



Violating the HLP Rights Post the Trilogy (Siege - Destruction - Displacement)

A study of violation patterns of HLP rights across seven areas whose populations were displaced and the regime regained control over



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THE DAY AFTER
Supporting Democratic Transition In Syria

Violating the HLP Rights Post the Trilogy (Siege - Destruction - Displacement)

A study of violation patterns of HLP rights across seven areas whose populations were displaced and the regime regained control over

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The Day After Association (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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Executive summary

Part 1: Purpose of the Study – Methodology – Legal Framework

I. Purpose and Methodology

The issue of HLP rights in Syria received great attention following the passing of Law No. 10 of 2018. The risk contained in this law on real estate ownership shed light on the overall successive procedures, decisions and legislation that violate property and housing rights, which have been observed in many studies and research that analyze the real estate legislative structure in Syria.

However, violations of property and housing rights are not necessarily contained in explicit laws and decisions, whether in terms of their violation of these rights and their failure to recognize them, or in terms of their compatibility with the Constitution that protected property, the relevant domestic and international legislation, and human rights in general.

In the Syrian case, there is a wide spectrum of different practices, in their nature and direct and indirect actors, which extend from deprivation of the right to housing, to wiping entire residential complexes out of existence. The list of direct perpetrators of these violations includes formations of the army, especially the Fourth Division and the Republican Guard; security agencies, especially Air Force Intelligence and Military Security. It also includes a number of militias that mostly have sectarian composition, which differ from one region to another. There are other indirect actors that include administrative and legislative institutions, and local institutions such as municipalities and city councils, and central ones such as ministries, the People's Assembly and the Presidency, in addition to networks of private institutions and individuals linked to the regime.

While the military arms of the regime commit violations in the direct procedural sense, the legislative and administrative institutions provide a cover and give legitimacy for these procedures through laws, decisions, zoning scheme and other means. This type of

integration between the practices of the regime's military and administrative institutions further complicates the situation for any attempts to dismantle the issue of HLP rights in Syria. While all information about the practices of the regime's military agencies, which have the largest role in violations, are absent, legislative and administrative institutions are the ones visible in the public sphere, whose laws, decisions, and projects become almost the only subject for the work of researchers and observers. Thus, the fact that legislative and administrative institutions are nothing but a cover that implements an agenda drawn up elsewhere, is usually ignored.

The matter becomes more serious in informal settlement areas that are not officially registered in the real estate registry, which constituted 40% of the total housing in the country, included more than half of the population of the main cities, and witnessed the most intense and bloody episodes of the conflict, the destruction of property and the displacement of residents, as they were considered strongholds of the opposition forces and a hotbed for protests.

In addition to retaliation against the constituency of protests by displacing locals and seizing their property, the regime sees it as an opportunity to carry out a zoning improvement operation with political purposes that can reshape the reality of post-conflict Syria in favor of capitalists close to the regime at the expense of the rights of local residents, in addition to changing the demographic structure in the regions that witnessed protests.

This is of special importance due to the fact that today we face the largest wealth distribution process in Syria, since the agrarian reform in 1958. At that time, the government redistributed about 42% of agrarian lands to farmers, and today the redistribution may affect a similar percentage of the lands and real estate of the largest Syrian cities, but this time for the benefit of networks connected to the regime, and at the expense of the poorest and most marginalized groups of society and those most affected by the conflict. In addition, this will have long-term economic and developmental impact resulting from the current redistribution of wealth, if completed, and it will be accompanied with redrawing of the urban, social and economic fabric in Syrian cities.

Despite theoretical studies, there are no field studies that examine the reality of practices, patterns of violations, and their impact. To form a deeper understanding of the areas that witnessed destruction and displacement of their populations and violations of HLP rights, this study presents a different approach, which is not limited to legal analysis, or studying a specific area, or a specific pattern of violations, but rather a combination of all of the above through investigating practices that HLP rights, in seven informal settlement areas, in five Syrian governorates, as follows:

Damascus Governorate (Jobar - al-Tadamon Neighborhoods)

Damascus Countryside Governorate (Darayya city)

Aleppo Governorate (Jabal Badro Neighborhood)

Homs Governorate (Baba Amr Neighborhood, al-Qusayr city)

Daraa Governorate (al-Mukhayyam Neighborhood)

These are all areas that were controlled by the opposition at some point in the course of the conflict, then the regime regained control over them through military operations. These areas were identified after a series of discussions conducted by The Day After with Syrian experts in real estate affairs and observers of developments on the ground inside the country.

The case studies of the seven regions were guided by several sub-questions as follows:

What is the general context in which the study regions were formed and how did they develop during the conflict?

What is the real estate structure that characterizes each region in terms of the nature of land ownership and its different legal statuses?

Finally, what are the most prominent practices affecting HLP rights that have been issued by the regime since the outbreak of the conflict until now? Who are the parties responsible for them? The extent of prevalence of each of them. How can these practices be classified as patterns of violation?

The overarching belief of the study is that a systematic investigation of practices in seven different areas will enable us to draw a more comprehensive and organized picture of the violations affecting rights, and to understand the mechanisms pursued by the regime in terms of informal settlement areas in the country in a more realistic way. This shall put us in a better position to confront these violations and perhaps mitigate their effects.

The objective of this effort is first to shed light on informal settlement areas in Syria, which have been hidden behind a thick curtain of secrecy since the regime forces regained control over them, and it has become difficult to know what is going on in those areas. The second objective is to understand the policy dimension of the regime's practices towards those areas, i.e. what is the regime really trying to do?

The third objective is to push for a reconsideration of our concept of what violations of HLP rights are in the context of the Syrian conflict, in the context of the fragility of the real estate ownership system in Syria, which has been greatly exacerbated by the conflict.

Any practice that appears to be safe in a normal context, such as providing assistance to an internally displaced person, for example, may constitute a violation, if that displaced person is living in the home of another person who was previously displaced. The reality is that the vicinity of Damascus, Aleppo and other Syrian cities is crowded with homes where it is difficult to verify their respective rights holders. This puts humanitarian and development organizations in the face of a difficult challenge, every time they plan an intervention or launch a response.

There is a need to reconsider our understanding of what violations of HLP rights are, and to shift from a purely legal perspective of textbook violations, to a more comprehensive perspective that is informed by reality and can accommodate several classifications, to face that situation.

Our study attempts to contribute to filling this theoretical gap and proposes a preliminary classification of these practices within a smaller number of types of violations of HLP rights, which contributes to better clarifying the complex map of violations of property and housing rights in the study areas.

Methodologically, a team of local field researchers from the targeted regions, along with a central team, worked on the seven regions simultaneously and interconnectedly according to a methodology that used in-depth interviews with experts and rights holders, and a survey aimed at monitoring and documenting the violations committed against a sample of properties in each region. In addition, there has been extensive use of open source information, such as satellite imagery, social media, and literature.

II. Legal Framework

The second part of this study is concerned with examining violations of HLP rights in each of the study areas independently identifying the practices, measures, laws and zoning plans applied in each of them. The legal framework, however, offers a more comprehensive overview which applies to all study areas. It outlines the legal landscape which governs informal settlement areas through analyzing the real estate regulatory system in order to provide a clearer picture on how this system has been the primary cause for the emergence of informal settlement areas and examining the legislative approach which reflects the general policy of the state towards these areas and the authority's approach to addressing the situation of informal settlement areas. Zoning emerges as a key tool thereof. It further examines the risks of implementing the existing zoning laws on those areas and how the regime, unable to implement zoning due to extremely high costs with restrictions on reconstruction before a political solution, has used the laws on debris removal and requirements of a security clearance to dispose with real estate and the demolition of property, preventing return of residents or disposing with their properties and the role of new zoning plans in this landscape.

The role of legislative environment in the emergence of informal settlements

In a mission to Syria in 2007, within the framework of the Municipal Administration Modernization project (MAM) between the European Union and the Syrian government, a review of urban planning laws and regulatory framework was carried out. The study found

that the urban planning regulations made it inevitable for informal settlements to emerge.

The surge of urban planning in major cities utilized expropriation as the main tool for planning based on the Urban Expansion Law 60 of 1979 and the Expropriation Law 20 of 1982. Hence, the administration would expropriate the expansion areas and owners would be compensated based on prices of agricultural land use. The inevitable impact for this approach was that owners would, as soon as they learn their lands were part of expansion plans, divide the land into small parcels which they sell for informal settlement areas through which they get a better deal compared to compensation of expropriation.

Legislative policy

One form of translating a state's public policy towards informal settlement areas is legislative policies based on which laws are issued. The laws addressing informal settlement areas must aim at preserving rights and rectifying legal positions. Further, zoning laws must aim at maintaining the urban identity of cities and applying modern urban planning methods so as to preserve private property which shall remain intact except to the extent necessitated by the zoning process.

Sound legislative drafting requires clarity which would preclude interpretation beyond or contrary to the intended connotation. It must also avoid complexity and conflicting with existing legislations which must be consistent and in tandem with one another so as to fulfil their goals.

This section offers a minute analysis of successive relevant laws and attempts to understand the goal of the makers of the state's public policies and how far the legislative policy serves that goal and is consistent with sound legislative drafting.

This undertaking reveals a state of legislative turmoil as several pieces of legislation are issued to address the same issue including general and exceptional laws and including laws whose implementation is disregarded despite being in force. The administration provides several laws addressing the same matter differently and leading to different outcomes. It is as though the legislative policy does not reflect a single overarching state policy towards

those areas, rather several policies within a complex and conflicting legislative setting designed to mislead concerned parties.

