



POLICY PAPER

The Day After Foundation

PROBLEMS AND CHALLENGES

HOUSING AND PROPERTY ISSUES IN THE TRANSITIONAL PERIOD

Examining levels of formal and informal response

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HLP Problems and Challenges in the Transitional Period

Examining Formal and Informal Response Levels

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Introduction

Following the fall of the defunct Syrian regime on 8 December 2024, and with the advent of a new phase full of transformations and changes related to the Syrian reality in all its aspects, there has become a practical necessity to develop a new approach to one of the core issues, namely the issue of property and housing. This issue directly concerns millions of displaced Syrians, refugees and internally displaced people in terms of how to address the problems and challenges that stand in the way of providing the requirements for their return to their homes and properties. Constructive perceptions of solutions shall be developed to deal with a prolonged and huge legacy of accumulated and protracted violations of owner rights, through the participation of official government frameworks, representatives of civil society, experts, and all active and concerned parties in this issue. They all should work on developing such perceptions and solutions, in a manner consistent with and responsive to the requirements of transitional justice, real estate justice and reparation imperatives, in addition to anything that achieves a deeper and more comprehensive understanding of how to build a visionary, procedural and operational context, based on scientific and methodological standards in documenting violations, and the legal and societal pathways that enable right holders and victims of these violations to recover their properties and homes, and compensate them for such properties in case of the impossibility of restitution.

While complementing the previous research and policy papers that addressed these aspects before the fall of the regime, the nature of the current transitional period, the peculiarity of the Syrian experience in terms of the accumulation and expansion of real estate and housing problems, and the hard facts that emerged during this period, which still prevent the restitution of properties and houses to their owners on a large and acceptable scale, this paper constitutes the basis for discussion and analysis of the paper's question, which is based on the brainstorming workshops conducted by The Day After Institution (TDA) and the visits of TDA's field team, as part of its programs to cover those transformations that have taken place in Housing, Land and property (HLP) rights. This has been done in light of the facts of the new reality, making use of the outputs of those workshops, and the observations of field visits, which covered all Syrian regions, taking into account the conditions and peculiarity of each of them, as well making use of the outputs of the expert session, in order to cover the topics addressed in the paper, by delving into the roots and backgrounds of HLP disputes that began during the Baath rule, and accumulated due to the policies of the defunct regime. Then outcomes thereof emerged as a major dilemma after liberation. Delays or inadequacies in addressing such problems have become a threat to societal and civil peace.

The paper will address how the Transitional Administration deals with the HLP rights issue, whether through informal mechanisms such as civil and reconciliation committees, or through official administrative committees, as well as through the body of decrees and decisions issued by the Transitional Government in this regard. The paper examines and evaluates the extent of successes or failures in addressing the imperatives of this issue, and it delves into the legal and practical obstacles, challenges and complexities facing returnees to their areas of residence. The paper will present living examples of the type of old violations that have affected all Syrian regions, and their impact to this day, as well as new violations that emerged during the transitional period, resulting from the events in the coast and as-Suwayda, with the additional challenges they have left in this context. The paper also tracks the recent developments that have taken place in the Syrian al-Jazira region, and their repercussions on HLP rights and the return of displaced persons, then the paper offers recommendations to official government agencies, those that work on their mandate, the authorities concerned with legislation and the judiciary, as well as to the Transitional Justice Commission, civil society organizations, and community-based frameworks. It is with the aim that all contribute to working according to a comprehensive national approach that works to implement possible remedies and redresses, through rational and effective institutional governance contexts and constitutional, legal and judicial reforms that ensure defending the rights of property and house owners, and finding the best mechanisms for comprehensive documentation processes for violations of various kinds, means of proving ownership in flexible and open ways to various forms of affirmation of rights before the competent legal and administrative frameworks. In addition, there are recommendations related to updating laws to be able to address the problems caused by real estate laws and procedures, which caused violations and encroachments on private and public property and created an enabling climate thereto. They also propose how to overcome the shortcomings of the mechanisms used to address the rights of victims, and the requirements for resolving old problems and those that face returnees in terms of enabling them to recover their property, and building programs for sustainable and safe return.

Executive summary

The paper addresses the issues raised on HLP problems and challenges in the transitional period, examining and evaluating the levels of formal and informal response thereto, as well as the difficulties and complexities facing the return of millions of Syrian men and women after the fall of the regime to their home areas, through four main headlines. In coverage of these topics, the paper relied on media and press reports and materials, and benefited from the outputs of the brainstorming workshops conducted by TDA and field visits by its team, leading to a set of recommendations that the paper offered to all parties concerned with this issue.

The first headline addresses the institutional structure of the violations of HLP rights, and focuses on the role of informal settlements which spread on a large scale, during the 1980s, 1990s and afterwards, as an accumulation of the failure of urban planning policies, and the role of nationalization, emergency and expropriation laws in legitimizing confiscation, since al-Baath party came to power in 1963 until its fall at the end of 2024.

The number of legislative decrees and laws related to expropriations, nationalization, seizure of funds, real estate ownership, urbanization and other related laws amounted to 139 laws, while executive decisions and instructions amounted to 500. During the era of "Hafez al-Assad", the largest percentage of these legislative decrees were for urbanization at 42%, then confiscations at 35%, then expropriations at 15%, and nationalization at 8%.

The brainstorming sessions were held by TDA in different Syrian governorates with the aim of discussing the map of property violations and fair solutions for those affected by real estate disputes resulting therefrom. Civil society, experts and stakeholders in building a national vision for real estate justice participated in these sessions. The role of the older laws of nationalization, emergency and expropriation and their subsequent repercussions were present in the discussions. Opinions of the participants varied between the pointlessness of identifying them because they produced facts and amendments in property laws that can no longer be changed, such as those resulting from the application of agricultural reform laws or because the abolition of some of them and the amendments that have occurred to others are outdated, such as nationalization laws. A significant percentage of participants saw the importance of understanding how the Assad authority employed these laws to identify the institutional structures of HLP rights violations.

Under the second headline, the paper addresses the problems and challenges of property restitution for the afflicted people after the fall of the regime and during the current transitional period; the nature of legal challenges and obstacles resulting from the body of laws and decisions issued by the defunct regime, which multiplied by 44% during the years of the revolution, and led to its enablement to seize, expropriate, and dispose of the properties of the displaced and absentees.

The paper monitors "the biggest obstacles to return", according to the following: "lost title-deeds, seizure and confiscation of property, loss of proof of ownership documents, destroyed houses, real estate laws of the former regime, poverty, fear, family disputes, and weak institutions." These indicators illustrate the type of challenges and difficulties faced by returnees, especially those who had their properties confiscated. The paper also observes the increase in the frequency of real estate claims and disputes after the liberation, which is coupled with the grievances of right holders caused by previous laws, which represent a clear model of the policies of land confiscation, forced demolition and urban exclusion against the poor groups and revolutionary communities.

The paper presents some vivid and non-exclusive examples of these claims, which are related to violations that the victims were subjected to as collective punishment, the most prominent of which is the Hama common property lands, whose name "mashaat" is coming from the fact that buildings were constructed on agrarian common property lands. The city of Hama includes seven areas of common-property lands, and more than 20% of the buildings in Hama are considered in violation to the city's zoning chart. In 2008, the city council announced the zoning chart for the expropriated lands. This included the common-property lands of Wadi al-Joz, Wadi al-Naqarneh (al-Salam neighborhood), and the Arbaeen common-property land, where thousands of families were deprived of their HLP rights without fair compensation or housing alternatives.

Homs is another example, as shown in the paper, of the overlap between old expropriation laws and new investment projects. In 2007, the then governor of Homs, Ghazal, launched the "Homs Dream" project, which was based on restructuring, modernizing and expanding the city in terms of urban construction, as promoted by the governor at the time. It was followed by developing zoning charts that affected large areas of the city and its countryside. The project sparked widespread protests due to its deviation from the "public benefit" and its use

for investment and service projects at the expense of expropriated lands around which the disputes had not been settled.

After the liberation and following the return of large numbers of displaced people from these neighborhoods, the governorate of Homs officially announced the "al-Nasr Boulevard" project on 12 August 2025, to be the first major urban project to be launched after the fall of the regime. The governorate presented the project as part of a series of projects to rebuild the afflicted areas of the city. The Qarabis neighborhood in Homs quickly witnessed the first direct public reaction to the "al-Nasr Boulevard" project, rejecting it and demanding to stop it, due to the fact that the project is developed at the expense of residents of the neighborhoods that were expropriated in the past.

Under the second headline, the paper touched on the most prominent laws that put obstacles and complexities in the way of proving ownership, and played a dangerous role in setting legal and procedural obstacles to proving the properties of those who were forcibly displaced during the years of the revolution. The most prominent of those laws that were based on the manipulation of property records was Decree 12 of 2016, which allowed the creation of alternative records and the reproduction of hard copies of the digital copies present in the cadastral records, and opened the door for objections to what was stated in the digital versions for a period of four months, which was not enough, because almost half of the Syrian people were outside their country, whether displaced or refugees.

As for Law 33 of 2017, related to "regulating the mechanism of work in the reconstruction of real estate documents that are wholly or partially damaged, or that have been proven to have been lost as a result of emergency accidents", as it draws an administrative or judicial map for the re-enforcement of real estate documents alleged to be damaged or missing, and this means providing the opportunity for every plaintiff to claim that he owns real estate, and submits an objection concerning in-kind rights that his document is damaged so it is restored on the basis of his claim after bringing witnesses while the owner is unaware of the fact.

The problem of women's deprivation of inheritance has emerged as a renewed manifestation of an age-old problem in Syrian society, which has been obscured during the years of conflict due to the loss of control over property and the absence of the possibility of claiming rights. As some individuals began to gradually regain their property, many women found themselves facing serious legal and social challenges when trying to obtain their rights to the estate, which cast a heavy shadow on the inheritance file. This issue about women's inheritance issues was one of the discussions that took place in the brainstorming workshops.

The second theme of the paper dealt with the practical and administrative difficulties facing the restitution of property, as one of the biggest challenges facing IDPs, displaced persons and returning refugees, or those who are thinking of returning to their areas of residence. Renovation and reconstruction problems emerge, which are among the major dilemmas that reveal the economic, social and humanitarian implications of the violations of real estate rights, and renovation permits are issued by city and municipal councils, as in the laws in force to this day, and there are several conditions for renovation, including the complete structural integrity of the building, and obtaining approval from a specialized technical committee that evaluates the damages and determines the possibility of restoration or the need for removal. From the experiences of residents trying to renovate their homes, the paper noted that there are discrepancies in the treatment of administrative authorities after liberation including facilitating the restoration, with or without building permits in some cases.

The paper presented patterns of old and new real estate disputes that threaten civil peace in the period following liberation. Several areas witnessed highly-tensed real estate disputes, which in turn almost led to the explosion of sectarian civil disputes. They have almost become a new cause of deep civil and sectarian divisions, which actually threaten civil peace, which is still slowly improving towards societal stability.

In order to understand the roots of the problems from the past to the present on the one hand, and to present the gravity of those problems if there are no solutions based on redressing the rights holders and providing alternatives and solutions for the occupants of real estates on the other hand, the paper provided examples of those disputes: claims of the rights holders in Moadamiyah for their properties in the al-Sumaria neighborhood; raising long-standing problems between Barzeh and Ish al-Warwar neighborhoods; tensions between al-Mezzeh neighborhood and al-Mezzeh 86 residences; and new and old claims regarding the issue of the restitution of stolen properties of real estates in the Kafr Sousseh. The case of Afrin was presented as an example of the multiple parties involved in violations and the type of violations, leading to the emergence of complex challenges to the return of refugees and displaced persons to the town after the fall of the defunct Assad regime.

The paper also observed new violations during the transitional period, targeting certain groups and regions on sectarian grounds, resulting in documented violations and significant damage to property owners. During the

incidents in the coastal area in March 2025, many villages and neighborhoods were subjected to clear violations of HLP rights, such as the seizure of houses, lands and farms, the expulsion of their owners, and the burning of crops. This has been documented, for example, in al-Rumaila and al-Asaliya in Jableh, and the village of Sanubar in the al-Hanadi district in Latakia.

Violations that took place during the incidents in Suweida in July 2025 included the deliberate burning of a number of villages in the northern and western countryside of Suweida, and the looting of shops and warehouses, as well as Bedouin houses in al-Muqawas and other villages. These violations were documented in the report issued by the Independent International Commission of Inquiry on Syria on 17 March 2026. This has created new challenges that add to the accumulated problems in this issue, and present similar fears that national solutions capable of addressing and overcoming them will falter.

The third theme discussed how the Transitional Administration dealt with HLP disputes, and examined and evaluated the steps and procedures followed by this administration to solve and address these issues. With the accumulation of lawsuits and real estate disputes, civil and reconciliation committees were created after the liberation, with the approval of the new administration. These committees covered a number of Syrian areas, to which new displaced people came, while their residents remained present there.

These committees constitute an "alternative non-judicial mechanism" to resolve real and inheritance disputes and conflicts, as the judicial system faces great challenges in terms of accessing them or the speed of adjudicating such cases. The paper presented examples of the reconciliation committees formed in Douma, Daraya and Yarmouk camp and the experience of each of them, as examples of the work of these types of committees, since such reconciliation committees and councils have been copied in many Syrian areas, such as the conciliation council in al-Hamra sub-district in the eastern countryside of Hama; the conciliation council in the al-Sabikhan area in Deir Ezzor; the conciliation council in al-Safira area in Aleppo, and dozens of other councils. The paper also tackled the relationship of these committees and councils with the "General Conciliation Council", which was established in early 2024 in coordination with the competent authorities in Idlib city, which, at the time, was under control of the Syrian armed opposition factions.

Official administrative committees were also formed to deal with cases of coercive appropriation and illicit appropriation. Due to the large number of appropriated properties, whether by apparent coercive appropriation or as an adverse possession, or as a result of forgery and fraud in the transfer of ownership, the transitional government, through governors, formed those committees, which included the governorates of Homs, Aleppo and Hama. The paper sought to clarify the tasks and powers of each committee, and the mechanisms and procedures related to the property conflicts they are addressing.

In Homs, the governor established a special committee by Decree No. 1 dated 13 January 2025 to address the apparent coercive appropriation. The powers of the committee is based on Article 45 of the Local Administration Law No. 107 of 2011, which allows the governor to take a decision to remove the coercive appropriation and restore the status quo ante, provided that the administrative decision remains in effect unless it is repealed, amended, or the core case of the right is ruled on by the judiciary.

A committee was formed in Aleppo by the Governor's decision No. 9 on 4 March 2025, to form a committee to look into what he called "cases of illicit appropriation" of real estate during the era of the former regime, and to take administrative measures to restore the rights to their owners. The Apparent Coercive Appropriation Committee was formed in the city of Aleppo in March 2025, and is based on Article 45 of the Local Administration Law No. 107 of 2011, which gave governors the authority, in the event of an apparent coercive appropriation of a property, to take the necessary measures to restore the real state or property to the status quo ante.

Another committee in Hama began its work under the Governor's Circular No. 917/1 on 19 May 2025, which called on citizens to submit complaints regarding appropriations of real estate. It distinguished two types of cases: the first, related to customary appropriations, whether the property is registered in the name of the state or not. The second type includes property confiscated under the rulings of the counter-terrorism court or similar courts, provided that it is registered for the state.

There are problems of a common nature that have confronted the work of these committees, including common properties in areas that have been completely or partially destroyed, and those that have already been confiscated by influential parties who have built new housing in their places, so that rights overlap between the original owners and the new occupants. The most prominent problem, however, is the inability of these committees to respond comprehensively to the large volume of real estate disputes they deal with, due to the

limited capabilities in terms of the competent cadres to study complaints presented to them, and the different nature of these complaints regarding their subject matter and the type of violation.

During the brainstorming workshops held by TDA in various Syrian governorates, there were many urgent demands for establishing a higher national authority for HLP rights, which should have the mandate to follow up on this national and humanitarian issue which holds the highest priority in the transitional period, instead of leaving it subject to government administrative committees working under criteria and determinants that vary from one committee to another. The proponents of these claims also believe that the type of real estate disputes that are common in Syria needs to activate the role of a competent real estate judiciary capable of handling them.

The third theme also tackled the series of decrees, decisions, and circulars related to the issues of appropriations and how they have been dealt with by judicial committees. President Ahmed al-Sharaa issued Legislative Decree No. 16 dated 11 May 2025, which stipulates "the cancellation of attachment orders issued by security services between 2012 and 2024 based on the Law of Judicial Police Powers No. 63 of 2012" as well as repealing many attachment orders issued by the Ministry of Finance in implementation of the decree. However, until the date of developing this paper, not all attachment orders have been completely and definitively repealed, nor have the extraordinary articles in the Judicial Police Law been amended. Those articles granted the security services, along with the investigative judge and the prosecutor the powers for executing attachment orders.

Circular No. 526 dated 20 October 2025 related to the legal treatment of cases of illicit appropriation of real estate, included an integrated plan, according to the Ministry's statement, according to a fast, standardized and fair approach. This is done through allocating courts and judicial circuits to exclusively hear these cases, unify judicial discretion, avoid contradictions in processing, shorten the time needed for hearing cases and simplify procedures without prejudice to the guarantees of fair trial.

Circular No. (12) issued by the Minister of Justice on 4 March 2026 came as a necessary step to reopen the doors of litigation for the affected. The circular stipulates that the presence of force majeure and external cause, when its legal conditions are met, constitutes a material obstacle that suspends the validity of the legal period of limitation or the dismissal of the lawsuit, be it criminal or civil. The circular applies to serious crimes such as detention, enforced disappearance, and forced displacement. The circular includes serious security reasons that prevent the complainant from being able to access the courts or the actual practice of their right to litigation, including absentees, and forcibly disappeared and displaced persons who have lost their right to file a lawsuit within the period specified in the law.

In the context of assessing the extent of the government's response to HLP rights and challenges thereof, organizational problems and gaps emerge due to the ambiguity surrounding the government's policies in the management of organizational aspects related to this issue. This can be seen in the mechanisms of the provincial councils' handling of laws and zoning plans that were previously issued by the governments of the former regime before its fall. In other cases, the adherence of government representatives concerned with urban planning to prioritizing investment and profit from real estate was obviously seen, at the expense of property owners. An example of this approach is seen in the angry reactions expressed by representatives of Jobar and al-Qaboun to the project of the Governorate of Damascus for the reconstruction of the two neighborhoods. Those representatives attended a meeting with the Director of the Neighborhood Committees Division in Damascus Governorate in mid-March 2026. The Director revealed that there is an official trend to bring in foreign companies to finance and implement the project and its infrastructure.

