

The Autonomous Administration's Judicial System in Deir ez-Zor

Reality and Reformation Necessities



Justice for Life Organization

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This paper is part of a series of policy papers in which the Justice for Life organization provides procedural recommendations to improve the performance of local institutions.

The views expressed in this paper do not necessarily reflect the opinions of the Justice for Life organization

The Justice for Life is a Syrian non-governmental and non-profit organization that has been active in northeastern Syria since 2015. It has been registered in Germany since 2019 and in France since 2023.

JFL's mission is to collaboratively promote human rights, dialogue, and freedoms in Syria through documentation, advocacy, access efforts, and capacity building for communities and organizations. JFL operates on two strategic tracks, which are reviewed and adjusted every three years. These tracks focus on enhancing justice and defending human rights in Syria, and advocating for the right of Syrians to participate in political and civil life.

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INTRODUCTION

The Syrian Democratic Forces, supported by the Global Coalition to Defeat Daesh/ISIS, took control of parts of Deir ez-Zor province in 2017 following battles with the Islamic State Organization. This extended over time phases of which the latest ended with the Battle of Baghouz in 2019 when SDF declared their areas of control in the western and eastern countryside of the province as a region under the Autonomous Administration of the northeast Syria. It did not take long after that control until the region started to be one of the most problematic and complex regions within the Autonomous Administration on the security level. Several factors contributed to this. One of the most prominent is the ongoing activity of the Organization cells in some areas in contrast to the form and level of the imposed management of the province. The interaction of these factors has led to the production of complex problems at various levels: service, economic, political, social, and military.

These problems have manifested themselves in various security forms within the local environment starting from the peaceful protests witnessed in several sectors over the past years passing through conflicts between the military components of SDF in the region, Deir ez-Zor Military Council, and reaching the recent clashes between SDF and the armed tribal movement.

The interference of these problematic issues and their results contributed to the consolidation of security fragility and a state of instability in the region. Despite the end of the armed conflict with the tribal forces in favour of SDF, which regained its control, its results continued to interact in various forms, pushing the Autonomous Administration on October 22, 2023, to launch a conference under the title of "Enhancing Security and Stability" as an initiative pledging to reform various sectors, governance aspects, and security in the region addressing direct issues affecting the population¹. The outcomes of the conference and its commitments being under study along with the committee formation being without tangible implementation on the ground are among the concerns of the local population about the lack of full commitment to their execution.²

In this context, the judiciary in Deir ez-Zor emerges as one of the most problematic sectors in the region, and this is because of its security, economic, social, and governance reflections within the local environment. This is particularly significant as the experience of the judiciary in the region has passed under various stages according to the successive military forces to finally stabilize according to the form of the judicial system followed by the Autonomous Administration

¹ With a series of outputs, the Deir ez-Zor Civil Administration holds a conference on enhancing security and stability in Deir ez-Zor, Official Website of the Autonomous Administration of North and East Syria, October 22, 2023. Available at the following link: <https://aanesgov.org/ar/?p=7942>

² Findings derived from several interviews and focus group sessions held in the region during January 2024 as part of the preparation of this paper

of northeast Syria and represented by the System of Social Justice and the affiliated institutions and bodies .

This experience began in Deir ez-Zor in late 2018 and early 2019, and went under several developments that were not free of obstacles and criticisms directed at the structure, mechanisms of operation, and level of independency and efficiency, especially in the middle of the reliance of a part of the population on alternative judicial systems, represented by customary/tribal justice and the courts of the Syrian government distributed in areas under its control within Deir ez-Zor province or in neighbouring provinces such as Al-Hasakah.

Therefore, this paper seeks to assess the reality of the judiciary system affiliated with the Autonomous Administration of NE Syria in Deir ez-Zor, diagnoses its most prominent challenges that hinder the application of its functions and prevents the expected level of efficiency within the local environment and its specificity. This is from the perspective of local experts working in judicial institutions: judges, lawyers, reconciliation committee members, and representatives of civil society organizations operating in the region as well as representatives from the local community like elders, and tribal leaders.