Outcomes of applying existing laws to informal settlement areas

This part of the study is concerned with reviewing and analyzing laws governing the situation of informal settlement areas to identify the choices made by the administration in making the laws and the results of each choice and when the administration is entitled to zone a specific area and how some of these laws have explicitly allowed an area which has already be zoned to be re-zoned and the ensuing injustice incurred by real estate owners should their properties be subject to partial expropriation more than once.

Should the administration decide to zone informal settlements, this section shows that those laws are flawed and entail risks for HLP rights in terms of tight deadlines given for right holders to disclose their rights and change the philosophy of partial expropriation and its extent and how they disregard the value of illegal buildings in the evaluation of the rights of owners in the area. Their ownership is not considered final and is referred to the dispute resolution committees and owners of those housing areas would only be entitled to the debris of their buildings and a two-year rental benefit. At best, they are given alternative housing using the surplus available with the administrative unit.

Finally, the legal framework tackles the risks of the introduction of completely new zoning plans and how the regime has been using the debris removal law to demolish houses and prevent residents from returning thereto. In addition, it discussed the impact of the restriction imposed by the regime necessitating security clearance before disposing with real estate which effectively strips the owner of some elements of their ownership rights guaranteed by law.

Part 2: Case Studies

1. The Case of Jobar: The Neighborhood that had almost nothing left

The story of Jobar is linked to the story of urban planning in the city of Damascus, since the old town of Jobar became an eastern neighborhood of the capital city of Damascus. The neighborhood's mixed real estate composition which includes an old town, zoned areas beset with violating constructions, and informal gatherings of settlements, making it one of the most complex case studies. Jobar is another embodiment of the failure of urban planning policies in Syria throughout the years before the conflict. The neighborhood developed urbanly in a very different way from the original plan, but Jobar cannot be viewed just as an informal settlement area. Rather, the majority of the neighborhood's real estate is located within the zoned area and has records in the Damascus Directorate of Cadastral Affairs. Indeed, the neighborhood was an important economic center whose sources of income varied between industry, trade, crafts, and agriculture.

The research team was able to monitor six recurring patterns of practices that affect HLP rights of locals of Jobar:

1. Violations as a result of the devastating military operations that continued over five years and destroyed large parts of the neighborhood.
2. Looting, starting with looting the contents of buildings all the way to the complete removal and selling of the remaining iron and debris.
3. Preventing residents' access to their property by closing the neighborhood and considering it a military zone to date.
4. Preventing the disposal of real estate and supporting specific networks of merchants linked to the regime.
5. Blackmailing rights holders and buying property at low prices by merchants linked to the regime's agencies.

6. The re-zoning of Jobar as a multi-faceted violation that aims at erasing previous problems in the neighborhood as the regime hopes.

While the regime claims that its competent committees are still reviewing the objections of rights holders in Jobar to its ambiguous zoning plan, which was posted for one month within the Governorate building, its forces continue to loot the remaining wealth left by the displaced residents from the closed neighborhood, including reinforced iron inside the buildings to the debris of the buildings, and transporting them to recycling centers. By doing this, the regime is uprooting the old residents of Jobar by removing any trace of their homes, looting and selling materials worth millions in order to supply its military and security forces with resources, while paving the way for valuable land for its current and prospective local and international investors and economic partners. In the face of this gross injustice, we found that a network of activists hailing from Jobar, which includes lawyers, engineers, former government employees, and other rights holders, show resistance to the regime's practices, with the means available to them of monitoring and documentation, media pressure, and through seeking international institutions. This network maintains active contact with locals of Jobar in diaspora.

Finally, regarding early recovery activities and the fact that most of the neighborhood is uninhabited, the quick survey we conducted in Jobar did not reveal many of such activities. Perhaps the most important event in this context was the rehabilitation of the water pumping station in Jobar, which also pumps water to areas in Damascus and Eastern Ghouta. Information available indicates that government ministries participated with unnamed international organizations in the rehabilitation process. While the photos show a number of regime government officials at the opening event inaugurating a monument that reads "Under the auspices of President Bashar al-Assad..." there was no appearance of the aforementioned cooperating international organizations. The rehabilitation of the Jobar water pumping station probably does not constitute a direct violation of the rights of the residents, but the way in which the regime politically exploited the station rehabilitation project, and allowed it to take control of it to the point of printing the picture of president al-Assad on the sign at the station's entrance, makes the international assistance granted

to the Jobar water station far from a neutral act towards the conflict and rights.

2. The Case of al-Tadamon: Home of the Marginalized which Turned to their Carnage

Al-Tadamon neighborhood has often been described as a miniature Syria due to the diversity of its residents' religious, ethnic, and regional backgrounds. Another aspect of the analogy between Syria and al-Tadamon is valid; the latter also imploded with the outbreak of the conflict, and its sectarian dimension became more apparent in al-Tadamon neighborhood. Actually the presence of the different denominational identities as coexisting rather than integrated identities was clear in the urban structure of the neighborhood and the names of its alleys that are locally used, such as the Turkmen neighborhood, the Shawam [Damascenes] neighborhood, and the Alawite neighborhoods. etc. The neighborhood was divided into two parts and one part was used against the other, therefore the loss of life and property was more severe in al-Tadamon than in other places.

The research team was able to monitor six forms of practices that affect HLP rights in al-Tadamon:

1. The violations begin with the displacement of residents opposing the regime through intimidation and harassment first, then with bombing and military operations, and with direct forced displacement later. These displacements changed the demographics of the neighborhood.
2. The destruction of homes constituted the second violation practiced on a large scale and in several stages in al-Tadamon. The largest percentage of destruction resulted from booby-trapping and bulldozing of homes by regime forces rather than from bombing and military operations.
3. Looting stealing also extended to the entire southern part of the neighborhood, which the regime regained control of in 2018. We noticed that in many areas of the neighborhood looting reached even the removal of intact roofs of houses and the removal of iron from them. The Fourth Division and the National Defense militias are the main parties

involved in these operations.

4. The regime is still preventing and obstructing the return of displaced residents to the neighborhood, even after over five years of regaining control of the neighborhood. Residents displaced from specific parts of South of al-Tadamon are only allowed to return so far. Even for the displaced people of the neighborhood who live in Damascus and its environs, their return is an unattainable hope. The regime imposed security clearances for return, followed by presenting a property ownership document in a neighborhood in which 8590%- of its properties are informal. Then, there is the restoration approval and a series of long and expensive undertakings and procedures. As for those residing outside Syria or outside regime-controlled areas in Syria, their return under these requirements is almost impossible.
5. Seizing intact properties, then disposing of them for rent and sale, appear to be prevalent in al-Tadamon neighborhood, and the actor most involved in such practice is the local National Defense militias, whose members are from the neighborhood so they target specific properties because they know that their owners are either dead or have no hope to return.
6. The regime declares its intention to zone al-Tadamon area according to Law 10 of 2018 within 3 to 5 years, while regime institutions are working to complete a new zoning plan for the neighborhood. At the same time, the Debris Removal Law No. 3 of 2018 comes into effect, which gives the administrative authority the right to remove debris from private property and sell it at public auction after short deadlines. The initial assessment of the Building Evaluation Committee formed by the Damascus Governorate was that 90% of the neighborhood needs to be demolished, which reflects the government's intention to erase the largest possible amount of urban structures in the neighborhood.

3. The Case of Darayya: the fragmentation of a city

It is well noticed how the city developed from an old town with a history, culture, and even a distinct spoken dialect, and how it grew demographically and attracted new residents

from a nearby cultural and social environment, which is the city of Damascus and its environs. It has also expanded urbanly, so that its real estate composition is formed from an extended urban fabric that includes the old city, the largest part of which has been modernized, in addition to the urban expansion areas of the zoning plan, as well as an extension of informal urban areas, but not significantly different from the zoned parts. As Darayya was lost to regime forces in 2016, Sam Heller, a researcher at the International Crisis Group, wrote, “For a large segment of the Syrian opposition, Darayya embodied the best of the Syrian revolution; it was a stronghold for the civil movement and the nationalist revolutionaries from the Free Syrian Army who held together and persevered for years under very harsh circumstances.” Hence, the policies and practices of the Syrian regime were against this city and its community which maintained its coherence for years. The regime was not satisfied with defeating Darayya, it also wanted to kill it as a city and as a community.

In our research into patterns of repeated violations of HLP rights in Darayya, we were able to observe eight clear patterns, while ambiguity still surrounds much of what is related to the future of Darayya and rights holders there:

1. Of course, the deliberate displacement of people and depriving them of the right to live in their city constitutes the first of these violations, as only about 11% of its old residents live in the city today.
2. The indiscriminate bombing, which destroyed an estimated 50% of urban structures, and severely damaged about 30% of them, was the second of these violations.
3. Not to mention that there are large parts of the city that were booby-trapped and completely wiped out before their debris was removed, as we saw in the case of al-Khaleej neighborhood north of the city, which was completely annexed to the airport campus.
4. The violations also included looting stealing by regime forces and the looting [taafeesh] contractors, who extracted from the buildings all the covering materials that could be sold over the years.

5. Even after the end of the looting operations within two years of the population's displacement from the city between 2016 and 2018, the regime did not allow the return of residents and placed many restrictions and obstacles to that return.
6. As for the weapon of urban planning, we found that it was used differently in Darayya. First, there are two zoning plans that threaten the right holders in the city. The first one is a plan proposes to re-zone four parts of the city, which is the heart of the old city and three neighborhoods surrounding it from the north, south and west, which is seen as fragmentation to the urban entity there. The second is the Basilia City zoning plan which swallowed up large areas of land in the eastern city and placed their owners, most of whom were displaced, in a long administrative and legal dilemma that may not lead in the end to restoring any of their rights.
7. We have noticed that there are many attempts to pressure right holders in Darayya, especially the displaced, to sell their properties at low prices to real estate offices and brokers, who are likely to be linked to Iran.
8. Finally, we noticed many cases of properties and facilities being seized by officers in the security agencies and the army, and those properties were used without the consent of their owners.