The third theme also sought to shed light on the challenges of managing the HLP issue in the areas of the Syrian al-Jazira, after the Syrian government regained its control over the governorates of Raqqa and Deir Ezzor in January 2026, and what has been included in the agreement of January 30 between the Syrian government and SDF in terms of integrating the Autonomous Administration institutions of SDF within the Syrian state institutions, while keeping the civil servants in their positions, settling the civil and educational rights of the Kurdish community, and ensuring the return of displaced people to their areas.

The paper sought to depict a general picture of the most prominent difficulties and challenges facing returnees, namely:

Financial Obstacles: caused by the extent of the massive destruction, especially in the governorates of Raqqa and Deir Ezzor, and their infrastructure that was severely damaged. There are entire towns, neighborhoods, and villages that are uninhabitable, and the owners of these houses are unable to rebuild them, due to their difficult financial and living conditions, and the lack of access to the costs of construction.

Service Barriers: The absence of electricity, water, schools, and health centers in destroyed areas, which makes it impossible or unsustainable to return. Despite the remarkable improvement after liberalization in key services, such as the increased hours of provision of electricity, removing debris from roads, and renovating some schools, the general nature of services is still at a minimum level.

The high increase in rents: Deir Ezzor governorate is a clear example of the significant increase in the rents of houses and shops, in comparison to the ability of returnees to bear such burdens, in addition to the scarcity of houses offered for rent in comparison to the overpopulation. Currently, several families live in one apartment.

Legal challenges: There is no clear and declared legal and institutional framework to address HLP issues after the fall of the defunct regime, with the absence of a unified mechanism at the national level to settle property disputes, and the lack of comprehensive documentation of property violations in those areas during the war. These challenges are exacerbated by the problems of proving properties after the burning of many real estate records during the war, and the inability of many affected property owners to prove their properties due to their loss or damage. These are genuine problems and complications facing returnees, exacerbated by the volume of manipulation and forgery carried out by influential local networks in the past years, which have transferred properties of some absentees to new names affiliated with them.

The paper concludes in its fourth theme with a set of recommendations aimed at achieving real estate justice at the national level, and the necessary steps to address HLP issue according to a comprehensive approach, which transforms it from selective and fragmented procedural measures in the management of existing problems and challenges, to the adoption of a general national policy in dealing with the requirements of the matter in accordance with the principles of redress and justice. Hence, the paper comes up with a number of recommendations to all relevant parties and authorities and the needed reforms:

The need for legal, judicial and institutional reform; the role of the new People's Assembly in providing a constitutional and legal umbrella that protects HLP rights within the permanent constitution, and reviewing all real estate laws and decrees issued by the former regime, many of which constituted a fertile environment for HLP violations; the necessity to prepare an integrated legislative plan to address legal gaps in HLP cases, giving priority to judicial reform; activating the role of the Ministry of Justice in meeting its structural requirements; rehabilitating and training competent judges for hearing and dealing with HLP disputes; reforming governance bodies and parties concerned with reconstruction and infrastructure rehabilitation; and amending lease laws that have caused major housing problems.

Strengthening and activating the role of the Transitional Justice Commission in supporting institutional reform and reparation programs, and prosecuting perpetrators. These mechanisms are closely related to the issue of HLP, and the Commission's delay in assuming its responsibilities in implementing these mechanisms reflects negatively on the rights of property owners and weakens societal confidence in the hoped-for role in achieving transitional justice.

Forming a specialized national body to study the problems of appropriation and property restitution. Listening to stakeholders and rights holders, and proposing appropriate policies and legislation to solve them, in order to ensure striking a balance between the rights of the state and those of owners and occupiers. A special court for real estate disputes should emerge from the said body. Guidance can be sought from successful international experiences in this field such as the experience of Bosnia.

Developing a comprehensive national approach to managing the return of displaced persons and refugees, taking into account the Syrian peculiarity, so that it is based on sustainable development foundations, and adopting economic policies aimed at improving the living conditions of the Syrian society, by securing job opportunities to facilitate the return of families and their permanent settlement .

Developing a clear national strategy for reconstruction, and addressing the chronic problem of informal settlements and those whose homes have been destroyed due to the war. This should include the launch of emergency programs to remove the rubble and restore basic services, while developing a clear system for granting building and restoration licenses, by simplifying procedures and providing financial exemptions or financial support to returning families. This strategy is a key pillar of the reconstruction and return approach.

Supporting the efforts of proving ownership, documentation, and accountability by standardizing ownership and registration systems, and approving all documentation related to ownership-proving transactions and real estate sales, in accordance with judicial, legal and procedural controls and establishing a database of damaged and violated properties, whether the old ones or those committed after the fall of the regime, and holding perpetrators accountable.

Pausing and reviewing zoning plans issued by the institutions of the former regime before its fall, which clearly targeted areas that were subjected to great levels of destruction, the majority of whose inhabitants were forced to leave, such as al-Haydariya neighborhood in Aleppo and others. It is important that locals of those areas take part in any plan or project related to the rezoning and reconstruction of their affected areas, in a way that guarantees the rights of property owners, residents and occupants.

Regulating the conditions of real estate security approval for a temporary period, so that they do not turn into a tool of restricting and disrupting these rights. The terms of reference of those approvals shall be scrutinized, in preparation for their complete revocation, and the abolition of the ramifications of the Counter-Terrorism Court on real estate properties, through a special law that nullifies the provisions of confiscation issued by the said court, and restores the rights to their legitimate owners.

Activating the role of civil society and victims' associations and organizing the voices of rights holders in defense of HLP issues. Supporting local volunteer initiatives active in property awareness-raising activities, as well as supporting programs for returnees and methodologies for documenting short- and long-term violations. Victims' associations shall play a pressing role in guaranteeing the rights of the missing and forcibly disappeared persons.

Empowering women to take part in all institutional reform processes, as they have a direct stake in addressing property abuses and in developing laws and governance institutions that eliminate gender-based discrimination.

Part One

The Foundational Structure of Property and Housing Rights Violations

Since its emergence in the mid-1940s, the modern Syrian state inherited the legislative and customary framework that regulated public and private land tenure types, as well as property title deeds (*Tabu*), established during the Ottoman era. Following the establishment of the Real State Registry under the French Mandate (1923–1946), registration was restricted to transactions governed by statutory legislation, excluding customary and informal property transactions. After the enactment of the Civil Code of 1949, this law played a pivotal role in classifying the types and conditions of tenure and ownership, and in regulating matters of sale, lease, use, habitation, easements, and other rights pertaining to real estate and movable property.¹

Following independence, one of the most prominent challenges confronting successive Syrian governments was devising national response mechanisms to housing crises in light of surging population density, land redistribution, and land reclamation. The nationalization and agrarian reform laws reflected the socialist orientations that dominated the 1950s and 1960s, aiming to bridge the inequality gaps between landowners and capitalists on one side, and the remaining segments of the population on the other, even though the execution of these policies created numerous operational complications.² To this day, continuous criticism persists regarding how these nationalization policies crippled the nascent domestic industries of the mid-20th century and weakened the national bourgeoisie, which had previously played a vital role in building the economy of the modern Syrian state.

After Hafez al-Assad assumed power in 1970, informal housing problems worsened continuously throughout his rule. In the absence of urban and real estate policies to address these growing disparities, compounded by a multiplicity of legal, judicial, and administrative authorities governing land ownership, tenure, and housing, real estate complications intensified. The introduction of numerous laws, regulations, and administrative procedures failed to establish a unified property framework. Instead, these measures frequently fueled real estate disputes and deprived broad segments of the population of access to adequate housing.

First: Informal Settlements as the Primary Manifestation of Urban Planning Failure

The phenomenon of informal housing (informal settlements) emerged in Syria in the mid-20th century, expanding drastically during the 1980s into residential clusters. These settlements escalated to substantial figures due to the politicization of the issue. Official rhetoric attempted to downplay the problem; in 2018, the

¹ Briefing Note: Housing, Land and Property (HLP) in the Syrian Arab Republic, July 2016. *Housing, Land and Property (HLP) Area of Responsibility*. Last accessed: March 13, 2021. <https://www.nrc.no/globalassets/pdf/reports/final-nrc-syria-hlp-briefing-note-arabic-may-2016.pdf>

² For further information, see Hanna Batatu, *Syria's Peasantry, the Descendants of Its Lesser Rural Notables, and Their Politics* (Arab Center for Research and Policy Studies, 2014).

Minister of Housing stated that 'the proportion of informal housing in Syria range between 40% and 50%,' thereby countering the prevailing estimates that put informal housing at 60% of all residential areas in Syria.³

The concept of informal housing varies across societies depending on socio-political and economic conditions. In the Syrian context, informal settlements are "residential clusters whose inception, layout, or specifications failed to comply with the statutory real estate framework. They are erected on lands owned either by the state or private individuals, which may be agricultural lands or plots un-zoned for residential use. These settlements are located predominantly outside official zoning plans, or within them but in violation of building codes, constructed according to unapproved subdivisions and without official building permits."⁴

1- Root Causes and Background

The crisis of informal settlements in Syria serves as a stark manifestation of demographic identity shift from the socio-spatial environment in which it originally evolved. The growth and expansion of these settlements as belts surrounding major cities stem from a combination of political, demographic, economic, and regulatory factors. After seizing power, the Ba'ath regime actively sought to resettle loyalist social constituencies within informal housing zones, particularly around Damascus and Homs, effectively transforming them into a security belt to defend the regime when necessary. Furthermore, the issue of informal settlements has been a core variable in the regime's equations of power and hegemony in the country for decades; by turning nearly half of the country's population into lawbreakers in terms of their housing status, these citizens fell, in one way or another, under the mercy of the ruling authority, entirely stripped of legal protection for their properties.⁵

The defunct regime deliberately ignored the expansion of these informal settlements, which eventually came to accommodate nearly half of the total population. An official statistic published by the Central Bureau of Statistics (CBS) in Syria in 2007 indicated that 50% of the total housing stock in Syria was informal, and that 45% of the population of Damascus, 35% of Aleppo, and 42% of Homs resided in "building-violation zones". These settlements took the form of "mass building-violation zones," manifesting as residential clusters within closed enclaves that preserved the identity and cultural characteristics of their communities of origin; and entrenching social insularity and residential segregation within their new surroundings. Furthermore, the regime occasionally weaponized these areas for the militarization and securitization of society as part of its demographic engineering schemes, aiming to produce a loyalist social fabric in urban centers and zones hosting its security authoritarian structures. Consequently, these areas transformed into predominantly Alawite neighborhoods in Damascus and Homs. The most prominent of these neighborhoods in Damascus include "Esh al-Warwar, Mezzeh 86, al-Sumariyah, Masaken al-Haras, Dahiyet al-Assad, and Masaken al-Dimas". In Homs, they include the neighborhoods of "al-Nozha, al-Zahra'a, Karm al-Louz, and the suburbs of al-Waleed and Ekrama."⁶

In the same context, the regime turned a blind eye to, and at times facilitated, the construction of informal neighborhoods or the expansion of others that acquired distinct social, religious, regional, and ethnic identities. Examples include the predominantly Kurdish neighborhoods of al-Ashrafiyeh and Sheikh Maqsood in Aleppo; the predominantly Christian neighborhoods of al-Tabbaleh and Dwayla'a in Damascus; the neighborhoods of Nahr Aisheh and al-Dhadil in Damascus for comers arriving from the Houran Plain; and Jaramana, which was predominantly Druze before being inhabited by other components. Other mixed neighborhoods comprising populations from various Syrian regions, such as al-Tadamun in Damascus and al-Ramel in Lattakia. This resulted in the emergence of a highly fractured demographic structure that obstructed the formation of a cohesive public space for national integration. Most critically, it generated social, class, sectarian, and regional sensitivities and frictions.⁷

Concurrently, the constant population increase in cities, driven by natural population growth combined with rural-to-urban migration and displacement from city peripheries to urban centers, coupled with the widespread ruralization of cities, led to the emergence and expansion of informal settlements around those cities like "Damascus, Aleppo, and Homs." Because the business, investment, and employment sectors were heavily

³ *Al-Watan* (Syria), May 13, 2018; cited in the study: *Informal Settlements in Syria: The Harvest of Decades of Neglect*.

⁴ "Interventionist Policies to Resolve the Problem of Informal Settlements in Syria," *Research Paper by The Day After*, November 2024.

⁵ "Informal Settlements in Syria: The Harvest of Decades of Neglect," *Research Paper by The Day After*, 2020, p. 14.

⁶ "Informal Settlements in Syria: The Harvest of Decades of Neglect," op. cit.

⁷ Intervention by the source during a panel discussion organized by *The Day After*, titled "The Impact of Demographic Changes on Property Rights and the Return of Refugees," February 19, 2021.

concentrated in these hubs, they attracted massive numbers of internal migrants seeking employment and improving their financial situation. This generated a surging demand for informal housing due to its affordability and low rental costs. This demographic shift was exacerbated by state inaction, the government's failure to construct adequate formal housing, delays in issuing master zoning plans, and spread of corruption within the real estate and property sector.

2. Conflicting Policies and Deficient Solutions

With the rapid expansion of informal settlements throughout the 1980s, 1990s, and subsequent decades, and despite the demographic, economic, social, and environmental indicators, the problem of informal housing hardened into an entrenched dilemma. Early and subsequent policies adopted by successive Assad regimes - according to their claims- were intended to address this challenge and mitigate the resulting demographic imbalances. However, the legislative framework governing urban planning, urban sprawl, land sales, anti-land speculation, building on vacant plot, dissolution of joint-ownership, and managing informal housing (Law No. 9 of 1974, Law No. 14 of 1974, Law No. 3 of 1976, Law No. 60 of 1979, Law No. 21 of 1986, Law No. 5 of 1982, Law No. 26 of 2000, Law No. 1 of 2003, and Law No. 33 of 2008) revealed otherwise. As comprehensive studies on property and housing rights⁸ have demonstrated, this legislative package ultimately served to stimulate informal housing and accelerate its expansion around major cities.

Although these laws were rooted in a real estate and development philosophy aimed at making land available for building, incorporating eligible informal settlements into urban expansion, and controlling or removing illegal constructions, the reality on the ground revealed that they ultimately served to hinder organized real estate development while encouraging illegal, informal construction. Paradoxically, while previous governments officially recognized informal settlements, particularly following the 1982 Ba'ath Party Central Committee's resolution mandating the provision of basic utilities like water, electricity, sewage, and etc to these areas, they simultaneously paved the way for these settlements to become vehicles for lucrative unregulated investment by regime affiliated groups. This dynamic was the precursor for their formal legalization through Law No. 46 of 2004, which facilitated the issuance of ownership deeds in numerous cases within land rezoning schemes under Law No. 9 of 1974.

From both legal and practical perspectives, these facts demonstrate the responsibility of successive Ba'athist governments for deepening the crisis of informal settlements. Their implementation of conflicting policies led to a persistent failure to address the dilemma, effectively sanctioning one of the foundational drivers of property and housing rights violations.

Second: The Role of Nationalization, Emergency, and Expropriation Laws in Legitimizing Confiscation

1- Repercussions of Nationalization and Emergency Laws

During the union with Egypt between 1958 and 1961, Syria experienced its first wave of nationalization under Law No. 117 of 1961, issued by the president of the United Arab Republic. This wave targeted major corporations that formed the backbone of the pre-union Syrian economy, such as the Syrian Spinning and Weaving Company and the United Commercial Industrial Company "al-Khumasiyya". It became evident later that the nationalization of these companies and factories inflicted severe losses on the national economy.⁹ Meanwhile, Agrarian Reform Law No. 61 of 1958 redistributed land to farmers and capped land ownership. It was natural that the peasantry welcomed this law, as it put an end to the unjust feudal policies that had violated their rights. However, after granting the state control over the vast majority of expropriated lands through the General Corporation for Land Reclamation, its negative impacts on private property surfaced in subsequent

⁸ See the study published by *The Day After* titled: "Demographic Identity Shifts and Their Impacts on Social Fabric, Property Rights, and Refugee Return," available at: <https://rawabet.org/%d9%85%d8%aa%d8%ba%d9%8a%d8%b1%d8%a7%d8%aa-%d8%a7%d9%84%d9%87%d9%88%d9%8a%d8%a9-%d8%a7%d9%84%d8%af%d9%8a%d9%85%d9%88%d8%ba%d8%b1%d8%a7%d9%81%d9%8a%d8%a9-%d9%88%d8%aa%d8%a3%d8%ab%d9%8a%d8%b1%d8%a7/?lang=en>

⁹ "Law on the Nationalization of Certain Companies and Establishments in 1961," *Syrian Modern History*, available at: <https://syrmh.com/2019/12/18/%D9%82%D8%B1%D8%A7%D8%B1-%D8%AA%D8%A3%D9%85%D9%8A%D9%85-%D8%A8%D8%B9%D8%B6-%D8%A7%D9%84%D8%B4%D8%B1%D9%83%D8%A7%D8%AA-%D9%88%D8%A7%D9%84%D9%85%D9%86%D8%B4%D8%A2%D8%AA-%D8%B9%D8%A7%D9%85-1961>

decades, particularly under Ba'athist rule. Ba'athist authorities reduced landowners and the law's new beneficiaries into a class bound by the dictates of administrative bodies in charge of its implementation. Consequently, the concept of "reclamation" became a convenient pretext to confiscate vast tracts of fertile land, especially in Rural Damascus, southern Syria, Homs, the Ghab Plain, al-Jazira area, and the countryside of Deir Ez-Zor and Raqqa. Once land was classified as "reclaimed," it was seized from its legitimate owners to serve state projects or redistributed to loyal party and security personnel.¹⁰ Ultimately, particularly under the rule of Assad the father, a system of state feudalism replaced the former feudal landowners, effectively co-opting agrarian reform to secure regime dominance over agricultural land tenure.

