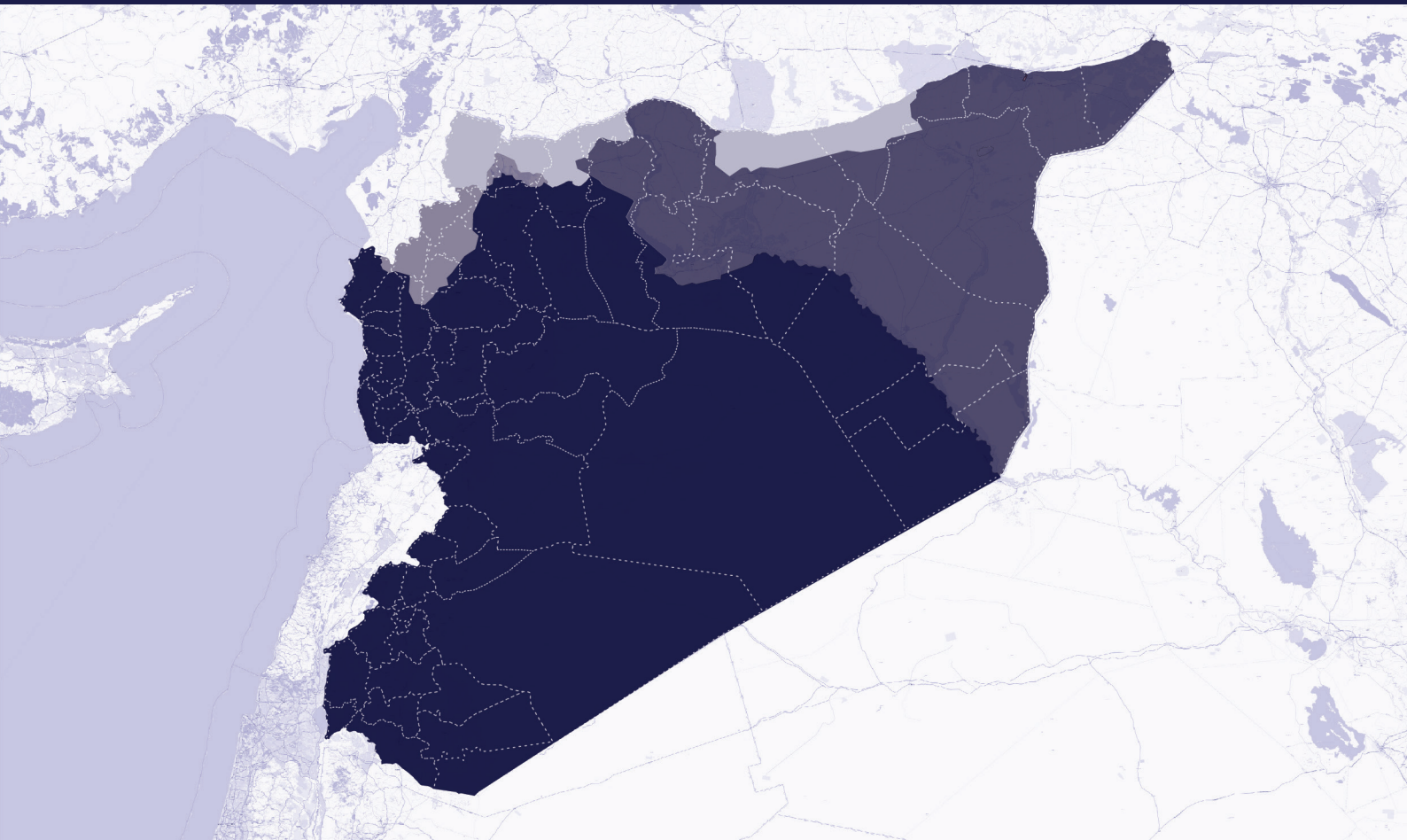




Reality of Housing, Land, and Property Rights in Syria

HLP Working Group - Research 2020

Property-Related Measures in Areas Outside the Regime's Control



Property-Related Measures in Areas Outside the Regime's Control

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The Day After (TDA) is a Syrian organization that works to support democratic transition in Syria, and its scope of work is focused on the following areas: Rule of law, transitional justice, security sector reform, electoral system design and Constituent Assembly election, constitutional design, economic reform and social policies.

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Contents

Executive Summary	04
Introduction	06
Methodology	08
1 - Chapter I: Legal Backgrounds of Property-Related Measures	09
2 - Chapter II: Violations of Property Rights in Areas Outside Regime Control and Patterns of Violation	24
Conclusions	33
Recommendations	34

Executive Summary:

Although most de facto authorities in areas outside the regime's control have adopted organizational structures to legalize the status of properties similar to those that were officially approved in Syria, the issue of property rights faces a number of risks and complications. An essential part of these complications arises from the reality of the war and the continuous change in local actors, in addition to the desire of many forces to seize the property of absent Syrians who live in other parts of the country or outside the country as refugees fleeing the war.

Despite efforts at the level of local communities, and initiatives by former workers in land registry documentation departments in those areas, active forces in each area control the work of the relevant bodies. From a legal point of view, the process of documenting and preserving the property rights of Syrians is under the supervision of those military forces and authorities, and is conducted in a way that serves their interests. It is worth noting that during the years of the war, none of those forces hesitated to deprive Syrians with different political orientations of their rights, or to prevent them from utilizing these rights according to legal principles.

Perhaps there have not yet been cases on a large scale involving official change to existing organization plans, which would have affected property rights of individuals or public property in many ways. All the regions studied have witnessed appropriations by de facto authorities on civilian-owned property under different pretexts.

While some of these parties tried to offer alternatives or compensation, the complete appropriation and expulsion from the area remained an option for other actors.

The damage to residential buildings and private properties, and destruction by continuous and systematic bombing operations, is still the largest violation of property rights in Syria. This devastation imposes conditions whose problems cannot be solved except by compensating those affected by providing significant and qualitative assistance. On the other hand, military operations and bombing of public infrastructure and properties also leave individual properties uninhabitable, in light of the absence of services and facilities, which in turn affects property rights.

In view of these violations, IDPs and refugees can be considered the most vulnerable groups in terms of property rights. This is especially the case for those whom de facto authorities in areas outside regime control consider non-supporters of their ideological orientations, or with whom they have political, religious, or ethnic disagreements.

Appropriation of private property is considered one of the most common violations of property rights in northern Syria. This form of abuse is usually the appropriation of property with the aim of investing or benefiting from it, without changing its existing legal ownership, or the ability to legalize this appropriation (although recently there have been attempts to legalize appropriation, such as the Autonomous Administration's attempt to issue



the “Protection and Management of Absentee Property Law.” The law was subsequently suspended, indicating that de facto authorities in the Autonomous Administration and other regions may adopt this approach of issuing legal texts to legalize this process later). Based on these results, we recommend that the Syrian Constitutional Committee, which is currently in Geneva, emphasize the illegality of any of measures that are being or will be taken by illegal authorities within their areas of control, which aim at changing the status of property in the country.

We also stress the need to consider the issue of property rights, on a national scale, as a basic determinant of the future. This is an important issue on several levels, from the urgency of refugee and IDP return, to ensuring political and economic stability, and achieving civil peace in the future.

We also recommend that countries supporting de facto authorities protect property and prohibit changes to the physical descriptions of property. They should ensure Syrians have access to their rights and the ability to utilize them, wherever they are, regardless of their political position.

Introduction

While people in regime-held areas face many dangers from new laws being issued posing a direct threat to property rights,¹ people in areas outside of regime control face another kind of danger, which is the absence of any established and clear legal reference, thereby presenting opportunity for a wide range of violations and arbitrary measures.

This research paper explores and describes organizational measures by all de facto authorities in the north of the country, within the Jazira region and in both the northern Aleppo and Idlib regions, by tracking procedures and work of property rights regulatory institutions in Syria: are the real estate directorates, land registry offices, or local councils.

In order for the research to be comprehensive, we found it necessary to investigate how keen de facto authorities are to preserve these records, and how they are managed in accordance with applicable Syrian laws.

This study divides the regions according to main actors (political authority) in each.

Accordingly, property rights measures in all regions controlled by the Autonomous Administration in northern and eastern Syria² were analyzed as one region. The AA is associated with the Syrian Democratic Forces (SDF)³ who are backed by the US-led International Coalition.

These measures were analyzed on the same basis in areas under control of the National Army, supported by Turkey: treating the Syrian Jazira region between Tell Abiad and Ras al-Ayn, the northern countryside of Aleppo, and Afrin, as one region under the control of one party, despite organizational differences between them.