As for early recovery and rehabilitation projects in the city, testimonies indicate that state institutions play a very limited role there, while the greatest burden of rehabilitation work falls on the returning locals. We also found that many international agencies and organizations are active in Darayya, despite the scarcity of information about their work. However, it is certain that: the Red Cross, the Japanese JICA Agency, UNICEF, the United Nations Development Agency, and the Norwegian People's Aid Organization have implemented various projects, including opening roads, rehabilitation of schools and health centers. All of these international organizations carried out their work in partnership with the Syrian Red Crescent, the Syria Trust for Development, or with governmental institutions. It seems that a few rehabilitation projects for private homes have been implemented, but there is no information about their size. Once again, passing early recovery aid through the

regime's institutions or its affiliated humanitarian and development organizations deprives residents and local associations of participating effectively in the recovery process and gives the regime the opportunity to politically exploit them.

4. The Case of Baba Amr

Baba Amr neighborhood consists of seven neighborhoods, three of which can be described as zoned neighborhoods and all of which are located in the northern part of it. They include the Old Quarter, al-Tawzee al-Ijbari neighborhood, and al-Hakoura neighborhood. The remaining four neighborhoods: Jorat al-Arayes, al-Tahoun, al-Mujaddara, and al-Juri Mosque neighborhood, are treated as informal settlement areas because many of their properties are common properties and their buildings are unlicensed. This is despite the fact that they are located within the zoning plan and on private property of their occupants in most cases, and are characterized by a reasonable degree of urban planning in terms of the condition of roads and public spaces.

The most prominent types of violations that were verified to have occurred in Baba Amr neighborhood are seven:

1. The displacement of all residents in early 2012 following measures of restrictions, arrests, and killings, ending with military operations in February that year.
2. In addition to indiscriminate bombing operations that continued during the military campaign throughout February 2012 which caused damage and destruction to a large portion of the neighborhood's buildings, estimated at 80% in the Old Quarter and al-Hakura, and damages to around 30% in the southern and western neighborhoods.
3. This military operation led to the expulsion of opposition fighters and all residents from the neighborhood. Although the regime and its media frequently talk about the return of the displaced, only a small percentage of the old residents of Baba Amr were able to return to their properties due to the precondition of security clearances to be requested by the displaced from the same security agencies that deliberately displaced them. The neighborhood also remained closed for a period of 1 to 1.5 years after the regime

regained control over it, before some residents were allowed to return, most of whom are concentrated today in the northeastern part of the neighborhood.

4. It also appears that building demolition operations occurred in various locations in Baba Amr, especially the Old Quarter where the majority of the buildings were demolished in 2013. Several residential communities connected to Baba Amr from the south of the train railway were also bulldozed.
5. Some of the violations that were also recorded were the widespread looting of the contents of homes and buildings. Baba Amr was one of the first neighborhoods that were subjected to looting at an early time of the conflict. It is likely that all the buildings in the neighborhood were looted, with the exception of the al-Tawzee al-Ijbari area, which the regime was keen to revitalize considering it a vital and security extension for the regime within the neighborhood. In some places, it can be seen that the looting operations included the removal of windows and doors from the buildings, but these practices remain more amateur compared to the lootings we observed in other study areas, which were carried out by specialized professional workshops.
6. The seizure of property constitutes one of the violations that, although its pace has slowed in recent years, is still taking place. There are no documentations or estimates of the number of houses occupied against the will of their owners. However, with the absence of the majority of owners and the arrival of new residents to the neighborhood, including displaced people and soldiers linked to the regime forces, this seems likely.
7. Finally, there are violations related to the urban planning project in the southern and western part of the neighborhood, which simply replaces the neighborhood with residential towers according to Law No. 10 of 2018, similar to the stalled Marota City and Basilia City projects since 2012. Homs Governorate approved a new plan for the aforementioned part of Baba Amr in a way that is completely different from its previous plans, which completely changes the identity of the region. There have been successive statements and decisions made by government officials since 2012 about the reconstruction of Baba Amr, but none of them have been reflected on the ground,

and it does not seem that the regime has the financial or administrative capacity to implement such a project. Nevertheless, these statements and plans have effects on the ground in terms of significantly reducing real estate prices in the neighborhood and freezing any construction movement, as well as conveying to the displaced people a feeling that there is nothing left for them to return to.

Even 11 years after regaining control over the area by the regime, the area did not witness any serious rehabilitation or early recovery operations, and alleys there are still submerged in debris, and traces of the war are still visible in most of Baba Amr's buildings. From the perspective of local authorities, the neighborhood seems marginalized as if it is located outside Homs. We have observed, for example, posts on Homs City Council Facebook page over a period of a month, and the name of Baba Amr neighborhood was not mentioned in any of the posts of the page which is active in covering and disseminating the Council's work in the rest of the city's neighborhoods. International and local organizations do not seem to have significant activities within the neighborhood. The regime imposes its usual conditions on UN agencies and international organizations working in Baba Amr and other Homs neighborhoods, such as a partnership with the Syrian Red Crescent, while on the other hand it dominates local organizations. One of the residents of the neighborhood says: "Early on, one of the well-known local associations in the Baba Amr area was active in debris removal and restoration on a small scale after the return of the regime. When the effects of that work began to appear, the regime arrested part of the members of that association and it appointed a new board of directors of its choosing... After that, the work of the associations in general was restricted, especially after 2018, and the regime began to control everything."

5. The Case of Jabal Badro Neighborhood

The Jabal Badro neighborhood was formed before the zoning plan for Aleppo reached its area. The neighborhood entered the plan in 2004 and remained, from an urban and legal standpoint, an informal area. Jabal Badro was considered one of the poorest and most marginalized informal settlements in Aleppo since before the conflict, and things got

worse after it. In terms of land ownership, the neighborhood is built on agricultural lands that are privately owned and lands of common property in the cadaster.

In terms of the patterns of violations observed in the neighborhood, we found the following:

1. Since the opposition took control of the neighborhood in 2012, the indiscriminate bombings carried out by regime forces on the neighborhood led to the displacement of 75% of the population, and those who remained in the neighborhood until the siege of eastern Aleppo in 2016 were forcibly displaced by the regime to opposition areas.
2. The same bombing destroyed nearly a third of the neighborhood and caused damage to half of it, which we consider a separate violation as it inflicts direct damage to material property.
3. When the regime forces regained control of the neighborhood late 2016, the residents who remained there were transferred to shelters for two months, during which regime forces and militias affiliated with it carried out extensive looting operations, which in some locations developed into looting of all that could be sold, including building materials and building cladding.
4. Finally, the neighborhood faces an urban zoning project whose characteristics are still vague. The Aleppo City Council says that Jabal Badro is next after al-Haidariyah neighborhood on its long list of Aleppo neighborhoods to be zoned. This is done without the involvement of the right holders in Jabal Badro and without any influence they have in the matter.

Seven years after the return of the regime, less than a quarter of the population returned to the Jabal Badro neighborhood until the date of this study. Some of them were displaced again due to the deteriorated service conditions in the neighborhood, as no serious rehabilitation work was carried out on its infrastructure. Requiring returnees to refer to security branches further hinders their return, because this condition exposes them to the risk of arrest and enforced disappearance.

6. The Case of al-Qusayr City

Al-Qusayr represents the situation of rural towns turning into cities in the absence of effective urban planning. When zoning plans came after urban growth had occupied the land, al-Qusayr plans were an attempt to accommodate the urban changes on the ground, but the attempts to accommodate failed. The city, whose buildings are all located within the zoning plan and on private property, had different real estate conditions that included a small number of formal buildings and a majority of semi-formal buildings, which were either in violation in terms of the land uses or building system, or their descriptions in the real estate registry differ from their actual condition. We witnessed these different cases in all the previous case studies, but what is different in al-Qusayr is that it is difficult to identify specific areas within the city where one form is more dominant than the other. Rather, they are all present side by side in the city's four main neighborhoods. In general, the eastern part of the city received greater zoning attention than the western part, whose residents suffered more from the instability of their ownership before the conflict and were exposed to greater damage and violations during the conflict.

In al-Qusayr, we recorded the longest list of violations of HLP rights, which included nine patterns:

1. Indirect displacement of residents in the first and second years of protests through acts of intimidation, siege, and indiscriminate bombing; then direct displacement of those who remained after a military operation in which Hezbollah participated to the side of the Syrian army.
2. Indiscriminate bombing and destruction of property, which began in late 2011 until mid-2013, during which missiles, artillery, and air force, including barrel bombs, were used against civilian targets.
3. When Hezbollah, the regime and the affiliated militias managed to enter the city, Hezbollah booby-trapped and bulldozed hundreds of buildings, especially in the northern and western neighborhoods. These operations were directed in particular

against homes of defected officers and activists opposing the regime.

