

Syrian Citizenship Disappeared

*How the 1962 Census Destroyed
Stateless Kurds' Lives and Identities*

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About Syrians for Truth and Justice

Syrians for Truth and Justice (STJ) is an independent, nongovernmental organization whose members include Syrian human rights defenders, advocates and academics of different backgrounds and nationalities. The initiative strives for Syria, where all Syrian citizens (males and females) have dignity, equality, justice and equal human rights.

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1. Executive summary:

The 5th of October 2018 marks the 56th anniversary of the special census in al-Hasakah province, northeastern Syria, which is largely populated with ethnic minorities having different religious affiliations, including Assyrians, Kurds, Arabs, Armenians, Chechens and others. Al-Hasakah was the only Syrian province in which the census was conducted, in application of Decree No. 93 of 23 August 1962 passed by the so-called “Separatist Movement”, based on Decree No. 1 of 30 April 1962 and the ministerial decision, No. 106 of 23 August 1962. The now known “Al-Hasakah 1962 Census” decree states in its article 1:

«A general census is to be carried out in al-Hasakah province in one single day. The exact date will be more closely determined by an order from the Ministry of Planning, at the recommendation of the Interior Minister»

STJ had access to inside information from official sources in the Personal Status Department of al-Hasakah, revealing that the number of the registered *ajanib*¹/red card holders, reached 346 242 in early 2011. 326 489 of them managed to obtain Syrian nationality, while the rest, 19 753, are still stateless. Regarding *maktumeen*², the same source denied the Syrian government’s allegations on its lack of knowledge of their numbers, noting that the Personal Status Department of al-Hasakah used to rely on the records of the *makhateer*³ during the previous decades, who were responsible of issuing identification certificates for the *maktumeen*. The number of *maktumeen*, has reached more than 171 300 as of 2011, 50 400 of whom obtained Syrian nationality after resolving their legal status by becoming *ajanib* and then Syrian citizens. However, some 41 000 *maktumeen* were unable to rectify their legal status owing to problems encountered by the Personal Status Department during the registration process, and there are still less than 5 000 people who chose not to submit.

1 Sing. ajnabi/ajnabiyah, literally »foreigners« i.e. stateless, unregistered stateless people.

2 Sing. maktum/maktumah, i.e., unregistered stateless people.

3 Sing. Mukhtar, i.e. the head of the neighborhood.

In total, the number of stateless Syrian Kurds between 1962-2011, has reached more than 517 000.

The IDs that *ajanib* al-Hasakah received were marked with placing number 8 after the registration number: to read 8/xx.

Following the onset of peaceful protests in Syria, which demanded sweeping reforms in the country, Decree No. 49 was issued on 7 April 2011, and has been announced on the official website of The Syrian People’s Council under the title “Granting Syrian Arab Nationality to those Registered as *ajanib* in al-Hasakah”. The decree states:

Article 1: individuals who are registered as *ajanib* in the al-Hasakah province shall be granted Syrian nationality.⁴

Article 2: the Minister of the Interior shall issue the decisions containing the executive instructions to this decree.

Article 3: This decree shall enter into force on the day of its publication in the Official Journal.

Several months after the issuance of Decree No. 49 of 2011, a ministerial decree of nationalizing *maktumeen* was reported. The Personal Status Department employees, however, told submitters that it was not yet in effect, and they actually didn’t know which department would take it over.

Unlike citizens, Syrian Kurds, who were rendered stateless by the 1962 census, suffer deprivation of their most basic civil, political, social and economic rights. Some of them had a lifetime of statelessness, having no certificates proving their born nor death.

Like other Syrians, Kurds have been subjected to serious human rights violations during the past decades, but as an ethnic minority, they suffer identity-based discrimination, such as restrictions on the use of Kurdish language and on practicing Kurdish culture. In the view of many Kurds, the Kurdish issue goes further beyond than just claiming citizenship, as it seeks the Kurds’ national, political, cultural and social rights, which are safeguarded by the international human rights instruments

4 *Ajanib* means foreigner in Arabic

2. Methodology of the report:

This report is the result of intense efforts STJ has conducted between the beginning of 2018 and August the same year. It relies on 54 statements and interviews, conducted by the organisation's field researchers. 38 of them are face-to-face, while the 8 others were conducted via Internet with eyewitnesses and stateless people (both *ajanib* and *maktumeen*) in different geographical regions starting from Al-Malikiyah/Derek to Qamishli/Qamishlo via Amuda, Ad Darbasiyah, Ras al-Ayn/Sari Kani al-Hasakah city and others, as well as those deployed in a number of asylum countries such as Turkey, Iraqi Kurdistan, Europe and others.

The report also drew on 8 testimonies and interviews from lawyers, researchers and specialists in the Kurdish and citizenship issues.

The drafters of this report have reviewed dozens of sources and references that have approached the subject since 1962 until today, quoting from 63 of them to benefit from and build upon the efforts made in this field.

3. Introduction:

Through this in-depth report, STJ seeks to document and list the reasons behind the special census of 1962, and to highlight the suffering of tens of thousands of people who have been stripped of their nationality as a result, especially the *maktumeen*, within Syria or in asylum. The report relates 49 years of statelessness, from 1962 to 2011, and the catastrophic consequences of it, by recounting stories of the 1962 census victims.

The census, that was conducted on 5 October 1962 in application of Decree No. 93 of 23 August 1962, was special to al-Hasakah province, northeastern Syria, and was the result of tumultuous political years in Syria.

On 30 January 1958, Syria's president Shukri al-Quwatli's visit to Cairo accompanied by the cabinet members, and on 1 February 1958, Sabri al-Asali, Syria's Prime Minister, proclaimed the formation of the United Arab Republic, that would be headed by the elected Gamal Abdel Nasser⁵.

The Interim Constitution of the Republic was promulgated on Wednesday, 5 March 1958. It stated:

“Nationality in the United Arab Republic is defined by law. Nationality in the United Arab Republic is enjoyed by all bearers of the Syrian or Egyptian nationalities; or who are entitled to it by laws or statutes in force in Syria or Egypt at the time this Constitution takes effect.”⁶The Egyptian-Syrian union did not last long, however. It collapsed on 28 September 1961, by the “Supreme Arab Revolutionary Command of the Armed Forces”, which entrusted Maamun al-Kuzbari to form the new government, authorizing him to issue decrees on the nomination of ministers and the composition of the new cabinet, which was announced on 20 November 1961, about a week after the adoption of the country's interim constitution, headed by Izzat al-Nuss. The parliament and the constitutional council held a second meeting on Thursday morning, 14 December 1961, under the chairmanship of Maamun al-Kuzbari to elect a President of the Republic out of the two candidates Khalid al-Azm and Nazim al-Kudsi, who won the presidency.

⁵ Hashim Othman, *The Modern History of Syria* (Beirut-Lebanon: Riad El-Rayyes Books), 303 and 305.

⁶ Ibid.

Subsequent to that, Prime Minister Izzat al-Nuss tendered his resignation on 22 December 1961, and Maarouf al-Dawalibi was commissioned to establish the ministry in which he appointed Jalal al-Saied as Deputy Prime Minister and Minister of Agriculture, Rashad Barmada as Minister of Defense and Education, Ahmed Qunbur as Minister of the Interior, and Mustafa al-Zarqa as Minister of Justice and Religious Affairs.

On 28 March 1962, Abd al-Karim al-Nahlaoui staged another coup, assuming the presidency as a result, under a decree issued by the then Chief of the General Staff of the Army and the Armed Forces, while President Nazim al-Kudsi and other politicians were arrested. Some then military sectors headed by the Brigadier General Bader al-A'asar, the commander of the central region in Homs, opposed those actions, which led to the surrender of some officers, the escape of those who staged the coup, and the transfer of others to the courts. Nazim al-Kudsi was released on 13 April 1962, and returned to the Presidential palace to begin a second mandate.

On 16 April 1962, Nazim al-Kudsi signed a decree approving the resignation of Prime Minister Maarouf al-Dawalibi and another decree in which he appointed Bashir al-Azma at the head of the new government, where Rashid Humaidan was appointed Minister of Justice and Religious Affairs, and Abdel Halim Kaddour as Minister of Interior. Kaddour resigned afterwards and was replaced by Rashad Barmada. The government would soon be reshuffled and the post of Minister of the Interior given to Aziz Abdul Karim.⁷ Along with the political storms, Syria was also hit with natural storms and hurricanes. On 18 and 19 April 1962, torrential rains coming from Turkey and some Syrian areas affected al-Qahtaniyah, formerly Qubour al-Bid town in Qamishi/Qamishlo, and left about 20 victims and 10 missing. It also washed away more than 100 houses, cracked some 50 others and displaced thousands of people, many of whom were housed in schools and tents⁸.

The census was conducted in application of Decree No. 93 of 23 August 1962, which was actually passed by the so-called "Separatist Movement", based on Decree No. 1 of 30 April 1962 and the ministerial decision, No. 106 of 23 August 1962.⁹ The now known as "Al-Hasakah 1962 Census" decree, states in its article 1:

7 Hashim Othman, *The Modern History of Syria* (Beirut-Lebanon: Riad El-Rayyes Books), 299 to 371.

8 *Ibid.*, 359.

9 On 13 September 1962, Bashir al-Azma's government issued a new constitution before it resigned four days later,

*A general census is to be carried out in al-Hasakah province in one single day. The exact date will be more closely determined by an order from the Ministry of Planning, at the recommendation of the Interior Minister.*¹⁰

The census resulted in disastrous consequences for people who have been stripped indefinitely of Syrian citizenship along with their descendants. The overwhelming proportion of those were Syrian Kurds, which make this issue one of the most complex issues that successive Syrian governments have failed to deal with, or to lift the injustice befallen those affected.¹¹

In order not to lose their Syrian citizenship, Kurds had to prove residency in Syrian territory since 1945, at least. The extremely short time frame for the census - one day - set by the government wasn't enough for people to prepare the required documents or even to understand what was going on.¹²

er, on 17 September 1962. Khalid al-Azm formed the new government, in which Asa'ad al-Kourani was the Minister of Justice and Religious Affairs, and Aziz Abdulkareem the Minister of the Interior.

The separation was finalised with the 8 March 1963 coup, helped by the military organization established in Egypt during the United Arab Republic, composed of officers Muhammad Omran, Salah Jadid, Hafez al-Assad, Ahmed al-Meer and Abd al-Karim al-Jundi.

The census was therefore conducted in the midst of political instability, and its effects are still vivid today.

10 The decree was in retaliation for the Kurds' support of the 11 September 1961 revolution in Iraqi Kurdistan led by Mustafa Barzani, according to some sources; to mention only: Riyad Feili, "*Decree No. 93 of 1962 in Syria and his counterpart in Iraq are two sides of the same coin*", *The Civilized Dialogue*, issue, 2023, 30 August 2007. (last visit: 6 August 2018). <http://www.ahewar.org/debat/show.art.asp?aid=107492>

11 During the work on this report, STJ field researcher was able to get two testimonies from stateless Syrian Arabs in Ras al-Ayn/Sari Kani city, who did not receive citizenship despite submitting their papers as *Maktumeen*, which indicated that there are Arabs who are still not registered in the Syrian official records. There are also some stateless Syriac families and Bedouins who were spread away from the centers of cities, as some sources confirmed to STJ.

12 Syria: Group Denial, "Repression of Kurdish Political and Cultural Rights in Syria", Human Rights Watch, 26 November 2009. <https://www.hrw.org/report/2009/11/26/group-denial/repression-kurdish-political-and-cultural-rights-syria>. (last visit:

4. A Short history of Syria:

Greater Syria, comprising of today's Syria, Lebanon, Jordan and Palestine/Israel, was included to the Ottoman Empire in 1516. For 400 years, the Empire ruled over its territory, but at the end of its existence, factors such as the Ottoman reformation, the European economic expansion, or the agrarian commercialisation, led Damascene families to merge into a more cohesive entity in the 1860's.

The Empire started its decline in the late eighteenth century, but the years 1908 to 1918 truly led to its dissolution. The 1908 Revolution conducted by the Young Turks aimed at creating a secularist Ottomanist world view. This impacted Syrian provinces, as the threat of a wide Turkification also strengthened Syrian nationalism.

In 1914, the First World War led to re-shaping the region into the territories we know today. Great Britain and France organised, during a series of meeting, the partition of the Ottoman Empire, all the whilst British diplomats promising to Arab leader Amir Faysal an Arab Kingdom comprising a territory from Iran to the Mediterranean. French eventually established their mandate over Syria in 1916 with Sykes-Picot agreement, finalised during the 1920 San Remo Conference. In the north, the border with Turkey remained unstable and its delineation actually led the French occupying power and Turkey to wage a war on its basis. The 1921 Franklin-Bouillon Agreement, confirmed two years later by the Treaty of Lausanne established the border. France would thus remain in Syria until 1946.

Nationalism, whose foundation had been laid prior to the start of the mandate, truly rose as a consequence of French occupation. During the French mandate, a nationalist conscience grew among the Damascene elite, and France unsuccessfully aimed for a dangerous balance. On the one hand, the mandatory power could not permit a nationalist movement to take root, as this would threaten its very presence in Syria. Policies were therefore drafted to "weaken and isolate the forces of nationalism". On the other

hand, the mandatory power needed to build a state, in order to ensure the success of its mission there, based on three pillars: moral, political and economic.

The independence of Syria gave way to Arab nationalism. Marked by a period of instability, the successive coups that marked the 1946-1963 period had all in common to put a strong emphasis on Arab nationalism, including with the unification of Syria and Egypt in a new United Arab Republic.

Arab nationalism was also at the core of Ba'athism, the political movement that took over power in 1963, and that was later incarnated by Hafiz and subsequently Bassad Al Assad.

5. The origins of Syrian nationality:

Under the Ottoman Empire, Syrian nationality was ruled by the Ottoman government, known as the Porte, referring to Topkapi's palace's gate. Nationality was traditionally ruled by Islamic law, until, in order to prevent non-Muslim ottomans from escaping their obligations as nationals of the Empire, the Porte enacted the 1869 Law number 19, inspired by French legislation, with a strong emphasis on *jus sanguinis*.

The 1923 Treaty of Lausanne, creating new states, also established the citizenship regulations of the states it created, including Syria's. A set of three legislations govern the nationality. First, the Treaty of Lausanne organised the new Syrian nationality on the basis of the place of habitation: it states in its Article 30 that Turkish citizens living on the territory of a state created by the Treaty become citizens of this state. Thus, anyone living on the territory of Syria obtained the Syrian citizenship.

In 1924, the French High Commissioner, in the *arrêté* 2825, elaborated on the transmission from the Ottoman to the Syrian nationality. To this end, the act distinguished between three

types of nationalities. First, it provided that “any person of Turkish origin and living in Syria on the 31 August 1924 is from now on considered to be Syrian and loses their Turkish citizenship”. Second, the *arrêté* provided that people of Turkish nationality, of Syrian origins and living abroad on the 31 August 1924 could request the Syrian citizenship. This provision aimed at including immigrants who had left Syria in the building of the new country. Thirdly, the *arrêté* provided that once the husband obtained the French nationality, his wife and children automatically became Syrians alongside him.

In January 1925, the French High Commissioner concluded his work on Syrian nationality, addressing in his *arrêté* 16/S the conditions of acquisition and loss of Syrian nationality, mainly based on *jus sanguini*, as article 1, establishing Syrian nationality for children from a Syrian father born in Syria or abroad, demonstrates.¹³

Under the mandate of a foreign power, a broad range of religiously and ethnically diverse communities, including Druzes, Kurds, Arabs, Circassians, Armenians, Assyrians, Alawites, Ismailis, and Turkmen, thus became Syrians. To date, however, they failed to create a Syrian nation.

The first adopted Citizenship Act No. 98, prepared by Syrian Jurists, was issued on 21 May 1951. It was followed by a further Act by Decree No. 21 of 24 February 1953, subsequently amended by Act No. 492 of 16 February 1957. The Syrian nationality was traditionally ruled by Arabic traditions, that it used to be granted by decent, taking into account the position of women in Islamic jurisprudence and some rules of the French legislature.

The outcome of the first interaction between two Arab Acts on nationality was the Act No. 82 promulgated on 22 July 1958, on the year of the establishment of the unity between Egypt and Syria, and was then prepared by Egyptian and Syrian jurists.¹⁴

13 Joseph M. Haddad, *The Syrian Nationality* (Beirut: American University of Beirut, 1942); Shadi Jame, *Le régime de la nationalité en droit syrien et en droit français: étude de droit comparé entre domination coloniale et droit international contemporain* (Nantes: Université de Nantes, 2011)

14 Ibid.

After the collapse of the United Arab Republic in 1961, the so-called “Separatist Movement” issued The Nationality Law by Legislative Decree No. 67, on 31 November 1961. Upon the Ba’th-Party taking on power, the Legislative Decree No. 276, providing for the nationality Law¹⁵ was promulgated on 24 November 1969 and is still in force today with some subsequent amendments.¹⁶

According to Radwan Sido, lawyer, it is important, when talking about the special census and its consequences, to define “nationality” as a term and to clarify the difference between the *ajanib* and *maktumeen*. One of the definition of nationality states that it is the political and legal link between the individual and his state. By obtaining nationality, the individual thus becomes one of the state’s constituent, Such link, obviously, does not exist between the stateless and the state. *Ajanib* al-Hasakah (al-Hasakah foreigners) were issued “red cards” with “his/her name wasn’t listed among Syrian Arabs according to the 1962 census” written on them. The “red card” prevents its holder from exercising their rights, for example it prevents their to travel abroad or to return to the country. As for the “*maktumeen*”, they were not registered in any official records, meaning that granting them basic documents such as identification certificates or residence permits requires the approval of the Political Security Directorate.¹⁷

15 For more info see: “Decree No. 276 of 1969 on Syrian Arab Nationality”, website of the Syrian Parliament (last visit: 10 August 2018). http://parliament.gov.sy/laws/Decree/1969/civil_01.htm

16 Haytham Manna, *Stateless People in Syria (non-Palestinian refugees)*, Arab Commission for Human Rights, third edition 2014. (last visit: 10 August 2018). http://hem.bredband.net/dccls2/r1.htm#_%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A%D8%A9_%D9%81%D9%8A_%D8%A7%D9%84%D9%82%D9%88%D8%A7%D9%86%D9%8A%D9%86 .

17 Radwan Sido is a lawyer, born in 1973, from Qamishli/Qamisho city, he began practicing law since 2000, serves as a human rights and political activist. Meetings were conducted via Internet on 5 August 2018.

6. A short history of Kurds:

The history of Kurds is linked to the history of Middle-East. Indeed, their origins trace back to 2,000 years.

At the time of Arab conquests of Mesopotamia, in 637, Kurdish armies were included into the Sassanian Empire and fought alongside its armies. By the end of the conquest, and the defeat of Sassanians, a significant part of Kurdish chiefs submitted to Arab armies and embraced Islam.

