

In the Absence of the Choice to Remain or Return:

Mass Forced Displacement & its Consequences under a “Reconciliation Agreement”

Survey Study including 10,000 IDPs in North-Western Syria





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Never in the modern history of mankind has half of the population of a country been forced to leave their homes, villages and cities under siege and military operations and from fear of arrest and abuse, only because the political regime chose oppression as a substitute for dialogue, gripping on to power and war instead of responding to legitimate popular demands for freedom and dignity, as happened in Syria after 15 March 2011. In addition to the human rights aspect of the crime of forced displacement, the legal elements of which we believe are available in the Syrian case, the displacement of Syrians from their places of origin has serious humanitarian, social and political implications that must be addressed in order to guarantee their rights and establish sustainable peace and a just political solution in Syria.

This research presents an analysis of the 10,000 displaced persons, the conditions of their displacement and the different aspects of their suffering in the places they moved to, to place these results in the hands of human rights and humanitarian institutions and Syrian and international media, as well as in the hands of international investigation and accountability mechanisms, and various UN agencies and actors in negotiations aiming to find a political solution to the Syrian tragedy. We hope that our modest efforts will help in gaining a deeper understanding of the dimensions of this tragedy and will help them to shed light on it and develop solutions for its various effects. While most of the research focused on the displaced from rural Damascus and Damascus to northwestern Syria, it should be noted that forced displacement has also affected people from other areas not covered in this research sample.

Beyond the information and analysis provided by the research, linger the pain, memories, and longings of the displaced for their homes, streets, trees and personal belongings they left unwillingly, and their hopes to return to them. In presenting this research, I would like to thank them very much for agreeing to cooperate with us, invoking these pains and telling their stories of what happened. I would also like to thank displaced association bodies and public figures who cooperated with us, and 80 field researchers who took many risks to accomplish this work, especially *Muhammad Ali Zulfo*, who was martyred in the aerial bombardments launched by Syrian regime forces in Idlib province last July, may his soul rest in peace. I also extend my thanks to my colleagues at the Orient Policy Center, the Syrian Legal Development Program and The Day After team for their hard work and dedication.

The Day After believes that justice, redress for the oppressed, accountability for perpetrators, and the creation of legal and political mechanisms that ensure that such tragedies do not recur are essential irreplaceable conditions for Syria's salvation, sustainable peace and the freedom of its people. Until that day, we will continue as far as we can to stand by the victims of human rights violations in Syria and help their voices be heard, record their stories and document their suffering. The tyrants always try to obscure the truth and present their version of what happened, and the battle to document the truth and present the story of the oppressed deserves to be fought, and must be fought.

“He who writes his story inherits the land of speech and owns its full meaning”⁽¹⁾

Mutasem Syoufi

Executive Director of The Day After

(1) From “I Do not Know the Desert”, poem by Mahmoud Darwish

اليوم التالي
لدعم الانتقال الديمقراطي في سوريا



THE DAY AFTER
Supporting Democratic Transition In Syria

ORIENT
POLICY
CENTER
مركز الشرق للسياسات



The Day After (TDA)

Who are we?

The Day After (TDA) is an independent, Syrian-led civil society organization, works on supporting the democratic transition, justice, and sustainable peace in Syria. TDA believes in universal human rights and equal citizenship for all Syrians.

Our Vision

Syrians' rights, peace, stability, and prosperity can be only pursued through political democratic transition and a national program of transitional justice that lays the foundations for justice and reconciliation.

Our Mission

To empower Syrian civil society and to influence policy making to serve democratic transition and justice in Syria.

Our Goals TDA identifies the following as goals that should guide the efforts of political transition:

- Develop, strengthen, and promote a new national identity;
- Foster unity among the many diverse components of Syrian society;
- Build consensus on the core values and fundamental principles of the nation as well as the new framework for governance;
- Establish citizenship and the equality of all citizens as decisive in relations between individuals and the state as opposed to sectarian, ethnic, or gender considerations;
- Establish Syria as a civil state in which the role of the security forces should be to protect the security and human rights of all citizens;
- Affirm that Syria must remain one unified state, with elements of decentralization that will allow for citizens' participation on all levels;
- Provide for economic governance that ensures social justice, human development, sustainable development, and the protection of national resources;
- Dedicate efforts to building trust between communities and groups;
- Break with authoritarian legacies by demonstrating a commitment to democratic principles and processes among political leadership and government;
- Educate and empower citizens on the principles and practice of democracy; and
- Increase the potential for a legitimate and effective governance and legal framework that consolidates rule of law in all domains.
- A national transitional justice program should be developed to ensure justice for all Syrians especially the victims of human rights violations and to lay the foundations for genuine reconciliation and sustainable peace in Syria.



Orient Policy Center (OPC)

Orient Policy Center is an independent research center founded in 2014. OPC provides services and consultancy in order to develop research and policies, guide humanitarian and development programs, and support stability and reconstruction in conflict, post conflict and fragile contexts.

Research and consultancy: Since 2014, OPC has worked to be one of the most-trusted resource of analysis and recommendations about Syrian context. We have provided think-tanks, universities, media outlets, NGOs, donors and private sector with hundreds of policy briefs, tailored reports, statistics, opinion polls, and in-depth research.

humanitarian and development programs: Our team of field researchers and Data management experts have an extensive expertise in conducting Monitoring and evaluation. We help our partners achieve their strategic objectives and improve impact, cost-effectiveness, and sustainability of their programs.

The Syrian Legal Development Programme (SLDP)

The Syrian Legal Development Programme is a non-aligned and non-governmental organisation. Founded in 2013, SLDP's mission is to help with the immediate and future development of Syria's legal infrastructure by providing legal education, consultations, legal assessments and programming based on international law that will help the Syrian people set the foundations for a future Syria. In doing so, SLDP works with a variety of local NGOs and international organisations. SLDP utilises its legal expertise and contextual knowledge to address current and developing legal needs in Syria. Through its team of researchers, lawyers, on- the-ground trainers and human rights advocates, SLDP strives to promote human rights and the rule of law by offering a unique combination of international legal expertise, field analysis and academic research, combined with its political knowledge and strategic thinking. SLDP has been able to offer high quality consultations and training to those in need, on a variety of international law topics.

PRELUDE TO THE RESEARCH	8
1. Introduction	8
2. Background and general context governing processes of mass displacement in Syria	9
3. Stories of forced displacement relevant to the research	12
4. The sample and the methodology	14
THE FIRST CHAPTER	17
When Survival Choices Vanish; Coercive Elements of the “Reconciliation Agreements”	
1 st Why was staying not an option?	17
2 nd The role played by displaced people in negotiations and “reconciliation” agreements	23
3 rd Crime of forced displacement in International Law	29
1- Forced displacement in International Humanitarian Law	29
2- Forced displacement in International Criminal Law	30
3- Forced displacement in International Human Rights Law (IHRL)	34
THE SECOND CHAPTER	42
The New Home: Living Conditions, Social Adaptation, and Future Horizons	
1 st The Shelter and Basic Commodities and Services offered in The New Home	42
2 nd Economic activity and efforts of humanitarian responses in the new home	48
3 rd Survey of the relations of the displaced with the hosting communities	54
4 th The major factors affecting the future of the displaced	57
THE THIRD CHAPTER	64
Forced displacement and the Right to Housing and Land and Real Estate Ownership in Syria	
1 st Real estates owned by the displaced in their habitual regions	64
2 nd Crimes related to housing, land and property (HLP) rights of the displaced	74
CONCLUSIONS	79
QUESTIONNAIRE	84



Prelude to the research

1. Introduction

This research aims to convey the voices of thousands of displaced persons in northern Syria, and to highlight their suffering, starting from the reasons that led to their displacement, to the way they were displaced and the difficulties they faced when they reached their new homes in northern Syria, and still face at the time of publication of this research. The basic idea behind this survey, which involved some 10,000 displaced persons in northern Syria, is to give a more comprehensive picture of the context governing mass displacement and the challenges posed by the reality of internal displacement in Syria today.

This research focuses on the stories of forced displacement that took place between 2016 and 2018, the period during which millions of people were displaced from their habitual homes in many Syrian governorates and more than 200,000 people were deported by buses from different regions in Syria to Idlib in northern Syria after the conclusion of reconciliation agreements. The main objective of this research is to provide a database of thousands of IDPs and document their stories, what they have been exposed to, the difficulties they face in the north and their future aspirations so that local and international concerned parties can better understand the context of internal and mass forced displacement in Syria; and so this research can be used in the preparation of litigation files or the establishment of mechanisms for compensation and reparation, or in the collection of victims' testimonies. In order to draw a full picture of the suffering and experience of the displaced, the research will address the crime of forced displacement and provide a simple and concise legal analysis of the responses of the displaced, which show it is highly likely that the majority of people included in the research sample are victims of this crime, but it will be left to the courts and competent judicial and quasi-judicial bodies to prove the occurrence of this crime in the technical and criminal sense ready for litigation.

In this research, we interviewed about 8,000 displaced persons from four governorates: Damascus, Rural Damascus, Homs, and Aleppo. We also interviewed more than two thousand persons who were displaced from their habitual homes under different conditions, not related to reconciliation agreements. These interviews were conducted in opposition-controlled areas north west of the country including the Governorate of Idlib and northern Aleppo countryside.

This research was divided into three chapters; the first is titled: "When Choices of Survival Vanish: Forced Aspects of the Reconciliation Agreements." This chapter discusses the coercive elements in the stories of collective displacement which took place between 2016 and 2018, and focuses on the reasons which obligated the displaced to leave their habitual homes, and on the fears which compelled them to make that decision, and the parties to the conflict that they believe were responsible of their displacement. It also focuses on the role that the displaced people played in the reconciliation agreements which preceded the

operation of displacement and documents the details of their journey to Northern Syria. It also discusses the conditions and instructions that displaced people received, and the documents they signed during displacement. The chapter concludes with a legal commentary on the crime of forced displacement in International law and a legal analysis of what IDPs' responses have indicated.

In its second chapter titled: "The New Home: Living Conditions, Social Adjustment and Horizons of the Future," this research previews the humanitarian and economic conditions in the regions where the displaced were settled, discusses displaced people's ability to access basic services and commodities, humanitarian aid. It also covers the economic activity of the displaced in the regions they are currently settled as well as their contribution in the labor market. In addition, it also measures their level of satisfaction with their new living conditions compared to that before their displacement. The chapter also reviews the opinions of the displaced about their relations with the hosting communities, as well as their future aspirations and discusses them in the light of various factors related to gender, age, social status, etc.

The third chapter titled: "What Did They Leave Behind? The Right of Housing and Land and Real estate Ownership in Syria". This chapter discusses the conditions of the real estates owned by the displaced in Syria, whether or not the displaced still have proof of ownership, and information about the present status of their real estates. This chapter compares two samples: the sample of those who were "displaced with an agreement" and the sample of those who were "displaced without an agreement." It concludes with a legal review about the rights of housing, land and property ownership in both domestic and international law.


2. Background and general context governing processes of mass displacement in Syria

In terms of mass forced displacement, the period from the summer of 2016 to mid-2018 was one of the harshest periods in the Syrian conflict, particularly when it comes to the crime of forced displacement. The conflict in Syria entered a new stage with the Russian intervention and violence escalated to unprecedented levels. The Syrian regime and its allies adopted a new strategy based on, according to international legal reports, tightening the sieges around areas that had already been besieged for years, starving their populations and depriving them of humanitarian aid. Extensive military campaigns were then carried out leaving inhabitants with only two options: surrender or death.⁽²⁾

The Syrian government and Russian forces presented these actions, which can amount to war crimes and/or crimes against humanity, during this time to the world as "local reconciliation agreements."⁽³⁾ They

(2) PAX, "Out of Sight, Out of Mind: The Aftermath of Syria's Sieges," March 2019, Page 18. Available at: <https://siege-watch.org/wp-content/uploads/2015/10/pax-siege-watch-final-report.pdf>

(3) Middle East Directions "Reconciliation Agreements in Syria- Aborted peace since the beginning" June 2017. Available at: https://cadmus.eui.eu/bitstream/handle/1814/46864/RSCAS_MED_RR_2017_01.pdf?sequence=1&isAllowed=y



all went the same way; negotiations between the Syrian regime (and/or Russia⁽⁴⁾ and/or Iran⁽⁵⁾) and the opposition factions led to the entry of the regime's forces and its allies into the opposition-controlled regions, and the deportation of those who refused the agreements, civilians and military personnel alike, on buses, to Idlib in the northwest of Syria. The evacuation of Darayya, which began on 26 and 27 August 2016, was followed by tens of similar operations, most important of which were in eastern Aleppo, eastern Ghouta, el-Waer neighborhood in Homs, neighborhoods of south Damascus, and Daraa governorate in July 2018. The green buses have become a symbol of expropriating properties, defeat, and forced displacement of civilians.⁽⁶⁾

The Syrian regime had been laying the groundwork for this result for a long time. On the 15th of May, 2011, i.e. two months after the eruption of the Syrian revolution, thousands of the residents of Talkalakh - a Syrian city between Homs and Tartus - were displaced. Residents crossed the borders to Lebanon, fleeing from the military operation of the regime.⁽⁷⁾ The first siege of the city of Daraa began in mid-April 2011, just one month after the regime had failed to suppress the peaceful protests in the city. The army surrounded the city completely and isolated it for 11 days through the use of arbitrary violence and deprivation of basic resources and commodities⁽⁸⁾.

Post mid-2012, the regime adopted long-term siege as a systematic policy⁽⁹⁾ to isolate and punish revolting regions. To that end, the regime deployed military units and checkpoints at the entrances and exits of cities and villages. By mid-2013, the localities in Eastern Ghouta, large parts of Western Ghouta in Rural Damascus, Homs' northern countryside, and the old city of Homs were completely besieged and isolated from the outside world.⁽¹⁰⁾ Since that time, the regime's policy of imposing suffocating siege on opposition-controlled regions became popularly known as the policy of "Surrender or Starve," - a term that has been widely used since then by Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien, in his address to the Security Council in May 2017⁽¹¹⁾ and in many human

(4) Chatham House, "Russia's Brittle Strategic Pillars in Syria," December 2017. Available at: <https://syria.chathamhouse.org/research/russias-brittle-strategic-pillars-in-syria>

(5) Atlantic Council, "The Regime's Reconciliation Deals and Iran's Expansionism," August 2017. Available at: <https://www.atlanticcouncil.org/blogs/syriasource/the-regime-s-reconciliation-deals-and-iran-s-expansionism/>

(6) Amnesty International, "We Leave or We Die' - Forced Displacement under Syria's 'Reconciliation' Agreements," November 2017, Page 6. Available at: <https://www.amnesty.org/download/Documents/MDE2473092017ENGLISH.pdf>

(7) Al-Jazeera, "Syrians Flee to Lebanon," 18 May 2011. Available at: <https://www.aljazeera.com/video/middleeast/2011/05/2011518163514738503.html>

(8) Human Rights Watch, Syria, Siege should be lifted in Daraa. 5 May 2011 Available at: <https://www.hrw.org/news/2011/05/05/syria-lift-siege-daraa>

(9) OHCHR, "Sieges as Weapon of War: Encircle, Starve, Surrender, Evacuate," May 2018, page 4. Available at: https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/PolicyPaperSieges_29May2018.pdf

(10) PAX, "Out of Sight, Out of Mind," Page 15

(11) UN Office for the Coordination of Humanitarian Affairs, Syria: Astana produced a promising step. This agreement simply has to succeed, May 2017, <https://www.unocha.org/story/syria-astana-produced-promising-step-agreement-simply-has-succeed-un-humanitarian-chief>

rights reports⁽¹²⁾ to denote besieging opposition regions militarily, economically, and socially, as well as depriving their populations from access to food and medicine.

In February 2014, the first “reconciliation” agreement was concluded in the old city of Homs after a siege that lasted for two years. The agreement was sponsored by the Syrian Reconciliation Ministry and the United Nations. It concluded with the evacuation of all the population of the city and moving them to northern Syria.⁽¹³⁾ This agreement was an early introductory example of the forced displacement that would be implemented on a wide scale in about two years thereafter, in one region after another, following the same three-step progression: harsh siege, then military operation, then a “reconciliation agreement”.

Despite the geographical variations and the differences in scale, timing, and local and international circumstances, the events in these stories of forced displacement are largely similar. There are three key elements present in the majority of stories of forced displacement documented by this study:

a- Siege: The victims endured the hardship of siege in varying degrees and durations before the displacement operations began. Sieges generally started between 2012 and 2013 and continued on varying levels from one besieged region to another. In some areas a “reconciliation agreement”, or more than one, was reached to alleviate the conditions of the siege until a final reconciliation agreement was concluded. For example, the number of besieged people in Syria dropped from the beginning to the end of the focus period of this research; from 1,100,000 in 2016 to zero in 2018.⁽¹⁴⁾

b- Military operation: The victims were given a short period of time - as shown in the first chapter - to abandon their properties and leave, often after a ground military operation and/or violent waves of air strikes targeting their regions, in which internationally prohibited chemical weapons were used at least once.⁽¹⁵⁾ Most of the displaced people endured violent military battles in their last days in their hometowns, and the UN Security Council failed several times to intervene and stop the humanitarian crises resulting from the military operations waged by the regime and its allies.⁽¹⁶⁾ Other regions endured limited military operations before concluding reconciliation agreements, while others avoided military actions by signing a

(12) UN Office for the Coordination of Humanitarian Affairs, Syria: Astana produced a promising step. This agreement simply has to succeed, May 2017, Available at: <https://www.unocha.org/story/syria-astana-produced-promising-step-agreement-simply-has-succeed-un-humanitarian-chief>

(13) UN News Centre, “Syria: First Civilians Evacuated from Homs after Nearly Two-year of Siege,” 7 February 2014. Available at: www.un.org/apps/news/story.asp?NewsID=47105#.Wdn-7FuCzIU

(14) PAX, “Out of Sight, Out of Mind,” Page 12

(15) An example of this is the use of toxic chemical weapons in Duma city. See: OPCW, “Report of the Fact-Finding Mission Regarding the Incident of Alleged Use of Toxic Chemicals as a Weapon in Duma, Syrian Arab Republic, on 7 April 2018, Available at: <https://www.opcw.org/sites/default/files/documents/2019/03/s-1731-2019%28e%29.pdf>

(16) For example, during the military operation that preceded the displacement in Aleppo’s eastern neighborhoods, Russia, in October 2016 vetoed a French proposal to cease all bombing operations in Aleppo. Two months later, Russia and china vetoed a resolution demanding all conflicting parties in Aleppo to abide by a truce of 7 days



reconciliation agreement before any military action was taken against them.

c- Reconciliation agreement: the victims of mass displacement in our research sample were evacuated from their habitual hometowns after “reconciliation agreements” were concluded between the opposition forces and the Syrian government, with the occasional participation of Russia and Iran. These agreements enabled the regime’s forces to enter the besieged areas, allowing those who wished to settle with the regime to remain, and forcing those who refused to move to northern Syria on buses.

3. Stories of forced displacement relevant to the research ⁽¹⁷⁾

The stories of forced displacement relevant to this research began in Western Ghouta, namely in Darayya, the first city whose population were forcibly deported to northern Syria in 2016. Darayya was targeted by a heavy violent ground military operation and air strikes which ramped up to a rate of 40 barrel bombs per day. Those attacks prompted Stephen O’Brien, the UN Assistant Secretary-General for Humanitarian Affairs, to name Darayya the “Syrian Capital of Explosive Barrels.”⁽¹⁸⁾ In August of 2016, only 4000 people of its original population remained who were forced to accept the reconciliation agreement imposed upon them by Syrian regime as their only chance of survival after they agreed to leave the city and it was completely evacuated.

Two weeks after the evacuation was completed, Bashar Al Assad toured the empty city. Answering a question from a correspondent from the Syrian Arab News Agency SANA about the “rumors” of demographic changes in Darayya, Assad said: “Practically, Syria is like any diverse country, its demographics change through generations in response to the changes in the economic interests of the population, the current societal landscape, and the political circumstances. Therefore, we can’t speak of small cities or big cities. Of course, I don’t mean the countryside, villages have different conditions. Cities always have demographic diversity, especially Darayya. Cities that are close to big cities like Damascus or Aleppo always have demographic diversity. They cannot be of one color or one form.” ⁽¹⁹⁾

In that same year, the number of displaced persons on buses to northern Syria reached 50,000 people. The progression of events in Darayya was repeated in al-Moadamyeh, Qudssaya, al-Hameh, Khan Alsheh, and al-Tal, all are cities and towns in Rural Damascus, from where 7,000 persons were deported to northern Syria. The Syrian regime and its allies concluded 2016 with a wide-ranging military campaign which ended

(17) Numbers of displaced and dates of displacement were taken from the regular reports of PAX Siege Watch project during the siege. Available at: <https://siegewatch.org>

(18) OCHA, “ERC O’Brien’s statement to the Security Council on the humanitarian situation in Syria,” January 26, 2017. Available at: <https://www.unocha.org/es/story/syria-we-continue-be-blocked-every-turn-un-humanitarian-chief>

(19) SANA Bashar al-Assad: Demographic changes occur through generations: Available (in Arabic) at: <https://www.youtube.com/watch?v=9q512BiEuPQ>

by besieging and displacing 45,000 people from the eastern neighborhoods of the city of Aleppo.

The year 2017 was not better; more than 30,000 people were forcibly displaced to northern Syria. The Syrian regime began the month of January 2017 by displacing around 2,100 persons from Wadi Barada - a town in Rural Damascus. From March to May 20,000 persons were forcibly displaced from el-Waer neighborhood in Homs. The regime then exchanged 3,700 persons, displaced from Madaya and Al Zabadani, in return for evacuating the cities of Kafarya and al-Fuah that had been besieged by the opposition forces in Idlib, in the deal known as the “Agreement of the Four Cities” which was also sponsored by Iran⁽²⁰⁾. In May 2017, around 5,600 persons were displaced from the Qaboun and Barzeh neighborhoods in Damascus. At the end of 2017 several hundred people from Beit Jinn in Rural Damascus were also displaced.


The year 2018 was the worst year yet. More than 120,000 people were displaced, the majority of whom were from Eastern Ghouta, in addition to the neighborhoods of southern Damascus (al-Kadam, Yalda, Babeela, Beit Sahm, al-Yarmouk Camp, and al-Hajar al-Aswad) and the northern countryside of Homs (Ar-Rastan and Talbiseh).

The year ended with the displacement of over 10,000 persons from Daraa and al-Qunaitra. The circumstances of the displacement that occurred in the two aforementioned examples are different from all the previously mentioned examples in that Daraa and Al Qunaitra are on the Syrian border, meaning the regime was unable to besiege them and humanitarian aid continued to reach the two cities via the border without the approval of the Syrian regime (in accordance with UN Security Council resolutions.)⁽²¹⁾

The research sample of displaced people in this study includes people from all the regions mentioned above (except Daraa and al-Qunaitra), but for the purposes of this research TDA focused on nine main regions shown in the following table:

(20) France 24 “Thousands of Syrians evacuated under Qatar-Iran deal”, 14 April 2017. Available at: <https://www.france24.com/en/20170414-syria-four-towns-begin-evacuating-30000-qatar-iran-deal-madaya-zabadani>

(21) UN resolution 2165, 14 July, 2014. UN resolution 2393, 17 December 2017



Region	Governorate	End of forcible displacement	Approximate number of displaced persons	Number within the research sample
Darayya	Rural Damascus	28/08/2016	4.000	144
Irbid	Rural Damascus	01/04/2018	41.000 including the central sector of Eastern Ghouta	1074
Duma	Rural Damascus	15/04/2018	20.000	2520
Harasta	Rural Damascus	24/03/2018	5250	503
Jobar	Damascus	23/03/2018	41.000 including the central sector of Eastern Ghouta	113
Qaboun	Damascus	30/05/2017	5.600 Including Barzeh	220
al-Zabadani	Rural Damascus	20/07/2018	4.000 Including Madaya	214
el-Waer	Homs	21/05/2017	20.000	438
East Aleppo	Aleppo	23/12/2016	45.000	1995

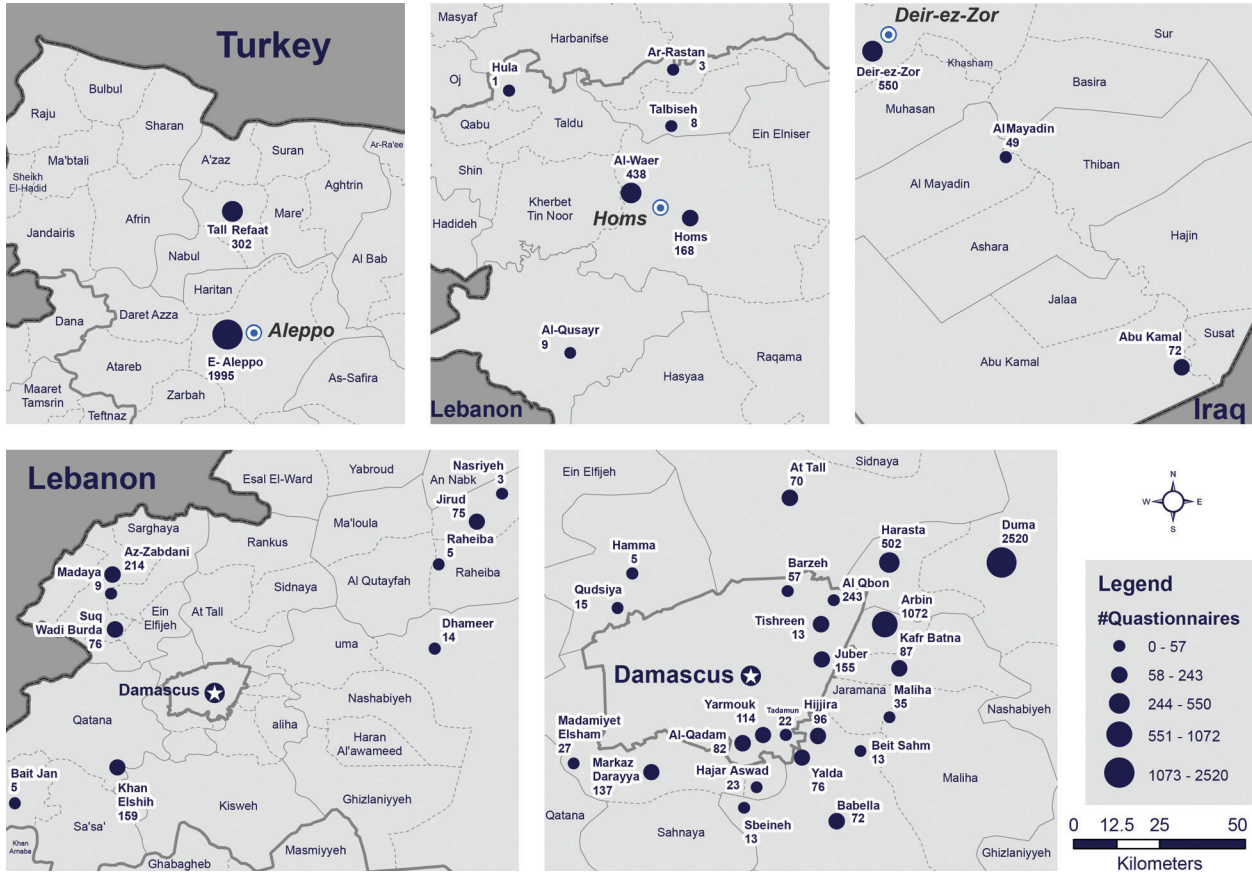
4. The sample and the methodology

During the period from 22 December 2018 to 31 March 2019 “The Day After” organization conducted a survey to document the crimes committed against the victims of forced displacement and their properties. One of the main aims of this survey is to monitor the displaced people’s current humanitarian and economic situation and to get to know their views about the operation of forced displacement and its details.

