



FORMS AND WAYS OF RESTRAINING AND OBSTRUCTING PROPERTY RIGHTS FOR PALESTINIANS IN SYRIA

Policy paper



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Purpose and Objectives of the paper

Fears and concerns of Syrian Palestinians have been renewed, regarding the emergence of a steady approach by the Syrian regime, aiming at placing more restrictions and obstacles to exercising their right to property and housing in recent years, as judicial and real estate departments started to implement the resolution issued by the regime's head of government No. 1011 of 2022, related to defining the "non-Syrian" to whom the Foreigners Ownership Law issued by Law No. 11 of 2011 and its amendments applies. A non-Syrian is defined as "every natural or legal person who does not hold the nationality of the Syrian Arab Republic" and without excluding Palestinians residing in Syria, and thus they were included in the category of foreigners,

contrary to all applicable laws and regulations, which give them "the status of a Syrian citizen".

The resolution, in its amended version, holds a legal threat to the fate of the Palestinians' property rights, if the regime institutions concerned with its implementation continue to disregard calls for its withdrawal and revocation. These are calls made by human rights and civil circles among the Palestinians of Syria, warning that the resolution violates all laws that guarantee the rights of those they consider "having the status of a Syrian citizen," including essentially the right to own property.

In conjunction with that,

the aforementioned resolution brought to mind a number of laws and regulatory procedures that preceded this resolution, which had legal effects that affected the rights of displaced Palestinians in their homes and property. Meanwhile, the scene of massive destruction that affected many Palestinian camps in Syria was not forgotten, as compelling evidence of the targeting of Palestinian camps by erasure and deletion, in tandem with making it difficult for local displaced people to return to those camps, in light of the lack of a safe environment if they choose to return to their homes.

In this light, this paper aims to investigate the types of changes that affected the right to property for Palestinians, by presenting the context of the legal regulation of the refugees' conditions since they took refuge in Syria and focusing on the most important legislation and regulations that guaranteed for them the exercise of the right to property and housing according to certain conditions.

Then, the paper will look at the impact of subsequent regulatory and security laws and procedures, which imposed restrictions and obstacles under a legal cover, which, if applied, would lead to stripping the right to property of its legal value, contrary to the obligations of the host country to adhere to the rights of refugees enshrined in international laws, including the right to own property. To highlight the danger of such policies and procedures on the property and homes of absentees and displaced people, the paper will address the case of "Yarmouk Camp" as a real example of the waste of the rights and property of its displaced residents, by showing the danger of the zoning plan for the Yarmouk Camp issued on 29 June 2020, and the role of the opposing civil movements, which forced the Damascus Governorate to suspend it. However, the zoning plan remains a weapon threatening large groups, if it is going to be implemented in the coming period.

In summary, this review paper seeks, through its recommendations, to draw the attention of the international community institutions and all parties concerned with the Syrian issue, to the seriousness of violating the rights and property of Palestinian refugees and displaced persons, and the effects resulting from changing the urban and demographic identity of their camps, which were destroyed on a large scale. In addition, it aims at exerting political and legal pressure on the regime's government, to stop its detrimental approach of violating the property rights of Palestinian refugees, and coordinating the efforts of Palestinian and Syrian civil and human rights frameworks, to strengthen advocacy mechanisms and protect the property and housing rights of Palestinians in Syria.

Overview of the Context of Regulating the Status of Refugees

In 1948, the year of the Nakba, about 90,000 Palestinians took refuge in Syria, distributed among most of its main cities and many of its towns and villages. The majority lived within Syrian communities, and in places designated for them, such as khans, abandoned barracks, schools, mosques, and tents that were set up for them in different areas. Meanwhile, well-off families rented homes in the different cities and towns where they sought refuge. In the early years of the presence of Palestinian refugees in Syria, some ministerial resolutions were issued to facilitate their involvement in the labor market, such as Resolution 769 dated 22 November 1948, which allowed them to practice fishing in Syrian territorial waters; Resolution 940 dated 3 April 1949 on admitting them as temporary workers in state departments.