Under the consecutive governments, Kurdish remained significantly independent, leading revolts on several opportunities, against the Umayyads, in particular along the course of the 6th and 7th centuries, and the Abbasides during the 9th century.

Over the course of the 10th and 11th centuries, several Kurdish dynasties, including the Shaddadids, the Marwanids and the Hasanwayhids arose. Kurdistan was later the target of Empires that destroyed the area, such as Mongols and Timurids. Until then, the social fabric did not revolve around a Kurdish identity, but was mostly the result of family ties, tradition and Islam.

When the Shi'i Safavi leader Ismail established the Safavid dynasty in 1505, ruling over today's Iran, Kurds massively defected to support the Ottoman Empire, that, at the time, relied on local chiefs, as opposed to a more centrally organised Safavid Empire.

During the 16th century, the Ottoman Empire earned a prominent position. On the early stages of its establishment, the Ottoman Empire granted Kurdish chiefs with significant independence negotiated by Bitlisi, a Kurdish political advisor to the Empire, in exchange of their recognition of the Ottoman Empire, and the provision of trained men serving the Ottoman armies during the Ottoman-Persian wars. This settlement led to the creation of semi-autonomous Kurdish Emirates that, although not totally satisfying for either party, and punctuated by Kurdish revolts, sustained until the Ottoman reforms, in the middle of the 19th century.

During its presence in Syria, France developed a positive attitude towards minorities. Applying a divide-and-rule strategy to assert their rule, France favoured Druze, Alawites and Kurds minorities, particularly when it came to the recruitment in its army.

The departure of France from Syria would, however, reveal precarious for minorities, and especially the Kurds. With the rise of post-mandate Arab nationalism, that aimed for a massive Arabization of the territory, and its perception of the Kurdish identity as a threat to the success of an Arab Syria, the governments embarked in the oppression of the ethnic group. Northeastern Syria, home to the Kurdish community, was heavily targeted by such policies. The event object of this report took place in 1962, just as the strategy was being implemented.

The Ba'ath party taking over power in 1963, aiming at a secular Arab society, only pursued the discrimination against non-Arab minorities. To further assert Syria as an Arab state, the party later on embarked in designing the *Arab belt*, aiming at emptying the Al Hasakah region from Kurdish people on the basis of a variety of policies, including the renaming of villages in Arabic or the expropriation of Kurdish land owners.

7. Background on the Kurds' political status in Syria:

In 23 June 1928, Kurdish intellectuals submitted their first statement to the Syrian Constituent Assembly. They demanded the recognition of the Kurdish language, alongside Arabic, an official language in the Kurdish regions, and it to be the teaching language in schools there, as well as the appointment of Kurdish employees in Kurds areas.

The establishment of the cultural association *Koyboun*, proclaimed in 1927 in Bhamdoun town-Lebanon, was the precursor of the rise of Kurdish nationalism. It published numerous magazines and newspapers in a number of languages including Kurdish such as *Hawar* (The Scream) magazine, issued by the Emir Celadet Bedir Khan from Damascus, with 57 issues from 1932 to 1942, and launched a Kurdish radio which broadcasted from Lebanon from 1937 to 1946. It is worth noting that the 1950s witnessed the establishment of many Kurdish organisations and civil associations, whose demands grounded in the expansion of democratic practices, including the recognition of Kurdish language and culture and the respect of the Kurdish identity within the larger Syrian identity. The same demands appeared in the first political programme presented by “The Kurdistan Democratic Party of Syria”¹⁸ in 1957: defending the Kurdish national presence in Syria, the realization of national, cultural and administrative rights within the framework of a democratic Syrian state.¹⁹

In the view of many Kurds, the Kurdish issue in Syria²⁰ goes further beyond merely claiming

18 The Kurdistan Democratic Party of Syria was the first Kurdish party in Syria, established on 13 June 1957 by a group of Syrian Kurds including (Abdulhamid Darwish, Othman Sabri and Hamza al-Nouairan). For more info please read: (Highlights on the Kurdish Movement in Syria- events of 1956-1983), Abdulhamid Darwish.

19 Mash'al Tammo, “The Kurdish Issue in Syria, taboos and static justification regimes”, Middle East Transparent, 22 February 2005 (Last visit: 6 August 2018). https://www.metransparent.com/old/texts/mishal_tamou_kurd_in_syria.htm

20 The “Syrian Arab Republic” is the current official name of the country, which implies the unrecognition of other non-Arab nationalities in Syria, such as the Kurds, Turkomans, Circassians, Armenians and Assyrians. Dozens of official documents published by the successive Syrian governments have been reviewed during the prepa-

citizenship, and seeks the recognition of Kurds' national, political, cultural and social rights, safeguarded by the international human rights instruments.²¹

8. Ethnic-based discrimination in Syria:

8.1. Non-Arab minorities in Syria:

Over the past decades, the cultural rights of non-Arab minorities have been ignored, and Syria's successive constitutions were based on an ideology of Arabisation, considering all Syrian citizens as Arabs, with an impact on the Syrian regime's policy and domestic legislation.

The 1963 coup d'état, known as the “8 March Revolution», gave way to Arab nationalism. The new power led by Ba'athist officers, including

ration of this report. The term “State of Syria” was used in official transactions in the years following the emergence of the state and later it was replaced by “Syrian Republic”. The word “Arab” was inserted effectively in the State's name after the unity with Egypt in 1958 “United Arab Republic”, after its dissolution, however, in 1961 by the then “Supreme Arab Revolutionary Command of the Armed Forces “ (The Separatist Movement), “Syrian Arab Republic” became the official name of the state used in letters and correspondence. Read, Hashim Othman, *The Modern History of Syria* (Beirut-Lebanon: Riad El-Rayyes Books, First Edition 2012), 302-338-339. You can also visit the “Syrian History” website for more documents. See, “A Card of a Student in Damascus High School before the Declaration of Unity with Egypt in 1958”, (Last visit: 9 August 2018) <http://www.syrianhistory.com/ar/photos/4525?tag=%D9%88%D8%AB%D8%A7%D8%A6%D9%82>, and “An ID of a Na'im tribe member, stamped with the seal of the tribal sheikh in 1950 “(Last visit: 9 August 2018) <http://www.syrianhistory.com/ar/photos/5784?tag=%D9%88%D8%AB%D8%A7%D8%A6%D9%82>.

21 Houshneek Ousi, *The Tragedy of Stateless Syrian Kurds*, al-Hayat Newspaper, 21 July 2007 (Last visit: 6 August). <http://www.alhayat.com/article/1345311/%D9%85%D8%A3%D8%B3%D8%A7%D8%A9-%D8%A7%D9%84%D8%A3%D9%83%D8%B1%D8%A7%D8%AF-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D9%8A%D9%86-%D8%A7%D9%84%D9%85%D8%AC%D8%B1%D8%AF%D9%8A%D9%86-%D9%85%D9%86-%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A%D8%A9->nbsp

Hafez al-Assad, adopted provisional constitutions dominated by Ba'athist ideologies, the latest being the 1973 Constitution, which was still in force until 2012, a year after the onset of popular protests against tyranny.²²

8.2. Discrimination against Syrian Kurds in particular:

Like other Syrian peoples, Kurds have been subjected to serious human rights violations, but as an ethnic minority, they suffer identity-based discrimination, such as restrictions on the use of Kurdish language and on practicing Kurdish culture.²³

Despite being the second largest ethnic group in Syria after Arabs²⁴, Kurds' language is not recognised as an official language in Syria, as the dissemination of materials in the Kurdish language has been banned since 1958, the banning of its use as a teaching language in schools and universities was reaffirmed by a "secret decree" issued in 1982, that also provided for its ban in all official institutions.²⁵

Since the 1950s, Arabisation and Arab nationalism have been the founding principles of the policies of the successive governments of Syria, and the Kurdish identity seen as a threat to the unity of Arab Syria.²⁶

The Ba'ath party, taking over power in 1963, kept denying Kurdish identity in the guise of strengthening Arab nationalism, by settling Arabs in the Kurds' traditional place of residence. In 1965, it also designed an *Arab belt*, a cordon

22 Nael Georges, "The Kurds and the Syrian system", Suwar Magazine, 27 June 2018. (Last visit: 5 August 2018). http://www.suwarmagazine.org/details/%D8%A7%D9%84%D8%A3%D9%83%D8%B1%D8%A7%D8%AF-%D9%88%D9%85%D9%86%D8%B8%D9%88%D9%85%D8%A9-%D8%A7%D9%84%D8%AF%D9%88%D9%84%D8%A9-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D9%91%D8%A9/1147/category_health.html .

23 Syria: "Kurds in the Syrian Arab Republic one year after the events of March 2004", Amnesty International, public document, 28 February 2008. (Last visit: 7 August 2018). <https://www.amnesty.org/download/Documents/88000/mde240022005ar.pdf>

24 Ibid.

25 Ibid.

26 Syria: "Group Denial; Repression of Kurdish Political and Cultural Rights in Syria", Human Rights Watch, 26 November 2009 (Last visit: 5 August 2018). <https://www.hrw.org/report/2009/11/26/group-denial/repression-kurdish-political-and-cultural-rights-syria>

between the Syrian and neighboring Kurds along the borders with Turkey and Iraq. The *Belt* was planned to be some 15 kilometers wide (about 9 miles) and 280 kilometers long (about 174 miles), along the Syria-Turkey border, aiming at emptying the included towns from Kurds.

The government started executing the settlement plan in the early 1970s but under a new terminological cover: for the *Arab belt*, the government substituted "plan to establish model state farms in the Jazira province." Under this new justification, the government would build "model farming villages" in the Kurdish regions and populate them with Arabs. It expropriated the lands on which it built these 'model farms' from Kurdish owners, either under the guise of land reform or because the owners were Kurds whose citizenship had been withdrawn in 1962 because they had failed to prove their residency under that year's census.²⁷

In 1975 the government resettled an estimated 4,000 Arab families whose own lands had been submerged by the construction of the Tapqa dam on the Euphrates in 'model farms' in the very heart of the Kurdish region.

The government suspended the *Arab belt* project in 1976 but never dismantled the model villages nor returned the Kurds who had been displaced from their land.²⁸

To date, Kurds have been still banned from practicing certain professions, receiving the aid provided to Arabs, and to celebrate Kurdish holidays. Despite sharing repression, religion and race, the Syrian Kurds are still unable to form strong political parties of mass attraction. They currently have at least fourteen parties, most of which are marginal, led by one man, the leader, who makes most the decisions.²⁹

27 To know more about the Arab belt and the names of the Arabic towns included, please read the following references: Ali Salih Mirani, The policy of national discrimination and the campaigns of Arabization of the existing government in Kurdistan – Syria, 7 August 1928 - 5 October 2008", historical and political study. Center for Kurdish Studies and Documents Conservation / Duhok University, First Edition 2009.

28 Syria: "Group Denial; Repression of Kurdish Political and Cultural Rights in Syria", Human Rights Watch, 26 November 2009.(Last visit: 5 August 2018). <https://www.hrw.org/report/2009/11/26/group-denial/repression-kurdish-political-and-cultural-rights-syria>

29 Barak Barfi, The Fractious Politics of Syria's Kurds, The Washington Institute, 18 December 2013.(Last visit: 6 August). <https://www.washingtoninstitute.org/ar/policy-analysis/view/the-fractious-politics-of-syrias-kurds>

The 1962 census was part of discriminatory policies against Syrian Kurds pursued by successive Syrian governments, before and after conducting it. The Syrian senior lieutenant Mohammed Talib Hilal published in 1963 a booklet entitled *A Study of the Jazira Province from National, Social and Political Aspects*, in which he proposed the internal displacement of Kurds, their marginalization, changing their civil records, blocking their work opportunities, or pitting them against each other.³⁰

8.3. Other property-related policies have further complicated the Kurdish issue in Syria

Kurdish activists and politicians keep echoing that the exceptional census was part of an elaborate plan to reduce Kurdish presence in Syria along the border in major population centres. The first decree that put restrictions on the constitutional right to own property is the Legislative Decree No. 193 of 1952, passed on the grounds of the risks that arise from people suspected to have property adjacent to the border, and to ensure the safety of the State. Article 1 prohibits the building, transferring or amending of the land located in the border areas. This includes leasing, joint ventures or contracting for agricultural investment for longer than three years.³¹ A special decree followed, to redefine the border area and include the town of al-Hasaka. This obliged everyone to have the licensing for these transactions.³²

30 The senior lieutenant Mohammed Talib Hilal, “A Study of the Jazira Province from National, Social and Political Aspects,” published by the Amouda Center for Kurdish Culture. (Last visit 11 August 2018). <http://www.amude.net/erebi/mihemed-taleb-hilal-lekolin.pdf>; See: Houshneek Ousi, “The Kurdish Political and Cultural Life in Syria, 1898-2017 (1)”, The Kurdish-Swedish Center for Studies, 6 January 2018. (Last visit: 11 August 2018). <https://www.nlk-s.net/%D9%87%D9%88%D8%B4%D9%86%D9%83-%D8%A3%D9%88%D8%B3%D9%8A-%D8%A7%D9%84%D8%AD%D9%8A%D8%A7%D8%A9-%D8%A7%D9%84%D9%85%D8%AF%D9%86%D9%8A%D9%91%D8%A9-%D9%88%D8%A7%D9%84%D8%B3%D9%8A%D8%A7%D8%B3%D9%8A%D8%A9/>

31 The legal committee of Yekîti Kurdish Party in Syria, “Legislative Decree No. 49 issued on 10/9/2008 and its historical and practical backgrounds, its effects and objectives”, Welatê Me, Sunday 12 October 2008. (Last visit: 6 August 2018) <http://www.welateme.net/erebi/modules.php?name=News&file=print&sid=4540>

32 Ibid.

Decree 193 describes the procedure to obtain legal authorisation. This entailed a request to the administration of the Ministry of Agriculture, that will refer the proposal to the Ministry of Defence, that will, in turn, approve or decline it. The Ministry of Interior then sends it to the intelligence security services for checking. Then, the Minister for Agriculture passes a decree in respect of the request of the person who wants to modify or transfer his rights, and decides on any further stages that need to be completed. A negative reply is unequivocal, and is not subject to recourse to any review or appeal.³³

The process of obtaining a licence, according to Decree No.193, takes no less than a year, not mentioning efforts and money, which makes the ownership of an agriculture land in this province virtually impossible.³⁴

In 2004, Act 41 replaced the 1952 Decree 193, but maintained the same approach, and provided that the punishment for offending parties will be up to two years imprisonment and a fine of 100,000 Syrian Pound³⁵. Syrian Kurds hoped for its abolition. On the 10 September 2008, and without any mention in the official journal, Legislative Decree No. 49 amended the regulation, preventing reconstruction without municipal licence. Ironically, the municipality could not deliver the licence without a decision by the court, the same court having no jurisdiction to statute on land property, therefore leaving the licence virtually impossible to obtain.³⁶

33 Ibid.

34 Ibid.

35 Ibid.

36 Ibid.

9. The implementation of the census:

STJ gathered testimonies to understand the conditions surrounding the implementation of the 1962 census.

9.1. Carelessness and arbitrariness:

In an interview conducted by STJ, an elderly Syrian Kurd recalled the mechanism of conducting the census and the work of committees in charge:

*"I was 15, living in Amuda, al-Hasakah after I left my hometown Mabrouka in Tel Hamees countryside, southern Qamishli, with my family seeking work. I remember how the committees were bouncing from one house to another accompanied with the mukhtar who dictated what they should write."*³⁷

The same witness went on to tell that some registered families were later shocked to discover they had been categorized under *ajanib al-Hasakah* (al-Hasakah foreigners), while in other families brothers were classified differently, some being registered citizens or *ajanib*, and others not being registered at all. The latter would become known later as *Maktoum al-Qaya*³⁸.

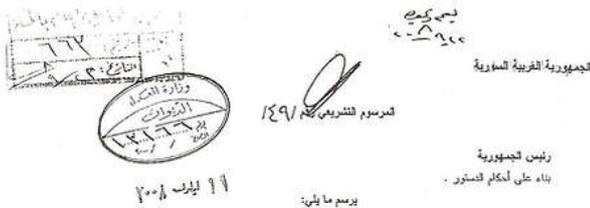
Farhan Hasan Ismail, a witness, was in his village Sarmassakh, about 83 km southern Qamishli, al-Hasakah, with his six-member family when the census was carried out in 1962:

*"I remember when the state agents came to us and wrote our names on their record books, accompanied by the mukhtar. Sometimes, relatives of the landowners would join in order to prevent people they called "peasants" from benefiting from agricultural land."*³⁹

37 The interview with was conducted by one of STJ field researchers, in Qamishli/Qamishlo on 25 July 2018. The witness asked for anonymity.

38 A Syrian administrative term that indicates the person is unregistered in the official records.

39 The term "peasant", then, intended to mean that they



تعديل المواد التالية من القانون رقم (٤١) تاريخ ٢٠٠٤/١٠/٢٦ وتصبح على النحو التالي :

المادة ١- لاجوز إنشاء أو نقل أو تعديل أو اكتساب أي حق عقاري على عقار كسائن في منطقة حدودية أو إشغاله عن طريق الاستئجار أو الاستثمار أو بوليّة طريقة كانت لسدة تزيد على ثلاث سنوات لاسم أو لمنفعة شخص طبيعي أو اعتباري إلا بترخيص مسبق سواء كان العقار مبنياً أم غير مبنى ولقماً داخل المخططات التنظيمية لم خارجها .

المادة ٤- أ- لا تسجل الدعاوى المتعلقة بطلب تثبيت أي حق من الحقوق المنصوص عليها في المادة (١) من هذا القانون ولا توضع إشارتها مالم تكن مقترنة بالتريخيص وترد كافة الدعاوى القائمة بتاريخ نفاذ أحكام هذا القانون إذا كان الترخيص غير مبرز في إضبارة الدعوى مع مراعاة أحكام المادة (٣٦) من القرار رقم (١٨٦) لعام ١٩٢٦ .

ب- تنفذ قرارات القضاء العقاري المتعلقة بأعمال التحدد والتحرير للعقارات للكائنة في مناطق الحدود وتسجل في الصالحات العقارية على أن تنقل عند التسجيل بإشارة تقتضي بخدم جواز إعطاء سند تملك أو تنفيذ أي عقد أو إجراء أية معاملة إلا بعد الحصول على الترخيص .

المادة ٥- تخضع معاملات نزع الملكية الجبري للعقارات لكائنة في مناطق الحدود التي تنفذها دولتر لتنفيذ بوزارة العدل بالمزاد العلني للتريخيص المذكور وفي حال عدم حصول المزاد الأخير على هذا الترخيص فبطل الإحالة القطعية حكماً ويطرح العقار مجدداً للبيع بالمزاد العلني .