Trained field researchers from the organization surveyed a sample of 10,189 persons, from the governorates of Damascus, Rural Damascus, Aleppo, Homs and Deir ez-Zur. The interviews were made face to face in the opposition-held areas in the north of the country, including the Governorate of Idlib and regions from the countryside of Hama and Latakia, in addition to 307 interviews conducted in Turkey.

For the purposes of this research, the main sample was limited to 7966 persons who left their regions collectively in accordance with reconciliation agreements concluded between 2016 and 2018. 2223 persons were excluded because they did not meet the aforementioned criteria and left their regions without a reconciliation agreement. They were treated as a comparative sample (sample of the displaced without an agreement). The main sample was used in the first and second chapters, and both samples were used in the third chapter.

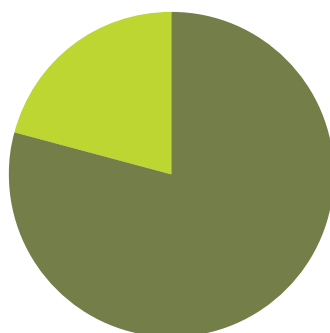
The data-collection process faced several challenges and difficulties, the most important of which is the reluctance of some authorities to give permission to conduct the survey, which, in some stages, resulted in slowing down the data-collection process.



(Map of the distribution of persons in their habitual regions)

The distribution of the sample based on current areas of residence	
Turkish lands	3.0%
Aleppo Northern and Eastern Countryside	41.7%
Al-Bab	22.9%
Jarabulus	5.3%
Afrin	49.0%
Camps	4.4%
Azaz	18.5%
Governorate of Idlib	55.3%
as-Suqaylabiyah	0.2%
Mount Simeon	31.2%
Jisr al-Shughur	0.1%
Haram	25.3%
Salamiyah	0.0%
Muhradah	0.0%
Camps	0.7%
Maarat al-Numan	8.0%
Manbij	0.1%
Idlib	24.4%
Hama	1.1%
Arihah	8.8%
Other regions	5.4%

Present housing according to regions of control



79.3% Male 20.7% Female

(Distribution of the sample according to gender)

THE FIRST CHAPTER

When Survival Choices Vanish; Coercive Elements of the “Reconciliation Agreements”

This chapter deals with the motives which prompted the displaced people to leave their habitual homes, the reasons and worries behind their decision to leave, and the authorities who are believed to be responsible for their displacement and for depriving them of their homes, properties and societies. It also discusses the role of the displaced in the reconciliation agreements which preceded the operation of displacement, and documents the details and conditions of their journey to the north of Syria, the instructions they had received, and the documents they had signed before deportation. This chapter then makes a legal review of the crime of forced displacement in international law, and concludes with a simplified legal analysis of the responses of the research sample and the main conclusions that can be drawn from these answers.



Why was staying not an option?

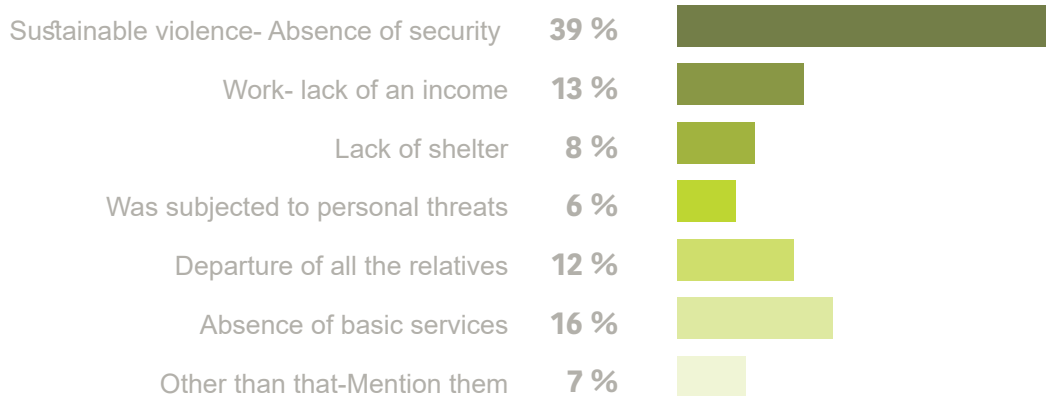
In this section, the research focuses on reviewing IDPs’ narratives of the reasons which prompted them to leave their habitual homes, and what they expected to happen had they taken a different decision, like staying in the regions controlled by the regime. The research also reviews opinions of victims about displacement, and whether they believe that it was a random operation or that it targeted certain groups of persons, and finally who bears the responsibility for this operation.



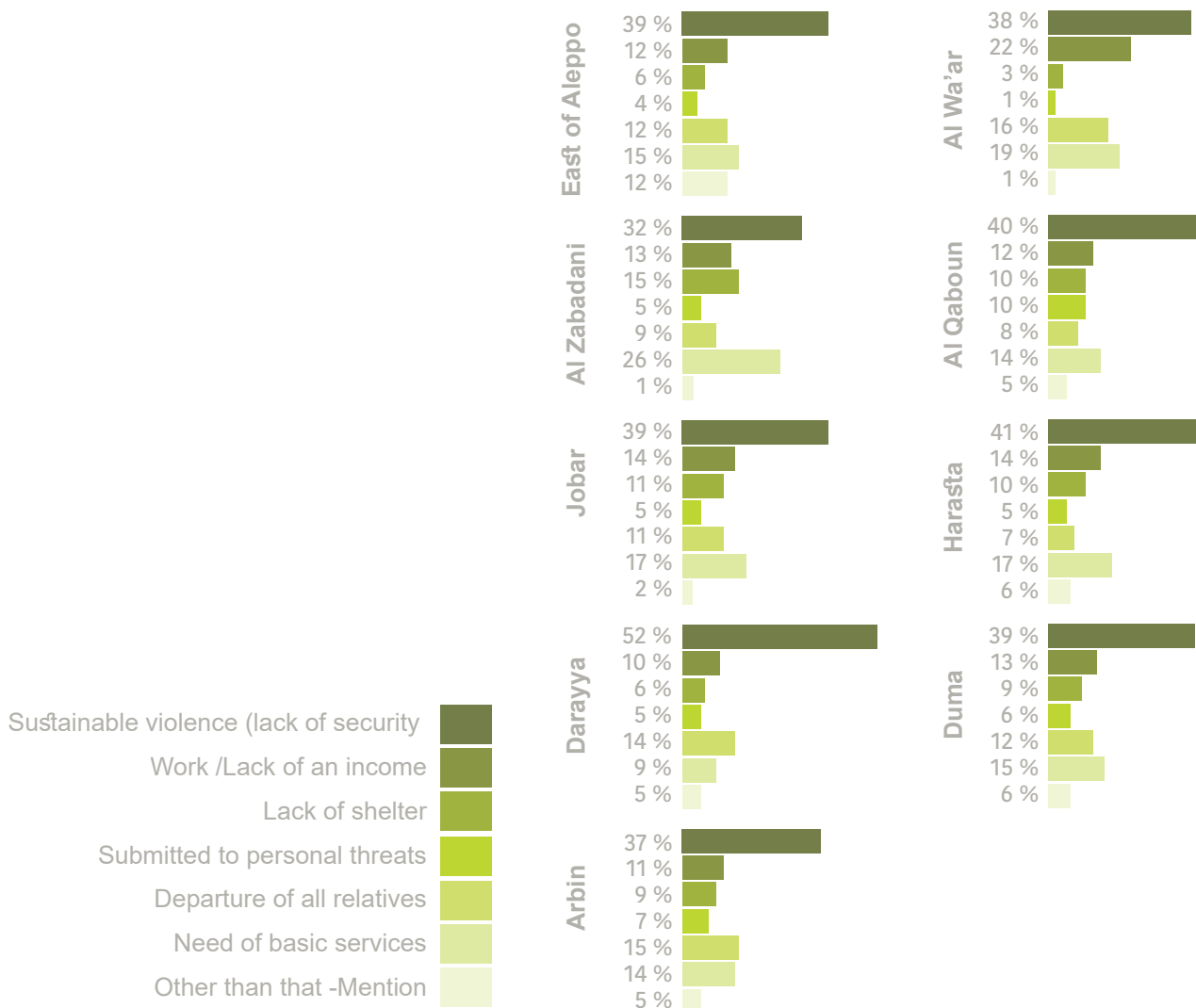
What prompted you to decide to leave?

When displaced people were asked about the main reason that forced them to leave their habitual homes, security threats and violence were one of the main reasons behind them taking the decision of leaving. However, this reason represents only 39% of the responses, to which the 6% category of those who said they were personally threatened can be added, to bring the total number of displaced persons who decided to leave for security reasons to 45%.

- Living conditions were not a less important factor; 37% of the displaced linked their departure to living conditions: 16% to the absence of basic services, 13% to the need for an income, and 8% to lack of shelter.
- In contrast, 13% said “departure of all their relatives” was the main reason for their departure. The relatively high percentage of this category could be attributed to the collective nature of the displacement that the communities in our research sample underwent.
- Similarities can be noted in various geographical locations. For instance, concerns about security and living conditions were nearly the same with a relative leaning towards citing security concerns more. In al-Zabadani, concerns about harsh living conditions preceded by 54% against 37% of security concerns.



Chapter 1-Figure (1) The reason behind the decision to leave

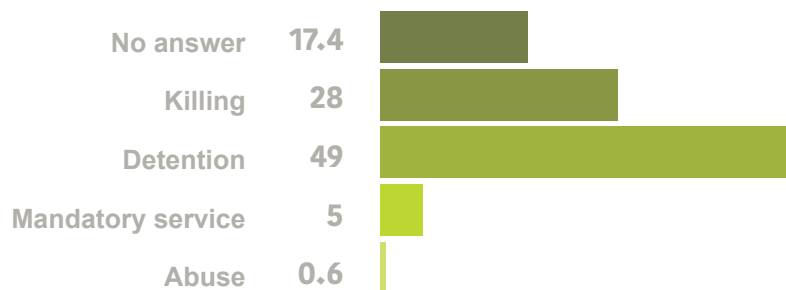


Chapter 1- Figure (2) The reason of departure in details



What would have happened to you in case you did not leave?

We asked the displaced an open question (without prior choices) about their expectations as to what would have happened to them had they remained in their original hometowns. Responses show that the choice of remaining in their regions after accepting the reconciliation agreement was not possible because of the risks they would have faced. About half of the forcibly displaced (49%) believed that if they had remained, they would have been arbitrarily arrested. More than a quarter of them (28%) said they would have been killed, and (5%) said they would have been drafted for mandatory military service.



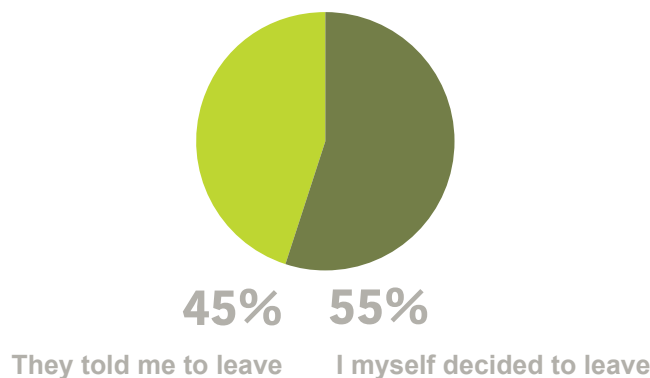
Chapter 1-(Figure 3) What would have happened to you had you not left?



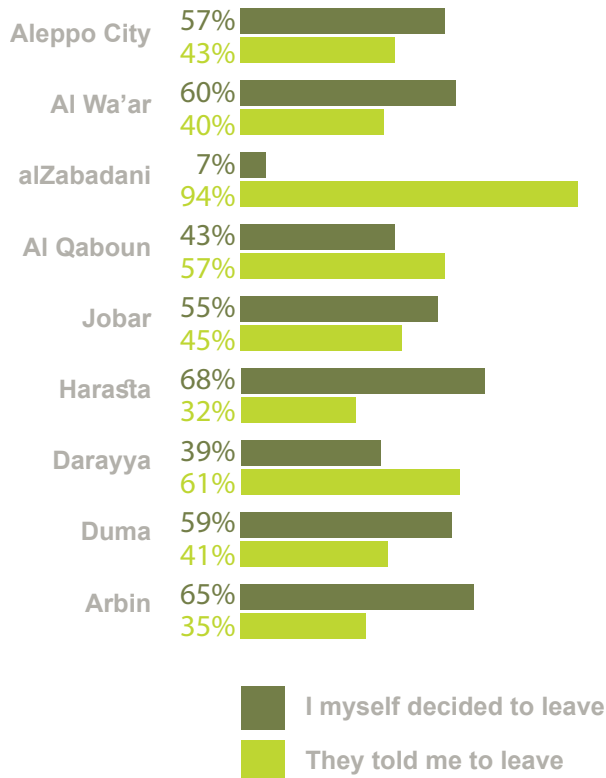
Did you, yourself, decide to leave or were you ordered to do that?

In spite of all that preceded, more than half of the displaced (55%) said their departure was a personal decision, and not because they were ordered to leave. The rest (45%) said the opposite, i.e. they left because somebody ordered them to leave.

Responses differed from one region to another. The vast majority (94%) in al-Zabadani, said they left because they were ordered to leave. The majority of respondents from Darayya (61%) and Qaboun (57%) said they were also told to leave.



Chapter 1 - Figure (4) Decision of departure



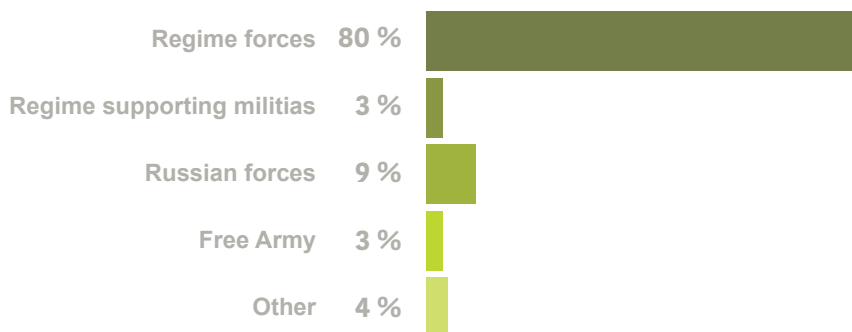
Chapter 1 – Figure (5) Decision of departure in details.



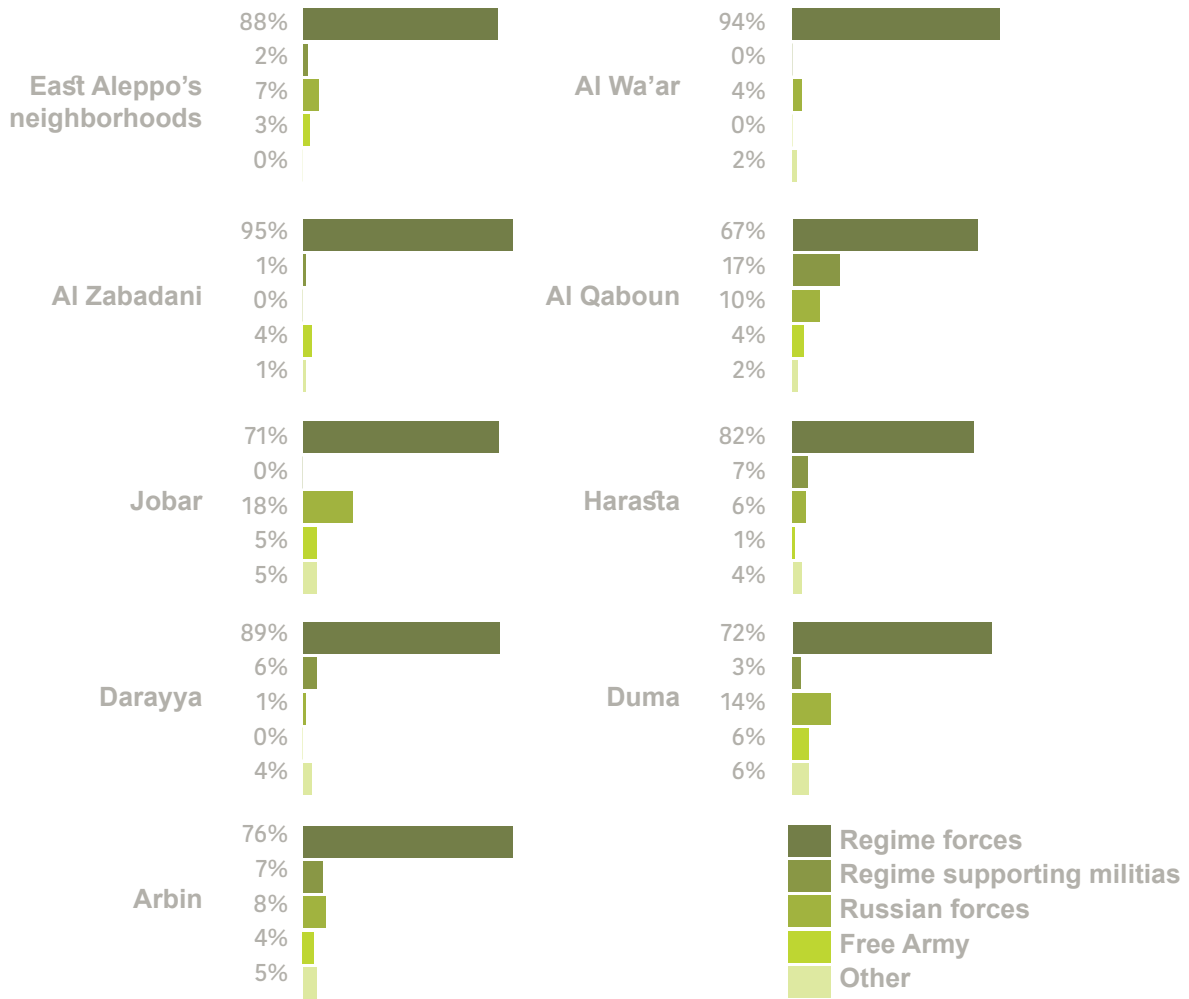
Who ordered you to leave?

Eighty percent (80%) of the displaced who said that they were ordered to leave said their displacement was result of a prior order by the Syrian regime, while only 9% said that the Russian forces ordered them to leave.

The percentage of those who laid the responsibility of displacing them on the Russian forces rises to (18%) in Jobar, and to (14%) in Duma, while (17%) of the respondents in Qaboun laid the responsibility on the regime's allied militias.



Chapter 1 Figure 6: Who ordered you to leave



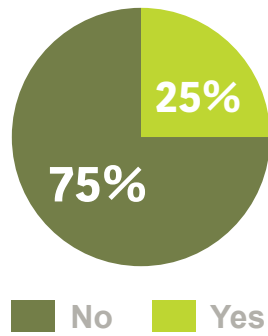
Chapter 1 Figure (7) Who ordered you to leave-In detail



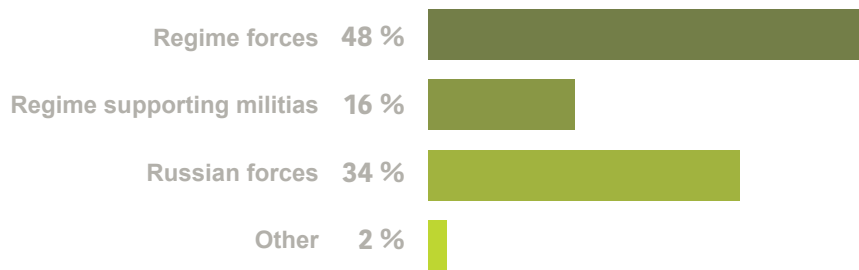
Did displacement target a specific group of the residents?

Three quarters (75%) of the displaced people said that the collective displacement was indiscriminate and did not target a specific group of the population, while one quarter, (25%) of the respondents believed the opposite. The majority of those 25% said that displacement targeted those who politically oppose the regime, civilians and military personnel alike.

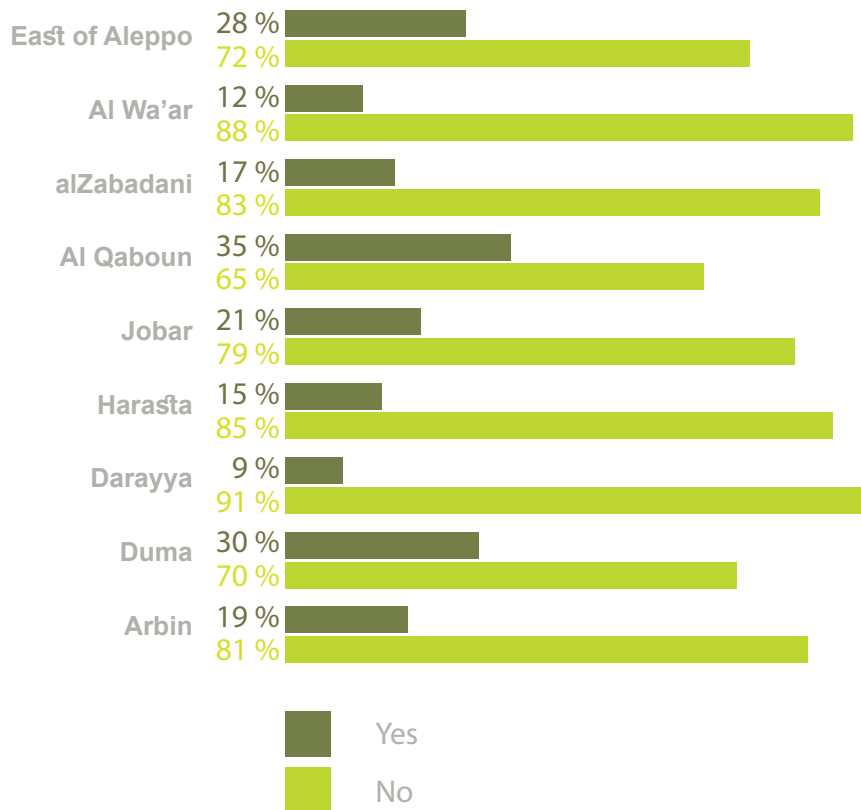
We asked the displaced people who believe that displacement targeted a certain group the following question: "Who obligated that group to leave?" 48% of them blamed the Syrian regime, 34% blamed Russia, and 18% blamed the militias supporting the regime.



Chapter 1 Figure 8: Did displacement target a definite group of the residents?



Chapter 1- Figure (9) Who forced the displacement?



Chapter 1- Figure (10): Did displacement target a definite group of the residents? In details



The role played by displaced people in negotiations and “reconciliation” agreements

This section discusses the role of the displaced in the negotiations that led to the reconciliation agreements in their habitual regions. These agreements in all the examples of our study included provisions related to the entrance of the regime forces to the region, reopening government institutions, and transferring those who refuse the agreement to northern Syria.

As a result of these agreements, one of the following three scenarios took place:

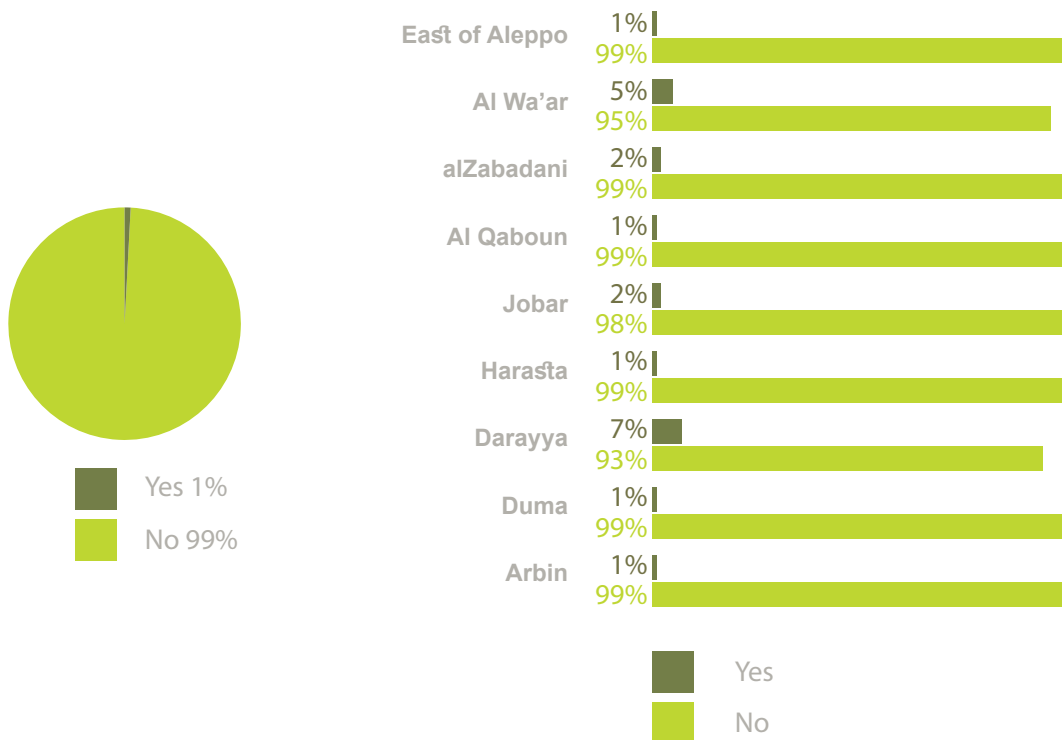
1. The entire region was evacuated of all its population: which is what happened in Darayya, al-Kadam neighborhood, al-Hajar al-Aswad, and the Yarmouk Camp.
2. The entire region was evacuated of most of its population: which is what happened in “East Aleppo” “Wadi Barada”, “Madaya”, “al-Zabadani”, “Barzeh” and “Qaboun”
3. The region was partially evacuated as some of its population left and some remained: which is what happened in “al-Hameh”, “Qudssaya”, “al-Moadamyeh”, “al-Tal”, “el-Waer”, “Beit Jinn”, “Duma” and some regions in Eastern Ghouta, “Yalda”, “Babeela” and “Beit Sahn”, in addition to the northern countryside of Homs, (“ar-Rastan” and “Talbish”).



Did you participate in selecting the negotiators in your region before displacement?

The majority of displaced people did not play any role in the reconciliation agreements implemented by the military factions with the Syrian regime and its allies. 99% of them said they had no role in selecting members of the negotiating committees that negotiated on their behalf before displacement. Only 1% said they had a role in selecting them.

There were no clear differences between one displaced region and another, but we especially noticed the high percentage of the displaced who said they had a role in selecting the negotiating committees, 5% in el-Waer and 7% in Darayya.



Chapter 1- Figure (11) -Did you participate in selecting the negotiators in your region?

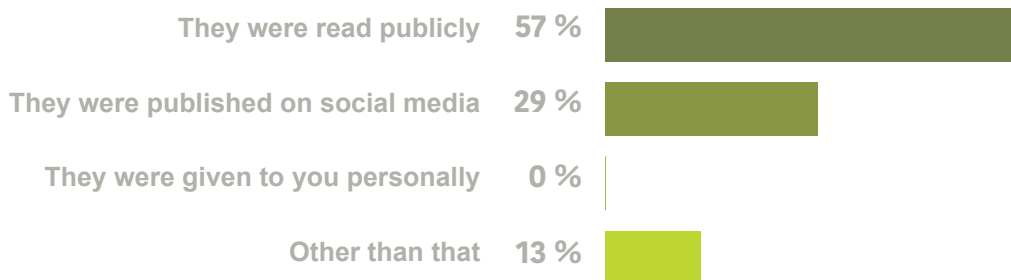


How did you know of the provisions of the agreement?