In line with this trend and with the aim of regulating their civil and humanitarian affairs, Legislative Decree issued by Law No. 450 of 1949 establishing the General Authority for Palestinian Arab Refugees as an official governmental body. The first article of the law stipulates that it is:

“A public institution with a legal personality that enjoys financial independence, and this institution was entrusted with the task of organizing the affairs and assistance of fellow Palestinian refugees, securing their needs, finding suitable jobs for them, and proposing measures to determine their conditions in the present and future.”

The Authority was affiliated with the Ministry of the Interior, then it became under the Ministry of Social Affairs and Labor since 1958. The law specified its tasks in organizing the “civil status” records of refugees, assisting them with food, clothing, and work, and accepting donations and grants allocated to them.

In the early years following the Nakba of 1948, the right to property for Palestinians in Syria was not one of the demands and concerns of those who lost their homes and property in their original homeland, while their hopes for an imminent return to their lost homeland were the obsession in their minds and dreams. In the winter of 1953,

while former President Adib Shishakli was touring the city of Damascus, the sight of tents lined up in the courtyard of the Alliance School drew his attention. He asked his companions why they were there, and he was told that families of Palestinian refugees live there. His comment was that “It is not acceptable for them to remain in this state, and they must be given lands on which to build their homes.” Indeed, several days after this incident, Shishakli issued Legislative Decree No. 6 of 1953, which stipulates,

“The Syrian Government will lease lands to the General Authority for Palestinian Refugees for a symbolic fee of one Syrian pound annually, and they will be allocated for housing Palestinian refugees.”

Based on that decree and during the subsequent years following its issuance, Palestinian camps were established in Syria, the largest of which was the Yarmouk camp, on lands leased for this purpose. However, the most important piece of legislation, which is the legal basis regulating the situation of refugees in Syria, was Law No. 260 dated 10 July 1956, which was issued by the Syrian Parliament during the era of President Shukri al-Quwatli.

Article one of the Decree stipulates: **“Palestinians residing on the territories of the Syrian Arab Republic, as of the date of this law, are to be treated as original Syrians in all that is stipulated in the applicable laws and regulations, and with the rights of employment, work, trade, and labor service, while retaining their original nationality,”**

with the exception of the right to run and vote for sovereign positions and local administrations. This exception did not upset Palestinian refugees, who are committed to preserving their original identity.

It is worth noting that the right to ownership was not explicitly stipulated among the rights specified by Law 260, but including the application of all laws and regulations in force to Palestinians residing in Syria, as explicitly stipulated, implies that the Palestinian’s right to own property must also be protected by law. However, in practice, the Palestinians exercise of their rights to own property sometimes showed different provisions and procedures in the processes of registering and disposing of sales, depending on the type of housing and real estate registration systems, and the differences in their degrees of guaranteeing property rights.

The difference in the application of property laws and regulations in this respect is due to the executive bodies and departments, in the context of their application of Law 260, being limited to Palestinian refugees who came to Syria in 1948, even though the language of the law was broad, and it was clear that it included all Palestinians residing in Syria. Whether those who resided as a result of asylum before the law was issued, or the waves of refugees that followed its issuance, and if the legislator’s intention was to include only those who took refuge in Syria in 1948. Had the legislature intended to include those who sought refuge in Syria in 1948 only, it would have explicitly stated that those who will reside in Syria after the date of its issuance will not benefit from it. As a result of this defect in the interpretation of the law by the authorities concerned with its implementation; in the stages following its issuance, the first wave of refugees benefited from the rights stipulated in Law 260, while other groups were relatively deprived of the law being applied to them, such as the case of the “Kurds of the Baggara and Ghannama” who took refuge in Syria several months after the law was issued in the same year, 1956.

Other groups were deprived of the majority of the rights contained therein, such as “refugees of 1967” and “refugees of Jordan of 1970”, both of whom were dealt with according to the type of documents they had with them. Those who held the Egyptian documents were treated as foreigners according to residency conditions, and those who held the Jordanian documents were treated as Arab citizens. In later stages, specifically after the 1990s and beyond, the Ministers of Interior successively issued lists of hundreds of the groups that were nominated by the Palestinian factions loyal to the regime to be exceptionally included in Law 260 as “gifts from the Government,” instead of correcting the legal injustice and applying the law to all groups that were deprived of the rights contained therein.