4. The western part of al-Qusayr was not spared from looting, which in many locations included the removal of roofs in order to steal the iron inside them.
5. Also, the western region of al-Qusayr remained a closed military zone for six years after it was reclaimed from the opposition, and only a small number of pro-regime and pro-Hezbollah were allowed to enter it. Even after the regime claimed to open the door to return for the displaced in mid-2019, return remained prohibited for more than three-quarters of the displaced population due to security clearances which are not granted to anyone involved in activities against the regime.
6. At the same time, the victorious forces seized hundreds of displaced people's properties and turned them into housing or military bases. Hezbollah also seized the entire industrial area whose establishments were owned by al-Qusayr industrialists and craftsmen. They closed the area with earthen berms. As part of the seizures, we also found that al-Qusayr was surrounded by a giant earthen berm around the entire city at a distance of more than eight kilometers. Of course, the berm was built over the agricultural lands surrounding the city and owned by its residents, cutting off hundreds of lands to the right and left of the berm and swallowing large areas of it, which we estimated at approximately 220 hectares.
7. We also noticed that since 2020, Hezbollah began building residential complexes on the lands seized from the displaced west of al-Qusayr, without consent of owners of the land and without referring to government institutions. Satellite images show six residential complexes, all of which are still in the process of growth.
8. Selling under pressure is also one of the violations to which displaced residents are exposed, as merchants and real estate offices linked to Hezbollah and Iran are active in buying lands and real estate in al-Qusayr, taking advantage of the need of right holders and their inability to return. However, this violation is not limited to the displaced, as many complaints have been recorded from Christian locals who have been pro-regime and fought with it. Today, they are vulnerable to pressure from Hezbollah to sell their

lands and leave.

9. Finally, there are violations related to urban zoning. Al-Qusayr City Council announced in 2018 a new zoning plan that included the western part of the city undermining its urban structure by changing the road network, land uses, and the composition of its neighborhoods. The announcement of the plan was accompanied by government statements that the implementation of the plan will be in accordance with Law No. 10 of 2018, which threatens to seize the property of absentees, as stated in the section of the legal framework. The re-zoning decree was not issued and no work was carried out on the ground to implement the plan. News about this issue faded away in what appears to be a suspension of the plan, but in legal and administrative sense, the plan is still in place.

The most prominent early recovery activities that the city has witnessed so far have been the provision of financial grants ranging from 500 to 800 USD to approximately 400 beneficiaries of the residents returning to the city, i.e. those who have obtained security clearance, among several other conditions that they must meet. International partners such as the Danish Refugee Council and the United Nations Development Program funded these grants, which are entirely managed by al-Qusayr City Council and its municipality. During the interviews, we heard the names of a number of international Christian organizations, European organizations, and other local organizations active in the field of early recovery in al-Qusayr. This is not something that is witnessed to such extent in other case study areas. So far, part of the public facilities and four schools have been rehabilitated, but the scene of destruction still dominates the city to date.

7. The Case of Mukhayyam Daraa [Daraa Camp]

Mukhayyam Daraa provides an example of the first generation of informal settlements that formed in many Syrian cities during the 1950s and 1960s due to the war with Israel. Contrary to all previous case studies, al-Mukhayyam did not receive new residents to lead its urban expansion. Rather, its urban development was limited to vertical growth resulting from the natural population growth of the Palestinian and displaced residents

who came to the place in the first place, and then to their children and grandchildren. Therefore, in terms of urban composition, we distinguished between the western part of al-Mukhayyam, which included Palestinian refugees, and the eastern part which included less fortunate Syrian IDPs. While the land in the Palestinian part was expropriated by the state for the benefit of the Palestinian Refugee Authority, which allocated the refugees spaces for construction and housing, lands in the western part remained the property of their owners who were families from Daraa, and the displaced did not acquire any ownership rights over them except for electricity and water subscription bills, which are hoped will be taken as evidence that the displaced had once lived in the Camp.

In terms of patterns of violations affecting HLP rights, the research team was able to monitor five recurring violations that affected the Camp, and clearly targeted its eastern part more than the western part. These violations are:

1. The displacement that affected all residents of the IDPs camp and the overwhelming majority of the Palestinian camp. This violation was reflected in a series of practices, including raids, arrests, burning homes, besieging the area, and finally bombing it.
2. Indiscriminate bombing and the resulting great destruction of houses and infrastructure, especially in the eastern part of the Camp, which destroyed most of it.
3. Looting operations were very active in the eastern part of the Camp and affected all of its buildings, while a limited portion of homes in the western part were affected.
4. Preventing return, as the regime imposed the condition of acquiring security clearance for families of the displaced before allowing them to return. So far, there have been a limited number of clearances granted to Palestinian refugees, while none of the Syrian IDPs from Golan who were living in the eastern part of the Camp.
5. Finally, there are the zoning plans of the Camp that regime officials announced immediately after regaining control of Daraa. They threaten the displaced people of both parts of the camp, but fears of loss of rights are more likely in the eastern part, where there are no ownership or tenure documents in the possession of the displaced.

They also threaten the rights of the original owners of the land on which the Camp was built on.

No rehabilitation activities were observed in the eastern part of the Camp during this study, unlike the western part, where UNRWA, in partnership with the UN-Habitat and the Government of Japan, implemented a series of early recovery activities that included providing financial support to carry out “minor” restorations to the homes of two hundred Palestinian families of the most vulnerable returnees. According to local testimonies, the support covered maintenance work, installation of doors and windows, and sewage maintenance without any construction work. The support was limited to those who owned the entire house, so none of the partners or heirs would benefit from it in the absence of others. Early recovery activities included vital UNRWA centers, such as restoring the only health center in the camp, reopening one of its schools, and providing vocational training opportunities for two hundred young men and women from the camp within UNRWA’s training centers.

In conclusion, while recognizing the positive impact of these activities in facilitating the living conditions of the returning population, or at least some of them, it is unlikely that they will lead to a noticeable recovery or an increase in the rates of return, especially since the security situation in the camp has not yet become stable. There are still areas inside the camp that are difficult for security forces and the army to reach, and there are still population groups resisting the regime’s practices, which has produced a fragile balance between the various forces at the local level and has apparently suspended movements in and around the camp.

Section Three: Experiences of Right Holders – Comparative Analysis – Recommendations

I. Experiences of Right Holders

In this section, the study presents a quantitative descriptive perspective, by speaking to a sample of 111 right holders, coming from the seven study areas. The sample covers various types of real estate in these areas, from a multi-storey building, a traditional Arab house, or a commercial store, among others. Of all these properties, it is rare to find one that has been subjected to a single violation, but rather the majority have been subjected to multiple violations ranging from 2 to 5 violations.

This section is accompanied by tables to facilitate conclusions, determination of proportions and comparison of the nature of properties, their current condition, the percentages of destruction that affected them, their various legal statuses, the types of ownership documents and the extent of availability of such documents in the possession of their owners, what is the violation committed against them, and are there attempts to recover the property... etc.

Our sample does not claim to be representative of the seven case studies as we covered a small number of violation cases in each region. However, these remain findings that can be used as guidance to form a deeper understanding of the complexities of the scene of real estate property in Syria, and that the problem is not the presence of informal housing next to the formal one, but rather the intersection of informal, formal and semi-formal housings to such an extent that it is difficult to distinguish between them. This has been noticed in the study areas where each neighborhood or area included different urban and real estate formations.

2. Comparative Analysis

During the study, we noted dozens of practices that affected the study areas from the beginning of the conflict until present time. We were able to classify these practices

according to their nature into ten types of violations of HLP rights committed by the regime against right holders in informal settlements. Of the ten patterns of violations, we found that five of them were repeated in a similar way in the seven study areas, which indicates that they are an essential part of the general policy followed by the regime towards the study areas. These constant violations are:

1) Displacement, which began through intimidation and security restrictions, first in the early years of the conflict, then through indiscriminate bombing and making life impossible in those areas after they came under opposition control, and finally through the direct forced displacement of residents and fighters after the regime's military operations.

2) Destructive indiscriminate bombing. All study areas were subjected to intense bombing by regime forces and its allies, which continued for months and even years in most areas, leading to high levels of destruction of private property without those affected receiving any compensation.

3) Looting and stealing. All study areas were subjected to extensive looting operations committed by the army, security forces, and militias associated with them. In most areas, looting operations were so heavy that they included the extraction of everything that can be extracted from homes, including cladding and building materials, and even pulling the reinforcement steel from the roofs.

4) Preventing return. In all areas of the study, regime forces permanently prevented the return of residents or linked their return to obtaining clearances from the security agencies and the army, which displaced them in the first place. This constituted a barrier to return for the vast majority of the population.

5) Violations to urban plans. At various periods during the past years, the regime's local administration institutions in the study areas either issued zoning plans that undermine the previous urban structure of the studied areas, or their officials declared that they were working on similar plans. In the absence of the majority of the population and without their will, new zoning plans have been issued so far for five areas, while in the other two areas, al-Tadamon neighborhood in Damascus and the Jabal Badro neighborhood in Aleppo,

officials there have repeatedly made statements about the imminent issuance of plans for them as well.

Away from the five recurring violations, we observed a group of violations that were committed on a large scale, but not in all study areas. We observed

6) large-scale demolition and bulldozing of buildings in five areas: Jobar, Darayya, al-Tadamon, Baba Amr, and al-Qusayr, through which entire residential neighborhoods were erased in every area.

7) Also, seizures of properties for the purpose of using them were observed in four areas: Darayya, al-Tadamon, Baba Amr, and al-Qusayr. The last violation, which we believe is part of the regime's policies, is

8) Forced sales under coercion, which often affected people displaced outside the country. Purchase operations are often managed through brokers and real estate offices with ties to figures from the regime, and they get the security clearances and other administrative tasks for transferring ownership. We documented cases of selling under coercing and at low prices in Jobar, Darayya, al-Tadamon, and al-Qusayr. Finally, we point out the two patterns of violations that were observed in at least one of the study areas, without denying the possibility of their occurrence in other areas. They are

9) Sales of displaced people's property by other people, which apparently occurred repeatedly in al-Tadamon neighborhood in Damascus and were managed by leaders of local militia affiliated with the regime in the neighborhood;

and 10) Building residential complexes on lands owned by displaced people from the city of al-Qusayr in Homs countryside.