The second wave of nationalization emerged during the 1960s, continuing under Assad's rule from the early 1970s onward. This period witnessed the nationalization of most manufacturing and extractive industries, natural resources, foreign trade, transport and communications companies, electricity, banks, and insurance firms. Consequently, thousands of properties subject to nationalization decrees were confiscated, stripping their original owners of their rights. From the Ba'ath Party's rise to power in 1963 until its downfall at the end of 2024, a total of 139 legislative decrees and laws were enacted regarding expropriation, nationalization, asset freezing, real estate ownership, urban planning, and related matters, accompanied by 500 executive decisions and implementation directives. Under Assad the father, the vast majority of these legislative decrees were allocated to urban planning (42%), followed by confiscations (35%), expropriations (15%), and nationalization (8%).¹¹

Certain laws and decrees have had catastrophic impacts on the lives of Syrians in general, while specifically legitimizing illegal confiscation mechanisms. Chief among these is Emergency Decree No. 15 of 1962, (Article 4 of which) stipulated: "The seizure of any movable or immovable property, the establishment of temporary guardianship over companies and institutions, and the deferral of debts and maturing or future obligations on seized assets."¹² This article served as a broad mandate for the Martial Governor to seize the property of opponents and anyone designated by security apparatuses as a threat to the state. For instance, in the 1980s following the 1982 Hama events, the property of many individuals affiliated with—or accused of belonging to—the Muslim Brotherhood was seized, targeting both those who were detained and those who fled the country.

2- The Damage of Expropriation Laws on Right Holders

Contrary to the experience of states that applied expropriation laws strictly for public interest, the policies of the defunct regime under Assad, both the father and the son, constituted a unique model using expropriation and confiscation laws as tools to disrupt social cohesion and secure control over major cities: in Damascus, vast tracts of land were seized from their lawful owners in Mezzeh, Kafr Souseh, and Midan, and reallocated to residential housing projects for political and military elites. In Homs, Aleppo, and Hama, private property expropriation was used to establish public projects and housing cooperatives; in cases like the Layramoun area in Aleppo, expropriated back in the 1960s, owners remain uncompensated to the present. Meanwhile, in Damascus countryside, expropriation decrees were tied to "capital expansion" initiatives executed at the expense of rural landholdings, as seen in al-Tall and Daraya. In Moadamiyah, extensive properties were confiscated to construct the Mezzeh Military Airport. In Hama, the regime utilized expropriation decrees to strip owners of their assets as a form of collective punishment, particularly following the 1982 events. In the coastal area, the Ministry of Tourism expropriated vast agricultural lands for tourist developments, starting in 1979; however, over decades, these decisions were never executed, nor did the ministry pay compensation to the landowners.

Article 35 of the 1974 Expropriation Law reveals how public entities manipulated the concept of "public utility" and co-opted it to their advantage at the expense of expropriated property rights. The article stipulates: "If public utility designation is removed from expropriated real estate, such properties shall be considered private state property and shall be registered in the land registry under the name of the acquiring public entity." Meanwhile, it granted owners of expropriated agricultural land priority of repurchase, but under an arbitrary condition:

¹⁰ "How Have Various Syrian Laws Been Used for Discriminatory Purposes?" Syrians for Truth and Justice, November 10, 2012, available at: <https://stj-sy.org/ar/%D9%83%D9%8A%D9%81-%D8%AA%D9%85-%D8%A7%D8%B3%D8%AA%D8%AE%D8%AF%D8%A7%D9%85-%D8%A7%D9%84%D8%B9%D8%AF%D9%8A%D8%AF-%D9%85%D9%86-%D8%A7%D9%84%D9%82%D9%88%>

¹¹ "How Have Various Syrian Laws Been Used for Discriminatory Purposes?" – op. cit.

¹² See the Emergency Law, which remained in force from 1962 until its repeal in 2011, when it was replaced by the Counter-Terrorism Law.

"provided they accept the price determined by the acquiring entity." That is, the price was not based on fair market value, creating severe injustice that denied landowners their right to fair compensation.¹³ Under this law, land was assessed according to its productivity and structures based on construction cost alone, without accounting for location, site significance, and spatial disparities between cities, meaning the same valuation criteria applied in Damascus were used for real estate in Hasakeh.

Assad the father subsequently issued Law No. 20 of 1983, which granted broad expropriation powers to the Ministry of Defense. Additionally, Law No. 20 of 1983 permitted the uncompensated deduction of a quarter of the expropriated real property's total area, a practice known as the "free quarter" or "statutory quarter/ al-rub' al-nizami." If the expropriated portion fell within the limits of this "statutory quarter", the public entity retained the right to acquire it without paying any compensation for that segment. Even worse for property owners was that compensation was calculated in Syrian pounds during periods of sharp currency devaluation, and disbursed only after the currency had depreciated even further, stripping the compensation of its original nominal value. One way this law was exploited for personal gain by administrative officials in state institutions involved expropriating real estate under the guise of public utility, after which the acquiring entity would issue a directive revoking that public utility status. The expropriated property was then treated as private state property, to be either sold or leased to merchants with ties to those officials. The expropriation experience along the Syrian coast for the Ministry of Tourism stands out as a clear example of this flagrant abuse of the law.¹⁴

The harm caused by expropriation laws extended beyond their codification as tools for stripping and confiscating private property without legitimate grounds in many cases. More dangerously, the Ba'athist regime weaponized these laws at an early stage for collective revenge on specific communities and to confiscate the assets of dissidents. The large-scale expropriation of lands in Hama on the eve of the 1982 events serves as a stark example of retaliatory confiscation under the guise of expropriation. In 1988, Decree No. 880 was issued, authorizing the expropriation and urban planning of agricultural lands surrounding cities for urban expansion, while capping owner compensation at no more than ten times the land's annual yield. This decree targeted well-known neighborhoods referred to as "masha'at" (common property), named after jointly owned agricultural lands, such as Masha' al-Arba'een, Wadi al-Jouz, and al-Naqarna.¹⁵ Many participants in a workshop organized by TDA in the city of Hama viewed these unjust expropriation policies as a continuation of the human atrocities and systematic destruction inflicted on the city during the 1982 events. Neither the environment nor the city's predominantly historical architecture was spared. Destruction consumed most of the ancient quarters and historic buildings, razing neighborhoods such as al-Assida, al-Shamaliyya, al-Zanbaqi, al-Kilaniyya, Bayn al-Hiereen, al-Sakhana, al-Baroudiyya, al-Bashoura, al-Hamidiyya, al-Amiriyya, and districts along the city's outskirts like Aleppo Road¹⁶.

Analyzing and understanding the foundational framework of HLP violations in Syria, as explored in this paper within the context of its evolution throughout the Ba'athist era, sheds light on part of the background that enabled the Assad regime during the Syrian Revolution to rely on an arsenal of real estate laws, decrees, and procedures. This created a systematic context of severe, widespread violations against Syrians' properties and led to intricate, complex land disputes that resurfaced all at once following the fall of the defunct regime at the end of 2024, as examined in this paper.

During brainstorming sessions conducted by TDA across Syrian governorates to discuss the map of property violations and equitable solutions for affected parties, caused by the subsequent real estate disputes, as well as to engage civil society, experts, and stakeholders in building a national vision for property justice, the role and subsequent fallout of these older laws were strongly present. Participants' views varied; some considered it futile

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¹⁴ Ibid.

¹⁵ "Under the Pretext of Informal Settlements: The Assad Regime Demolishes Homes in Hama and Displaces Residents" – Free Syrian Lawyers Association
<https://fsla.org/archives/303>

¹⁶ *The 1982 Hama Massacre: The Day Assad's Forces Destroyed an Entire City to Confront an Armed Group*, "Arab Orient Center for Strategic and Civilization Studies, December 14, 2014.
https://www.asharqalarabi.org.uk/%D9%85%D8%AC%D8%B2%D8%B1%D8%A9-%D8%AD%D9%85%D8%A7%D8%A9-1982--%D9%8A%D9%88%D9%85-%D8%AF%D9%85%D8%B1%D8%AA-%D9%82%D9%88%D8%A7%D8%AA-%D8%A7%D9%84%D8%A3%D8%B3%D8%AF-%D9%85%D8%AF%D9%8A%D9%86%D8%A9-%D8%A8%D8%A3%D9%83%D9%85%D9%84%D9%87%D8%A7-%D9%84%D9%85%D9%88%D8%A7%D8%AC%D9%87%D8%A9-%D9%85%D8%AC%D9%85%D9%88%D8%B9%D8%A9-%D9%85%D8%B3%D9%84%D8%AD%D8%A9_ad-id!513131.ks-

to focus on them because they created realities and shifts in ownership structures that are no longer reversible, such as those resulting from agrarian reform laws, or because some were repealed while others were rendered obsolete by time, such as nationalization laws. However, a significant proportion of participants emphasized the necessity of understanding how the Assad regime weaponized these laws to uncover the foundational structures of HLP rights violations, especially since a considerable portion of open real estate disputes during the transitional period trace their roots to the overarching authority of these laws, most notably demonstrated by the impacts of expropriation laws and the immense grievances associated with them.

Part Two

Post-Regime Fall: Problems and Challenges of Restoring Property to Affected People

Throughout the years of revolution and war in Syria, the former regime did not stop at destroying neighborhoods and cities that participated in the revolution; it went on to execute a systematic process of property expropriation. The objective was to erase the memory of places and dismantle communities that took part in the revolution against it, or to obliterate them entirely and crush any hope of their return. These actions were part of relentlessly pursued demographic engineering schemes carried out through multiple, complicated patterns of violation. Among these was facilitating the seamless seizure of displaced persons' property through manipulation under the cover of laws, decrees, and resolutions enacted during the revolution, which sanctioned widespread confiscation and plundering of properties while opening the door to networks of corruption and real estate forgery. Consequently, the plight of Syrians returning to their regions after the fall of the defunct regime in December 2024 was not confined to destruction and the difficulties of clearing rubble and renovating their homes. They also faced the dispossession, sale, and forgery of their property deeds. Furthermore, owners of demolished properties face complex legal hurdles in proving their rights within common property areas and dividing them during the reconstruction process. Let alone, the real estate disputes between original and new residents and the subsequent claims arising from them.

First: Legal Challenges and Complexities

In a discussion session organized by TDA focusing on the challenges of property restitution, participants were asked, as an opening prompt, to state in a single phrase "the single greatest obstacle to return." The responses were as follows: "lost title deeds (*Tabu*) – seizure and confiscation of property – loss of statement of ownership – demolished houses – real estate laws of the defunct regime – poverty – fear – family disputes – weak institutions." The gravity of these indicators regarding the hurdles and complexities of property restitution is further reinforced by field reports and information from several open sources that this paper was built upon. These sources cross-reference to confirm that the danger of the laws and measures enacted by the defunct regime during the revolution did not stop at legitimizing policies of seizure and confiscation; they created intricate legal impediments to original owners proving their rights. The real estate approach pursued by the regime over the past years was predicated on disposing of the properties of absentees as if they would never return, as part of its plans to deed-register the demographic change.

While it is difficult for this paper to provide a comprehensive overview of all real estate laws and decrees, or those that impacted property owners' rights, it is imperative to trace the effects of the most unjust laws passed during both the Assad father and son eras. The laws of the son's era are the most dangerous given their role in expanding the scope of HLP violations, especially since a large number of the real estate disputes opened after liberation stem from the severe damage inflicted on rightful owners by those laws.

1. Abolition of Exceptional Laws and Measures with Ongoing Effects

Manifest facts and data confirm that the arsenal of laws and resolutions issued by the defunct regime, which increased by 44% during the years of the revolution, enabled it to seize, expropriate, and dispose of the property of displaced and absent persons, and to re-zone real estate areas at the expense of the rights of affected property owners. Furthermore, its security measures in many instances prevented internally displaced persons (IDPs) from returning to their original homes. Following liberation, returnees whose properties and movable assets had been expropriated quickly encountered obstacles preventing them from recovering their seized and confiscated assets. Between 2012 and 2024, thousands of instances of provisional attachment of property orders were executed based on the Counter-Terrorism Law No. (19) of 2012 and the Counter-Terrorism Court

Law No. (22) of 2012. Meanwhile, legislative decree No. (63) of 2012 granted judicial police authorities, while conducting investigations into crimes against internal and external state security as well as crimes listed in the "Counter-Terrorism" law, the right to communicate in writing with the Ministry of Finance and request that the necessary precautionary measures be taken against the suspect's movable and immovable property. Legislative Decree No. (63) further enabled the Ministry of Finance to seize the assets and properties of individuals subject to the 2012 Counter-Terrorism Law and transfer their ownership to the Syrian government.¹⁷ This constitutes a clear violation of due process and the rights of the accused, as the decree permits no appeal, and individuals are never notified when their names are added to the list.

These exceptional laws formed the "legal cover" for asset seizure and confiscation operations. For example, regime departments seized thousands of lands and properties belonging to Syrians in November 2019, confiscating 10,000 properties, mostly in the Damascus countryside governorate, under Circular No. (346) issued by the Ministry of Local Administration, which instructed departments to expedite property confiscation and transfer ownership to the state.¹⁸

2. Real Estate Claims and Disputes Arising from Unjust Laws

Since the fall of the defunct regime, many Syrian areas have witnessed a sharp spike in real estate claims and disputes tied to grievances of rightful owners caused by previous laws. These laws represent a clear pattern of land confiscation, forced demolition, and urban exclusion policies targeting low-income groups and revolution constituencies. This paper presents several live, non-exhaustive examples of these raised claims, detailing their historical causes and the facts that demonstrate the aspects of prejudice and injustice suffered by rightful owners in those areas. The paper relies on numerous sources that uncover the narrative behind each case, including vital data and testimonies gathered during workshops organized by TDA on property restitution challenges, as well as field visits by the organization's HLP team to these areas, which include the common lands of Hama city and the expropriation and confiscation projects in Homs and Moadamiyet al-Sham.

The Common Property Lands of Hama: Reprisal-Driven Violations

The expropriation of vast tracts of land in Hama on the eve of the 1982 events stands as a stark example of retaliatory confiscation under the guise of expropriation. Since 1983, several decrees have been issued permitting the expropriation and zoning of agricultural lands on city peripheries for urban expansion. The most significant of these was Decree No. 880 of 1988, which targeted what are known as the common property lands, in relation to building on agricultural land held in undivided co-ownership. The city of Hama contains seven common property zones, and more than 20% of the city's buildings are classified as violations according to Hama's official master zoning plan. In 2008, the city council announced the zoning plan for the expropriated lands, applying these policies to the areas of Mashaba Wadi al-Jouz, Mashaa Wadi al-Naqarneh (al-Salam neighborhood), and Mashaa al-Arba'een, thereby stripping thousands of families of their HLP rights without fair compensation or alternative housing options. The area's residents filed dozens of complaints demanding the return of their expropriated lands and agricultural crops. This back-and-forth persisted for over thirty-three years, during which they received nothing but empty promises. Ultimately, these complaints resulted in a 2015 settlement compensating them for a mere 10% of the value of the uprooted trees, alongside further promises to allocate a residential apartment (without benefits or compensation for the demolition) to each affected person within housing units slated for construction.

Subsequently, Law No. (40) of 2012 was enacted concerning the removal of building violations in Syria. Law No. (40) authorized the Supreme Council for Local Administration, a council established under the Local Administration Law No. (107) of 2011, to issue decisions determining which types of building violations committed after its enforcement were eligible for regularization. Pursuant to Law No. (40), Mashaa al-Arba'een, located in the northeastern sector of the city, was demolished in 2012. It housed approximately 30,000 residents, the vast majority of whom belonged to the low-income working class. This was followed by the demolition of Mashaa Wadi al-Jouz in 2013, home to around 25,000 residents, as well as the destruction of a portion of the buildings in the Mashaa al-Naqarneh ("al-Salam") neighborhood. The story of al-Salam neighborhood is a case in point on the scale of injustice suffered by its inhabitants, where housing cooperatives had obtained formal building permits for this neighborhood from the Hama City Council on December 22, 2015. They monitored the residential units from the start of construction, completing all administrative procedures

¹⁷ Syria: Suspects' Families Assets Seized – Report by Human Rights Watch – July 16, 2019 – <https://www.hrw.org/news/2019/07/16/syria-suspects-families-assets-seized> (accessed March 14, 2021).

¹⁸ Real Estate Laws Issued by the Assad Regime to Serve the Iranian Project – *Eqtsad Magazine* – November 28, 2020 – <https://www.eqtsad.net/news/article/32148/> (accessed March 16, 2021).

entirely in accordance with regulations. Nevertheless, parts of these licensed buildings were demolished in a reprehensible paradox, where a city council legally licensed housing cooperatives and then effectively contested its own actions on grounds of illegality, demolishing what it had previously permitted. Despite the public resentment generated by these unlawful actions, and the sense of exclusion and injustice felt by affected residents, the security fears during those years in which the regime terrorized Syrian society prevented any possibility for collective defense of their rights through legal means. It was no secret that the objective behind stripping them of their housing rights was to drive the residents of those neighborhoods into displacement, given that they were deemed disloyal to the regime.

Post- liberation, the question of the rights of common property owners resurfaced, as vast areas of land where structures were demolished remain empty and unexploited to date. Debris and the tracks of bulldozers, which eradicated fully completed or semi-finished residential units, remain visible according to field observations recorded by TDA team during a site visit. Throughout the visit, the team documented testimonies from affected residents whose houses in the al-Naqarina ('al-Salam') district were demolished notwithstanding building permits. Consequently, the owners have filed claims for alternative housing schemes or equitable compensation for the damages and losses sustained. This occurs alongside growing apprehensions that these common lands will be re-offered for real estate investment to the benefit of firms linked to power centers within the current transitional administration, without the involvement of or compensation for their original owners.

Homs: Intersection of Old Expropriation Laws and New Investment Projects

The city of Homs and its countryside, like other Syrian areas, suffered from the repercussions of Expropriation Law No. (20) of 1983. Under this law, vast areas of agricultural land were expropriated, and real estate properties in neighborhoods within the old city were seized. The state claimed that serving "public utility" through these expropriations would involve establishing tourism and service projects.

In 1994, Prime Ministerial Decree No. "5047" was issued, ordering the expropriation of an estimated 462 dunams of orchards in the city of Homs under the pretext of establishing the "People's Park" (*Hadiqat al-Sha'ab*) project as a public utility asset. However, the compensation approved for the owners of the expropriated properties at the time, which was restricted to al-Qarabis neighborhood and the surrounding orchards, was considered meager and inequitable compared to the market value of the lands. This led many owners to refuse to take the compensation or to enter into legal litigation, leaving the lands a subject of dispute to this day.¹⁹

In 2007, the Governor of Homs, Iyad Ghazal, who was close to the presidential palace, launched the "Homs Dream" project. It was predicated on restructuring, modernizing, and urban expansion of the city, as promoted by the governor at the time. This was followed by the preparation of master zoning plans affecting large swathes of the city and its countryside under the "Homs Dream" banner, covering nine major districts in the governorate: Rastan, Talkalakh, al-Houla, al-Qusayr, Hisyah, al-Wadi, al-Mukharram, the Northern Region, and Palmyra, alongside "Greater Homs."²⁰ The project sparked widespread protests due to its deviation from "public utility" frameworks and its use for investment and service projects at the expense of expropriated lands with pending legal disputes; and that it aimed to alter the city's identity and enable regime-affiliated figures and corporations to profit from the project without the participation of the original property owners or the affected population.