The irony, on the other hand, is that the Syrian opposition institutions, in the areas under their control in northern Syria, apply the same standards as the Syrian regime in dealing with the Palestinian refugees displaced there. The adopted ID cards issued by local councils in those areas are granted only to the Palestinian refugees who hold the temporary ID issued by the Ministry of Interior to those to whom Law 260 applies. Whereas those holding valid or expired Jordanian passports, or a civil registration from the Palestine Liberation Organization (PLO), are not granted these ID cards, and are in fact treated as foreigners, or as categories that are not legally well-defined.

Forms of ownership of Palestinian refugees

First:

lands of the General Authority for Palestinian Refugees, on which Palestinian camps were established in Syria. "Nimrah (i.e. number)" was the common name for each piece of land allocated to any Palestinian household. It is registered in the Authority's records in the name of the head of the household, and its records are treated as official records. Those documents are called "housing permits," and no buying or selling transactions are allowed to take place among refugees or others regarding those lands. Rather, it is permissible to carry out a waiver procedure among refugees who are entitled to a "residence permit" only, and it applies to the value of the rubble and works and not to the value of the land.

Second:

It is related to the lands of the real estate registry "the cadaster". Palestinian has the right, according to the laws in force, to own one dwelling designated for the personal residence of their households, provided that they obtain the approval of the Minister of the Interior, based on security clearances. This means that whoever has a "number/Nimra" registered in the records of the Authority of Refugees may not own another house duly registered in the "cadaster", or vice versa. Following the issuance of Resolution 1011 of 2022, the same conditions for foreigners' ownership became applicable to Palestinian refugees, with regard to their ownership of one residence that meets the conditions for registration in the real estate registry.

Third:

Third: Laws allow Palestinian refugees to acquire real estate rights, which can be registered as shares through powers of attorney or through judicial rulings, as stated in Legislative Decree No. 183 of 1969. Article 1a states: **“Non-Syrians from Arab countries may acquire real estate rights within the limits of the right granted to Syrians by their original country’s laws, provided that this acquisition is subject to a license issued by a decision of the Minister of the Interior. Paragraph b states:** “With regard to summer vacation areas and areas located within the boundaries of the municipalities of governorate centers, they have the right to acquire real estate rights therein without being bound by the aforementioned conditions of license and reciprocity, even if the acquisition is due to inheritance, transfer, or will.”

We can say that these legal and procedural terms of reference regulating the right of ownership of Palestinians in Syria have, for many decades, remained the framework regulating the limits and conditions for the refugees’ exercise of this right, even though, realistically, they have remained insufficient in keeping pace with the refugees’ integration in Syrian life, and the reasons for development in their social, economic and professional roles.

For example, professionals in scientific, industrial and commercial fields within the refugee community face legal restrictions in registering their properties that are not intended for personal residence in the real estate registry, because the applicable laws prevent a refugee from owning more than one property registered in the Authority’s records or in the real estate registry.

These restrictions were often circumvented by various means, including registering their other properties, such as “clinics, law and engineering offices, their commercial and industrial centers, etc.,” in the name of their wives if those wives were Syrian citizens, or simply using the notary’s power of attorney, and not completing the procedures for secreting the property and transferring its ownership to the “cadaster”. Some of the means also included resorting to the judiciary to obtain judicial rulings regarding their property in agricultural lands and informal settlements. There have also been cases of registering their property in the name of a person trusted by the real owner.

Restricting the Right to Property Under Legal Cover

A clear trend emerged in the Syrian regime, even before 2011, aiming to restrict the right to property, which is topic of this paper.

Laws and executive regulations have previously been issued, placing legal and procedural restrictions on Palestinian ownership, a clear example of which is Law No. 11 of 2008 on foreign ownership, which requires a Palestinian refugee to obtain prior security clearance, in order to record their ownership in the real estate registry, which also applies to judicial rulings and the notary's powers of attorney as well.

In addition to the difficult conditions set by the law for Palestinian ownership, such as the requirement that the property be within the zoning plan, and that its area not be less than 200 square meters." The amendment made to this law in 2011, reducing the area of the property to 140 square meters, did not change the harshness of these conditions which effectively deprive the majority of refugees of their right to own property,

and even move them from the position of having a status similar to a Syrian citizen, to the position of having the status of a "foreigner".