The list of direct perpetrators of these violations includes formations of the army, especially the Fourth Division and the Republican Guard. It also includes security branches, especially Air Force Intelligence and Military Security. It also includes a large number of local militias, most of which are sectarian in composition, and which differ from one area to another. More dangerously, some perpetrators include local and central administration institutions

such as municipalities, city councils, ministries of housing and local administration, among others. What we concluded from this study is that while the regime's military arms commit violations in a direct procedural sense, administrative institutions provide cover and legitimacy for those violations through legislation, new zoning plans, and other tools.

3. Recommendations:

The study puts forward a set of recommendations, at different levels, to help mitigate the impact of HLP violations and contribute to holding perpetrators to account.

A) Recommendations to local stakeholders and Syrian civil society organizations

We believe there are three areas in which we can work with rights-holder communities to strengthen their position in the conflict: supporting organizing, making information available, and providing a glimmer of hope.

1. Supporting the organization may be achieved by encouraging the formation of local associations of right holders in large numbers and in every region, neighborhood, or even alley in which violations have occurred or are at threat. This type of organizations relying on local communities, and with access to their networks and resources, can play a significant role in mobilizing rights holders' capabilities and pushing their cause forward.
2. Availability of information: If right holders knew exactly what they were facing, many of them, individuals and groups, would find ways to deal with it. But the scarcity of information and the ambiguity of urban planning, even to specialists, mean a large segment of right holders in informal settlements areas are unable to understand what is happening, let alone resist it.
3. A Glimmer of Hope: Building property databases and redrawing maps of the vanished informal settlements using digital technologies, satellite imageries, and block chain technologies may constitute a glimmer of hope for right holders, that their rights have

been preserved somewhere, especially in residential areas registered as agricultural land in official records and where ownership of the land itself is not sorted.

B) Recommendations to United Nations agencies and international organizations involved in early recovery activities

- Act with high sensitivity in relation to existing or potential violations of HLP rights, and adopt the guiding principles for early recovery as developed by the Inter-Agency Standing Committee (IASC), including doing no harm to HLP right holders, and focusing on the activities which contribute to the return of displaced people.
- Establish criteria for selecting early recovery projects, including specific criteria to avoid establishing these projects on the ruins of the HLP rights of Syrian men and women, to ensure that such projects do not consolidate the violations or result into new violations.
- The United Nations agencies must associate early recovery projects with the presence of a third party to examine HLP rights criteria, whether prior to the project's approval, during implementation, or evaluating it after implementation.
- Guarantee the HLP rights of displaced people across all the UN political agreements and initiatives.

C) Mechanisms for Accountability and Restoring HLP Rights

- Issue special periodic reports by the COI on violations of HLP rights.
- Include a chapter on violations of HLP rights in the periodic reports issued by the COI.
- Document HLP rights violations by the IIM, establish its own files for such violations, and work to hold the perpetrators to account according to available accountability mechanisms.
- Focus on holding the Syria regime accountable for its HLP rights violations by the Human Rights Council through its special mechanisms, especially its Universal periodic Review (UPR), and the special rapporteur on HLP right.

D) The International Community

- Include all perpetrators of violations against HLP rights, both Syrian or non-Syrian individuals and institutions, on sanctions lists.
- Pressure the Syrian regime to end the practices associated to HLP rights violations.
- Include the issue of enabling the voluntary, safe, and dignified return for the displaced people in a safe and neutral environment, in any political solution, in a manner which ensures their right to restore their properties and receive reparations.

Section 1

In 2013, and amongst a crowd of displaced people in Atmeh camp, north of Idlib, a poet named Nader Shaleesh (80 years old), recited his famous poem titled “I sent my soul” which narrates the Syrians’ experience of forced displacement and their connection to the housing, homeland, and shelter. The poet was forcibly displaced with all the residents of his hometown, Kafr Nabudah, rural Hama, and lived for eight years in Atmeh prior to passing away as an alien away from his house. His poem reads^[1]:

**“I sent my soul to wander our house, as steps no longer take us there
To ask if we are still remembered, or were we forgotten after leaving
To ask if the ceiling stands still in pride, despite what they have done
My house... If only life would treat us well, we would be reunited after this separation
However, my soul lives in you forever... there is nothing in Atmeh for me.”**

This poem reflects the human aspect of the HLP issue in Syria, and describes the emotional connection of the displaced people to their houses, and their sense of belonging in the physical space and wider social body they are part of. This human aspect is nearly non-existent in the approach followed by the regime’s administrative institutions in relation to residential areas which have been regained from the opposition, as the functions of these institution do not imply their recognition of the rights of displaced people, especially in the areas of informal settlements, to return to their original areas of residence. However, this aspect is strongly present in the practices of army, the security services, and the regime-affiliated militias, in relation to violating this relationship between displaced individuals and their houses, as they systemically looted, burnt, and destroyed thousands of houses in retaliation against their relevant owners. From the perspective of local residents, formations security service personnel demolish the houses whose owners are well known to them, as their strategy is to re-plan for these houses without any consideration to their original owners. This form of integration between the functions of the regime’s military and administrative institutions further complicates the situation against any attempt to address the HLP rights issue in Syria, Although the regime conceals all information related to the practices of its military agencies, which have the lion’s share of violations in the regained informal settlement areas, it puts administrative institutions at the forefront, whose projects and decisions become almost only accessible material for the work of researchers and monitors, hence hiding the truth that administrative institutions are nothing but a body which covers and implements the agendas made somewhere else.

[1]- A video of the poet reciting his poem. Available on YouTube - Link: https://www.youtube.com/watch?v=VTkpx2fcmdw&ab_channel=AbuGhassan

First: Introduction

Many of the significant studies have contributed to highlighting the HLP rights issue in the context of the Syrian conflict. Most of these contributions mainly indicate the notable risk associated to the Syrian regime's exploitation of the state institutions and property laws as a weapon in its war against the opposition, or, as Jon D. Unruh describes, a tool to “target, destroy, confiscate, and gain revenues^[2]” through the assets of people. This issue is significantly dangerous in informal settlement neighbourhoods, which are not registered at the real estate registry department, and form up to 40% of the total residences in the country^[3], and have likely hosted more than half of the city populations. During the conflict, these neighbourhoods have suffered the majority of destruction and displacement operations as many of them were labelled as strongholds of the opposition, especially in the cities of Damascus, Aleppo, and Homs. To summarize, the Syrian regime views these areas of destruction and displacement as an opportunity today to serve an “enhanced zoning process with political purposes in order to reformulate the reality of Syria post conflict and serve the interests of connected with the regime the capitalists at the expense of the rights of local residents^[4]”.

The regime launched the urban regulation “machine” against the informal settlement areas regained from the opposition, which despite its failure to implement an effective reconstruction of the damaged areas^[5], has been working to impose a new reality in these areas through the real estate regulations and urban planning^[6], as the issuance of written zoning plans and their associated administrative laws and decision are ongoing, while prohibiting the residents from returning to many of these areas on the pretext of urban zoning. The literature referenced many of the forcible displacement practices, or preventing the return of former displaced people, in addition to seizing control, looting, and demolishing of properties, as well as issuing decrees without any consideration of the rights of residents... etc. However, the majority of available materials are either studies which

[2]- Unruh, J. D. (2016). Weaponization of the Land and Property Rights system in the Syrian civil war: Facilitating restitution? *Journal of Intervention and State building*, 10(4), 453–471. <https://doi.org/10.1080/17502977.2016.1158527>

[3]- A statement by the Minister of Public Works and Housing, Hussein Arnous, 2018, as shared by Economy2day website - Link: [Here](#)

[4]- Sukkar, Ahmad. Abu Zein Eddine, Sawsan. Al-Fakhani, Hani. (2021) Informal settlement Areas in Syria: What is the approach post conflict?, *The Arab Reform Initiative* - Link: [Here](#)

[5]- Jalabi, Sultan. The informal settlement areas in Syria... harvesting decades of omission, 2022, *The Day After and Operations and Policy Centre* - Link: <https://tda-sy.org/wp-content/uploads/2021/04/HLP-03-Informal-Housing-in-Syria-AR.pdf>

[6]- Al-Helo, Khalid. et al. The Property Issue and its Implications for Ownership Rights in Syria, 2019 - Link: [Here](#)

focused on certain geographical areas, such as a neighbourhood or a city, hence provide a partial image regarding these practices in a local context, or researches regarding specific forms of violations based on examples from different areas of the country, according to the scope of each research. Thus, investigating similarities and differences between many neighbourhoods of informal settlement which the regime has regained from the opposition has not been adequately conducted yet, hence the wider picture regarding the political dimension of the practices of the regime's military and administrative institutions is still largely vague. In other words, this study inquires the following: Are there distinct features of a scenario, or repeated scenarios, where the practices of the regime and its affiliates have aligned, in the informal settlement areas regained from the opposition?

To answer this question, our research utilized an investigative approach to examine seven residential areas regained by the regime from the opposition located in five different Syrian governorates, using unified methodology and tools. We identified all the findings related to the HLP rights in the seven area which have emerged since the breakout of the conflict in 2011 to date, and focused on the practices exercised by the Syrian regime, whether through its official institutions, such as the state institutions, and informal affiliates, such as its connected circle of networks, militias, and such. Later, we analysed the findings of the case studies and compared the seven cases in search for any recurring patterns in relation to the nature of these practices, their extent, actors, and timing arrangements. The study aims to feed into our understanding of the HLP violations in the areas regained by the regime with more inputs from the field regarding the practices which took place, or are still taking place, after five years of regime's ability to seize full control over the last neighbourhood within this study, which is the camp of Daraa.

