

## **Legal Memorandum**

# **On the Danger of the New Organizational Scheme for Yarmouk Camp in Stripping its Residents of their Real Estate Rights and Changing the Camp's Identity**

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Yarmouk Camp is located south of Damascus. It is the largest Palestinian camp and residential community in Syria and was established in the mid-1950s on land belonging to Damascus City. At the time, the Syrian government leased it to the General Administration for Palestinian Arab Refugees, an official body affiliated with the government, who in turn distributed this land into "housing" for refugee families. With the increasing number of camp residents, and with Syrian families moving to live there, the camp expanded westwards and southwards in the decades following its establishment. At the beginning of 2011, its population had reached almost 400,000 most of whom were Palestinian refugees.

During the Syrian conflict, the camp was bombarded by regime warplanes towards the end of 2012, leading to the displacement of a large proportion of its population. Meanwhile, there remained thousands of civilians who did not leave their homes, and who suffered an unfair siege imposed on them by regime forces with the cooperation of affiliated Palestinian militias. This continued from mid-2013 until the regime and its Russian ally, in April and May 2018, launched a major military attack on the camp under the pretext of expelling ISIS. It emerged that the goal of that attack was to destroy large parts of the camp while, in agreement with the regime, ISIS left the camp for the outskirts of the Syrian desert. Remaining civilians were displaced to northern Syria, leaving the camp became deserted of its residents.

On 6/29/2020, the Governorate of Damascus issued the "General Regulatory Plan for Yarmouk Area" No. 3/298, in conjunction with a new regulatory plan for the Damascus neighborhood of Qaboun. Both of these, together with other reorganization projects, fell under new real estate policies adopted by the Syrian regime after it issued a number of laws, most importantly Properties Regulation Law No. 10 of 2018 amending Decree No. 66 of 2012 and permitting the "establishment of one or more regulatory areas under the Administrative Units' General Regulatory Plan." This in addition to Urban Planning and Urbanization Law No. 23 of 2015 as well as dozens of other laws and decrees issued by the regime during the Syrian conflict, in order to re-engineer the process of demographic change at the expense of victims of forced displacement,

a change the regime continues to strive for in several Syrian regions. When the new regulatory plan for Yarmouk Camp was announced in official newspapers, its residents realized how severe the damage would be when this scheme was implemented; their property rights squandered, the camp's demographic identity altered, and their Palestinian national culture lost for the coming generations.

The violations of the rights of owners and residents in the camp, both Palestinian and Syrian, which this new scheme presents are shown in the following:

**I:** The new regulatory plan, researched and prepared by the General Company for Engineering Studies, a "governmental entity", and upon the approval of the Damascus Governorate Technical Committee and Regional Committee, cancels the duly approved camp regulatory plan of 2004, which defined the old camp and its expansion areas to the west and south as a single real estate area that includes all its neighborhoods and streets as named in the 2004 plan, mostly names of Palestinian cities and villages from which residents came to seek refuge after the Nakba of 1948. The new plan clearly denies these existing urban realities, and instead of working to solidify them in a way that preserves the identity of the camp as a community of Palestinian refugees - whose demographic identity is not changed by the presence of Syrians living side by side with Palestinians - the authorities responsible for presenting and approving a new plan go as far as to unfairly and arbitrarily eliminate these established realities. This effectively breaks down the property unit within the camp in order to prevent its reconstruction in accordance with the old plan; a plan which had in fact accurately represented the camp, with regulatory and construction control maps for all buildings together with licenses from the municipality, and delineated borders that separate it from neighboring Syrian neighborhoods.

**II:** As the new plan covers the entire camp spread over 220 hectares, dividing it into three areas (major damage 93 hectares - medium damage 48 hectares - minor damage 79 hectares) and putting major and medium damage areas under reorganization, this inevitably means over 60% of the camp's land is to be cleared and converted into residential towers, commercial markets and public parks, as per the plan. On the other hand, we notice the plan is misleading with regard to securing the return of 40% of camp residents to their homes located in the minor-damage area. This area is placed under phase 3 of the plan, which will take many years to implement, possibly exceeding 15 years to cover the three phases: a clear message to camp residents still in Syria to search for alternative permanent housing outside the camp and abroad. We need to keep in mind that a large percentage of residents of the minor-damage area have already left Syria in recent years as refugees or due to forced displacement. This means that even the return of the 40% of camp residents is practically unattainable. If this were not the case, the logical and ideal solution would have been to maintain the regulatory plan of 2004 and rebuild the camp according to its original maps, thereby preserving the camp's identity as well as property rights of residents, and giving those who left hope to return.

**III:** There is a close correlation between the restrictions imposed by Property Regulation Law No. 10 of 2018 on procedures for verifying property ownership, and the new plan for Yarmouk Camp, evidenced in denying large groups of IDPs from the camp the ability to prove their property ownership, due to security conditions established by Law No. 10 and the impossibility of safe return for many of those the regime considers oppose it. Also significant is that the regulatory plan was issued after Yarmouk Camp was administratively attached to a services department in Damascus Governorate, by ruling of the Presidency of the Council of Ministers in 2018; effectively canceling the local committee of Yarmouk Camp which had been its administrative body since the mid-1960s . This procedure taken two years prior to the issuance of the plan explains why the Governorate acted alone in drawing up the new plan, in the absence of any party representing the interests and rights of refugees to their properties, and failing to make room for refugees, on their own behalf or through a legal representative, to communicate with damage assessment committees, or to express their opinions or advance objections, on the criteria adopted by the plan classifying the camp according to the extent of damages. Meanwhile, the priority of these people is to rebuild or restore their homes, and not to impose new realities that prevent the preservation of their rights and acquired property rights.