Finally, areas under the control of Hayat Tahrir al-Sham (HTS - formerly Jabhat al-Nusra)⁴ and its associated Salvation Government in Idlib Governorate and the western countryside of

1) For more information, see El Helou, Ali and Majanni, "Property Issue and Its Implications for Ownership Rights in Syria: Law No. 10 of 2018," The Day After, June 2019 <https://tda-sy.org/wp-content/uploads/2020/04/Property-Issue-and-its-Implications.pdf>

2) The Syrian Democratic Forces, supported by the International Coalition, whose People's Protection Unit constitutes its backbone, control the vast majority of Al-Hasakah Governorate, except for security areas under the Syrian regime in Al-Hasakah and Al-Qamishli cities. These forces also control the vast majority of Al-Raqqa, Deir Ezzor Countryside, and the East Euphrates. The Autonomous Administration, a civil entity linked to SDF, runs those areas in northern and eastern Syria.

3) The Syrian Democratic Forces (SDF) were established with the support of the US-led International Coalition through the merging of military factions, the most important of whom is the People's Protection Unit linked to the Democratic Union Party (the Syrian branch of the Kurdistan Workers' Party). SDF has controlled the vast majority of the Syrian Jazira, extending east of the Euphrates River in the northeast of the country, since the elimination of ISIS in the region in 2019. For more information, see the BBC report on June 8, 2019, <https://bbc.in/3lpengD>

4) Hayat Tahrir al-Sham (HTS) is an alliance that mainly includes Jabhat Fatah al-Sham, or what was previously known as Jabhat al-Nusra, which is a military faction that controls most of the northwestern areas outside the control of the regime. The terrorist-designated organization has announced its association with al-Qaeda. Later, HTS disassociated itself from al-Qaeda. HTS controls all areas outside the control of the regime in Idlib after battles with opposition factions and their dismantling of a number of those factions. For more information, see a report by Enab Baladi about HTS on August 13, 2020, <https://bit.ly/30JNVot>



Aleppo have been considered one region as well; while keeping in mind existing differences within the same region of control, for each of the researched regions . The factors that led to these differences are discussed in the paper.

The targeted period for investigation and observation is from the date the current authority took control over the region, to the date of preparing this research in December 2020.

Methodology:

The researcher conducted 20 online interviews in November (all the interviews were conducted online because of the lockdown and travel ban due to COVID-19, as well as the fact that many of those interviewed were inside Syrian territories and unable to leave). The identities of interviewees are not disclosed for their protection, but there are references to their locations and work when their statements are discussed.

Some of these interviews were conducted during an extended seminar held by The Day After, in order to obtain common information and constructive opinions around property rights issues in regions outside the regime's control (i.e. beyond the range of application of the regime's legal regulations), which suffer from the absence of legal protection that guarantees individuals' rights.

The rest are one-on-one interviews with local and human rights actors, media activists, and relief and civil workers, both inside and outside Syria. These interviews were conducted in order to have a clear picture of the situation in those regions, regarding the organization of property rights documentation processes.

The fear of local activists and actors inside Syrian territories of the brutality of de facto authorities was the main challenge facing the researcher during the interviews. Additionally, the researcher was unable to access Syrian territory. Furthermore, conditions resulting from COVID-19 limited the ability to travel and meet directly with actors outside the country.



1 - Chapter I: Legal Backgrounds of Property-Related Measures

This chapter examines references, whether publicly declared or not, of regulatory measures and processes related to property and real estate rights in the regions under study. It also discusses how different references reflect on regulatory procedures and frameworks, the nature of these frameworks, and changes that the current situation imposes on the situation of property rights.

Three main questions were posed relating to the process of organizing property rights procedures. Those procedures were then investigated and compared in the areas of influence under study, which we have divided based on the following:

1. Actor directly controlling the region.
2. Pattern of legal measures and references.
3. Impact of the above on the daily life of residents and property rights in those regions.

In order to define controlling actors, or de facto authorities, we relied on the most common definition in international law. Accordingly, a de facto authority or de facto government is an entity that exercises “at least some effective powers over a region within the state” and that power is associated with a certain degree of political and organizational capacity. Moreover, such an entity intends to represent the region it governs or the entire country it controls or parts of it.⁵

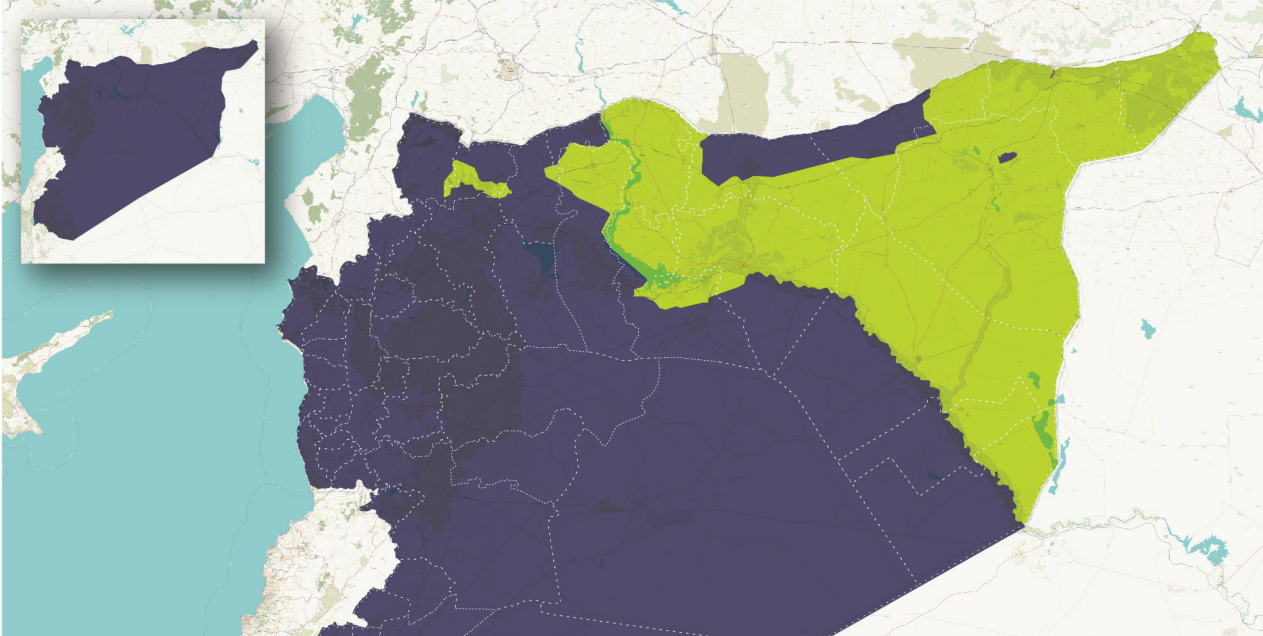
As previously mentioned, this chapter treats procedures in the Autonomous Administration region as a single case, taking into account the differences and disparities within it. Areas under control of the National Army, between Ras al-Ayn and Tel Abiad in the north and in the northern countryside of Aleppo and Afrin, are also treated as one case (although they are not connected geographically, they fall within the sphere of influence of one party, and they have similar dynamics regarding property rights procedures).

On the same basis, Idlib and the western countryside of Aleppo are taken as one region, as they are under the control of a single main actor, the HTS and its associated Salvation Government.

This chapter also includes a description of field incidents during the time of the interviews, with references to political and military backgrounds of each field situation.

5) M. Schoiswohl, “De facto Regimes and Human Rights Obligations,” 2001, the Austrian Review of International and European Law, p.50.

1.1- Areas under the Autonomous Administration



The Autonomous Administration of northern and eastern Syria controls most of the area of the Syrian Jazira and al-Hasakah Governorate (except for regime-controlled security areas in al-Hasakah, al-Qamishli, and al-Qamishli Airport). It also controls most of the area of al-Raqqa Governorate and the eastern countryside of Deir ez-Zor Governorate, whose cities (Deir ez-Zor, Mayadin, and al-Bukamal) remain under the control of Syrian regime forces. This control is intersected with military presence in the area controlled by the National Army, which, during military operations in the fall of 2019, took control of the area between the cities of Ras al-Ain in the northwestern al-Hasakah Governorate, and Tel Abiad in the north of al-Raqqa Governorate.

The Autonomous Administration, whose influence is linked to the military control of its armed wing, the Syrian Democratic Forces (SDF), has in particular a theoretically clear division of administrative regions, and a clear structure for the three authorities: legislative, executive and judicial. Despite this, the power and influence available to the military wing, and elements directly related to the PKK, greatly affect legal procedures and executive decisions of the Administration, making it impossible to control the procedures it takes within a single legal framework.

Given that the General Council of the Autonomous Administration (the formal name for the legislative authority) did not approve alternatives to all the laws in force in pre-war Syria, this legislative confusion leads to an overlapping and sometimes conflict between laws.