This transformation, and its serious legal implications, reveal a tendency by regime's governments, at least since that period, to restrict the right to property for Palestinians, as one of their basic civil rights. The restrictions on other basic rights, such as the right to employment and movement, were reflected in the instability of the legal status of refugees in Syria, especially during periods of conflict. Regime's governments resorted to pragmatic policies to contain voices rejecting these unfair policies, as was the case in amending the executive regulations of the law of Foreigners Ownership of 2011, after a wave of great criticism of it.

The head of the regime's government issued Resolution No. 2484 of 2013, according to which Palestinians who have the status of "Syrian citizens" in accordance with the provisions of Law 260 of 1956 were excluded from the provisions of the Foreigner Ownership Law.

Thus, restrictions were removed with regard to real estate rights applied to "non-Syrians," such as judicial rulings and notary's powers of attorney.

However, the conditions for registration contained in the same law regarding ownership in the real estate registry remained applied to them.

In the stages that followed the outbreak of the Syrian revolution, the properties and housing of refugees in many of the camps and places they lived in were subjected to widespread destruction in the context of systematic violations committed by regime forces, which were closely related to the displacements and demographic change, which specifically targeted the camps that had previously been controlled by opposition factions.

The tragedy of the Yarmouk camp, 85% of which was subjected to complete or partial destruction during the years of war,

including homes, infrastructure and services, constitutes one example of the blatant violation of the Housing, Land and Property (HLP) rights of Palestinians. This is evident in the types of deliberate destruction that befell other refugee camps such as in the camps of Daraa, Sbeineh, Khan al-Shih, al-Raml al-Falastini, and Handarat. The most dangerous threat to the homes and property of refugees was not limited to the extent of destruction resulting from the regime's war on the Palestinian camps, with the participation of its Iranian and Russian allies; rather this was clearly demonstrated by the regime's governments issuing a package of real estate laws and decrees, which had a significant impact in wasting the rights and property of Syrians and those "of their status" including, in terms of its seriousness, Law No. 10 of 2018, which granted administrative units the authority to create new zoning areas, including areas both inside and outside urban zoning plans.

It was designed without any guarantees to protect the property of refugees and absentees, as a tool to cover up the theft of their property and homes, and to legitimize changing the identity of places that were subjected to destruction and displacement, including erasing the peculiar character of Palestinian camps.

The Role of Zoning Plans in Changing the Camps Identity

“Yarmouk Camp case study”

Yarmouk Camp is located south of Damascus, and it is the largest Palestinian camps and residential places in Syria. It was established in the mid-1950s, on land belonging to the city of Damascus, when the Syrian Government at the time established, by leasing it to the General Authority for the Palestine Refugees, an official body affiliated with the Government, which in its turn distributed this land into “houses” designated for housing refugee families. As a result of the increasing population of the camp, and the tendency of Syrian families to live in it, the camp expanded in the decades that followed its establishment, from both western and southern sides. Its population at the beginning of 2011 were approximately 400 thousand people, the majority of whom were Palestinian refugees. During the conflict in Syria, the camp was subjected to aerial bombing by the Syrian regime at the end of 2012, which led to the displacement of a large percentage of its population, while thousands of civilians, who did not leave their homes in the camp,

suffered from an unjust siege imposed on them by the regime forces with the participation of Palestinian militias. The siege 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 turned out that the goal of that attack was to destroy large parts of the camp, from which ISIS left in agreement with the regime, and to displace the remaining besieged camp residents to northern Syria, until the camp became empty of its residents. Later, Damascus Governorate issued the “General Zoning Plan for the Yarmouk Region” No. 298/3 dated 29 June 2020, in accordance with Law No. 23 of 2015. The plan revealed the regime’s intentions to change the camp’s demographic identity and erase its national peculiarity. The risk of this plan lies in its violation of the real estate rights acquired by the residents of Yarmouk camp. This violation is perpetrated through the following data and facts:

First:

The new zoning plan ignored the urban realities of the camp, as it was a single real estate unit under the jurisdiction of the city of Damascus, according to the camp's zoning plan issued and duly certified in 2004, which defines the old camp and the camp's expansion areas in the west and south of Yarmouk Camp as one real estate area, which includes all neighborhoods and alleys of the Camp with their names mentioned in the 2004 plan.