**IV:** The regulatory plan, with regard to housing and compensating property owners affected by reorganization, is based on Decree No. 5 of 1982, which limits compensation to the area of the building itself and not to attached structures or facilities, and divides this into shares among owners. This is remarkably unjust to owners in the areas subject to reorganization, as the rate of compensation will not exceed a quarter of the property's value. Indeed, with price differences and severe inflation of the Syrian Lira and calculating compensation according to rates much lower than actual property value, this compensation may not even exceed 10 % in the best of cases. Additionally, there is a requirement to buy shares covering the value of the property, up to three times the amount of the specified compensation, if the person entitled to compensation considers buying a house in the same property where he lived before regulation. There are also the high costs of securing building permits, the financial burden of which is beyond the means of the camp's poorer families, presenting an opportunity for real estate companies, major speculators, and brokers to control prices and reap huge profits.

**V:** In light of all this, objecting to the plan within a period of 30 days from its date of issuance, expiring end of July 2020, remains the only way for owners to present their legal objections to the plan, despite diminishing hopes that this will lead to it being stopped by the authority that issued it; especially as the arbitration committee competent to consider objection requests is composed of a judge appointed by the Minister of Justice and three members representing the state, and one member representing the owners, and does not constitute a reliable arbitrator to redress families affected by the scheme, since it does not have the independence required to objectively consider the objections. Such committees - as Syrians have come to know under the regime - are nothing more than a figure to give legal legitimacy to acts of

arbitrariness by the authorities. There are precedents that confirm Syrians' lack of trust in these committees, such as the experiences of property owners in Basateen al-Razi and Kafr Sousse, areas regulated under Decree No. 66 of 2012. Relevant committees did not do justice to the objections of affected residents of these two areas in terms of providing alternative housing or fair compensation for their homes which were covered by the regulation, given that the majority of residents of properties covered by the regulation were forcibly displaced and became refugees in other countries. Objection to the regulatory plan requires them to return to Syria and returning to Syria constitutes a threat to their lives under the existing regime.

**VI:** The new plan for Yarmouk Camp legalizes the seizure of property belonging to IDPs, a large proportion of which were destroyed and looted by regime forces in the camp, in clear violation of Article 15 of the Syrian Constitution of 2012, which guarantees the safeguarding of collective and individual private property, and is also in violation of Article 17 of the Universal Declaration of Human Rights which affirms that “Everyone has the right to own property alone as well as in association with others .. and no one shall be arbitrarily deprived of his property”. Additionally, the ability of refugees and IDPs to recover their properties is an independent right in accordance with the Pinheiro Principles adopted by UN “Sub-Commission for the Protection and Promotion of Human Rights” in 2005, as these principles affirm the right to recover properties arbitrarily lost, or to be compensated by decision of an independent and fair court in the event they are realistically impossible to recover.

In light of all these legal violations presented by the new plan for Yarmouk Camp, and the serious danger it poses to residents’ rights, a change in demographics and elimination of national identity of the Palestinian refugee community in Syria, we call on authorities concerned with the affairs of Palestinian refugees at the national level, namely the PLO, and UNRWA at the international level, to assume their responsibilities in preventing this scheme from coming to pass, to take a clear and explicit stance to reject it, and to demand the Syrian regime cancel it and return to the regulatory plan of 2004. We also call on all UN institutions, the Security Council, the EU Commission, all countries concerned with the Syrian issue, and international humanitarian and human rights organizations, to urgently intervene and exert serious pressure on the Syrian regime, to reverse this scheme which will have catastrophic effects on the properties of Palestinian and Syrian refugees of Yarmouk Camp, as well as other Palestinian camps affected by the Syrian conflict. We see the regime’s attempts to disguise its brutal policies of dispossessing Palestinian refugees and Syrian citizens under the cover of the law, a crime against its victims and against humanity, and all efforts must be combined to expose and deter those responsible and involved.

**Finally, we recall:** The responsibility of the Israeli occupation for the plight of Palestinian refugees in 1948, and its intransigence to this day in preventing their return to their homes in accordance with International Resolution 194, and the role of the Syrian regime and its allies in the occurrence of a second catastrophe in Syria, are blatant crimes against their individual and collective rights. Among its tragic

features is the dispossession of property and denial of safe return to their camps, pending the fulfillment of their legitimate demand to return to their original homes in Palestine. There is no escape from justice for the victims of refuge and displacement in Palestine and Syria, an international and humanitarian responsibility, so that the region can enjoy justice, security, and peace.

**Signatory organizations and institutions:**

1. Action Group for Palestinians of Syria
2. Assistance Coordination Unit (ACU)
3. Association for Peace, Justice, and Documentation (APJD)
4. Association of the Displaced Palestinian Syrians in Northern Syria
5. Civil Committees for Palestinians of Syria in Lebanon
6. Civilians for Justice and Peace
7. The Day After (TDA)
8. The Documentation Center of Palestinian Refugees in Northern Syria
9. Fiddar - Filistin Dayanisma Dernegi
10. Free Syrian Lawyers
11. Justics Organization for Legal Aid
12. Kesh Malek Syria
13. Local Development & Small-Projects Support (LDSPS)
14. The Local Development Organization (LDO)
15. Maseer, Free Palestinian Syrian Assembly
16. Media Center in Daraa Camp
17. Musawa Women Studies Center
18. Network Support the Palestinian Refugee Camps in the Diaspora
19. Palestinian Dialogue Group (PALDG)
20. Palestinian Refugees Portal
21. PCNN
22. Peace Reviving
23. Shaml Syrian CSOs Coalition
24. Space of Hope
25. Syrian Network for Human Rights (SNHR)
26. Turkiye'de Suriye'den Filistinlilerin Dernegi (TSFD)
27. Yarmuk Camp News
28. Ihsan volunteering team