We hope for this study to contribute to our understanding of the concept of HLP rights violation in the Syrian conflict, as in light of the fragile structure of the real estate property system in general, and the added dire implications associated to conflict, any perceived safe action in a standard context, such as providing assistance to a displaced person, may pose a violation shall this person is living in a house owned by another displaced person, and considering that the areas of Damascus, Aleppo, and other Syrian cities, are overcrowded with houses whose ownerships are challenging to identify. Thus, the humanitarian and development organizations operating in Syria are facing a great challenge in relation to programming, designing interventions, or launching a response. To address this issue, there is a need to reconsider our understanding of the HLP rights violations in the Syrian context and shifting from a legal a strict legal perspective, which only considers descriptive violations, to a wider perspective which is more sensitive to the actual reality and enables more categorization, and our study aims to contribute to this reconsideration

through examining the cases of seven areas through identifying and analysing all the emerging practices in relation to the HLP rights.

The examined cases of this study are Jobar and Al-Tadamon neighbourhoods in Damascus, Darayya city in rural Damascus (Rif Dimashq), Baba Amr neighbourhood and Al-Qusayr city in Homs governorate, Jabal Badro neighbourhood in Aleppo, and lastly the two camps hosting the Palestinian and Golan displaced people in Daraa city, also known as the Daraa camp. These are mostly informal settlement areas which were controlled by the opposition earlier during the conflict, then the regime was able to regain control over them upon conducting military operations. These areas were identified upon a series of discussions conducted by The Day After with Syrian real estate experts and specialists monitors of the field updates in the country.

The case studies of the seven areas were guided by the sub questions which can be phrased as follows: What is the general context of the examined areas and how has it developed during the conflict? What is the real estate structure of each area in relation to the nature of the land property and the variant legal status? and lastly, What have been the significant practices of the regime concerning the HLP rights since the breakout of the conflict until date? Who are the associated actors? To what extent were they implemented? How can they be categorized as patterns of violation? The major bet of this study is that an organized investigation of the practices in the seven different areas will enable us of drawing a comprehensive and more organized picture of the violations against the HLP rights, as well as understanding the mechanisms utilised by the regime in the informal settlement areas in the country, in a more realistic manner. which places us in a better position to confront these violations and even mitigate their implications.

The importance of this study lies into the fact that we are witnessing today the largest process of redistributing the wealth in Syria since the agricultural reform process in 1958, when the Unity Government between Syria and Egypt redistributed approx. 42% of agricultural lands^[7] in the rural areas to the farmers, and today, a possibly similar percentage of the lands and major real estate in the largest cities of Syria is being redistributed, but this time to serve the interest of the regime circle of networks^[8], and at the expense of the most vulnerable and marginalised communities of the society, and those most harmed by the conflict. Despite the enormity of this image, from a human rights perspective, it is not the worst form of practices by the regime against the informal settlement areas, as a further danger lies in the long-term economic and developmental impact of this redistribution of

[7]- Salameh, Bilal. 2018, Agricultural Reform in Syria... agrarian-feudal style, Alraafed Website - Link: <https://www.alraafed.com/2018/01/17/%d9%a2-34/>

[8]- Yaziji, Jihad. 2017. Construction after destruction: How the regime is exploiting the destruction of properties and the land regulations. Aljumhuriya.net - Link: [Here](#)

wealth process, in case fulfilled, in addition to the associated restructure of economic, social, and urban fabric in the cities of Syria. This study examines the in-depth cause of the problem concerning the old housing crisis in Syria, which had drawn the map of informal settlement in the first place. Today, and after the destruction of third of the constructional infrastructure in country^[9], the housing crisis escalates. The key question for the coming period is to what extent do the regime current policies contribute to addressing the housing issue in the country? especially considering the announced intention of the neighbouring countries to return several millions of Syrian displaced people over the coming years. Ultimately, the housing policies play a significant role in the formation of cities and creating their economic dynamics and opportunities for development and prosperity.

Second: Theoretical Framework

This study joined the flow of the modern literature which is aiming to de-stigmatize the informal settlement areas which are mostly described are hubs for poverty and crime. This stigma was upheld by the United Nations itself through their millennium development goals agenda under the title of “Cities without informal settlements”, which, alongside the pressure by other international institutions such as the World Bank and the International Monetary Fund, suggested to the developing countries to establish neoliberal programs with an aim to “remove” the informal settlement areas. These programs mainly entail relocating people from their near city centre locations to newly established residential suburbs which are built for them on the outskirts of the cities, while the only way to solicit the international investment for such projects is to grant the property of the lands of the informal settlement areas, which are mainly located in significant positions within the borders of the cities. Throughout more than two decades of experiments in developing countries, these plans have failed to enhance the living conditions of the residents of informal settlement areas, and led to disconnecting their social networks and disrupting their sources of livelihoods after being exiled outside the cities^[10]. These experiments, and other academic platforms, imposed a reconsideration concerning how to manage the informal settlement areas without describing them as an urbanization or social problem, but as a solution presented by the local reality and capacity to a bigger issue, which is housing. This literature calls to consider the informal settlement areas as “ordinary settlements^[11]”, and as balanced spaces for “housing, soliciting livelihoods, self-organization, and engagement in public policies^[12]”, which play their functional roles within their urban sphere. Thus, the most

[9]- Action on armed violence, AOA.V. (2019, December 18). Syria in 2020: The deadly legacy of explosive violence and its impact on infrastructure and health. Relief Web: <https://reliefweb.int/report/syrian-arab-republic/syria-2020-deadly-legacy-explosive-violence-and-its-impact>

[10]- Huchzermeyer, M. (2011) Cities with ‘Slums’: From Slum Eradication to a Right to the City in Africa. Juta/UCT Press, Cape Town

[11]- Beier, R. (2023). Ordinary neighbourhoods. *Planning Theory*, 22(1), 106–122. <https://doi.org/10.1177/14730952221076624>.

[12]- Roy, A. (2011). Slumdog cities: Rethinking subaltern urbanism. *International journal of urban and regional research*, 35(2), 223-238.

successful approach to manage these areas is by building off the available financial and social capital, and not “removing” the residents to suffer marginalization and poverty in remote areas.

Transferring these global discussions into the Syrian context requires introducing the variable of the political and military conflict in the country, and the inclusion of the real estate issue within it, all into the previous model. The Syrian regime is also following the neoliberal method to plan major constructional projects in the informal settlement neighbourhoods, using funds by the private sector investors, hence the land is the most significant asset today for the regime to invest in light of the collapsing economy and losing control over the most important oil sources in the country. Additionally, the regime has a political objective which can be described as killing the communities which revolted against it. This killing started when the regime initiated the shelling, besieging, and destroying the residential areas, and forcibly displacing their residents, simultaneously with planning to regulate these areas, which is still “on paper”. However, the availability of these plans has enabled the regime of “freezing” these areas for years by restricting, or fully prohibiting, the return of their original residents, while the neighbourhoods were being removed one after another through large scale demolishing operations of the buildings, as recorded by many sources over the last years. Thus, the regime has paved the way to invest these precious lands at a glimpse if allowed a potential international opportunity. According to the current conditions, we do not believe that the regime can meet the promised zoning and reconstruction of many of the informal residential areas surrounding Syrian cities^[13], and the two projects of Marota city and Basilia cities, which have been overdue for more than a decade, are a good example^[14] of this inability.

The concept of informal settlement in the Syrian context is more complicated than the question if these houses are officially registered or not, as in reality, there are different methods and forms of registration, hence it is challenging to determine whether a real estate is officially registered or not, and even on area level, it is difficult to find an area which is fully of informal settlement, as they mainly consist of formal sections, informal sections, and the grey area in-between. Officially, the literature of the Syrian government employs the term “collective violation areas” to refer to residential clusters established in areas which are not prepared for construction, as describes them as “outside the law, and is considered encroachment on the state properties and agricultural lands, and sometimes with the absence of any planning” In other words, they are the areas which were established outside the city zoning plans, or even these within the plans but established on a land where construction is prohibited. Thus, this concept does not refer to the violating buildings in

[13]- Sham FM, zoning plans for the informal settlement areas soon!, 2021 - Link: [Here](#)

[14]- Shehadah, Habib. 2023, How the promise of alternative housing in Damascus' Marota and Basilia Cities turned from a 'blessing into a curse' for those eligible, Syria Direct - Link: [Here](#)

the zoned residential areas, e.g., an owner constructing an extra storey in an area where it is unpermitted to exceed a certain number of storeys, or constructing without having the required permission... etc. It is noted that the regime has extended its perception of the informal settlement area during the conflict to cover even the mentioned examples, and has been labelling areas, where most of the lands are zoned, as informal settlement areas, as we will explore in the coming detailed case studies. However, it is important to note that even areas that were completely built outside zoning plans are not completely informal in terms of the urban fabric and construction patterns, as they have their own system which is not quite different to those of the zoned areas^[15].

The perception of the informal settlement neighbourhoods by the official government in Syria reflect two main features; the first connects the residents of the informal houses to violating the law (criminalizing the residents), while the history of informal settlement in Syria reveals a form of normalization by the state which accepts this type of housing as an existent urban feature across almost all the medium and large cities in Syria. In other words, the regime has criminalized informal settlement and then turned a blind eye to its expansion over the decades since 1970s, hence the issue has become part of the relationship dynamics between the authority and society itself, and about half of the population of cities in Syria has become “violators” of the law and is indebted to the authority which has the right to demolish their homes, but does not do so. This authority did not originally grant them the option of housing in zoned areas due to a chronic failure to manage the housing file^[16]. The second feature of the regime’s relationship with these areas is related to limiting this “criminalization” feature during the conflict and replacing it with a “retaliation” approach as exhibited by the regime towards the areas regained by it. According to the analysis of the researchers (Tina Zintl and Yannick Sudermann), the process of removing informal settlements is connected to the regime’s argument and discourse which describe the residents of these areas as “disloyal” and “destabilizing the nation”, which aligns with the objective of excluding them from the social contract between the state and its residents, while fully depriving them from any rights^[17].