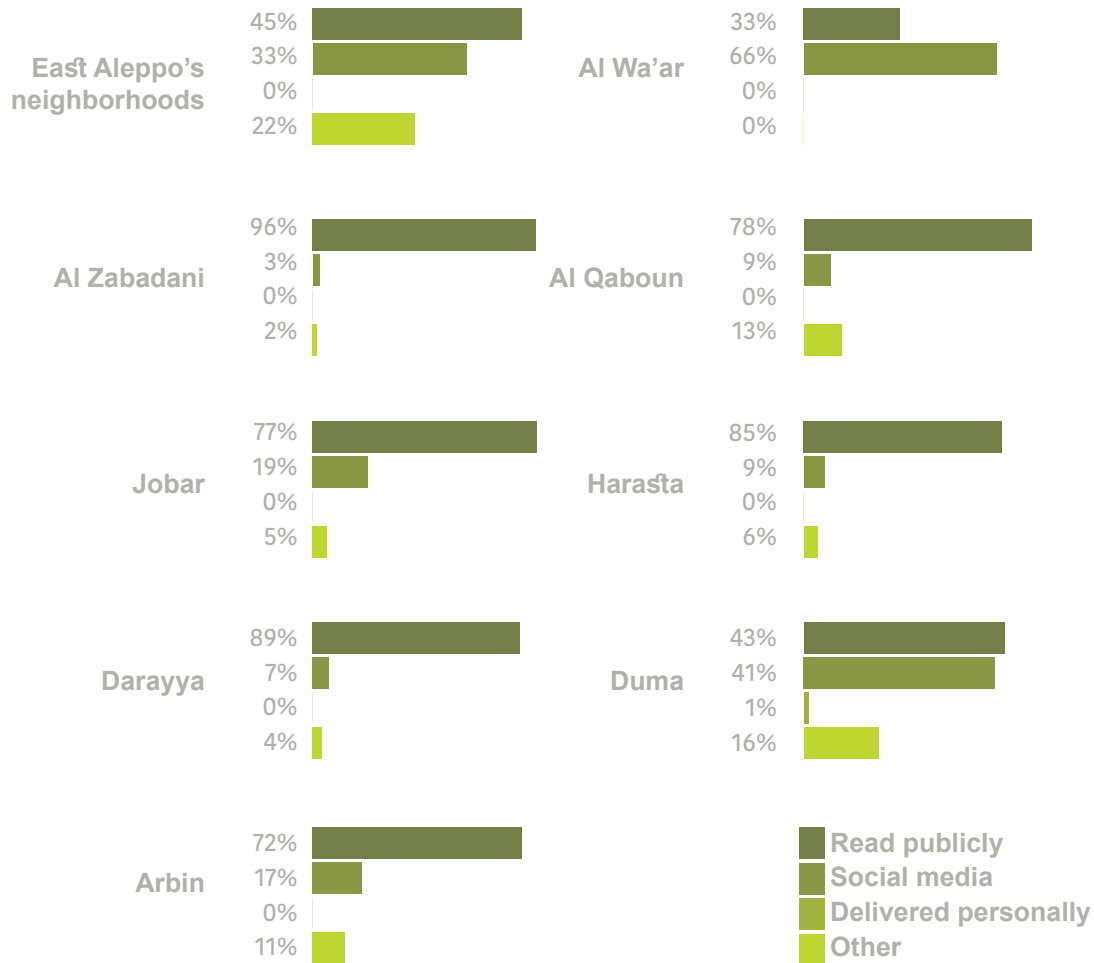
Most of the displaced persons (57%) knew of the agreement and its provisions after it was read publicly through loudspeakers in the mosques, or other means. 29% of the displaced people knew of them through the social media platforms.

We can notice a high percentage of those who knew the agreement when it was read publicly in al-Zabadani (96%), Darayya (89%), and Qaboun (78%). These are relatively small communities of few thousands compared with larger communities.

In contrast, the percentage of those who knew of the provisions of the agreements from social media is high in el-Waer (66%), making them the majority; it is also a high percentage in Duma, (41%).



Chapter 1 -Figure (12) How did you know of the provisions of the agreement?



Chapter 1- Figure (13) How did you know of the provisions of the agreement? In details



How many days were you given to leave?

The number of days given to the displaced people to leave differed from one region to another. The majority of 82% of the displaced people said they were given one week or less (less than 8 days). One third of them, 33%, said they were given less than three days to leave. Generally, the percentages differed largely between regions depending on how the displacement itself took place.

- 79% from East Aleppo were given one week or less to leave.
- 44% from el-Waer were given 60 days, 38% were given three months, and 9% were given one month.
- 90% from al-Zabadani, were given just one day to leave.
- 65% from Qaboun were given less than 3 days, and 17% were given no more than one day.
- 69% from Jobar were given one week or less, 20% of them three days or less.
- 69% from Harasta were given two days or less to leave, and 16% were given three days.

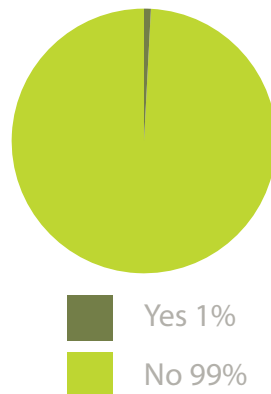
- 50%, Half of Darayya's displaced were given one day, and 87% were given three days or less.
- 82% from Duma were given one week or less, 24 of them were given less than three days.
- 84% from Irbin were given one week or less to leave, 21% of them were given three days or less.



Were you asked to sign any document?

Not all reconciliation agreements issued official documents. The majority of 99% of the displaced people were not asked to present any documents during their displacement. Only 79 displaced persons (from 7650) said they signed documents. Most of them, (75) persons, were displaced from the governorates of Damascus and Rural Damascus; particularly Duma, (44) persons, and Irbin, (13) persons, and south Damascus neighborhoods (8) persons. In the meantime, no one from Aleppo said they had signed any document.

The majority of the respondents from Rural Damascus, whether from Eastern or Western Ghouta, described the documents they signed in a similar way; they were asked to sign a document which contained only tables to be filled with the names and signatures of the family members and the document had no other specific provisions or texts.



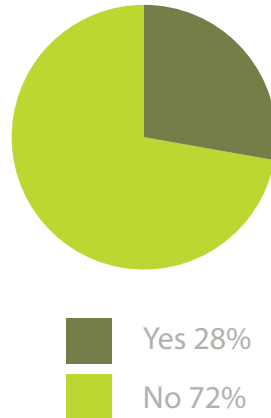
Chapter 1- Figure (14) Were you asked to sign any document?



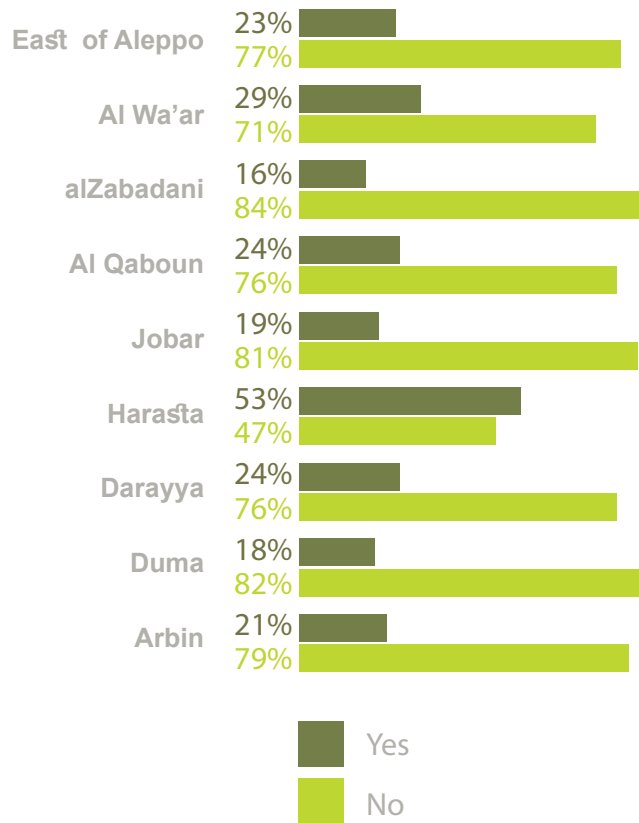
Did you receive any instructions before your departure?

About three quarters (72%) of the displaced said they did not receive any instructions before leaving their habitual homes from any authority, while (28%) of them said that they have received instructions. There were no differences of percentages between the governorates from where people were displaced.

Percentages of the displaced who said they had received instructions related to their departure differed from a region to another, for example the percentage was only 16% in al-Zabadani, and 18% in Duma and 53% in Harasta.



Chapter 1-Figure (15) Did you receive any instructions before departure?



Chapter 1-Figure (16) Did you receive any instructions before departure?

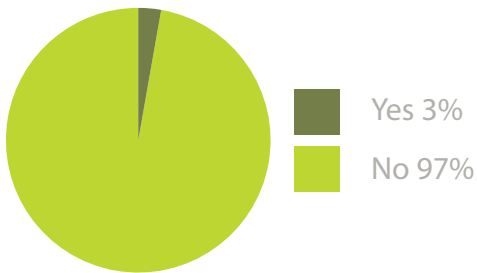


What is the nature of the instructions you received?

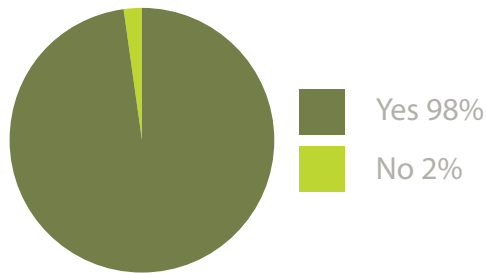
The displaced who received instructions related to their departure described them as following:

- 98% said they were oral instructions.
- 97% said they received no written instructions
- 99% said instructions were not given to them personally but to the whole community.
- 74% said the instructions did not refer to an alternative place to move to.

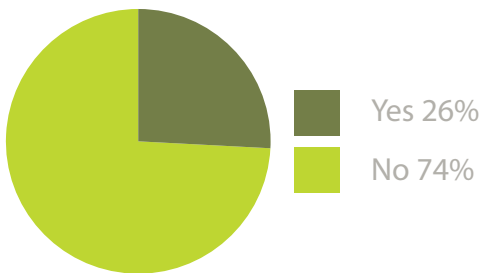
The majority said the instructions they had received focused on transporting belongings during displacement, (one suitcase, light necessary items, no weapons, etc.)



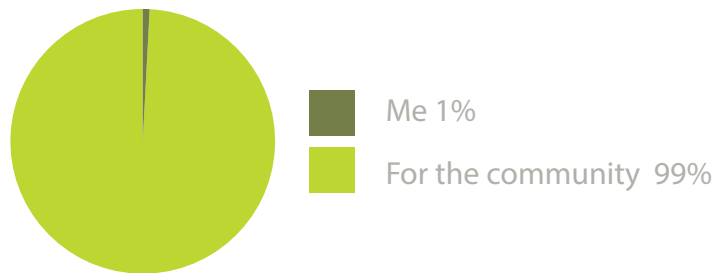
Chapter 1-Figure (17)
Did you receive written instructions?



Chapter 1- figure (18)
Did you receive oral instructions?



Chapter 1-Figure (19)
Did they give an alternative place to move to in the instructions you received?



Chapter 1- Figure (20)
Were the instructions given to you personally or to the community in general?



Crime of forced displacement in International Law

In this section we will present a legal analysis, to create a legal framework to the crime of forced displacement, and to explain the most important laws and precedents in the International Humanitarian law, International Criminal law, and International Human Rights Law.

1- Forced displacement in International Humanitarian Law

The fighting between the Syrian armed forces and the militias and states allied to the Syrian regime on one side, and the Free Syrian Army and the other groups of armed opposition on another, can be classified as a non-international armed conflict under International Law. This non-international armed conflict is governed by article 3 common to the four Geneva Conventions of 1949. Syria is not a State party to the Protocol Additional (II) to the Geneva Conventions, and Relating to the Protection of Victims of Non-International Armed Conflicts of 1977, but many scholars argue that most of this protocol is considered to be customary international law.⁽²²⁾ Customary International Law is considered as one of the sources of the International law by (article 38) of the statute of the International Court of Justice (ICJ), and thus customary international law is binding to all parties to the conflict regardless of whether they have signed a certain international treaty or not.⁽²³⁾

International humanitarian law expressly prohibits parties to a non-international armed conflict (such as the Syrian conflict) ordering the transfer of civilians unless it is for their own security or for “compelling military reasons”.

Article 17 (1) of Protocol Additional (II) to the Geneva Conventions states that:

1. The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.

(22) Daniel Bethlehem, “The Methodological Framework of the Study” in Elizabeth Wilmshurst and Susan Breau (eds), *Perspectives on the ICRC Study on Customary International Humanitarian Law* (Cambridge University Press, 2007) 3, Page 9

(23) The international committee of Red Cross database is considered one of the most important databases for International Customary Humanitarian International Law. See *Customary International Humanitarian Law*. Available at: <https://www.icrc.org/en/doc/assets/files/other/customary-international-humanitarian-law-i-icrc-eng.pdf>



2. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.”⁽²⁴⁾

Syria did not sign Additional Protocol (II), but the prohibition of forced displacements in non-international armed conflicts is one of the rules of Customary International Law as was stated by the International Criminal Court of former Yugoslavia in the cases of Prosecutor v. Blagojević and Jokić & Prosecutor v. Krnojelac⁽²⁵⁾ and as the ICRC mentioned in its data base on customary IHL. Rule No. 129 of the study of the ICRC to the customary IHL states that the Guiding Principles on Internal Displacement prohibit the “arbitrary” displacement of persons, including displacement in situations of armed conflict, “unless the security of civilians involved or imperative military reasons so demand.”⁽²⁶⁾

Explanation of this rule by the ICRC says customary IHL also underlines the duty of parties in conflict to “prevent displacement caused by their own acts, at least those acts which are prohibited in and of themselves (e.g., terrorizing the civilian population or carrying out indiscriminate attacks).” This explanation quotes principle No. 5 from the Guiding Principles Related to Internal Displacement.⁽²⁷⁾ This means, for example, that any party to the conflict cannot target civilians or the civilian objects to push them out of their region. When people are forced out of their habitual towns out of fear of their losing their lives, the perpetrator cannot then argue that there was no crime of forced displacement just because they did not directly order the commission of said crime.

When displacement occurs, Rule 131 of the study of the ICRC database of Customary IHL states that: “all possible measures must be taken in order that the civilians concerned are received under satisfactory conditions of shelter, hygiene, health, safety and nutrition and that members of the same family are not separated.”⁽²⁸⁾

2- Forced displacement in International Criminal Law:

The crime of forced displacement is prohibited under International Criminal Law (ICL). ItICL is an international

(24) Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) of 1977. Available at: https://www.icrc.org/en/doc/assets/files/other/icrc_002_0321.pdf

(25) Prosecutor v Krnojelac (Judgement) IT-97-25-A (17 September 2003), [222] [Krnojelac Appeal]; Prosecutor v Blagojevic and Jokic (Judgement) IT-02-60-T (17 January 2005),

(26) International Committee of the Red Cross, IHL Database Customary IHL, Rule 129, page 400, Available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule129

(27) International Committee of the Red Cross, IHL Database Customary IHL, Rule 129, Available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule129

(28) International Committee of the Red Cross, IHL Database Customary IHL, Rule 131, , page 405, Available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule131

legal regime that intends to prohibit certain acts that are commonly viewed as the most serious crimes such as war crimes, crimes against humanity, and genocide. Syria is not a state party to the “Rome Statute” which called for establishing the International Criminal Court. In the absence of Syria’s ratification on this statute or acceptance of the jurisdiction of the court, the ICC has no jurisdiction over the crimes committed in Syria unless the UN Security Council refers the Syrian situation to the court. Although Syria did not ratify the Rome Statute of the ICC, the Statute was adopted by 123 states, rendering it a trusted source of Customary International Criminal Law.

There is no univocal definition of the crime of forced displacement. Forced displacement can amount to both a war crime and a crime against humanity. The definitions of forced displacement as a war crime and as a crime against humanity are slightly different.

As a war crime, forced displacement can be defined in Article 8(2) (e) (viii) of the Rome Statute as “a coercive act of displacement of the civilian population in the context of an armed conflict not justified by reasons of security of the civilian population or imperative military necessity”.⁽²⁹⁾

A- Elements of the War crimes of deporting civilians⁽³⁰⁾

- The perpetrator ordered the displacement of the civilian population.
- This order is not justified to provide security for the civilians concerned or for military necessity.
- The perpetrator is able to cause such displacement by issuing this order.
- The conduct took place in the context of and was associated with an armed conflict not of an international character.
- The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

As a crime against humanity, forced displacement is defined in article 7(1) (d) of the Rome Statute as “forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law”⁽³¹⁾

B-Elements of the crime against humanity of deportation or forcible transfer of population.⁽³²⁾

- The perpetrator deported or forcibly transferred⁽³³⁾, without grounds permitted under international law,

(29) Rome Statute art. 8(2)(e)(viii). Available at: http://legal.un.org/icc/statute/99_corr/cstatute.htm

(30) International Criminal Court, Elements of Crimes, p. 40, art. 8(2)(e)(viii) (2011). Available at: <https://www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf>

(31) Rome Statute art. 7(1)(d). Available at: http://legal.un.org/icc/statute/99_corr/cstatute.htm

(32) International Criminal Court, Elements of Crimes, p. 40, art. 8(2)(e)(viii) (2011). Available at: <https://www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf>

(33) ICC, Elements of Crimes, p.6, “The term “forcibly” is not restricted to physical force, but may include threat of force



one or more persons to another State or location, by expulsion or other coercive acts.

- Such person or persons were lawfully present in the area from which they were so deported or transferred.
- The perpetrator was aware of the factual circumstances that established the lawfulness of such presence. The conduct was committed as part of a widespread or systematic attack directed against a civilian population.
- The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population.

C-The difference between forced displacement as a war crime and as a crime against humanity.

One of the major differences between defining forced displacement as a war crime or as a crime against humanity, is that under the former category, prosecuting authorities need to show the existence of the required nexus with an armed conflict, while under the latter, deportation must be part of a widespread and systematic attack against a civilian population. In this case, there is no need to establish even the existence of an armed conflict. Apart from these contextual elements, essentially the same elements must be proven, regardless of the qualification as war crimes or crimes against humanity.⁽³⁴⁾ For displacement to amount to an international crime, it must be substantiated that the displacement was indeed “forced”, that it did not fall under the two exceptions permitted by international law, namely “military necessity” or “security of civilians”, and that the persons displaced were lawfully present in the area from which they were deported or transferred.

Prosecuting authorities may actually be able to charge the same conduct under both counts; as a war crime and a crime against humanity, without prejudice to the principle of double trial.⁽³⁵⁾ The case laws of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda support this conclusion, as they established that a perpetrator can indeed be convicted of both offences for the same event (forced displacement): the first accusation is that the act amounts to a war crime, and the second is because the same act also amounts to a crime against humanity, due to the distinctive elements contained in each category of crimes.⁽³⁶⁾

D- Clarification of the exceptions permitted under international law of “compelling military necessity” or “security of civilians”

or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or persons or another person, or by taking advantage of a coercive environment.»

(34) Guido Acquaviva (UNHCR), “Forced Displacement and International Crimes,” June 2011, Page 19. Available at: <http://www.unhcr.org/4e0344b344.pdf>

(35) Ibid.

(36) Ibid.

With regard to the two exceptions permitted by international law as a justification for the deportation of a civilian population from their original areas for “compelling military necessity” or “security of civilians”, it should be noted that the ICTY Trial Chamber in the Simić case illustrated that there are very limited cases that allow the displacement of civilians during non-international armed conflicts. “Given the problematic nature of forced displacement, resorting to such a measure would be legal only in the most severe circumstances, and only if it is, like this measure, a last resort,” the Trial Chamber said.⁽³⁷⁾ In order to activate the exception of military necessity, there must be compelling military necessity to justify the displacement of the population. The International Criminal Tribunal for the former Yugoslavia (ICTY) ruled in the Karadžić case that displacement could be allowed when “the presence of the population impedes military operations.”⁽³⁸⁾ It should be noted, however, that the motives behind using the exception of military necessity cannot be political.⁽³⁹⁾ For example, the International Criminal Tribunal for the Former Yugoslavia (ICTY) said in the Karadžić case: “It is illegal to use evacuation measures based on urgent military reasons as an excuse to remove the civilian population and seize territory to be controlled.”⁽⁴⁰⁾ International law prohibits the transfer of populations in order to exercise more effective control over a dissident ethnic group or territory.

With regard to the exception of “security of civilians”, the ICTY ruled in the Blagojević case that “the evacuation to ensure the security of the population is authorized when the area in which the population is at risk as a result of military operations or heavy bombardments.”⁽⁴¹⁾ The ICTY confirmed that in these cases, “the military commander is in fact obliged to evacuate the population.”⁽⁴²⁾ However, in the Karadžić case, the ICTY noted that “although forced displacement on humanitarian grounds can be justified in certain cases, a humanitarian crisis caused by the perpetrator’s illegal activity cannot be used to justify displacement.”⁽⁴³⁾ Finally, even in situations where temporary displacement is justified, international law requires that all possible measures be taken so that the civilian population can be accommodated under satisfactory conditions for shelter, hygiene, health, safety and nutrition, and the ICRC study on customary international humanitarian law emphasizes the need for not separating family members.⁽⁴⁴⁾ Finally, in the opinion of the ICTY in the Gotovina case, international law states that even in cases where civilians may be displaced, such displacement must be temporary and must be done in such a way as to ensure that

(37) Prosecutor v Milan Simić (Judgment) IT-95-9-T ICTY (17 October 2003) para.125.

(38) Blagojevic & Jokic, para. 598.

(39) ICRC, Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949 (Geneva, 1987), para. 4854.

(40) Karadžić, para.492.

(41) Blagojevic & Jokic, para. 598.

(42) Blagojevic & Jokic, para. 598.

(43) Karadzic, para.492

(44) ICRC, Customary International Humanitarian Law, rule 131 & 105. Also Prosecutor v. Jadranko Prlić, Case No. IT-04-74-T, Judgement (TC), 29 May 2013, para. 52. For a more detailed analysis of such requirements, see also the Guiding Principles on Internal Displacement, which reflect and restate the relevant international human rights and international humanitarian law principles relevant to displacement persons and their treatment.



displaced persons are returned to their homes as soon as circumstances allow it.⁽⁴⁵⁾

3- Forced displacement in International Human Rights Law (IHRL):

“Some of the provisions of the IHRL, which is generally the applicable law during peacetime, are still applicable in the Syrian situation. Even in times of armed conflicts, during which International Humanitarian Law becomes applicable, some of the provisions provided in IHRL remain applicable. In the cases of armed conflicts, it’s possible to suspend some of the rights granted by IHRL in certain circumstances, however, some rights are non-derogable such as freedom from torture and forced disappearance.

International Human Rights Law guarantees many rights that are considered safeguards against forced displacement. Although there is no clear prohibition against forced displacement in IHRL, it still provides for rights that guarantee protection from forced displacement, including the right to freedom of movement and choosing one’s place of residence⁽⁴⁶⁾, the right of respecting one’s home and privacy⁽⁴⁷⁾, the right to appropriate living conditions, including adequate food and housing⁽⁴⁸⁾, and the right to respecting one’s family life.⁽⁴⁹⁾

The challenge for international agencies, NGOs, and States, has been to identify the rights and guarantees dispersed in the rich body of international law that correspond to the particular needs and protection risks that arise during displacement.⁽⁵⁰⁾ For this reason, the Secretary-General’s Special Representative for the internally displaced people Francis. M. Deng, in April 1998, presented to the UN Commission on Human Rights, in its 54 session a report with an annex titled “Guiding Principles on Internal Displacement.” The Guiding Principles on Internal Displacement bring together in one document the main rules of international law, drawn from international human rights law and international humanitarian law that are relevant to protection in situations of internal displacement. The Guiding Principles set out the rights of IDPs and the

(45) ICTY, Prosecutor v. Gotovina et al., «Judgement», IT-06-90-T, 15 April 2001, para. 1740.

(46) Art. 25 of UDHR; Art. 11 of ICESCR; Art. 5(e)(iii) of ICERD; and Art. 14(2)(h) of CEDAW; and Art. 27 of CRC; and at the regional level, Art. 15 and 16 of the Protocol to the AfCHPR on the Rights of Women in Africa. See also General Comments of the Committee on Economic, Social and Cultural Rights No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions; and Principle 18 of the Guiding Principles on Internal Displacement.

(47) Art. 12 of UDHR; Art. 17 of ICCPR; Art. 8(16) CRC

(48) Art. 25 of UDHR; Art. 11 of ICESCR; Art. 5(e)(iii) of ICERD; and Art. 14(2)(h) of CEDAW; and Art. 27 of CRC. See also General Comments of the Committee on Economic, Social and Cultural Rights No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions; and Principle 18 of the Guiding Principles on Internal Displacement

(49) See Art. 16 of UDHR; Art. 10 of ICESCR; Arts. 17 and 23 of ICCPR, Arts. 16 and 18 of CRC and at the regional level, Art. 18 of AfCHPR; Art. 17 of AmCHR; Art. 38 of ArCHR; Art. 5 of the Cairo Declaration on Human Rights in Islam; Arts. 8 and 12 of ECHR; and Art. 16 of the revised ESC. See also Principle 17 of the Guiding Principles on Internal Displacement.

(50) UNHCR, Handbook for the Protection of Internally Displaced Persons, Available at: <https://www.unhcr.org/4c2355229.pdf>

responsibilities of States and other authorities towards them. The Guiding Principles are comprehensive and cover protection including displacement, protection during displacement, principles of humanitarian assistance, and issues relating to return, resettlement and reintegration. Although not-binding, these Guiding Principles are consistent with international human rights law, international humanitarian law, and international refugee law.⁽⁵¹⁾

Legal analysis

This section of the paper reviews answers to questions on the general context behind the displacement and deportation experienced by the people included in the sample of this research, and the manner in which they were displaced, then it draws the most important conclusions and data which these answers indicate. Here, emphasis will be placed on whether such displacement already has coercive characteristics, and clarifies whether the answers are consistent or incompatible with aspects of the crime of forcible displacement under international criminal law, described in the abovementioned legal section of the paper.


It should be noted that this research aims at documenting the conditions of displacement, its consequences and effects and context, and at providing a database of thousands of displaced persons who could be future witnesses to prove the crime of forced displacement before courts and local and international competent authorities that seek to achieve justice and compensation for victims and to establish transitional justice as an essential condition for peace and stability. Through this research, the largest of its kind, The Day After sought to reach a wide range of displaced persons, despite the considerable difficulties obstructing data collection and conducting interviews.

Firstly, why was remaining not an option?: The coercive features of the general context that led IDPs included in this research sample to leave the area

When asked about the main reason why they had to leave their country of origin, the total number of IDPs making their decision for security concerns was 45%. Living concerns were no less important than security concerns, as 37% of IDPs attributed the reason for leaving for living concerns: “lack of basic services” (16%), “lack of income” (13%) or “no shelter” (8%). Finally, about 13% considered “all relatives have left” as the main reason for leaving.

These answers reflect how complex the scene of displacement is, as the observer may expect security to be the main concern of people who experienced the regime and its allies’ military campaigns before displacement, but this is not consistent with the results of this survey. This is because the majority of areas of displacement were subjected to prolonged sieges, high prices and food shortages; therefore, living concerns were a prominent factor, and the reasons for leaving were not limited to fear of death under bombardment, but also fear of starvation under the difficult humanitarian situation created by these sieges and the starvation policies adopted.

(51) Ibid, Page 21.