In an interview, a lawyer working in the Autonomous Administration areas confirmed to us that "the Autonomous Administration courts, called the Diwan of Justice (previously called the People's Courts), issue verdicts without always referring to laws, even those issued by the



Administration. Therefore, factors such as influential litigants and their connections with the Autonomous Administration authorities mostly influence the outcome of litigation.”

The Autonomous Administration of northern and eastern Syria, with its newest government emanating from the Syria Democratic Conference in the fall of 2018,⁶ established executive offices corresponding to the ministries, including the Justice Office whose work corresponds to the Ministry of Justice. The real estate registries were attached to this office. There is also an office for real estate documentation in each of the districts (based on administrative divisions officially adopted by the Autonomous Administration).

I - Form of Organization:

The Autonomous Administration was able to take control of paper assets in the real estate registry departments in the vast majority of their areas of control, which allowed them to operate these departments under a new name, “Land Registry Office”, and build on the archive in its possession.

Those offices were attached to the District Justice Office. There are two departments under these offices.

These two departments are the Department of the Interior, which undertakes the general administrative supervision of the work of the Land Registry Office, and the Department of Finance and Review, which regulates the finance of the Registry Office and receives fees from residents’ applications, such as real estate registration information.

In addition to this, there is a special section for surveying, with engineers and assistant engineers. Their task is to register and confirm the maps of real estate properties in the office’s area. Under this mechanism, the Land Registry Office maintains real estate records, maps and saves them, and shows them upon request.

We noticed that Autonomous Administration authorities have maintained almost the same administrative division of the Land Registry Office in its areas, which is the same division that has been followed in Syria since the decision to establish the Land Registry in 1926. A large number of former employees remained in their jobs within the land registry offices under the new conditions.

In an interview for the purposes of this research, an employee of the Land Registry Office said that the Administration authorities sought to keep the employees, who are familiar with and knowledgeable in details of the work, necessary for the continuation of the registry. They made changes in sensitive administrative positions in favor of persons appointed by the Administration, who work within its ranks or are close to it. The staff in those departments work in the same way they used to without any notable change.

By keeping the same mechanisms and personnel, the Autonomous Administration government seeks to ensure the official credibility of the documents it issues, even though

6) “Is There a Difference Between the New and Old Autonomous Administration?” Al-Modon, October 4, 2018, accessed December 1, 2020 <https://bit.ly/3lhUHLs>

these documents are not recognized in any other region in Syria.

The courts in the Autonomous Administration regions recognize documents issued only by the Land Registry Office in each district. The relevant office communicates with the court officially when needed.

Additionally, we found that the regulation of property in the Autonomous Administration areas is not subject only to the authority of the Land Registry Office. For example, the Agriculture and Irrigation Committee in each district controls state-owned agricultural lands within its area, and regulates their investment, which often causes different damages to former property rights-holders.

Similarly, the Public Properties Committee controls –and regulates–the investment of other public properties, such as government buildings, infrastructure, and associated lands. These committees are subordinate to the direct executive authority, whether city or provincial councils, or executive council in the Autonomous Administration. These have almost absolute power to benefit from and invest in these properties.

One of the interviewees, who is a resident of al-Raqqa city and deals with Administration laws, said that the committees of the Civil Council are the only ones authorized to decide on public properties, large areas in Al-Raqqa city and the governorate in general.

On the other hand, this interviewee asserts that, up to now, no changes have occurred in the status of these properties, and only a small portion has been invested. This arbitrary investment has, consequently, caused significant harm to the people who were beneficiaries of these properties, as these properties had been rented out to them in permanent contracts because they work in governmental institutions in al-Raqqa, such as the Land Reclamation Corporation.

II - The Legal Framework:

In the Autonomous Administration areas, the Land Registry Office operates according to decision No. 188 issued in 1926 to establish the land registry in Syria,⁷ and its applicable amendments. Nevertheless, this reference has many exceptions, and most of these exceptions are based on the influence of informal power centers intertwined with the Administration structures, and there were no amendments or new laws applied on the ground regarding the process of organizing records.

When it was operating under the name of the Democratic Autonomous Administration, the Autonomous Administration attempted in 2015 to issue a Protection and Management of Absentee Property Law dealing with real estate property of the displaced. However, it reversed its decision due to the controversy that arose around it. Under the name of the Autonomous Administration of North and East Syria, it attempted to issue a law under the same name in 2020, which it also suspended as a result of widespread rejection and controversy surrounding its issuance.

7) For more information, see “Property Terms: What is the Property Registry”, June 6, 2020, accessed December 1, 2020 <https://enabbaladi.net/archives/390928>



The suspended law considers that the absentee is a Syrian, who lives outside the Autonomous Administration's area and does not have first- or second-degree relatives residing in the area. This definition places the property of all refugees who do not have first- or second-degree relatives in the region at the disposal of a special committee under the Autonomous Administration, and thus threatens their right to utilize these properties as long as they are absent.

In this context, a number of laws contribute indirectly to preventing the residents from returning, such as the Law on the Duty of Self-Defense.⁸ The Autonomous Administration of North and East Syria issued an updated version of the law in 2019 (temporarily suspended since April 2020 as part of measures to prevent the spread of COVID-19).

Practically, this law prohibits many young men and their families from returning or visiting their towns and neighborhoods, and from utilizing their properties there. This is especially the case as Autonomous Administration courts only recognize documents they have issued. For example, refugees from this region cannot issue power of attorney for their property from abroad through Syrian embassies or consulates, since the courts do not recognize documents issued by institutions of the Syrian regime.

The Autonomous Administration courts (or Diwans of Justice) adopt, in their legal reference, a mixture of laws issued by the General Council of Administration and some Syrian laws such as the Code of Procedure, which the Administration adopted under another name.

Here, it should be noted that some Autonomous Administration laws differ radically from the laws in Syria, including the Personal Status Laws. This is reflected in very important issues such as the distribution of inheritance. The Administration's regulation of personal status is not always applied. The Diwans of Justice may issue rulings that contradict the text of the Autonomous Administration laws themselves, taking into account some social and religious sensitivities.

Under this ambiguity in the application of laws and the different and conflicting sources of law, it is very difficult to control the legal framework in the region.

These conditions push the people to resort to regime institutions, which are still operating in several geographical pockets that permeate the Autonomous Administration's jurisdiction, specifically in the security area in al-Qamishli and al-Sabkhah area in al-Raqqa Governorate. The people seek to obtain ownership documents from the government of the Syrian regime. At the same time, the rulings of regime courts are difficult to implement, especially those issued after the establishment of the Autonomous Administration, resulting in many residents having to obtain rulings or documents twice, from both sides (the regime government and the Autonomous Administration).

8) For more information, see "Activists Criticize the autonomous Administration's Law: Military Orders", August 9, 2020, accessed on December 1, 2020, <https://bit.ly/2OolvNf>

III - Measures:

The Autonomous Administration government almost completely controls and supervises public property, with the exception of buildings and lands used as military bases for SDF, most likely to be military areas that the regime army used in the past, before they came under the SDF control.

While conducting the research, several cases were documented of Autonomous Administration's appropriation of private property, either directly or through allies from the PKK⁹ (a citizen from the region confirmed to us that members of the party had seized his house during his absence outside the country, by virtue of the de facto force). However, many cases of direct appropriation of private property have not yet been documented. On the other hand, public properties in the Syrian Jazira, including major institutions, such as the Euphrates Dam and other dams and associated lands and properties, and relatively large agricultural and estate properties belonging to government institutions in the area, were almost all seized. This was facilitated by the fact that the Islamic State (ISIS) had previously displaced the residents of residential properties owned by government institutions, enabling it to take hold of these buildings as unoccupied real estate.

In the face of this chaos in organizing property and housing, there are from time to time relatively small initiatives by institutions affiliated with the Administration to implement housing projects and previously developed organizational plans. For example, the Civil Council of al-Raqqa is implementing an organizational plan that includes areas adjacent to the city,¹⁰ which was put in place in the 1980s but not implemented until the time of this research.

Executive bodies of the Autonomous Administration have full powers in utilizing public institutions and properties and spaces considered public property, limiting the powers of the courts in this context. About this problem, an employee¹¹ of Autonomous Administration courts said his court had not considered any case relating to public property since its establishment, and that "even if such cases were brought before us, we will only be able to issue rulings that fit the executive authority's orientation". This situation is not a result of the lack of known laws, but more of pressures on the ground.

In the past, Al-Shaab Municipality (Municipality of the People) in al-Raqqa, which falls under the Civil Council, launched an expansion plan for neighborhoods in the northern city of Raqqa in June 2020, and opened the door for objections to the plan.

