

Idlib's Courts of Arbitration

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Finding practical solutions to civil and commercial disputes.

After Samia Abdin's marriage broke down and ended in divorce, she tried to seek custody of her only son. The 28 year-old took her case to Maarat al-Numan's Sharia court, but after five months they were no nearer a solution. She turned instead to a court of arbitration and within ten days, after just two sessions, the issue had been decided and she was granted custody.

This alternative system is helping take the pressure off Idlib's overloaded courts, struggling to function in an area often under fire.

"Public courts in liberated areas have been forced to close their doors to the general public, as they have consistently been targeted by government airstrikes. This has created a vacuum in the legal system," Mohammad al-Mahlul, head of Maarat al-Numan's arbitration court, told Damascus Bureau.

He said that this need for an additional means to solve civil and commercial disputes drove the **Free Syrian Lawyers Association** (FSLA) to establish a dedicated court of arbitration to serve the Idlib governorate.

Al-Mahlul, along with a team of judges, lawyers, and legal advisers, attended training courses delivered by the FSLA in Turkey.

On June 1, 2015 the court opened its doors to the general public, operating from nine in the morning until ten in the evening.

It has conducted training sessions for lawyers in Idlib to explain the need for arbitration and the basics of its implementation, as well as opening offices in a number of villages and towns in the province.

All services provided by the arbitration court and its branches are free of charge. Court employees receive a monthly salary of 300 US dollars from the FSLA.

SAVING TIME, EFFORT AND MONEY

The arbitrator is tasked with settling disputes to the satisfaction of all parties involved. Resolutions are recognised by all courts and public entities in the region.

"Officially the arbitrator has the same role as a judge," the court's deputy head Abdul Salam Salum told Damascus Bureau. "He resolves financial, commercial, civil and social disputes, then issues a final judgment. This system saves time, effort, and money."

Salum said the court tried to raise awareness of the services it offered through meetings with community leaders in rural parts of Idlib. It is willing to undertake all kinds of disputes, except those between different armed factions.

Each month the court of arbitration receives an average of 50 cases. According to its public relations officer Zakaria al-Hiraki, the feedback from those seeking its services has been very positive.

Al-Hiraki attributes this to the extensive experience and patience of the arbitrators in addition to the judicial system practised, which is a combination of law and Sharia principles.

"There is no doubt that Sharia courts filled a vacuum during the revolution," said al-Hiraki, "But with all due respect, they lack experience and clarity, which has led to the loss of some rights. The process followed in arbitration is clear and concise, therefore some disputes are resolved within a few days or even a few hours. So far, it has not taken us more than one month to resolve a dispute. Such cases could take years to resolve in Sharia courts."

Among the main obstacles to the work of the judicial system are the continuing government airstrikes on court buildings. However, court staff remain committed to their work, striving to help people reconcile their differences.

One such case is that of Sabah Arabo, whose brothers wished to avenge their father after his alleged murder. Fearing more violence, the 25 year-old turned to the court of arbitration.

"Thanks to the intervention of the arbitrators, the case was settled," she said. "The accused paid our family eight million Syrian pounds in blood money in accordance with Sharia law, and my brothers dropped

the case against them. The services were free of charge, and we avoided further bloodshed.”

The court is also involved in settling family disputes, such as that brought before them by one local woman, Umm Ahmad.

“In my village, people follow old-fashioned customs which deprive women of their inheritance,” she said. “When my father died my brothers wished to do this, so I took my case to the court of arbitration.”

Much to Umm Ahmad’s relief, the arbitrator distributed the inheritance amongst all siblings in line with Sharia law.

“I received my rightful share in no time, and all parties were satisfied,” she said.

Clarifying the court’s principles and goals, al-Mahlul said, “Arbitration is not a new system, it was in practice even before the revolution, though on a limited scale.

“However, the government used to favour the rulings of traditional courts of law, which were mostly corrupt. Ridding the country of injustice, bribery and corruption is one of the reasons our revolution erupted.”

Al-Mahlul and his colleagues hope that promoting law and justice will lead to peace and stability.

“We are committed to training more arbitrators in liberated rural areas,” he continued. “We shall work hand in hand with honest people to bring justice to the oppressed, and shall stand up to tyranny, no matter how powerful it is in order to restore our rights”.

Sonia al-Ali is the pseudonym of a Damascus Bureau contributor from Idlib Countryside, Syria.

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