Amid protests whose reverberations reached the People's Assembly, where a number of parliamentarians opposed the project's implementation, it was deferred until 2010. Following the onset of the revolution, the regime supplanted the project with a rampant, devastating war targeting the neighborhoods that constituted the cradle of the revolution.

Following liberation, and the return of large numbers of displaced persons from these neighborhoods, who had lived for years in Idlib and northern Syria, their primary concerns and urgent demands upon return centered on reconstruction of their homes and former residential areas. Nevertheless, on August 12, 2025, the Governorate of Homs officially proclaimed the 'Victory Boulevard' project as the inaugural major urban project proposed in the post-regime era. The governorate presented the project at an official press conference in the governor's

¹⁹ Victory Boulevard' Awakens the Nightmare of 'Homs Dream'" (*"Bulifard Al-Nasr" Yuwqidh Kabos "Hulm Hims"*), *Enab Baladi*, August 17, 2025, <https://www.enabbaladi.net/769625/>.

²⁰ See statements by former Governor of Homs, Eyad Ghazal, to the Kuwait News Agency (KUNA), December 22, 2007, titled: "Ghazal: 'Homs Dream' is a Project to Develop the City and Fulfill the Needs and Aspirations of its People": <https://www.alanba.com.kw/ar/arabic-international-news/20811/22-12-2007-ال-حلم-حمص-مشروع-التطوير-المدني-تحقيق-حاجات-ا-غزال-يناقش-طموحاتهم>

presence, portraying it as an element of a broader suite of reconstruction projects targeting affected areas across the city.

The project is situated on lands extending between al-Qarabis neighborhood and its surrounding orchards, reaching al-Masabig areas, the wholesale market (*Souk al-Hal*), and Victory Park. It entails the construction of approximately 4,500 modern residential units, commercial and investment facilities, a central market, and a public park spanning nearly 350,000 square meters featuring green spaces, water bodies, and playgrounds.²¹ al-Qarabis neighborhood in Homs quickly witnessed the first direct popular backlash against the "Victory Boulevard" project; dozens of residents took to the streets on August 15, 2025, in a protest following Friday prayers, raising banners rejecting the project and demanding its immediate suspension.²²

In a brainstorming session conducted by TDA in the city of Homs, local participants expressed their concerns regarding a project of this magnitude in the heart of the city. Although the governorate considers it part of its reconstruction plan for damaged areas, the reality on the ground, as noted by some participants, reveals a deliberate focus on a strip of orchards and lands adjacent to Victory Park, areas that have been expropriated since the 1990s without equitable compensation to their original owners.²³

Furthermore, according to numerous opinions voiced by local residents and circulated in press and field reports, the "Homs Boulevard" will be executed by an urban development corporation without any transparency regarding the legal or administrative mechanisms used to select this executing company, and that this investment project does not constitute a genuine response to the urgent reconstruction needs in Homs. Furthermore, most criticisms of the project focus on the flaw of re-offering these lands for investment after decades of being frozen, without addressing the underlying legal or social issues concerning old property rights or the status of owners who lost their documentation during the war.²⁴ This heightens fears that the reconstruction process will merely recycle past expropriation policies rather than correct them, prioritizing the interests of capital over the needs of returnees and affected residents.

3. Legislations Targeting the Violation of Absentees' HLP Rights

Throughout the years of the Syrian revolution, the defunct Syrian regime issued an array of property laws and decrees, ranging from those governing property rights, real estate, and housing, to urban planning and zoning, as well as those regulating proof of ownership, the land registry, and property transactions. All were used to execute seizure and confiscation mechanisms through the continuous creation of avenues for dispossession and property theft, directly targeting the rights of millions of displaced persons, refugees, detainees, and the forcibly disappeared. Today, as returnees and displaced individuals face these very laws and decrees after liberation, they stand as a major obstacle to reclaiming their property, having served to strip millions of displaced and refugee Syrians of their property.

Turning to Legislative Decree No. (66) of 2012, Law No. (23) of 2015, Law No. (1) of 2018, and Law No. (10) of 2018, we find that these laws, particularly the latter, imposed profound complications to proving property ownership in the established development zones that will be established under these decrees and laws issued while half of the Syrian population was displaced abroad, not to mention that a significant number of people lost their title deeds due to displacement or damage during the war, in addition to fears among many refugees, especially the hundreds of thousands wanted by security forces, to grant power of attorney to relatives or lawyers to act on their behalf in ownership certification procedures.²⁵

²¹ *Delayed Justice: How the Transitional Administration Manages the Housing, Land, and Property Rights File in Syria*, op. cit.

²² “Protests in Homs’ Al-Qarabis’ District Rejecting the ‘Victory Boulevard’ Project”, *New Syria Agency*, August 15, 2025, <https://nsasyr.net/archives/5028>.

²³ "‘Victory Boulevard’: A Massive Project Threatening Thousands of Families with the Loss of Their Homes" – *Al-Hal Net* – August 11, 2025 – <https://7al.net/2025/08/11/الع-ضخم-يهدد-آلاف-الم-بوليفارد-النصر-مشر>

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²⁵ Real Estate Property and the Constitution (Research paper by the Free Syrian Lawyers Association in collaboration with the Legal Experts Team), *Free Syrian Lawyers Association*, April 10, 2020, <https://freesyrianlawyers.com/index.php/ar/%D9%85%D9%86%D8%B4%D9%88%D8%B1%D8%A7%D8%AA-%D8%A7%D9%84%D8%AA%D8%AC%D9%85%D8%B9/item/754-%D8%A7%D9%84%D9%85%D9%84%D9%83%D9%8A%D8%A9-%D8%A7%D9%84%D8%B9%D9%82%D8%A7%D8%B1%D9%8A%D8%A9-%D9%88%D8%A7%D9%84%D8%AF%D8%B3%D8%AA%D9%88%D8%B1-%D9%88%D8%B1%D9%82%D8%A9-%D8%A8%D8%AD%D8%AB%D9%8A%D8%A9-%D9%84%D8%AA%D8%AC%D9%85%D8%B9-%D8%A7%D9%84%D9%85%D8%AD%D8%A7%D9%85%D9%8A%D9%86-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D9%8A%D9%86-%D8%A>

The defunct regime utilized these laws to demolish all unauthorized structures, both old and new, in the absence of the rightful owners of informal homes and properties: a key objective of Legislative Decree No. (40) of 2012. Meanwhile, the danger of Law No. (3) of 2018, concerning the removal of rubble from structures damaged by natural or unnatural causes, lies in sanctioning the total demolition of undamaged real estate areas simply by bringing them under its scope, compounded by an extremely short 30-day window to retrieve rubble and initiate demolition.²⁶ The rights of informal builders who constructed on public or private lands are restricted strictly to retrieving their building rubble, and the value of these unauthorized structures and facilities shall not be factored into the assessment of owners' rights. Additionally, Law No. (23) of 2015 empowered administrative authorities to apply Real Estate Investment and Development Law No. (15) of 2008 to informal settlements, authorizing land expropriation in cases of collective violations and mandating uncompensated deductions for "public utility," much like previous property laws.

Many property owners estimate that actual compensation they might receive assessed by valuation and assessment committees will not exceed 20% of their properties' true value at best, especially when accounting for Syrian Pound inflation. Even those eligible for alternative housing "under Article 45 (A)" of Legislative Decree No. (66) of 2012, which stipulates that alternative housing be provided within no more than four years, have yet to receive it, as in the case of residents from al-Mezzeh orchards and Kafr Souseh areas remain without housing thirteen years after the inclusion of their properties into designated re-zoning areas.²⁷

These grievances and problems raised by affected residents today on a broad scale stem from the fact that many zoning plans issued by the regime rely on these unfair laws. Primarily targeting the rezoning of devastated areas, such as Jobar, Qaboun, Yarmouk Camp, and parts of eastern Aleppo; these plans carry unmistakable undertones of demographic change. Consequently, they pose major obstacles as long as the transitional government has not announced their suspension or repeal. The controversy surrounding the zoning plans for Jobar, Qaboun, and Yarmouk Camp, highlighted during the brainstorming sessions organized by TDA in Damascus, coupled with the concerns expressed by local participants regarding the uncertain future of these plans, underscore the persistent obstacles confronting affected persons and property owners.

4. Arbitrary Laws and Procedures Imposing Restrictions on Property Verification

A review of numerous cases involving coercive appropriation, property seizures, and unauthorized takeovers reveals that specific laws played a dangerous role in erecting legal and procedural barriers to proving the ownership of those forcibly displaced persons during the revolution years. These laws compounded the preexisting gaps and complexities caused by the lack of real estate documentation, particularly in informal and unorganized zones, as well as incomplete demarcation and registration processes in many land zones, unrecorded final judicial sales rulings, and the loss of title deeds. Among the most prominent laws that manipulated registries was Decree No. (12) of 2016, which authorized the creation of alternative registries and the reproduction of hard copies from digital real estate records. Crucially, it opened a mere four-month window for filing objections against digital entries, an utterly inadequate timeframe given that nearly half of the Syrian population was internally displaced or refugees abroad.²⁸ This created a broad latitude for networks of opportunists, lawyers, and judges to manipulate absentee properties, colluding to forge title deeds and transfer ownership to third parties.

Similarly, Law No. (33) of 2017 concerning the "regulation of the mechanism for recreating real estate documents damaged entirely or partially, or verified as lost due to emergency events", established an administrative and judicial framework to recreate property title deeds alleged to be damaged or missing. In practice, this empowered any claimant asserting property rights to file an objection claiming their document was damaged, and secure title deed restoration based solely on their claim and witness testimony. With the original

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²⁶ Habib Shehadeh, "'Houses of Illusion': Decree 66 Breaks Its Promises and Displaces Syrian Families," *Daraj Media*, March 11, 2020, <https://daraj.com/40886/> (accessed March 18, 2021).

²⁷ See General Authority for Real Estate Investment and Development, *Annual Report*, 2018. Available at: <https://bit.ly/3aFnEOT>.

²⁸ Assad Reconstructs the Country to the Beat of War: Law 10—Urban Planning, Expropriation, or Demographic Engineering?" *Enab Baladi*, April 29, 2018. <https://www.enabbaladi.net/224816>.

%D8%AA%D8%BA%D9%8A%D9%8A%D8%B1-%D8%AF%D9%8A/# -

property owner (often living outside Syria) completely unaware and unable to object, ownership was effectively transferred to a new owner via a newly issued property document.²⁹

It is essential to understand the inherent danger of these laws, given how they are exploited due to the complex and intertwined nature of issues involved. This is due to the widespread loss and damage of title deeds among most displaced persons and refugees and the multiplicity of governing entities that managed the real estate registry and created unrecognized parallel registrations. For instance, the Director of the Real Estate Registry in Daraa confirmed that over 6,000 real estate transactions, including sales registrations, mortgage liens, and title deeds, were executed between 2014 and 2016. However, when the regime army entered and retook control over the city in 2018, those real estate records were burned. This triggered problems and disputes that re-emerged after liberation, as sellers reneged on those sales under various pretexts.³⁰

In light of the above, it is unreasonable to maintain these laws, which have caused substantial property certification issues. There is an urgent practical need to adopt alternative and streamlined verification mechanisms, given the destruction of real estate registries and official documents, alongside the deliberate shelling and arson targeting real estate offices and courts in numerous Syrian areas during the conflict. This resulted in the loss of thousands of official documents verifying ownership, a reality that has generated a severe crisis for returnees attempting to prove title to their properties.

An official from the Real Estate Registry Office in Ma'arrat al-Nu'man stated: 'The entire real estate registry archive was completely burnt in 2019. Currently, we depend on copies retained by individual citizens, witness testimonies, and old images of the documents.'³¹

Displaced persons from Idlib countryside and Hama countryside face the challenge of their agricultural lands being sold at public auctions. These auctions were organized by the two governorates after classifying those lands as "vacant" due to the forced absence of their owners, tendering them for investment as Salikh lands or orchards via public bids. Following the land owners' return, some managed to recover their land through direct negotiations with the investors, while others resorted to courts. In several instances, investors held firm to their claims, citing prior investment payments, a dynamic that opens the door to potential legal disputes.

Furthermore, depriving women of their inheritance rights has re-emerged as a renewed manifestation of a long-standing issue in Syrian society, one that was sidelined throughout the conflict years due to loss of property control and inability to claim legal rights. As individuals gradually began recovering their properties, many women faced severe legal and social impediments when trying to obtain their share of inheritance, casting a heavy shadow over the broader inheritance issue. These challenges surrounding women's inheritance rights were among the key discussions during the brainstorming workshops.

5- Security Restrictions

The requirement for a security clearance is deeply familiar to Syrians, operating as a pervasive constraint attached to nearly all aspects of their daily life. It is required for renting a house or shop, selling real estate, lands, or vehicles, establishing commercial enterprises, and granting general or special powers of attorney for individuals residing inside or outside Syria. While the regime instituted these procedures during the initial phase of the Syrian revolution, focusing principally on residential and commercial leases, it was not until 2015 that it enacted a formal decision. On August 4, 2015, the regime government circulated Decision No. (4554) to the Ministry of Local Administration, officially expanding the scope of transactions requiring mandatory prior security clearance from relevant security authorities to include real property sales, lease agreements, and title transfer for residential and commercial premises.

Security clearances have pursued Syrian refugees abroad, leaving no aspect of their lives or legal transactions untouched. For the millions of Syrians who fled the country since the outbreak of the revolution, registering or selling property, or even obtaining a passport or other official documents, has proved impossible without

²⁹ An Analysis of Law No. 33 (2017) Regulating the Reconstruction of Property Documents in Syria." *Syrians for Truth and Justice* (STJ), January 17, 2023. <https://stj-sy.org/ar/%D9%82%D8%B1%D8%A7%D8%A1%D8%A9-%D9%81%D9%8A-%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86-33-%D9%84%D8%B9%D8%A7%D9%85-2017-%D8%A7%D9%84%D9%8BD8%A7%D8%B8%D9%85-%D9%84%D8%A5%D8%B9%D8%A7%D8%AF%D8%A9-%D8%AA/>.

³⁰ Information provided by Mr. Salman Al-Qarfan, Director of the Land Registry in Daraa between 2014 and 2016, during the period when the city of Daraa was under opposition control.

³¹ Statement given by an official of the Real Estate Registry in Ma'arrat al-Nu'man to the field delegation of *The Day After* Organization during a site visit in September 2025.

granting a power of attorney from abroad to relatives inside Syria. This power of attorney itself requires security clearance. Since the onset of the revolution, security clearances have been required for all types of powers of attorney, whether executed domestically or abroad. General powers of attorney were revoked in favor of strict special powers of attorney. Although the regime later eased some restrictions on overseas powers of attorney after 2012, it effectively maintained them for probate and estate inventory transactions whenever one of the heirs is listed as missing.

The continuation of the security clearance requirement following the fall of the Assad regime reflects an administrative deficiency in identifying the authority designated to issue them. It underscores the persistence of a security-driven logic restricting property ownership and the transfer of real estate rights. The transitional government justifies these measures by pointing to attempts by figures of the defunct regime to liquidate properties suspected of being acquired through illegal means; however, serious concerns remain that an unlawful mechanism is being enshrined to control property rights. Furthermore, specific groups remain adversely affected by the security clearance requirement originally imposed by the defunct regime on Palestinian refugees in Syria regarding the registration and sale of their properties. Under Law No. (260) of 1956, Palestinian refugees are granted equal treatment to Syrian citizens, excluding electoral rights.³² Another affected group includes residents of border zones, where these security clearance mandates likewise remain enforced.

Second: Practical and Administrative Challenges to Property Restitution

As the door for return has opened for IDPs and refugees, information about the number of returnees is conflicting. The UNHCR declared that a total of 1.1 million Syrians have returned to their country from 8 December 2024 to 1 November 2025. It added that more than 1.9 million IDPs have returned to their hometowns, which they had left during the years of war that followed the revolution of 2011.³³ There are no official statements by the transitional government on the number of returnees except for a statement by the director of the migration and passports department in Syria on 25 November 2025 in which he declared that “around 3 million Syrians have returned according to the records of those arriving from abroad alone.”³⁴ This doesn’t mean they have returned to settle completely in Syria, but we could assume that a large percentage of them have come on a visit to explore prospects of return in the future. Nonetheless, the issue of property restitution and securing housing constitutes the greatest concern for IDPs and refugees returning from abroad.³⁵

One of the greatest challenges facing IDPs, refugees and returnees or those who are considering returning to their hometowns is the enormous magnitude of destruction in their homes and properties. Most returnees would not find a place to return to in Syria and would have limited resources to rebuild their lives. In fact, there are still large swathes of the country that are inhabitable because of the destruction incurred by war leaving whole neighborhoods in big cities such as Aleppo, Damascus, Deir Ez-Zor, western Hama countryside, Homs and Raqqa in total ruin in addition to completely destroyed villages. Further, the Syrian economy has shrunk by more than 80% since 2011. The spread of unemployment and inflation increased the poverty rate to 90%. Lack of basic infrastructure, clean water, electricity, health care and schools further complicate prospects of reintegration, i.e. the large-scale return of the displaced and reintegrating them into society after a long absence. A large number of returnees found that their homes had been taken over by others or totally destroyed giving rise to disputes over housing, land and property rights.³⁶

³² Forms and Mechanisms of Restricting Ownership Rights for Palestinians in Syria, *Research Report by The Day After*, August 2024,

<https://tda-sy.org/2024/08/09/%D8%A3%D8%B4%D9%83%D8%A7%D9%84-%D9%88%D8%A2%D9%84%D9%8A%D8%A7%D8%AA-%D8%AA%D9%82%D9%8A%D9%8A%D8%AF-%D9%88%D8%AA%D8%B9%D8%B7%D9%8A%D9%84-%D8%AD%D9%82-%D8%A7%D9%84%D8%AA%D9%85%D9%84%D9%83-%D9%84%D9%84/?lan>.

