciding applications.
- Repeated referrals between institutions without reaching a resolution.

Such institutional fragmentation creates substantial financial and psychological burdens and limits lawyers' ability to provide definitive legal guidance.

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Thematic Area 7: Financial Costs as a Barrier to Accessing Rights

The cases reviewed demonstrate that certain legal remedies may be theoretically available but practically inaccessible due to administrative fees, document authentication requirements, travel expenses, translation costs, and transportation expenses.

According to beneficiary testimonies documented by the legal team, fees associated with registering civil status events occurring outside Syria impose a substantial burden, particularly where a family must register multiple births, marriages, or deaths.

> Consequently, civil status events remain unregistered not because beneficiaries refuse to comply with the law, but because they lack the financial resources necessary to complete the required procedures.

Thematic Area 8: Disproportionate Impact on Women

Women constituted the majority of beneficiaries participating in legal consultations and awareness sessions. This is closely linked to the fact that women frequently bear the direct consequences of a husband's disappearance or absence, the non-registration of marriages and children, domestic violence, inheritance disputes, and difficulties establishing property rights.

An awareness session on inheritance also revealed the persistence of social practices that deprive some women of their legally prescribed inheritance shares, despite the protections afforded under the Personal Status Law and inheritance provisions.

> Procedural barriers therefore intersect with social discrimination and economic dependency, creating additional obstacles for women seeking to access, establish, and enforce their rights.

V. Preliminary Legal and Institutional Recommendations

1. Enact Comprehensive Legislation on Missing and Forcibly Disappeared Persons

It is recommended that a dedicated law on missing persons be drafted and enacted, establishing:

- Legal definitions of missing persons and forcibly disappeared persons.
- Families' rights to know the fate and whereabouts of their relatives, participate in relevant processes, and receive protection.
- The powers and responsibilities of the National Commission for Missing Persons.
- Mechanisms for reporting, verification, and search procedures.
- Data protection and confidentiality safeguards.
- Institutional coordination with the judiciary, civil registry authorities, and forensic medicine services.
- The civil and financial consequences arising from a person's disappearance.
- Procedures for appeals or complaints in cases of delayed follow-up.
- Provision of legal and psychological support to family members.

2. Establish a Temporary Legal Status for Families of Missing Persons

Families should not be required to wait for years before they can manage their essential affairs. It is therefore recommended that a temporary judicial or administrative mechanism be introduced, subject to appropriate safeguards, to permit:

- Administration and protection of the missing person's assets.
- Disbursement of essential financial entitlements to family members.
- Management of matters relating to children.
- Completion of certain procedures concerning inheritance, pensions, or property rights.
- Prevention of unauthorized sale or unlawful appropriation of the missing person's assets.
- Appointment of a temporary legal representative where necessary.

> The temporary legal representative should be required to submit periodic reports, either monthly or quarterly, to an independent judicial authority. These reports should include detailed financial statements covering all transactions and be accompanied by supporting documentation, including invoices, contracts, and receipts.

3. Issue Exceptional Implementing Regulations under Civil Status Law No. 13 of 2021

Specific implementing regulations should be adopted to address cases arising from conflict and displacement, including provisions for:

- Extending statutory registration deadlines or waiving penalties where displacement or inability to register can be established.
- Establishing a simplified procedure for registering civil status events occurring outside Syria.
- Allowing applications to be submitted by relatives or authorized representatives where consular representation is unavailable.
- Establishing mobile registration committees to process accumulated unregistered cases.
- Prioritizing children at risk of remaining without civil registration.
- Publishing a unified and publicly accessible list of required documents, applicable fees, and procedural deadlines.

4. Recognize Alternative and Complementary Forms of Evidence

It is recommended that legislation or judicial directives be issued authorizing courts and administrative authorities to assess a range of alternative evidentiary materials in conflict-related cases, including:

- Written statements and oral testimony.
- Statements issued by local mukhtars or local authorities.
- Medical and educational records.
- Copies of documents and digital images.
- Records maintained by humanitarian organizations.
- Visual and electronic evidence.
- Circumstantial evidence relating to possession, residence, or family relationships.

> Such evidence should remain subject to verification and cross-checking to prevent forgery, fraud, or misuse.