Despite the fact that the procedures followed in this plan are similar in their general legal framework to those followed in regime-controlled areas, the displacement of a large

9) "Al-Raqqa: The Democratic North Brigade Seizes More Than 80 Houses Arbitrarily", December 9, 2020, <https://bit.ly/3tkDFiH>

10) "An Expansion Organization Plan in Al-Raqqa City: These Are the Details", July 4, 2020, accessed on December 1, 2020 <https://www.enabbaladi.net/archives/398251>

11) Interview with an administrative employee in one of the Autonomous Administration's courts in November 2020.



portion of Raqqa's population beyond the range of Autonomous Administration rule means in practice their inability to make any objections to the plan or examine its impact on their property rights.

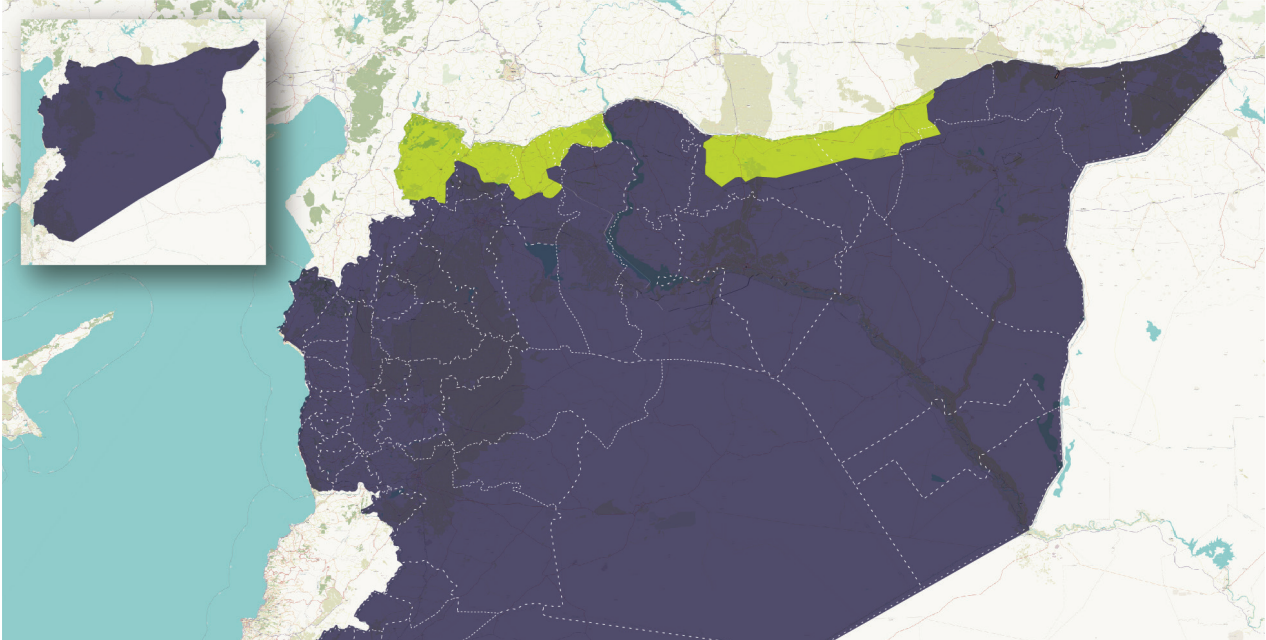
In practical terms, this situation also results in high likelihood of violations of property rights as part of the plan implementation. As mentioned above, the implementation of the plan has not yet actually begun.

Accordingly, urbanization remains as yet limited to two main scopes. The first is to rebuild buildings destroyed during battles in the region. This has not witnessed any large-scale change so far. This also applies to the cities that witnessed the most damage as a result of the battles, such as al-Raqqa city.

The second is off-plan construction. Despite the lack of accurate statistics on construction operations, interviews conducted with citizens and actors in the region confirm the existence of such activities, which are often carried out on state-owned land in the vicinity of major cities, such as al-Hasakah and al-Qamishli.

These unplanned construction works are mainly regulated by the increase in population numbers due to internal displacement to these areas, which are relatively quiet compared to other areas. This prompted the need for the emergence of a construction activity, necessitated by the increasing numbers of IDPs.

1.2- Areas of Control of the National Army:



The National Army forces control several regions in the north of the country. Currently, the control of these forces extends over the area between Ras al-Ayn and Tel Abiad in the Syrian Jazira, following military Operation Peace Spring launched by the Turkish army and carried out during fall of 2019. The Afrin region northwest of Aleppo is also controlled by these forces, following Turkey's Operation Olive Branch in 2018. The National Army forces also control areas in the northern countryside of Aleppo between Jarabulus and Azaz, following Operation Euphrates Shield against ISIS in 2018.

I - Form of Organization:

The organization of the institutions that oversee the documentation of property rights differs in areas under the control of the National Army. While there is a land department in the city of Azaz in the northern countryside of Aleppo, and similar ones in the cities and towns of the northern countryside, the local councils in Afrin handle the work related to property rights. The lack of records in Afrin leads to many legal problems. The region's records are located in departments of the city of Aleppo, which is under the control of regime forces. The area between Tel Abiad and Ras al-Ayn is in a similar situation.

The Land Registry Department in Azaz kept its work according to Resolution 188 of 1926, which formally established Land Registry in Syria, and documents issued by the Land Registry Department are approved by the region's courts, which rely on Syrian laws in their rulings. The Land Registry Department is under the local city council.

With the Land Registry Department in Azaz maintaining the divisions previously approved in Syria and keeping a large number of its employees, its work is very similar to its work before 2011. Additionally, the Azaz Land Registry Department keeps real estate paper records and



cadastral maps of the area, which enables it to continue providing services to residents. These services are providing residents with documents proving real estate status and registering ownership change. The employees verify the changes to the same real estate sheet they have.

For its part, the government of the regime does not recognize any of the documents issued by the land registry departments in the northern countryside of Aleppo and the rest of the areas controlled by the National Army. There were cases of arrest of citizens who had presented documents issued by the Land Registry Department in Azaz in regime-controlled areas. Those citizens were trying to confirm their records in regime-controlled areas, according to information provided to us by a lawyer in the city of Azaz.

Regarding the status of the land registry in Afrin, the region has not had, as we mentioned, a land registry department since the start of military actions and control of National Army forces of the area. The local council does not have any old documents relating to the land registry, while the courts, actually subordinate to the dominant military force, do not establish property transfer in the area.

In turn, the courts established in Afrin do not recognize ownership documents issued by regime-held areas after 2011.¹²

This reality, with all its complexities, results in a situation in which no processes to prove ownership are carried out. This also allows seizure of properties while owners, inside or outside Afrin, are unable to claim their rights to their properties.

Likewise, there are no clear organizing processes to document property rights in the area between Tel Abiad and Ras al-Ain, which are controlled by the National Army following Operation Peace Spring.

The courts set up by the current authorities issue rulings in cases of transfer and confirmation of ownership, at a time when there is no land registry for that area. As is the case in most of the conflicting areas of influence in Syria, courts under the control and influence of the National Army do not recognize any documents issued by regime or Autonomous Administration governments at all.

12) Interview with an activist from Afrin City conducted online by the researcher in November 2020.

Table showing differences in forms of organization between areas controlled by National Army factions.

Region	Land Registry Department	Legal Background	General procedures followed to prove ownership	The ability to implement court rulings
Northern Aleppo countryside (from Azaz to al-Bab)	Available under the local council	Resolution 188 of 1926 Syrian	Documents issued by the Land Registry Department, considered in courts	Good
Afrin	Unavailable	Unavailable	Rulings by courts in the region	Very weak
Operation Peace Spring (from Tel Abiad to Ras al-Ain)	Unavailable	Unavailable	Rulings by courts in the region	Very weak

II - The Legal Framework:

In areas under the control of the National Army, courts generally follow Syrian laws, including the Criminal Procedures Law, while de facto authorities have not issued new laws.

Residents of these areas suffer from the lack of application of any laws. These courts, formed by local authorities, are under the control of military factions, which in turn affects their work. For example, courts formed by local authorities cannot summon any member of the military factions. This is also reflected in the absence of legal or regulatory controls that can help in preserving and documenting property rights. Court rulings may legislate some types of violations, such as building violations that are subject to very small fines not exceeding 300 Turkish liras, and legalizes the violation after paying the fine.¹³

On the other hand, in the northern countryside of Aleppo, property rights are addressed slightly differently from Afrin and eastern Euphrates. In northern Aleppo, the jurisprudence of the courts replaces the role that new regulatory laws would have played and Syrian laws remain in effect.

As most areas of the northern countryside came under the control of local factions, who naturally belong to these cities and towns, this allowed for stabilization of the situation. In Azaz and Marea, for example, the local council was able to a considerable extent to impose application of Syrian law, faring better than other regions in terms of regulation and control of property rights.

Moreover, the courts accept that citizens residing outside their cities and towns in northern Aleppo countryside and owning property there, obtain power of attorney issued by a notary in regime-held areas. However, this requires the person concerned to obtain security approval from the faction's military police,¹⁴ and in many cases, this prevents the legal utilization of property rights.