Most of those names are names of Palestinian cities and villages from which the camp's residents took refuge following the 1948 Nakba. The new plan clearly denies these existing urban realities, and instead of working to consolidate them in a way that preserves the camp's identity, as a special community for Palestinian refugees – whose demographic peculiarity is not changed by the presence of Syrian citizens living there with their Palestinian brothers – the new plan aims to erase those established facts, in an unfair and arbitrary manner, and prevent its reconstruction according to the old plan, which precisely describes the general map of the camp; maps of the zoning and the construction licenses and police in the municipality; and the borders separating it from the nearby Syrian neighborhoods.

Second:

There is a clear effort, according to the new plan, to remove the camp's status, and replace its name with "the Yarmouk area," in a not-so-innocent step that coincides, in more detail, with the plan setting new names for the camp's neighborhoods. Since the plan includes the entire area of the camp spread over 220 hectares, it divides the area into three regions (with major damages: 93 hectares – medium damages: 48 hectares – light damages: 79 hectares). Having the two regions of large and medium damages included in the re-zoning plan necessarily means fragmenting the real estate unit of the camp, in conjunction with removing over %60 of the camp's lands and converting them, according to the plan, to residential towers, commercial markets and public parks. It is noted that there is an operation of misinformation and disinformation regarding the plan to secure the return of %40 of the camp's residents to their homes located in the lightly damaged area. Placing this area within the implementation of the third phase of the plan, which will take many years, most likely more than fifteen years for the three phases, is an implied message to the locals of the camp who are still inside Syria, so that they should look for alternatives to permanent housing outside the camp and perhaps outside Syria. It is worth noting that a large percentage of the population of the lightly damaged area has left Syria due to the displacements in the past years.

Third:

The new plan, regarding housing, and compensation for owners of property included in the re-zoning plan, relies on Decree No. 5 of 1982, which limits compensation to the area of construction, not to the buildings and facilities built on the land, and distributes it into shares among the owners. It is important to note the extent of injustice against the owners in the areas subject to re-zoning, as the compensation percentage will be less than a quarter of the value of the property with the price differences and the extreme inflation of the Syrian pound, and the compensation that is calculated by values way lower than the real value of the property, the compensation may not exceed %10 of the value of the property at best. In addition to the requirement to purchase number of shares covering the value of the property, which will be up to three times higher than the specified compensation, if the person entitled to compensation wants to purchase a home, in the same real estate that he lived in before the zoning. This will prompt real estate companies, major speculators and brokers to exploit these conditions to push people to sell their properties in their current condition. Recently, as people lost any hope in rebuilding the camp, and with the living and security pressures on the remaining displaced people of the camp,

causing more of them leave Syria, there has been an increase in the sale of absentees' properties at low prices, through brokerage networks in which real estate dealers, lawyers, and intermediaries are taking part.

Fourth:

There is a close connection between the restrictions imposed by The Urban Planning Law No. 10 of 2018 on the procedures for proving real estate ownership for Syrians and those of similar status, and the new plan for the Yarmouk camp. This connection is evident in depriving large groups of locals displaced from the Yarmouk camp of their ability to prove their real estate ownership, due to the security requirements set by Law No. (10), especially for those opposing the regime, and also due to the lack of a safe environment for those who wish to return, especially since nearly half of the camp's Palestinian residents are now outside Syria. In addition, the security restrictions on those who stayed in the neighborhoods of Yalda, Babbila, and Beit Sahn, adjacent to the camp, reveals the extent of the pressures and obstacles put in place to evacuate the camp of its residents. Obstacles and difficulties increased to a level that prevents a large group of refugees and displaced persons from disposing of their property.

Fifth:

The new zoning plan legitimizes seizure of the property of displaced people, which were subjected to destruction, looting and theft by regime forces deployed in the camp. This is a clear violation of Article 15 of the Syrian Constitution of 2012, which stipulates: "Private property, whether collective or individual, shall be protected." It is also a violation of Article 17 of the Universal Declaration of Human Rights, which stipulates: "Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property." The right of refugees and displaced persons to restore their property is an independent right by itself in accordance with the Pinheiro Principles adopted by the United Nations Subcommittee on the Protection and Promotion of Human Rights in 2005, which states that "states shall prohibit forced eviction, demolition of houses and destruction of agricultural areas, and the arbitrary confiscation or expropriation of land as a punitive measure or as a means or method of war." because everyone has the right to the peaceful enjoyment of their property and to live in adequate housing.