³³ UNHCR Syria official website <https://help.unhcr.org/syria/ar/>

³⁴ Statements by Deputy Director of Migration and Passports in Syria on 25 November 2025 <https://alikhbariah.com/%D8%A8%D8%B9%D8%AF-%D8%AC%D8%AF%D9%84-%D9%88%D8%A7%D8%B3%D8%B9-%D8%A7%D9%84%D8%B9%D9%82%D9%8A%D8%AF-%D9%88%D9%84%D9%8A%D8%AF-%D8%B9%D8%B1%D8%A7%D8%A8%D9%8A-%D9%8A%D9%88%D8%B6%D8%AD-%D8%A7%D9%84/>

³⁵ Gravest Problem Facing Syria – Independent Arabic – 19 February 2025 <https://www.independentarabia.com/node/617793/%D8%A2%D8%B1%D8%A7%D8%A1%D8%A3%D9%83%D8%A8%D8%B1-%D9%85%D8%B4%D9%83%D9%84%D8%A9-%D8%AA%D9%88%D8%A7%D8%AC%D9%87-%D8%B3%D9%88%D8%B1%D9%8A%D8%A7>

³⁶ Minister of Work: One Million Destroyed Homes in Syria – Syria TV website – 20/9/2025 <https://www.syria.tv/%D9%88%D8%B2%D9%8A%D8%B1-%D8%A7%D9%84%D8%A3%D8%B4%D8%BA%D8%B1-%D9%85%D8%B4%D9%83%D9%84%D8%A9-%D8%AA%D9%88%D8%A7%D8%AC%D9%87-%D8%B3%D9%88%D8%B1%D9%8A%D8%A7>

Mustafa Abdulrazzak, Minister of Public Works and Housing in the transitional government, asserted that there are around one million homes in Syria which have been destroyed because of the military operations over the past 14 years in addition to three to four million people living in informal housing.³⁷

1- Problems of renovation and reconstruction

Convoys of IDPs in the north of Syria and Idlib started to return to their home areas from the early days of liberation. A large number of them were dwellers of tents where they had lived for long years of bitter displacement. Although they knew their homes were destroyed and inhabitable, they decided to return and erect their tents next to their destroyed homes despite the destruction of infrastructure and lack of all forms of living preconditions in areas that the Assad regime and its allies had destroyed at a horrific scale. In the villages and towns of western Hama countryside, the sight of tents next to destroyed homes have become a familiar scene in recent months.

Aref Shamtan, an IDP from Housh village in Hama who lives in an informal camp in northern Syria told AFP as he was sitting on the floor just outside his tent next to his field sipping tea “I feel comfortable here. Even if I sit on rubble... living on rubble is better than living in camps.” He had stayed in a camp since 2011.³⁸

One of the greatest dilemmas that returnees whose property had been destroyed are facing is the issue of home restoration which reveals the socio-economic and human dimensions incurred by HLP rights violations. These problems are not only about the availability of restoration materials which are very scarce in a society where more than 90% of the population lives beneath the poverty line. Costs of restoration vary from one area to another and depending on the space and scale of restoration needed.

Building restoration licenses are issued by the city councils and municipalities according to the laws applicable to this date. There are several conditions for restoration including the complete structural integrity of the building and obtaining an approval from a specialized technical committee that evaluates the damages and determines whether restoration is possible or demolition is necessary. Buildings are classified into three categories: intact, reinforceable and rickety requiring demolition.³⁹ Structural integrity must be assessed for restoration permits to be issued. However, the experiences of locals trying to restore their homes show there are variations in the approach of administrative bodies after liberation. Some have been lenient with restoration with or even in some cases without a permit. For example, Zabadani city council in Damascus countryside temporarily suspended issuance of violation tickets related to building and restoration trying to help returnees restore and rehabilitate their damaged housing. Thus, the council merely documented the restoration works as violations. This lenient approach has been predominant in most city and town councils in Syria. However, there are some, such as Darayya, that impose certain constraints on restoration work and couple it with engineering teams work to ensure the structural integrity. In other areas, according to several reports, people are engaging in building

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³⁷ Syrian IDPs Return... erecting tents over the rubble of their homes – Middle East Newspaper – 22 May <https://aawsat.com/%D8%A7%D9%84%D8%B9%D8%A7%D9%84%D9%85-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A/%D8%A7%D9%84%D9%85%D8%B4%D8%B1%D9%82-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A/5148710-%D9%86%D8%A7%D8%B2%D8%AD%D9%88%D9%86-%D8%B3%D9%88%D8%B1%D9%8A%D9%88%D9%86-%D9%8A%D8%B9%D9%88%D8%AF%D9%88%D9%86-%D8%A5%D9%84%D9%89-%D9%85%D9%86%D8%A7%D8%B7%D9%82%D9%87%D9%85-%D9%8A%D9%86%D8%B5%D8%A8%D9%88%D9%86-%D8%AE%D9%8A%D9%85%D8%A7%D9%8B-%D8%B9%D9%84%D9%89-%D8%A3%D9%86%D9%82%D8%A7%D8%B6-%D9%85%D9%86%D8%A7%D8%B2%D9%84%D9%87%D9%85>

³⁸ No Renovation... Homes in Damascus Countryside Doomed to Rubble – 16/7/2025 – Asia News Agency <https://asianewslib.com/?page=article&id=183128>

³⁹ Rebuilding Syria: Economic and Political Challenges and Possible Solutions – Yalla Syria – 21 September 2025 <https://yallasirianews.com/article/%D8%A5%D8%B9%D8%A7%D8%AF%D8%A9-%D8%A5%D8%B9%D9%85%D8%A7%D8%B1-%D8%B3%D9%88%D8%B1%D9%8A%D8%A7-%D8%AA%D8%AD%D8%AF%D9%8A%D8%A7%D8%AA-%D8%A7%D9%82%D8%AA%D8%B5%D8%A7%D8%AF%D9%8A%D8%A9-%D9%88%D8%B3%D9%8A%D8%A7%D8%B3%D9%8A%D8%A9-%D9%88%D8%AD%D9%84%D9%88%D9%84-%D9%85%D9%85%D9%83%D9%86%D8%A9>

restoration without seeking permits especially in villages and towns where destruction has been large-scale and no government institutions are available there to manage their issues.

In all cases, restorations are mostly undertaken through private individual initiatives without institutional support or clear and comprehensive regulatory plan for all areas.

The dilemma of restoration, which has become a priority for the Syrian society, is exacerbated by its dependency on economic, developmental and financial preconditions for the reconstruction process as a whole. Statistics about costs of reconstruction in Syria vary due to the extensive destruction the country has witnessed since 2011 until the end of military operations on 8 December 2024. Most figures, however, range between 250 and 400 billion US dollars according to estimates by the World Bank and Carnegie Middle East Center. Other estimates put the figure as high as 800 billion.⁴⁰

While some predictions indicate that the process may take between 15 and 20 years if it moves at an average pace, the Syrian economy continues to be impacted by regional instability according to a World Bank report last July. Introduction of Gulf, Turkish and European investments and lifting significant parts of the Caesar Act sanctions could reduce the time needed to less than a decade and a half. Some local experts point out that there are some legal and institutional hurdles that persist in Syria obstructing reconstruction projects. Law no. 10 of 2018, for example, which grants the state extensive powers to reorganize real estate property rights has not been officially repealed. There are several other laws that need radical amendment and review related to informal settlements. This raises concern among citizens and investors about property rights.⁴¹

The transitional government focuses on its current plans, according to its statements, on restructuring oversight and judicial institutions, not waiting for support or funding and rejecting external debts. Therefore, it has resorted to domestic support funds. From Homs to Daraa, Deir Ez-Zor, Idleb, Hama, Aleppo and Damascus and its countryside, local fundraising campaigns were made one after the other under different banners in an attempt to revive the basic facilities which have been destroyed by years of war in Syria. In turn, these donations pose significant questions as to the real needs and mechanisms in which those funds would be employed. Questions and doubts are also raised about the actual funds that have been collected in those campaigns.

Under pressure from camp dwellers and many of those afflicted to rehabilitate and rebuild their home areas and calls for the government to undertake its role in addressing this pending issue and urgently respond with the necessary solutions and remedies, the President of the Republic issued decree no. 59 of 2026 establishing a governmental committee for rehabilitation of infrastructure in destroyed areas chaired by the Minister of Disasters and Emergencies.⁴²

2- Types of Old and New Property Disputes that Threaten Civil Peace

In the immediate aftermath of liberation, several areas witnessed highly tense and escalating property disputes that almost unraveled into communal disputes with sectarian character. Going back to the root causes of these disputes, it is found that policies of the defunct regime encouraged some informal settlements at the outskirts of the capital for authoritarian purposes and property policies adopted by its governments based on confiscation and appropriation at the expense of original right holders. After the fall of the regime, in a transitional period that is overflowing with difficulties and challenges and where the impact of war and division continue to shed a heavy shadow on the Syrian society, some property disputes have erupted in areas where there was much overlap

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⁴¹ See Law no 10 of 2018, Nabd Website <https://nabd.com/s/169301765-5c8df3/%D9%85%D8%B1%D8%B3%D9%88%D9%85-%D8%B1%D8%A6%D8%A7%D8%B3%D9%8A-%D8%A8%D8%AA%D8%B4%D9%83%D9%8A%D9%84-%D9%84%D8%AC%D9%86%D8%A9-%D9%84%D8%A5%D8%B9%D8%A7%D8%AF%D8%A9-%D8%AA%D8%A3%D9%87%D9%8A%D9%84-%D8%A7%D9%84%D8%A8%D9%86%D9%89-%D8%A7%D9%84%D8%AA%D8%AD%D8%AA%D9%8A%D8%A9-%D9%81%D9%8A-%D8%A7%D9%84%D9%85%D9%86%D8%A7%D8%B7%D9%82-%D8%A7%D9%84%D9%85%D8%AF%D9%85%D8%B1%D8%A9>

⁴² Residents Notified to Evict: What do you know about Somariya built by Rifat Assad? – Ultra Syria website – 30 August 2025 <https://ultrasyrria.ultrasawt.com/%D8%A8%D8%B9%D8%AF-%D8%A5%D9%86%D8%B0%D8%A7%D8%B1-%D8%B3%D9%83%D8%A7%D9%86%D9%87%D8%A7-%D8%A8%D8%A5%D8%AE%D9%84%D8%A7%D8%A6%D9%87%D8%A7-%D9%85%D8%A7%D8%B0%D8%A7-%D9%86%D8%B9%D8%B1%D9%81-%D8%B9%D9%86-%D8%A7%D9%84%D8%B3%D9%88%D9%85%D8%B1%D9%8A%D8%A9-%D8%A7%D9%84%D8%AA%D9%8A-%D8%A8%D9%86%D8%A7%D9%87%D8%A7-%D8%B1%D9%81%D8%B9%D8%AA-%D8%A7%D9%84%D8%A3%D8%B3%D8%AF%D8%9F%D9%81%D8%B1%D9%8A%D9%82->

between original right holders and the actual residents which almost ignited renewed civil and sectarian divisions that would threaten civil peace which is barely evolving towards societal stability.

The paper tackles examples on the nature of these disputes in order to understand their past and present implications and highlight the risk of leaving them unaddressed in a way that is based on redress to right holders while offering alternatives and solutions to their occupants.

Claims of right-holders in Mouadamiya to their properties in Sumariyah

Sumariyah is located to the west of Damascus near Mazzeh Military Airport, which was also built on the Mouadamiya lands during the French occupation era. It is divided into four parts: military housing adjacent to the airport, a neighborhood called Senaa which comprises shops and commercial kiosks with metal roofs. These were demolished directly after the fall of the regime using the machinery of Mouadamiya municipality to destroy sale outlets known for selling smuggled goods, cigarettes and alcohol. The third part comprises a housing area near the Sumariyah coach station. While the fourth and worst in terms of living conditions lies on the Beirut-Damascus highway.

In the minds of people in Damascus, Sumariyah is associated with Rifat Assad and Saraya al-Difaa (Defense Companies). Sumariyah is built on lands owned by families in Mouadamiya which were forcibly appropriated by Rifat Assad, brother of Hafez Assad and powerful militia man in the mid-1970s. Those lands were used to build military housing for non-commissioned officers in Saraya al-Difaa. It is believed that Sumar, Rifat's son, supervised the construction process so the area was named after him. However, some powerful residents in this housing area later took control of spaces adjacent to their buildings and sold them off at meager prices which encouraged many of those who worked in the army or government positions who used to live in difficult economic conditions in the capital to purchase those lands and build on them to avoid costs of rent and moving homes.⁴³

Constructions started in early 1981 in a way that was neither legally nor structurally safe. Ownership contracts did not protect the rights of buyers who mostly didn't know or didn't care about those rights and all they wanted was permanent housing in the capital.

For the people of Mouadamiya, losing their lands that way constitutes a deep wound that affected every family. Some families lost all they had as though they never owned one square meter of land. They lived on the story of expropriation in Mouadamiya following the confiscation of much property as of 1958. No one dared talk about it publicly because of the domineering attitude of air force intelligence agents who were residents of Sumariyah and adjacent areas. The people of Mouadamiya have always dreaded the residents of Sumariyah which turned into a hub of Shabiha mobilized against Mouadamiya. They were the stick the regime used against their neighbours who demanded the return of their appropriated lands since the early days.

On 27 August 2025, an armed faction loyal to the general security issued its military orders to the residents of Sumariyah to evacuate before 6pm of the same day. This was followed by a campaign of raids, arrests and sectarian insults. The residents reported to the governorate which told them it was not within their mandate to deter that faction and referred them to the ministry of interior. Subsequently, thousands of residents fled the area. According to lawyer Ali Barakat in 'At the Table' show, only 3 to 4 thousand residents out of 22 thousand remained in the area. They fled. Videos were posted on social media showing how some of them slept on the pavements.⁴⁴

Commenting on what happened in Sumariyah, the transitional government, represented by Maher Marwan Idlebi, the Governor of Damascus, said in a written statement on 3 September "The Syrian state is committed to solving this issue fairly and transparently away from displacement and forced eviction." It remains unclear who issued the alleged evacuation order in August.

Mouadamiya people who owned lands in Sumariyah filed a collective complaint with the council of Damascus governorate in which they demanded that they restore their property which, they said, amounted to 85% of Mouadamiya lands confiscated by the state included Sumariyah.

⁴³ Natasha Danon – Evacuating informal settlements in Soumariya takes on a sectarian character and reignites historic real estate disputes – 11 September 2015 – Syria Direct - <https://syriadirect.org/ar/%D8%A5%D8%AE%D9%84%D8%A7%D8%A1-%D8%B9%D8%B4%D9%88%D8%A7%D8%A6%D9%8A%D8%A7%D8%AA-%D8%A7%D9%84%D8%B3%D9%88%D9%85%D8%B1%D9%8A%D8%A9-%D8%AA%D8%A3%D8%AE%D8%B0-%D8%A8%D8%B9%D8%AF%D8%A7%D9%8B-%D8%B7%D8%A7/>

Some human rights activists, on the other hand, believed the state must be decisive in addressing the illegal measures taken in Sumariyah and looking for solutions that are fair for all. They believe it would be unfair for the residents of Sumariyah to demolish their homes and return lands to the owners only. Since the state does not have the funds to purchase that real estate area at its current price to compensate the people of Mouadamiya, some private companies may purchase these lands and, in this case, too the residents of Sumariyah must be compensated with alternative housing. The situation is highly complicated given the economic challenges in the country.

Old Problems between Barzeh and Esh al-Warwar

Barzeh neighborhood is located at the northern outskirts of Damascus. Its relation with the adjacent Esh al-Warwar dates back to the urban expansion of Esh al-Warwar in the 1970s to some agrarian lands that were still occupied by their original inhabitants known as “Barzeh al-Balad” when the state expropriated lands for a housing project allocated for the middle class known as “Barzeh Housing” (Masaken Barzeh). Some lands were also expropriated in order to build some military buildings. The fragmentation of Barzeh lands and the residents’ antagonism to the former regime were only deepened when families of military units affiliated with Saraya al-Difaa, led by Rifat Assad brother of Hafez Assad, took over some rocky lands known as Esh al-Warwar which used to be part of Barzeh’s natural and social sphere. Things evolved into episodes of violence between the residents of both areas in 1975 after the residents of Esh al-Warwar assaulted a popular café in Barzeh and killed several people there. After the Syrian revolution in 2011, the residents of both areas were aligned at two opposite sides. Residents of Esh al-Warwar attacked protests in Barzeh. Rumors spread among Esh al-Warwar residents warning them that residents of Barzeh were planning for an attack to restore their appropriated lands. A state of apprehension and alert prevails because of failure to address this issue which dates back many years ago leaving an open unhealed wound.

Tensions between Mazzeh and Mazzeh 86

Similarly, community division between Mazzeh 86 and the adjacent Mazzeh neighborhood came to light in the early days of the revolutionary movement. Mazzeh 86 neighborhood was first established as military barracks for the very Saraya al-Difaa forces in 1970s on lands appropriated by military force and originally owned by locals from the adjacent Mazzeh neighborhood.

Mazzeh 86 evolved into informal housing for residents who were mostly Alawite from the Syrian coast and Homs who were given these homes based on their affinity with the regime and its military forces. Locals of Mazzeh neighborhood today demand to regain their lands which were appropriated decades ago. In doing so they rely on legal documents proving their ownership.

Attempts by owners of appropriated property to recover their property has revealed the difficulties and complexities of recovering property in the current judicial and legal situation and the magnitude of administrative vacuum and dysfunction which could hinder finding effective mechanisms to recover rights and receive reparations. In the face of these complexities and in the absence of a comprehensive national plan to address this issue, some local attempts emerged to organize the restitution of rights and settlement of property disputes in areas such as Kafr Souseh and Darayya in Damascus, Qusair in Homs countryside and several areas in Aleppo. These attempts, however, are not without legal problems.

Kafr Souseh neighborhood

To address the issue of recovering appropriated property in Kafr Souseh, committees comprising volunteering lawyers, civil actors, members of the revolutionary movement and participants in the last battle were formed. They aimed to recover the properties amicably in consensus with its new residents at times or resorting to legal and judicial paths in other instances.

According to statements by locals from the neighborhood, the number of real estate properties leased by Iranians or their proxies was around 65 apartments and homes. These were used to house officers from the Revolutionary Guard and high-ranking officials from Hezbollah. Some were also used as military offices and operation rooms within inhabited buildings. According to one participant in the Deterrence of Aggression battle who was a descendent of that neighborhood, military supplies including kamikaze drones and explosives were found in some of these homes.

With the fall of the Assad regime, some locals reported some apartments linked to Iran or Hezbollah either through local networks between the locals and returning rebels or through contact numbers which were published for that purpose at the time or by reporting directly to the new military forces in the neighborhood. In such cases, the local committees were unable to find effective solutions. However, in other cases, affiliates with

the former regime evacuated to property of their own accord as rebels approached Damascus. Right holders in such cases, i.e. heirs of the original owners, took over the property. They still need to address the forgery of title deeds.