13) Interview with a Syrian activist interested in property right issues conducted in November 2020.

14) Interview with a lawyer from Azaz City conducted online in November 2020.



III - Measures:

Local councils oversee most of the public properties in the region, but a significant number of these councils cannot override the influence of dominant military factions. The latter have full authority over public spaces and properties through occupation or investment.

The influence of military factions in the region also extends to private property belonging to absentees. It could be argued that absentees and residents with opposing political views are the most vulnerable groups in this region in terms of property seizures and widespread violations of property rights.

In light of the inability of courts to implement rulings most of the time, the decisions of military factions regarding appropriation of public or private property are considered final under the status quo. The vast majority of these measures have not been withdrawn, giving them the status of a de facto law.

This situation, formed by the dominance of military authorities over property management, is especially the case in Afrin. We will discuss this in detail when tackling violations under Chapter II.

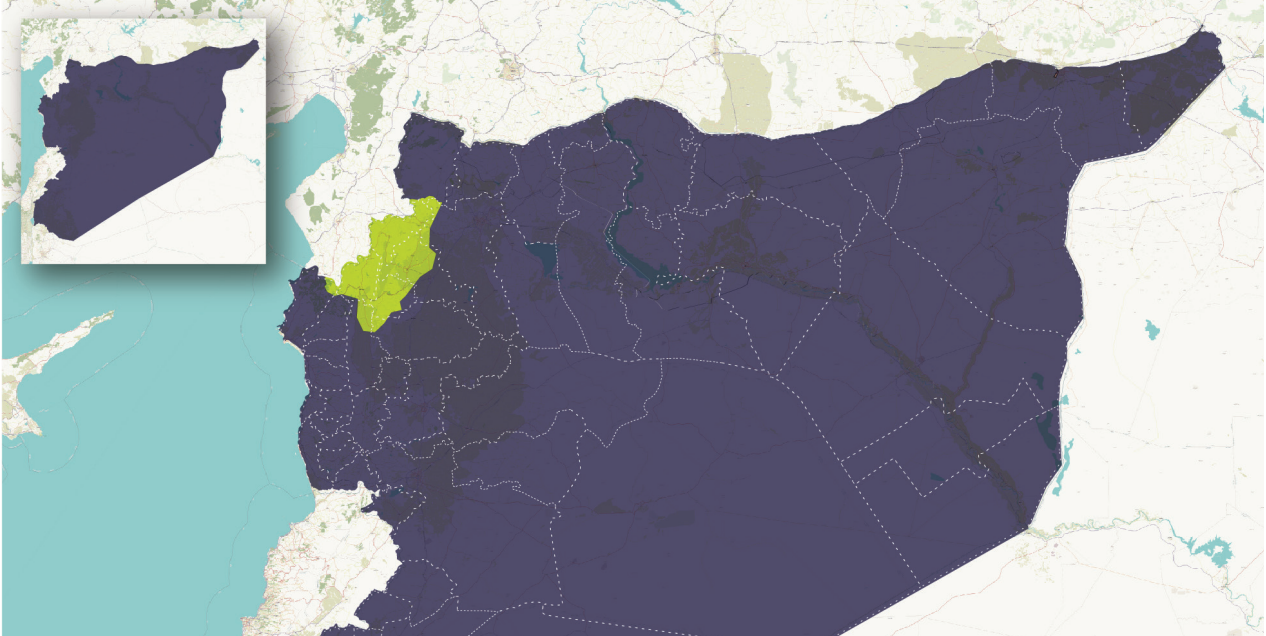
Procedures for appropriation of public and private property have so far been limited to occupation or investment. According to information we have obtained, no large-scale cases have ever been documented of changing the material conditions of these properties, with the exception of illegal logging campaigns in agricultural lands in Afrin which led to the loss of hundreds of hectares planted with olive trees.

As for expansion of the organization plan, the only town that witnessed an official announcement of such an expansion was al-Rai on the Turkish border. This town has the al-Rai border crossing, which was opened to facilitate the passage of people and relieve increasing pressure on the Bab al-Salama border crossing Azaz.

The local council of al-Rai issued a declaration stating that, in agreement with real estate owners, it had begun necessary construction to expand the town's organization plan, but did not announce details of the plan. Roads will be constructed and infrastructure rehabilitated as part of the expansion works, to enhance the possibility of constructing new buildings.¹⁵ This announcement can be considered the first of its kind in areas controlled by Syrian opposition factions.

15) A statement by the Council of Al-Rai' Town on the new organization plan, <https://bit.ly/38Jnbce>

1.3 - Idlib and the Western Countryside of Aleppo:



Today, more than three million people live in Idlib Governorate and the western countryside of Aleppo, according to United Nations statistics.

The displaced make up a large proportion of this population. Parts of the region have been under the control of opposition factions since 2012.

This was followed by an extension bringing the entire Idlib Governorate under control a coalition of opposition and Islamist factions in 2015. Regime forces returned and in 2019 took control over parts of south and east Idlib Governorate, including the strategic cities of Maarat al-Numan and Saraqib.

Following the Turkish-Russian de-escalation agreement, battles in the region stopped in mid-March 2020. Since then, the distribution of military domains of control have been established as they were at the time the agreement was signed.

Administratively, Idlib and surroundings and the western countryside of Aleppo gradually came under the authority of the Salvation Government, unofficially linked to HTS, after a series of battles for influence between opposition factions and HTS eventually resulting in HTS sole control.

The Salvation Government was formed in a general conference, furtively sponsored by HTS who also appointed its members. According to a human rights defender from Idlib Governorate, "any second-class security personnel from HTS can contact the head of the Salvation Government and give him instructions."

HTS has always deliberately subordinated the Salvation Government to the authority of non-leading individuals within its ranks. This is a clear indication, according to the person we interviewed, that there are power differences between the two parties. "The Salvation



Government can do nothing but implement HTS decisions,” he said. “I have information that a minister has been trying for a month to meet the economic portfolio official at HTS to discuss issues related to work, but he has not yet been able to do so”.

There are ministries and departments under the Salvation Government and all local councils in the region have been attached, whether peacefully or militarily, to the authority of the Salvation Government. The nature of the Salvation Government’s relationship with a number of these councils is largely a superficial one, as they come under the Salvation Government in official records only, but enjoy relative independence in their work on a case-by-case basis. This is the result of a political will imposed by military considerations, i.e., to avoid widespread clashes with the local population, especially communities insistent on the independence of their local decisions.

I - Form of Organization:

After taking control of Idlib city, workers in the Land Registry Department of Idlib Governorate recovered their records, which had been hidden to protect them. Work then gradually resumed in the Land Registry Department, which has sub-departments in the main cities of the governorate.

It should be mentioned that the Land Registry Department continued to work in conjunction with the Interim Government, which is affiliated with the National Coalition of Opposition Forces, until the establishment of the Salvation Government was announced in October 2017.

This announcement was followed by large-scale military operations by HTS, which gradually took control of most of Idlib Governorate and the western countryside of Aleppo, after eliminating or weakening the influence of Islamist and other opposition factions present there. .

As a result, the Land Registry Department in Idlib Governorate has come under the Ministry of Local Administration in the Salvation Government.

In parallel with these measures, the Land Registry Department in Atarib in the western countryside of Aleppo was brought under the Ministry of Local Administration and the Land Registry Department in Idlib, after HTS extended its control to those areas.

The Land Registry Department follows the same form of previous organization, with the same distribution of offices and divisions, adopted in the laws and regulations in Syria before 2011.

As employees had preserved property records, documents issued by the Land Registry Department are considered official and approved by the Salvation Government and its courts. The Department includes sub-departments for the main cities and countryside of Idlib. Possession of real estate records for certain cities was transferred to the central department in Idlib, after the regime took control of cities where a registry is located, such as happened in the cities of Maarat al-Numan and Saraqib.

The Land Registry Department under the Salvation Government provides planning maps for municipalities under the control of Government, which then assigns the Ministry of Local Administration to oversee and regulate public properties and the work of local councils and towns.

The Department's employees receive their salaries from the Salvation Government. Previously these payments were collected from fees imposed on real estate transactions. Most of the employees remained in their jobs in the Department despite the change in control.

Therefore, the Salvation Government supervises all public property in the region through the Ministry of Local Administration or through other related ministries. For its part, HTS often exercises direct supervision, outside the frameworks of the Salvation Government, over sectioning of public property in the region by virtue of its de facto authority.

Among these transgressions on public properties is that on the border crossing, operated by a committee informally but directly linked to the director of the economic portfolio under HTS.

II - The Legal Framework:

Although the Land Registry Department relies in its organizational framework and administrative structure on the contents of Resolution 188 establishing the Land Registry in 1926, the Salvation Government does not adopt Syrian laws as a whole, but rather cancels any laws that contradict the provisions of Islamic law.