5. Establish a Comprehensive Implementation Mechanism for Decree No. 16 of 2025

It is recommended that the mechanism for lifting property attachment orders include:

- Automatic review of previous attachment decisions without placing the entire burden of initiating proceedings on affected individuals.
- Publication of clear criteria identifying the cases covered by the Decree.
- Establishment of binding deadlines for decisions.
- Simultaneous removal of attachment annotations from all relevant registers.
- Issuance of official documentation confirming that an attachment has been lifted.
- Establishment of an expedited complaint and appeal procedure in cases of non-implementation.
- Measures addressing damages resulting from the continuation of attachment orders after the grounds for their imposition have ceased to exist.

6. Establish a Special Mechanism to Protect Abandoned Properties and Properties with Missing Documentation

The proposed mechanism should include:

- Establishment of a provisional registry for property ownership claims submitted by expatriates and displaced persons.
- Suspension of suspicious property transactions pending verification.
- Acceptance of alternative evidence to establish ownership rights.
- Documentation of possession and informal contracts in unplanned or unregulated areas.
- Coordination with municipalities and land registry authorities.
- Safeguards to ensure that the rights of women and absent heirs are not adversely affected.
- Procedures for obtaining replacement copies of lost property documents.

- Establishment of a judicial review procedure linked to the land registry and relevant property authorities to verify judgments issued concerning properties located in informal settlements. This should include an expedited mechanism for suspending the enforcement of fraudulent judgments or ordering retrials where it is established that the original owner's absence or displacement was exploited.

7. Simplify Cross-Border Procedures for Marriage, Divorce, and Establishment of Parentage

Unified procedures should be developed to address:

- Marriages concluded outside Syria.
- Documents issued in countries without Syrian diplomatic missions.
- Service of legal notices on spouses residing abroad.
- Establishment of evidence concerning acts of violence committed outside Syria.
- Registration of marriages as a prerequisite to registering children.
- Authentication of documents or acceptance of alternatives where authentication is not feasible.
- Use of remote video hearings or remotely authenticated powers of attorney, subject to appropriate legal safeguards.

8. Introduce Financial Exemptions for the Most Vulnerable Groups

It is recommended that a system of fee exemptions or reductions be established for:

- Families of missing persons.
- Women heads of households.
- Unregistered children.
- Returnees and internally displaced persons.
- Families required to register multiple civil status events.
- Individuals who have lost documentation due to conflict or natural disasters.

> Consular fees and foreign document authentication charges applicable to documentation issued for expatriates and displaced persons should be reviewed, or an administrative exemption mechanism should be introduced to protect these groups from excessive fees denominated in foreign currencies.

A legal assistance fund could also be established through cooperation between state institutions and humanitarian organizations to cover essential administrative and legal fees for the most vulnerable cases.

9. Establish an Institutional Coordination Mechanism in Homs Governorate

It is recommended that a committee or periodic coordination working group be established, comprising representatives from:

- The Ministry of Justice.
- The Ministry of Interior and civil registry authorities.
- Land registry authorities.
- Local administrative units and municipalities.
- The National Commission for Missing Persons.
- The Bar Association.
- Legal aid organizations.

> This coordination mechanism should be responsible for discussing recurring legal challenges, harmonizing administrative instructions, identifying institutional focal points, following up on unresolved cases, and issuing clear procedural guidance for citizens.

10. Formally Recognize the Role of Legal Clinics and Civil Society Organizations

It is recommended that a formal cooperation framework be established to enable legal clinics to:

- Refer cases using standardized and approved referral forms.
- Receive official responses to legal and administrative inquiries.
- Follow up on cases with beneficiaries' informed consent.
- Participate in the analysis of recurring legal patterns and challenges.
- Submit legislative and procedural reform proposals.
- Support legal awareness campaigns.
- Safeguard the confidentiality of beneficiaries' personal information.

Conclusion

The experience of the legal clinic in Homs demonstrates that the principal challenge is not necessarily the complete absence of legal provisions, but rather the gap between existing legislation and the circumstances of families who have lost relatives, documentation, property, and the practical ability to access public institutions.

> Applying ordinary legal and administrative procedures to exceptional circumstances resulting from years of conflict and displacement effectively perpetuates the deprivation of rights. The current transitional context therefore requires a legislative and administrative approach grounded in corrective justice, procedural simplification, recognition of alternative evidence, protection of the most vulnerable populations, and effective interinstitutional coordination.

The accumulated experience of the legal clinic in Homs can provide a practical foundation for developing these measures by documenting recurring patterns, translating individual cases into evidence of systemic legal challenges, and engaging legal professionals, affected families, and relevant public authorities in the formulation of practical and implementable solutions.