This is with the aim of coming up with realistic and feasible recommendations regarding the priorities of judicial reform needed in the region, in a manner that enhances its role as one of the pillars of good governance and sustainable stability at various levels. The main research question is summarized in: what is the reality of the judiciary system affiliated with the Autonomous Administration within its controlled areas in Deir ez-Zor, and what are its most prominent challenges on the levels of structure and framework, human resources, efficiency, and independency?

To answer its main question and achieve its objectives, the paper relied on two types of data sources, distributed as follows:

- **Primary sources:** the paper relied on focus group discussions as primary sources of data. Justice for Life organization held three sessions during January 2024 distributed across the western and northern countryside of Deir ez-Zor: Al-Basira, Al-Kasrah, and Mhemida. Each session included a sample of 8 participants distributed across defined relevant groups. The top groups included judges, lawyers, representatives of reconciliation committees working in the Office of Social Justice and its affiliated bodies in Deir ez-Zor, legislative council members, representatives from civil society organizations in the region as well as representatives from the local community including elders and tribal leaders. The sample ensured gender representation and the participation of women to the best extent possible. The sessions were based on a pre-prepared survey which included questions covering various aspects of evaluating the judiciary sector targeting different groups. This survey was built based on secondary data

sources, in addition to a group of exploratory interviews conducted by the researcher with lawyers and judges in Deir ez-Zor and some other regions affiliated with the Autonomous Administration.

- **Secondary sources:** These included a review of various previous studies, despite their scarcity, in addition to relevant human rights reports issued by international and local organizations. Also, this included published journalistic reports related to the dimensions of the topic. This is in consideration of review of most of the legal and functional references regulating the work of the judiciary authority, officially approved by the Autonomous Administration, and involved perusing some decisions and documents issued by the courts with various levels.

The **significance of this paper** comes from its subject matter, which is represented by the judiciary as it is considered a crucial indicator for assessing various aspects of governance including administrative efficiency, the level of security and stability, and the nature of civil/military relations. This places the judiciary at the top priorities of any serious project for governance reformation, especially in Deir ez-Zor, which faces complicated governance issues directly contributing to the fragility of the security environment. These issues have indirectly led to recent conflicts witnessed in the region.

Perhaps what further enhances its importance are the **goals it seeks to achieve** and the context in which it is presented. The paper is a part of the project of Justice for Life, which aims to provide a series of papers related to studying the challenges of primary and vital sectors in the areas of Deir ez-Zor controlled by the Autonomous Administration. At the top of these sectors is the judiciary. It also aims to offer realistic and feasible recommendations that reflect the aspirations of the local community and enhance the role of the judiciary and other institutions in maintaining security, supporting stability, and involving public in decision-making and institution management within their areas. This is achieved through supporting a culture of dialogue between the local community and the Autonomous Administration supporting reform demands on a level and expanding the role of civil society as a genuine mediator in this dialogue on another level.

FIRST: OVERVIEW ON THE SOCIAL JUSTICE SYSTEM

The beginnings of establishing the judicial system of the Autonomous Administration in Northeast Syria go back to 2012, represented by what was then known as "People's Courts". This system was subject to several changes and modifications due to various criticisms directed towards the work mechanisms of those courts until it settled into its current form known as the Social Justice System³.

Structure and Institutions

The Social Justice System consists of a set of judicial institutions and bodies referred to as "Social Justice Institutions," whose work is organized according to the "Charter of the Social Justice System" issued in 2019 after being approved by the "Public Council" representing the legislative authority in the Autonomous Administration. According to the Charter, the mechanism of work of the Social Justice System is conducted in accordance with the "democratic law established by the Public Councils, which in turn reflects the nature and will of the society", and its laws are issued "in the name of the public". As per the Charter, the Social Justice System is represented by a group of institutions, bodies, and judicial committees of which of the most prominent are⁴:

- **Social Justice Council:** it represents the highest judicial authority in the Autonomous Administration, consisting of at least 13 members who are supposed to be elected from the members of the sub-councils in the regions (Article 15 of the Charter of Social Justice System).
- **Women Social Justice Council:** equivalent to the Social Justice Council consisting of 21 members who are supposed to be elected. It supervises women working in justice institutions focusing on women's issues and gender equality.
- **Social Justice Councils of the Regions:** these are branches of the General Social Justice Council, each representing the highest judicial authority in each region. They consist of several committees, and their members are supposed to be elected.

