

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1261
Land:	Syrien
Kilde:	Udenrigsministeriet
Titel:	Udenrigsministeriets notat af 1. november 2019 svar på Udlændingestyrelsens høring af 8. august 2019
Udgivet:	1. november 2019
Optaget på baggrundsmaterialet:	3. juli 2020

UDENRIGSMINISTERIET

J.nr. 2019 - 30524
den 1. november 2019

NOTAT

SYRIEN. Asylsag.
Anmodning vedr.
retsdokumenter
US ref. nr. 19/185939

Udenrigsministeriet modtog den 8. august 2019 en anmodning om bistand fra Udlændingestyrelsen vedrørende retsdokumenter udstedt til syriske embedsmænd.

Udenrigsministeriet har adspurgte en uafhængig kilde, som har oplyst følgende:

1. Which authority issues and sends summon letters?

All different types of Courts, the Disciplinary Council, Execution Departments as well as the State Council and public notaries or any committee / body that has a judicial character can issue and send summon letters.

2. How is a summon letter delivered to the person summoned?

A summon letter is usually delivered to the summoned person by bailiffs, legal officers or officers of the judicial police. Pursuant to Article 22 of the Syrian Civil Law, the notifications should be delivered to the summoned in person, if found. If not found, the documents shall be handed over to the person acting on behalf of the summoned.

The person in charge of the notification procedure will be either a bailiff (civilian), a legal officer or a judicial police officer. In the case where the summoned is an army officer then he is summoned by a military officer.

If the bailiff does not find the summoned in his home country, the documents will be handed over to the summoned's representative or employer or whoever resides with him/her (direct or indirect family), spouse, brothers, sisters who seem to be over 18 year of age, provided they do not have conflicting interests with the summoned.

Articles 23 and 24 of the Syrian Civil law stipulate that summons can also be affixed to the notice board of the Court.

The law also allows summoning via secured mail, with acknowledgment of receipt, in three cases:

1. *If the summoned is present in a foreign country and has a known address*
2. *If the summoned is present in Syria and the judge deems that he can be notified by mail*
3. *In all other cases provided for by Law.*

3. Is there a standard template used for summon letters?

Yes. Please see attached template.

4. What information does the letter contain?

The summon letter contains the following:

1. *Court's Name and Judge's Signature*
2. *Full Name of the summoned and of the Plaintiff*
3. *Summon purpose*
4. *Full Name of the receiver of the summon*
5. *Full Name of the person who delivered the summon letter.*

It is to be noted that no stamps are affixed on a summon letter.

5. Is there any difference between government controlled areas and previously rebel held areas with regard to procedures for prosecuting public servants who have left their positions without notice?

A criminal offense is filed against any public servant who leaves his/her job without notice. A sentence in absentia is issued; a sentence that can be subject to objection or cancellation as long as the summoned does not appear.

In the rebel-held areas, the public servant who may be under hard conditions and pressure may file a lawsuit through the State's Council requesting the cancellation of the decision. The public servant may then return to his job and seek compensation for the period during which he did not receive income.

Udenrigsministeriet, den 1. november 2019