Our study denies the validity of such discourse, and approaches areas of informal settlement as “ordinary” urban clusters which had hosted nearly half of the urban population and played an important economic role in Syrian cities before the conflict, as these areas are in some way an embodiment of the community’s response to its needs in light of the state’s chronic failure and inability, which we are not seeing any signs indicating its

[15]- Khadour, Y., & Kafa, M. (2009). Discussion of random and informal settlements in Damascus. *Geo-Spatial Information Science*, 12 (4), 289–295. Link: <https://www.tandfonline.com/doi/epdf/10.1007/s11806-009-0100-9?needAccess=true>

[16]- Jalabi, Sultan. The informal settlement areas in Syria... harvesting decades of omission, 2022, The Day After and Operations and Policy Centre - Link: <https://tda-sy.org/wp-content/uploads/2021/04/HLP-03-Informal-Housing-in-Syria-AR.pdf>

[17]- Zintl, Tina. Sudermann, Yannick. (2023), German institute for Development and Sustainability, Preprint version, unpublished yet.

recovery nowadays. In summary, regulating the areas should not be employed to kill their communities, as the social and economic ties which were formed in informal settlement areas have become a major part of the social capital which will be direly needed in the post-conflict phase.

Third: Methodology

The methodology employed by this study can be described as investigative, comparative, concurrent, and correlational. It is investigative because we utilized different tools for data collection and verification in relation to the seven targeted neighbourhoods despite the applicable barriers to reach the information related to the regime practices. These tools included the use of open sources, confidential interviews, the analysis of satellite images as well as the efforts to access unpublished documents and evidence. The study is comparative because we considered the same themes and particles across the seven neighbourhoods. The study is concurrent and correlational because the research team started working on the seven neighbourhoods simultaneously and carried out six cycles of data collection over a period of four months, each followed by intensive discussions within the team where questions were raised from different neighbourhoods and reflected to the remaining neighbourhoods. Procedurally, this was conducted through the use of the data collection guides which included a set of key questions covering a topic about those targeted neighbourhoods, such as the real estate structure, property patterns, map of population changes, extent of destruction, and others. Additionally, each of these guides were building off each other, as we sought for the six guides to create a comprehensive picture for each neighbourhood and for all the practices that occur within it.

	Neighbourhood/city	Governorate	Area Size (Sq. Km)	Area Size (Sq. Km)
1	Jobar	Damascus	2.5	300
2	Al-Tadamon	Damascus	2.22	250
3	Darayya	Rural Damascus (Rif Dimashq	5.3	255
4	Jabal Badro	Aleppo	2.5	40
5	Baba Amr	Homs	2.5	100
6	Al-Qusayr	Homs	6	50
7	Daraa camp	Daraa	1.3	50

■ Table 1- The residential areas targeted by this study

However, and since the seven areas are under the control of the Syrian regime, access to all information remains challenging due to the fear and concerns domestically and the regime's deliberate obfuscation of those areas and managing in a security-sensitive manner. In our attempt to overcome this challenge, we relied on three key strengths entailed in this research:

- (1) The strong network of connections possessed by The Day After amongst the realms of experts and staff operating in the real estate sector, which enabled the formation of a team of researchers who are locals from the same targeted areas and reside abroad, and these researchers used their personal local networks, including members of the communities, and not only their professional networks, to secure as much access as possible.
- (2) The capacity to effectively access the displaced communities from the seven study areas who now reside outside Syria or in the non-regime held areas to benefit from their information, perspectives, and the connections they have.
- (3) Using the capabilities offered by the digital space, such as social media, maps, satellite images, advanced search and verification tools, and others.
- (4) Relying on sources from within those areas to learn about developments that are continuously taking place on the ground.

The data collection process took place between April 1st and late August. The following presents the data collection phases and the associated employed tools for each phase:

- Exploring the literature of the seven regions: Through reviewing previous studies and journalistic materials related to the real estate affairs in the study areas. During this phase, we attempted to understand the internal contexts within each of the seven neighbourhoods and draw a preliminary picture for them.

- Monitoring the digital platforms of the government institutions concerned with real estate affairs, the digital platforms of civil and local groups, and those linked to the economic activities such as real estate development companies and others. The objective here was to explore the information available and circulating in the public domain about each of the informal settlement areas targeted in the study.

- In-depth Interviews: The interviews covered a variety of individual sources, including current and former residents, experts, and staff in the real estate sector, current or former engineers and employees of municipalities and government institutions concerned with real estate affairs, local activists, as well as other members of the real estate sector such as merchants, contractors, and staff of the real estate development business. The interviews were consistently based on the key questions of the data collection guides. These interviews formed the primary base and source for the research material of this study. Some of these interviews were conducted in person by the assistant researchers, while others were conducted by telephone.

- Survey: It targeted the affected property rights holders and former residents of the targeted neighbourhoods. The survey was designed to solicit a consistent series of information and details about specific violation cases from the perspective of their own victims. We were keen to reach the various practices which affected the HLP rights in each neighbourhood, and this data was later used to frame those different practices from literature and legal lenses. 111 rights holders from the seven areas were reached, and the following table presents the distribution of the sample by region:

Area	Frequency	Percent
Al-Tadamon	11	9.9%
Al-Qusayr	25	22.5%
Baba Amr	15	13.5%
Jabal Badro	15	13.5%
Jobar	17	15.3%
Darayya	13	11.7%
Daraa camp	15	13.5%
Total	111	100.0%

■ Table 2- Distribution of the sample of rights holders by study areas

- Using Open Sources: It continued throughout the duration of the project, whether by monitoring developments affecting the study neighbourhoods, or for the purpose of collecting research materials such as maps, photos, videos, laws, and other related documents required for the case studies.

The study team consisted of 11 members: 7 researchers, the legal counsellor of the project, 2 assistant researcher , and the main researcher. During the data collection, more than 800 files of interviews, photographs, documents, charts, maps, information sheets, and others have accumulated. This was the research material that we analysed initially at the area level, with the aim of drawing a clear picture of the reality of each area five years after the regime forces returned to it, then we compared these formed pictures of the seven neighbourhoods to each other, in search for recurring patterns of practices.

Fourth: Legal Framework of the Study

This section builds on the theoretical framework from a legal standpoint, while the theoretical framework focuses on countering the stigma associated to informal settlement areas and calls to consider them as an embodiment of society's response to its needs in

light of the state's inability, and to view them as ordinary residential areas, a stigma that the regime has exploited and criminalized as a violation of the law, and used it to retaliate and secure political objectives by killing the communities who revolted against the regime, that by planning large constructional projects to replace these areas, using the funds of the private sector investors. Thus, the legal framework focuses on informal settlement areas, not only as a solution driven by circumstances, but even as the result of a legislative and administrative system that prevented legal urban development, and inevitably led to the emergence of informal settlement areas, which requires a reconsideration for these areas which were established outside the law. Additionally, the legal framework analyses the development of the legislative structure post conflict, in relation to the management of informal settlement areas, in order to examine the policy dimension of the regime in dealing with these areas, as the case studies of the seven areas are aligned with the subject of this study.

This legislative structure initially drove for the emergence of these areas, and then became one of the tools for removing them without recognizing the HLP rights of their residents, as these houses are based on the weakest ownership documents which are highly difficult to use as evidence or proof, as many of these houses were built on lands that are not prepared for construction, and have no trace for them on the real estate records, and considering that a part of the evidence is the actual presence of the houses and their rights owners, hence the uprooting process required both demolishing these houses and forcibly displacing their residents, while employing the state laws and institutions to erase any trace of their presence.

The subsequent sections will present a series of violations committed by the regime to achieve its objective, in the following case studies for each area. However, the aim of this section is to form a basis for a deeper understanding of the study cases by reviewing the legislative and administrative environment around informal settlement areas in Syria, and explaining the laws and the administrative decision which are or can be applied to all the areas of this study.

Firstly, we will review the role of the legislative structure in the emergence of informal settlement areas, then we will shed light on the legislative policy behind these laws, the risks of managing informal settlement areas according to these laws, the impact of issuing new zoning plans for these areas, and finally the debris removal law and the decision regarding the requirement of obtaining a security clearance to dispose a property, which are all violations affecting all areas.

1- Role of Legislative Structure in the Emergence of Informal settlement Areas

On a mission to Syria, between 25th August and 19th September 2007, as part of a project to modernize the municipal administration between the European Union and the Syrian government,^[18] which was carried out by Patrick McAuslan, an international expert in urban planning laws, with the participation of Eng. Hussam Al-Safadi, the urban planning consultant for the action plan 9, a high importance was granted to the terms of reference, to review the laws related to Syrian urban planning and the regulation framework, during which, seven of the main laws related to HLP rights were reviewed.^[19]

The findings of this study showed that the available urban planning systems for the development and development guidance are ineffective in terms of:

- Wasting the human and financial resources of both the private and public sectors.
- Consuming a long time and seems designed to prevent any action.
- Preventing the private legal urban development and encourages random development.
- Many other fundamental defects^[20].