The Case of Afrin: Example of multiplicity of violators and types of violation

Years of displacement and change of military control in Afrin and its countryside, accompanied by demographic change and shifts in land and property use therein, have given rise to complex challenges to the return of refugees and IDPs to that area after the fall of the defunct Assad regime. Since 2012, the area came under the control of Kurdish popular protection forces (YPG), then moved to opposition factions' control in 2018, until the liberation by the end of 2024.

During those years, Afrin and its countryside came witnessed successive shifts not only in terms of de facto powers in control or multiplicity of governance modes, but also in terms of shifts in property ownership forms: from property rights supported with official records and social stability to a state of divorce between records and reality on the ground with obscured documents and displacement which made some abandoned properties prone to appropriation and exploitation in times of legal vacuum. A gray real estate market emerged through brokers who took advantage of the absence of law enforcement. These shifts cannot be separated from demographic changes in this area, especially after it came under the control of Turkey-backed Syrian opposition factions in 2018 and how mass displacement and change of population reflected on property rights and gave rise to new networks of pressure to redistribute lands and homes in favor of some powerful groups. Field documentation showed a systematic pattern in some areas: forced sales or property swaps based on political and economic considerations. According to participants in the brainstorming session held by TDA in Afrin, the area had witnessed some systematic violations involving the appropriation of agricultural property and real estate and imposing royalties, especially by armed factions affiliated with the opposition at the time. There were recurrent complaints of corruption and mismanagement, including seeking bribes, forced sale by threatening the original owner, retaliatory demolition to change the features of the property and formal or semi-formal confiscation based on security or organizational pretexts without fair compensation. Local councils were weak and courts were phony.⁴⁵

In order to remedy these aggravated violations and recover people's rights at the time, a 'Grievance and Rights Committee' was formed in Afrin and its countryside in 2020. It comprised several military factions affiliated with the 'National Army'. Each faction would appoint some lawyers, administrative staff and military commanders to follow up on the claims. Although the committee addressed many grievances and helped people recover their property in many cases, it faced several obstacles in other cases because of interference from factions and powerful actors obstructing the work of the committee. Therefore, after two years of operation, it declared termination of its operation citing the activation of civil and military institutions as a pretext.

In the months following liberation, some local administrations started working on organizing real estate registration and issuing temporary documentation. However, the absence of a clear and reliable legal governance framework limited its role. Lack of independence in some entities undermines any attempt to deter violations. Nonetheless, civil administrations developed some alternative documentation mechanisms given the legal vacuum (local records, inspections). These mechanisms remain prone to manipulation unless they are transparent and subject to independent oversight. Therefore, many of those afflicted preferred not to make any complaints in fear of retaliation or wasted efforts. Some sought help from armed mediators instead of using legal and formal pathways. Sometimes they relied on local witnesses instead of official records, which indicates weakness of the institutional role.

The most prominent indicator of the government's intention to remedy those violations in Afrin and its countryside was visible in the committee formed by the administration of Afrin area on 'Rights Restitution' which started reviewing agricultural and real estate property rights, especially olive fields, housing and commercial real estate. These measures have contributed to recovering wide areas of lands, thousands of trees and real estate properties. According to statements by the medial person of Afrin area, the committee played a role in "recovering more than 600 real estate properties, including homes, commercial shops and stores and restoring around 100 thousand olive trees and 150 thousand trees in Sheikh Hadid which were controlled by factions. In addition, it helped return more than 50 thousand olive trees in Afrin and around 70 thousand in other areas and the return of more than 20 thousand civilians to their cities and villages in Afrin."⁴⁶

⁴⁵ Outcomes of the brainstorming workshop organized by TDA in Afrin in November 2025

⁴⁶ Omar Haj Hussein – Afrin as a Model: Systematic Pathway to Restitute Kurdish Syrian Rights – Syrian Revolution Newspaper – 29 January 2026

Some political and negotiation factors related to the relation between the new Syrian government and the Kurdish issue have also been reflected in the successive waves of return of displaced people from Afrin to their homes and lands over the past months, especially after SDF withdrew from Tal Rifat and Sheikh Maksoud neighborhood in Aleppo. This is an interesting development as the government promises to remove obstacles to the return of other displaced persons. Nonetheless, there are large numbers of people who are still afraid of returning to their homes and lands in fear of clashing with the powerful actors who have occupied or appropriated them.

The case of Afrin points to the scale of difficulties and complexities that right holders face whether in terms proving their property rights when their documents have been destroyed or their property has been registered to someone else's name illegally or in terms of restoring the properties which have been appropriated or confiscated when property owners' are afraid of returning as their trust in the capacity of administrative and judicial entities to implement fair and transparent mechanisms to recover property or offer fair compensation and reparation in cases where recovery is not possible. On the other hand, the case of Afrin shows the negative effects of delaying the implementation of transitional justice on HLP rights. The negative implications do not only affect original owners but also extend to the absence of fair solutions providing alternative housing for those displaced from other Syrian areas most of whom come from destroyed areas from which they were displaced.

3- New Violations in the Transitional Period

Although hopes were high after the fall of the defunct regime that Syria was entering a transitional period in which the new government would remedy the legacy of past violations and break with the dark era which gave rise to systematic violations -as the paper has shown-, these hopes declined as violations were perpetrated against certain communities and areas causing significant documented damages to property owners. This created new challenges added to the accumulated problems in this issue and caused similar concerns that national solutions capable of remedying and overcoming these violations may stumble. The paper addresses the areas that have witnessed violent events and actions during the transitional period and the type of violations that were incurred.

Violations in the Coast Events

The events started on 6 March when fighters loyal to the former regime staged a series of attacks on security and military sites affiliated with the transitional government and besieged medical facilities, killing and capturing hundreds. The situation escalated rapidly into a wider wave that took on a retaliatory and sectarian character leading to massacres in several villages and neighborhoods in Latakia and Tartous and even as far as Hama and Homs.

The Commission of Inquiry on the Syrian Arab Republic published a new report that revealed the details of the wave of violence that swept through the Syrian coast in March 2025. According to the COI report, the documentation was based on field investigations and interviews with more than 200 witnesses and victims to paint a bleak picture of the events that killed around 1426 people, mostly Alawite civilians.

The coastal events revealed several forms of violations against rights holders including burning homes and agricultural lands, looting crops, machinery and vehicles and taking them to different locations, expelling farm owners and replacing them with appropriators. These violations have created new layers of HLP violations under a fragile legal and judicial system where people resorted to revenge on sectarian grounds instead of legal remedies.

The paper found many examples of villages and neighborhoods in the coast to clear HLP rights violations. In Sunawbar village, for example, many violations were made against the lands and property which is affiliated with al-Hanadi sub-district in Latakia governorate. It was documented that some burned-down houses evacuated of their inhabitants were found on both sides of the road with a clear presence of Bedouins who erected their tents on the empty lands. All homes and buildings in Hakr Soufan street were also completely evacuated and mostly burned. A checkpoint for governmental troops was located nearby as it became clear it had settled in that area and fortified that checkpoint by digging trenches on both sides of the road in addition to sand fortifications along the trenches. Some Bedouins have started to dwell in unburned homes taking advantage of the absence of its residents.⁴⁷

<https://thawra.sy/local/%D8%B9%D9%81%D8%B1%D9%8A%D9%86-%D9%86%D9%85%D9%88%D8%B0%D8%AC%D8%A7%D9%8B-%D9%85%D8%B3%D8%A7%D8%B1-%D9%85%D9%86%D8%B8%D9%85-%D9%84%D8%B1%D8%AF-%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84%D8%B3%D9%88%D8%B1/>

⁴⁷ Information based on TDA team field visit to Sunawbar village in Jableh after the events of March 2025

Violations in the Suweida Events

Clashes erupted in Suweida in July 2025 following some tensions between Druze and Bedouins. The incident rapidly spiraled into wide-scale sectarian violence.

In its final report on 17 March 2026, the COI revealed the occurrence of wide-scale and serious violations of human rights during the turmoil in the governorate in July 2025. The committee said the events led to some 'gross violations' in some cases including forced displacement leading to the displacement of no less than 27,404 Suweida Bedouins and 34,845 Druze and Christians. These figures indicate a large wave of displacement which reflects the fragility of the security situation and deepening societal divisions.⁴⁸

The share of HLP violations was significant as most homes, shops and religious sites in around 35 villages with predominantly Druze or mixed population were burned and looted by tribal fighters and combatants from the government. Armed Druze groups, according to the report, had attacked Bedouin civilians and committed some gross violations ultimately expelling the Bedouin community in its entirety from areas under control of those groups.⁴⁹

The bloody events in Suweida and the type of violations that they led to indicate rising concerns due to the stumbling of transitional justice and civil peace pathways let alone the external Israeli interventions in the Syrian south. These factors could exacerbate societal and local tensions and increase the possibility of a return of violence with all the accompanying violations and encroachment on the rights of property holders as reparation programs and accountability of perpetrators are delayed.

Part Three: Transitional Government Approaches to HLP Disputes

1- Community and reconciliation committees to resolve real estate disputes

As real estate claims and disputes accumulate and old and new grievances overlap and with the current structural and legal deficit in Syrian administrative and judicial bodies which undermines society's trust due to prior experiences with corruption or bias in the judiciary, some community and reconciliation committees were formed after the liberation with the approval of the new administration. These committees covered several Syrian areas where IDPs sought refuge alongside their own residents. These committees aim to settle disputes that would be hard to refer to the judiciary because of institutional instability in the state and to restore trust among people and solve disputes in a manner that promotes civil peace. Further, they serve as a community mechanism to help the afflicted to solve their problems directly without administrative complications especially in cases that require swift solutions.

These committees constitute non-judicial dispute resolution mechanisms to resolve property and inheritance disputes. The judicial system faces many challenges in terms of access and time to resolve such cases. These committees also save some financial costs such as lawyer and litigation fees. They are also aligned with local norms and traditions, promote trust between the parties and play a vital role in bridging the institutional gap in the immediate aftermath of the fall of the defunct regime to allow right holders to provide the documentation and paperwork they have to be registered by a community entity with coverage by the new state.

The formation of these committees is not based on any official administrative decision or legal text. Rather, they are formed by the local community and their decisions are not legally binding as they do not have any actual enforcement powers unless the duly recognized judicial procedures recognize the agreements reached based on those committees' decisions. This could lead to disagreements later unless the parties abide by those decisions. Therefore, some volunteers in those conciliation committees believe that the conciliation documents issued by these committees may assume enforceability before the judiciary if they follow criteria compatible with the law in the cases that may be solved amicably.⁵⁰

One of the most significant legal issues related to property dispute resolution committees is the absence of clear legal foundations to regulate their work and make their decisions binding. Hence, these committees cannot be

⁴⁸ National Investigation Committee on Suweida Events Hands Report to Minister of Justice – Alikhbariah – 17 March 2026

<https://alikhbariah.com/%D8%A7%D9%84%D9%84%D8%AC%D9%86%D8%A9-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A%D8%A9-%D9%84%D9%84%D8%AA%D8%AD%D9%82%D9%8A%D9%82-%D9%81%D9%8A-%D8%A3%D8%AD%D8%AF%D8%A7%D8%AB-%D8%A7%D9%84%D8%B3%D9%88%D9%8A>

⁴⁹ International Report about Suweida Events: Violations may amount to war crimes – UN News website – 27 March 2026 <https://news.un.org/ar/story/2026/03/1144411>

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considered part of arbitration because arbitration is regulated by law and follows specific procedures. Law No. 4 of 2018 regulates arbitration procedures in civil, economic and commercial disputes in Syria.⁵¹ Within this legal frame of reference, the formation of property dispute resolution committees does not emanate from the provisions of this law and the decisions issued by these committees may not be enforced by the executive authority or enforcement departments affiliated with the Ministry of Justice. This makes people's compliance a mere moral commitment which the parties can easily evade.⁵²

In addition to those committees, some families resorted to family consensus to amicably resolve inheritance disputes through verbal agreements or customary understandings away from any formal documentation in order to preserve familial bonds and avoid complicated legal procedures. Nonetheless, these solutions face many challenges including a lack of impartiality in some cases, a lack of specialized legal experience in addition to being subjected to pressure sometimes especially in disputes related to inheritance and real estate ownership.

One example of these community committees is the Ghouta committee which was formed a few days after the fall of the regime as problems, family disputes and disputes at the level of cities, towns and individuals including issues of sale, purchase, real estate and land inheritance in eastern Ghouta. These disputes sometimes escalated into verbal and physical violence over a property, apartment or even a few square meters of land. One of the founders of Ghouta committee said: "We named the committee 'mending fences' and it aimed at resolving disputed issues such as inheritance, real estate, agrarian lands and the like because there were many problems and disputes that emerged when the displaced returned to their towns." He added "Before forming this committee, we met with the official in charge of eastern Ghouta in the new government. We explained the importance of forming such committees and that their role would be to offer rapid but preliminary solutions to claims until the role of governmental institutions is revived. We started working in the committee in areas of eastern Ghouta as of 2 January 2025. The number of cases we are currently working on is around 56 real estate claims and 7 cases of women remarried before their detained husbands were released in the liberation. We face enormous challenges in the absence of official government institutions and specialized judges, but we are currently working in this committee after several popular demands were made to form such committees in the area in order to start solving these disputes and prevent chaos among the families and to work in parallel with the government and its institutions and alleviate pressure on in in the future."

Lawyer Ghiath Dabour, member of the conciliation committee in Yarmouk Camp, discussed causes for its formation saying: "When we started our work in the Yarmouk conciliation committee directly after liberation, we faced many challenges most prominent of which was convincing people of the idea of conciliation as an alternative to the judiciary especially that the defunct regime has left behind many accumulated enmities because of its systematic policies creating social conflicts and disputes and because of its unfair laws which have given rise to disputes event between siblings or fathers and children." He added: "At the beginning, we received family, financial, inheritance and marital claims but things quickly evolved into property issues. We started with some individual cases but after the committee won the trust of the people, the phenomenon grew to some worrying levels calling for sounding the alarm to face them. We worked hard to solve a significant part of them amicably and referred those which we didn't manage to solve to the judiciary. In many cases, of course, people went to the judiciary directly without resorting to conciliation committees. As a percentage, real estate disputes constituted more than 70% of the cases the conciliation committee is currently looking into."⁵³

These testimonies about the efficiency of conciliation committees pose some pressing questions about the legitimacy of giving their rulings some enforceable character and these councils' ability to protect the rights of litigants and maintain the independence and regard of the judiciary and whether actual justice would continue to be an assurance or would it become a parallel power without genuine oversight? The answers vary. Some believe the judiciary must endorse the rulings made by those committees as long as they serve the legal purpose and are consistent with judicial standards especially when they manage to protect the rights of plaintiffs and afflicted people in cases that require rapid response. Others believe their role must be restricted to amicable and consensual settlements related to personal rights not public rights. Others yet consider them 'effective

⁵¹ See Law no 4 of 2008 which regulated civil, commercial and economic disputes in Syria

⁵² Syria: Alternative Dispute Resolution Committee for real estate and personal status: Response for vacuum of power or marginalization of judiciary? Syrians for Truth and Justice – 4 April 2025 <https://stj-sy.org/ar/%D8%B3%D9%88%D8%B1%D9%8A%D8%A7-%D8%A7%D9%84%D9%84%D8%AC%D8%A7%D9%86-%D8%A7%D9%84%D8%A8%D8%AF%D9%8A%D9%84%D8%A9-%D9%84%D9%81%D8%B6%D9%91-%D8%A7%D9%84%D9%86%D8%B2%D8%A7%D8%B9%D8%A7%D8%AA-%D8%A7%D9%84/>

⁵³ Interview by researcher with a member of the conciliation committee in Yarmouk Camp, Facebook page of Civil Administration in Darayya <https://www.facebook.com/profile.php?id=61570853650583>

arbitration mechanisms' that start with the conflicting parties signing a conciliatory arbitration document that shows their acceptance of the ruling of the council. Then the events in question would be recorded, testimonies collected and all parties heard because a reconciliation is reached or a ruling is issued.

The conciliation committee in Darayya, for example, constitutes an experience which showcases the positive impact of cooperation and coordination between the committee and the public prosecutor in Darayya court. The prosecutor uses the arbitration report issued by the committee as a primary document in considering the case with the consent of the parties.⁵⁴

With the spread and multiplicity of conciliation committees and councils in many Syrian areas such as Hamra conciliation council in eastern Hama countryside, conciliation council of Subekhan area in Deir Ez-Zor, conciliation council in Sufeira area in Aleppo, and dozens more, work has started to establish a unified structural framework to link these councils and committees to the 'General Conciliation Council' in Harem in Idlib which was founded early 2024 in coordination with competent authorities in Idlib which was under the control of armed Syrian opposition factions. The general conciliation council defines its mission as promoting Islamic and moral values including amnesty, cooperation, tolerance, kindness, containing and resolving disputes away from violence, promoting the unity and cohesion of society and maintaining balance therein, alleviating the burden of judicial bodies so they focus more on major cases, avoiding hatred and intolerance and spreading a culture of tolerance and coexistence in the community in addition to minimizing the financial cost of cases where money is a prerequisite.⁵⁵

Nonetheless, the relation between the conciliation councils and the General Conciliation Council remains unclear in terms of coordination and organization in the absence of any written document or regulation that could be used to determine the levels of interconnection or complementarity in the work of these councils.

2- Formal administrative committees concerned with property issues and rights of the affected

The spread and multiplicity of appropriated real estate properties, whether by direct coercion or by deforcement or through forgery and fraud have pushed the transitional government, through governors, to form administrative committees to address illicit appropriation of property.