Courts of the Ministry of Justice under the Salvation Government issue rulings in accordance with Islamic law, imposing fundamental changes in decisions regarding property rights, such as in inheritance processes; Syrian laws impose a limitation of inheritance for "Amiri lands" (a term that dates back to the Ottoman period, indicating lands that belong to the state but which individuals have the right to invest in and utilize, and transfer this right to their heirs). In regular cases, Syrian laws require distributing in equal shares the inheritance of Amiri lands, regardless of gender of the heirs, while distribution of inheritance in regular owned property is carried out in accordance with the provisions of Islamic Sharia.

In cases involving the inheritance of Amiri lands, the courts of the Salvation Government apply inheritance law of Islamic Sharia on Amiri lands as well.¹⁶ This creates contradictions with Syrian law. There are several other examples of this type of conflict.

Although the Salvation Government officially declares Islamic law and jurisprudence as the only legal reference, it has issued no civil laws, whether legal or statutory references.

In this situation, where there is no clear legal reference, courts can issue contradictory rulings in many cases, keeping quiet pressures exercised by HTS as de facto authority on the work of the Salvation Government as a whole and the work of its courts in particular.

16) Amiri lands are governed by an Ottoman law adopted in modern Syrian laws, which stipulates giving both the male and the female an equal share of the inheritance; while in the Islamic Sharia, the son inherits twice the inheritance of the daughter, for example.



This considerable influence leaves no room for to issue rulings inconsistent with the direct interests of HTS. This is a consequence of HTS full and absolute authority over public and private properties it seized when it took control of the region, whether properties of absentees or of people forcibly expelled.

An employee in the Land Registry Department stresses that Department staff always try not to register any changes unless the property owner is present. “We have refrained from registering property to foreigners, members of HTS or other factions, but when there is a court order, it becomes impossible to ignore it,” he said. He added that there are cases where court rulings lead to appropriation of private property.¹⁷

It is also worth mentioning that the Salvation Government and its courts require security approval for power of attorney issued outside its areas for the purpose of utilizing and transferring property ownership in Idlib.

A lawyer cannot use power of attorney before obtaining such approval. This means it is almost impossible for anyone whose political positions do not align with HTS strict criteria to benefit from power of attorney. As a result, a significant number of IDPs and refugees from Idlib are prevented from utilizing their property in the region.

III - Measures:

Theoretically, the Salvation Government has absolute powers over the management, investment, and supervision of public properties in the Governorate, but HTS enjoys the actual control on the ground.

Thus, HTS has absolute power to decide on properties and their purposes, and to control all proceeds from the investment of public properties and all fees and taxes imposed by the Salvation Government. It is the only party that decides on how these proceeds can be employed.

In addition, HTS and other factions in the region, such as Ahrar al-Sham and the Turkestan Islamic Party, systematically seized private property in areas whose residents had been displaced. Examples of this are the towns of Kafarya and I-Fuah, and Ghassaniya Village in Jisr al-Shughur Countryside.

While material descriptions of the vast majority of these properties have not changed and ownership not transferred in real estate records, land registry staff confirmed to us that factions control these properties by force, investing by renting them and collecting monthly returns or by permitting families of fighters to inhabit them.

With no legal framework, these procedures have become systematic, which leads us to consider this encroachment on property rights a general characteristic of the current situation in HTS-controlled areas.

Although there have been no changes to regulatory plans or work, Idlib Governorate has

17) Interview conducted with a land registry office staff member in November 2020.

witnessed a wide construction movement, especially near the borders with Turkey, in the vicinity of Atmeh camps. Many of the camps were transformed into residential building areas, after purchasing from or reaching an agreement with landowners.

Additionally, despite the almost complete absence of infrastructure in the area, a significant influx of IDPs and new residents has increased the demand for housing, providing an opportunity for construction work to emerge outside the organization plan.

Most of these constructions are concentrated in border areas near the camps or near towns like Bidama. If cities in the governorate center, like Idlib, have witnessed an urban movement, they still have not overtaken expansion in the border areas, which are safer from aerial bombardment.

2 - Chapter II: Violations of Property Rights in Areas Outside Regime Control and Patterns of Violation

This chapter presents case studies of three cities in northern Syria, in order to analyze patterns of property rights violations, draw a map of bodies responsible for these violations, and explain the most common types of violations.

The case studies will involve al-Raqqa city under the control of the Autonomous Administration, Afrin under the control of the National Army, and Jisr Al-Shughur in Idlib Governorate under the control HTS and its associated Salvation Government.

Each of these three cases can constitute a model and provide a comprehensive idea of the wide range of property right violations in areas outside regime control .

The patterns of violation will be analyzed based on region, in addition to a general analysis at the end of the chapter, to highlight factors most influencing the prevalence of property rights violations in northern Syria.

2.1- Al-Raqqa City:

Al-Raqqa city is located in northeast Syria, about 160 km east of Aleppo, on the eastern bank of the Euphrates. It is the capital of al-Raqqa Governorate. Its affairs are currently managed by the Civil Council of Raqqa, affiliated with the Autonomous Administration, based on administrative divisions that the Administration created, and which differ from those that existed previously.

The population of the city of Raqqa before 2011 was about 220,000, according to official estimates issued by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). The number of residents of Raqqa City, according to the estimates of May 2020, is 353,883 people, of whom 95,964 are IDPs.

SDF forces control Raqqa City since October 2017, following extremely violent battles with ISIS, who, at the height of its influence shortly after 2014, had taken the city for its capital of an area extending, over significant parts of Syria and Iraq.

The Autonomous Administration in the north and east of Syria established the Civil Council of al-Raqqa in the town of Ain Issa in April 2017. The Council moved to al-Raqqa city, and SDF seized control in the fall of the same year.



Satellite image of al-Raqqa city on October 16, 2017, showing the extent of destruction due to military actions.

Most prominent forms of violations of property rights and actors responsible for them:

Public and private properties in al-Raqqa city were subjected to widespread encroachments during ISIS control of the city. However, this analysis will examine violations of property rights between 2018 and 2020, the period during which SDF and the Autonomous Administration were in control of the city.

The destruction of buildings and properties in air and artillery bombardment during battles is the largest violation of property rights in al-Raqqa city. A civil society organization worker from the city¹⁸ reported, in an interview conducted for the purpose of the research, that about 75% of the city’s urbanization has been partially or totally destroyed. Despite completion of rubble removal from main roads, many of the city’s neighborhoods and side streets are still closed due to collapse of buildings on the banks.

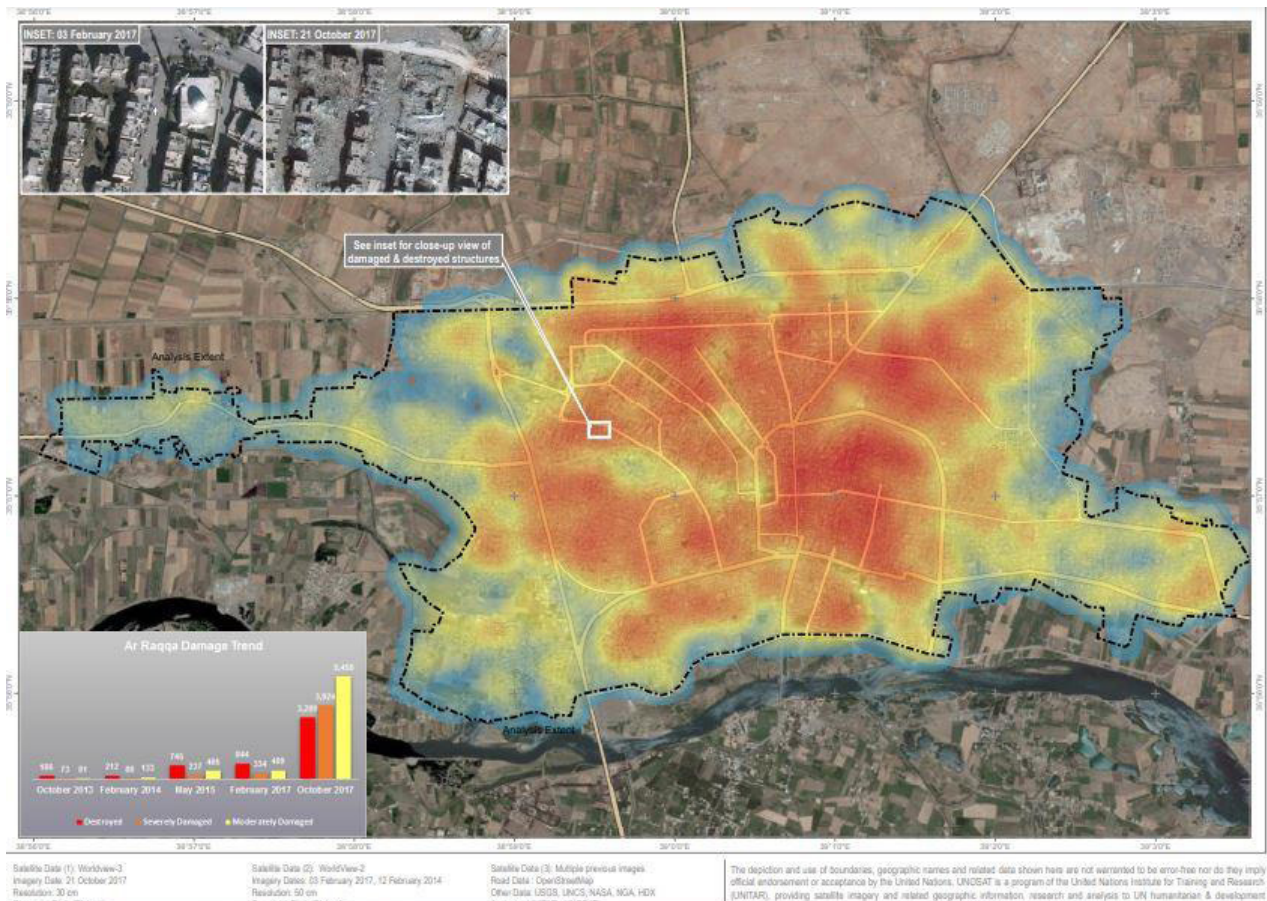
A report¹⁹ issued by the United Nations Institute for Training and Research at the end of 2017 estimated more than 12,000 buildings were affected by military operations in populated