المادة ٦- في حال عدم تقديم طلب الترخيص خلال ثلاثة أشهر من تاريخ ليلولة الحق العيني العقاري على عقار في منطقة حدودية أو من تاريخ إشغاله عن طريق الاستئجار أو الاستثمار أو بوليّة طريقة كانت لمدة تزيد على ثلاث سنوات يعتبر الإشغال باملاً .

المادة ٧- أ- في حال إشغال عقار في منطقة حدودية عن طريق الاستئجار أو الاستثمار أو بوليّة طريقة كانت لمدة لا تزيد على ثلاث سنوات يتبين على من شغل العقار المذكور إعلام الجهة الإدارية المختصة في موقع العقار خلال المهلة المحددة في المادة الساسمة من هذا القانون .

ب- لا يخدم اكتساب الحقوق العينية العقارية على عقار في منطقة حدودية أو حقوق إشغاله عن طريق الإرث أو الانتقال إلا لشرط إعلام الجهة الإدارية المختصة المنصوص عليها في الفقرة السابقة .

ج- على من يستخدم مزارعين أو عمالاً أو خبراء في الحالات المشمولة بهذا القانون إعلام الجهة الإدارية المختصة عن كل ما ينطبق واستخدمهم وفق الإجراءات الواردة في التعليمات التنفيذية .

المادة ١٠- لا تطبق أحكام هذا القانون في الحالات التالية :

أ- ليلولة الحق العيني العقاري لـ حقوق الاستئجار أو الاستثمار لصالح جهةت عامة .
ب- معاملات الإقراض وتصحيح الأوصاف .

مادة (٢)

- يلغى كل نص مخالف لأحكام هذا المرسوم التشريعي .

مادة (٣)

- ينشر هذا المرسوم التشريعي في الجريدة الرسمية .

دمشق في ١٩/١٠/٢٠٠٨ هـ الموافق لـ ٩/١٠/٢٠٠٨ م

رئيس الجمهورية
بشار الأسد



Legislative Decree No. 49 of 2008, attached to a report entitled: "Legislative Decree No. 49 of 10/9/2008: historical and practical background, effects and objectives"; prepared by The Legal Committee of the Kurdish party of Yekîti in Syria.

Photo credit: Welatê Me website

Ismail recalled that the census committees were composed of only two persons, who maintained that they were carrying out a new one because the 1960 census had not achieved its objectives that was why.⁴⁰

9.2. A Cigarette pack in exchange for a citizenship!

A Syrian Kurd who witnessed the census in 1962, said to STJ through an online interview:

"I remember well when the census committees came to our village in Amuda countryside. I was 12. They asked people many questions related to their origins, and we were shocked later to discover we had been registered as ajanib. I think that carrying out such census was a very political issue, since the Kurds were the only targeted group. Plus, later, Syrian Arabs could resolve their legal status, while the Kurds could not. The census was conducted in an arbitrary and discriminatory manner, as the makhateer⁴¹ were biased in favor of some ethnic groups and against others, while the work of the committees in charge was baseless. I can remember that some people who bribed officials managed to keep their citizenship. A person was registered as a citizen after buying the committee personnel a cigarette pack. People were registered either citizens, ajanib, maktumeen, or not registered at all. There was actually such classifications before the 1962 census, during the process of distributing agricultural land⁴², which was dominated by patronage, discrimination and aimed at political ends."⁴³

came from Turkey. There were, however, doubts that massive migration of Kurds from Turkey to Syria had already taken place. The interview was conducted by one of STJ field researchers, in Qamishli/Qamishlo on 25 July 2018.

40 According to information published by The World Bank, the Syrian population in 1960 was 4,573,512, See: <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=SY> (Last visit: 6 August 2018).

41 Sing. Mukhtar; the head of a neighborhood or a small town or village.

42 For further details, see: "Agrarian Reform Law No. 161 of 1958"; http://parliament.gov.sy/laws/Law/1958/structure_12.htm (Last visit: 6 August 2018).

43 The witness asked for anonymity for security reasons,

Mustafa Ouso, lawyer emphasized that the "exceptional census" was part of the policy followed by the then ruling political system, based on racist foundations and on recommendations issued by an officer of the Syrian security apparatus Mohammed Talib Hilal, in which he targeted Syrian Kurds, specifically of al-Jazira region. Ouso argues that statelessness is not only a legal, but also a political issue. Regarding the context in which the census was conducted, Ouso said:

"The special census was carried out in an arbitrary manner by the committees themselves. Thousands of Kurdish families were stripped of their Syrian nationality as a result, including men who had served in the Syrian army. Plus, the census was conducted in whole al-Hasakah in one single day. Based on these facts, the Syrian Kurdish movement has been calling for a comprehensive solution of the problem, which could be a new Naturalization Act. It is important to say that there are no accurate number of maktumeen, which may have been defined few years following the census, but now, after the passage of many decades on this disaster, the numbers increased significantly given the high number of births in al-Hasakah province. However, according to unofficial statistical data the 1962 census created at least 75,000 maktumeen, out of a total of 120 to 150 thousand stateless at the time. The number of ajanib exceeded half a million as of 2011, according to sources within a Personal Status Department in the Syrian-Turkish border areas."

For Ouso, stripping Kurds from their Syrian citizenship lacked any legal basis.⁴⁴

since he lives in Qamishli/Qamishlo, al-Hasakah province, where the authorities continue to systematically suppress freedom of opinion and expression just like in other Syrian regions. The interview was conducted on 6 August 2018.

44 Mustafa Ouso, a lawyer from al-Hasakah, graduated from the Faculty of Law at the University of Aleppo, he became a member of the Syrian Bar Association in 1992 and has volunteered for many years to defend political and conscience prisoners in Syrian prisons. In addition to his political activity in the Kurdish political movement in Syria for many years, through which he served as secre-

10. Categories resulting of the 1962 census

1. Kurds enjoying the Syrian nationality;
2. Kurds deprived of citizenship, registered in the official records as foreigners;
3. Kurds deprived of citizenship, unregistered in the civil status official records and referred to as *Maktoum al-Qayd*.

Among the figures stripped of their nationality were Tawfiq Nizam Eddin, a former Syrian army commander, and his brother Abdel Baky Nizam Eddin, who held several ministerial positions between 1949 and 1957.⁴⁵

tary of the *Partiya Azadi Kurdi* in Syria at the end of 2011. He represented the Kurdish National Council as deputy chairman of The National Coalition for Syrian Revolution and Opposition Forces for two consecutive terms between 2015 - 2016. He is currently residing in Germany after he left Syria following a decision to turn him into a “counter-terrorism court”. The interview was conducted online in late July 2018.

45 The Major General Tawfiq Nizam Eddin a former Syrian army commander and one of the Syrian national leaders, born in 1914. Joined the military college in 1932. In 1945, along with some of his fellow officers, Tawfiq moved the nucleus of the Syrian army to Al Bukamal and declared its separation from the French army from there. In 1947, he was appointed head of the Third Division of the General Staff in Damascus, and he was one of the six colonels who carried out a coup against Sami al-Hinnawi in 1950 and stopped attempts to annex Syria to Iraq under the British mandate. He resigned in 1952-1954 from the army, under Adib Al-Shishakli, who pursue monolithism. Source: “The funeral of the Major General Tawfiq Nizam Eddin in Damascus”, al-Hayat Newspaper, 30 December 1998; <http://www.alhayat.com/article/944261> (Last visit: 6 August 2018). Ja’afar al-Yasiri “Foreigners of Syria (Bidoon)... the Ticking Bomb”, Elaf website, Saturday 29 December 2007; <https://elaph.com/Web/AsdaElaph/2007/12/291884.html?sectionarchive=AsdaElaph> (Last visit: 6 August 2018).



The special red identity card issued for *ajanib al-Hasakah*

Photo credit: STJ



Identification certificate issued by the *Mukhtar* for *maktumeen*

Photo credit: STJ

11. Steps preceding the 2011 Decree No. 49 granting nationality to ajanib:

The Kurdish movement in Syria⁴⁶ continues to raise the statelessness issue in national and international forums, through petitions or sit-ins in Syria and around the world. On 8 June 1990, independent Kurdish deputies in The People's Assembly Abdelhamid Darwish, Kamal Darwish and Fouad Aleko, collected signatures of 44 MPs on a petition requesting the inclusion of the statelessness issue in the general debate. On 10 March 1992, 32 MPs signed a petition addressed to the then President "Hafez al-Assad", demanding the lifting of the injustice that had befallen stateless Syrian citizens. In 2000 the "Kurdish Parties Forum" in Syria made a petition to the ninth Syria's ruling Baath Party regional conference calling for resolving the *ajanib* and *maktu-meen* legal status. On 18 August 2002, dozens of stateless Syrian Kurds gathered in front of the Ministry of the Interior. The same year, others held a sit-in at the People's Assembly. Dozens of other activities and hundreds of political seminars took place in that regard.⁴⁷

Subsequently, harassment of Syrian Kurds increased after they staged large-scale demonstrations, marred by violence, throughout northern Syria in March 2004. The Syrian authorities responded to the protests using lethal force, killing at least 36 people and injuring more than 160. More than 2,000 people, were arrested and widespread reports of torture and ill-treatment of detainees emerged.⁴⁸

The tenth Syria's ruling Baath Party regional conference, held on 6-9 June 2005, recommended the offset of the 1962 census consequences, as well as the development of the Eastern Region/al-Jazira.⁴⁹

46 As mentioned previously, the first Kurdish party in Syria was declared in 1957.

47 For more info, read: Faisal Yusuf, "The 1962 Exceptional Census in Al-Hasakah Province, A Stark Violation of the Rights of Citizenship", The Civilized Dialogue, 9 August 2003; <http://www.m.ahewar.org/s.asp?aid=9104&r=0> (Last visit: 6 August 2018).

48 Syria: "A Wasted Decade; Human Rights in Syria during Bashar al-Asad's First Ten Years in Power", Human Rights Watch, 16 July 2018; <https://www.hrw.org/report/2010/07/16/wasted-decade/human-rights-syria-during-bashar-al-asads-first-ten-years-power> (Last visit: 3 August 2018).

49 The concluding statement of the tenth regional confer-

The stateless issue was also raised dozens of times by journalists who held direct meetings with Syrian officials, activists and Kurdish parties. On 27 December 2005, journalist Serdad Ak Inan, from Turkish Sky News T.V. Station, held a meeting with President Bashar al-Assad:

Is there also a change in the Syrian vision with regard to the Kurdish problem in Syria?

The answer was:

"The Kurds are an integral part of the social structure in our region. This issue must be taken into consideration. But we have to separate between terrorist operations or extremist parties from the Kurdish problem. Terrorism must be dealt with separately in any society. The second point concerning the Kurdish problem in Syria is a technical one and it is related to the 1962 census in Syria. This census was not accurate from the technical point of view. There was not, in essence, a political problem towards the Kurdish question. We, in Syria, try to solve this problem technically. But everything relating to this question must be based on a national basis and on the history of Syria which did not change since independence and will not change in the future."⁵⁰

Under President Bashar al-Assad, the Syrian government's attitudes towards the statelessness and the 1962 census issue are confusing, as the President briefly re-mentioned them in his inaugural speech at the People's Assembly on Wednesday, 18 July 2007:

ence, 6-9 June 2005, Baath Arab Socialist Party: National Leadership, for more info see: http://www.baath-party.org/index.php?option=com_content&view=article&id=117:117&catid=34&Itemid=306&lang=ar

50 President Bashar al-Assad giving an interview to the Turkish Sky News T.V. Station, source: Syrian Arab News Agency - SANA, Damascus, 27 December 2005. For more info see: http://www.presidentassad.net/index.php?option=com_content&view=article&id=115:president-assad-turkish-tv-interview-december-28-2005&catid=97&Itemid=468

“There is the 1962 census issue, which has to do with the fact that the Syrian nationality was given to members of a family and not to others, although they were entitled to it. There is also those who are not registered in the civil register. At that time they were considered part of the same problem. Those are people of different nationalities living in Syria who do not exist on Syrian records, which means that it is a different issue. There were those who mixed the 1962 census issue with the non-registered persons issue. There were also persons of different nationalities, mostly Kurds, who came to Syria from Turkey or Iraq for economic, political, security or other causes. We have nothing to do with this issue. We are talking about the census. Recently work was completed on the technical aspects of the law.”⁵¹

51 The inaugural speech of President Bashar al-Assad, on 18 July 2007, during which he said: “As for me, I shall remain as you have known me, one of you, I work for you, I drink with you from the spring of patriotism and pan-Arabism and breath the blessings of God and the people.”, al- Jamahir newspaper, issue, 12388. For more info see: <http://jamahir.alwehda.gov.sy/node/322621>

12. The 2011 Decree No. 49 :

Following the onset of peaceful protests in Syria, which demanded sweeping reforms in the country, Decree No. 49 was issued on 7 April 2011, and was announced on the official website of The Syrian People’s Assembly under the title “Granting Syrian Arab Nationality to those Registered as *ajanib* in al-Hasakah”.⁵² The decree states:

Article 1: individuals who are registered as *ajanib* in the al-Hasakah province shall be granted Syrian nationality.⁵³

Article 2: the Minister of the Interior shall issue the decisions containing the executive instructions to this decree.

Article 3: This decree shall enter into force on the day of its publication in the Official Journal.

Several months after the issuance of Decree No. 49 of 2011, a ministerial decree nationalizing *maktumeen* was reported. The Personal Status Department employees, however, told the submitters that it was not yet in effect, and they actually didn’t know which department would take it over.

52 Many Syrian Kurdish politicians and activists believed that the decree timing was intended by the government to have the Kurds on its side or at least to apart them from the then protests. “Presidential Decree No 49 of 7 April 2011, granted Syrian citizenship to the Kurdish population registered as foreigners in the al-Hasakah province”, Syrian Parliament website, 7 April 2011. For more info see: <http://parliament.gov.sy/arabic/index.php?node=201&nid=4451&RID=-1&Last=10058&First=0&Current-Page=12&Vld=-1&Mode=&Service=-1&Loc1=&Key1=&S-Date=&EDate=&Year=&Country=&Num=&Dep=-1&> (Last visit: 6 August 2018).

53 *Ajanib* means foreigner in Arabic

13. Statelessness in numbers, from 1962 to date:

On 13 July 2011, the official Syrian media outlet published statements of the Assistant Minister of Interior for Civil Affairs, Brigadier General Hasan Jalali. According to him, the Civil Registry Offices had received 37 904 applications to date, each application covering the entire family of the applicants.⁵⁴

He added that 21 993 identity cards had been delivered, and noted that the Civil Registry offices in Qamishli, al-Malikiyah/Derek and Ad Darbasiyah were all overcrowded with people applying for citizenship.

Jalali described the new facilitations and services initiated as a result of the completion of *the automation of the civil registration and records project*, one of the biggest and most important IT projects in Syria that aims at storing civil registers of all Syrian citizens, listed in the civil records since the 1922 statistics.⁵⁵

On 14 August 2011, the published new statements by Jalali, revealing that 41 706 applications had been received to date, and 36 498 identity cards delivered, pointing out that each application covers the entire family of the applicants.⁵⁶

54 Al-Hasakah province has 16 Civil Registry Offices, which are affiliated to the central directorate of al-Hasakah, which in turn follows the Civil Affairs Agency, headed by the Assistant Minister of the Interior for civil affairs. For more info see: “The Organizational structure of the Civil Registry Directorate”, Civil Affairs Agency of the Syrian Ministry of Interior, Thursday, 12 October 2007. <http://www.civilaffairmoi.gov.sy/site/arabic/index.php?node=5518&cat=14768&> (Last visit: 11 August 2018). According to a study published by the Arab League, the average Syrian family (rural or urban) consists of (5.0) persons; about (208530) individuals applied for the Syrian nationality as of August 2011, only four months after the issuance of Decree No. 49 of 2011, in April. Read: a study entitled “Family Health Survey in the Syrian Arab Republic 2009”. See: <http://www.cbssyr.sy/family%20health/Syria%20Survey%20Principal%20Report%20For%20Syrians.pdf> (Last visit: 6 August 2018).

55 Ministry of Interior: “increased numbers of nationalization applications by *ajanib al-Hasakah*”, 13 July 2011, see: <http://www.ortas.gov.sy/index.php?p=21&id=76397> (Last visit: 6 August 2018)

56 The Syrian Parliament publications, issue 28, The Syrian Parliament, Sunday, 4 August 2011. See: <http://>

On 21 September 2011, the official Syrian media outlet published new statements by Jalali, announcing that more than 104 000 Kurds had applied for citizenship while 60 000 Kurds had received identity cards.⁵⁷

On 29 December 2011, Al-Thawra official newspaper quoted Jalali and disclosed that 105 152 applications for naturalisation and 67 540 for identity cards had been received, and the number of people who received the identity cards 67 525.⁵⁸

A well-informed source within the Directorate of Civil Affairs in al-Hasakah, who asked for anonymity for security reasons, gave STJ an exclusive interview, in early August 2018, and provided numbers and facts concerning the *maktumeen* and *ajanib* issues:

“The services of the Personal Status Directorate in al-Hasakah covers the whole province, and its records and documents are central and archived at the beginning and mid of each year. There are 16 Civil Registry offices throughout the province. They are affiliated to the Central Directorate, which in turn follows the Civil Affairs Agency in the Ministry of Interior which is directly linked to the Minister of Interior through the Assistant Minister of the Interior for civil affairs, who leads the Civil Affairs Agency”.

Regarding the stateless Kurds numbers, 346 242 of them were registered as *ajanib al-Hasakah* as of the beginning of 2011. After the issuance of the 2011 Decree No. 49, the Directorate

parliament.gov.sy/arabic/eindex.php?node=55112&cat=906&nid=906&print=1 (Last visit: 6 August 2018).

57 Directorate of Civil Affairs: “Equipping Headquarters for the Registry of Governors residing in Damascus”, Ak-salseer, Wednesday 21 September 2011, see: http://www.aksalseer.com/?page=view_news&id=4ca77a3f414d-7f48af12bc16ae15c092 (Last visit: 6 August 2018).