It should be noted that the creation of a serious humanitarian crisis aimed at displacing the civilian population from an area falls within the scope of the crime of forced displacement. While the use of blockade as a method of war is not expressly prohibited by the rules of international humanitarian law⁽⁵²⁾, the rules of international humanitarian law restrict the use of military blockade by imposing severe restrictions on them, most importantly: the prohibition of intimidating the civilian population⁽⁵³⁾, the prohibition of collective punishment⁽⁵⁴⁾, and the use of civilians as human shields.⁽⁵⁵⁾ The most obvious is the ban on starving civilians.⁽⁵⁶⁾ There is also the question of whether rules of conduct of hostilities and the principle of proportionality in particular serve as an additional means of restricting the use of military blockades⁽⁵⁷⁾. It should also be borne in mind that humanitarian law orders parties to a conflict to allow and facilitate the rapid and unimpeded passage of humanitarian relief to civilians in need.⁽⁵⁸⁾

Based on the judgment of ICTY in the Karadzic case, which stated that “although forced displacement on humanitarian grounds can be justified in certain cases, a humanitarian crisis caused by the perpetrator’s illegal activity cannot be used to justify the displacement”⁽⁵⁹⁾, we can conclude that the humanitarian crisis caused by the Syrian regime cannot be used to justify the displacement of thousands of civilians from their regions, but we can also argue that this humanitarian crisis helped create the coercive environment that led to the displacement of people included in the sample.⁽⁶⁰⁾

On the question of “What would happen to you if you did not leave?” the answers to the questionnaire indicated the forced nature of the displacement process and the practical lack of options for the displaced. The other theoretical option that most IDPs had was to remain in their areas that were not fully evacuated after the reconciliation agreement, or to move to other areas under the control of the Syrian regime and its allies that were completely evacuated. In practice, these options posed a direct threat to the lives and safety of the displaced, they believe. This is because the option of remaining in their area of origin or another area under the regime’s control would have resulted in either their arbitrary arrest,⁽⁶¹⁾ the risk of

(52) Humanitarian law & Policy – Gloria Gaggioli - Joint Blog Series: Are sieges prohibited under contemporary IHL? <https://blogs.icrc.org/law-and-policy/2019/02/05/joint-blog-series-are-sieges-prohibited-under-contemporary-ihl/>

(53) Article 51(2) of Additional Protocol I; Article 13 (2) of Additional Protocol II; and the study of customary international humanitarian law, rule 2.

(54) Article 75 of Additional Protocol I; Article 4 of Additional Protocol II; Customary International Humanitarian Law, rule 103.

(55) Article 51 (5) of Additional Protocol I; Customary International Humanitarian Law, rule 97.

(56) Article 54 (1) of Additional Protocol I; Article 14 of Additional Protocol II.

(57) Article 51 (5) (b) of Additional Protocol I; Customary International Humanitarian Law, rule 14.

(58) The study of customary international humanitarian law, rule 55.

(59) Karadzic, para.492.

(60) OHCHR, “Sieges as Weapon of War: Encircle, Starve, Surrender, Evacuate,” May 2018. Available at: https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/PolicyPaperSieges_29May2018.pdf

(61) See, for example, a report on cases of arbitrary arrest and enforced disappearance in areas returned to regime

being killed or forcibly disappeared or arbitrarily detained for their anti-regime political views, or military conscription.⁽⁶²⁾ These responses indicate the Syrian regime and its allies created a coercive environment that was exploited to displace the people included in this research sample. The Syrian regime exploited the IDPs' fears of violence, coercion, detention, and psychological persecution that has arisen from the regime's abuse of power against a large segment of Syrian civilian dissidents who expressed their political views against the Syrian government or even those suspected of doing so. These displaced persons' fears also suggest that the displacement by the Syrian regime did not fall under the exception of "civilian security", as a majority of the respondents indicated that the "option" of staying was a greater risk to their lives and safety than the "option" to leave (at least they believed so).


On the question of "Did you decide to leave or were you asked you to?" more than half of those displaced (55%) responded that leaving was a personal decision, while 45% of the displaced responded they had left because they were asked to leave. It should be made clear that these answers do not contradict the legal and criminal concepts of forced displacement. While civilians may voluntarily agree to leave and in this case their departure is not an international crime, in cases where the perpetrator leaves civilians with no real choice as to their departure, the act of displacement can be described as a crime of forced displacement executed through indirect means.⁽⁶³⁾ In this context, reference may be made to article 30 (2) of the Rome Statute, which deals with the moral element of the crime and the intent and knowledge of the perpetrator, and states that "For the purposes of this Article, a person has the intent when: (b) This person intends, regarding the outcome, to cause that outcome, or is aware it will occur within the normal course of events." In the Lubanga case, the ICC held that "the concept of (awareness that the outcome will occur within the normal course of events) means that the accused expect, based on their knowledge of how events usually evolve, that this outcome will occur in the future."⁽⁶⁴⁾ Thus, it can be argued here that the Syrian regime, even if it did not directly order displacement, was aware that its use of prohibited methods of warfare, such as starvation of civilians and indiscriminate attacks, and its widespread human rights violations, such as arbitrary arrests of civilians politically opposed to it, would lead to the displacement of the civilian population from areas under its control.

Explicit orders for displacement should not be considered a prerequisite for proving the crime of forced control, that is, after respondents left their areas of origin. Human Rights Watch, "Syria: Detention, Harassment in Retaken Areas", May 2019. Available on the link: <https://www.hrw.org/news/2019/05/21/syria-detention-harassment-retaken-areas>

(62) All «reconciliation agreements» included provisions relating to status settlement for residents required for military service, giving them a specific deadline, between six months and a year, before conscription; and the regime did actually begin conscription campaigns after the deadline. See, for example, Enab Baladi, "Eastern Ghouta under the Duress or Recruitment and Arrest Raids," September 2018. Link: <https://english.enabbaladi.net/archives/2018/09/eastern-ghouta-under-the-duress-or-recruitment-and-arrest-raids/>

(63) Prosecutor v. Doje Blagojevic & Dragon Jokic, Trial Judgement, Case No. IT-02-60-T, para. 596, ICTY (17 January 2005) referring, inter alia, to Prosecutor v. Krnojelac, Appeal Judgement, Case No. IT-97-25-A, 17, para. 229, ICTY (September 2003).

(64) Prosecutor v Thomas Lubanga Dyilo ("Lubanga Trial Chamber") ICC-01/04-01/06, Judgment, 14 March 2012, par 1011.



displacement,⁽⁶⁵⁾ because displacement of the civilian population using indirect methods (such as indiscriminate attacks) also falls within the scope of the war crime of displacing civilians.⁽⁶⁶⁾ Proof that the population was “forced” to leave is in the means employed therewith, whether through an explicit order or through indirect means such as starvation resulting from the blockade and indiscriminate attacks creating a humanitarian and security situation that forces civilians to leave.⁽⁶⁷⁾ It is also possible to note that 45% of the respondents said they left because they were asked to leave, but the instructions they received were vague and did not contain any justification for why they were asked to leave. It can be noted that the absence of any official statements from the Syrian regime to justify the displacement of civilians from the area under the two permissible exceptions of “compelling military necessity” or “security of civilians” indicates it is likely that the displacement suffered by members of the research sample may not fall under these two exceptions.

Secondly, the role of the displaced in negotiation processes and “reconciliation” agreements:

On the question of whether they had a role in selecting negotiators for their area before displacement, the overwhelming majority of the displaced (99%) indicated that they had no role in choosing the members of the negotiating committee that negotiated on their behalf before displacement, and only 1% considered that they had a role in choosing them. Also, most of the displaced (57%) indicated that they learned about the agreement and its terms after it was read publicly through loudspeakers in mosques or other means, while 29% of them turned to social media to know the terms. The number of days granted to the displaced to leave their homes varied from one area to another, with the vast majority of IDPs 82% given only a week or less (less than 8 days) to leave. One third of the displaced (33%) said that the time given to them to evacuate was less than three days. Not all reconciliation agreements issued official documents, and the vast majority of the forcibly displaced (99%) were not required to sign any documents at the time of displacement. About three-quarters of the displaced (72%) denied receiving any instructions when they left their homes, whereas more than a quarter (28%) said they had received instructions.

These findings highlight a coercive dimension to the stories of displacement covered in this research, and indicate that individual consent of the displaced persons was not taken into account when concluding “reconciliation agreements” between the Syrian regime and armed opposition groups; rather, there was no consultation with the displaced on the terms of the agreement that led to their displacement. They were

(65) Anubhav Dutt Tiwari, “Forced Displacement as a War Crime in Non-International Armed Conflicts Under the ICC Statute: Exploring the Horizons of a Wider Interpretation Complimenting International Humanitarian Law,” *Oxford Monitor of Forced Migration*, Vol. 5 No. 2, Pages 41-42, (Dec. 2015).

(66) For example, in the case of *Blagojevic and Djokic*, the ICTY noted that there was no real choice for civilians and that displacement was forced, as threats and force were used, creating a fear of violence and the threat of unlawful detention in order to force the population to leave. The court ruled that «fact-finders must consider the prevailing situation and climate, as well as in all relevant circumstances ... when assessing whether displaced victims had a real choice to stay or leave».

(67) This interpretation is supported by Article 17 (1) of Protocol II, which prohibits the act of displacement per se, not merely its order.

not officially informed of these terms even after they had already been deported. They were only given a deadline (less than 8 days at most) to collect some of their possessions and leave. It is also possible to conclude from these answers that individual consent of displaced persons was not taken into account by the negotiating parties, who did not even attempt to grant any role or opinion to the overwhelming majority of displaced persons who the “reconciliation agreements” concerned.


Collective consent, from a legal point of view, does not replace individual consent to remove the feature of “enforcement” from forced displacement. For example, in the Karadzic case, the ICTY Trial Chamber ruled that “the involvement of a non-state party in facilitating displacement in itself does not make “illegal” displacement legal. Nor can an agreement between military and political leaders or other representatives of parties to the conflict make the displacement legal. It is the consent of the individual that determines whether displacement is voluntary.”⁽⁶⁸⁾

The responses also indicated that three-quarters or 75% of respondents believed that the mass displacement was indiscriminate and did not target a specific population, while a quarter of respondents believed the opposite, the overwhelming majority of them believing that displacement targeted opponents of the regime regardless of whether they were civilians or military personnel. The ICC’s opinion on the Bemba case states that “the population remains civilian by nature even if there are individuals within them who are not civilians, as long as the population is mostly civilians.”⁽⁶⁹⁾ Consequently, the regime should at least try to differentiate between civilians and combatants when it concludes “reconciliation agreements” with the aim of displacing the population and moving them to a new location, if such displacement could indeed be justified under the exception of “protection of civilians”. In addition, it can be argued that civilians displaced by the regime through negotiations and “reconciliation agreements” under the “compelling military necessity” exception cannot by international law be used in this context to justify the displacement of civilians. Commentary on the Additional Protocols to the four Geneva Conventions clarify that the use of the word “compelling” to describe the exception for military necessity is limited to situations where international law permits the displacement of populations, and political considerations cannot be used to justify such displacement.⁽⁷⁰⁾ Thus, the fact that the Syrian regime did not distinguish between combatants and civilians during the negotiations and “reconciliation agreements” concluded, suggests that there was indeed no compelling military necessity to justify the displacement of the population, and it is likely that the displacement that followed these agreements and negotiations originally had political considerations of the regime re-imposing its control and domination over cities known to oppose it, and which participated in peaceful protests early on in the Syrian movement.

(68) See: Prosecutor v. Radovan Karadzic, Case No. IT-95-5/18-T, Volume I of IV of Public Redacted Version of Judgement, para. 490 International Criminal Tribunal for the Former Yugoslavia (24 Mar. 2016). Available at: <http://www.legal-tools.org/doc/173e23/pdf/>

(69) Prosecutor v Bemba Gombo (Trial Judgment) ICC-01/05-01/08 (21 March 2016) [153]; Katanga Judgment, [1105].

(70) ICRC, Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949 (Geneva, 1987), para. 4854.



In conclusion, the testimonies of the displaced regarding factors and reasons for their displacement from their homes show the probability their displacement was of a forced nature, and indicate they did not voluntarily give their individual consent to leave. The answers noted that the main reasons for their departure from their cities and towns, within the arrangements of agreements the Syrian government calls “local reconciliation”, vary from one to a number of the following reasons: lack of basic services and livelihoods due to the severity of the siege, fear of military operations, the risk of death, arbitrary arrest, torture and ill-treatment, and conscription for compulsory military service. These conclusions are supported by dozens of legal reports from international human rights organizations and the United Nations, some of which we have cited in more than one place in this paper. These agreements followed a prolonged siege and military operations as part of a systematic and widespread policy pursued by the Syrian government since 2011, according to numerous UN and human rights reports,⁽⁷¹⁾ which can also be extrapolated from official statements by Syrian officials⁽⁷²⁾ and the fact that the Syrian government repeated the same displacement scenarios in many Syrian cities using the same prohibited methods of warfare.

The above-mentioned responses make it clear that the displaced were not aware of the terms of these agreements as a result of not being informed. Explicit displacement orders⁽⁷³⁾ should not be considered a prerequisite for proving the crime of forced displacement, as displacement of the civilian population using indirect methods (such as indiscriminate attacks) also falls within the scope of the war crime of displacement of civilians,⁽⁷⁴⁾ and the International Criminal Court in its interpretation of the term “forced” relating to the crime of deportation or forced transfer of population which constitutes a crime against humanity, indicates that this term “does not refer exclusively to physical force but may include the threat of its use or coercion arising, for example, from fear of violence, coercion, detention, psychological persecution, and abuse of power against the person or persons concerned, or any other person, or the exploitation of a coercive environment.”⁽⁷⁵⁾ Proof that the population was “forced” to leave is based on the means used to achieve it, whether through an explicit order or through indirect means such as starvation resulting from a siege and indiscriminate attacks that create a humanitarian and security situation that forces civilians

(71) Human Rights Watch - World Report 2016: Syria, Events of 2015. According to the paragraph titled ‘Government Attacks on Civilians and Indiscriminate Use of Weapons’, the Syrian government “used siege strategies to starve civilians to subjugate and impose negotiations on them that would allow them to reclaim territory.” Link: <https://www.hrw.org/world-report/2016/country-chapters/syria>

(72) In an interview with al-Mayadeen TV in August 2019, the Syrian President’s Political and Media Advisor Bouthaina Shaaban said that «any ceasefire decision serves the grand strategy of liberating every inch of Syrian territory, and the agreement in Idlib is temporary.»

(73) Anubhav Dutt Tiwari, “Forced Displacement as a War Crime in Non-International Armed Conflicts Under the ICC Statute: Exploring the Horizons of a Wider Interpretation Complimenting International Humanitarian Law,” Oxford Monitor of Forced Migration, Vol. 5 No. 2, Pages 41-42, (Dec. 2015).

(74) For example, in the case of Blagojevic and Djokic, the ICTY noted that there was no real choice for civilians and that displacement was forced, as threats and force were used, creating a fear of violence and the threat of unlawful detention in order to force the population to leave. The court ruled that «fact-finders must consider the prevailing situation and climate, as well as in all relevant circumstances ... when assessing whether displaced victims had a real choice to stay or leave».

(75) International Criminal Court, Elements of Crimes, p. 6, art. 7(1)(d) (2011) Available at: <https://www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf>

to leave.⁽⁷⁶⁾ All these factors and information constitute elements that allow for the reasonable assumption that the displacement of the individuals included in this sample was an extensive and varied violation of international human rights and humanitarian law, and may amount to international crimes in accordance with international criminal law, and this must be investigated and verified by the responsible authorities.

(76) This interpretation is supported by Article 17(1) of Protocol II, which prohibits the act of displacement per se, not merely its order.



THE SECOND CHAPTER

The New Home: Living Conditions, Social Adaptation, and Future Horizons

In this chapter, the research reviews the humanitarian and economic situation of the displaced in the new regions where they currently live. Through analyzing the field data collected through this study, this chapter evaluates the displaced people's ability to access basic commodities, services and humanitarian aid and their economic activities and participation in the labor market. It also measures their satisfaction with their current situation compared with their living situation before the displacement.

Moreover, this chapter reviews the opinions of the displaced regarding their relations with their hosting communities and their feelings of being accepted or not. It also asks them about their future aspirations. This chapter analyzes the aforementioned data in light of the displaced people's gender, age, social status, and others.



The Shelter and Basic Commodities and Services offered in The New Home

The problem of housing is considered to be the major challenge facing displaced people after their arrival in Northern Syria. This housing problem stems from the fact that northern Syria has received over the years displaced people coming from dozens of Syrian towns and cities. In addition, it was already a densely populated area that was suffering from a surplus in the demand for housing.

The situation had deteriorated during the years between the arrival of the first batch of green buses transporting the displaced of old Homs in the beginning of 2014 and the last batch of green buses transporting Daraa's displaced population in mid-2018. During these four years house rents soared high to more than double their original prices and the quality of residences deteriorated which has forced many newcomers to live in partly damaged houses in under construction units, or in inadequate housing. The number of displaced people in Northern Syria today nearly equals the number of its original population.

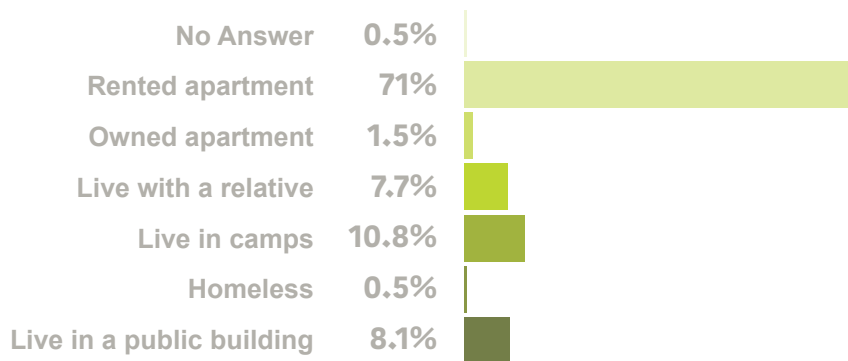
The research in this paragraph focuses on monitoring the availability of shelter and the main goods and services for the displaced in their current home.



What type of housing do you live in?

Most of the displaced (71%) live today in rented housing; a high percentage that shows the poor efforts to house the newcomers, and adds an additional financial burden on the displaced that is not always easy to meet.

- There is a smaller percentage of 11% of the displaced who live in camps prepared solely for them, or in camps with other displaced people. There is also a percentage of the displaced 8% who live in public buildings not prepared for housing like schools and other government buildings. These two categories are the most vulnerable among the displaced people.
- 7.7% of the displaced people live in collective houses with their relatives. This category is more vulnerable than those who live in rented housing but less vulnerable than those who live in camps and government building when it comes to their humanitarian and living status.
- The most vulnerable category among the samples of this research were the 42 respondents, 0.5%, who said they are currently homeless.
- Only 1.5% of the displaced people, 117 respondents, live in houses owned by them. We can say that this category is the least vulnerable among the research sample, and it is the one with the highest chance of being assimilated in the regions where they now live.



Chapter 2- Figure (1) Kinds of shelter in which you live

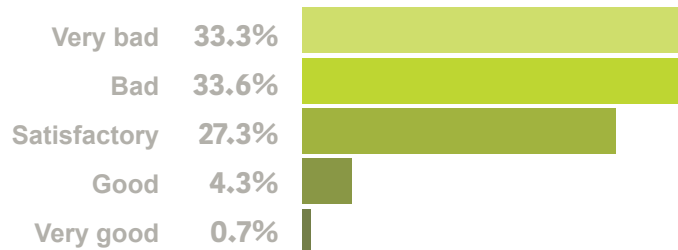


How do you evaluate the housing where you live?

There was a noticeably high level of dissatisfaction among the research sample when they were asked about their level of satisfaction with their current housing. About two thirds, 67.5%, evaluated their housing as either bad or very bad.

- In contrast, about a quarter, 27% of the displaced evaluated their residence as satisfactory.
- Those who evaluated their residences as good or very good were only 5%.

- This indicates that the problem of housing is still one of the major problems from which the displaced people suffer in their new regions. Although the majority of them pay monthly rents, most of them are not satisfied with their homes.



Chapter2-Figure (2) Evaluation of the shelter where you live



How do you evaluate the availability of basic commodities in your new region?

To test the availability of basic commodities, the research sample were asked about three different commodities: Food, water, and oil, including all oil products and their alternatives. There were five choices given to the respondents to choose from ranging from “not available” to “widely available”.

About the availability of food, we had the following results:

- 29.4% of the respondents said they have no problems related to the availability of basic commodities. They said basic commodities are widely available. We can add to them the 18.7% who said that food availability is satisfactory. Both of them make about 48% of the research sample which is the category that face no real difficulties to reach food.
- About one quarter of the displaced (26%) said that the amount of food they can reach is not sufficient. 97 of them, about 1. % said food is not available for them. There was also a quarter (26.1%) of them who said the available commodities they can reach are hardly sufficient.
- As a result, we can say that more than half, 50%, of the sample suffer from not being able to access enough quantities of food.

About the availability of water, the results were as follows:

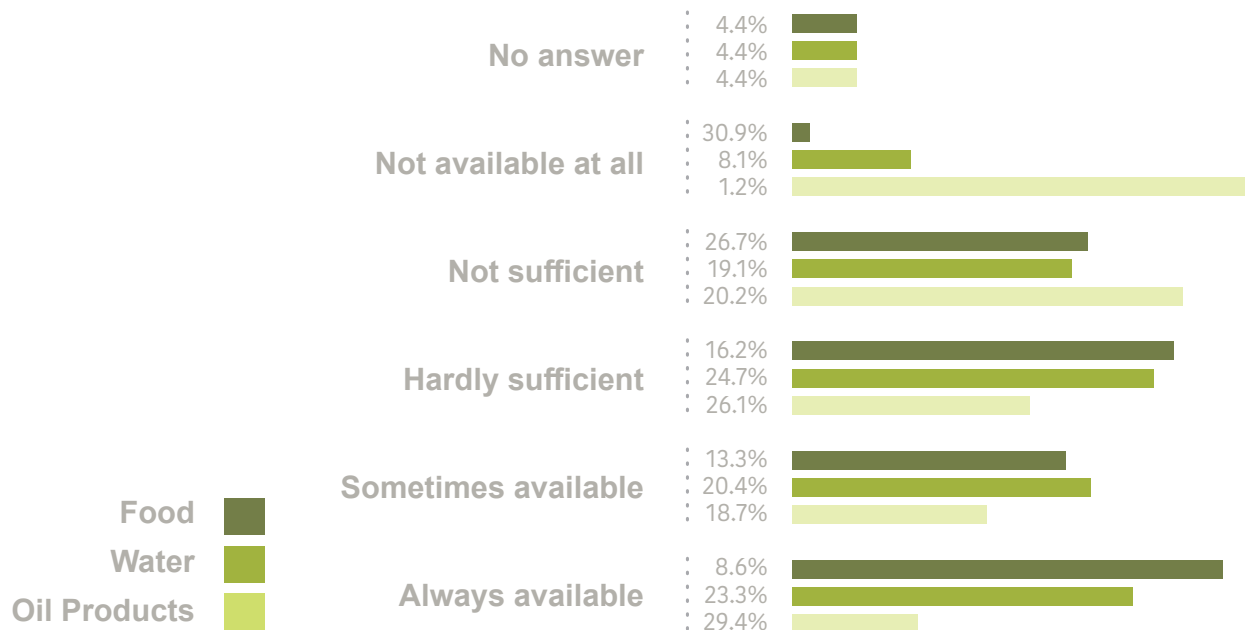
- The results proved water was more difficult to reach than food. When compared with numbers regarding food availability, fewer people said they did not suffer in order to access sufficient amounts of water, albeit in small amounts.
- 8.1% of them said that water was totally not available, while 19.1% said that the quantities they have of water were not sufficient. The higher percentage, 24.7% said the quantities they have can hardly be sufficient for them. This means that more than 56% of them have difficulties in reaching enough quantities

of water.

- In contrast, the percentage of the respondents who did not complain from difficulties in accessing water was only 43%.

About the availability of oil products, the results came as follows:

- The results showed high levels of deprivation of petrol compared with the percentages of water and food. Nearly 31% of the displaced people said that petrol is totally not available. 27% of them said the amounts they can reach are not sufficient. Calculating the previous percentages with the percentage of those who said they can hardly have enough quantities, the percentage rises to 78% of those who suffer from difficulties in accessing oil products.
- In contrast, only 22% of the respondents said they do not suffer having sufficient quantities of petrol.
- The crisis behind these figures can be attributed to two major factors; the first is the high prices of oil products and their alternative in northern Syria where the largest percentage of the research sample live. The second is the irregularities of supplies of petrol products to these regions which create consecutive shortages of petrol products.



Chapter 2-Figure (3) Evaluation of the availability of basic commodities in the new home

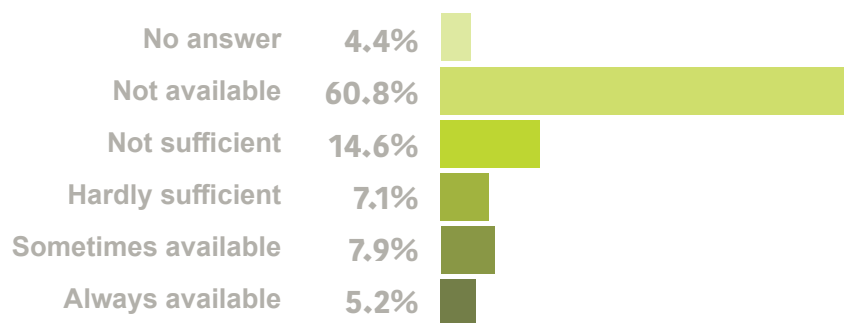


How do you evaluate the availability of legal services?

The findings of this research indicate that accessing essential legal services like for example issuing legal documents such as birth certificates, marriage contracts, or even litigation services,

etc. is one of the biggest challenges facing displaced people in northern Syria.

- These services are completely not available to 61% of the displaced according to the research sample. 15% of the sample said these services are not sufficient. If we add the percentage of those who said that these services are hardly sufficient, we will have a maximum percentage of 87% of the sample who suffer from varying difficulties when it comes to accessing legal services.
- Only 13% of the displaced people said they can access legal services without any trouble.
- These results prove that access to legal services is one of the major demands of displaced people in northern Syria.
- The absence of an officially recognized governmental authority in the regions of northern Syria is probably the main reason for this region's deprivation of legal services. This is a problem shared by both the displaced and the original inhabitants of these regions. This absence will, surely, yield dangerous effects in the long term especially in cases of unregistered marriages, child births, and would also lead to problems related to housing, real estates, inheritance, and others.



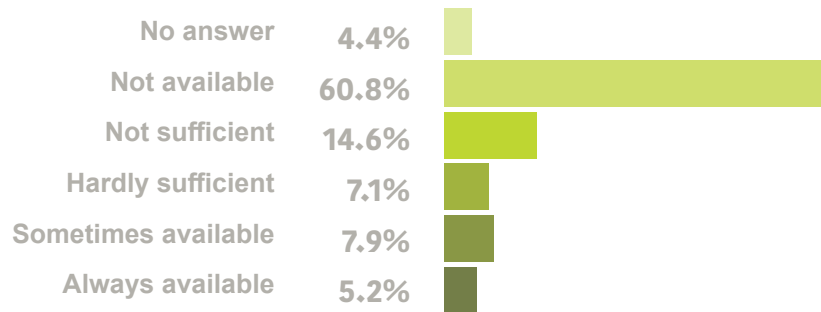
Chapter 2-Figure (4) Availability of legal services



How do you evaluate the availability of medical services?

Next on the list of difficulties facing displaced people is the lack of medical services, although not as grave as the lack of legal services, but it is still a real crisis.

- 9 % of the displaced said that medical services are totally absent, while 22% said they are not sufficient. More than 20% said they can hardly cover their needs, which makes the percentage of those who suffer to access medical services rise to 56%.
- The percentage of those who said that medical services are sufficient or available all the time reached 44%, but this still means that the majority of the displaced suffer from the lack of medical services.
- The research suggests that the way the Syrian regime targeted medical facilities in northern Syria, and the resulting migration of large numbers of doctors and medical sector workers, was one of the main factors that led to the lack of access to medical services that the majority of displaced people and original inhabitants experienced.