³ A group of researchers, the Autonomous Administration: Judicial Introduction in Understanding Model and Experiment, Omran Center for Strategic Studies, Version 1, April 2023, page: 23.

⁴ The Charter of the Social Justice System of the Autonomous Administration of Northeast Syria, approved by the Autonomous Administration on December 15, 2019. A copy of it was reviewed during the preparation of this paper and is available in the archive of JFL.

- **Social Justice Office:** it emerges from the sub-councils of justice in each region consisting of four main bodies that serve as a collection of courts at different levels: the Social Justice Institution, Cassation, Public Prosecution, and the Execution and Notary Public.
- **Reconciliation Committees:** they work on resolving disputes through consensual methods and ethical standards before referring them to the Office of Justice.
- **Houses of Women:** they are closer to reconciliation committees; they work on resolving women's issues and defending them, and it is affiliated with the Women Social Justice Council.
- **People Defense Court:** it represents the "terrorism" court. It is central and based in Al-Hasakah and not present in all regions. Its work is regulated by a "special law" and it is considered an extraordinary court, although the Social Contract Charter prohibits the formation of such courts.
- **Platform Courts:** they work to gather a group of people within a public court. They are formed in cases that affect public opinion at the level of the region, town, or city. These people issue definitive judgments in the case instead of judges.

References: Functional and Legal

The work of the justice institutions and bodies affiliated with the Autonomous Administration depends on a set of legal and functional references, where most prominent of them are⁵:

- **Social Contract Charter:** it is the constitution of the Autonomous Administration and includes detailed provisions for the Judicial Council.
- **Procedural Law for the Social Justice System:** it includes materials related to the principles of civil and criminal trials, general provisions, and others as well as mechanisms for filing lawsuits and their limitations, and information about court sessions and their system.
- **Charter of the Social Justice System:** it serves as a functional reference regulating the work of social justice institutions and their personnel; it outlines the rights and duties of judges and defines the specialization, and tasks of all institutions affiliated with the Social Justice Council.
- **Charter of the Autonomous Administration:** it regulates the three authorities: legislative, executive, and judicial, and defines the general principles for the Social Justice Council.
- **Laws and Legislations:** it included the Syrian Penal Code with some amendments, in addition to resolutions issued by the General Council, and a set of special laws such as the Anti-Terrorism Law, parties, civil society, customs, media, etc.

⁵A group of researchers, the Autonomous Administration: Judicial Introduction in Understanding Model and Experiment, a reference mentioned earlier, p. 35.

Human Resources: Qualification Level

Regarding the qualification of judges and the development of the social justice system of the Autonomous Administration, the establishment of what is known as the "Mesopotamia Academy for Social Justice" has been established. According to the Social Justice Charter, it is described as "a specialized scientific institution in legal sciences, law, and social justice". The Academy is organizationally, administratively, and financially linked to the General Council for Social Justice in the Autonomous Administration and operates according to the principles and foundations of the "Democratic Nation"⁶.

The Academy conducts training and capacity building programs for judicial personnel through courses ranging from 45 days to six months or more. These programs accept individuals with degrees in law, humanities, or even secondary education certificates, and they work to graduate them as judges to work in the offices of social justice after the training period. Additionally, the Academy includes a department for teaching law.