58 Assuming that each application covered five family members (the average members of a Syrian family according to independent studies, mentioned above), the number of individuals included in all applications is (105 152), while (525 760) others submitted individually. “105 152 naturalization applications and 67 525 given identity cards... Regularizing the nationalized’ conscription status” *al-Thawra* newspaper, Thursday, 29 December 2011 http://thawra.sy/print_veiw.asp?File-Name=32599405720111229004034 (Last visit: 6 August 2018).

and departments of Civil Status Affairs began to receive tens of thousands of applications for the acquisition of citizenship from both *ajanib* and *maktumeen*. By the end of May 2018, 326 489 *ajanib* had acquired the Syrian nationality, while 19 753 of them remained stateless for many reasons, such as living abroad or losing their documents fully. «

With regard to *maktumeen*, the same source denied the Syrian government's allegations on its lack of knowledge of their numbers:

“The Directorate of Civil Status Affairs in al-Hasakah used to rely on the records of the *makhateer* during the previous decades, who were responsible for issuing identification certificates for the *maktumeen*. The number of *maktumeen*, has reached more than 171 300 as of 2011, 50 400 of whom obtained Syrian nationality after resolving their legal status by becoming *ajanib* and then Syrian citizens. However, some 41 000 *maktumeen* were unable to rectify their legal status owing to problems encountered by the personal status department during the registration process, and there are still almost 5 000 people who choose not to submit, mostly immigrants.”

The IDs the *ajanib* al-Hasakah received were marked by the inclusion of the number 8 after the registration number: to read 8/xx.

14. The naturalized Kurds and the exemption of the military service:

On 29 December 2011, al-Thawra official newspaper published a report entitled *105 152 naturalization applications and 67 525 identity cards given: Regularizing the nationalized' conscription status*. The report included the details of the Presidential Decree No. 149 of 24 December 2011, which stated:

der Decree No. 49 of 7 April 2011, will be conscripted as soon as the law comes into force.

Article II: All those born in 1993, who were covered by Article I, may be granted one-year postponement, beginning from the date of the issuance of this decree in order to regularize their conscription status.

Article III: The naturalized Kurds born before 1993 will be exempted from military service and written off.

Article IV: The present Decree will come into force on the date of its issuance.⁵⁹

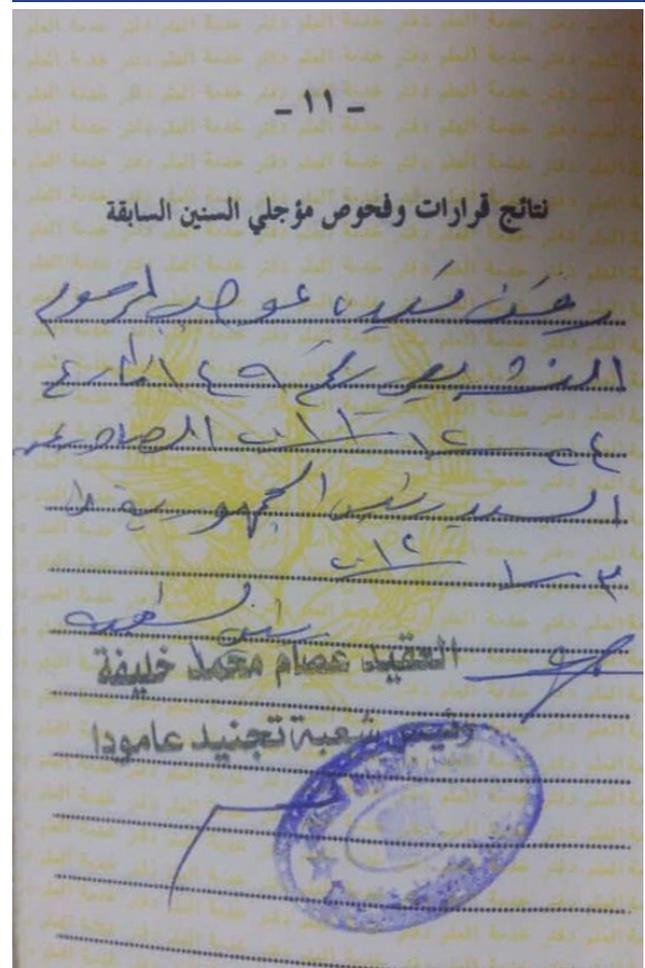


Photo of the military booklet of a man who was born in 1983 and written off in January 2012, with “He was written off under the Presidential Decree No.149 of 22 December 2011” written on it.

Photo credit: STJ

⁵⁹ 105152 naturalization applications and 67525 given identity cards...Regularizing the nationalized' conscription status” *al-Thawra* newspaper, Thursday, 29 December 2011 http://thawra.sy/_print_veiw.asp?File-Name=32599405720111229004034 (Last visit: 6 August 2018).

In September 2013, during the weekly cabinet meeting, the Syrian Council of Ministers ratified a “draft law to exempt those who were granted the Syrian nationality -according to the provisions of Legislative Decree No. 49 of 2011 on granting the Syrian nationality to the Kurds- from the 5-year period condition to acquire the citizenship”.⁶⁰

15. Between two decrees, 49 years of continuous agony:

15.1 The right to a nationality

Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 15 Universal Declaration of Human Rights

Everyone has the right to nationality. No one shall be arbitrarily or unlawfully deprived of his nationality.

Article 29 Arab Charter on Human Rights

15.1.1 The right to a nationality, a basic human rights

The concept of nationality emerged with the rise of international law, traditionally dated back to the 1648 Peace of Westphalia, as a result of the rise of international order. First meant to regulate relationships between states, nationality started impacting individuals only later, with the rise of human rights.⁶¹

60 Sawsan Zakzak, “Kurds of Syria 1962-2011: The Long Road from Census to Citizenship”, Legal Agenda, 30 December 2015, see: <http://legal-agenda.com/en/article.php?id=3117> (Last visit: 6 August 2018).

61 Alice Edwards and Laura van Waas, “Introduction,” in *Nationality and statelessness under international law* eds Alice Edwards and Laura van Waas (Cambridge: Cambridge University Press, 2014)

It became one of the first rights to be proclaimed, as part of the 1948 Universal Declaration of Human Rights (UDHR), the elementary human rights instrument encompassing general principles of law, and the 1966 International Covenant on Civil and Political Rights (ICCPR) later reaffirmed the rights for children to acquire a nationality. Regional instruments joined the movement and enshrined the right to a nationality, such as the 1969 American Convention on Human Rights or the 2004 Arab Charter on Human Rights (ACHR).⁶² Two international conventions address statelessness in particular, the 1954 Convention Relating to the Status of Stateless Persons, and 1961 the Convention on the Reduction of Statelessness.

The prohibition of arbitrary deprivation of nationality, that is based on discrimination, is therefore considered a general principle of international law.⁶³

In its 1996 report, Human Rights Watch demonstrated the arbitrariness of the campaign of denationalisation, that was part of a broader campaign of arabisation of northeast Syria by successive Arab nationalist governments. The conditions of the census, presented as aiming at “eliminating alien infiltrators” from the civil registers, reveal that the procedure was used to deprive large numbers of Syrian Kurds from their nationality. The census was, indeed conducting in the Al Hasakah province, known for being home of a large Kurdish population, and required residents to prove that they had lived in Syria at least since 1945 during a single day, meaning that anyone not being able to join was systematically deprived of their nationality. Additionally, the level of documentation required to certify one’s nationality went to such extent that it constituted obstacles to their registra-

62 Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (1965), Article 7 of the Convention on the Rights of the Child (1989), Article 29.1 of the Arab Charter on Human Rights (2004)

63 Alice Edwards, “The meaning of nationality” in *Nationality and statelessness under international law* eds Alice Edwards and Laura van Waas (Cambridge: Cambridge University Press, 2014); Jorunn Brandvoll, “Deprivation of nationality: Limitations on rendering persons stateless under international law,” in *Nationality and statelessness under international law* eds Alice Edwards and Laura van Waas (Cambridge: Cambridge University Press, 2014)

tion.⁶⁴ The report reveals that among families, brothers presenting the same situation ended up being classified differently, or that families paying bribes were able to influence the fate of their situation.⁶⁵ With only a few exceptions, the census resulted in only Kurds being deprived of their nationality, reinforcing the discriminatory and arbitrary character of the policy.⁶⁶

15.1.2 Nationality as a prerequisite to claim human rights

Although international human rights are theoretically universal, states implement these civil, political, economical, cultural and social rights, and most of the time decide to limit their benefit to their citizens. Thus, French law reserves the right to vote to French nationals over 18. But while being a foreigner can impact one's exercise of their theoretically universal human rights, being deprived of any citizenship, and documentation, goes beyond this point, and threatens the mere existence of stateless. The inability to prove one's identity impacts every aspect of stateless people's life, from their childhood to their right to transmit their land and property to their heirs. Nationality is therefore an elementary prerequisite for rights holders to exercise their human rights, leaving stateless people unable to enjoy them.⁶⁷ As such, the right to a nationality can be understood as the essential rights among all.

Our study explores this aspect of statelessness, and reveals how the lack of nationality prevents rights holders from exercising their rights at all stage of life. From an early age, children in school are discriminated on the basis of their statelessness, resulting in the denial of

64 Zahra Albarazi, *The Stateless Syrians* (Tilburg: Tilburg Law School Legal Studies Research Paper Series, 2013)

65 *Syria: the silenced Kurds*. New York: Human Rights Watch, 1996, accessed September 2018. <https://www.hrw.org/sites/default/files/reports/SYRIA96.pdf>

66 *Stateless Kurds in Syria: Illegal invaders or victims of a nationalistic policy?*. Berlin: European Center for Kurdish Studies, 2010, accessed September 2018. http://www.kurdwatch.org/pdf/kurdwatch_staatenlose_en.pdf

67 Jack Donnelly, *Universal Human Rights in Theory and Practice* (Ithaca: Cornell University Press, 2013)

their right to an education. Later, stateless are prevented from exercising the profession they would aspire to. Deprived of their nationality, they cannot endorse public functions, and denied the certification of classes they have nonetheless pursued, they cannot access positions in their field.

Their right to property is also denied, as well as the right to travel and exercise political rights such as voting or being elected.

Ultimately, not only are the rights of stateless people violated, but also their mere participation in the society jeopardised by their status.

The 2011 Decree No. 49 aims at granting the nationality to stateless, but none of the texts, annexes or commentaries indicates any form of financial or moral reparation for the people harmed between 1962 and 2011, or mentions any procedure that the Syrian Kurds, either *ajanib* or *maktumeen*, could refer to in their countries of asylum, in case they wished to resolve their legal status. Tens of thousands of *maktumeen* and *ajanib* have migrated to several countries seeking better lives, and have encountered difficulties when it came to proving their legal affiliation to Syria. *Maktumeen*, however, remained the most aggrieved, tens of thousands of them still being deprived of their Syrian nationality.

15.2. A Glimpse of the Rights Which the Stateless Are Deprived of

Unlike citizens enjoying Syrian nationality, Kurds who were stripped of their citizenship under the 1962 special census, have been deprived of their basic civil, political, social, and economic rights. Some of them lived and died stateless, in the absence of any birth or death certificate acknowledging their existence.

For Ashraf Sino, lawyer, the most accurate denomination is “the nationality-stripped

people.”⁶⁸ He objects to the term “stateless,” explaining that the census conducted in the Kurdish regions deliberately ignored the existing nationality of tens of thousands of Syrian Kurds:

“The stateless have been deprived of all their rights, including the right to register their marriage, the right to own property, the right to education, the right to have a decent housing, the right to travel abroad, the right to travel by plane, and the right to stay at hotels as well. I have met many of them who were stripped of their nationality while showing Syrian documents they had gotten before 1962, including identity cards, military service book and property deeds.”⁶⁹

1.2.15. The Stateless and the Right to Education

Everyone has the right to education.

Article 26 Universal Declaration of Human Rights

1. The States Parties to the present Covenant recognize the right of everyone to education. (...)

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

Article 13 International Covenant on Economic, Social and Cultural Rights

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

Article 28, Convention on the Rights of the Child

⁶⁸ Ashraf Sino worked as a volunteer lawyer to defend the prisoners of conscience in the ordinary tribunals as well as the exceptional ones, i.e. the military courts and the State Security Court, in Syria for many years. Since 200, he has worked on human rights through his work at the Committees for the Defense of Democracy Freedoms and Human Rights in Syria, and he established, along with several activists, the Kurdish Organization for Human Rights in Syria (DAD), which is still active within Syria. He has been living in Germany since 2015. The interview was conducted via the Internet on July 31, 2018.

⁶⁹ In Syria there is a military ID and a military service book. When reach the age of 18 years old, all males go to the general recruitment agency, where they are interviewed, they have their photo taken, and they undertake blood tests, among other procedures. They are then issued a military service book. Even those who will end up exempt from service for any reason” receive the military service book, within which their exemption will be written and stamped.

The right to education is fundamental to the fulfilment and exercise of all rights. By providing citizens, from a young age, with the necessary resources to think critically, schools are essential to the fulfilment of democratic ideas. Educated citizens are more aware of their rights and of the way to exercise them. On the other hand, education gives pupils and student the potential to seek fulfilling jobs, in line with their ambitions, contributing to their personal development.

Syria is a state party to the Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, all of the providing for a right to education. Additionally, certain aspects of the right to education, including the right to free and compulsory primary education, and the right not to be discriminated against in the enjoyment of educational rights, are now considered as customary international law.⁷⁰

Our research demonstrates, however, that stateless people from Syria are deprived of their right to an education from an early age.

The *ajanib* and *maktumeen* of al-Hasakah encountered barriers at all stages of their education. As early as primary school, stateless pupils were requested, to enrol, the approval delivered by Political Security after long waits delaying the beginning of the academic year. The obstacles were more grievous each year and, according to testimonies gathered by STJ, seemed to culminate at university, that they initially had no right to join. A 2004 decision allowed them to enrol in universities, but still prevents them from receiving any certificate.

Additionally, the psychological pressure exerted by the surrounding community, the relatives and sometimes the family, had a major impact on the youth. Frequently being told that their future was doomed and of the worthlessness to complete their education for a diploma they would never obtain, thousands of *ajanib* and *maktumeen* of al-Hasakah dropped out from school and moved to laborious work and freelance jobs with no labour rights, health insurance or social insurance.

70 Klaus Dieter Beiter, *The Protection of the Right to Education by International Law* (Leiden: Martinus Nijhoff Publishers, 2006)

2.2.15. Live Testimonies of the Stripped of Nationality/the Stateless on the Right to Education

Aziz Pirro was born in Qamishli city in 1973. Married with two children, he is still *maktum* despite his numerous attempts to gain the Syrian nationality. Among all the hardship he experienced as a result of his statelessness, not being able to complete his education is the most painful for him:

“My father had no documents to show the census committee so he became maktum, while my uncles became Syrian nationals. We faced many problems regarding our legal status. We were also impeded in our academic education. That had a great impact upon us. I was even not allowed to enrol in the seventh grade since I was maktum, so I quit school for two months until I finally managed to convince the head teacher to complete my education. Once, when they refused to enrol me at university in 1993, I decided to take high-school exams “Baccalaureate” once again, but I remember the words of an employee: “you should be thankful that we have allowed you to take the Baccalaureate exams one time, how dare you come to register for the second time.”⁷¹

Aziz is still lamenting his and his family’s situation, none of them having been able to complete their education:

“Bahzad, my brother, was a superior high school student who had top marks among al-Hasakah province, and we tried so hard to make him complete his education, but in vain. I finished law school at the university but did not get my diploma. I still remember when my colleagues and I went to al-Furat University: we were about 12 students, all of them were

71 STJ’s field researcher conducted direct interview with him in late July 2018 in Qamishli city.

able to register except me. They all continued their way to Aleppo to study at University but I returned home disappointed. Imagine how such a situation can create aversion in one's soul."

Dlo Mohammed, an alias, was born in Ras al-Ein/Sari Kani in 1993. She states to be *maktumah* and her legal status has not changed despite the issuance of Decree No. 49. She graduated from the Faculty of Arts and Human Sciences from Tishreen University in Latakia city in 2016 but received no diploma:

"All our life, my extended family, of 30 to 40 individuals, and I have lived with no rights at all, no identity card or any other documents. When I finished the secondary education, some of my friends and relatives advised me not to complete my study, arguing it would be worthless since I would be granted no university diploma. But my father always supported us and wanted us to get university degrees, believing we would become citizens one day. He has endured all kinds of misery for that."⁷²

Najwa al-Mohammed, an alias, was born in al-Hasakah city in 1991. She was forced to endure the consequences of the census and became *ajnabiyah*. Until she managed to acquire the Syrian nationality in 2011, her status heavily impacted her, especially with regards to her education:

"I was not entitled to complete my education. Therefore, I didn't study further than the secondary stage. Plus, we were unable to enroll in schools since we did not extract the Individual Civil Registry Record from the Personal Status Department or from the Mukhtar of our neighborhood. So, I used to move from one grade to another without receiving any certificates. When it came to university,

⁷² STJ's field researcher conducted direct interview with her in mid July 2018 in Ras al-Ein/Sari Kani.

they requested an exception from the Ministry of Higher Education, who refused to grant it to me. My father was encouraging me to study, saying he would make many attempts to help me gain my intermediate degree, but I always felt I my efforts were pointless. I finally managed to obtain my intermediate certificate after an exception given by the Ministry of Education, but was not able to obtain my high school certificate. My dream to study at university did not come true. I still remember students gazing at me in contempt whenever one of the school's employees called me: «hey, ajnabiya!»"⁷³

Haytham Haji Hasan, a press photographer, was born in Ras al-Ein/Sari Kani in 1979. He is married with three children and is *ajnabi*. He acquired the Syrian nationality with the issuance of the Decree No. 49, after having faced decades of obstacles, especially in the field of education:

"We went through hell. When I completed my intermediate education, I tried to obtain the Individual Civil Registry Record, which requested an approval paper from the State Security, who in turn asked us to be informers and report the news of our neighbours. A while later, unlike the maktumeen who could obtain nothing, I managed to get the Individual Civil Registry Record in addition to the family Civil Registry Record."⁷⁴

Haytham realised that despite him studying hard, he would get no diploma, and it started raising tensions between his father and him:

"My father always asked me to complete my education but I refused because I had already understood that my future was doomed. Some fami-

⁷³ The interview was conducted via the Internet in late July 2018, with the field researcher of STJ who is in Qamishli city.

⁷⁴ The field researcher of STJ conducted direct interview with him in Qamishli city in March 2018.

lies did not even send their children to school. One of our relatives, a young man, was a superior student and was ranked number two among Syria at the high school stage. But he received no diploma. Now, I wonder how such persons could be compensated, who would provide reparation for them, some of whom dreams were broken and hopes shattered.”