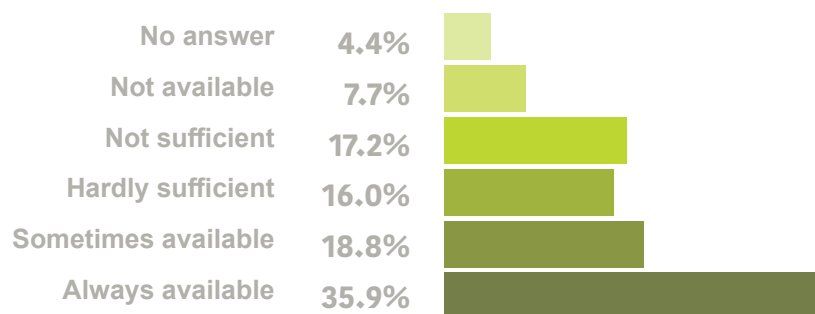
Chapter 2-Figure (5) Availability of medical services



How do you evaluate your access to education?

It seems that education is relatively better, although to a certain degree, than the other services previously discussed, as less than half of the displaced (45%) said their children find difficulties in accessing education.

- Percentage of the displaced who said their children are totally deprived of learning was 8% followed by nearly 17% who said education is available but not sufficient, while as 16% said that the available services of education are hardly available to their children.
- Although the percentage of 45% is still practically high, the only difference from the previous services is that it does not represent the majority of the sample.
- 55% of the displaced said that education is available in a sufficient way or even in a high degree, highlights the lack of progress in providing education to the displaced and their children.
- It can be said that one of the reasons behind the aforementioned rise in the ability of displaced people's children to get an education is the flexibility of education services when contrasted with other, less flexible essential services. An example would be the ability of a school to flexibly expand its capacity as opposed to the ability of a hospital to expand its capacity. A class that can, for instance, have 30 students can add more students without requiring much additional resources.



Chapter 2-Figure (6) Availability of educational services




2nd

Economic activity and efforts of humanitarian responses in the new home

This research focuses on the economic activity of the displaced in the labor markets in the regions they were moved to. It also discusses the displaced people's other sources of income and their level of dependence on humanitarian aid, on the support of their relatives and on other sources of income and living.

In this part of the research we consider the available field data about the humanitarian efforts dedicated to the displaced, by the most prominent aid-providing entities, and we try to evaluate the accessibility of humanitarian efforts to the displaced, as well as the bodies which provide these services or coordinate the process of distributing aid.



Is work your main source of income?

Our research shows high levels of economic activity among the displaced in the labor markets of the regions where they currently live, especially when taking into consideration that they are newcomers.

- More than 58% of the displaced said they currently have a job that provides the main source of income on which they depend for living.
- While the remaining percentage who are presumed to be unemployed is about 42%, this does not account for the females included in this category who have lesser economic activities due to cultural and social factors.
- High levels of economic activities can be linked to the levels of competitiveness of the newly arrived labor forces to the labor markets north of Syria, especially the labor forces coming from big cities like Damascus and Aleppo, from which the displaced represent a percentage of (89%) of the total number of those displaced in the north. We can't rule out the support of the communities where the displaced had settled, and the big gaps which appeared after the immigration of skillful labor force members of the original residents to Turkey and other countries during the past years.



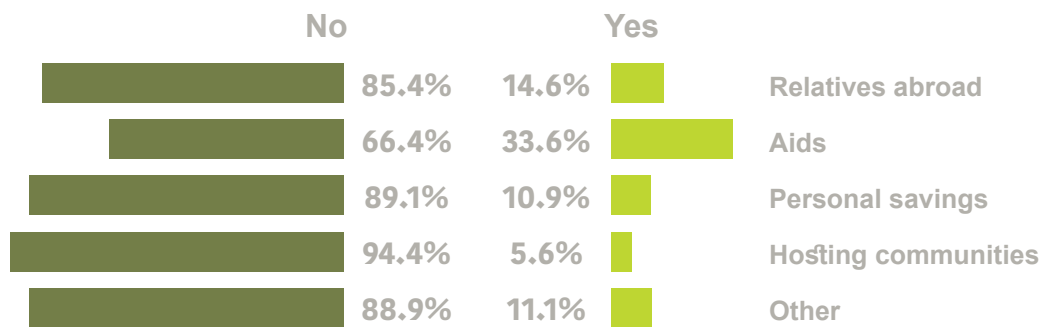
Chapter 2- Figure (7) Work is a basic source of income



What are the sources of income on which the unemployed depend?

The other sources of income on which the displaced depend on other than work, are first: humanitarian aid, second: the financial remittances from relatives abroad, third, the personal savings, and last, hosting societies.

- About one third, (34%) of the displaced people depend on humanitarian aid, which are a major source of income on which they depend on.
- About 15% of the displaced depend on financial remittances from relatives living outside of Syria.
- This is followed by a percentage of 11% who said they depend mainly on their personal savings.
- At last, there is a percentage of 6% who said they depend on the support of local hosting communities.



Chapter 2-Figure (8) Income sources on which the unemployed depend



Did any entity register you?

The primary indicator adopted by the survey of the research is whether or not all the displaced were registered. In fact, the displaced who benefited from the service of registration at any organization or body interested in humanitarian responses were a little more than half of the displaced 52%, where as 48% of the respondents of the sample said they were not registered at any of the aforementioned bodies.

This large percentage of displaced people who were not registered is probably the result of many reasons. But whatever the reasons are, this indicates that this unregistered percentage would be deprived from having any aid, which is a great lapse in the efforts of humanitarian responses.



No
48
%



Yes
52
%

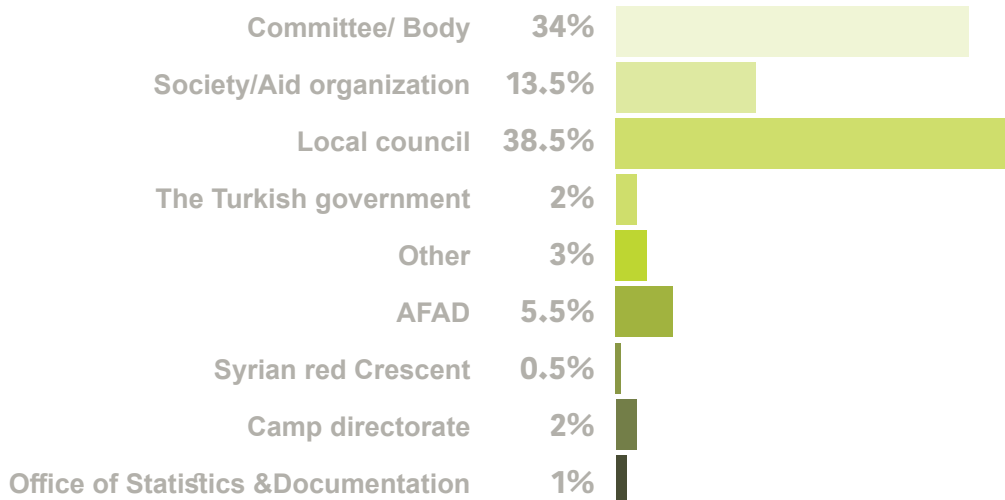
Chapter 2-Figure (9) Organizations registering the displaced



Which entity registered you?

Among the bodies that registered the above mentioned 52% of the displaced, we noticed that the major burden was laid on the local councils in the regions where the displaced had arrived, where they created registers for 39% of the displaced. Next came the committees of the displaced, which are groups formed by the displaced themselves, who registered 34% of the displaced.

- Active aid societies and organizations in the regions where the displaced had arrived registered only 14% of them.
- The rest said they were registered by various groups including Turkish AFAD, camp directorates, offices of statistics and documentation, and others.
- When speaking about the efforts of humanitarian aid, the first task of which is presumed to be the registration of of the victims, there were no reference bodies interested in registering the displaced and in creating a comprehensive database which can help estimate their needs and organize humanitarian responses to their ordeal.



Chapter 2-Figure (10) Bodies that registered the displaced



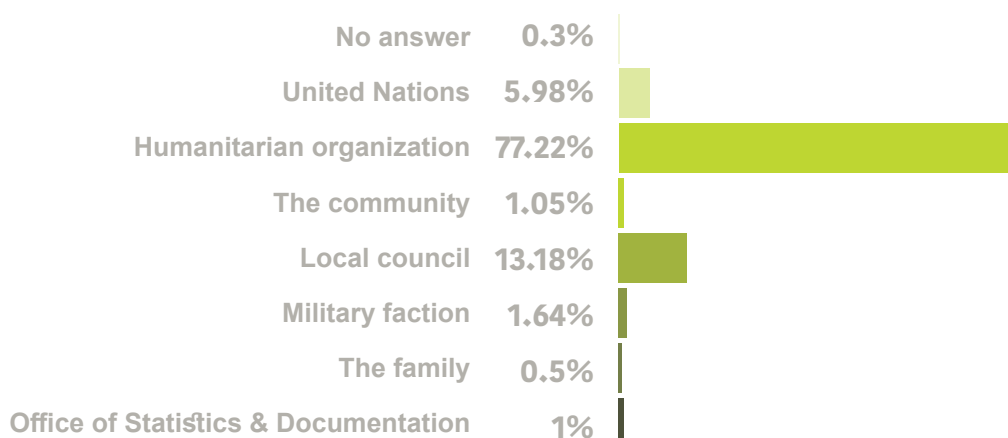
Do you receive humanitarian aid?

Data from the research about the humanitarian aid granted to the displaced shows that more than 62% of the research sample do not receive any humanitarian aid, in contrast with 38% who do receive such aid. The reason why the majority of the displaced do not receive aid is related to the deficiencies of the registration processes and the absence of a database containing information about the displaced. It is also related to the levels of the actors in the field of humanitarian responses, which we will consider in the following paragraph.



Chapter 2-Figure (11) percentage of beneficiaries from humanitarian aid.

- Of the 38% of the displaced who said that they received or are receiving humanitarian aid we noticed that the main burden of delivering humanitarian aid was laid on the local and regional humanitarian societies and organizations which provided humanitarian aid to the majority of the displaced, 77%.
- Local councils come next. They offer aid to 13%, while the UN organizations come last, they offer aid to only 6% of the displaced.
- There are limited roles for the hosting communities, the Syrian Red Crescent and some local military factions in offering humanitarian aid to the displaced.
- The previous data can be interpreted in many special ways related to the participation of the UN institutions in the humanitarian responses. Many times, these organizations provide aid in collaboration with local and regional organizations which take the responsibilities of implementing the plans of responses and direct contact with the beneficiaries, which means that there is a possibility that the participation of the UN is larger than what is mentioned in the data.



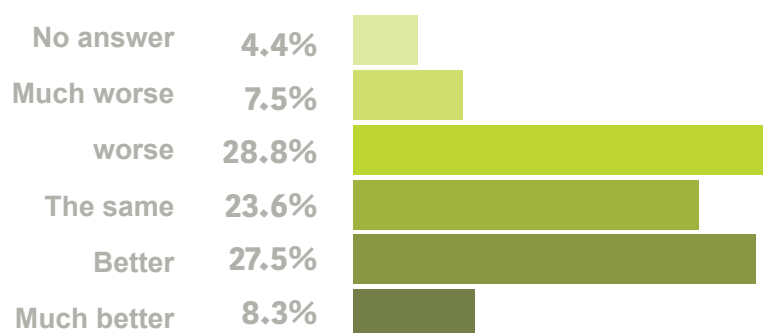
Chapter 2-Figure (12) percentages of the bodies offering aid



How do you evaluate the overall quality of life in your new place?

About half of the displaced (48%) said their new living conditions are bad, 18% of them said that the conditions are very bad and more than one third (about 39%) said they are satisfactory.

- Only 12% said their present living conditions are good or very good.
- It is important to acknowledge that, in the time since we collected these unsatisfactory results, the reality of the situation may have become even worse. Respondents usually tend to say that their living conditions are satisfactory for reasons related to cultural and religious values encouraging them to be satisfied with what is available.
- Therefore, comparing the percentages of responses which denote that the conditions are less than satisfactory (48%) and those who said that their conditions are more than satisfactory (12%) may give a clearer vision of the general situation.



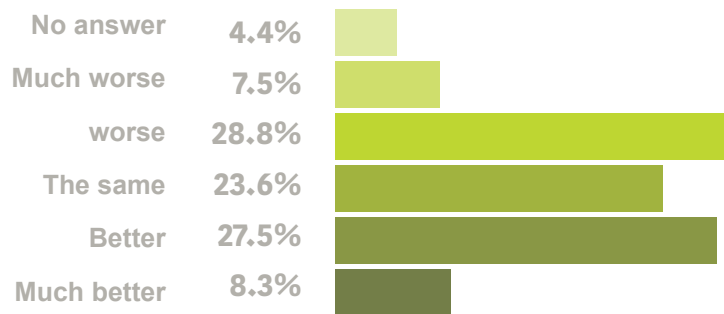
Chapter 2-Figure (13) Indicator of the satisfaction of the displaced with their present living conditions



How do you evaluate your current living conditions in comparison with the period that preceded your departure from your habitual home?

It is supposed that the period which preceded displacement, characterized by long siege, heavy bombing and shortages of basic commodities and services, and should be considered the hardest living conditions by the displaced people. But 40% of the respondents said that their present living conditions are worse or much worse than the conditions before displacement. Although this result may be surprising, it will be even more surprising if we add the 12% of the respondents who said their life conditions did not change, to have a total of 64%.

- Only about one third, (36%) of the displaced said their present condition is better or much better than it was before displacement.



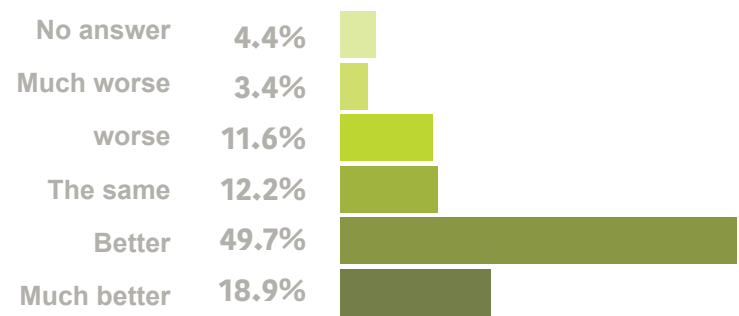
Chapter 2-Figure (14) evaluation of the present living conditions



How do you evaluate the present security situation compared with the period before you departed your original home?

Although the departure of the displaced from the besieged regions has little effect on their present living conditions, according to their answers, it was clear that they feel more secure in the regions where they currently live. Those who said that their security condition is worse or much worse than it was before displacement were less than 15%.

- 68% of the displaced said that their security condition became better or much better than it was in their habitual homes.
- Only 12% said that their security conditions remained the same as they were in the past.



Chapter 2-Figure (15) Evaluation of the present security situation



Survey of the relations of the displaced with the hosting communities

It is difficult to fully understand the story of forced displacement in Syria without reflecting on the relation between the displaced and the local hosting communities in the different regions of northern Syria. Northern Syria began to receive displaced people at the end of 2011 when its regions were the first that went out of the control of the regime. Northern Syria was the safe haven for all those fleeing from the tyranny of the regime. During the long years of the struggle and its continuous changes, the north received unknown numbers of the displaced from the Eastern Region; Deir ez-Zur and ar-Raqqah, from south Damascus and Rural Damascus, and from the central region; Homs and Hama. Later the North received those deported by the green buses, one convoy after another, where the number of the displaced was estimated to be a quarter of a million displaced people.

Factors such as the displaced people’s religious and political backgrounds, as well as varying degrees in the host community’s humanitarian sympathy towards the displaced, affect whether or not people in the hosting community accept the displaced people who were fleeing from death and who had no other place to go to. This does not mean that there are no differences or social problems between the displaced and the local communities especially that the displaced came in waves of large groups, not individually. This is what the research will try to examine in this section.

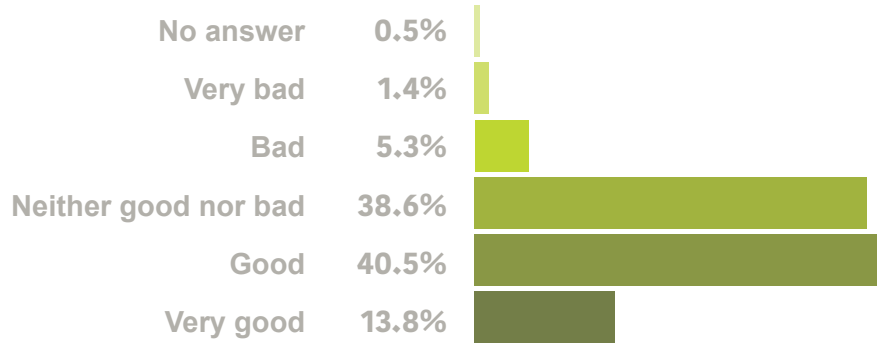


How do you evaluate the relation between you and the hosting community?

More than half of the respondents (54%) said their relations with the hosting community is good or very good. This is an indicator of a high degree of social harmony between the two sides. There was also a percentage of 39% who said their relations is neither good nor bad. This category likely often

stays within the community of displaced people and does not have much interaction with the hosting community. This may indicate bad social harmony.

- Only 7% said their relations with the hosting community are bad or very bad.



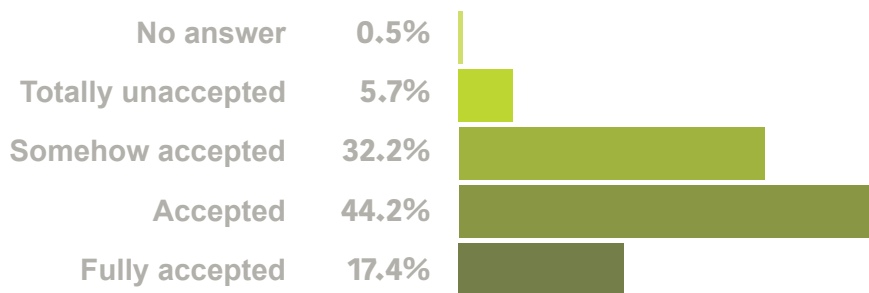
Chapter 2-Figure (16) Evaluation of the relation between the displaced and the hosting community



Do you feel that you are accepted in your new community?

The results seemed nearly compatible with the previous results, when the displaced were asked if they feel they were accepted in the new community where they live. The majority of the respondents, 61%, said they feel they are somehow accepted or fully accepted, and one third, 32%, said they feel relatively accepted.

- Only 6% believed they are not accepted.



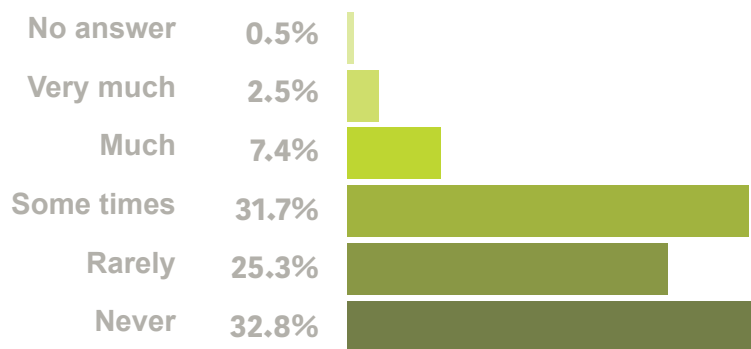
Chapter 2-Figure (17) Evaluation of acceptance in the new community



Have you experienced any discrimination towards you since your arrival?

Compatibility of the previous percentages which give positive indicators concerning the relations between the displaced and the hosting communities, shouldn't conceal another aspect of this relation, which is the aspect concerning the amount of discrimination the displaced endure because of where they came from. 32% of the respondents said they are sometimes subject to discrimination. About 10% said they sometimes or always, feel they are subject to discrimination.

- The majority, about 58%, said they were rarely subject to discrimination or have never been subject to discrimination.



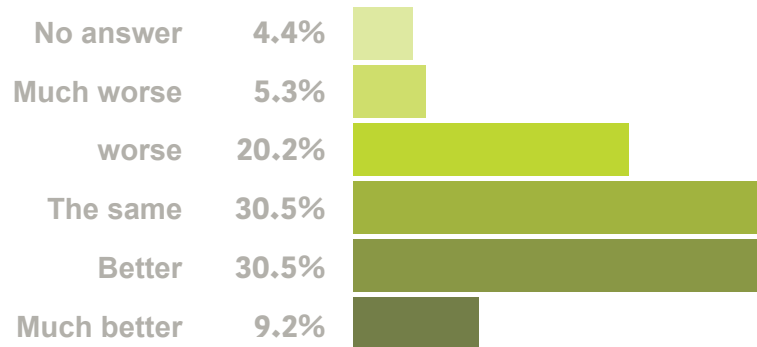
Chapter 2-Figure (18) Evaluation of the feeling of discrimination



How do you evaluate your present status in terms of vulnerability or being more subjected to abuse compared with your status before displacement?

Here we have the last indicator which is noteworthy. This indicator asks whether the displaced feel that they are more vulnerable or subject to more abuse after leaving their habitual regions.

Here the percentages also provided relatively positive signs. About one quarter, 26%, of the displaced said they feel they have become subject to abuse after leaving their original places. In contrast, 31% said that displacement did not affect them.



Chapter 2-Figure (19) Evaluation of the feeling of weakness and abuse



The major factors affecting the future of the displaced:

The issue of the future became a major challenge facing most Syrians in the light of the conflict which turned half of the population into either internally displaced persons or refugees, and affected the other half in many different ways. It seems that the question of the future represents a major concern to the displaced category who had lost their homes with no foreseeable hope to return to them. How do the displaced see their future and what they want? What are the major factors which influence their view of the future?

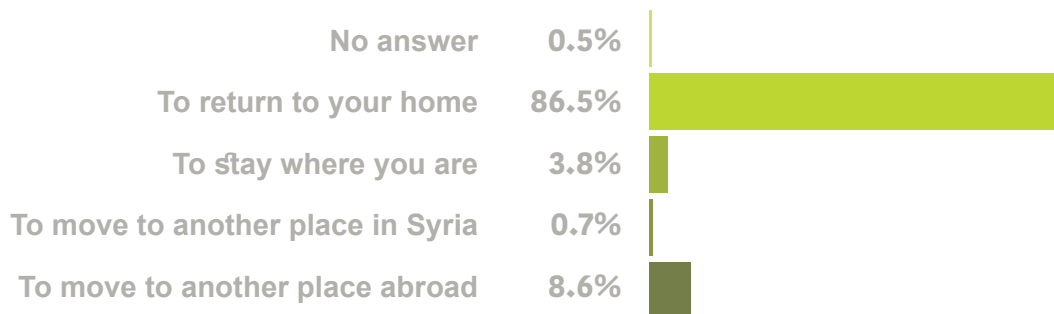
This part of the research started from the hypothesis that the displaced people view of the future is affected by a set of personal indicators and factors including gender, age, and education. It is also affected by the present status of the individual like their level of adaptation, living conditions...etc., which is what we investigate in this section.



What do you want to happen in the future?

More than 86% of the respondents prefer returning to their habitual regions over any other future choice. We previously noticed how more than 98% of the respondents did not receive any promises of a possible return to their habitual regions in the future. Until now, more than 60% of them had spent two years in refuge, but the idea of return is still the most popular idea compared to all other future choices despite the difficulty of achieving that.

- Next to those, there is a percentage of 9% of respondents who said they want to get out of Syria to any neighboring country or to Western countries. Probably those are looking for a new opportunity to start a new life far from the conflict.
- In contrast, there is a small percentage, 4%, of the displaced who think of staying in the regions where they live now. This percentage reflects the kind of the relation they had created in the regions of displacement which is considered by the majority of the displaced as a temporary station, not a final home.



Chapter 2-Figure (20) What do you want to happen in the future



What kind of compensation do you expect?

Beside wishes for the future that the displaced people have, the research tried to discuss this point from a different angle by asking the respondents about the kinds of compensations they expect to have or believe are satisfactory. These compensations reflect, in a way or another, their future orientations. 20% of the respondents said they want to return and retrieve their properties. Those proved more insistent on return, while 16% demanded a compromise and reparation.

- 11% of the respondents said they are ready to start anew; they expect to receive compensations of their properties.
- About 8% of the respondents chose to have official apologies from those who displaced them while 6% said they want symbolic reparations.
- The surprise was that the largest percentage of the respondents to this question, (34%) said (I don't know). This is a percentage reflecting the state of floundering and ambiguity among the displaced.



Chapter 2-Figure (21) Types of compensations

Main factors influencing the future orientations of the displaced:

Theoretically, the orientation of the displaced towards the future is influenced by a group of factors like gender, age and education, and also by the changes of the personal status like the level of adaptation with the hosting community and living conditions... etc. In this section, we will try to investigate the field data of the research, and the average percentage of the respondents, 13.5% whose orientations were distributed between travelling abroad (8.6%) or staying where they are, (3.8%), or moving to another place in Syria which was the least (0.7%).

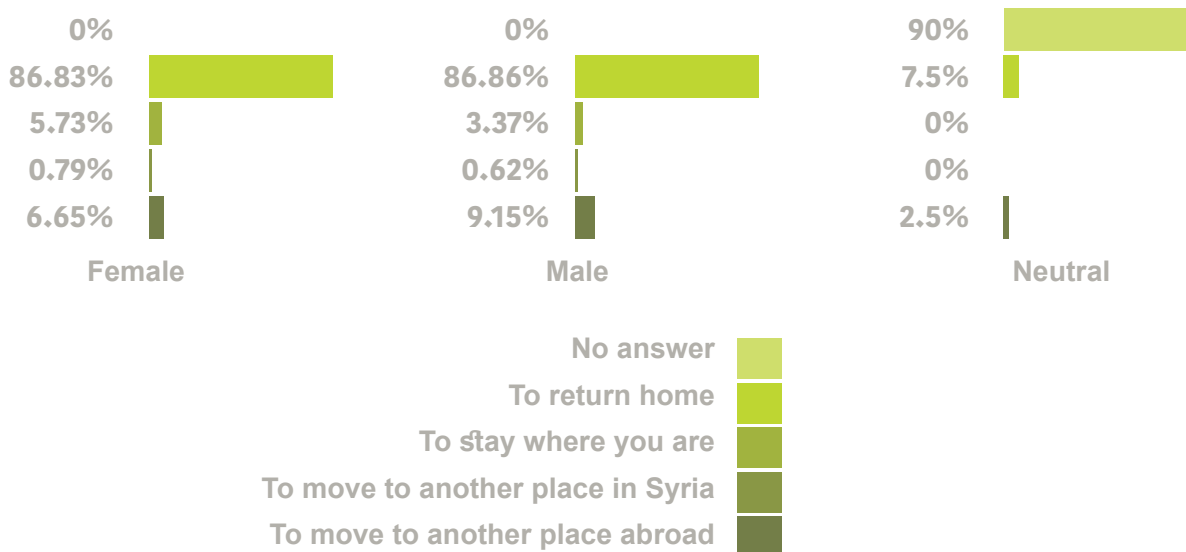
Here we review the relevant variables and their effect on the displaced people's view of the future as follows:

A- Influence of gender: More males exhibit a higher tendency to want to travel abroad than females.

Responses of the majority of the sample, males and females alike, were similar in terms of returning to the habitual home, however, the responses were different when it came to questions on whether the respondents prefer remaining in their current location or travelling abroad. Males exhibited a higher tendency to want to travel abroad (9.1%) than females (2.5%).

-In contrast, (6%) of the females expressed high tendency to remain and settle in the places where they live now, against (3%) of the males.