In light of such serious risks that the plan poses to the identity of the camp, and to the rights and property of its locals, its issuance was met with angry reactions from its Palestinian and Syrian residents alike. This explains the volume of objections that were submitted to the plan within the legal deadline of 30 days after its issuance, which amounted to the largest number of objections to a zoning plan ever produced in the history of Syria, according to the statement of the official of the Planning and Urban Development Department in Damascus Governorate. Damascus Governorate, which pre-empted the issuance of the new plan by canceling the local committee for the Yarmouk camp and attaching it administratively to its Services Department, opted for announcing that implementation would be deferred rather than retracted completely. In this context, we recall the fears that residents of Daraa Camp had when the city governor announced in October 2018, that Daraa Camp would be re-zoned due to the massive destruction it underwent, which exceeds %80 of its homes and dwellings, and that a modern city would be built instead. It is not unlikely, then, that the regime will use re-zoning plans of Palestinian camps that were subjected to widespread or partial destruction, as a means aimed at expropriating their property, restricting the right to dispose of them, and completely changing their urban and demographic character.

The Dangers of Resolution 1011 on the Right to Property

Obviously, the real estate policies adopted by the regime regarding the Palestinian camps during the war reveal its intention to destroy a large percentage of their property and homes, making it impossible as a result for property owners to exercise their rights therein. To eliminate any hope for their owners in returning to their areas of residence, the regime, in addition to security restrictions, imposed real estate laws and procedures, not only wasting the legal guarantees to protect the right to ownership, but also changing the identity of the place, in tandem with changing the legal status of its real owners.

It was no coincidence, or just a simple violation of a legal provision, that the regime issued a resolution repealing all previous laws and resolutions, guaranteeing the right to property for Palestinians in Syria, and regulating how they acquire real estate rights.

The head of the regime's government issued Resolution 1011 dated 8 June 2022, according to which paragraph B of Article 1 of Resolution 1555 dated 12 September 2021 was amended, relating to the executive regulations of Law 11 of 2011 and amendments thereof to become as follows: "The term non-Syrian means: any natural or legal person who does not hold the nationality of the Syrian Arab Republic." With this resolution, Palestinians started to have foreigners status, and are treated as foreigners. The result will be that Palestinians will not be allowed to register any property through the judicial departments, by "court ruling" or through a "notary public" unless after obtaining security clearance. This resolution effectively means that Palestinians are prevented from their right to buy, sell or dispose of real estate in any way. This also applies to the conditions of their ownership of a property within the zoning plan, just as the case is for foreigners.

Furthermore, a Palestinian who owns a home or property according to a judicial ruling or a notary's power or attorney can no longer sell to a fellow Palestinian.

Rather, he/she can only sell to a Syrian citizen, and accordingly, they cannot transfer their real estate documented by virtue of a judicial ruling or a notary's power of attorney to their heirs. Although the resolution was issued over a year ago, the regime's government was reluctant to implement it for certain intentions. When judicial circuits, notary public offices, and the Real Estate Registry began actually implementing it in the late 2023, Palestinian civil and human rights voices rejecting it began to grow louder,

demanding repealing the resolution due to its serious legal implications. The response of the head of the regime's government to the legal memorandum demanding the amendment of Resolution 1011 issued by him came in a registered letter No. 1/18008, dated 25 December 2023, relying on the refusal of the Ministry of the Interior to approve requests to exclude Palestinians from the definition of "non-Syrians" which is referred to in the latter's letter No. 769/4/2 dated 21 December 2023.

So the Prime Minister, in his response, literally considered that "the amendment request conflicts with the laws and regulations in force, and the executive regulations of the Foreign Ownership Law No. 11 of 2011 do not include having any additional rights or revoking existing rights."