The mechanism for assigning judges aligns with Article 46 of the Social Justice System Charter, which stipulates that judges must be from the regions of the Autonomous Administration and have the right to reside therein. Additionally, the Charter defines conditions for the acceptance of judges in courts including not having been convicted of a crime or a shameful offense, not being allowed to combine their judicial position with other professions, and completely prohibiting the reappointment of judges dismissed for integrity reasons to the judiciary. Furthermore, they must hold a bachelor's degree in law from one of the Syrian universities or its equivalent, or be graduates of the Mesopotamia Academy, which is officially recognized as a university within the Administration's regions only. They must also pass the written and oral competitions conducted by the Academy under the order of the Social Justice Council⁷.

Independency and Efficiency: Between Theory and Practice

Through researching and reviewing the available literature on the judicial system in the Autonomous Administration, in addition to conducting exploratory interviews conducted with judges and lawyers in the regions controlled by the Autonomous Administration during the preparation of this paper, a gap is observed between the theoretical framework of the Social Justice System and the institutions and laws that emerge from it, and the practical reality on the ground in all regions. The main features of this gap can be summarized at two main levels, often overlapped to affect each other.

⁶ Social Justice Charter of the Autonomous Administration of NE Syria, Op. cit.

⁷ Ibid.

Independency Level

Exploratory interviews, studies, and reports related to the nature of the judicial system in the areas of the Autonomous Administration indicate that the independency of the judiciary suffers from major challenges. On top of these is the control imposed by the “Party Cadres/Consultants” over the institutions of social justice with financial and administrative supervision. This is added to their interference in some cases and lawsuits especially those of a political or security nature. On the other hand, the nature of the relationship among the authorities represents one of the additional problematic issues, particularly in the relationship between the judiciary and the executive ones, where there is an overlap of specializations.

Also, this adds to the relationship with the military and security establishment which sometimes does not recognize the decisions of the civilian judiciary and is not accountable to it in the middle of the absence of military justice in several regions⁸. On the other hand, neutrality represented one of the problematic issues in the judicial system, especially with the reliance of the latter’s philosophy on ideological-party theories, which sometimes result in discriminatory policies and decisions regarding appointments. In some cases, these policies and legislations may even contradict the culture of the communities where they are applied.

Efficiency Level

The efficiency of social justice institutions varies among the regions under the Autonomous Administration based on several factors related to each region. There is noticed variation in the overall structure of these institutions from one region to another with the presence of principal councils and bodies in some regions and their absence in others.

This difference extends to laws and legislations of which some are witnessing strict enforcement in certain regions while being disregarded in others. On the other hand, the level of efficiency is influenced by general and common factors. On top of these is independency and the obstacles it brings.

This adds to the complexity of the institutional structure and the overlap in tasks and functions, and the tangible contradiction between its actual work and the theoretical legislation regulating it such as the violation of the rules of electing council members by directly appointing them in most areas.

Most regions also suffer from a shortage of judges on both quantity and quality levels as well as the existence of trespasses in their admission and appointment criteria. This impacts the judicial system and the level of trust in it on one hand, and on the mechanism of legislation enactment, enforcement, and application on the other. Efficiency is also affected by the presence of

⁸ A group of researchers, the Autonomous Administration: Judicial Introduction in Understanding Model and Experiment, Op. cit., p. 128.

alternative and competing judicial experiences. For example, residents of some regions rely on tribal judiciary within their areas or Syrian government courts closest to those regions.

SECOND: DEIR EZ-ZOR MODEL (FOCUS SESSIONS FINDINGS)

Through the focus group sessions that were conducted, it is possible to reach results that represent a general assessment of the judicial system affiliated with the Autonomous Administration in Deir ez-Zor along with its most important challenges. These challenges are distributed according to the following levels:

Structure and Regulations Level

This topic of focus sessions aimed to understand the perspectives of experts, including lawyers and judges as well as representatives of civil organizations and the local community, regarding the nature of the social justice institutions operating in Deir ez-Zor, the laws and legislations governing their work, and those applied in the region based on their experiences with these institutions. The responses were as follows:

- Judges and lawyers collectively agreed during the three focus sessions that the Charter of Social Justice is clear and straightforward in its legal texts and provisions, **with a clear ideological influence** related to the nature of the Autonomous Administration and its orientations according to the opinion of one of the lawyers. Most judges and lawyers also considered it superior to Syrian law in terms of the **participatory nature of judicial decisions** among multiple judges, rather than having the decision restricted only in the hands of a single judge as in the case of Syrian judiciary. Additionally, it allows for a **broader role for reconciliation committees** formed by the community, which contribute to resolving many issues according to the customs and the nature of the society before they reach the courts. Thus, it will speed up the litigation process. Judges and lawyers agreed that laws and legislation still have some gaps, which are compensated for by relying on the Syrian law. They also considered it justifiable due to the relative recency of the experience, which is still undergoing continuous development.
- Regarding the **contribution of judges and lawyers from Deir ez-Zor** in drafting and developing the Charter and other legislation and laws, the responses indicated that the participation was absent, which some judges explained due to the delay in the region's recovery from the control of the Islamic State after the issuance of most of them. Whereas some lawyers confirmed that suggestions for developing some laws were submitted to the Autonomous administration, however, did not receive a response. Regarding the convenience of the legislation and laws of the social justice system for application within the local environment, judges and lawyers considered most of them are applicable, especially since they are derived from the Syrian law. However, there are exceptions related to personal status law, such as prohibiting polygamy and cancelling

marriage dowries, which are considered unacceptable due to social norms. Therefore, they are often disregarded to be put in practice.

- The findings indicated a **significant lack of information among people** in various areas of Deir ez-Zor controlled by the Autonomous Administration regarding the social justice system, its legal references, institutions, and litigation mechanisms. Representatives of civil society and local community agreed that there is shortening in raising awareness about the new judicial system by the authorities which is an issue agreed by judges and lawyers. One of the civil society representatives expressed this shortage in information saying: "**a large number of residents still believe that they are subject to Syrian law**". Additionally, several elders and members of reconciliation committees considered the lack of information about the new judicial system to be one of the main reasons why residents primarily rely on customary law and reconciliation committees.
- The results showed a gap between theoretical legal texts and their practical application. Some representatives of civil society and local community considered that the region had experienced a semi-complete absence of judicial and legal systems before the recent "security reinforcement" campaign, and that the legal situation had gradually begun to improve. Judges and lawyers did not deny the existence of this gap and that the **role of the judiciary and its ability to impose its judgments are not fully present** in some areas of Deir ez-Zor. Some judges explained this as it is due to the unstable security situation as well as interventions in the judiciary's work by military forces, and social pressures from some tribal leaders.
- **Regarding the evaluation of judicial institutions in Deir ez-Zor**, judges and lawyers considered that the representation of Deir ez-Zor in the General Social Justice Council is insufficient (with only one representative), and that their selection is not done through elections as included in the Charter, but rather through direct appointment. Also, the Social Justice Council in Deir ez-Zor is newly established and not effective, with its three members being appointed rather than elected. In terms of the courts, there is one court/office of justice and several public prosecutors' offices in Deir ez-Zor. Lawyers consider this setup to be a deficiency that hinders the judicial process with overlapping jurisdictions among the main institutions and a legal flaw in the operation of some such as the public prosecutor's office and the execution authority. These bodies are unable to enforce some judgments due to security circumstances and intervention by military forces. Others added that the region suffers from the absence of essential judicial institutions such as military courts which is leading to the expansion of the influence of security and military forces and difficulty in holding them accountable for any violations. Additionally, there is a lack of fundamental bodies for judicial work, such as forensic medicine and criminal analysis laboratories.
- During the focus sessions, the participants agreed that **the legal and judicial situation in the other regions of the Autonomous Administration is much better than in Deir ez-Zor** in terms of the presence of courts and judicial bodies, financial allocations, and the number of judges. This matter was endorsed by representatives of the Autonomous Administration in the focus sessions, with one of them stating: "the situation in Deir ez-Zor is exceptional. In other regions like Raqqa, Manbij, Qamishli, and Al-Jazeera, most

laws are fully implemented without any problems. However, Deir ez-Zor is open to the regime, Iraq, and other areas, and there are hidden hands playing in the region which makes it difficult to enforce the law there". According to lawyers, judges, and representatives of the local community, **the security situation is often used as an excuse to justify the problems facing the judicial system and the lack of addressing them** by the Autonomous Administration, which some consider to be an inadequate justification. One representative of the civil society argued that "the Syrian government has been living in an unstable security situation for 13 years, but the courts there still fully operate".