Siyamand Wahhab Wahhab was born in Ras al-Ein/Sari Kani in 1992. He explained to STJ that he and his family, around 30 individuals, were *ajanib* until they managed to acquire the citizenship following the Decree No. 49 in 2011. Siyamand still wishes he had completed his studies and went to university:

“I dropped out from school when I was in eighth grade. My siblings had left school earlier in the primary school. My father enrolled us in the primary school under a residence permit from the mukhtar. Generally, ajanib were not willing to learn, since they were not entitled to receive any university degrees. It was normal for ajanib or maktumeen to drop out of school as soon as they learned how to read and write. Only a few of them were completing their academic education. The ajanib were deprived of all their social rights.”⁷⁵

Venus al-Mohammed was born in Qamishli city in 1983. The majority of her family are stateless. Her father, her six brothers and her uncles are *maktumeen*. This deprived her from all her rights and especially her right to an education:

“The ajanib were entitled to complete their education until the university stage, unlike the maktumeen who were denied education beyond the secondary school. For this reason, I left school at the intermediate stage

⁷⁵ The field researcher of STJ conducted direct interview with him in July 2018.

and so did my siblings. We were absolutely aware that it was worthless. The only dream for one of my brothers was to go to university and he endlessly awaited for our legal status to be resolved, until he died. We were deprived of everything. One of the cruelest experience I’ve had to go through was when my friends could pursue their education, whilst I was not able to achieve my dream and study English Literature.”⁷⁶

Nubar Ismael was born in Qamishli in 1986. He is married with two children and works in the field of media. He still hopes to own an official document recognising his existence and enabling him to exercise his most basic rights. He recounted⁷⁷ to STJ the despair he endured being *maktum*, particularly with regards to his education:

“The worst barrier I have encountered over the years was my inability to get diplomas certifying the completion of all my educational stages. After all, I succeeded to obtain my high school Baccalaureate certificate, but was not allowed to apply for the ordinary university admission so I applied for a “direct admission”.⁷⁸ I studied Translation at Tishreen University in Latakia province. We were not entitled to obtain diploma

⁷⁶ The STJ’s field researcher conducted the interview via the Internet in late July 2018.

⁷⁷ STJ’s field researcher conducted direct interview with him in Qamishli in March 2018.

⁷⁸ In Syria, students usually apply for admissions after the Baccalaureate results are issued. In the first admission, the minimum marks determined in the university branches are included and the students who has passed the secondary stage apply to it. Then the universities sort the files and select the appropriate number based on the number of applicants. In the second admission, the degree of acceptance in the universities is higher than the first one. The direct admission in this context consists in applying to university directly after the issuance of the second admission. The university options for the stateless were limited as it was not allowed to apply for institutes or departments which the government pledged to employ immediately after graduation. Practically, the maktumeen were entitled to enroll at universities only after 2000. Besides maktumeen and ajanib were required to sign a paper to disclaim their right for obtaining a diploma.

in the first place, and it was complicated to even obtain my transcripts to show it to potential employers. When the Syrian conflict began, I was in my fourth year at university. I had to interrupt my studies because highways were cut off and as a maktum, I was unable to get on a plane.”

Mohammed Kheir Ayed Ismael was born in 1972 in Tell Hamis town, in Qamishli. He is married with four children. He attempted to resolve his legal status in several occasions and acquired the citizenship in 2011. As a stateless, he faced obstacles. In particular, he was forbidden to join the Institute for Railway Studies despite being a superior student. He narrated to STJ:⁷⁹

“I tried to enrol in all institutes but they refused, so I started to work as freelancer. Then I got married and witnessed many of my friends becoming civil servants despite not being as hardworking as I am. The same happened with my children. Because I am ajnabi and their mother is a citizen, they are maktumeen. When we registered our children in schools, they always repeatedly asked about the IDs. I kept telling them the old story of my father and the reason for not having one. My eldest son did not complete his education, arguing his fate would be doomed like mine.”

Shivan Hussein Amin, a witness who was born in Qamishli in 1981, was a *maktum* but in 2005 he submitted his papers to the Personal Status Department and became *ajnabi*. Following Decree No. 49, he acquired the Syrian nationality and started enjoying his rights like any other citizen. However, he did not complete his study, which left a negative impact on him:

“In 2005, we became ajanib, so we requested and obtained the Family Civil Registry Record and the red card from the Personal Status Department located in al-Hasakah. But not much

⁷⁹ STJ’s field researcher conducted a direct interview with him in March 2018.

changed regarding the education and degrees: the majority of maktumeen and ajanib underwent special procedures at institutes and universities but I heard that some managed to obtain diplomas via mediators and bribes.”⁸⁰

Abdurrahman Ibrahim Ali was born in Qamishli in 1978 and is married with two children. He is a *maktum* and his legal status has yet to be resolved. He was not allowed to study the branch he liked, and still has not come to terms with his situation:

“I travelled once to Damascus and stood in front of the Higher Institute for Dramatic Arts. There, I cried unintentionally. I was saddened whenever I would pass by Damascus university, seeing students on the campus. You only live once, right? I do not want my children to be deprived of their rights like I have been.”⁸¹

A.M was born in Qamishli in 1981 and is *ajnabiyah*. She narrated to STJ the obstacles she faced especially in the field of education until she became a citizen in application of Decree No. 49 in 2011:

“My grandfather told me that when they conducted the special census, they took the IDs of the family under the pretext of issuing new ones, and then they told the family that the IDs were lost. As a consequence, my father became stateless. My mother was a citizen. I endured a lot of pain, especially regarding education, because in every stage they requested an Individual Civil Registry Record, which in turn required an approval from the Political Security Branch, who were always hampering the process. It was quite hard. One day I went to request the Civil Registry Record in order to travel to Damascus. I

⁸⁰ STJ’s field researcher conducted a direct interview with him in July 2018.

⁸¹ STJ’s field researcher conducted a direct interview with him in March 2018.

was terrified when one of the officers closed the windows and doors and enquired about the branch I would study. I replied English Literature, and he asked why not Arabic Literature. I replied that it was the only branch that accepted me. Many people in Damascus knew nothing about the Kurds stateless.”⁸²

Khlid Ismael, was born in Qamishli in 1998. He is a mechanic and attempted repeatedly to resolve his legal status as *maktum* but in vain. Nothing has changed so far. He explained to STJ that he could not complete his education:

“We were stripped of everything. I was deprived of many rights, notably the right to education. I studied until the ninth grade only because I knew all my efforts would be vain. I had few work opportunities as a consequence.”⁸³

Midia Hasan, using an alias for safety reasons, was born in al-Hasakah in 1995. She finally obtained the Syrian citizenship after paying large amounts of money, but as a *maktumah*, she was not able to complete her education:

“Although I was an outstanding student at high school, they refused to give me the diploma. All I received was a paper proving my success under which I enrolled at the Sport Institute located in al-Hasakah. Matters were getting complicated each time I wanted to travel outside the province to participate in trips or sport leagues due to lacking the ID. At last, I quit the institute.”⁸⁴

Suhaila Mohammed Ali was born in al-Hasakah in 1987 and is a stateless *maktumah*. Upon finishing high school, she enrolled at the Health Institute located in al-Hasakah, aware that the only way for her to receive her diploma was to receive the unlikely approval from the Council of

82 STJ’s field researcher conducted direct interview with her in July 2018.

83 STJ’s field researcher conducted a direct interview with him in al-Hasakah province in July 2018.

84 STJ’s field researcher conducted a direct interview

Ministers. She has therefore no certification of her graduates studies.⁸⁵

Soheil Mohammed was born in al-Hasakah in 1973. He is married with four children and works as a blacksmith. He was *maktum* but after paying bribes estimated SYP 200,000 to the officers at the Personal Status Department located in al-Hasakah, he acquired the Syrian nationality in 2014. His status impeded him, too, to pursue his education:

“I dropped out from school at the intermediate stage. I was given no diplomas for the previous stages as well. When I acquired the citizenship, I went to the Department of Examination for my intermediate certificate to be able to apply for the high school exams, but they asked for prohibitive conditions such as bringing four persons over 50 years old to witness that I had passed the intermediate school, in addition to bringing the head teacher and a teacher from the school where I studied, which was quite complicated. I deplored my situation as my friends went to university.”⁸⁶

Mahmoud Ali Ali was born in Amouda city in 1953. He is married with ten children, and works in an electrical supplies store. As an *ajnabi*, he faced many obstacles until the application of Decree No. 49 granted him citizenship.

For Mahmoud, consequences of statelessness will impact him all his life for nor he, or his children, were able to complete their education:

“I did not go beyond the secondary stage because I learned I would not get any diplomas. Whenever I registered my children for school, I was asked for a special paper from the mukhtar and an approval from the Department of Education. This process always delayed my children

with her in al-Hasakah in July 2018.

85 STJ’s field researcher conducted a direct interview with her in al-Hasakah city in July 2018.

86 STJ’s field researcher conducted direct interview with him in al-Hasakah city in July 2018.

from attending school by a whole month. Most of my children did not study beyond the secondary stage either, because there were no guarantees that they would get a university certificate.”⁸⁷

Resheed Hasan Hussein was born in Ras al-Ein/Sari Kani in 1977. He is married with two daughters, and is still *maktum*. The most saddening part for him is not having been able to pursue his education:

“None of my family members studied beyond the primary stage because maktumeen were not entitled to get diplomas, both from private and public universities. Even in school, registration required a residence permit from the mukhtar. But even though I drop out at the time I was in sixth grade, I kept reading books and magazines; my main concern was not to be illiterate.”⁸⁸

Abu Mohammed, an alias, was born in Amouda city in 1965. He is married with five children and was stateless until he acquired the Syrian nationality in application of Decree No. 49. Not having been able to access education remains, for him too, a considerable loss:

“The mood of the head teacher and the officers in the Directorate of Education dictated the years entitled for our education. For university, an approval from the Ministry of Education was essential. During schools, we were unable to take part in the entertainment trips as if we were outcasts. Few of the stateless were able to be civil servants, and it was under the condition of becoming an informer for the state.”⁸⁹

87 STJ’s field researcher conducted a direct interview with him in al-Hasakah city in July 2018.

88 STJ conducted a direct interview with him in Ras al-Ein/Sari Kani in July 2018.

89 STJ’s field researcher conducted a direct interview with him in al-Hasakah city in July 2018.

Badi’ah Farhan Hasan was born in Qamishli in 1948 and is married with four children. Some of her family members are citizens, while others became *maktumeen* as a result of the 1962 census. She recounts for STJ how her children encountered obstacles on their educational experience:

“A heart-wrenching occasion was when my daughter came back from school one day crying because the head teacher had dismissed her from school and told her to stay at home to do the housework under the pretext of her not having a record like the other students. I tried to explain to him that her father was a stateless but he insisted on dismissing my daughter. I was so upset I told him in Kurdish that if I had a gun, I would shoot him dead no matter if it meant I’d go to jail for life.”

Badi’ah’s daughter completed her education until the secondary stage and was a superior student, but was not entitled to enrol at university:

“Later, we managed to register some of my children at university on condition of not obtaining the diploma. People kept saying that children’s future was doomed but I insisted they study although we were destitute. When my daughter graduated from the English Department, she went to the college hoping to receive the diploma but the employee refused to deliver it to her because my daughter had had no identity card; my daughter cried and told her that she had worked harder than anyone else, but that did not work.”⁹⁰

Yalmaz Lukman Othman was born in al-Hasakah in 1992. He became a Syrian citizen in application of the Decree No. 49. The impact of the obstacles he had faced during his educational pathways would, however, be long-lasting:

90 STJ’s field researcher conducted a direct interview with her in Qamishli in March 2018.

"I only studied until the secondary stage. At school, we could enrol only providing a form from the mukhtar and after an examination by a medical committee in the Personal Status Department located in al-Hasakah to estimate our age. They looked at our teeth and knew we were over 6 if one of our teeth had fallen out."⁹¹

Mohammed Hasan Omar was born in Ras al-Ein/Sari Kani in 1978. He is married with three kids, and a member of a family of about 30 *maktumeen* individuals. In June 2018, they acquired the citizenship. Mohammed hopes his children will complete their education and be granted all their social rights. His previous legal status stripped him of his rights, and most significantly, from his right to an education:

"We are five siblings, none of whom completed their education. People kept asking us: "What are you studying for? This is worthless". Something painful is still stuck in my mind is that when I was in sixth grade, my colleagues joined Tala'i al-Ba'ath Camp but I was not allowed to join. All the activities outside the school were organised without the participation of maktumeen and ajanib. I only finished the primary stage and went on helping my father farming. We were renting agricultural lands and working as farmers to get a portion from the owner. I enrolled my children at school under a residence permit from the mukhtar."⁹²

Zaher Farhan Ali was born in al-Hasakah in 1986. He was *maktum* and laments his situation as he did not go beyond the primary stage, affecting him negatively. In 2011, he acquired the Syrian nationality after paying several bribes to the Personal Status Department, he expressed⁹³.

91 STJ's field researcher conducted direct interview with him in March 2018.

92 STJ's field researcher conducted a direct interview with him in Ras al-Ein/Sari Kani in July 2018.

93 STJ's field researcher conducted direct interview with him in July 2018.

3.2.15. Syrian Lawyers' Testimonies on the Right of Stateless to Education

Redwan Sido, a Syrian Kurd human rights activist, illustrated the issue of statelessness to the Syrian and Kurdish public opinion through his articles, reports and cooperation with the international and local organizations.

"For me, the status of the stateless' students in schools, institutes and universities was the most unfair kind of oppression. Ajanib suffered discrimination, but maktumeen were treated even more poorly. They were denied the right to obtain a certified university certificate, that cut them off from working in the public sector and from joining union trades. Many were expelled from institutes and universities." Such steps prompted many to quit learning and start working in other fields, he stated.

Sido points out to the peculiar anguish suffered by children and women. He sees children being deprived of nationality enduring chaotic educational experience, resulting in high rates of illiteracy and low level of education. Young adults are then forced to work in low-skilled and low-paying field of work like metalwork, carpentry or construction works.⁹⁴

Mustafa Ouso, another lawyer, agreed deprivation of nationality gave rise to draconian injustice with regards to education. *Maktumeen* are notably discriminated against, as they are denied of completing education beyond the secondary stage. Although they can not obtain certificates attesting the completion of their degree, *ajanib* are entitled to complete their university studies nonetheless. They are still, however, forbidden from practicing certain professions such as law. In this regard, Ouso mentioned his friend Mahmoud Abdulhalim Bin Jamil, who graduated from the Faculty of Law but was not entitled to join the bar association and was therefore forced to work as freelancer or enter various unqualified jobs.

94 Mustafa Ouso is a lawyer, a human right activist and a politician. He was born in Qamishli in 1973. He has been a lawyer since 2000. The interview was conducted via the Internet on August 5, 2018.

4.2.15. Barriers of Access to Education in Countries of Asylum

Syrian Kurds stateless refugees encountered two main obstacles to access education in the countries they had fled to. First, they had to prove their affiliation to Syria, which was especially arduous for the *maktumeen*.

Second, in the absence of diplomas granted by the Syrian government, stateless Kurds were not able to prove their completion of study levels. Students STJ has been able to contact told us In Sweden, for instance, in order to pursue their studies, they had to undergo an assessment of their skills and qualifications by employees, in addition to exams. In some cases, even after stateless aspiring students willing to enrol in university passed the Högskoleprovet, the Swedish Scholastic Aptitude Test required to compete for a place at university, they were barred from registering in universities, unable to provide their high school certificates⁹⁵

One of our witnesses, Ismael Ismael⁹⁶, recounts the impacts of being a *maktum* when migrating from Syria. He decided to travel to Europe when his university, Salahaddin University, in Syrian Kurdistan, informed him that he would not receive a diploma. Unlike other refugees, he possessed no documents confirming his identity and on his way, he was halted in Bulgaria for six months trying to convince the authorities he was a Syrian refugee. Once in Germany, he had to wait a while until the authorities investigated his legal status. The same thing happened when he tried to enrol in university as he didn't have any proofs except the Health Institute's score sheets, which could easily be forged, so he was delayed.

⁹⁵ "Syrian Maktumeen Face Troubles Proving University Education" Radio Sweden, April 16, 2018, (last update August 6, 2018), <https://sverigesradio.se/sida/artikel.aspx?programid=2494&artikel=6931731>

⁹⁶ He was born in Qamishli in 1990, he graduated from the Health Institute located in al-Hasakah. The interview was conducted via the Internet on July 26, 2018.

3.15. The right to Employment

1- Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2- Everyone, without any discrimination, has the right to equal pay for equal work.

3- Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Article 23 Universal Declaration of Human Rights

The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

Article 6 International Covenant on Economic, Social and Cultural Rights

The State guarantees every citizen's right to work in order to secure for himself a standard of living that meets the basic requirements of life.

Article 30 Arab Charter on Human rights

The right to work comprises an array of rights for the citizens, and duties for the states.

The Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Arab Charter on Human Rights provide for the right to work, and were all ratified by Syria. By depriving a peculiar fringe of Syrians from their nationality, however, Syria has dissociated itself from its obligation as a state to guarantee the right to work to its citizens.

Our study reveals that stateless suffer hardship pursuing the career they ambition in two ways. First, the discrimination they suffer as students, preventing them to obtain certificates to practice high-level professions, impacts them when they try to seek a job, employers often refusing to hire them because of them not having a nationality. Second, they are prevented from pursuing a career in public services. When hired, they often face discrimination and harassment as a consequence of their status. Hence, hundreds of thousands have been forced to work strenuous jobs in order to provide for themselves and their family.

“To be maktum or ajnabi is to be an internal migrant residing in the squatter settlements, relegated to work in farms or laborious artisanal handicraft for derisory salaries, and lacking basic rights. Stateless were denied work mainly because the government granted no educational documents,”

Ashraf Sino, lawyer, stated.

Mohammed Salih Ismael was born in Qamishli in 1985 and is married with one kid. As *maktum*, he had limited work opportunities and had to work in a bakery:

“All my life I have been maktum, like my father. My mother is a citizen. I made many attempts to acquire the Syrian nationality following the Decree granting citizenship to stateless, but that did not work. I face tremendous difficulties finding job opportunities because the public sector, as well as some private firms, refuse to employ us. Working in a bakery was my only choice.”⁹⁷

Dlo Mohammed confirmed stateless were banned from working in public sector until 2014 and the declaration of the Autonomous Administration in northeastern Syria. She found herself a job within the Administration’s institutions.

⁹⁷ STJ’s field researcher conducted direct interview with him in June 2018.

Abu Diar, a pseudonym, was born in al-Hasakah in 1983 and is married with two children. He works in a directorate affiliated with the Autonomous Administration. As an *ajnabi* not entitled to work in the public sector, he encountered colossal obstacles until 2011:

“We were denied of our basic rights as human beings and were incredibly marginalised. Notwithstanding the red card the Syrian government delivered to us, no one recognised us. I once tried to work as a security guard in the garage of the Directorate of Education, but they refused due to my legal status.”⁹⁸

Resheed Hasan Hussein added that his legal status pushed him to work as a wall painter to provide for his family:

“I started a career as a wall painter. It was the only way to provide for my family: my wife and our two daughters, as well as my mother and my two sisters. I was not entitled to work in the public sector nor in the private one. Lacking documents has always subjected us to accountability. As a result, I live as a destitute.”