18) Online interview conducted by the researcher with a civil society organization worker in Al-Raqqa city in November 2020.

19) A report issued by the United Nations Institute for Research and Training in December 2017 that estimates the damage in Al-Raqqa city since 2013, <https://bit.ly/3eGgVWw>

neighborhoods between 2013 and 2017, including 10,000 buildings damaged in fighting and bombardment between February and October 2017.

The report, which was based on analysis of satellite imagery of the city from 2013, 2014, 2015 and 2017, shows that 3,289 buildings were completely destroyed and 3,924 other buildings were significantly damaged during the same period.



In a press interview dating back to 2018, Ahmad al-Khadhir, a member of al-Raqqa Civil Council, stated that the city center had suffered high levels of destruction, up to 90%, while the damage in other areas ranged between 60% and 40%.

In addition to the destruction of battles, a number of cases were documented in al-Raqqa city of seizing homes and private properties, after SDF took control. The media reported a number of complaints from people displaced from the city during the rule of ISIS. Most of these complaints were of military factions taking over their homes despite filing lawsuits. A human rights defender from al-Raqqa city commenting on these cases noted that a large number of homes belonging to absentees, and which had not been destroyed, were seized by SDF, either for their strategic location to enhance the security needs of their forces, or for the purpose of housing displaced families.

The interviewee said he witnessed several times a refusal to hand over houses to the owners'



relatives , even with official powers of attorney endorsed by embassies abroad. Furthermore, some residents who tried to return to Raqqa found their homes occupied by relatives of SDF or displaced families. Solutions provided by the Administration were limited to perhaps providing alternative housing for owners of houses in dispute, but not of course a return to their original houses.

For some of those affected, as explained by a lawyer, their refusal to accept alternative housing was a protest against continuing property violations by new means. Acceptance of alternative housing is a legitimization of the illegal appropriation of houses. A report by Middle East Eye²⁰ provides witness accounts from alRaqqa city that the number of such cases has reached 80.

However, as it is not possible to verify these numbers, and as we compared accounts by city residents, it became clear to us that these violations have not yet reached the point of being a widespread phenomenon, although there is fear of possibly reinstating the Protection and Management of Absentees' Property Law. If issued, this law will grant legitimacy, on a large scale, to such practices in Raqqa city and all other areas of the Syrian Jazira, which are under the authority of the Autonomous Administration government in northern and eastern Syria. In general, the SDF and the US-led International Coalition who supported it with air strikes and artillery bombardments , are the de facto authority. Therefore, coalition forces and SDF are officially mainly responsible for the most severe violations of property rights in al-Raqqa city.

As mentioned above and according to numbers by the United Nations Institute for Training and Research, the damages inflicted on over 10,000 buildings were a result of military operations between February and October 2017, the period that witnessed the fiercest battles between SDF and ISIS.

This means that about 83% of the damage to buildings in al-Raqqa city occurred during that time, and as a result of air and artillery bombing accompanying military operations, the majority of which were carried out by the International Coalition and its allies on the ground. Although the US State Department and humanitarian agencies affiliated with the US government are providing support to early recovery programs, removing rubble and restoring services, humanitarian workers insist that these programs only meet a small portion of the city's needs for recovery.

The needs of the city are multifaceted. In terms of reconstruction, the most urgent needs are in infrastructure, and of course helping residents return by providing facilitations necessary for reconstruction of their homes.

As for arbitrary seizure of individual properties of absentees, whether they are inside or outside Syrian territories, the situation is the same.

20) Hussam Hammoud, "Syria's Raqqa homeowners fight against illegal confiscation of their properties," Middle East Eye, August 30, 2020 <https://www.middleeasteye.net/news/syria-raqqa-residents-fight-illegal-sdf-home-confiscation>

SDF and the Autonomous Administration, the de facto authority in the region, in addition to the International Coalition that provides military and political cover for them, are the chief responsible actors. The researcher was able to document two cases in which affected people resorted to courts (the Diwan of Justice), but were unable to recover their property despite having fulfilled all legal requirements.

While alternatives were presented one time, including alternative housing for one of those affected families, this procedure contradicts the right of these families to take back and use their properties .

Patterns of Violations in Al-Raqqa:

Probability	Owner Status			
	Lives in al-Raqqa	Lives in Al-Raqqa and holds differing political view	Does not live in al-Raqqa	Does not live in al-Raqqa and holds differing political view
Low probability for property right violation				
Average probability for property right violation				
High probability for property right violation				

2.2- Afrin Region:

Afrin is located in the north of Syria on the border with Turkey. Its center is Afrin city, which lies 70 km to the north, and west of the city of Aleppo. It includes Afrin city center and six other districts. Afrin is currently under the control of army troops.

Prior to 2011, the population of Afrin region was about 500,000.²¹

This number nearly doubled after 2011, as a large number of displaced people came from Aleppo Governorate and other areas due to its relative stability; however, the region witnessed large waves of displacement of its population fleeing military operations in 2018. According to estimates by UNOCHA, the population of the region today is 438,256, including 283,287 IDPs. This means that the region's population of IDPs today exceeds the number of its indigenous inhabitants.

Factions of the Syrian opposition have taken complete control of the Afrin region since March 2018, following Operation Olive Branch under decisive Turkish support aiming to expel SDF. These operations caused large waves of displacement, leading to a drop in the number of indigenous residents to a little over 150,000, compared to 500,000 before 2011.

Afrin is administered by local councils distributed over its seven districts. These councils are nominally linked to the Syrian Interim Government, but they are also unofficially linked to

21) "Five Things You Don't Know About Afrin", Enab Baladi, January 23, 2018 <https://www.enabbaladi.net/archives/200860>



the forces controlling the region.

Most prominent forms of violations of property rights and actors responsible for them:

This section examines property rights violations between 2018 and 2020.

The United Nations Institute for Training and Research team had analyzed satellite imagery of Afrin after the military operations it witnessed at the beginning of 2018. The report,²² jointly conducted with REACH, concluded that 196 buildings in the city were damaged in those operations, 67 of them completely demolished.

Most of the human rights reports focused on property appropriation as the most common violations of property rights in the region which has witnessed appropriation of residential and commercial properties as well as agricultural lands.

Some of these documented cases occurred while property owners were present and occupying their property. Many cases of appropriation of absentees' properties were documented, according to a human rights activist from the city.

In an interview for the purposes of this research, a human rights activist from Afrin city explains the mechanism of these violations: the military factions controlling the area "divide it into sectors, each controlled by one faction, and seize properties within their sector, especially those whose owners are absent, under the pretext of a family member's affiliation with the Turkish-banned Kurdistan Workers Party (PKK)." According to the interviewee, there have been documented cases where civilians were expelled from their homes and lands under the same pretext, while other properties were seized on a large scale to house IDPs coming from different regions.

Comparison of accounts by city residents and information we have access to, confirm that property appropriations match the proportion of displaced indigenous people. If two-thirds of the population are displaced today, then two-thirds of the properties in the city have been appropriated mainly by military factions (but also by civilian IDPs and administrative bodies overseeing the region). In this regard, a report²³ issued by the International Commission of Inquiry on Syria, indicates that factions controlling the region have committed what are suspected of being war crimes. Among these crimes are the systematic and widespread appropriations of land and property.