- Representatives of the civil society and local societies considered that these problems in the judicial institutions, the absence of some courts, or the shortage of courtrooms and judicial bodies impose a **financial burden on the residents** due to the high cost of transportation. Consequently, this negatively affects their interaction with these institutions and contributes to their reluctance to litigate before them in favor of tribal arbitration. For example, one lawyer mentioned that the cost of transportation for a person from the Baghouz to Al-Kasrah Court to file a lawsuit could exceed 400,000 SYP. Others added that a large number of residents resort to the courts of the Syrian government in some cases and transactions related to civil and real estate records due to the non-recognition of the Autonomous Administration with the records outside its areas of control.

Judges and Lawyer Level

This section aimed to assess quantitatively and qualitatively the judges in the areas of Deir ez-Zor, and the extent of their immunity and independency in performing their work. In addition, it aimed to evaluate the reality of practicing the legal career, and the legal or operational obstacles facing lawyers in the region.

- **On a numerical level:** the findings of the focus sessions indicated a shortage in the number of judges in Deir ez-Zor. According to estimates provided by judges and lawyers, **the total number of judges in various areas of Deir ez-Zor is approximately 25 judges** including both male and female judges. Judges and lawyers considered this shortage in the number of judges as the reason behind the delay in increasing the number of courts in the region. Some lawyers referred this shortage to a flaw in the administrative division of Deir ez-Zor region treating it regarding the number of judges similarly to smaller regions whose area does not exceed that of a single district in Deir ez-Zor, such as Al-Tabaqa. Regarding other reasons for this shortage, the participants emphasized on the financial aspect as law graduates prefer working for international organizations or civil society organizations, which offer better income than the one earned with judicial work. Meanwhile, representatives of the Autonomous Administration considered the current number of judges in Deir ez-Zor to be adequate and this is because of the tribal nature of the region and the preference of people for customary justice and reconciliation committees over courts. They also promised that new batches of judges are being trained to work in Deir ez-Zor.

- **On the level of qualification and selection:** the participants in the sessions including judges and lawyers collectively agreed that there is a clear discrepancy in complying with the standards defined by the Social Justice Charter for the selection of judges. In the beginning of experiment, compliance with these standards, especially the academic ones, was weak due to the lack of qualified personnel and the security situation in the region. However, now, there is greater adherence to the selection criteria, but they have not yet reached the required level as judges are distributed based on their qualifications including law graduates who have undergone training courses at the "Mesopotamia Academy" as well as some holders of humanities degrees and others who have not yet graduated from law school, but have completed courses at the same academy in the middle of the absence of any judges who are graduates of the former Judicial Institute. This situation may not be limited to only Deir ez-Zor as it applies to most regions of the Autonomous Administration. Additionally, the participants said that the eligibility process at the Mesopotamia Academy is improving positively by cancelling short qualification courses (ranging from 45 days to three months) and keeping longer courses lasting from 6 months to a year. Moreover, there is an added training period after graduation sometimes lasting up to a year before practicing as a judge. It was also highlighted that the **"philosophical/ideological" qualification still holds importance parallel to that of legal qualification** in the Academy's curriculum. This was acknowledged by representatives of the Autonomous Administration in the sessions.
- **The level of immunity held by judges:** there was a consensus among participants of the sessions, especially judges, that **there are legal provisions protecting the immunity of judges, but they are not enforced.** Some judges added that they are facing harassment at security checkpoints due to the lack of circulation and the nature of selecting personnel with low education levels. Additionally, there is no form of protection for judges, especially in the security conditions of Deir ez-Zor which is a matter admitted by the representatives of the Autonomous Administration, where one of them responded to a question about the implementation of laws protecting judges' immunity by saying: "there is no immunity, the protector is the Lord of the Worlds. We, as lawyers, know the rights of the judge and his immunity, and what protection, status, and immunity he has, but today he has no immunity, not even from prison". Most judges also linked the issue of immunity to financial matters considering that judges' salaries are insufficient to secure a dignified life befitting a judge, which could potentially lead some judges to engage in corruption.
- **At the level of lawyers:** most participating lawyers agreed on a shortage of practicing lawyers in Deir ez-Zor with a need for training. Lawyers also explained the current shortage with lawyers' reluctance to practice law due to its low financial returns with the majority preferring to work in international and local organizations that offer better financial returns. Adding to that is the absence of a bar association or any lawyers' association as well as the lack of opportunities for advocacy in the courts. Regarding the issue of a bar association for lawyers, the Autonomous Administration approved the establishment of a bar association for lawyers in Deir ez-Zor by the end of 2022. However, it is still in its early stages and has not fully launched its role yet. Lawyers