Mohammed Amin Ramadan al-Mohammed was born in Hasoud, in Qamishli, in 1962 and is married with 7 children. He was stateless until 2011, when he finally obtained the citizenship. But for him, it came too late: **“It’s like building someone a house after their death.”**

“I had great ambitions. They shattered due to my previous legal status. I dropped out from school and wanted to be a porter in the silos. At first, they refused to employ me. They later agreed to it through mediation, but I never received any health or social insurance. I also worked in a restaurant in Damascus, and was exposed to harassment by the employer, who favoured employees who were citizens. I have now been working for

⁹⁸ STJ’s field researcher conducted direct interview with him in June 2018.

ten years as a porter, which consists mainly in carrying goods between Syria and Turkey.” He explained how, among his circle of friend and family, other stateless were similarly discriminated against: “A relative of mine studied Arabic Literature and another veterinary medicine. But they were not employed as a result of their statelessness.”⁹⁹

Firas Salim Ali was born in Jernik neighborhood, in Qamishli, in 1980, and is married with three children. All of them are still *maktumeen*. Firas has submitted his papers to Qamishli’s Personal Status Department in order to get the citizenship but he failed. Facing limited job opportunities, he works as a porter.

“To get an ID and be like others is all we want. I do not want my kids to lead a life similar to mine. If I had been a Syrian national, I would not have been a porter.”¹⁰⁰

The tribulation of the stateless Kurds is alike. Mahmoud al-Mohammed Bin Ismael was born in 1960, in al-Qahtaniyah/Tirbespî, a town located in al-Hasakah province, and is married with 9 children. He was *ajnabi* but acquired the Syrian nationality in 2011, too late, considering he was deprived of the career he aimed at:

“It is included in my driving license that I am ajnabi. One day, I was offered to be a driver at the firehouse in Rmelan town in al-Hasakah. But when they knew I was stateless, they refused to hire me. A travel agency did the same.”¹⁰¹

99 STJ’s field researcher conducted direct interview with him in Qamishli in March 2018.

100 STJ’s field researcher conducted direct interview with him in Qamishli in March 2018.

101 STJ’s field researcher conducted direct interview with him in Qamishli in March in 2018.

4.15. The Right to Own Property

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

Article 17 Universal Declaration of Human Rights

The right to own a property is a cornerstone of economic rights. Our study reveals that, deprived of their citizenship, stateless people of Syria are denied this basic right, with significant repercussions on a variety of aspects of their lives. According to our testimonies, not allowed to open a bank account, own basic possessions such as cars or houses and prevented from subscribing to basic services such as phone or internet providers, stateless people rely on friends and relatives to buy such basic items on their behalf, putting them at risk and in a position of dependence. They are also prevented from owning and cultivating lands, a considerable prejudice for their economic empowerment. Lastly, they are forbidden from inheriting any kind of properties, maintaining the discrimination across generations.

During its union with Syria, Egypt’s President aspired to apply the Egyptian experience to the northern territory - Syria - in delimiting the agricultural lands. This led to the law 161 of 1958, stipulating expropriation the swaths exceed the delimited land property depending on volume of rainfall in the rain-fed lands and the source of water in the irrigated lands.

Land ownership was traditionally unequally distributed in Syria. In 1958, as Syria was part of the United Arab Republic, President Gamal Abdel Nasser Hussein introduced, as part of Arab socialism, the agrarian reform law No 161, that provided that no person could possess more than 80 hectares of irrigated land and 300 hectares of rainfed land. Land owned in excess to this limit would be expropriated with compensation and distributed to landless peasants. The unit of measures used in the law, “acres”, opposed to the traditional Syrian *dunum*, or hectare, demonstrates that, despite impacting Syrian

landowners, the reform was deeply Egyptian.¹⁰² This law contrasts with the principle of right to ownership already considered at that time, and since the 1948 Universal Declaration of Human Rights, a sacred right of the individual, that can be violated only for the public benefit under a law of expropriation for a fair compensation allowance.¹⁰³

The land reform programme resulted in the ownership of numbers of properties transferred from the individuals to the state. Thus, Ashraf Sino assesses that at least 400 residential property were transferred from their landlords to the Council of al-Darbasiyah city, located in al-Hasakah province. The census was conducted in 1962, one year after the fall of the United Arab Republic.

For Mohammed Ali Ibrahim Basha,¹⁰⁴ lawyer, depriving the Kurds and the Arabs residing in the Jazira territory from their properties dates back to before 1962, specifically to 1958 and the Agrarian Reform Law, that caused lands of Syrian Kurds particularly to be expropriated as part of the implementation of the Arab Belt Project (in Arabic al-Hizam al-Arabi), a political issue in the first place.¹⁰⁵

“To be honest, properties belonging to both Kurd and Arab landlords. 2,400,000 dunum¹⁰⁶ of our family’s land, al-Basha, in addition to 3,000,000 dunum of the land owned by al-Meslet, an Arab family, were expropriated and distributed to Arab and Kurd people as usufructuaries. Nonetheless, it is important to mention that other discriminatory projects did take place at the time. A person identified as Mohammed

102 Ammar Oqlah, “the Blaster Arab Belt in Agrarian Reform Law, Right Words for Wrongdoing”, Harmoon Center for Contemporary Studies. March 6, 2017. (last visit August 15, 2018) <https://harmoon.org/archives/4273>.

103 Ibid

104 Mohammed Ali Ibrahim Basha as Syrian lawyer living in France. He has been a lawyer since 1997, is the Chairman of the Board of Syrian Lawyers Without Borders, the legal council of the Syrian National Insurance Company and attorney at tribunals for more than 400 lawsuits. The interview was conducted on Internet on August 1, 2018.

105 For more information, please read “Agrarian Reform Law- number 161 of 1958, the Syrian Parliament website. (last visit August 15, 2018) <http://parliament.gov.sy/laws/Law/1958/structure.12.htm>.

106 Each dunum equals 1000 m², i.e. each 1km² equals 1000 dunum.

Talib Hilal conducted a research advising Syrian authorities to adopt several policies against the Kurds. This included forcing their displacement towards the interior provinces, editing the civil registries, preventing them from working, stripping Kurds religious leaders from their status of Sheikhs, creating disputes among Kurds, transforming the border into a military zone, or denying the granting of citizenship to anyone willing to reside in that area, whatever their origins, except to Arabs. The census came as a result of the memorandum, leading tens of thousands denied of their nationality. Ironically, Chief of Staff of the Army Tawfiq Nizam al-Din and my grandfather Mohammed Ismael Ibrahim Basha, a former member of the Parliament lived there. My grandfather became stateless. This stresses the racism of the research and the special census.”

Al-Basha also explained that, when the Lake Assad caused large swaths of the land to be submerged by the waters in Raqqa, the authorities compensated local Arabs by distributing the fertile lands it had previously expropriated Kurds landowners from in al-Hasakah, starting from the Iraqi borders to Ras al-Ein/Sari Kani, as a result of the continued implementation of the Arab Belt project in the Jazira region.

The 1958 land reform had a long-lasting impact on the distribution of lands. Its implementation required committees to visit and register the whole country’s properties, and was perpetuated even after the fall of the United Arab Republic. Combined with the 1962 census, the consequences on Kurd landowners were appalling. Al Basha adds:

“The intended purpose of the applied projects, including the Arab Belt, was to alter the demographics of al-Hasakah province, by diverting the confiscated lands to the Arab community. Practically, after nationality was rescinded from thousands of Syrian Kurds, the former ownerships of Kurds landowners were attributed to others, in the absence of record of the properties under the name of non-Syrian persons. Complaints were referred to the courts for final judg-

ment. In my opinion, the process of delimitation and registration that accompanied the expropriation of the lands aimed, at least partially, to seize the stateless' properties.”¹⁰⁷

Rashad Me’o was born in Sari Kani/Ras al-Ein in 1980. He is married with two children, and works as a carpenter. He submitted his papers to the Personal State Department, trying to resolve his legal status as *maktum*, but in vain:

“We encountered problems regarding ownership. Until today, I am unable to register any property in my own name. I dreamed to purchase a motorbike and register it in my name but that was impossible”.¹⁰⁸

Aziz Pirro, as a *maktum*, cannot register any property in his name being *maktum* either:

“There have been many challenges. My grandfather owned agricultural lands but lost them as a result of the 1958 agrarian reform law. My father was not entitled the right to usufruct due to his legal status as maktum. I was working in farming and was forced, at the end of the harvest, to ship the crops in the name of someone else. I don’t have a driving license, so I couldn’t even drive a car. That’s why I decided to travel abroad before 2011 and return later.”

As a *maktumah*, Dlo Mohammed, too, was prevented from registering anything in her name:

“Until now my father cannot register his property in his name nor in ours simply because we do not have the right to property ownership. Fortunately, my mother because she is a citizen, so all our properties are registered in her name.»

Ramadan al-Mohammed was born in Hilwa town, in al-Hasakah province, in 1945. He is married and has children. He experienced the consequences of the 1958 land reform:

107 The 1958 law was implemented over a period of several years, and continued after the 1962 census. It supposed committees to visit, determine and register lands.

108 STJ’s field researcher conducted direct interview with him in March 2018.

“We couldn’t register our properties in our own names. After the 1958 land reform and the expropriations that came along, the mukhtar only gave us 2 hectares because we were stateless, while other citizen farmers managed to obtain large parts.”¹⁰⁹

Midia Hasan, a pseudonym, recalled that her family lost many properties owing to being *maktumeen* and lacking property titles. Not being able to own property also means not being entitled to inherit from their family. Thus, the Syrian government, confiscated the properties of her grandfather following his death.

Abu Mohammed, using an alias, confirmed the struggle his family faced when his grandfather died:

“My grandfather could not bequeath his lands to us and when he died, the Syrian government confiscated them. Now we are trying to go to court to get them back.”

Nasraadin Aradm Ibrahim was born in Ras al-Ein/Sari Kani city, in al-Hasakah province, in 1956. He is married and has children. He is still *maktum* and has been facing barriers due to his legal status. When he purchased an agricultural vehicle to work on for sustenance, he was not entitled to register it in his name.

For Lukman Ayyanah, lawyer, the grave issue to the stateless was the inability to obtain property deeds, being residential or agricultural. He narrated to STJ,

“Delimitation and registration process¹¹⁰ carried out in the 1980s in al-Hasakah province, particularly in the north, resulted in records listing and numbering each property. The properties were registered in the name of the person who was present during the process, but only under the conditions of proving they were Syrian nationals. Consequently, ownership of all residential properties and agricultural lands of the state-

109 STJ’s field researcher conducted direct interview with him in Qamishli in March 2018.

110 For more information on an example of Delimitation and Registration, please click on the following link: http://www.parliament.gov.sy/laws/Law/1926/structure_25.htm (Land Delimitation and Registration Law issued by Resolution No. 186 of 1926).

less located within the site, such as large parts of lands owned by al-Basha, were registered into the name of the Syrian Arab Republic. Other properties were transferred into the name of municipalities¹¹¹ of the areas where delimitation and registration took place.» It is worth mentioning that landowners could and did appeal the decisions of the judge before the Court of Appeal, which in turn took steps towards overruling the judgments. Cases are now pending. On the other hand, some stateless attempted to purchase their old properties back from the state and municipalities. The state firmly refused in the cases where the residential properties were registered as state ownership, but allowed the purchase of the properties that were registered in the name of municipalities. Solutions for properties of state ownership have yet to be found.¹¹²

5.15. The Right to Marry and to Found a Family

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 16 Universal Declaration of Human Rights

1. The family is the natural and fundamental group unit of society and is entitled to

111 Properties registered in the names of municipality are designated for public interest such as schools, parks, roads, etc. Additionally it is purchasable.

112 He comes from Ras al-Ein/Sari Kani. He emigrated from Syria in 2014 and currently lives in Austria. He had been a lawyer until he left Syria. The interview was conducted via the Internet on July 30, 2018.

protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

Article 23 International Covenant on Civil and Political Rights

Although the right to form a family is considered a basic right, stateless people are barred from exercising it. Our research shows that the main obstacle lies in the impossibility for them to register their marriage or the birth of their children. Beyond the administrative hardship, this also impact the social fabric, as, foreseeing the obstacles this would entail, Syrian citizens oftentimes would not consider marrying a stateless. In that regard, it appears that women are particularly vulnerable.

1.5.15. Social Stigma Against the Stateless

The stigma associated to being stateless impedes stateless on their way to social fulfilment.

Sido reported:

“A female friend of mine was ajnabiyah. She has graduated from the Faculty of Law. Whenever a man proposed to marry her, he changed his mind when he learned that she was a stateless. That hurt her feelings and she lost hope of a decent future.”

Male stateless encountered the same problem. Mohammed Salih Ismael reported that his legal status as *maktum* caused barriers whenever he wanted to marry, adding:

“When I courted girls, they rejected me because I had no future to offer. This made me feel mediocre and prevented me from leading the life I want. All I wanted was to register a child of mine legally in the Personal Status Department. I am even deprived of this right.”

Mohammed Amin Ramadan al-Mohammed talked about the hardships he and his family faced owing to be *ajanib*. He commented,

“The sole thing I want to understand is how can a man have a baby but be unable to legally register him. Let alone the problems of marriage. I have three sisters no one proposed to marry due to their legal status. The same happened to my brothers and me.”

2.5.15. Legal Obstacles Ahead of Marriage

Over the decades that followed the 1962 census, legal obstacles arose in the administration of couples whose one spouse was a stateless. For Mohammed Khalil,¹¹³ lawyer and human rights activist, the issue of the stateless of al-Hasakah is one of the worst discrimination projects exerted against the Kurds, prompting him along with other lawyers to assist legally presented in confirmation of marriage and births. Through the following table he explained the situations they came across.

113 A lawyer and activist who resides in Qamishli north-eastern Syria. He is working at Adel Center for Human Rights that work to document human rights violations and spread awareness of the culture of civil peace. He has been a lawyer since 2001 and has contributed with other activists to establish the Kurdish Organization for Human Rights DAD in 2005. The interview was conducted via the Internet on July 26, 2018.

#	Status of the husband	Status of the wife	Confirmation of marriage and legitimation	Status of births/children	General notes
1	maktum (a male who has no records within the citizens' nor the ajanib's)	maktumah (the female who has no records within the citizens' nor the ajanib's)	marriage and legitimation not registered. Officially the husband is single and the wife too.	unregistered/maktumeen	
2	maktum (a male who has no records within the citizens'' nor the ajanib's)	ajnabiyah (a female registered within the records of the ajanib)	Marriage and legitimation not registered. Officially the husband is single and the wife too	unregistered/maktumeen	
3	maktum (a male who has no records within the citizens' nor the ajanib's)	A Syrian national	The Sharia Courts provide a decision acknowledging the marriage without confirming it in the records and without legitimation (a nominal decision legally worthless)	unregistered/maktumeen	Officially the marriage not confirmed but the couples can obtain only a decision by the court affirming the marriage and mentioning the children. The Personal Status Department refused to confirm the court decision and so the status of the wife remained the same (single) whereas the husband has no records in the Personal Status Department in the first place.
4	Ajnabi (the male who is recorded within the ajanib's)	maktumah (the female who has no records within the citizens' nor within the ajanib's.	unregistered (husband is single and wife too)	unregistered/maktumeen	
5	ajnabi (the male who has records within the ajanib's)	Ajnabiyah (the female who has records within the ajanib's)	It is possible to confirm the marriage and pass the status of the father to children (legitimation) directly without the approval of the Ministry of Interior/ the Political Security	registered as ajanib	

#	Status of the husband	Status of the wife	Confirmation of marriage and legitimation	Status of births/children	General notes
6	<i>ajnabi (the male who is registered within the records of ajanib)</i>	a Syrian national	marriage is often not confirmed (owing to not obtaining approval from the Political Security). The approval was only for legitimation (passing the status of the father to the children). Officially the wife is single and the husband too.	unregistered/ maktumeen (in case of obtaining no security approval for the legitimation), but obtain the red card (ajanib) in case they obtained the security approval for legitimation but not approval for marriage.	In normal occasions the births were not registered automatically in the Personal Status Departments. After 2000, the parents retained a lawyer who sent the marriage contract issued from the Sharia Court attached with a birth certificate issued from the mukhtar lawfully and the police record from the police station in the area the couples live, to the Ministry of Interior which in turn sent it to the Political Security which frequently approved to the legitimation i.e. to pass the status of the father to the children (ajnabi) without the confirmation of marriage. An anachronism.
7	<i>a Syrian national</i>	<i>ajnabiyah (the female who has records within the ajanib's)</i>	the marriage is firstly confirmed in the court then the file sent to the Ministry of Interior where the majority approvals occurred then the registration in the records done.	Syrian nationals	

#	Status of the husband	Status of the wife	Confirmation of marriage and legitimation	Status of births/children	General notes
6	<i>ajnabi (the male who is registered within the records of ajanib)</i>	a Syrian national	marriage is often not confirmed (owing to not obtaining approval from the Political Security). The approval was only for legitimation (passing the status of the father to the children). Officially the wife is single and the husband too.	unregistered/ maktumeen (in case of obtaining no security approval for the legitimation), but obtain the red card (ajanib) in case they obtained the security approval for legitimation but not approval for marriage.	In normal occasions the births were not registered automatically in the Personal Status Departments. After 2000, the parents retained a lawyer who sent the marriage contract issued from the Sharia Court attached with a birth certificate issued from the mukhtar lawfully and the police record from the police station in the area the couples live, to the Ministry of Interior which in turn sent it to the Political Security which frequently approved to the legitimation i.e. to pass the status of the father to the children (ajnabi) without the confirmation of marriage. An anachronism.

As mentioned in the table, children born from a Syrian mother and an ajnabi father would become maktum. Until 2000, there were legal ways to resolve the legal status of these maktumeen children, and to pass the father’s ajnabi status to the children.

Mustafa Ouso reported:

“The Syrian government has allowed the registration of births by stateless people recorded as ajanib only since 2000. Earlier, the registration took time and required the payment of bribes to officials within the Syrian security apparatus and in particular the Political Security Division. But even when the Ministry of Interior approved the registration of the children, it didn’t affect the marriage, that remained unregistered. In 2007, with the local security branches re-

ceiving the task to conduct investigations and send them to the Political Security Division, it no longer needed a security approval from Damascus. The resolution of the legal status of maktumeen children to become ajanib had been such an exhausting process because of the destitute conditions of the stateless, the complicated procedures, and the large sums of money paid as bribes.”

Since 2000, parents have been hiring lawyers who send requested documentation, including the marriage contract by the Sharia Court, the birth certificates of the children by the mukhtar and a police record to the Ministry of Interior in Damascus, that forward them to the Political Security. This frequently results in the registration of the children, but without the approval of the

of the marriage. This helped to convert the legal status of originally makutmeen children into ajanib, a process denied before 2000. This is of utmost significance considering that the 2011 Decree No. 49 grants citizenship to the ajanib and excludes the maktumeen.