- The difference between the wishes of males and females to travel abroad can be attributed to the cultural and social backgrounds of the displaced, where the freedom to travel alone is afforded more for males than for females.

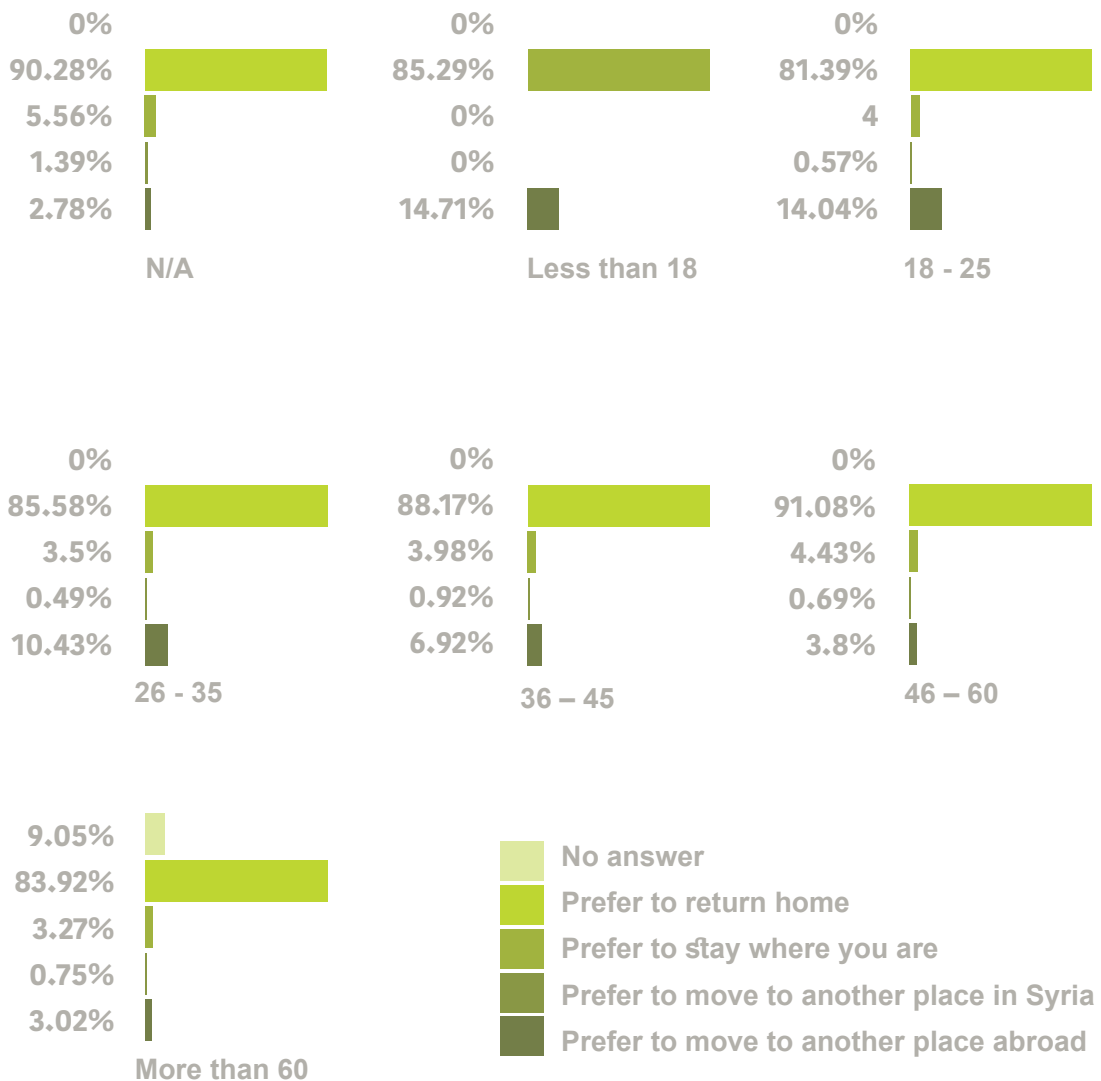


Chapter 2-Figure (21) Influence of gender on the choice to stay or to travel abroad

B- Influence of age: The young show a higher tendency towards wanting to travel than the elders.

It appears that age plays a critical role in the shaping the aspirations of the displaced to return to their habitual homes. 91% older people in the sample prefer to return to their habitual homes, with a difference of 10% from the younger age group, as 81% of them (between of 18-25 years old) say they prefer to return. 15% of the younger age group prefer to travel abroad against a percentage of 3% of the elders.

- It seems that age does not have a great influence on the choices of the displaced in remaining in the present place excluding 4.4% of the category between 46-60 years old which has a minor tendency of remaining and settling where they are now. This percentage is bigger than the average percentage by 0.6%.

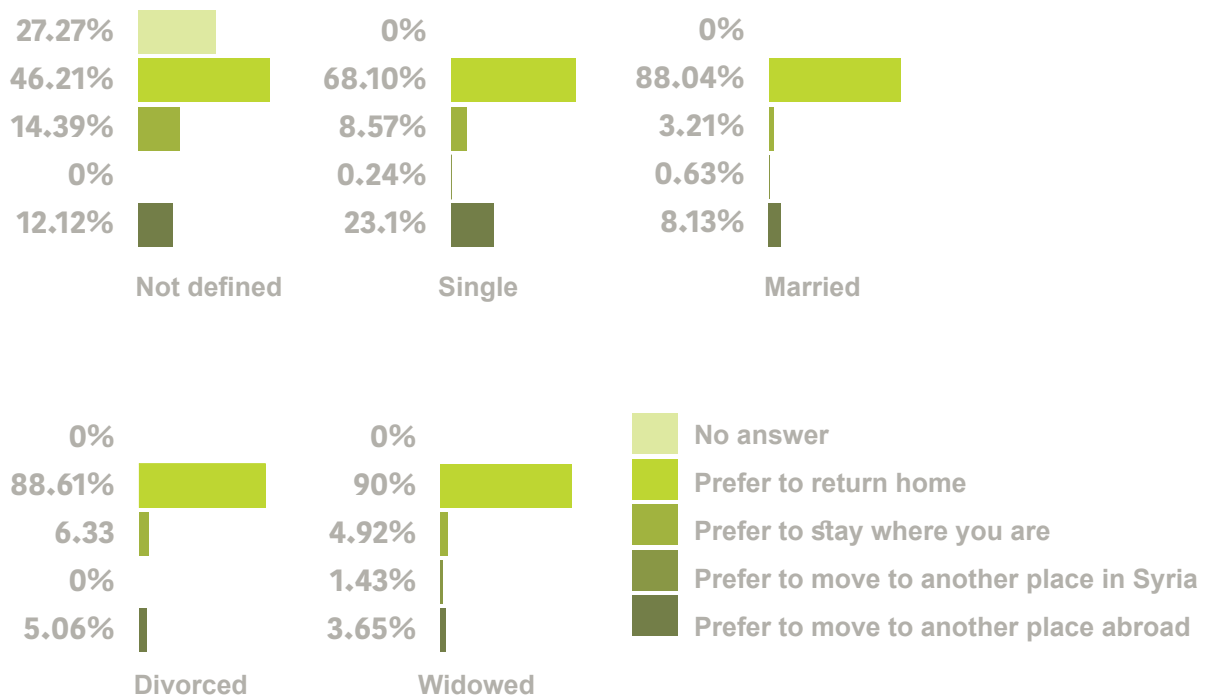


Chapter 2- Figure (22) Influence of age on returning home or travelling abroad

C- Influence of social status: the married tend to want to return, singles tend to want to travel or remain where they are

Single respondents exhibited a higher tendency towards wanting to travel abroad as 23% expressed that they wish to do so, while 9% preferred to remain and settle in the regions where they are now. 68% of them wanted to return to their habitual homes.

- In contrast, the category of married people clearly differed. 88% of them preferred to return to their habitual homes, 3% said they prefer to settle in their new regions, while only 8% of the married wanted to travel abroad.



Chapter 2- Figure (23) Influence of social status on returning home or travelling abroad

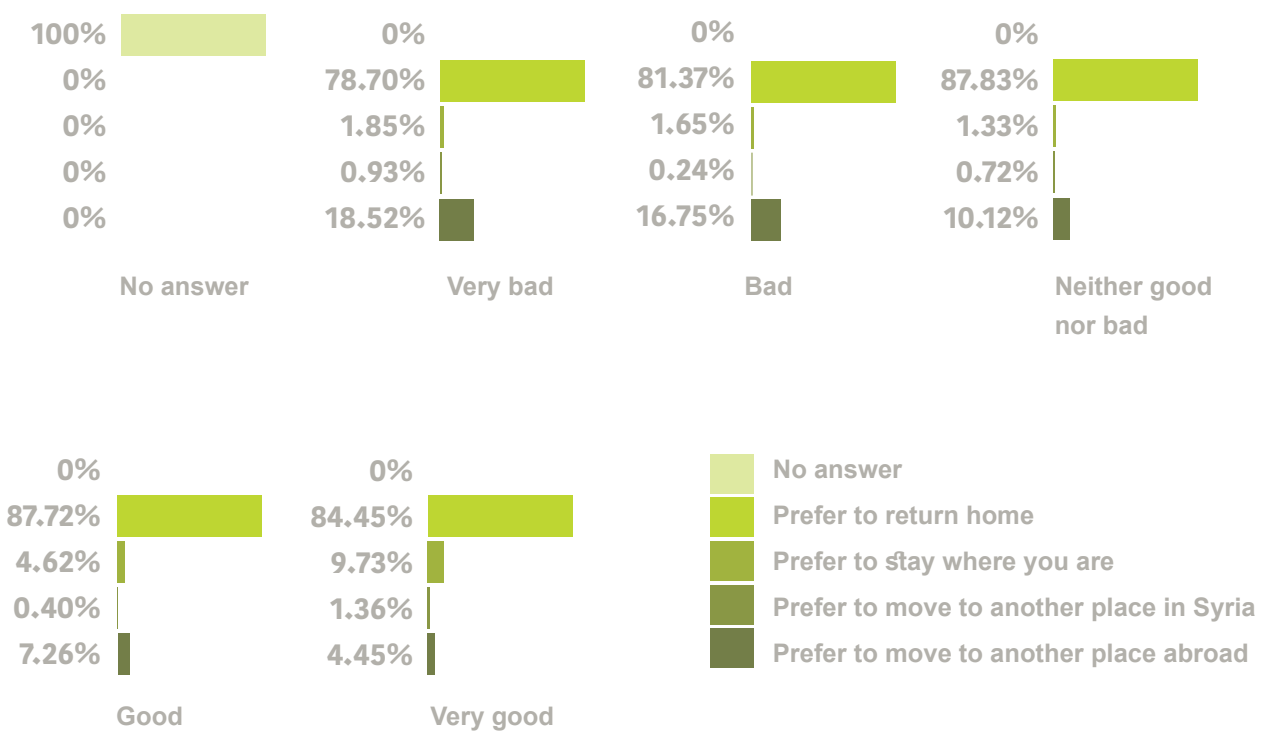
D- Influence of assimilation: those who have assimilated tend to want to stay

Those who reported that their relations with the hosting community were very good formed the biggest percentage of those who want to stay in their new regions (10%), while 5% of those who said they want to stay said their relations with their hosting community were good.

- We notice that the percentage of those who want to remain in their current places is sharply lesser than the average among those who said that their relations with the hosting community are neither bad

nor good, 1.3%. Those who have bad relations with the hosting community clearly tended to want to travel abroad, 18.5% of them, while the percentage is higher than average among those who described their relations as neither good nor bad, 10.1%.

- It was also clear that the assimilation factor has no clear influence on pushing individuals to move to another region in Syria, nor on their will to return to their habitual regions. The percentage of those who want to return was high even among those who said they have good and very good relations with the hosting communities.

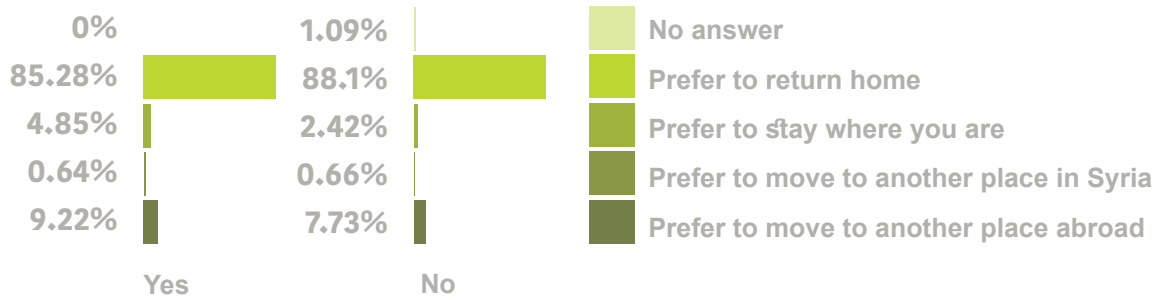


Chapter 2-Figure (24) Influence of adaptation on stability or on travelling

E-Influence of work opportunity: workers expressed more willingness to remain and lesser will to return

The existence of a work opportunity among the displaced created a difference of 3% in the will to return home, while 88% who are jobless wanted to return against 85.3% of those who have jobs. But the influence of work opportunity was clearer in the will to remain and to settle in the current regions where 4.9% of those who have a job said they want to remain against 2.4% of those who are jobless.

- The factor of a job opportunity had no clear influence on the will to travel abroad. Those who have job opportunities tended to want to travel with a higher percentage than the average, 9.2% in contrast with the jobless whom only 7.7% of them said they want to travel.



Chapter 2-Figure (25) Influence of job opportunity on staying and on travelling

We can't, by any means, say that the future orientations of most of the displaced people who went through the difficult experience of displacement and found themselves under various psychological and financial pressures are clear. In our rudimentary approach to understanding the displaced people's wishes for the future, these were the most important factors affecting their future. It appears that there are no variables, beside the variables we discussed in this section, that greatly influence the displaced people's wishes for the future. It was clear that the factor of the length of residency in the new regions has no great influence in increasing the will to remain. The same was true for the influence of education, the economic level or other factors. Even comparing the choices according to the present and past residency, had no strong relations between them and the choices of the displaced people in the future. Generally, all the former numbers indicate that the majority of the displaced people are waiting the results of the conflict in their country, which will eventually dictate whether their dreams of return will come true or not.



THE THIRD CHAPTER

Forced displacement and the Right to Housing and Land and Real Estate Ownership in Syria

This chapter discusses the status of the real estates owned by the displaced in their habitual regions, the documents which they have to prove their ownership, and the information they have about the present status of their properties. It also compares the responses of those who have been displaced from their regions according to the reconciliation agreements (between 2016 and 2018), hereinafter “the sample of those displaced with an agreement,” with the responses of those who left their homes and went to northern Syria without a reconciliation agreement, hereinafter “sample of displaced without an agreement.” The chapter also reviews the legal aspects of the rights to housing and land and real estate ownership in both national and international laws.



Real estates owned by the displaced in their habitual regions:

In this chapter our questions targeted both samples, the “sample of displaced with an agreement” and the “sample of displaced without an agreement” who own real estates in their habitual regions and compared the responses of both samples.



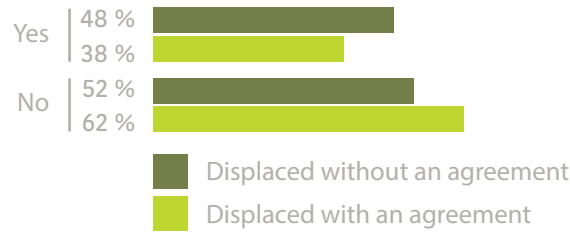
Do you own real estate in your habitual region?

38% of the displaced with an agreement own real estates in their habitual regions, while the largest percentage, (62%) of them do not own immovable properties in their original regions. The percentage of the persons who own real estate rises to (70%) among those coming from Homs and its countryside. The lowest percentage of those, about one third (35%), are from Damascus and its Rural Damascus.

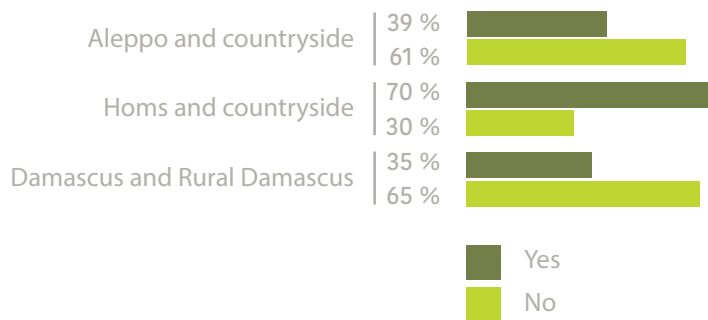
- The vast majority of the displaced with an agreement (85%) who own real estate said that they owned a house, (5%) of them said they owned agricultural land, and (2%) said they owned a commercial shop.
- In contrast, we noticed that the percentage of those who were displaced without an agreement, and those who have properties in their habitual homes, was higher than that of the displaced with an agreement by 10%, i.e. about half of them (48%). The percentages are nearly identical between the two aforementioned categories of displaced people when it came to the types of properties they own.
- When we compared the two samples (that of the displaced with an agreement and those displaced

without an agreement), we found that the displaced from Aleppo and its countryside and from Damascus and Rural Damascus owned more real estate than those displaced with an agreement. The opposite is true for those displaced from Homs and its countryside.

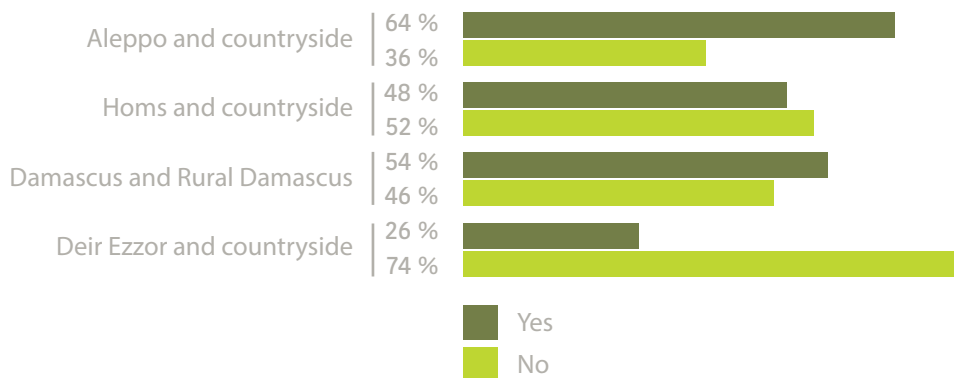
- Only (26%) of those displaced without an agreement in Deir Ezzor owned real estates, which is the least percentage least among all the other geographical regions.



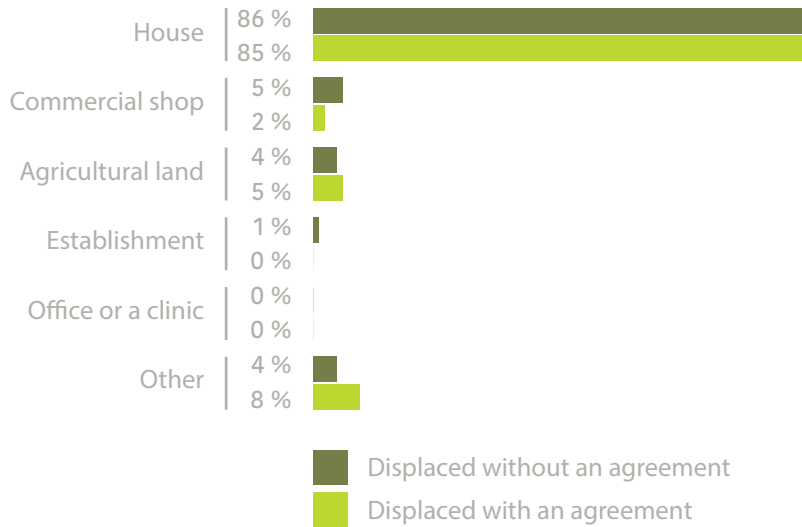
Chapter 3- Figure (1) Kind of real estate



Chapter 3- Figure (2) Did you own a real estate in your habitual region?



Chapter 3- Figure (3) Did you own a real estate in your habitual region?



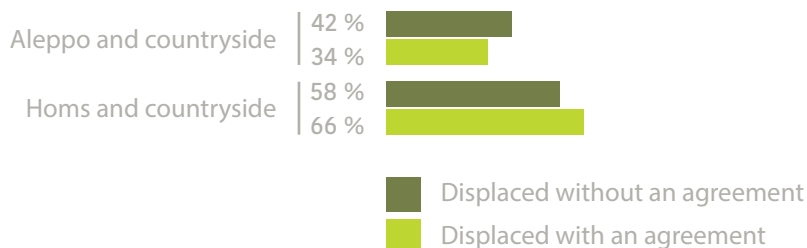
Chapter 3- Figure (4) Did you own a real estate in your habitual region?



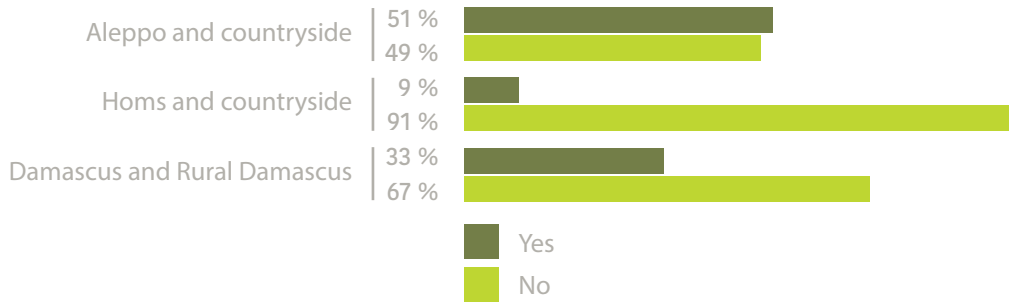
Do you have a proof of your ownership?

Only about one third of the displaced (34%) who own properties in their habitual regions have documents that prove their ownership, while the vast majority (66%) of them do not have any official documents.

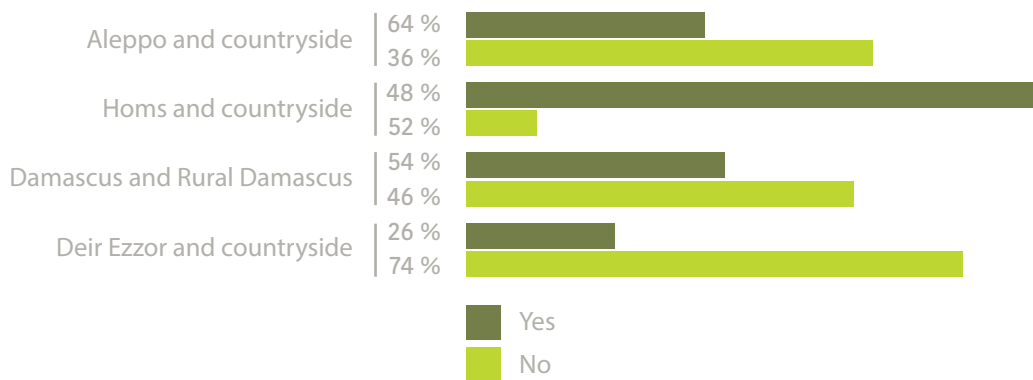
- We noticed a big difference between one governorate and another. In Aleppo and its countryside, about half of the displaced with an agreement, (51%), have documents that prove their ownership. In contrast, the vast majority of the displaced from Homs and its countryside (91%) do not have any documents. In Damascus and its countryside only one third of the displaced (33%) do not have documents.
- It was noticed that the persons who were displaced without an agreement have documents more than those displaced with an agreement, as (42%) of them have official documents. Percentages also differ according to the geographical region as shown in the figure below.



Chapter 3- Figure (5) Do you have proof of your ownership?



Chapter 3- Figure (6) Do you have proof of your ownership? (Sample of displaced by agreement).



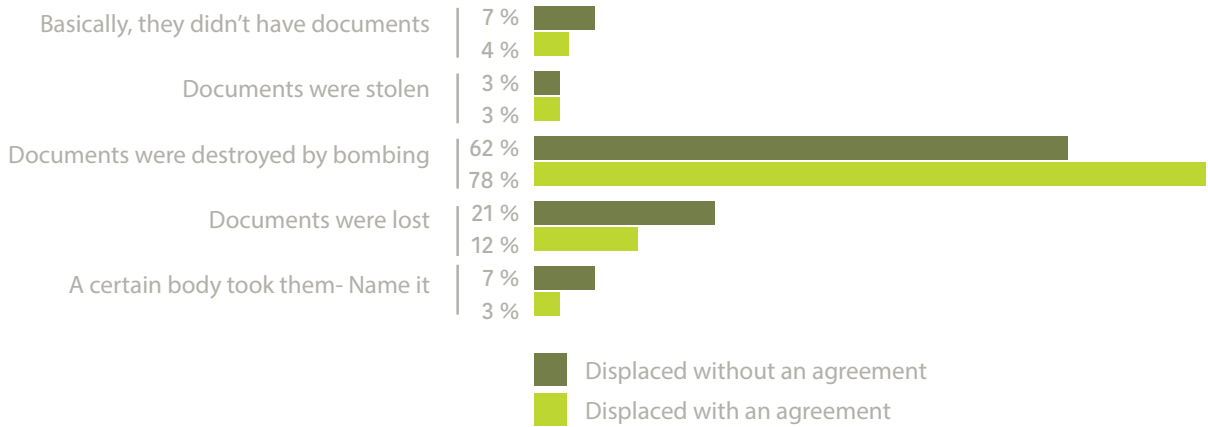
Chapter 3- Figure (7) Do you have proof of your ownership?



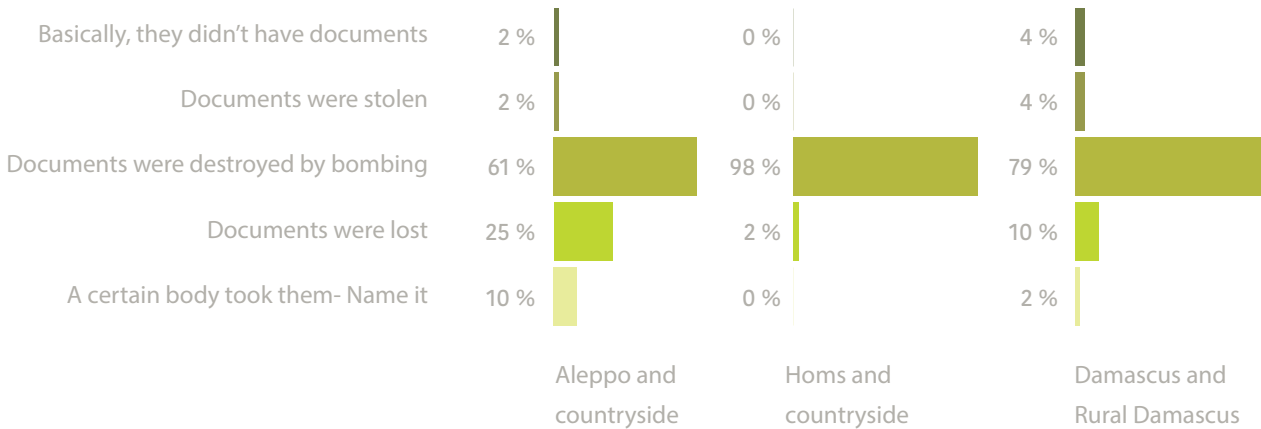
Why don't you have proof of your ownership?

More than three quarters of the displaced with an agreement, (78%), who do not have documents that prove their ownership said their documents were destroyed by bombing. 12% said the documents were lost, and 5% said they originally didn't have such documents to begin with.