pointed out some obstacles related to their practice such as heavy reliance on customary law and reconciliation committees to resolve cases without the need for a lawyer. Also, there is a lack of designated spaces for lawyers in the courts in Deir ez-Zor forcing them to sit outside the courthouse.

Independency and Efficiency Level

This topic sought to survey the opinions of participants in the focus sessions based on their experience and expertise regarding the independency and neutrality of the judicial system in Deir ez-Zor. This was performed against an assessment of its efficiency and the extent to which people are relying on it as reflected in the number of lawsuits filed in court and their annual increase rate according to the statistics of the Autonomous Administration. The responses came as follows:

- **Authority of Advisors:** participants including judges and lawyers considered that the independency of the judiciary is safeguarded at the level of laws. Moreover, the principle of separation of powers is also stated legally. However, in terms of actual implementation, judicial work faces several obstacles that affect its independency. On top of these obstacles according to the consensus of participants, is the intervention of what is known as "party cadre/advisors" or "court cadre". These individuals directly control the institutions of justice and their affiliated bodies in the region without any official capacity. This includes administrative and financial supervision over these institutions including the appointment or dismissal of judges as well as coordination between the Justice Council in Deir ez-Zor and the General Justice Council in Al-Hasakah. They also intervene in the course of judicial decisions in certain cases and control the nature of cases that the judiciary is allowed to consider. Some cases are prohibited from being opened by order of these individuals, especially those of a political or security nature. This limitation restricts the work of judges to specific cases and affects the independency of their judgments in some others.
- **Complex Pressures:** in the second position regarding obstacles, the interventions of the former military council affected the functioning of all institutions, not just the judiciary. However, this changed after the dissolution of the council and the "Security Reinforcement" operation. Representatives of the Autonomous Administration agreed on this point with other participants in the sessions. In the third position, social pressures originating from the tribal structure of the region appear. However, the majority of judges considered that the impact of these pressures depends on the personal strength and integrity of the judge. Participants agreed that strengthening the immunity of judges and providing security protection for them would help overcome any attempts to interfere with their judgments.
- **Oversight and Corruption:** regarding oversight of the judicial system, participating judges in the focus sessions reported that the Judicial Inspection Authority is the sole entity responsible and authorized for overseeing and holding the judiciary accountable. However, opinions varied regarding its efficiency. Some participants argued that there is

clear and known corruption within the judicial system with corrupt judges still in their positions without facing any accountability. However, others stated that there is accountability in place giving examples of judges being dismissed from their positions due to corruption-related issues.