Ouso explained that women carry a disproportionate burden in Syrian patriarchal society:

“As part of the Syrian society, the Kurdish woman suffers the oppression and discrimination Syrian women suffer. Her misery doubles if she is stateless. The husband cannot pass on the property to the wife if she is maktumah or ajnabiyah. She’s therefore deprived of inheritance at his death. And when it comes to divorce, she is deprived of her rights such as an alimony and a dowry.”

Khalil stated that couples facing the most difficulties were those where the husband is ajnabi and the wife a citizen, who can encounter blackmail when attempting to confirm their marriage:

“Over the decades following 1962, the couples, in case the husband was ajnabi and the wife a citizen, were not entitled the approval of the security apparatus to confirm the marriage and the children were therefore registered as maktumeen. The Syrian law imposes the female citizen to obtain a security approval ahead of her marriage to a non-Syrian. This law was imposed also on the female citizens marrying Kurds who are ajanib, creating by that extra troubles. This allowed brokers, lawyers and other intermediaries to ask large sums of money to obtain the authorisation to record the children as ajanib in the Personal Status Department. The poor, however, could not afford the costs, leaving the children maktumeen.”

Mohammed Khalil adds that the deprivation of citizenship had a double impact on women. Indeed, Syrian law does not allow the mother to grant their citizenship to their children.

As a consequence, except when the couple managed to get their marriage officially registered, as explained above, when the father is stateless, children remain maktumeen:

“Under the Syrian law when it comes to marriage, the wife’s records is transferred to the husband. When the citizen woman marries a stateless, she remains officially single, and thus does not inherit her husband after his death and vice versa. Her children cannot inherit her either. When it comes to divorce, she is deprived of her rights such as an alimony, and can’t get her dowry back.”

Prior to Decree No. 49 in 2011, Lukman Ayyanah, lawyer¹¹⁴, worked on lots of lawsuits related to the stateless and learned about their hardships:

“The situation of ajnabi husband married to a citizen wife was tremendously complicated. The registration of children was done without the confirmation of marriage itself and the couples remained single in the civil records. The process was the same each time a new child was born. Some other hardships came up concerning education; the stateless graduated from the Faculty of Law were not entitled to join the Syrian Bar Association nor practice the law. Moreover, the maktumeen were denied obtaining high school diploma and enrolling at universities or institutions for decades. Add to that, the unemployment at public sector and all of that prompted thousands to leave for the interior provinces searching for better lives, others migrated to Kurdistan region and Europe.”

¹¹⁴ Lukman Ayyanah comes from Ras al-Ein/Sari Kani. He left Syria in 2014 and currently lives in Austria. He had been a lawyer until he left Syria. The interview was conducted via the Internet on July 30, 2018.

3.5.15. The Tragedy of the Stateless Denied to Confirm the Births

Mahmoud Ahmad Khalil, was born in Hasoud town, in Qamishli, in 1977, in a family whose members were citizens or stateless as a result of the 1962 census. He is now married and has children. He recalled the obstacles he, as an ajnabi, encountered in registering his children at the Personal Status Department:

“While it took citizens a single day to register the birth of their children in the records, I had to hire a lawyer to do so, and it took more than a month SYP 300 bribes for each child. I was forced to go to the Political Security branch and the police station to write a record and bring witnesses ¹¹⁵.”

For Mohammed Khair Ayed Ismael, being ajnabi prevented him from registering his children in the Personal Status Department. All he could do was registering them at the mukhtar, after a security check of their familial situation:

“I named my youngest son Mohammed Mashouq after the Sheikh Mohammed Mashouq al-Khaznawi. I went to register him at the mukhtar who asked the usual questions. He also requested I change the child’s name on the pretext that it was rejected. I paid him SYP 500 and he registered the name ¹¹⁶.”

The legal status of Mahmoud Ali also deprived him from the right to record his children officially, noting that some ajanib paid bribes up to SYP 10,000 in 1970 for the registration of the children. He recounted the efforts he deployed to register his marriage:

“One day, I wanted to register my marriage according to the Islamic Sharia and someone told me that I was a stateless with no rights in the country so I shouldn’t marry and de-

¹¹⁵ STJ’s field researcher conducted direct interview with him in Qamishli in March 2018.

¹¹⁶ STJ’s field researcher conducted direct interview with him in Qamishli in March 2018.

prive my children from the rights too. Those were the most painful words I have ever heard, I wish I had disappeared.”

Zahra Ramadan was born in Qamishli in 1981, and is now married with 4 children. She recalled the hardships of registering her children in the Personal Status Department, a lengthy process induced by the Political Security Division’s prolonged investigations. She added that the special census created some disparities among her family members, her mother remaining a Syrian national while her father became ajnabi. Zahra and the rest of her siblings therefore became maktumeen. Following attempts to resolve their legal status, they became ajanib in 1991 in Qamishli. ¹¹⁷

Midia Hasan, an alias, recounted that her former legal status caused several hardships as no one wished to propose to marry her. She was engaged to a young man residing in the United Arab Emirates but they broke up as a result of her inability to travel abroad.

Suhaila Mohammed Ali described that when young men learned she was stateless, they changed their mind and no longer wanted to marry her.

6.15. The Right to Freedom of Movement

1. Everyone has the right to freedom of movement and residence within the borders of each state.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 13, Universal Declaration of Human Rights

¹¹⁷ The interview was conducted via the Internet in 2018. The witness is living in Germany as a refugee.

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 12, International Covenant on Civil and Political Rights

Both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights provide for the right to move both within and outside of one's own country. Our study shows, however, that stateless people of Syria experience considerable hardship to travel, not only abroad, but also within Syria, from one governorate to another. When they attempt to do so, sometimes for urgent reasons such as hospitalisation, they face the refusal, mockery and harassment of law enforcement.

Rashad Me'ou, a carpenter, was born in Ras al-Ein/Sari Kani in 1980, and is now married with two children. He submitted his papers to the Personal Status Department and tried hard to resolve his and his children's legal status, but in vain.

"We faced many obstacles owing to our status and the most considerable one was when it came to travel, both abroad and within the borders of Syria. I married a woman with a Syrian nationality and had children. Once the children felt ill and I was forced to take them to Damascus and

Aleppo for treatment. In order not to face problems at the checkpoints scattered throughout the country because I did not have an identity card, I borrowed my friend's identity card who had a Syrian nationality. That was the way we managed our affairs."

In another testimony, Ma'mo Hasan Alo, who was born in Ras al-Ein/Sari Kani in 1978, described that his legal status as ajnabi exposed him to insults on several occasions when traveling within Syria:

"In 2001, I travelled by bus from my city to Aleppo to go to college and on a bridge called Qaroqozat, some Syrian security officials stopped us, asking the passengers to show their identity cards. I was the only one who had the red card so one of them asked me to get off and they questioned me in their own room on the bridge. They beat me and insulted me although I assured them I wasn't affiliated to any political parties. Then they kicked me and I continued my travel to university in Aleppo. That is just the tip of the iceberg."¹¹⁸

Firas Salim Ali recalled an unforgettable incident he experienced owing to his legal status as mak-tum:

"Once, shortly after the outbreak of war in Syria, a checkpoint officer asked to see my ID. When I showed him the identification certificate I hold, he contemptuously uttered that this was "for animals."

Nubar Ismael added that at the beginning of the Syrian conflict and with the spread of the checkpoints throughout the country, especially when he traveled to university located in Latakia, he faced troubles and had to answer repeatedly to the questions by the checkpoints' officers. Most of them, clueless regarding the issue of statelessness, were surprised to see his identification certificate, and asked him if he was a foreigner.

¹¹⁸ STJ's field researcher conducted direct interview with him in Qamishli in March 2018

“One day, some members of the security apparatus arrested me in a garage suspecting I was a foreigner, and released me only after I explained my status. My father kept saying there must be a solution for our status in the future and it was not reasonable to remain maktumeen. But I don’t want to tell my children myself, and I don’t want their fate to be like mine. Now I am thinking about migrating to Europe through smuggling ways for the sake of my children who are also maktumeen.”

Mahmoud al-Mohammed Bin Ismael described to STJ that he was ashamed of his red card that indicates he is ajnabi. He told STJ how he was travelling by bus to Palmyra when some police officers stopped him and asked him to show his identity card:

“They asked where I had gotten that card from and I replied I was ajnabi. One of them said: “Are you trying to trick us? How come you’re a foreigner and speak Arabic?” I replied that he had to ask an officer higher than him if he ignored the meaning of ajnabi. Fortunately everything went well after I mocked them too.”

Venus Mohammed, a maktumah using a pseudonym, described how she travelled and accompanied her mother to Damascus for her cancer treatment:

“Almost a year ago, none of my family members managed to travel with my mother by plane because of their legal status as maktumeen, so I decided to go with her despite the troubles I knew I would face. When one of the employee at the airport asked about my documents, I showed him my identification certificate. He was surprised and asked how come my mother was a Syrian national and I only had a worthless identification certificate. After that he took the identification certificate and showed

it to an official in the airport and my mother waited long until we were allowed to travel.”

Midia Hasan, a maktumah using an alias, explained how the conflict worsened her experience of travelling among Syrian provinces:

“It got worse with the spread of the military checkpoints throughout the country. Whenever I wanted to travel among the Syrian provinces, the checkpoint officers stopped me more than the other passengers because of my identification certificate. I was ashamed of it.”

With regard to the impact of deprivation of nationality on the emigration abroad, Redwan Sido testified that the cases of emigration between 1962 and 2004 was relatively low, but the rate increased significantly between 2004 and 2011 attributing the reason to the loss of hope to resolve their legal status in Syria.

7.15. The Right to Vote and to Run for Elections

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 21 Universal Declaration of Human Rights

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public

affairs, directly or through freely chosen representatives;
 (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
 (c) To have access, on general terms of equality, to public service in his country.

Article 25 International Covenant on Civil and Political Rights

Cement of a democratic society, the right to vote and to be elected is provided for by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. By denying their citizenship to a fringe of the Syrian population, the government has deprived them of this essential faculty.

For Syrians for Truth and Justice, Dlo Mohamed explained:

“According to Syrian law, we’re not Syrians, therefore do not have the right to run for elections nor to vote in any stage of the political process in Syria.”

Commenting on the previous testimony, Mahmoud Ali added:

“We were deprived of the right to vote and to run for elections. Sometimes, we were allowed to vote for the presidential elections but never for the People’s Council’s elections.”

Rasheed Hasan explained how the political events arising from the conflict gave him an opportunity to exercise his right to vote and be elected in the realm of the Autonomous Administration:

“We never have the right to vote or to run for elections in any political stage in Syria because we did not obtain any documents proving our identity. These last four years, we have been granted the right to vote and to run for elections by the Autonomous Ad-

ministration, which is not recognised by the Syrian government. The Syrian law sees us as strangers and outlandish.”

15.8 Other Forms of Deprivation of Rights

In addition to the deprivation of all civil, political, economic, and social rights, the Syrian Kurds stateless encountered other forms of persecution because of their legal status, such as the prohibition to access to treatment in public hospitals or sleeping in hotels. Additionally, the inability to obtain official documents has always exposed them to racist harassment as described by some.

Shivan Hussein Amin recalled some incidents he encountered because of his legal status as maktum. He was always rejected whenever he showed his identification certificate to anyone, particularly in government departments, as the majority of the employees had no idea about the issue of the stateless:

“When I tried to get the driving license, one of the employees asked if I was Syrian and I replied that the name of the Syrian Arab Republic is registered on the identification certificate. There was a small group who had not got the Syrian nationality in Raqqqa province but they were entitled special privileges in terms of access to health, education and living, whereas we were ostracised in the community. One day, I wanted to visit my brother who was imprisoned in Adra Central Prison and I submitted my papers to the judge in a court located in Damascus countryside. The judge asked literally “what paper is this? Is it for gypsies? Where did you get it from?” I replied that the name of the Syrian Arab Republic was registered on it but he mocked: “you are ready to sell your family and your honor for the sake of the citizenship.”

Aziz, maktum, is still exposed to embarrassing situations including the prohibition of accession hotels unless permission granted from the local Hotels Management Department.

“In 1991, I travelled to Damascus and I remained homeless until midnight because I wasn’t entitled to sleep in hotels. At last I managed to sleep in a hotel with the mediation and guarantee of a police officer. During 2003, 2004, and 2005 I took part in the demonstrations held in protest of depriving us from nationality but the security apparatus arrested me two or three times enquiring if I was Syrian to which I replied I was a Syrian Kurd. They asked for a proof to be Syrian expressing there was nothing called a Syrian Kurd, either to be Syrian or to be Kurdish.”

Dlo Mohammed, a pseudonym, also pointed out she had faced several racist and humiliating situations because of her legal status as maktumah:

“The ajanib used to hold a red card as a proof of their identity and residence and some of the people were mocking it and called it the certificate of the cows. For the maktumeen, we held only a paper on which the name and date of birth were registered, and stamped by the mukhtar. So my friends were mocking it: “you even don’t have the certificate of the cows!” That was painful but a fact. During the years of my university study in Latakia, I faced difficulty in explaining the concept of ajanib and maktumeen to the employees of government departments as well as the ordinary people. They had no idea about the issue of the stateless, and when they learned I am maktumah with no Syrian ID, they thought I came from another country.”

For Rasheed Hussein, the status of maktumeen was harder than the ajanib’s, who, at least, had a red card proving their identity and place of residence. He narrated one of the uneasy situations he encountered for being maktum:

“I recall when I was in the primary school that some students used to mock me unintentionally because I am a maktum, I was also not permitted to participate in school activities such as the pioneer competitions¹¹⁹ and the Tala’i al-Ba’ath Camp, which led me to alienation, and I started to feel that studying is useless. We have been treated as strangers in our own country. The situation outside al-Hassakah was far worse, the employees of government institutions and the ordinary people are not familiar with the maktumeen issue, and when I tell them that I don’t have a Syrian ID, they think I’m a foreigner.”

Mahmoud Ahmad Khalil described one situation as cruel because of his previous legal status as ajanibi:

“One day my father’s health situation deteriorated and so we took him to Damascus and Aleppo for treatment. We were forced to stay in the hotels but they were asking for a permission from the Hotels Management Department. Since we were deprived of that as well, we were forced to take my father with us to the Hotels Management Department to be granted the permission. We often faced that problem because my father often got sick.”

Mohammed Amin Ramadan al-Mohammed was not able to treat his mother who had cancer in a government hospital in Damascus because of their previous legal status as ajanibi. He remembers when the employees at the hospital expelled his mother and threw her papers in her face:

“I still remember how they called the security guards for us and my mother fainted and fell on the ground. I cried and thought about jumping and throwing myself from a storey of the hospital but my brother pre-

¹¹⁹ It is one of the important activities held every year among primary schools in a specific area to discover the talents of the pupils in different fields of study like Mathematics, languages, art, science, etc.

vented me. Finally through mediation, we managed to let our mother in the hospital as a doctor's relative. During eight nights none of the doctors entered her room to give her the injection and we even purchased the injections from outside the hospital at high prices."

Siyamand Wahhab Wahhab also narrated an occasion which hurt his soul because of his previous status as maktum:

"When I was in sixth grade, a soccer championship was organised among the primary schools located in Ras al-Ein/Sari Kani and I was the first candidate pupil to present the team of al-Sharqiya School. I did not find my name in the players' list and when I asked the sport teacher, who was also the coach, why, he replied that I was ajnabi and they could not let me join because that was illegal and might cause problems.¹²⁰ It was such a painful experience and made me feel inferior. The ajanib and maktumeen were not allowed to participate in all the activities outside the school. After that, I had the chance to participate in the second-class Syrian league with the city's youth team but using another student's name. The management of the team forged my name and registered it under the name of another one who had the Syrian nationality because I was the forward player in the team."

Stateless Kurds from Syria would also anguish over the safety of their family. Among the same family, the 1962 census could arbitrarily classify members as maktumeen, ajanib or citizens. Narin Nawaf Mahmoud was born in Qamishli in 1984. She stated that she belongs to a family whose members were classified maktumeen and ajanib by the 1962 census:

"It all started when the special census for al-Hasakah was conducted. The tragic irony about the census is that in some families one brother re-

mained a citizen while the other was deprived of his citizenship and became ajnabi, and in others the father kept his Syrian citizenship but his wife and children lost theirs or the other way round. I was classified as maktumah, while my husband a citizen, and my father is maktum while my mother is ajnabiyah, and so are my grandparents and uncles. Thereby, we, Kurds, became strangers in our own country, we born and die illegally since births resulting from marriages have no official records in the personal status department, especially if one of the parents is maktum. This census caused a humanitarian catastrophe that still continues up to now¹²¹."

Badi'ah Farhan Hasan told¹²² STJ that the special census divided her family between maktumeen and citizens. She is a Syrian national whereas her husband and her four children are maktumeen. That made her feel sorrow on her children's legal status as maktumeen which has not changed so far despite the continuous attempts.

Rawdah Khalil Mohamed, was born in Amouda city, in al-Hasakah in 1974, and is married with three kids who are maktumeen. She is a citizen but her children are deprived of citizenship.

"My suffering started when I got married to a man who was maktum and I gave birth to three children. I am a citizen but my situation is like maktumeen now because my children are maktumeen and I can do nothing to help them. I tried hard to demand for the right of the mother to grant nationality to her children but the Syrian law rejects that. My children have grown up and are now young men working as freelancers. I feel they will have no future and end up like their father living in poverty. Despite the Decree that granted Syr-

121 STJ's field researcher conducted a direct interview with her in Qamishli/Qamishlo in March 2018.

122 STJ's field researcher conducted a direct interview with her in Qamishli in March 2018.

120 Also known as the Martyr Mahmoud Al-Sheikh Mahmoud School.

ian nationality to the ajanib in 2011 and the numerous attempts we have made to resolve their legal status, nothing has been done and they have not obtained the nationality yet ¹²³."

The interviews conducted by STJ's field researcher with more than 56 eyewitnesses of the Syrian Kurds stateless showed that the majority were deprived of access to senior positions in the state because they did not have any official records, plus the majority reported they were excluded from exercising this right.