In Homs, the governor established an ad hoc committee by decision no 1 on 13 January 2025 to address issues of coercive appropriation. The mandate of the committee is based on Article 45 of the Local Administration Law No . 107 of 2011 which authorizes the governor to make a decision to remove the coercive acquisition and return things to their original status provided that the administrative decision remains in force unless it is repealed or modified or the case is determined by the judiciary.⁵⁶ The working mechanism requires that the affected submit their claims supported with property documents such as a recent real estate record or purchase endorsement ruling. The committee is authorized upon validation of the claim to issue an eviction order for the illegal occupant without resorting to the judiciary. The governor of Homs announced on his X account on 16 November 2025 that "The committee on coercive acquisition concerned with recovering appropriated real estate and property in Homs has to date looked into 1508 claims and issued 132 decisions to remove coercive acquisition and reached 270 consensual settlements and 560 referrals to the public prosecution."⁵⁷

Every now and then, Homs governorate publishes news about the committee's work on its website in addition to the one-stop shop that receives claims and addresses them duly citing the humanitarian cases and how the coercive appropriation committee collaborates with the inventory committee in the governorate. There are some old appropriations dating back more than 45 years which have been returned to their owners. Some apartments, farms and agricultural lands have also been recovered after having been appropriated by officers and officials of the defunct regime.⁵⁸

⁵⁴ Conciliation Councils in Syria .. support the judiciary and resolve disputes amicably – Aljazeera Net – 16/4/2025

<https://www.aljazeera.net/politics/2025/4/16/%D9%85%D8%AC%D8%A7%D9%84%D8%B3-%D8%A7%D9%84%D8%B5%D9%84%D8%AD-%D9%81%D9%8A-%D8%B3%D9%88%D8%B1%D9%8A%D8%A7-%D8%AA%D8%B3%D8%A7%D9%86%D8%AF-%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1-%D9%88%D8%A%D8%AD%D9%84->

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⁵⁶ Deferred Justice - ibid

⁵⁷ Tweet by governor of Homs on X

⁵⁸ Official Homs Governorate website – 25/4/2025
<https://homsgov.sy/%D9%84%D8%AC%D9%86%D8%A9-%D8%A7%D9%84%D8%BA%D8%B5%D8%A8-%D8%A7%D9%84%D8%AD-%D9%81%D9%8A-%D8%B3%D9%88%D8%B1%D9%8A%D8%A7-%D8%AA%D8%B3%D8%A7%D9%86%D8%AF-%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1-%D9%88%D8%A%D8%AD%D9%84->

A committee was formed by governor decision no 9 on 4 March 2025 in Aleppo to look into what he called 'cases of illicit appropriation' of property during the defunct regime era to take the appropriate administrative measures to return rights to their owners. The coercive appropriation committee in Aleppo city was formed in March 2025 based on Article 45 of the Local Administration Law No 107 of 2011 which gave governors, in cases of coercive appropriation, the power to take the necessary measures to recover the property or real estate to the status it was in before coercive appropriation. In Aleppo governorate, the coercive appropriation committee looks specifically into the many cases of real estate property appropriated after the regime took control of the eastern neighborhoods displacing the rebels in December 2016. The mechanism starts with the governor referring the claim to the police which verifies the status of the property before 2011 and after 2016 by reviewing statements of alleged owners and neighbors. The complaints department in the governorate then filters the files and refers them to the committee. Based on the investigation, the committee issues a repossession decision which the police administration enforces. The police refer the findings of the investigation in the area of the real estate to the committee to decide on and then the police enforce the repossession decision issued by the committee if coercive appropriation is proven. In some cases where ownership and right entitlement are disputed, the committee refers the claim to the competent civil judiciary.

The head of the coercive appropriation committee in Aleppo, Chancellor Judge Yaser al-Basha, stated there were around one thousand cases in Aleppo city alone excluding the countryside.⁵⁹ The committee was formed by Aleppo governorate to look into cases of real estate properties appropriated by powerful individuals who expropriated property of the displaced under the defunct regime, sold them or leased them to others. The head of the committee, Chancellor Judge Yaser al-Basha, said they have around one thousand cases in Aleppo city alone.⁶⁰

The slow progress of the committee and the increasing workload and the failure in many cases to refer the cases to the judiciary led to a state of agitation among right holders who were unable to recover their rights. This was also coupled with some questioning of the integrity of the judiciary and the continuation of fraud networks that were spread and colluding with some judges who were still holding their positions. A protest was staged in the justice palace on 27 July 2025 calling for dismissal of judges affiliated with the former regime who were still holding their judicial and leading positions in the justice palace.⁶¹

Another committee started its work in Hama by virtue of governor circular no 1/917 on 19 May 2025 which invited citizens to file their complaints related to the appropriation of real estate property. It cited two types of cases: first, in relation to de facto appropriation whether the property was registered to the state or not. The second type included real estate property confiscated by virtue of orders of the court of terrorism or similar courts, provided that they are registered to the name of the state. The circular did not indicate forming an ad-hoc committee to look into such claims nor did it cite who will take decisions. This made the administrative process quite ambiguous.

The problem with this circular, too, was the word 'de-facto' describing the appropriation processes without distinguishing between them and coercive appropriation whose settlement goes beyond the mandate of the administrative committee affiliated with Hama governorate.⁶² The circular gave a period of 30 days for filing claims and then extended that period by another 60 days.

[8%A7%D9%84%D8%A8%D9%8A%D9%86-%D8%AA%D8%AA%D8%A7%D8%A8%D8%B9-%D8%A3%D8%B9%D9%85%D8%A7%D9%84%D9%87%D8%A7](https://arabi21.com/story/1716638/%D8%A5%D8%B9%D8%A7%D8%AF%D8%A9-%D8%A7%D9%84%D8%B9%D9%82%D8%A7%D8%B1%D8%A7%D8%AA-%D8%A7%D9%84%D8%AA%D9%8A-%D8%A7%D8%B3%D8%AA%D9%88%D9%84%D9%89-%D8%B9%D9%84%D9%8A%D9%87%D8%A7-%D8%A3%D8%B9%D9%88%D8%A7%D9%86-%D8%A7%D9%84%D9%86%D8%B8%D8%A7%D9%85-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A-%D8%A7%D9%84%D8%B3%D8%A7%D8%A8%D9%82-%D9%84%D8%A3%D8%B5%D8%AD%D8%A7%D8%A8%D9%87%D8%A7)

⁵⁹ Restituting real estate appropriated by affiliates of the former regime to their due owners – Special statement for Arabi 21 website – 25/10/2025
<https://arabi21.com/story/1716638/%D8%A5%D8%B9%D8%A7%D8%AF%D8%A9-%D8%A7%D9%84%D8%B9%D9%82%D8%A7%D8%B1%D8%A7%D8%AA-%D8%A7%D9%84%D8%AA%D9%8A-%D8%A7%D8%B3%D8%AA%D9%88%D9%84%D9%89-%D8%B9%D9%84%D9%8A%D9%87%D8%A7-%D8%A3%D8%B9%D9%88%D8%A7%D9%86-%D8%A7%D9%84%D9%86%D8%B8%D8%A7%D9%85-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A-%D8%A7%D9%84%D8%B3%D8%A7%D8%A8%D9%82-%D9%84%D8%A3%D8%B5%D8%AD%D8%A7%D8%A8%D9%87%D8%A7>

⁶⁰ The protest was broadcast on social media – 27 July 2025
<https://www.facebook.com/watch/?v=1035143315448604>

⁶¹ Deferred Justice - ibid

⁶² Ad-hoc committee continues to review claims by citizens whose real estate property was confiscated under the defunct regime – Syrian Arab News Agency (SANA) – 27/5/2025
<https://sana.sy/governorates/hama/2224359>

The committee commissioned by the governor of Hama continues to review the claims submitted by citizens whose real estate properties were confiscated during the time of the defunct regime. The secretary general of the Hama governorate, Baraa Ashour, said in a press statement “The committee receives around 60 claims a day, reviews them closely in coordination with the real estate registry that provides the necessary data. With the increase of claims, more staff would be dedicated to the committee to ensure a swift response.”⁶³

In a circular issued on 23 June 2025, the governor of Hama opened a complaint mechanism for those who incurred damages because of auctions on absentee lands which the defunct regime used as a means to strip people of their own property. This was a measure meant to control the issue of auctions which constituted systematic violations of the HLP rights of IDPs and refugees. This measure requires activation of the judicial processes that would nullify illicit contracts, especially in the cases in which these were made outside the framework of official auctions and do not fall under the mandate of the committee.⁶⁴

These committees faced some common problems, including common property in areas where there was complete or partial destruction and those which had been confiscated by influential actors who built new housing on them, causing overlap between the rights of original owners and new occupants. Tadamoun neighborhood showcases these complicated problems which are repeated in other Syrian areas such as in eastern Aleppo and many neighborhoods in Deir Ez-Zor and Raqqa. The main problem remains the inability of these committees to respond fully to the huge scale of property disputes they have addressed given the limited resources in terms of specialized staff, variety of complaints in terms of nature and type of violation which, in many brainstorming workshops held by TDA in different Syrian governorates, gave rise to urgent demands to establish a higher national commission for HLP which would be mandated with following up this national and humanitarian issue which is of paramount priority in the transitional period instead of leaving it to ad-hoc administrative governmental committees which observe various criteria and standards. People making these demands also believe that the common real estate disputes in Syria necessitate introducing a specialized property judiciary that is equipped to address them.

3- Decrees with Judicial Mandates and Administrative Implications

Since the transitional administration took over power in Syria after the fall of the defunct regime, it issued a series of decrees, decisions and circulars related to issues of appropriation and how they could be remedied through judicial committees based on the constitutional declaration issued on 13 March 2025 and the provisions of relevant applicable laws and the law of judicial authority. The constitutional declaration has repealed all the implications of the rulings of the court of terrorism and stipulated recovering confiscated properties. President Ahmad al-Sharaa then issued legislative Decree no. 121 of 2025 which ultimately mandated the Ministry of Justice to reformulate a judicial committee to rule on claims made by those affected by appropriation and foreclosure granting the committee the right to review previous decisions including de facto decisions and orders which were issued under the state of emergency.⁶⁵ The decree did not define a timeframe or mechanism with which the committee would comply.

On 12 May 2025, the Ministry of Justice issued Decision 682 repealing the implications of some rulings of some extraordinary courts and recovering some movable and immovable assets to some of the convicts while

⁶³ Opening window for complaints in Hama: Belated correction to the pathway of auctions of absentee lands – Syria Report – 9/9/2025
<https://hlp.syria-report.com/%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84%D8%B3%D9%83%D9%86-%D9%88%D8%A7%D9%84%D8%A3%D8%B1%D8%A7%D8%B6%D9%8A-%D9%88%D8%A7%D9%84%D9%85%D9%85%D8%AA%D9%84%D9%83%D8%A7%D8%AA%D9%81%D8%AA%D8%AD-%D8%A8%D8%A7%D8%A8-%D8%A7%D9%84%D8%B4%D9%83%D8%A7%D9%88%D9%89-%D9%81%D9%8A-%D8%AD%D9%85%D8%A7%D8%A9-%D8%AA%D8%B5%D8%AD%D9%8A%D8%AD-%D9%85%D8%AA%D8%A3%D8%AE%D8%B1-%D9%84%D9%85%D8%B3/>

⁶⁴ See Facebook page of Ministry of Justice
<https://www.facebook.com/SyrMOJ/posts/%D9%85%D8%B1%D8%B3%D9%88%D9%85-%D8%B1%D8%A6%D8%A7%D8%B3%D9%8A-%D8%B1%D9%82%D9%85-121-%D9%84%D9%84%D8%B9%D8%A7%D9%85-2025-%D9%8A%D9%82%D8%B6%D9%8A-%D8%A8%D8%AA%D9%83%D9%84%D9%8A%D9%81-%D9%88%D8%B2%D8%A7%D8%B1%D8%A9-%D8%A7%D9%84%D8%B9%D8%AF%D9%84-%D8%A8%D8%A5%D8%B9%D8%A7%D8%AF%D8%A9-%D8%AA%D8%B4%D9%83%D9%8A%D9%84-%D8%A7%D9%84%D9%84%D8%AC%D9%86%D8%A9-%D8%A7%D9%84%D9%82%D8%B6%D8%A7/1035244262098134/>

⁶⁵ See Facebook page of Ministry of Justice
<https://www.facebook.com/photo/?fbid=1120410080248218&set=a.189636093325626>

others filed claims but were unable to recover their property despite this decision. The case of former MP Mamoun al-Homsi who protested on social media on not being able to recover his property was not an exception in this context. Rather, it reflects some affiliation considerations in approaching these issues.

The Ministry of Justice issued decision no 2024 on 16 October 2025 stipulating the formation of a committee headed by Chancellor Anas Mansour Suleiman to look into claims by those who were convicted in absentia with rulings issued by criminal courts on grounds of their political and revolutionary positions. Upon looking into the claim, the committee was entitled to repeal the rulings against them. The decisions of this committee are deemed final and cannot be repealed or reviewed by any means.⁶⁶

The Ministry of Justice also issued Circular No . 526 on 20 October 2025 in relation to legal remedies for the illicit appropriation of real estate property which includes an integrated plan according to the ministry based on a swift, unified and fair approach. In this approach, some courts and judicial circuits are designated to look into these cases and unify the judicial discretion, avoid contradictions in remedy methods shorten the time needed to look into lawsuits and simplify procedures without infringing guarantees of a fair trial.⁶⁷ Important as that decision has been, it necessitates broader debate on the adequacy of enforceable laws which are used by the judges and ad hoc circuits to look into illicit appropriation. The paper has, for example, pointed out the shortcomings of laws of making and proving real estate documents. This highlights again the difficulty of redressing those affected without amending many of those laws and associated procedures.

Circular no. 12 issued by the Minister of Justice on 4/3/2026 came as a necessary step to open closed doors for affected people to access litigation. The circular stipulates that the presence of force majeure and external cause constitute, whenever their legal conditions are met, a material barrier that suspends the legally-defined limitation or abatement of action whether in a penal or civil lawsuit. The circular applies to grave crimes such as detention, enforced disappearance and forced displacement. The circular also cites the serious security conditions that prevent the plaintiff from accessing justice departments or litigation including the absentees, disappeared and forcibly displaced who have lost their right to file a lawsuit within the legally defined period.⁶⁸

The circular opens a legal window for those affected by the laws issued during the defunct regime era and which prevented them 'with security or absence pretexts' from objecting to the laws and decisions which have led to the loss of their rights. This has been discussed in detail in the second theme of this paper. Those whose detention or displacement prevented them from resuming lawsuits related to the violations and problems related to their properties and appealing the laws and measures that stripped them of their properties and demanding the nullification of the implications on their civil rights.

4- Assessment of Government Response to HLP Rights

In the context of assessing the government's response to HLP rights and challenges, some regulatory problems and gaps due to the ambiguity of government's policies in the administration of regulatory aspects of this issue. This is what could be found in the mechanisms in which provincial councils deal with laws and master plans which had been issued by governments of the defunct regime. For example, instead of reviewing decree no. 66 of 2012 and the severe damages it caused right holders in Mazzeh orchards and Kafr Souseh, Damascus governorate clings to that decree and continues to work accordingly. In some other instances, there is ambiguity in its vision vis-à-vis master plans which included areas that were largely devastated as the governorate did not clarify its position of the master plan of Yarmouk Camp which was issued by Damascus governorate in 2020 although the people of the area had great objections to this plan and the risks it entails on the demographic and real estate identity of the area. In other cases, government representatives concerned with urban planning prioritized investment and real estate profit-making at the expense of property owners. A case in point are the angry reactions by representatives of Joubar and Qaboun neighborhoods in their meeting with the director of the neighborhood committees office in Damascus governorate in mid-March 2026 triggered by Damascus governorate's reconstruction project for those areas. The director stated there is a plan to attract foreign companies to fund and implement the project and its infrastructure in exchange for 50% of the overall area of the project and create around 200 job opportunities. However, the subtracted percentage according to attendees of this meeting would range between 50% of formerly organized areas and 70% of informal settlements built on agricultural lands. On the other hand, owners of licensed housing in planned areas would receive 50% of the

⁶⁶ See Facebook page of Ministry of Justice <https://www.facebook.com/photo/?fbid=1227645109524714&set=pcb.1227645446191347>

⁶⁷ See Facebook page of Ministry of Justice

⁶⁸ Beautification Plans or 'Regulated Confiscation'? Leaks of meeting between Damascus Governorate and notables of Qaboun and Joubar ignites public anger – Zaman Alwasl – 17 March 2026

area of their former houses in the residential buildings that the foreign company would build for them. In informal settlements, however, the compensation would be by 30% of the area of the lands designated as agricultural lands, regardless of the illegal buildings which were built on them.⁶⁹

Some actors from Qaboun issued a statement on 29 March entitled 'reconstruction means preserving land and dignity' in which they explained their legal and regulatory position in relation to the reconstruction proposal. The statement described the governorate's proposals as 'forced displacement with administrative guise'. They included notables, lawyers and teachers. They believed the proposed investment would offer compensation of no more than 30% of the land value which they named 'real estate appropriation'. They believed this was a violation of Article 16 of the constitutional declaration and an infringement of owners' rights.⁷⁰

Important as the decrees and decisions that came to fill the legal and regulatory gap in dealing with illicit appropriation and property restitution, they do not fall under a national strategic plan to receive returnees which may be used to regulate their return according to unified legal and administrative standards. In reality, most recovered real estate properties were recovered through peaceful consensus or forced eviction of occupants. From another perspective, these decrees and decisions could not be separated from the requirements of institutional and judicial reforms. Property disputes that constitute a threat to civil peace or the violations which took place in areas which have sectarian tensions have revealed the fragility of the institutions and lack of trust in the judiciary. From a functional and technical point of view, the multiplicity of judicial committees let alone the administrative committees affiliated with the governors could give rise to some conflict and confusion and further complicate access to litigation confusing the affected people in terms of seeking redress through several committees and commissions with similar competencies and mandates. Furthermore, there is the problem of weak administrative and technical capacities of local formal commissions which delays the necessary responses to the surveying, restoration, debris removal, structural integrity and other problems facing returnees to their areas which were completely or partly destroyed.

The most important criteria in assessing the government measures in this context may be the consistency of these measures and policies and how far they respond to reparation and institutional reform in the practical implementation of transitional justice. The paper in its analytical part highlighted the transformations that happened in the HLP rights issue after the fall of the regime. Unifying the government approach in a standardized response system has become an urgent necessity to overcome the gaps and obstacles that continue to prevent large-scale property restitution and build a national vision of reconstruction based on guarantees of the rights of owners and affected people and providing appropriate housing for millions of IDPs and forcibly displaced.