- **Efficiency and its obstacles:** representatives of the Autonomous Administration stated that the number of cases was with no significance at the beginning of the experiment in 2019, but it has been steadily increasing since 2021. The number of cases in each area is estimated to exceed a thousand annually with no accurate statistics on the number of cases and their distribution in courts. However, these estimated figures were mostly allocated to reconciliation committees. This was confirmed and explained by the participating lawyers in the sessions when asked about their assessment of the reliability of people on the judicial system. They considered that litigation before the courts takes months, and sometimes years, to resolve cases as well as the financial cost. Therefore, in the majority of cases, people resort to tribal arbitration and reconciliation committees which are considered to be quicker and more flexible. Tribal arbitration also has more enforcement power in some cases compared to those judicial according to one of the lawyers.

THIRD: RECOMMENDATIONS

Through the in-depth discussion of the challenges facing the judicial system in Deir ez-Zor, the participants in the focus sessions reached a set of recommendations directed towards the Autonomous Administration of Northeast Syria. These recommendations represent the aspirations of those working in the judicial sector including judges, lawyers, and employees as well as civil society and local community members in the region. They were distributed as follows:

- Hold intensive panels covering all areas of Deir ez-Zor under the Autonomous Administration aiming at raising awareness and educating about the system of social justice and its legal references. These panels would also cover the institutions emerging from it representing the judicial system in the region and their roles. Also, they would explain the mechanisms of litigation, and the process of qualifying and selecting judges. This will contribute to increasing trust in the judicial system.
- Increase the representation of Deir ez-Zor in the General Social Justice Council to be in agreement to its size and population; activate the Justice sub-Council in a real manner ensuring that members of both councils are elected in accordance with the Charter of Social Justice rather than appointed as per the current practice.
- Increase the number of courts in Deir ez-Zor region and distribute them in a way that covers all the cantons within it or build an intermediary court among the regions to facilitate access and litigation for residents. This requires increasing the number of judges from the region and enhancing their qualification through judicial training courses as well as attracting competent and qualified individuals of the region by improving wage levels.
- Improve the living conditions of judges by implementing salary increases and effectively enforcing laws that ensure their immunity and personal security. In this context, special identification cards can be issued for them and distributed to checkpoints and other security institutions.
- Support the Lawyers Bar and its role in conveying their demands and defending their rights to the Autonomous Administration and ensure the selection of the bar president and those responsible for its offices through election rather than direct appointment.
- Preserve the independency of the judiciary through ensuring that there is no repetition of military intervention in its affairs and judgments, which was previously exercised through the military council; halt the direct intervention of "consultants" in the work of the judiciary and its judgments by limiting their powers and the responsible authority overseeing them and establishing a mechanism for holding them accountable; grant them official status so that they have the authority to sign or officially seal the decisions they participate in. This will enable them to take responsibility for any mistakes resulting from their intervention.
- Work towards a real separation of powers in the region and activate the suspended institutions such as the Legislative Council in Deir ez-Zor. This should be alongside with reducing the interference of security and military forces in the judicial authority or

trespassing it, especially concerning arbitrary arrests without judicial warrants. Also, efforts should be made to activate the military judiciary effectively in Deir ez-Zor and clearly define the mechanisms of litigation among civilians and military personnel.

- Support the genuine implementation of judicial rulings through internal security forces and enhance their strength in areas where security tensions are high and executing judicial rulings and summonses becomes challenging. This will contribute to increasing public trust in the judicial system and enhance reliance on it.
- Activate the role of civil society organizations within the framework of building trust between local communities and the judicial system by enhancing dialogue between representatives of the judicial system and the locals; activate their role to act as an oversight party over the judicial process by allowing them to document violations, abuses, arbitrariness, and corruption in judicial rulings; and enable them to provide support to the judicial system by supporting court buildings and facilities as well as supporting lawyers through the bar association.
- Work to enhance the role of reconciliation committees either by increasing their numbers and distributing them across different areas or by ensuring they are recruited with influential and respected figures within the community. This would lead to better containment of tribal judiciary experiences on one hand and increased efficiency of reconciliation committees on the other hand.
- Support and expand this type of research and studies regarding the judicial system at more detailed and precise levels helping diagnose the problems of social justice institutions, each separately, in a more precise and effective manner.