16. Continuous Suffering despite the issuance of the 2011 Decree 49

16.1 Desperate Attempts to Acquire the Syrian Citizenship

Our research shows that not all stateless Kurds managed to benefit from the 2011 presidential decree No.49 to acquire the Syrian nationality. The victims we interviewed explained the maze they entered when attempting to obtain the citizenship, marked by the normalisation of bribery and the ill will of the government employees. Rasheed Hasan explained for STJ that he and ten of his family members are still maktumeen:

"Following the issue of Decree No.49, I submitted my papers to the Personal Status Department, and followed them up for a full year, but all to no avail. Every time I went there, the employees told me that they had received information explaining that the Syrian government would grant citizenship to maktumeen after it got done with the ajanib. I waited for more than a year, following-up the procedures. I renewed my identification certificate at the Sharia Court in Ras al-Ayn/Sari Kani on March 24,

2012, in order to submit it to the Personal Status Department when the decree to grant nationality to maktumeen would be issued. However, I was deeply disappointed later in mid-2012, when the same employees told me that the government wouldn't grant citizenship to maktumeen, and that decree No. 49 mentioned the ajanib only and didn't extend to the maktumeen. Since then, I have been to the Personal Status Department several times to follow-up the matter, but with no result. However, by the beginning of 2018, some of my maktumeen relatives managed to obtain citizenship and received the family book through a lawyer who has ties with the Syrian government, after paying 2 million Syrian pounds for every family book. They told me that it was the only way to become citizens. Actually, I went to that lawyer and he told me that he could help me get nationality legally, as he would change our legal status from maktumeen to ajanib and then to citizens, according to decree No. 49 but in exchange for 2 million Syrian pounds which did not include the costs of the family book and the IDs of all the family members. But, alas we don't have any leverage, we are poor and have nothing to count on, thus we will remain stateless for more years, waiting for something to change."

The witness Nasr al-Din Ardam confirmed to STJ that he submitted his papers to the Personal Status Department located in al-Hasakah city in 2012, hoping to resolve his legal status as maktum but all his attempts did not work:

"On 4 May 2012, I submitted my papers with those of my mother and my 3 brothers to the Personal Status Department in al-Hasakah. Once again, the employees there told me that they will send them to Damascus and that I have to wait to re-

123 STJ's field researcher conducted direct interview with her in Qamishli in June 2018.

ceive them back. While I was in the Department I ran into a person who gave me the phone number of an employee working in Damascus who he claimed could help me resolve my status. Indeed I contacted him and asked him about my documents and my relatives'. He told me that one of the them was sent to the Political Security Branch in Damascus, and was not sent back, while the other documents were sent back to al-Hasakah to be complemented. It was just like a repeated cycle, and my attempts were to no avail. I contacted an employee working at Damascus's Personal Status Department trying to bribe him in order to help me resolve my legal status, but he told me that I had to resubmit my papers."

Narin Nawaf Mahmoud, a maktumah, tried to submit her papers to the Personal Status Department located in Qamishli in 2012, with the aim to acquire the citizenship. None of her attempts worked because the employees kept on telling her that her papers would be sent along with other people's to al-Hasakah and then to Damascus city.

Firas Salim Ali recalled for STJ that when he was following-up the procedures in the Personal Status Department located in Qamishli to resolve his legal status as a maktum, the employees were always telling him that they have no idea about his papers except that they might be in Damascus or in al-Hasakah. He noted that a while ago, he paid SYP 130,000 as a bribe in order to be able to obtain the ID and the family book but nothing worked.

Abdulqader Hasan, a maktum, testified that whenever he went to the Personal Status Department located in Qamishli to resolve his legal status, the employees were always using the pretext that there are some mistakes in his papers:

"Our attempts did not succeed. Recently, I went to the Personal Status Department, where the employees told me that there was another mis-

*take in my papers that I had to modify. Actually, I have come to realise that they do not want our legal status to be resolved. Many maktumeen have submitted their papers to no avail, only two maktumeen families, whom I know, managed to acquire the Syrian nationality but illegally*¹²⁴*."*

Moheiydin Me'o Musa went repetively to the Personal Status Department located in al-Hasakah to resolve his legal status as a maktum, but failed.

Sanad Mohammed was born in Qamishli in 1980 and is now married with four children. He has made numerous attempts to resolve his legal status as a maktum but the employees in the Personal Status Department kept on deleting some of his papers and asking him to modify others:

"Every time, they asked me to submit a new document. Once, they told me that most of my documents were invalid, so I came back and applied again. It cost me a lot of time, effort and money to request them, and since then I have been following up the matter but to no avail. So many ajanib managed to acquire the nationality, while we remained maktumeen."

Abdurrahman Ibrahim Ali, a maktum, also lost hope of acquiring the nationality despite the repeated attempts he had made:

"Following the issue of Decree No. 49, that granted nationality to ajanib, we heard that they would also accept the papers of the maktumeen. I headed with all of my family members along with both my uncles' families to the Civil Status Department in Qamishli/Qamishlo city to submit. There was an age assessment committee before which we should appear. When it was my father's turn, who is over seventy years old, they asked us to bring a witness

124 STJ's field researcher conducted direct interview with him in Qamishli in March 2018.

older than him; someone who knows him well to remember his real age, a matter we have managed with great difficulty. Although we have submitted all the required papers, that did not work, and none of us who submitted get an ID. “

Venus al-Mohammed, an alias, made numerous attempts to resolve her legal status as maktumah, and paid bribes to employees of the Personal Status Department, but none of this worked. Mustafa Ouso, lawyer, explained to STJ that even the ajanib, that the decree specifically addressed and granted the citizenship to, came across difficulties to regularise their situation;

“One of the obstacles faced by the ajanib included within Decree No. 49 is that they had moved years ago from their places of origin to other areas such as Damascus, Aleppo among others. All of them were forced to come back to al-Hasakah province in order to resolve their legal status and complement the paperwork required for the regularisation. This, in turn, required birth certificates issued by the mukhtar, a security check and extra costs. The decree states that the maktum of an ajnabi father can resolve his status and become also ajnabi, along with his sons, if he provides proof of paternity.”

16.2. Anguish Even in the Countries of Asylum

The lack of prospects urged countless stateless Syrian Kurds to emigrate, especially between 2004 and 2011. Even then, their status hampered their endeavour: suffering the restrictions imposed on travelling abroad, many were forced to pursue dangerous smuggling routes and once they reached the countries of asylum, hardships and troubles started over again.

Dlo Mohammed, a pseudonym, explained that the failure to obtain the Syrian nationality pre-

cipitated her decision to immigrate to meet her fiancé:

“I don’t want to stay here anymore. I just want to have the chance to travel and reunite with my fiancé and marry far from here. I don’t want my children to experience the deprivation we did. I’ve been trying to travel for a year now and join my fiancé in Germany, but I still await for the permission from the German Embassy located in Irbil in Kurdistan region that has yet to come because I am maktumah with no legal documents proving my personality.”

Zahra Ramadan faced obstacles in the country of asylum because of her legal status as ajnabiyah, too. The troubles arose when she wanted to work on her papers and her children’s to reunite with her husband who was in Germany. She explains how the administrative formalities she had completed in Al Hasakah proved to be fruitless with regards to her official national status:

“All of us obtained passports from the Immigration and Passport Department located in al-Hasakah. Then we travelled to Turkey having all our papers. My husband travelled by boat to Germany and sent a family reunion request to us. Unfortunately I lost my passport in Turkey so I hired a lawyer in Hama province to issue passports for me and my little son. Prior to that we were harassed and exploited by offices and persons in Turkey who issued me forged passports, and I knew later that they were used to do so; they probably had connections with the Syrian opposition. After that, the lawyer told us that my husband and I were recorded as ajanib and my children as maktumeen. At that point I gave the power of attorney to my sister who was living in Syria to start correcting our official papers as it was evident that all the procedures done in al-Hasakah were not registered in the official records in Damascus at all. Then

the United Nations helped us to reunite with my husband and complete the reunion papers.”

Similarly, Zahra Ramadan testified to STJ that some other families’ marriage documents were rejected in the countries of asylum because they were issued from al-Hasakah, forcing them to send their relatives from al-Hasakah to Damascus in the midst of the conflict to extract papers recognised by European states.

Amer Jamil Hameh was born in al-Darbasiyah in 1985. Like other people, he faced obstacles in the country of asylum because of his previous legal status as ajnabi and was separated from his wife for an extended period of time:

“When I arrived in Germany, I faced some difficulties following up my papers as a refugee, and even more as an ajnabi. They asked us, all refugees from al-Hasakah, Deir ez-Zur, Idlib, and Raqqa, to extract papers from the Personal Status Department in Damascus specifically. That greatly impeded and delayed the reunion with my fiancée, who later became my wife, since I did not have a registry in the official records there from before 2011.”

Hussein Ma’mi was born in al-Hasakah in 1984. Deeply affected by the barriers he was facing as a maktum, he decided to leave for Europe as a refugee:

“I smuggled to Kurdistan first then to Germany, it took me, as a stateless, a long time to obtain a one year German residence permit while it took the Syrian citizen only 3 to 4 months to receive a 3 years one.”

Once they leave Syria, stateless people have greater difficulty to obtain the Syrian nationality. Indeed, according to Ibrahim Ali Basha, lawyer, the stateless refugees requesting to be re-installed in their Syrian nationality are ordered to go back to their place of records, that is the Personal Status Records located in al-Hasakah to do so.

16.3. Concerns despite obtaining citizenship

Our research shows that obtaining the Syrian nationality does not solve the issues of a lifetime of discrimination. The victims we interviewed pointed out that the Syrian war, that has been ongoing for more than seven years, remains a burden once stateless obtain the citizenship.

Zaher Farhan Ali described to Syrians for Truth and Justice the concerns following obtaining the nationality. He was always afraid of being sent to the reserve service within the Syrian army because of the deteriorated security situations in Syria.

Suleiman Hussein Amin explained that, in the midst of the war, obtaining the nationality appears as a poisoned chalice:

“I desperately wanted to travel abroad. But even when I obtained the Syrian nationality, I could not, because I am wanted to complete the obligatory military service¹²⁵.”

The witness Abu Diar, an alias, alluded that the main challenges he faced after acquiring the Syrian nationality was when attempting to register several of his properties in his own name. The process, including the gathering of documents and witnesses, revealed lengthy and arduous.

Yalmaz Lukman Othman testified that although he obtained the Syrian nationality, he still feels as a fourth-class citizen because every administrative formality he conducts the government departments comes along questions on his previous legal status as ajnabi. He added that he thought the Syrian government would compensate him if he acquired the citizenship but he was wrong. Instead, the Syrian government took SYP 150,000 from him in order to provide him with an ID.

Shivan Hussein Amin summarized the challenges he faced after acquiring the nationality, adding,

“I had ambitions and hopes but they all shattered because of my previous legal status. Now that I have the Syrian citizenship, I am unable to achieve them because of the war.”

125 STJ’s field researcher conducted direct interview with him in Qamishli in March 2018.

He also addressed the gaps in the ongoing process towards granting citizenship to stateless people:

The best solution would be to conduct a clear serious census by the concerned authorities with an international party to oversee it. So far, there are still ajanib and maktumeen who have not been granted the citizenship; many were extremely affected because they either lost their lands or they could not complete their academic education.”

Siyamand Wahhab Wahhab, who used to be an ajnabi, explained how he benefitted from the 2011 decree:

“We have sought for several years to become Syrian citizens in the last decade of the twentieth century and the first decade of the twenty-first century, but to no avail. When the presidential Decree 49 of 2011 was issued to grant Syrian citizenship to the stateless, we started the legal procedures. At first, we got the family book, then every person obtained his own ID like any other citizens”.

For him, obtaining a Syrian ID was a turning point in his life:

“After that, we registered our house in the name of my elder brother after it had been registered for several years in the name of my father’s friend. In addition I was exempted from the obligatory military service because I was born in 1991 and had exceeded the age of mandatory military service at the time the decree issued. Previously we were denied to work in the public sector. Job opportunities in some areas in the private sector were available but with low salaries as we did not have any documents proving our personality. In addition we were not entitled to own a land, a car, or a bank account. However, things are better since we have got the nationality. At the beginning of 2012, I opened a clothes shop, and can now support my elder brother.”

16.4. If Time Could Just Run Backwards

Syrians for Truth and Justice enquired into the type of reparations victims of this discriminatory census would see fit to address the violations they have suffered. For a substantial part of them, the granting of the citizenship is an essential prerequisite. Suhaila Mohammed Ali, who has not succeeded in obtaining the Syrian nationality so far, explains:

“We have been deprived of all our rights. The solution is only to grant the Syrian citizenship to the ajanib and maktumeen. If time could just run backwards, it would have been a good compensation”.

For Dlo Mohammed, in addition to the mere reinstatement of their citizenship, the stateless should benefit from financial and moral reparation.

Aziz Pirro, maktum, alluded that there are some Syrian Kurds who were born and died maktumeen. Acquiring the Syrian nationality is no longer an obsession of his. His main concern now is that his own children face not the same destiny.

“All I hope is that people of the region, being Arabs, Kurds, Christians, and Muslims cease to be subject to racism because of their ethnic or religious affiliation. The issue of statelessness has created a great awareness on the concept of racism because of one’s ethnic root. It not our fault to be born Kurds.”

17. Conclusion:

In conjunction with interviews with eye-witnesses and victims for preparing the report, STJ conducted a survey targeting random sample of stateless to explore their most important needs over the past decades of Syria age.

The survey included 65 persons of the following categories: maktumeen, former maktumeen now citizens, ajanib, former ajanib now citizens. All of them are distributed on different geographical regions primarily within Syrian territory and outside Syria such as in Turkey, Kurdistan region, and the European countries of asylum.

The survey was conducted between late July 2018 and late August 2018. Most participants descend from the following geographical regions: al-Hasakah, Qamishli/Qamishlo, Amouda, al-Darbasiyah, and Ras al-Ein/Sari Kani.

The ratio of male participants, over 18, was 72.1%, and the female participants, over 18, was 26.5%. The only case of a female under 18 represented 1.05%.

10% of them had no education at all and were illiterate.

18.3% of them got the primary stage certificate and completed sixth grade.

18.3% of them got the elementary stage certificate.

30% of them got the secondary stage certificate, known as Baccauareate.

5% of them graduated from two-year study institutes.

18.3% of them got the university certificate.

None of them reached the postgraduate stage.

51.5% of them were born maktumeen. 47,1% of them were born ajanib. There was only one person whose legal status was changed after birth from maktum to ajnabi.

94.1% of the interviewees said their legal status did not change between 1962 and 2011, and 5.9% said it had.

55% of the participants said their legal status did not change even after the Decree No.49 of 2011, but the rest said it did.

The survey enquired into the priorities maktumeen see as important. All the answers focus mainly on the importance of the documents, including IDs and passports, among others. Almost as important was the focus on education. Then came answers related to financial and moral compensation. Some even alluded to the issue of rehabilitation and training.

The priorities of the persons who are still ajanib were similar to that of the maktumeen in terms of documents, education and financial and moral compensation. Some noted to the importance of health insurance and the right to work within the public sector.

For the persons who used to be maktumeen but have recently acquired the citizenship, as a result of the 2011 Decree, priorities concerned on completing their education after they were cut off. The importance of financial and moral compensation arose as well.

For the ajanib who have recently acquired the Syrian nationality as a result of the 2011 Decree, priorities concerned primarily on education and financial and moral compensation.

A general question was directed to all the participants on other demands. Many mentioned the importance of deleting the cumulative legal procedures for the stateless, resolving their status in the countries of asylum, allowing the embassies and consulates to provide the stateless with the required official documents, and apologising for the harm that affected them. Additionally, they mentioned compensations for the properties seized after the census or the properties they were deprived of after the redistribution of their lands to other Syrian citizens. Finally, they noted the importance to exempt stateless and new citizens from the compulsory military service.

For Nalin Abdo, lawyer, firstly it is possible to learn about the extent of the detriment that affected Syrian stateless or the need to compensate them. This can be achieved through several legal texts within the Syrian law system including article 164 of the Syrian Civil Code that states that any "error" committed to the detriment of

another must be compensated by the responsible party. She argues that the detriment was not limited to individual cases rather extended to tens of thousands followed by tens of thousands of the new births ¹²⁶.

“The Code of State Council (SY) article 9 No. 55 of 1959 states that Council of State presented by only an administrative Judicial body shall judge the compensation claims for the decisions stipulated for in article 8 of the same code if the compensation claims were filed to the body under features compliance or originality.”

Abdo sees that exemption of a large part of males, who were ajanib of al-Hasakah, from compulsory military service does not amount to a compensation for thousands of families who suffered destitution, displacement and hardship ¹²⁷.

18. Recommendations and Proposals:

18.1 To the Syrian Government:

- Accede to the 1961 Convention on the Reduction of Statelessness;
- Take immediate action to implement 2011 Decree and restore citizenship to all ajanib stateless who were deprived of their nationality as a consequence of the 1962 census, as well as their descendants;
- Take immediate measures to restore mak-tumeen stateless in their citizenship;
- Include in both processes stateless who fled Syria and moved abroad, by enabling them to submit their application online and allow Syrian consulates to receive their application;

¹²⁶ Compensations for ajanib al-Hasakah. Walatī Me. Thursday, 24 Ju, 2014. The lawyer Nalin Abdo. (last visi August 6, 2018). For more information please click on <http://www.welateme.net/erebi/modules.php?name=News&file=article&sid=17750#.W2hOpSgzbIW>

¹²⁷ Abbas Ali Mousa, "Are the Stateless Forgotten Again?", Good Morning Syria. February 12, 2018. (The article was received as Word file from the author himself).

- Engage in a reparation process, especially to acknowledge academic trajectory of stateless deprived of certificates;
- Reform the law, in order to cut out discriminatory provisions and ensure the legislation respect international standards;
- Reform the legislation to ensure that women can pass on their nationality to their children, equally with men.

18.2 To the United Nations Human Rights Council

- Request Syrian government to disclose all elements related to stateless Syrians among all communities, including Assyrians, Arabs and Kurds;
- Request a report from the Syrian government on the issue of statelessness;
- Establish an appropriate support for stateless people, addressing the peculiar vulnerabilities arising from their status with regards to the exercise of their basic human rights, in particular repression, education and identity documents;

18.3 To the United Nations High Commissioner for Refugees:

- Take steps to fully address statelessness as a distinct issue and start monitoring the evolution of statelessness;

18.4 To UNICEF:

- Address the obstacles stateless children face and implement online courses open to them and validated by recognised certificates.

18.5 To Mr Staffan de Mistura, Special Envoy for Syria:

- Address the issue of stateless Syrians, including victims of the 1962 census, in the peace talks conducted in Geneva and Sochi.

18.6 To Syrians non-governmental organisations:

- Include stateless people in their endeavours related to human rights, reconstruction, and justice in order to create a space in the future society.

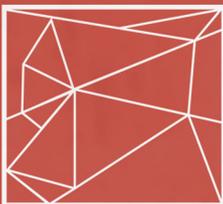
18.7 Universities:

- Engage in a comprehensive study of statelessness in Syria in order to provide stakeholders with relevant knowledge.

18.8 To stateless people:

- Organise, work together and connect from within Syria, refugee camps, and abroad to share resources and knowledge towards solving the obstacles they face as stateless.

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Syrians for Truth and Justice (STJ) is an independent nongovernmental organization whose members include Syrian human rights defenders, advocates and academics of different backgrounds and nationalities. The initiative strives for Syria, where all Syrian citizens (males and females) have dignity, equality, justice and equal human rights.