This response did not address the legal problem raised by the memorandum, as much as it revealed a clear evasion of correcting the major flaw in Resolution 1011. It also added to that by placing contradictory language in the context of justifying his letter rejecting the amendment. So how can the claim that the executive regulations “do not include having any additional rights or revoking existing rights” be true, while in reality, if applied to Palestinian residents, they will lead to revoking acquired and existing rights for them, the most important of which is their inability to register any real estate right under a judicial ruling or a notary’s power of attorney. The letter’s reference to Law 260 of 1956 will not change this fact, and even if the government makes directives to judicial and notary departments to exclude Palestinians from the provisions of the Foreign Ownership Law, this does not constitute any legal guarantee for their rights, as long as Resolution 1011 is not amended.

The resolution takes precedence over any verbal directive, and there are precedents for this type of “legal trickery” that Assad’s governments used to resort to for reasons of political or security nature.

For example, when several thousand Palestinians from Iraq fled on the eve of the American invasion of Iraq in 2003, a resolution was issued by the Minister of the Interior to allow them to enter Syrian territory at that time, but practically, they were put in desert camps on the Syrian-Iraqi border, such as al-Hawl and al-Tanf. Those who entered Syrian territory were imprisoned on charges of crossing the border illegally.

It is needless to say that the transformations that have occurred in the right of Palestinian to ownership show the size of huge gap that has deepened in recent years, as a result of the abandonment of legal responsibility to guarantee the basic rights of refugees by the Syrian regime’s governments. It is likely that obstructing the right of Palestinians to own property and acquire real estate rights will become the norm in dealing with them if this resolution continues to be enforced, which constitutes a clear violation of all legislation that made them hold the status of Syrian citizens, and a tool to deprive them of their right to property and housing.

The Danger of Resolution 1011 on Property of the Displaced and the Disappeared

There are many legal repercussions and effects of Resolution 1011 on the HLP rights of the displaced and disappeared Palestinians, due to what will result from changing their legal status based on the aforementioned resolution, from treating them as having “the status of Syrian citizens” to treating them as “foreigners.” The extent of the harm that will be caused to the rights of this group of Palestinian refugees can be estimated, which will include those who had to leave Syria during the conflict, whose numbers have exceeded, according to reliable sources, 250 thousand refugees, who have gone abroad out of approximately 560 thousand refugees residing in Syria, according to Mid-2015 statistics. This resolution will also affect the owners of property and real estate rights who are missing and disappeared in the prisons of the Syrian regime, whose numbers have reached 3,076 detainees and forcibly disappeared persons.

Their property will be subjected to the risk of loss and confiscation, and to difficulties and complications affecting their inheritance transactions.

Many investigative reports on violations of HLP rights of Palestinian refugees confirm that the episodes of restricting and obstructing the disposal of the property of the displaced and the disappeared effectively began with the issuance of Law 10 of 2018, which played a major role in enabling the regime's institutions to plunder and confiscate the property of those who do not prove their property within the deadline specified by law. In addition, the law itself deprives the groups of missing and forcibly disappeared persons of submitting requests of proving ownership themselves, or appointing a legally recognized representative. After the issuance of Resolution 1011, the decision's risks on the rights of these groups can be seen in the following aspects:

First:

Property owners who are displaced Palestinian refugees, after they became “foreigners” according to the last resolution, will not be able to the fully legal disposal of their property and real estate by their own free will, whether those registered under attorney’s power of attorney, judicial rulings, or purchase and sale contracts certified by the Ministry of Finance. Those Palestinians have the right to sell their real estate and acquired real estate rights only to a Syrian citizen. An exception to this is made for those who have a “residence permit” within the registry of the General Authority for Palestinian Refugees, so they have the right to transfer it to another Palestinian refugee who is entitled to be designated a housing in the Authority’s registry. An exception is also made for those who have a property with a “green tapu” (green title deed), as they have the right to sell it to any foreigner, including Palestinians who became foreigners according to the resolution, within the conditions stipulated in the Foreigners’ Ownership Law.

Second:

Anyone with real estate rights acquired pursuant to notary’s powers of attorney, judicial rulings, or sales contracts certified by the Ministry of Finance may not transfer their property and acquired rights to their legal heirs,

or bequeathed them to another Palestinian. If the owner die before he/she sells it to a Syrian citizen, the Palestinian refugee’s property will then be transferred to the endowment authorities.