Also, United Nations reports indicate that the seizures of schools and hospitals by military forces have prevented them from operating normally, and subsequently weakened the capacities of the education sector.

This catastrophic regression is reinforced by the geographic distance between towns and villages and difficult roads, making these confiscated institutions perhaps the only option

22) "Syrian Cities Damage Atlas," REACH, March 2019, <https://bit.ly/2PWwaA2>

23) "US Commission of Inquiry on Syria: No clean hands- behind the frontlines and the headlines, armed actors continue to subject civilians to horrific and increasingly targeted abuse," Relief Web, September 15, 2020, <https://bit.ly/2NpQ6dW>

left for residents, as these institutions are technically to serve the public.

Local councils in the region normally control a large portion of public properties such as government institutions. The factions' control over some of those properties is a result of de facto authority.

Patterns of violations in Afrin region:

Probability	Owner Status			
	Lives in Afrin	Lives in Afrin and holds differing political view	Does not live in Afrin	Does not live in Afrin and holds differing political view
Low probability for property right violation				
Average probability for property right violation				
High probability for property right violation				

2.3- Jisr Al-Shughour Region:

Jisr al-Shughur region is located in northwestern Syria within Idlib Governorate, near the border with Turkey, and the Orontes River passes through it. Its center is the city of Jisr Al-Shughur, which is located on the international road connecting the cities of Aleppo and Latakia, known as the M4. Strategically, this is considered the second most important highway in the country, after M5.

The area of Jisr al-Shughur is 1,077 square kilometers and its population before 2011 was about 150,000, according to the Central Statistical Office in Syria. Today, according to UNOCHA, its population is 304,087 including 148,285 IDPs.

The area is mainly controlled by two military factions: HTS and the Turkistan Islamic Party. The latter is a military ally of HTS and its members are from the Muslim-majority Xinjiang in China. The Turkistan Islamic Party is affiliated primarily with the Afghan Taliban and al-Qaeda. It came to Syria because of the relationship between al-Qaeda mother organization and its franchise HTS. This was when HTS was called Jabhat al-Nusra for the People of al-Sham. The Turkistan Islamic Party still has formal links with al-Qaeda; HTS has cut connections with al-Qaeda.

The Salvation Government associated with HTS supervises civil institutions in the region. Courts operate under this government which directly supervises services and the work of institutions in the region such as the local councils.

Despite the presence of the Salvation Government, the HTS official in charge of the economic portfolio still has wide powers in deciding on absentees' properties and other economic issues.



Most prominent forms of violations of property rights and actors responsible for them:

Although Jisr Al-Shughur was exposed to extensive bombardment, there are almost no accurate estimates of the scale of destruction. Accounts by residents indicate that approximately one third of the city's buildings were damaged in bombardments. A relief activist recounts that so many buildings were damaged in the bombing that there is a resulting overpopulation in crowded areas. Consequently, it is now usual to find three families living in one apartment.

These accounts give us a glimpse of the situation regarding properties in the city, severely damaged in battle especially after opposition forces and the alliance of Islamic factions took complete control of the area in 2015, and in subsequent fighting in 2019 and early 2020 throughout Idlib Governorate.

According to a number of human rights reports,²⁴ and by comparing accounts by residents in interviews conducted for the purposes of this research, in addition to the bombing that damaged a large section of residential property, there were documented cases of organizations such as the Turkistan Islamic Party seizing private property.

This activity, taking place on a large scale, specifically targets villages whose inhabitants are Christian. Many of them were displaced, like in al-Ghassaniya village. The extremist jihadist organization considered seizing properties of people of other religions a natural right. This was strongly supported by HTS, allowing the Turkistan Islamic Party, the faction controlling the Islamic coalition which has full power over the region's resources, to seize many properties belonging to IDPs, especially Christians in Ghassaniya and other villages. The transgressions also included properties in the city of Jisr al-Shughur owned by Christians or by persons residing in areas controlled by the Syrian regime, under the pretext of their interaction with regime forces.

According to interviews conducted with land registry staff, their departments have refrained from registering these appropriations in their records, supporting the rights of the original owners. However, the owners are afraid to claim their rights for fear of arrest and execution by those organizations, which have previously carried out arrests and executions of detainees on unclear charges in random conditions and without trial.

24) "Appropriation of Public and Private Property in Jisr Al-Shughur in Idlib Countryside", Syrians for Truth and Justice, September 25, 2017, accessed on December 1, 2020 <https://stj-sy.org/ar/262/>

Infographic of patterns of violations in the region of Jisr Al-Shughour:

Probability	Owner Status			
	Lives in Jisr al-Shughur	Lives in Jisr al-Shughur and follows differing political view or religion other than Sunni Islam	Does not live in Jisr al-Shughur	Does not live in Jisr al-Shughur and follows differing political view or religion other than Sunni Islam
Low probability for property right violation				
Average probability for property right violation				
High probability for property right violation				

* * *



Conclusions:

- Most of the institutions concerned with regulating property rights in northern Syria tend to adopt the provisions of Resolution No. 188 issued in 1926 to establish the Syrian Land Registry, or a local version of it. However, this is not sufficient to regulate the work of these institutions, because de facto authorities in Northern Syria base their implementation procedures on a set of legal texts and references in conflict with Syrian law.
- The preservation of original property records of different regions, and keeping on land registry staff helped maintain some stability in the registries and protect property documents; a guard, although not strong enough, against violations of property rights, especially those leading to change in physical characteristics or arbitrary transfer of property ownership.
- Attempts to organize and document property rights in areas outside regime control are still early. They are not sufficient under current circumstances. They face many obstacles that prevent citizens living in another region or country from utilizing their property.
- Afrin is region with the highest number of documented property rights violations in northern Syria. This is due to several reasons: most importantly, the massive displacement of nearly two-thirds of the indigenous population, and the almost absolute powers of the factions. Courts do not have the power to issue binding rulings. The lack of actual organization and absence of the role of local actors have increased the frequency of these violations.
- Destruction and damage of residential buildings and private properties in bombardment remains the biggest and most far-reaching violation in Syria regarding property rights, and creates conditions that can only be corrected by providing significant assistance to those affected. Military operations and bombing of infrastructure and public properties have also left affected properties useless, especially in the absence of services and facilities. Infrastructure is necessary to meet the diverse interests of community members.
- IDPs and refugees are the most vulnerable groups in terms of property right violations, especially those considered by the authorities non-supporters or politically, religiously, or ethnically different.
- Appropriation of private property is one of the most common violations of property rights in northern Syria. Properties are usually seized for investment or benefit, with no change to the physical characteristics of the property or recourse to legally endorse the appropriation thus far (there have been signs of legalizing appropriation of property, including an attempt by the Autonomous Administration to issue a Protection and Management of Absentee Property Law. These steps are a warning that de facto authorities may issue laws to legalize this process at a later time).
- De facto forces have almost complete control over civil institutions responsible for property issues, which affects the role of these institutions.

Recommendations:

To regional and international actors in Syria:

- To hold the Autonomous Administration authorities responsible for property rights violations. The Administration must facilitate and provide assistance to Syrian refugees who wish to issue power of attorney to their relatives or others or to utilize their properties, and must not obstruct on the basis of ethnicity or political affiliation.
- To support early recovery projects in al-Raqqa city, which was destroyed in military operations led by the International Coalition in the fight against ISIS; and to assist civilians who want to return to their homes, by providing financial grants that pay part of the costs of rebuilding homes and commercial markets, with guarantees that this is not implemented by SDF.
- Permanent non-interference of military factions in the affairs of civilians. Full powers should be granted to elected local administrations that ensure adequate representation of the local population, and their active participation in decisions relating to their livelihoods, while ensuring the enforcement of judicial rulings on all parties.
- To facilitate the return of IDPs to their cities and towns which they fled due to military operations, and to ensure their safety and basic rights, including the right to reclaim their private properties and access basic services.

To the Constitutional Committee:

- To emphasize the illegality of any measures taken by de facto authorities in their areas of control aiming to change property conditions in the country. To treat the issue of property rights as one of the basic determinants of work for the next stage, given its importance on several levels, not least of which is the urgency of refugees and IDPs returning. This paves the way for political and economic stability, cohesion of the societal fabric, and achievement of civil peace in Syria's future.

To local actors and de facto authorities:

- To refrain from any transfer of property in the absence of the concerned parties, and to ensure the rule of law and independence of the judiciary. All measures relating to management of property rights must be temporary and suspended until a legitimate authority on a national scale takes over the issue of property records.

To countries supporting de facto forces in Syria:

- To work on establishing a legal accountability mechanism for the violations, to prevent their recurrence, and to compensate the victims.
- To help local parties separate civilian institutions from the military, and to provide assistance to secure people's access to their property and to documents guaranteeing their rights.



The Day After Organization would like to thank the experts who contributed to this research:

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Property-Related Measures in Areas Outside the Regime's Control