5- Challenges of Managing HLP Issues in Syrian Jazira Region

After long rounds of negotiations interrupted by frictions and military confrontations between the Syrian transitional government forces and SDF, the Syrian government regained control on Raqqa and Deir Ez-Zor governorates in January 2026 following a popular uprising by the people of both governorates demanding the withdrawal of SDF from those areas which it had controlled for more than ten years in parallel with the entrance of government and tribal forces. On 18 January the two parties, under international auspices, signed an agreement providing for immediate and comprehensive ceasefire across all frontlines and clash points in parallel with the withdrawal of all SDF-affiliated military formations to the east of the Euphrates as a precursor for redeployment in addition to the complete and immediate handover of Deir Ez-Zor and Raqqa on administrative and military levels to the Syrian government. The agreement also provided for the integration of all civilian institutions in Hasakeh governorate into the institutions of the Syrian state and its administrative structures and giving the Syrian government control over all border crossings and oil and gas fields in the area.⁷¹ These developments were followed by the 30 January agreement which provided for the integration of SDF autonomous administration institutions into the Syrian state institutions while keeping civilian staff, settling civil

⁶⁹ Reconstruction of Joubar and Qaboun sets a model for curbing ownership and corporate funding – Syria Report Investigations – 31/3/2026

⁷⁰ See the full text of the ceasefire and integration agreement between the Syrian government and SDF – Middle East Newspaper – 18 January 2026
<https://asharq.com/politics/168464/%D8%A7%D9%84%D9%86%D8%B5-%D8%A7%D9%84%D9%83%D8%A7%D9%85%D9%84-%D9%84%D9%84%D8%A7%D8%AA%D9%81%D8%A7%D9%82-%D8%A8%D9%8A%D9%86-%D8%A7%D9%84%D8%AD%D9%83%D9%88%D9%85%D8%A9-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D8%A9-%D9%88%D9%82%D9%88%D8%A7%D8%AA-%D9%82%D8%B3%D8%AF>

⁷¹ Government and SDF Declare Reaching a Comprehensive Agreement – Reuters – 30 January 2026

and educational rights of the Kurdish community and ensuring the return of IDPs to their areas. Further, internal security forces affiliated with the ministry of interior must enter Hasakeh and Qamishli city centers to promote stability and initiate the integration of security forces in the area.⁷²

These transformations which occurred in the Syrian Jazira region ushered in several requirements and challenges related to how the transitional government would address and deal with HLP issues in that region which had already witnessed large-scale destruction at several junctures during the conflict especially in Raqqa and Deir Ez-Zor because of the bombardment by forces of the defunct regime and, even more so, by aerial bombardment by the international coalition in Raqqa, its countryside and some areas in Deir Ez-Zor countryside in the context of the Coalition's war in partnership with SDF against 'ISIS' ultimately defeating it. In that context, many violations of HLP rights were committed by SDF and its autonomous administration during the time they controlled al-Jazira region for years before their recent withdrawal from Raqqa and Deir Ez-Zor.

Types of HLP Violations

Raqqa city was widely destroyed in terms of buildings and infrastructure due to the military battles that the city and part of its countryside witnessed leaving thousands of homes partly or completely destroyed and rendering whole neighborhoods into rubble due to the fierce bombardment which it was exposed to as mentioned earlier during the critical battles which the International Coalition and SDF had with ISIS in 2017. Grave violations of HLP rights were incurred. In addition, illicit appropriation of property was one of the most serious violations against owners of property and housing. These were partly associated with confiscation and appropriation procedures under the defunct regime for security pretexts against its opponents. Under ISIS control, the residents also suffered from the confiscation policies it observed and boobytrapping buildings and using people as human shields. In the years SDF controlled the cities and towns of Raqqa governorate, it also engaged in appropriation and confiscation of property and housing. Several such instances have been observed including the appropriation carried out by SDF-affiliated YPG troops in 2019 in the 'youth and labor housing' area in Rumeila neighborhood in Raqqa city where it seized around 200 homes some of which were used to house its own troops and others to shelter displaced families from Afrin. In November 2020, residents of many residential buildings in the Euphrates basin area were forced to evacuate in one week with the pretext that their buildings were owned by the former regime while ownership rights of some buildings were legally transferred to government employees after deducting their price from their salaries for years. Several appropriations of buildings and farms in Raqqa countryside such as (Kasrat, Yarub, Kahtaniya and Karamah) were documented. Furthermore, SDF troops transformed some schools in Raqqa city and countryside into military stations.

In August 2020, SDF's Autonomous Administration issued a law on the "protection and management of absentee property". Although the law provided for the preservation of property and prevented selling them, it authorized the specialized committee to invest and lease property under the banner of "community development". The law was widely criticized on human rights levels because it legalized seizing the property of the displaced. SDF and its administrative and judicial institutions failed to set transparent mechanisms to protect rights or resolve real estate disputes.

During the visit of TDA's field team to Raqqa and Tabqa cities several months after the fall of the regime and restoration of relative calm, they met several activists, locals and legal and rights actors from the local community. Among those were victims of the aforementioned violations. The team also met a judge and human rights activist who used to be a member of the 'social justice council in the autonomous administration' before the withdrawal of SDF from Raqqa. He acknowledged there were some complaints and lawsuits filed by property owners against SDF military formations in relation to the seizure of no less than 1390 homes across Raqqa in addition to 4 schools and 11 governmental buildings for the Syrian government.⁷³

The situation of property owners is further complicated by the loss or damage of documents and official records and the breakdown of real estate registry departments making it even harder for them to prove their ownership

⁷² From testimonies and interviews collected by TDA field team during their visit to Raqqa and its countryside in the first half of November 2025

⁷³ The field team's visit to Deir Ez-Zor city in the second half of November 2025 included the neighborhoods which were largely destroyed. For more see research on 'Demographic changes and implications on social fabric and HLP rights' published by TDA January 2022 <https://tda-sy.org/2022/01/12/%D9%85%D8%AA%D8%BA%D9%8A%D8%B1%D8%A7%D8%AA-%D8%A7%D9%84%D9%87%D9%88%D9%8A%D8%A9-%D8%A7%D9%84%D8%AF%D9%8A%D9%85%D9%88%D8%BA%D8%B1%D8%A7%D9%81%D9%8A%D8%A9-%D9%88%D8%AA%D8%A3%D8%AB%D9%8A%D8%B1%D8%A7/?lang=ar>

rights or register their property. In addition, many homes and commercial stores have been looted aggravating the violation of ownership rights. Further, the presence of huge amounts of explosives prevented people from using their property safely.

The HLP violations in Deir Ez-Zor include the large-scale destruction of the city's neighborhoods during the conflict primarily because of regime bombardment, leaving 17 neighborhoods out of 25 in near-complete devastation. The percentage of destruction in Rushdiya neighborhood is 100%, in Huweika 95%, with semi-complete destruction of infrastructure and residential buildings in al-Jawra and al-Qusor neighborhoods and serious structural damages in most buildings in al-Hamidiya and Aridi neighborhoods. Old neighborhoods at the city center were partly destroyed and many relic homes collapsed. Violations observed during TDA's team field visit: The city and its countryside include forced confiscation, appropriation of homes and lands of absentees by militias and armed groups affiliated with the regime and with Iran, occupying homes abandoned by IDPs, and changing the residential use of some real estate property without legal permission. In addition, the fact that many owners have lost property documents (deeds, registration statements) and that property records in some official institutions have been destroyed or lost constitute an additional layer of complexity to the property rights issues in Deir Ez-Zor.

As for Hasakeh governorate and its countryside, campaigns by the defunct regime during the Syrian revolution drove large numbers out of the city and its countryside because of bombardment and security campaigns. Some neighborhoods in the city and its countryside which also fell under ISIS control in 2015 witnessed some military battles which caused much destruction. When SDF took control of most of the city and its countryside after the defeat of ISIS and its withdrawal in 2017, property owners were exposed to violations by the People's Protection Units (YPG) and internal security forces (Asayish) as documented in international reports. Such violations included looting, destroying and burning homes in Hasakeh countryside at the hands of those troops such as in Tal Hamis, Tal Barak, Manajir, Aghbish, Um Rus, Um Tweina among others. This led to the forced displacement of the owners in addition to confiscation of much private property under security pretexts such as accusing the owners of being ISIS affiliates as a cause for seizing and confiscating their property.⁷⁴ Furthermore, some problems and complexities emerged in property management and real estate documentation including that many people in those areas resorted to the remaining regime institutions in Qamishli and Sabkha in Raqqa to register and document their property and receive the necessary documents although the regime institutions and those of the autonomous administration did not recognize each other's documents.

After the recent developments in the governorate and as the 30 January agreement between the government and SDF went into force despite some persisting hurdles and problems, there have been some constitutional and legal shifts that aim at addressing some old problems especially with the issuance of presidential decree no. 13 of 2026 which granted citizens of Kurdish descent residing on Syrian territory Syrian citizenship.⁷⁵ In addition, as procedures to integrate SDF institutions into the Syrian state start in accordance with the January 30 agreement, some governmental and judicial frameworks could become available to rehabilitate the affected areas in Hasakeh and remedy the impact of past violations and redress property owners as well as remedy issues of informal settlements in the city.

Difficulties and challenges to return of the displaced

Returnees to Syrian al-Jazira area face some complex difficulties and challenges which could be summarized as follows:

Financial obstacles: These are associated with the large-scale destruction, especially in Raqqa and Deir Ez-Zor governorates and the massive damage to infrastructure rendering some towns, neighborhoods and villages completely uninhabitable. Owners cannot rebuild their homes because of their dire financial and living conditions which make them unable to afford the costs of building. Even renovations at owners' own expense remain limited due to the same financial obstacles. Such obstacles are some of the most significant factors preventing the return of the displaced to their home towns which explains the low percentage of returnees in general after liberation, although there are discrepancies from one area to the other.

Services hurdles: Lack of electricity, water, schools and health centers in destroyed areas has made return not possible or unsustainable. Despite significant improvement in main services after liberation, including longer

⁷⁴ SANA Agency – Decree no 13 of 206 – Historic shift to complete citizenship for Syrian Kurds – 17/1/2026 <https://sana.sy/locals/2376711>

⁷⁵

power supply, debris removal from some roads and renovation of some schools, services continue to be operating at a bare minimum in general terms.

Slow debris removal and demining: Debris removal efforts, which are generally local efforts, remain inadequate given the enormous amount of debris in destroyed areas. The mines that were planted by ISIS in areas under its control such as Raqqa and parts of Deir Ez-Zor countryside, also continue to constitute security hurdles preventing the return of the displaced to their lands and homes.

Sharp rise in rent costs: Deir Ez-Zor governorate constitutes a clear example of the huge rise in rent of homes and shops, making them unaffordable for returnees. In addition, there is a scarcity of homes for rent relative to the overpopulation in the area, sometimes forcing several families to share the same apartment.

Legal challenges: There is no clear, declared legal and institutional framework to address property issues after the fall of the defunct regime with the absence of a unified mechanism at the national level to settle disputes over property. In addition, there is the lack of comprehensive documentation of HLP violations in those areas during the war. These challenges are further complicated by difficulties proving ownership, given that several real estate registries were burned during the war and many affected property owners were unable to prove their ownership because of loss or destruction of documents. These are real problems and complexities that face many returnees, further complicated by manipulation and fraud committed by some powerful local networks over the past years by claiming properties of absentees for some other people affiliated with them.

Psycho-social obstacles: These are associated with loss of loved ones and memories associated with certain places making return very painful for many families. In addition, many impacts of social division due to the war persist. Delaying transitional justice and civil peace processes in these areas further delays addressing the psycho-social issues of the displaced, limiting their return to their home towns.

Absence of comprehensive approach: Return does not depend solely on debris removal and building walls. Rather, it requires restoring rights, providing a safe environment and basic needs through a comprehensive approach that combines the legal, human and service dimensions to ensure dignified and sustainable return of thousands of displaced people to their homes and neighborhoods.

Part Four: Recommendations for Real Estate justice at the National Level

In the aforementioned three main themes, the paper has outlined the general context which explains the background and type of HLP violations, issues and challenges in the transitional period and the type of formal and informal responses to the requirements and imperatives of real estate justice and has highlighted the risks of perpetuating the accumulated legacy in the management of this file which is of paramount priority at the national and human levels. It has also highlighted the importance of addressing it through a comprehensive approach that shifts from a selective, procedural and partial approach to existing problems and challenges to a general national policy that follows principles of redress and justice. Based on all the above, the paper offers a set of recommendations for all stakeholders concerned with this issue and the relevant necessary reforms.

First: It is essential to effect legal, judicial and institutional reforms and the new parliament must play a role in enshrining legal and constitutional protections of HLP rights in the permanent constitution and reviewing all laws and decrees concerned with real estate that were issued by the defunct regime, as they have offered fertile ground for HLP violations. It is also essential to prepare a comprehensive legislative plan to address the legal loopholes in HLP issues. Judicial reforms must be prioritized and the Ministry of Justice must be activated to secure the structural requirements and rehabilitate and train competent judges to look into and address HLP disputes. Governance commissions and frameworks concerned with reconstruction and rehabilitation of infrastructure must also be reformed and the rent laws must be amended as they have caused major problems in the housing sector.

Second: The role of the National Commission of Transitional Justice must be promoted to support institutional reform and reparation programs in addition to holding perpetrators from all sides accountable. These mechanisms are closely associated with HLP issues and NCTJ's delay in implementing these mechanisms adversely affects the rights of property owners and undermines the community's trust in NCTJ's aspired role in transitional justice.

Third: The new government must review all governmental commissions and institutions concerned with real estate issues, including those active in urban development and planning. These institutions used to report to various ministries with different real estate laws and decrees. For example, the General Commission for Real

Estate Development and Investment was established by virtue of Decree No 15 of 2008 as an administrative commission before it was abolished with the amendment of the investment law. The General Housing Establishment, on the other hand, was established by Decree No 26 of 2015 to provide social housing, help address the issue of informal settlements and operate as an urban developer. There is a lack of clarity on the roles and missions of those institutions. There is also little transparency in accessing information on the work they do. This requires legal and administrative amendments to unify the institutional framework of commissions concerned with real estate and housing issues.

Fourth: A national specialized commission must be formed to look into expropriation and property restitution issues. It must listen to stakeholders and right holders, propose appropriate policies and legislations to remedy them to ensure balancing the rights of the state, property owners and occupants. A court specialized in real estate disputes must emanate from this commission. The commission must work in collaboration and coordination with the NCTJ in accordance with reparation principles. The Bosnian experience may be invoked as it witnessed a bloody internal conflict which ended with the Dayton Accord in 1995. The Accord recommended the establishment of a Commission for Real Property Claims (CRPC) commissioned to address HLP issues which occurred during the conflict. CRPC followed an administrative process which allowed expedited claim processing and enabled property restitution by 93% in the course of its mandate.

Fifth: Investment or any other form of disposing of public and private properties affected by the conflict must be suspended and reviewed until some national transparency and accountability mechanisms are in place to verify the legal status of property, the responsibility of the new government to investigate all violations committed during the transitional period and holding perpetrators to account, and developing alternative real estate dispute resolution mechanisms and identifying the types of disputes that may be referred to those mechanisms. Circular no 12 issued by the minister of justice on 4 March 2026 must also be invoked as an essential step to reopen closed doors for affected people to access their rights of litigation including absentees, disappeared and forcibly displaced people who have lost their right to litigation within the defined grace period.

Sixth: A national approach to manage the return of refugees and IDPs must be developed. It must take into account the specificity of Syria to use sustainable development principles and economic policies designed to improve living conditions for the Syrian society by providing job opportunities to make it easier for families to return and settle permanently. Further, livelihood programs must be launched to economically empower returnees and raise awareness in the community on HLP rights. Water, electricity and sanitation networks must be rehabilitated gradually with special focus on the most affected areas and offering micro-grants or easy loans for returning families to renovate their homes partly or completely.

Seventh: A clear national strategy for reconstruction must be developed and it must address chronic issues such as informal settlements, homes destroyed because of the war including an emergency debris removal program and restoration of basic services. A clear system must be developed to grant building and renovation licenses by simplifying licensing and renovation procedures and offering financial exemptions or financial support for returning families. This strategy would be a cornerstone in the overall approach of reconstruction and return.

Eighth: Efforts to prove property rights, documentation and accountability must be supported by unifying the central real estate registry and approving all documents related to property and real estate sales based on clear judicial, legal and procedural controls to validate these transactions and avoid the negative effects of multiplicity of forms of ownership. A database must be developed to include the affected and damaged property, including both those affected before or after the fall of the regime and holding perpetrators to account and rectifying property records and settling real estate rights while providing digital copies and back-up records for those who have lost their documents during the conflict. The laws on creating real estate documents have been a hurdle for the displaced, the missing and forcibly disappeared to prove their property rights.

Ninth : The master plans issued by the defunct regime, which clearly targeted areas that were largely destroyed and whose inhabitants had been forced to flee, such as Haidariya neighborhood in Aleppo, among others, must be suspended. The locals must be involved in any plan or project related to reorganizing or rebuilding the affected areas to ensure the rights of owners, inhabitants and occupants.

Tenth: A temporary measure must be developed for real estate security clearance so that it does not become a tool to restrict or suspend these rights. Existing procedures must be reviewed in preparation for their full removal. In addition, the effects of the court of terrorism on real estate property must be repealed through a special law that nullifies its rulings and restores rights to their due holders.

Eleventh: The role and powers of conciliation and administrative committees introduced after the fall of the regime must be reevaluated and reviewed to ensure their consistency with legal and judicial procedures and

expedite referring the cases they have to specialized courts and giving the rulings they issue an executive character in cases of amicable resolution between parties in cases where there is no criminal felony related to public rights.

Twelfth: Any exploitation or violation of returnee rights must be monitored and held to account whether by local authorities, businesspeople or individuals who have taken control of properties of absentees. The principle of presumption of good faith observed in courts must be reviewed in cases where there are suspicions about transferring property through manipulation, fraud or exploitation of the absence of right holders during the reign of the defunct regime. The decisions of the ministry of justice stipulating that statute of limitation does not apply in cases of force majeure must be invoked.

Thirteenth: The role of civil society and victim associations must be activated. Right holders must be organized to stand up for HLP rights and support local volunteering initiatives active in raising awareness on HLP rights and programs to support returnees must be supported. Methodologies to document short-term and long-term violations must also be adopted. Victim associations must play a role in advocating for the rights of missing and forcibly disappeared persons. Legal counselling platforms must also be made available for victim families in relation to remedying the civil and legal impact of the detention and disappearance of their loved ones. In doing so, programs of international organizations with experience in HLP rights and transitional justice can be made use of.

Fourteenth: Women must be enabled to take part in all institutional reform processes as direct stakeholders concerned with remedying HLP violations and developing governance laws and institutions that overcome the gender discrimination which they used to experience. The shifts in Syrian reality during the war have revealed the huge burden that women shoulder and the importance of redressing their rights at equal footing with men. Experiences of women in some Latin American countries and their role in overcoming the traditional restrictions which used to prevent them from owning the lands they worked in with their husbands may be invoked especially that some of them managed to secure their property rights to some satisfactory levels in some countries based on new laws.