Third:

The missing and forcibly disappeared in regime's prisons are not only unable to dispose of their property and real estate rights, due to restricting their freedom and the fact that their fate is unknown, but the implementation of the resolution will also lead their properties, whether registered with notary's power of attorney, judicial rulings, or sales contracts certified by the Ministry of Finance, to be transferred to the Endowments Directorates in case the missing person is determined to be dead. The Syrian Personal Status Law, which regulates the conditions of missing persons, stipulates in Article 205 that: **“The state of being missing shall end when the missing person is back, dead or is determined to be dead when he becomes 80 years old, if the disappearance was not due to military operations. If the disappearance was due to military operations or similar situations in which it is more likely for the missing person to be dead, then the missing person can be determined to be dead four years after the date of going missing.”**

Fourth:

This resolution will result in more frustration and despair among the displaced, due to the additional restrictions imposed on their right to dispose of their property.

As a large part of the properties and housing of refugees in the Palestinian camps were subjected to widespread destruction – as we saw in the case of the Yarmouk camp – and given the security restrictions that prevent the return of large numbers of displaced people to their homes, this resolution will have a dangerous role in activating real estate brokerage networks, which will exploit the restrictions imposed by the resolution, to push owners to sell them at prices way lower than their actual value, which is the other side of plundering and looting their property.

It has been noted recently that brokers working in the real estate business in the Yarmouk camp have contacted opponents of the Syrian regime residing in Europe, offering them to sell their properties at very low prices, and to take advantage of this opportunity before they lose their properties to seizure or confiscation or by being unable to dispose of them.

Parties concerned in and monitoring property issues in Syria realize that the operations of looting and plundering of property, which included large areas of Syria during the war, were not at all separate from clear political and demographic goals, which affected Palestinian camps and property, by stripping owners of their property as a vulnerable group, through a number of executive resolutions and procedures that unprecedentedly made all previous laws guaranteeing their rights hollow. This paper sought to investigate the levels of violation of Palestinian HLP rights, as a result of their destruction, vandalism, and the displacement of their owners, following the military actions of the regime forces and their allies, or through the unfair real estate policies, including resolution 1011, that lead to the erosion of the right to ownership, with the aim of dismantling and exhausting all remaining elements and components of the Palestinian presence in Syria.

Recommendations:

1 Since the problems of property and houses belonging to Palestinian refugees in Syria are an integral part of the problems and challenges of the property and housing rights of Syrian citizens, this paper serves as a legal and procedural briefing, to draw attention and interest of all groups defending HLP rights of those affected by HLP violations, to provide them with an updated knowledge of laws and procedures, the latest of which is Resolution (1011), which shows the seriousness of the real estate policies pursued by the regime against Palestinian refugees, and the displaced and disappeared among them. It seeks to show how to mobilize advocacy campaigns in cooperation between Palestinian and Syrian civil and human rights institutions, to defend owners who are affected.

2 Informing international bodies concerned with the Syrian issue, and violations of HLP rights about the seriousness of Resolution (1011), and the unfair real estate policies pursued by the regime against Palestinian refugees, urging them to exert legal and civil pressure to force the regime to retract them, stop its stark violations of International Humanitarian Law and the Pinheiro Principles, and even its violation to the Syrian Constitution of 2012, which emphasizes the preservation of individual and collective private property.

3 Recommendation to Palestinian civil and human rights institutions to establish a special center that will document title deeds and proofs of the properties of displaced and disappeared Palestinian refugees, to preserve their rights, protect those documents from damage, and use them in later stages when the paths of transitional justice related to the restitutions and compensation are opened.

4 Raising awareness of property owners who are displaced refugees about the attempts of brokerage networks to exploit their inability to dispose of their property, with the aim of pushing them to sell their property at low and nominal prices. Drawing their attention to the importance of preserving their right to demand the revocation of any regulatory or administrative measure that violates their rights, such as zoning plans or resolutions that restrict or impede their freedom to dispose of their property.

5 Focus the efforts of advocacy campaigns for those affected by violations to HLP rights, on implementing the right to property for Palestinian refugees, as an acquired right according to Syrian laws, and adhering to their legal status determined by Law No. 260 of 1956, so that the same rights Syrian citizens have apply to them.

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