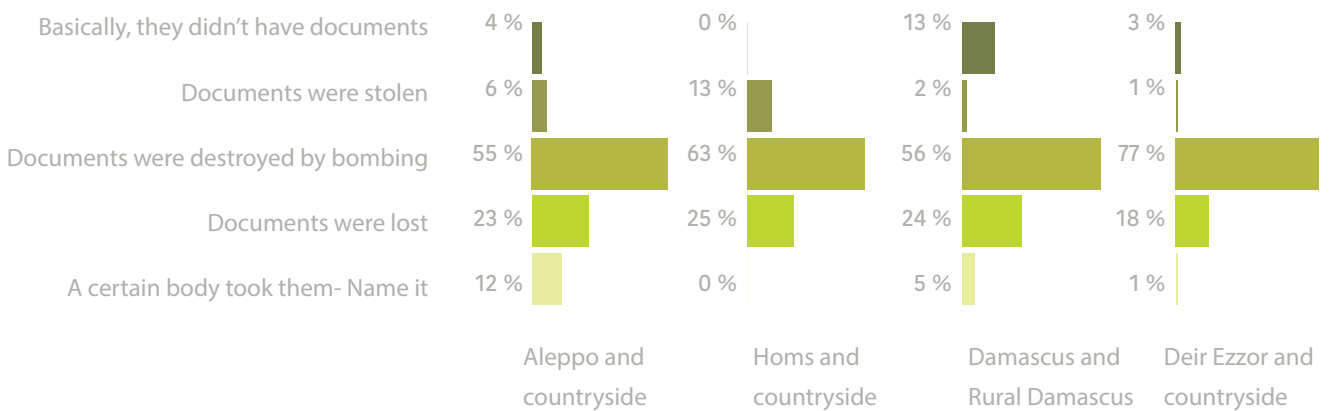
- It is noticed that the majority of the displaced with an agreement who said their ownership documents were destroyed by bombing (98%) were from Homs and its countryside. While the percentage of those who lost their documents rises to 25% in Aleppo and its countryside
- In contrast with the displaced without an agreement, we noticed that the majority of the displaced with an agreement blame ariel bombings, and a lesser percentage said they lost their documents. 62% of them said their documents were lost by bombing, while 21% said they were lost. Percentages differ according to governorates as shown by the figure below. The majority, 98% of the displaced without an agreement from Homs and its countryside said their documents were destroyed by bombing, and 13% from Damascus and Rural Damascus said they did not have any documents to begin with.



Chapter 3- Figure (8) Why don't you have proof of your ownership



Chapter 3- Figure (9) Why don't you have proof of your ownership? In details (sample of displaced with an agreement)



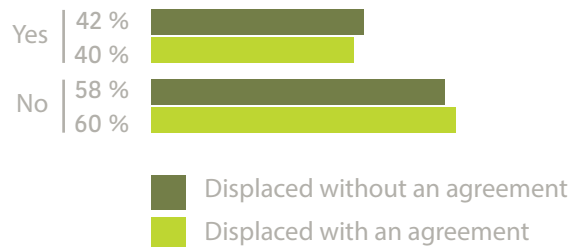
Chapter 3- Figure (10) Why don't you have proof of your ownership? In details. (Sample of displaced without an agreement)



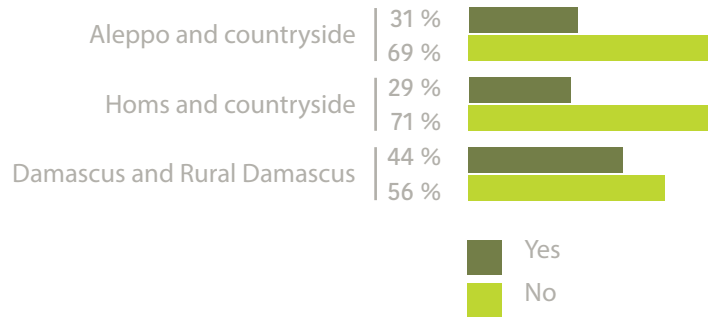
What is the current status of your properties?

The majority of the displaced with an agreement, (60%), who said they had properties in their habitual regions have no information about the present status of their properties. This creates a problem due to the scant information or the lack of information about the present status of these properties and the disconnection between the displaced people and their original communities. 88% of the (40%) who said that had information about their properties said their properties are either destroyed or damaged. 66% of the displaced with an agreement said their properties are currently “occupied.”

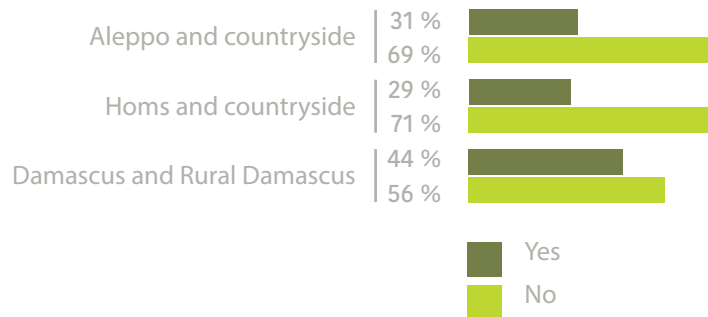
- Percentages of those who said their properties are destroyed or damaged in Homs and its countryside and in Damascus and its countryside were very close: 95% for Homs and 92% for Damascus. This percentage decreased in Aleppo and its countryside to 75%.
- Only 29% of the displaced with an agreement in Homs and its countryside know the present status of their properties. This percentage is close to the percentage of 31% in Aleppo and its countryside, but it increases in Damascus and its countryside to 44%.
- When we compared the sample of the displaced with an agreement and that of the displaced without an agreement, we noticed that the percentages of those who had no information about the current status of their original properties are generally very close (58% of the displaced), but the overwhelming majority (82%) of those displaced from Homs and its countryside said they do know the current status of their properties.
- It was noticed that the displaced with an agreement tend to say that their properties are either damaged or destroyed more than the displaced without an agreement by a small percentage of 6%. The percentages are close when taking the habitual geographical regions into consideration. We noticed the decrease of the percentage of the displaced without an agreement who said their properties are damaged in Damascus and its countryside to 80% compared with 92% of the displaced with an agreement.



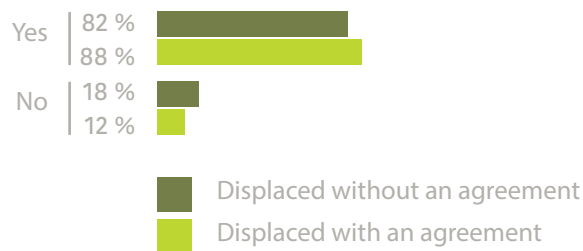
Chapter 3- Figure (11) Do you have any information about your properties (non-movable) in your habitual home?



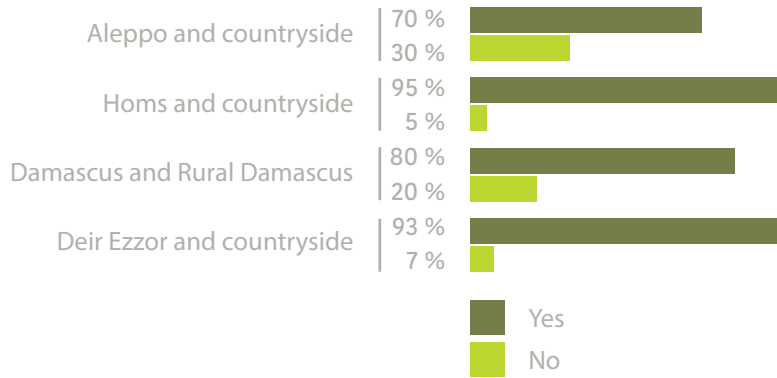
Chapter 3- Figure (12) Do you have any information about your properties (non-movable) in your habitual home? (sample of displaced without an agreement)



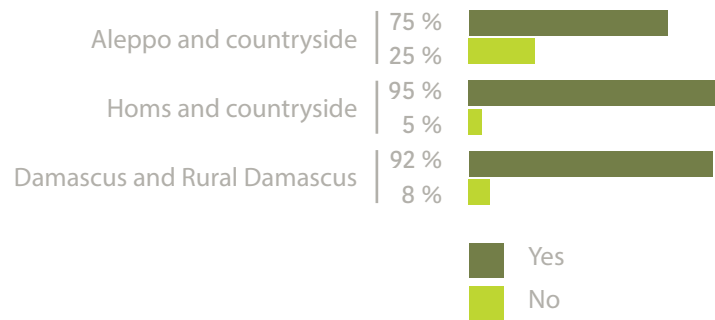
Chapter 3- Figure (13) Do you have any information about your properties (non-movable) in your habitual home? (sample of displaced with an agreement)



Chapter 3- Figure (14) Is it damaged?



Chapter 3- Figure (15) Is it damaged /destroyed? (sample of displaced without an agreement)



Chapter 3- Figure (16) Is it damaged /destroyed? (sample of displaced with an agreement)



Satellite images showing the percentage of destruction and uprooting of trees

Methodology of selecting satellite images:

To assess the amount of destruction the original regions of the displaced have undergone, we compiled a list of regions being examined in the report, reviewed the satellite images taken during the past ten years, and selected the clearest of them covering different periods of time. Then we selected two images for this research, the first was taken during the most destructive wave which occurred in the region, and the second after the end of that wave with the largest spots of destruction. The aim of this was to link the dates of taking the images with that of the events of displacement.

The selected images focused on the most damaged residential areas. Each one covered an area nearly 1.2 square kilometer, with a large number of residential units; between 400-1000 units, and an estimated population of 30-40 thousand people.

The images were compared and artificially shadowed with a color density proportional to the size of destruction. We also presented exemplary images showing systematic operations of trees uprooting in areas planted with fruit trees. We distinguished between fruit trees and forest area by assuming that orchards of fruit trees are well arranged, contrary to the arbitrary distribution of trees in forests. In conclusion, the shadowed images reflect the percentages of destruction in certain cities.

Main conclusions:

- Neighboring regions whose people were displaced around the same time endured near-identical levels of destruction. For instance, the destruction percentages in Darayya and al-Moadamyeh exceeded 80%, while the destruction percentages in al-Kadam and Yarmouk neighborhoods were around 20%, while they rise up to 40% in Jobar, Harasta, and Irbin.
- The residential areas that either neighbored military locations or adjacent to highways were the areas that had the highest destruction percentages. This can be noticed in the areas adjacent to Mazzeh Military Airport and the Fourth Squad in Darayya and al-Moadamyeh, as well as the areas near the highway in Harasta and Qaboun.
- It can also be noticed that the areas that were controlled by ISIS such as al-Yarmouk Camp and parts of al-Kadam neighborhood were not as severely bombarded as the rest of the areas.

The pictures taken before the biggest wave of bombardment and destruction

The pictures taken after the biggest wave of bombardment and destruction

The destroyed buildings were colored in a density that corresponds to the severity of the destruction

Aleppo city



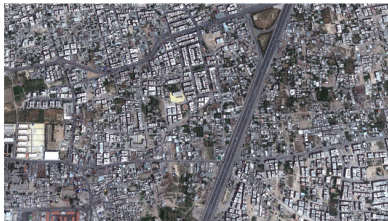
Muadamiya



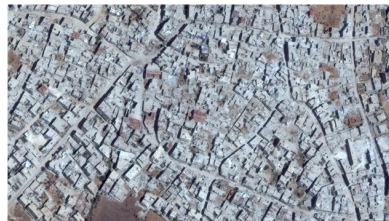
Arbin



Jobar



alZabadani



Darayya




**2nd**

Crimes related to housing, land and property (HLP) rights of the displaced

This research provides a large database containing documentation about the property that was left behind by the displaced people included in our research sample. The survey, answered by more than 10 thousand persons, offered information, not included in this report, on the expropriated houses or real estates, like the title deed, the location, description of the house and its contents and other information. It included, also, information about the owner, the properties and the available documents, as well as information about the case of expropriation of the real estate and the demands of the owners.

This data can be used in any future trials and legal disputes related to crimes committed against the displaced who had lost their properties in their habitual homes.

1. Housing, land and property (HLP) Rights in Syria:

Military operations in Syria deprived Syrians and those residing in Syria from their rights of housing and ownership using various methods such as: destroying houses and properties, forcing the residents to leave them, and depriving owners of their title deeds and documents which prove their ownership. The systematic military operations launched by the Syrian regime and its allies targeted residential, industrial, and agricultural areas, especially those which endured long years of siege which usually ended with forcibly displacing the residents of those areas. As a result, the housing sector in Syria was subject to a huge loss estimated between 250- 400 billion USD according to the International World Bank⁽⁷⁷⁾.

At another level, real estate offices were destroyed, and in some cases real estate registers were systematically targeted,⁽⁷⁸⁾ which will, in the future, impede the process of proving ownership, especially that the Syrian government depends mainly on official papers when it comes to property registration, and does not recognize other contracts issued by non-governmental bodies in opposition-held areas.

Housing, land and property (HLP) Rights in Syria became extremely complicated after issuing laws and decrees, and after adopting procedures which can be understood only in the context of the Syrian regime's

(77) The Toll of War: The Economic and Social Consequences of the Conflict in Syria. <http://tiny.cc/9xxu6y>

(78) For example: Horrya Press: Bombardment of the local council offices in an attempt to destroy ownership records. Available at (in Arabic): <https://horrya.net/archives/36561>

The Syrian Human Rights Committee: Government military forces burn the Cadastre and land records in Homs, 1, July, 2017 Available (in Arabic) at: <https://www.shrc.org/?p=15314>

Aljazeera: Condemnation of Cadastre and land records in Manbij - The regime keeps the archive" 14, August, 2016. Available (in Arabic) at: <https://bit.ly/2LxZucW>

efforts to change the fabric of the population and the demographic status in Syria, like decree No 66 and law No 10. Although these laws and legislations are framed as part of the reconstruction efforts initiated by the government, it is clear that they are tools of collective punishment targeting specific groups and areas. This is clear from the absence of the displaced, the forcibly displaced and the refugees from all the statements issued by the Ministry of Public Works and Housing, and from the statements of the Syrian Prime Minister during the past period about the strategy of regional planning, the national strategy of housing, and the executive program of this strategy, as well as the national map of houses and housing.⁽⁷⁹⁾

Noteworthy, is the fact that the political negotiations in Geneva, and even in Sochi and Astana, are still far from considering this issue, despite its importance in terms of returning the refugees and the internally displaced people, despite the fact that guaranteeing HLP rights is an essential element in the any efforts aimed towards transitional justice, and is one of the major steps to end internal conflicts. In addition, the international community should not prioritize the advancement of UN Security Council resolution 2254 concerning the reconstruction operations over negotiations concerning the laws and regulations governing these operations because these laws and regulations will have a direct and tangible effect on the property rights of the displaced, with or without an agreement and the refugees of property ownership and of their capability to return to their factual homes.

Recently issued laws and decrees which may undermine the HLP rights of Syrians:

Decree/Law	Risks
Legislative decree No. 63 of 2012	This decree gives the finance ministry the right to expropriate the possessions and properties according to the provisions of the counter-terrorism Law of 2012. It is a law that adopts a loose interpretation of what constitutes terrorism in order to include large groups of the populations, particularly those who politically oppose the regime.
Legislative decree No. 66 of 2012	This decree gives the legal justification to demolish and reconstruct slum areas, because these slums, especially in Damascus the capital, became centers for opposing the Syrian regime. This decree can be interpreted as a tool of collective punishment.
Law No. 10 of 2018	This law designates areas prepared for reconstruction. Although, theoretically, it is a tool for organizing construction, it allows expropriating properties of the population who were obligated to flee as IDPs or refugees or who were displaced in the framework of reconciliation agreements.

(79) Shaam Times: "Housing Minister: A house for each family", 5, February 2019. Available (in Arabic) at: <http://tiny.cc/buix6y>



2. The legal and constitutional frameworks of HLP rights in Syria:

Housing, land and property (HLP) rights, refer to the rights of every individual to live in a safe home and their right to ownership without any discrimination, especially in case they belongs to the vulnerable and marginalized classes of the society. International law safeguards HLP rights. Article 11 of the International Covenant on Economic, Social and Cultural Rights,⁽⁸⁰⁾ ratified by the Syrian government in 1969 states that: “The states, parties to the Covenant, recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”

The guiding principles on internal displacement⁽⁸¹⁾ include a number of articles related to the rights of housing and property. Principle 18 states that “At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to: (b) Basic shelter and housing.” Principle 21 states that “The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:

- (a) Pillage;
- (b) Direct or indiscriminate attacks or other acts of violence;
- (c) Being used to shield military operations or objectives;
- (d) Being made the object of reprisal; and
- (e) Being destroyed or appropriated as a form of collective punishment.”

Principle 29 states that:

1- Internally displaced persons who have returned to their homes or places of habitual residence or who have settled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.

(80) See International Covenant on Economic, Social and Cultural Rights. Available at: <https://www.ohchr.org/EN/professionalinterest/pages/cescr.aspx>

(81) Unlike the case of refugees, there is no international universal treaty which applies specifically to IDPs. The Guiding Principles presented by the then Representative of the UN Secretary General on IDPs, M. Francis Deng, to the UN Commission on Human Rights in 1998, were therefore a milestone in the process of establishing a normative framework for the protection of IDPs. The Guiding Principles are consistent with and reflect international human rights and humanitarian law, as well as refugee law by analogy. The principles interpret and apply these existing norms to the situation of displaced persons. Although not a binding legal instrument, the principles have gained considerable authority since their adoption in 1998. The UN General Assembly has recognized them as an important international framework for IDP protection and encouraged all relevant actors to use them when confronted with situations of internal displacement. Regional organizations and states have also deemed the principles a useful tool and some have incorporated them into laws and policies.

See Guiding Principles on Internal Displacement

Available at: <http://hrlibrary.umn.edu/instree/GuidingPrinciplesonInternalDisplacement.htm>

2- Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.”

The consecutive Syrian constitutions issued since 1920 included clear articles that guarantee the rights of individual and collective ownership, including article 15 of the present constitution of 2012⁽⁸²⁾ which states that:

Private property; whether individual or collective, is guaranteed by the following principles:

a- General expropriation of properties is forbidden.

Private property may not be confiscated except in the public interest in a decree and against a just compensation according to the law.

Private confiscation is lawful only pursuant to a court ruling.

Private confiscation is permitted in the states of war, public disasters pursuant to a law and against a just compensation. The compensation should be equal to the real value of the property.

3. Prohibition of pillaging and expropriating properties of the civilians and displaced in the International Humanitarian Law:


Although Additional Protocol II to the Geneva Conventions contains no general protections for civilian property because the drafting states believed they had no authority to arrange or protect property rights inside a sovereign state., article 14 of the second protocol prohibits attacking objects indispensable to the survival of the civilian population”⁽⁸³⁾ and rule 52 of Customary International Humanitarian Law that “pillage is prohibited.”⁽⁸⁴⁾ which is considered in all public laws as theft. Actions of pillaging of the possessions and houses of the civilians without any legal justification or without a just judicial trial justifying expropriating civilians’ properties in the region may amount to an international crime.

Rule 133 of Customary International Humanitarian Law states that “The property rights of displaced persons

(82) Syrian Arab Republic Constitution. Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/91436/106031/F-931434246/constitution2.pdf>

(83) Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of non-international armed conflicts. Available at: <https://www.refworld.org/docid/3ae6b37f40.html>

(84) International Committee of the Red Cross, IHL Database Customary IHL, Rule 52, page 182. Available at: <https://www.icrc.org/en/doc/assets/files/other/customary-international-humanitarian-law-i-icrc-eng.pdf>



must be respected.” It follows that any act of pillaging private properties and possessions of civilians (IDPs) done by a party to the conflict may amount to a clear violation of the rules of International Humanitarian Law. ⁽⁸⁵⁾

4. Prohibition of pillaging and expropriating of properties of the civilians and IDPs in the International Criminal law:

Article 8(2)(e)(viii) of the Rome Statute states that: Pillaging a town or place, even when taken by assault;⁽⁸⁶⁾ is one of serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law. One of the elements of the war crime of pillaging as stipulated by the International Criminal Court is that “the perpetrator intended to deprive the owner of the property and to appropriate it for private or personal use.”⁽⁸⁷⁾ If the perpetrator pillages the properties of civilians without any legal justification and without a court order issued by after a just legal trial, it follows that their conduct may amount to a war crime.

5. Prohibition of pillaging and expropriation of the properties of the civilians and IDPs in the International law of Human Rights:

Article 17(2) of the Universal Declaration of Human Rights states that “No one shall be arbitrarily deprived of his property.” So, what the perpetrator had done, in addition to what was mentioned, may be considered to be in a clear violation of the rules and provisions of International Human Rights Law.

(85) International Committee of the Red Cross, IHL Database Customary IHL, Rule 133, Page 473.
Available at: <https://www.icrc.org/en/doc/assets/files/other/customary-international-humanitarian-law-i-icrc-eng.pdf>

(86) Rome Statute art. 8(2)(e)(viii). Available at: http://legal.un.org/icc/statute/99_corr/cstatute.htm

(87) International Criminal Court, Elements of Crimes, Pages 25-26, art. 8(2)(e)(v) (2011).
Available at: <https://www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf>

CONCLUSIONS:

- Although this research is not intended to provide legal analysis in the framework of a criminal investigation into a crime of forced displacement, the answers under this huge survey provide strong indications that the displacements that occurred under reconciliation agreements may amount to forced displacement.
- The answers of the respondents targeted in this research in specific areas and time frames cannot be separated from relevant Syrian government practices since the beginning of the Syrian conflict that can be considered systematic. By examining most of the so-called reconciliation agreements, the regime's systematic process can be seen in the implementation of three phases in almost every region: a siege, a military operation, and then a reconciliation agreement and displacement for the population. With this process repeated for years and in more than one region, we can conclude that the Syrian government has adopted this pattern as a policy to implement forced displacement, and we can conclude there is no legally justified action under one of the two exceptions referred to in the above legal analysis: i.e., urgent military necessity or protection /security of civilians. The intersecting legal conclusions drawn from some of the answers in this paper with the systematic "state policy" of forced displacement increases the likelihood that the Syrian government's practices will amount to a war crime or a crime against humanity.
- Claims that there were no direct and explicit orders to displace the population are not an acceptable legal argument to deny the crime of forced displacement. The systematic and widespread targeting of civilians in the context of frequent violations, including intimidation of the population, direct targeting and starvation of civilians, as well as constantly subjecting them to the risk of arbitrary detention and other abuses, have created what can be considered a natural consequence of these events, namely the forced displacement of civilians. A perpetrator of forced displacement does not have to issue a direct order to commit it, it is enough for systematic policies to create a single option for civilians which is to forcibly leave their original abodes.
- This research provides a huge database and substantial starting points for conducting formal criminal investigations, with access to a broad spectrum of victims and witnesses who can provide the investigation with accurate information and compelling evidence for any accountability mechanism to investigate what may amount to a systematic and widespread forced displacement.
- The security conditions and living challenges arising from sieges ranked first among the reasons that led the displaced to leave their places of origin. The vast majority accused Syrian regime forces of being responsible for the displacement, followed by Russian forces, while the overwhelming percentage of the displaced said that they had no role in the negotiation processes. 57% of them said they knew about the terms of the agreement when they were broadcast through loudspeakers in mosques and 29% through social media.



- The provision of shelter is the biggest challenge facing IDPs upon their arrival in northern Syria, which has received displaced people from dozens of Syrian towns and cities, and before that from many other areas, and is now under the pressure of population density and high demand for housing. Many IDPs are forced to live in damaged or unfinished constructions, or in buildings that are not suitable for accommodation, and the number of IDPs in this area is almost equal to their resident population. Most of the displaced today (71%) live in rented housing, a large percentage that indicates poor efforts for providing shelter for the displaced, adding an additional financial burden for them that is not always easy to bear, in addition to a majority (67.5%) who live in housing they are not content with.

- As regards the level of availability of basic commodities for the forcibly displaced, identified in our research as three basic commodities: food, water and fuel including petrol derivatives and alternatives, the research concluded that about half of the displaced suffer from problems related to the ability to secure sufficient basic food items. More than 56% of people face difficulties accessing sufficient water, while three-quarters of those forcibly displaced (78%) have difficulties securing fuel. We estimate that the crisis which these figures indicate is due to two main factors: the first is the high prices of petrol derivatives and alternatives in northern Syrian regions, where the largest percentage of the sample is located, in addition to the irregular supply of fuel derivatives to those areas, which leads to frequent interruptions in supply.

- Research results indicate that the legal services that IDPs need in their daily lives, such as issuing legal documents, documenting births, marriages or even litigation, etc., is one of the biggest service gaps they suffer from. These services are not available at all to 61% of IDPs according to data from the sample, and 15% said available services are insufficient. If we add the percentage of those who said these services are barely enough, we find a huge percentage of 87% of IDPs from the research sample who suffer varying degrees of difficulty accessing legal services. These shortages are not limited to legal problems, but they also have a political dimension as gaps in civil records negatively affect the voter registry and the electoral system design for any upcoming elections in Syria.

- 56% of IDPs suffer from severe difficulties in accessing medical services, and the research finds it likely that the planned targeting by Syrian regime forces and its allies of medical sector facilities in northern Syria and consequent relocation of large numbers of doctors and medical personnel is one of the main factors depriving the largest proportion of the displaced and, of course, original residents, of medical services.

- 45% of respondents considered that education is not sufficient for their children, and it can be said that one of the reasons for this increased percentage is the nature of educational services themselves, despite the ability of operating schools to expand their capacity in a more flexible way than medical facilities, for example, as a classroom that accommodates thirty students can accommodate more without requiring significant additional resources. At the same time, it should be noted that the research did not address the quality of education for displaced children and its formal recognition in Syria, nor to intermediate and secondary education, not to mention higher education.

- 58% of IDPs said they have some sort of a job, which is their main source of income. Although the theoretical remaining percentage of unemployed is about 42%, this includes males as well as females who have low rates of economic activity due to cultural and social factors. The relatively high economic activity rates can be explained by the competitiveness of the new labor force coming to labor markets in northern Syria, especially that coming from markets of big cities such as Damascus and Aleppo, from where 89% of the total sample were displaced. However, it does not exclude the fact that it may be related to the support for IDPs by the social environments where they settled, as well as gaps left by the migration of skilled labor to Turkey and other countries over the past years. Humanitarian aid is the second largest source of income for IDPs (34%), followed by remittances from relatives outside Syria (15%).


- Research data shows that approximately 62% of the displaced do not receive any humanitarian assistance. The lack of assistance for the majority of IDPs is linked to the previous point on shortages in registration processes and creating a database for displaced persons, as well as the capacity levels of humanitarian actors.

- The research concluded that the relationship between IDPs and host communities is very positive, as more than half of the respondents described their relationship with host communities as good and said they feel accepted and that their sense of personal security has increased compared to their situation before displacement.

- Regarding those who worked to register the 52% of IDPs mentioned above, we find that the biggest burden of the process was on local councils in the areas where IDPs went to, organizing records for 39% of them, followed by the IDP associations and committees established by the displaced communities, who recorded 34% of the IDPs, while only 14% were registered by relief organizations active in the areas where the displaced arrived to.

- While 86% of respondents said that their first choice would be to return to their original areas of residence, more than a third of them answered "I do not know" when asked what kind of compensation they expect upon return, 20% want to return and recover their properties, and 16% would accept settlement and reparation.

- By analyzing satellite imagery, we found that geographically contiguous areas that were simultaneously abandoned received almost the same share of destruction. For example, it is noteworthy that destruction in the images of Darayya and al-Moadamyeh exceed 80%, while destruction in pictures taken from the neighborhoods of al-Kadam and Yarmouk is 20%, and over 40% in Jobar, Harasta, and Irbin. Areas situated near main military sites or on main roads were the most exposed to destruction, and this can be seen in the areas adjacent to the al-Mazzeah Military Airport and the 4th Division, in Darayya and al-Moadamyeh. It can also be seen in the vicinity of the highway in Harasta and Qaboun. It is worth noting that areas that fell under ISIS control, such as the Yarmouk camp and parts of the neighborhood of al-Kadam, were not



subjected to severe shelling like the rest of the neighboring areas.

- 38% of those displaced under a “reconciliation agreement” own property in their original pre-displacement place of residence, while the remaining 62% do not have immovable property. The percentage of people owning real estate rises to 70% among those coming from Homs and its countryside, while the lowest levels, about one third (35%), and are from Damascus and its countryside. More than three-quarters (78%) of those displaced under an agreement and who do not have documents attesting to their ownership consider the reason for the loss of these documents was that they were damaged in bombardments. The majority of IDPs (60%) who have property in their areas of origin have no information on their present condition, which raises a major concern related to the scarcity of available information and the disconnect between the displaced and their communities of origin. Of the 40% who have information about the status of their property, the overwhelming majority (88%) said that their property was destroyed or damaged, while 66% of the displaced described the status of their property as “occupied”.

- The file of “housing rights, land ownership and real estate” is further complicated in Syria with laws, legislation and procedures that can be understood in the context of the Syrian regime’s efforts to restructure the population fabric in Syria and to effect demographic change, such as population substitution, Decree no.66 and Law no.10. Although these laws are promoted as urban planning tools aimed at organizing reconstruction, they are clearly collective punishment tools that serve population change and target specific groups and regions. There is a need to address the lack of discussion on the property and homes of IDPs in political discussions, as this is a very important issue in the process of returning refugees and IDPs. Guaranteeing land and property rights is an essential element in political and transitional justice processes and one of the key steps to end civil strife. Also, the international community linking aid for reconstruction in Syria to the progression of the political process 2254 should not mean no discussion of the laws and frameworks governing this process, especially as it is closely related to the property rights of Syrian IDPs and refugees and their ability to return to their country of origin.

QUESTIONNAIRE

Survey Name:	Survey on Forced Displacement
Description:	
Introduction:	Welcome to the Survey on Forced Displacement
Conclusion:	The End. Thank you for your co-operation
Survey Created On:	Dec 22, 2018 – 8:22:59 AM

Q1	Information	
Question Text		
<p>Thank you for taking the time to talk about ‘displacement and property’. The Day After works to document forced displacement in Syria and the loss of property so it can communicate these issues to policymakers and help displaced people document the property they have lost. Since it is absolutely necessary to document the history your movement in detail, this interview may take an hour and a half. If you have lost your property, we will ask you some additional questions that may take more time. We need all that time because it is very important to accurately document all details, and make sure that we accurately reflect your story. We also thank you for making time for this interview.</p>		
		Next: Q2

Q2	Text	*Answer Required
Question Text		
Which Syrian area do you consider your original habitat?		
		Next: Q3

Q3	Text	*Answer Required
Question Text		
Where was your place of residence before March 15, 2011? (If the original habitat is different from the place of residence on March 15, 2011, answer the following question)		
		Next: Q4

Q4	Date	*Answer Required
Question Text		
When did you change your place of residence before March 15, 2011?		
		Next: Q5

Q5	Single Select	*Answer Required
Question Text		
What was the reason you moved?		
	Answers	
	A1 Work	

		<p>A2 Family</p> <p>A3 Job transfer</p> <p>A4 Security situation</p> <p>A5 Other</p>	Next: Q6
Q6	Single Select		*Answer Required
Question Text		Answers	
Did you own property in the place where you were residing?		A1 Yes	Next: Q81
		A2 No	Next: Q7
Q7	Date		*Answer Required
Question Text			
Since when? Mention the date.			Next: Q8
Q8	Information		
Question Text			
Check information about the seized accommodation or property			Next: Q9
Q9	Information		
Question Text			
Real Estate Registration			Next: Q10
Q10	Text		
Question Text			
Property No.			Next: Q11
Q11	Text		*Answer Required
Question Text			
Real Estate Zone			Next: Q12
Q12	Information		
Question Text			
Details of location			Next: Q13



Q13	Text	*Answer Required
Question Text		
Governorate		
		Next: Q14

Q14	Text	*Answer Required
Question Text		
Town or village		
		Next: Q15

Q15	Text	*Answer Required
Question Text		
Neighborhood or street		
		Next: Q16

Q16	Text	*Answer Required
Question Text		
Proximate landmarks		
		Next: Q17

Q17	Single Select	
Question Text	Answers	
What type of property is it?	A1 Accommodation	
	A2 Commercial shop	Next: Q21
	A3 Agricultural land	Next: Q22
	A4 Facility	Next: Q23
	A5 Office or clinic	Next: Q24
	A6 Other	Next: Q25
		Next: Q18

Q18	Numeric	
Question Text		
Number of rooms		
		Next: Q19

Q19	Text	
Question Text		
Floor		
		Next: Q20

Q20	Text	
Question Text		
Use		

			Next: Q25
Q21	Text	Question Text Description of commercial shop	Next: Q25
Q22	Text	Question Text Description of agricultural land	Next: Q25
Q23	Text	Question Text Description of facility	Next: Q25
Q24	Text	Question Text Description of office or clinic	Next: Q25
Q25	Information	Question Text Fixed and movable contents	Next: Q26
Q26	Text	Question Text Furniture and movables	Next: Q27
Q27	Text	Question Text Equipment in general?	Next: Q28
Q28	Information	Question Text Source of information	Next: Q29
Q29	Text	Question Text Information authorized by	*Answer Required



			Next: Q30
Q30	Text		
Question Text			
Witnesses			Next: Q31
Q31	Text		
Question Text			
Mukhtar [<i>Head of neighborhood</i>]			Next: Q32
Q32	Information		
Question Text			
Date this table was organized			Next: Q33
Q33	Text	*Answer Required	
Question Text			
Place			Next: Q34
Q34	Date	*Answer Required	
Question Text			
Date			Next: Q35
Q35	Text	*Answer Required	
Question Text			
Name:			Next: Q36
Q36	Text	*Answer Required	
Question Text			
Capacity			Next: Q37
Q37	Signature		
Question Text			
Signature			Next: Q38
Q38	Information		
Question Text			
A- Information about the owner and the property			

			Next: Q39
Q39	Text	*Answer Required	
Question Text			
Owner(s)			Next: Q40
Q40	Text	*Answer Required	
Question Text			
Owned share			Next: Q41
Q41	Date	*Answer Required	
Question Text			
Date of departure			Next: Q42
Q42	Text		
Question Text			
Names of partners, if any			Next: Q43
Q43	Text		
Question Text			
Family members residing with him			Next: Q44
Q44	Information		
Question Text			
B- Means of proving ownership or occupancy			Next: Q45
Q45	Text		
Question Text			
Source of title deed			Next: Q46
Q46	Text		
Question Text			
Source of judicial decision (court ruling)			Next: Q47
Q47	Text		
Question Text			
Source of notary agency			



		Next: Q48
Q48	Text	
Question Text		
Source of normal contract		
		Next: Q49
Q49	Text	
Question Text		
Source of lease, mortgage or investment contracts		
		Next: Q50
Q50	Information	
Question Text		
C- Documentation enclosed in this file		
		Next: Q51
Q51	Photo Capture	
Question Text		
Enclosed copies of documentation - document type		
		Next: Q52
Q52	Text	
Question Text		
Enclosed copies of documentation - date and source		
		Next: Q53
Q53	Text	
Question Text		
Proof of identity - ID number		
		Next: Q54
Q54	Text	
Question Text		
Proof of identity - passport number		
		Next: Q55
Q55	Text	
Question Text		
Other means		
		Next: Q56
Q56	Information	
Question Text		
Owner's address and contact information		

			Next: Q57
Q57	Text	*Answer Required	
Question Text Current address of applicant			Next: Q58
Q58	Numeric	*Answer Required	
Question Text Phone or mobile no.			Next: Q59
Q59	Text		
Question Text WhatsApp / email			Next: Q60
Q60	Text	*Answer Required	
Question Text Table organized by			Next: Q61
Q61	Signature		
Question Text Electronic signature			Next: Q62
Q62	Information		
Question Text Incident around seizure of property or accommodation			Next: Q63
Q63	Date		
Question Text Date he was informed of the seizure of property			Next: Q64
Q64	Information		
Question Text Information about property appropriators			Next: Q65
Q65	Text		
Question Text Names of appropriators			



			Next: Q66
Q66	Text	Question Text Source of his information	Next: Q67
Q67	Single Select	Question Text Is it one appropriator or several?	Answers A1 One A2 Two A3 Three A4 More Next: Q68
Q68	Information	Question Text Destruction and lost items	Next: Q69
Q69	Text	Question Text Information about destruction	Next: Q70
Q70	Text	Question Text Information about lost items	Next: Q71
Q71	Text	Question Text Name of perpetrator of damage and seizure	Next: Q72
Q72	Text	Question Text Other information	Next: Q73
Q73	Information	Question Text Documentation of owner's demands	Next: Q74
Q74	Single Select		

Question Text		Answers	
Will he be satisfied with property restitution		A1 Yes	Next: Q76
		A2 No	Next: Q75
Q75	Text		
Question Text			
Specify his claims			Next: Q76
Q76	Single Select		
Question Text		Answers	
Will he demand compensation		A1 Yes	
		A2 No	Next: Q79
Q77	Text		
Question Text			
Reason for compensation			Next: Q78
Q78	Numeric		
Question Text			
Amount			Next: Q79
Q79	Text		
Question Text			
Name:			Next: Q80
Q80	Signature		
Question Text			
Signature			Next: Q81
Q81	Numeric	*Answer Required	
Question Text			
How many people were living in your house (first-degree relatives)?			Next: Q82
Q82	Single Select	*Answer Required	
Question Text		Answers	

Were you or any member of your family subjected politically detained before March 2011?

A1 Yes

A2 No

Next: Q83

Q83 Single Select *Answer Required

Question Text
Did you have a job before 2011?

Next: Q84

Q84 Text *Answer Required

Question Text
What was your job?

Next: Q85

Q85 Single Select *Answer Required

Question Text
Was your place of work in the same area of your residence?

Answers

A1 Yes

A2 No

Next: Q86

Q86 Single Select

Question Text
Did you have more than one job?

Answers

A1 Yes

A2 No

Next: Q87

Q87 Single Select *Answer Required

Question Text
How much was your monthly income?

Answers

A1 Less than 10,000 SP

A2 10,000 - 25,000 SP

A3 25,000 - 50,000 SP

A4 50,000 - 100,000 SP

A5 More

A6 I don't want to answer

Next: Q88

Q88 Numeric *Answer Required

Question Text
How many persons did you support financially through your work?

Next: Q89

Q89	Text	*Answer Required
Question Text You moved from?		
Next: Q90		
Q90	Text	*Answer Required
Question Text To		
Next: Q91		
Q91	Single Select	*Answer Required
Question Text How long ago did you move?		
Answers		
A1 Around 1 month ago		
A2 Around 3 months ago		
A3 Between 3 - 6 months ago		
A4 Around 1 year ago		
A5 More than 1 year ago		
Next: Q92		
Q92	Date	*Answer Required
Question Text To return to your move to northern Syria, when did you decide to leave your place of residence? Mention the date.		
Next: Q93		
Q93	Text	*Answer Required
Question Text Where did you go? Mention the place		
Next: Q94		
Q94	Multi Select	*Answer Required
Question Text What were your reasons for this decision? (more than one answer possible)		
Answers		
A1 Surrounding violence (lack of security)		
A2 Work / lack of income		
A3 Lack of shelter		
A4 I was exposed to personal threat		
A5 Departure of all relatives		
A6 Lack of basic services		
A7 Other, please mention		
Next: Q95		



Q95	Single Select	*Answer Required
Question Text		Answers
Did you decide to leave yourself or were you asked to leave?		A1 I decided to leave myself Next: Q97
		A2 I was asked to leave Next: Q96
Q96	Single Select	*Answer Required
Question Text		Answers
Who asked you to leave?		A1 Regime forces
		A2 Pro-regime militias
		A3 Russian forces
		A4 FSA
		A5 Other, please mention Next: Q97
Q97	Single Select	*Answer Required
Question Text		Answers
Was your departure based on an agreement after a negotiation process?		A1 Yes
		A2 No Next: Q101
		Next: Q98
Q98	Text	*Answer Required
Question Text		
Who were the negotiating parties?		Next: Q99
Q99	Single Select	*Answer Required
Question Text		Answers
Did you have a role in selecting the negotiators?		A1 Yes
		A2 No Next: Q100
Q100	Single Select	*Answer Required
Question Text		Answers
How did you find out about the terms of the agreement?		A1 It was read out publicly
		A2 It was posted on social media
		A3 It was delivered to me personally
		A4 Other, please mention

			Next: Q101
Q101	Date	*Answer Required	
Question Text When did you depart?			Next: Q102
Q102	Single Select	*Answer Required	
Question Text Did you receive any instructions regarding your departure?			
Answers A1 Yes A2 No			Next: Q114 Next: Q103
Q103	Single Select	*Answer Required	
Question Text Were the instructions written?			
Answers A1 Yes A2 No			Next: Q106 Next: Q104
Q104	Single Select	*Answer Required	
Question Text Who were the instructions from?			
Answers A1 Syrian forces A2 Syrian army A3 Civil Defense A4 Shabiha militias A5 Jaish al-Islam A6 Armed factions A7 Al-Rahman Legion A8 Other, please mention			Next: Q105
Q105	Date		
Question Text What was the date of this paper?			Next: Q106
Q106	Single Select	*Answer Required	
Question Text Were the instructions verbal?			
Answers A1 Yes A2 No			Next: Q113 Next: Q107
Q107	Text	*Answer Required	

Question Text
Who were the verbal instructions from?
Next: Q108

Q108 Date
Question Text
What was the date of those instructions?
Next: Q109

Q109 Text *Answer Required
Question Text
What was the nature of those instructions?
Next: Q110

Q110 Single Select *Answer Required
Question Text
In the instructions you received, were you given an alternative place to move to?
Answers
A1 Yes
A2 No
Next: Q115
Next: 111

Q111 Text *Answer Required
Question Text
What specifically were the instructions you received?
Next: Q112

Q112 Single Select *Answer Required
Question Text
Were the instructions directed at you personally, or were they directed to the entire community in your environment?
Answers
A1 To me
A2 To the community
Next: Q113

Q113 Text *Answer Required
Question Text
If you had not followed the instructions, what do you think would have happened as a result of not following the instructions?
Next: Q114

Q114 Text *Answer Required
Question Text

If no instructions were given, what do you think would have happened to you if you had not left?			Next: Q115
Q115	Single Select	*Answer Required	
Question Text		Answers	
Did they provide you with transportation?		A1 Yes	
		A2 No	Next: Q117
			Next: Q116
Q116	Text	*Answer Required	
Question Text			
Who provided you with transportation?			Next: Q117
Q117	Single Select	*Answer Required	
Question Text		Answers	
Did they promise you shelter in the alternative location?		A1 Yes	
		A2 No	Next: Q119
			Next: Q118
Q118	Text	*Answer Required	
Question Text			
Who was the party that would provide you with shelter?			Next: Q119
Q119	Single Select	*Answer Required	
Question Text		Answers	
Did they promise to provide you with aid in the alternative location?		A1 Yes	
		A2 No	Next: Q121
			Next: Q120
Q120	Text	*Answer Required	
Question Text			
Who would undertake to provide you with aid you once you arrived?			Next: Q121
Q121	Single Select	*Answer Required	
Question Text		Answers	
Did you receive any financial aid when moving to the new location?		A1 Yes	



		A2 No	Next: Q124 Next: Q122
Q122	Numeric		
Question Text			
What was the amount?			Next: Q123
Q123	Text		
Question Text			
Who did you receive the amount from?			Next: Q124
Q124	Single Select	*Answer Required	
Question Text		Answers	
Did they give you a timeline for your departure?		A1 Yes	
		A2 No	Next: Q126 Next: Q125
Q125	Numeric	*Answer Required	
Question Text			
How many days did they give you to leave?			Next: Q126
Q126	Single Select	*Answer Required	
Question Text		Answers	
Did they promise you could return in the future?		A1 Yes	
		A2 No	Next: Q127
Q127	Single Select	*Answer Required	
Question Text		Answers	
Did they give you any information about what would happen to your property, if you have any property?		A1 Yes	
		A2 No	Next: Q129 Next: Q128
Q128	Text		
Question Text			
Please specify accurately			Next: Q129
Q129	Single Select	*Answer Required	
Question Text		Answers	

Were you asked to sign any documents?		A1 Yes	
		A2 No	Next: Q131
			Next: Q130
Q130	Text	*Answer Required	
Question Text			
Please specify the type of document			
		Next: Q131	
Q131	Single Select	*Answer Required	
Question Text		Answers	
In your opinion, was a group or community forced to leave the area?		A1 Yes	
		A2 No	
		Next: Q138	
		Next: Q132	
Q132	Text		
Question Text			
Who was this group?			
		Next: Q133	
Q133	Text		
Question Text			
What were the reasons that forced this particular group to leave?			
		Next: Q134	
Q134	Multi Select	*Answer Required	
Question Text		Answers	
By whom was the group forced to leave?		A1 Syrian regime forces	
		A2 Pro-regime militias	
		A3 Russian forces	
		A4 FSA	
		A5 Jaish al-Islam	
		A6 Al-Rahman Legion	
		A7 Other	
		Next: Q135	
Q135	Single Select	*Answer Required	
Question Text		Answers	
Were other groups in the area treated differently?		A1 Yes	
		A2 No	
		Next: Q138	
		Next: Q136	

Q136 Text
Question Text
Who were these groups?
Next: Q137

Q137 Photo Capture
Question Text
Copy of paper, if available
Next: Q138

Q138 Text *Answer Required
Question Text
Where do you live now?
Next: Q139

Q139 Single Select *Answer Required
Question Text Answers
Has any body registered you? A1 Yes
A2 No Next: Q143
Next: Q140

Q140 Text *Answer Required
Question Text
Who is the party that did so?
Next: Q141

Q141 Single Select *Answer Required
Question Text Answers
Do you have a registration number or document? A1 Yes
A2 No Next: Q143
Next: Q142

Q142 Numeric *Answer Required
Question Text
Please give the document number
Next: Q143

Q143 Single Select *Answer Required
Question Text Answers
What kind of shelter do you live in? A1 Rented apartment
A2 Owned apartment
A3 Living with relatives
A4 Camp

		A5 Homeless without shelter A6 Public building	Next: Q144
Q144	Single Select	*Answer Required	
Question Text		Answers	
Did a third party provide you with this shelter?		A1 Yes	Next: Q149
		A2 No	Next: Q145
Q145	Single Select	*Answer Required	
Question Text		Answers	
Who did so?		A1 UN	Next: Q149
		A2 The community	Next: Q149
		A3 Local Council	
		A4 Humanitarian organization	Next: Q147
		A5 Military faction	Next: Q148
		A6 No one	Next: Q149
		A7 Other	Next: Q149 Next: Q146
Q146	Text		
Question Text			
Name of Local Council			Next: Q147
Q147	Text		
Question Text			
Name of organization			Next: Q149
Q148	Text		
Question Text			
Name of military faction			Next: Q149
Q149	Numeric	*Answer Required	
Question Text			

How are conditions in the shelter on a scale of 1 to 5, when 1 is very bad and 5 is very good?

Next: Q150

Q150 Single Select

*Answer Required

Question Text

Answers

Do you receive any aid?

A1 Yes

A2 No

Next: Q155

Next: Q151

Q151 Single Select

*Answer Required

Question Text

Answers

Who gives you this aid?

A1 UN

Next: Q155

A2

Next: Q153

Humanitarian organization

A3 The community

Next: 155

A4 Local Council

A5 Military faction

Next: Q154

A6 Other, please mention

Next: Q155

Next: Q152

Q152 Text

*Answer Required

Question Text

Name of Local Council?

Next: Q153

Q153 Text

*Answer Required

Question Text

Name of humanitarian organization?

Next: Q154

Q154 Text

Answers

Question Text

Name of military group or faction?

Next: Q155

Q155	Multi Select		*Answer Required
Question Text			Answers
What is your main source of income?			A1 Work
			A2 Relatives abroad
			A3 Aid
			A4 Personal savings
			A5 The community
			A6 Host
			A7 Other
			Next: Q156
Q156	Single Select		*Answer Required
Question Text			Answers
In general, how do you rate the quality of life in your current location?			A1 Very bad
			A2 Bad
			A3 Not bad and not good
			A4 Good
			A5 Very good
			Next: Q157
Q157	Grid – Single Select		*Answer Required
Question Text		Statements	Answers
Compared to your place of residence just before you left, is your current situation better, the same or worse?		S1 Security	A1 Much worse
S2 Standard of life		A2 Worse	
S3 Vulnerability and exposure to harm		A3 Same	
S4 Other		A4 Better	
		A5 Much better	
			Next: Q158
Q158	Single Select		*Answer Required
Question Text			Answers
Do you have any information about the status of your (immovable) property in your original habitat, if you have property?			A1 Yes
			A2 No
			Next: Q168
			Next: Q159
Q159	Single Select		
Question Text			Answers
Is it occupied?			A1 Yes
			A2 No
			Next: Q161



			Next: Q160
Q160	Text		
Question Text		Answers	
Who is it occupied by?			
			Next: Q161
Q161	Single Select		
Question Text		Answers	
Has it been damaged / destroyed?		A1 Yes	
		A2 No	Next: Q163
			Next: 162
Q162	Text		
Question Text			
By whom?			
			Next: Q163
Q163	Single Select		
Question Text		Answers	
Is it rented?		A1 Yes	
		A2 No	Next: Q165
			Next: Q164
Q164	Text		
Question Text			
Who is it rented by?			
			Next: Q165
Q165	Single Select		
Question Text		Answers	
Sold?		A1 Yes	
		A2 No	
			Next: Q166
Q166	Single Select	*Answer Required	
Question Text		Answers	
Do you have anything to prove your ownership?		A1 Yes	Next: Q168
		A2 No	
			Next: Q167
Q167	Single Select	*Answer Required	
Question Text		Answers	

Why do you have no proof of ownership?

- A1 You originally didn't have papers
- A2 They were stolen from you
- A3 They were destroyed in their location in the bombing
- A4 They were lost
- A5 One of the parties took it from you, please mention who

Next: Q168

Q168 Grid – Single Select

*Answer Required

Question Text

Statements

Answers

How far do you have access to the following?

S1 Food

A1 Completely available

S2 Shelter

A2 Sometimes available

S3 Medical care

A3 Barely sufficient

S4 Education

A4 Insufficient

S5 Legal aid

A5 Completely unavailable

S6 Financial aid

S7 Fuel

S8 Water

Next: Q169

Q169 Single Select

*Answer Required

Question Text

Answers

How safe do you feel in your current location?

A1 Very safe

A2 Safe

A3 Somewhat safe

A4 Unsafe

A5 Not at all safe

Next: Q170

Q170 Information

Question Text

To what extent do you think the following things are causing insecurity in your current location?

Next: Q171

Q171 Single Select

*Answer Required

Question Text

Answers

Aerial or ground bombing (the regime - Russia)

A1 Very serious problem

A2 Serious problem



		A3 Somewhat serious problem A4 Not a serious problem A5 Not at all a problem Next: Q172
Q172	Single Select	*Answer Required
Question Text		Answers
Crime (theft - murder - physical violence)		A1 Very serious problem A2 Serious problem A3 Somewhat serious problem A4 Not a serious problem A5 Not at all a problem Next: Q173
Q173	Single Select	*Answer Required
Question Text		Answers
Clashes between military factions		A1 Very serious problem A2 Serious problem A3 Somewhat serious problem A4 Not a serious problem A5 Not at all a problem Next: Q174
Q174	Information	*Answer Required
Question Text		Answers
Relationship with the host community		Next: Q175
Q175	Single Select	*Answer Required
Question Text		Answers
How do you rate the relationship you have with your host community?		A1 Very good A2 Good A3 Not bad and not good A4 Bad A5 Very bad Next: Q176
Q176	Single Select	*Answer Required
Question Text		Answers
Do you feel accepted as a new member to the community?		A1 Completely accepted A2 Accepted

		A3 Somewhat accepted A4 Not at all accepted Next: Q177
Q177	Single Select	*Answer Required
Question Text		Answers
Have you felt discriminated against since your arrival?		A1 Not at all A2 Rarely A3 Sometimes A4 Often A5 Very often Next: Q178
Q178	Information	
Question Text		
Part 4 on future plans		Next: Q179
Q179	Single Select	*Answer Required
Question Text		Answers
What do you want to happen in the future?		A1 To go back to your home A2 To stay where you are A3 To move to another location in Syria A4 To move to another location outside Syria Next: Q180
Q180	Single Select	*Answer Required
Question Text		Answers
If you are offered (financial) compensation for the properties you have lost, will you accept it?		A1 Yes A2 No Next: Q182 Next: Q181
Q181	Numeric	*Answer Required
Question Text		
State the amount?		Next: Q182
Q182	Text	
Question Text		
Why?		



			Next: Q183
Q183	Multi Select	*Answer Required	
Question Text		Answers	
What kind of compensation do you expect?		A1 To retrieve and return to my property A2 To receive the property value (in the form of money or another property) A3 Reparation settlement A4 Symbolic compensation A5 Official apologies A6 I don't know / No answer A7 Other (free text)	
			Next: Q184
Q184	Information		
Question Text			
Personal information			Next: Q185
Q185	Text	*Answer Required	
Question Text			
Full name			Next: Q186
Q186	Text	*Answer Required	
Question Text			
Father's name			Next: Q187
Q187	Text	*Answer Required	
Question Text			
Place of Birth			Next: Q188
Q188	Date	*Answer Required	
Question Text			
Date of Birth			Next: Q189
Q189	Text		
Question Text			
Mother's full name			Next: Q190

Q190	Numeric	
Question Text		
ID card no.		
		Next: Q191
Q191	Date	
Question Text		
Date issued		
		Next: Q192
Q192	Numeric	
Question Text		
Passport no. if available		
		Next: Q193
Q193	Text	
Question Text		
Date and place issued:		
		Next: Q194
Q194	Text	
Question Text		
Religious affiliation		
		Next: Q195
Q195	Text	*Answer Required
Question Text		
Original place of residence:		
		Next: Q196
Q196	Text	*Answer Required
Question Text		
Current place of residence:		
		Next: Q197
Q197	Text	*Answer Required
Question Text		Answers
Sex:		A1 Male
		A2 Female
		Next: Q199
		Next: Q198
Q198	Text	*Answer Required
Question Text		Answers
Marital status		A1 Single
		Next: Q204



		A2 Married	Next: Q201
		A3 Divorced	Next: Q202
		A4 Widowed	Next: Q201
			Next: Q199
Q199	Text	*Answer Required	
Question Text		Answers	
Marital status		A1 Single	Next: Q204
		A2 Married	
		A3 Divorced	Next: Q202
		A4 Widowed	Next: Q202
			Next: Q200
Q200	Text	*Answer Required	
Question Text			
Husband's full name			
			Next: Q202
Q201	Text	*Answer Required	
Question Text			
Number of wives:			
			Next: Q202
Q202	Numeric	*Answer Required	
Question Text			
Number of sons			
			Next: Q203
Q203	Numeric	*Answer Required	
Question Text			
Number of daughters			
			Next: Q204
Q204	Text	*Answer Required	
Question Text			
Nationality:			
			Next: Q205
Q205	Text	*Answer Required	
Question Text			
Educational attainment			
			Next: Q206
Q206	Text	*Answer Required	
Question Text			

Occupation			Next: Q207
Q207	Text	*Answer Required	
Question Text			
Contact No.			Conclusion:



In the Absence of the Choice to Remain or Return:

Mass Forced Displacement & its Consequences under a “Reconciliation Agreement”

Survey Study including 10,000 IDPs in North-Western Syria