The significance of this study comes from the fact that it was issued with the participation of the Syrian government, and proves that informal settlement areas did not arise solely due to the influx of Palestinian refugees and displaced people from Golan, the migration from the countryside to the city and the associated exploitation by real estate dealers, or the failure of zoning plans to keep pace with housing needs, but the most important factor is due to the presence a legislative structure which hinders any formal urban development that preserves the Syrian architectural identity, takes into account environmental and health conditions, and inevitably drives towards random development which would not have reached a rate of approximately 40% of the main cities, without governmental sponsorship. This issue will be explicitly reviewed throughout the case studies of the seven areas of this research.

The published study explains how the defect in the available system was reflected in the urban planning as a whole, as the rapidness of the urban planning process, and practically

[18]- <https://syrianengineer.files.wordpress.com/2011/03/on-urban-planning-in-syria-no-2-arabic2.docx>

[19]- The laws are: Urban Planning Law No.5 of 1982, amended by Law No.41 of 2002 - Cities Planning and Urbanization Law No.9 of 1974. Expropriation Law No.20 of 1983 - Expropriation Law for Urban Expansion Areas No.60 of 1979 amended by Law No.26 of 2000 - Construction Violations Law No.1 of 2003 - Plot Reconstruction Law No.14 of 1974 amended by Law No.59 of 1979 - Decree to impose real estate enhancement fees No.98 of 1965.

[20]- <https://syrianengineer.files.wordpress.com/2011/03/on-urban-planning-in-syria-no-2-arabic2.docx>

in the main cities, had utilized the expropriation as a key tool for planning, based on the Urban Expansion Law No.60 of 1979, and the Expropriation Law No.20 of 1983, which places the expansion areas at the disposal of the administration, while the owners of the properties are compensated based on the prices of agricultural consumption of the land, whether the land was used for agriculture or not. The inevitable effect of this method meant that once the land owners would obtain any knowledge regarding a potential listing of their lands for expansion, they would immediately sell the land to be used for informal settlement, that because the price they will receive for such a sale will be higher than the compensation offered upon the expropriation, and this approach leaves the administrative authorities to deal with the issue of managing these informal settlements.

Therefore, the excessive reliance on expropriation as a planning tool, and the associated excessive consumption of lands, resulted into a lack of cooperation between the planners and the public, so the related landowners do not view the master plan as a positive guide for planning their future, but rather a clear threat to this future, leaving no channels for the people to own formal housing, and forces them to build informal settlement instead, which is a matter similar to what the philosophy professor, Tayyeb Tizini, expressed in relation to understanding the security mentality (corrupting those who have not yet been corrupted, so that everyone becomes condemned and polluted as needed), hence owners of houses in informal settlements become outlaws according to the law which did not allow them to build a formal housing, while the government is authorized to either demolish their houses, or reconcile their status based on their loyalty to the state.

However, after 2012, and with the issuance of a new constitution which stipulates in Article 15 that private property cannot be expropriated except for the public benefit and by decree and in exchange for fair compensation in accordance with the law, and the compensation must be equivalent to the real value of the property, expropriation was no longer valid as a planning tool, similar to what the administration used to utilize when the expropriation compensation was unfair to the owners and did not take into account the real value of their properties. Thus, a new trend appeared in the laws of city planning and urbanization, contrary to the supposed purpose of these laws, and based on the fundamental concept which makes the administration a partner in the real estate of the zoned area, to seize the largest share of it, without the need for the expropriation law and without having to pay compensation for what is deducted from the real estates in the area.

2- Legislative Policy

Redevelopment falls under exceptional provisions for carrying out divisions, requiring the legislator to issue a law regulating the process, as means of civil law are limited to transfer

and consensual exchange between owners. The acquisition and redistribution of divided lands is not without its caveats either, as it entails a threat to private interests. From this standpoint, the first law in Syria to redevelop or regulate cities was issued on 22nd January 1933 to reconstruct neighbourhoods afflicted by fires or similar disasters in the city of Damascus. In accordance with its provisions, scattered plots in a disaster-stricken area are annexed and redistributed on modernized and reasonable foundations, as preserving the previous plans for these neighbourhoods, and maintaining previous distribution of their lands among various owners would prevent their improvement in accordance with the requirements of modern urban planning,^[21] which is the goal and essence of regulation under these laws. To that effect, private property is preserved as far as is required to modernize regulation. The legislative policy on which these laws are issued is an extension of the state's general policy towards these areas, and legislative drafting requires that texts be unambiguous to avoid misinterpretation, complexity, and conflict with legislations in force, so that they all remain consistent and harmonious in order to achieve their goals.

By taking a look at fundamental Syrian legislation concerned with urban planning and addressing informal settlements, to determine the general policy of the state and its tools for legislative policy (laws) towards these areas and compatibility with proper legislative drafting, we note the following:

In 1974, Law No.9 was issued, considered the fundamental law for urban planning. It regulates the preparation of land for construction in one of two methods:

- Division based on the owner's wishes
- Regulation based on the wishes of the administrative body

The law granted the administration the right to expropriate a third of the property's area, free of charge, for the construction of roads, squares, gardens, and public buildings. This free expropriation can reach half the area if the general and detailed plan requires it; if it exceeds half, the administrative authority must pay the value of the excess, in accordance with the provisions of the expropriation law. The law requires the administration to make every effort to allocate to each rights holder his share in the same location of his old property, or close by, according to the process of compulsory distribution. This law is compatible with the purposes of urban planning and urbanization laws, with the exception of compensation in accordance with the unjust Expropriation Law.

Although regulation was a way of tackling informal settlements, the best method was the issuance of Law No.33 of 2008 aiming to resolve ownership issues under building

[21]- Siwar, Muhammad Wahid al-Din, 2006, Original Property Rights, Damascus University Publications, ninth edition.

violations, and to allocate properties in informal settlement areas built on private lands, establish ownership of built and partly-built properties in those areas and register them in real estate records to reflect their actual reality, by cancelling and correcting their status as commonly-owned lands and dividing them by following specific steps under the law that eventually lead to their registration in real estate records in a way that guarantees ownership rights. For an unknown reason, this law which is still in force was not implemented. It would have solved most of the problems of informal settlements.

In the same year 2008, Law No.15 (Real Estate Development and Investment Law) was issued with the aim of regulating real estate development, encouraging investment, addressing informal settlements, and securing housing needs of people with limited income on concessional terms.

The law established several guarantees for property and housing rights, including obligating the real estate developer to provide alternative and suitable housing for occupants of the area (they do not need to be owners), or compensating those who prefer it with a cash allowance, and allocating 40% of residential floor areas for sale to owners of expropriated properties in the area. The law also gave the administrative unit a pivotal role in preparing plans and supervising all stages.

In 2021, a new investment law was issued, replacing the previous law (Legislative Decree No.8 of 2007), and including facilities to attract capital. However, this law did not address the Real Estate Development Law No.15 of 2008, and accordingly the investor (including the real estate developer) has the right to benefit from the provisions of the Investment Law, but while still maintaining the guarantees and limitations set by the Real Estate Development Law.

In 2023 Law No.2 was issued with an amendment to some articles of the Investment Law, and one article abolishes the Real Estate Development and Investment Law No.15 of 2008. We are faced with a strange legislative situation, in which a law is abolished through another law issued to amend a third law, and this latest law reveals the legislator's new intention to treat the issue of real estate development purely as an investment project, for the aim of attracting capital and not securing housing needs of people with limited income on concessional terms, thus abolishing the law regulating real estate development and eliminating all the HLP rights it had stipulated^[22].

In a surprise step, in 2012 Legislative Decree No.66 was issued, on the creation of two

[22]- An Analysis of the Effects of the Investment Law Amendments in Syria on Property and Housing Rights. The Day After, JJ. Anwar Majanni – April 2023 – Link: [Here](#)

zoning regions within Damascus Governorate. It stated that, contrary to any applicable text, regulation and distribution would be applied to the two regions in accordance with the provisions of this legislative decree. Although Law No.9 of 1974 was still in effect, it would be considered a reference in anything not stipulated in the legislative decree; effectively, we were faced with two laws, one general and the other exceptional.

What was new in this legislative decree is that the administration was no longer restricted by a ceiling on free expropriation, which was in turn no longer reserved only for construction of public buildings; rather, the administration had shares, as if it were a partner in the region's properties, and it was no longer limited by compulsory distribution requirements that for every square meter of land, owners would receive 80% of the square meters of floor area.

In 2015, issued Law No.23 was issued to repeal and replace Law No.9 of 1974, and become the fundamental legislation for urban planning. This is considered a return to the old fundamentals of urban planning, as its provision for compulsory distribution backtracks from Legislative Decree No.66 of 2012, especially as it was the most recent chronologically, although not stipulating its cancellation.

The legislator returned to issue Law No.10 of 2018, which includes an amendment to Legislative Decree No.66 of 2012, meaning a return to the same approach to regulation with some amendments; the administration's ability to freely appropriate without a ceiling remained unchanged, maintaining however that owners would receive 80% square meters of floor area for every one square meter of land; it abolished compulsory distribution but did not cancel Law No.23 of 2015, and it remained a reference in anything not stipulated in Law No.10 of 2018; and with this, a return to the concept of general law and exceptional law.

As a result of protests to Law No.10 of 2018 and the risks it poses to HLP rights, the legislator issued Law No.42 of 2018, amending some articles of Law No.10 of 2018 and Legislative Decree No. 66 of 2012, in an amendment to a previous amendment. We now have three independent laws, two of which are in fact amendments to the first, instead of combining them into one piece of legislation, and it is no longer possible to understand and identify steps in the process without reformulating the first legislation based on the two subsequent amendments, in a phenomenon of unprecedented legislative complexity, as if the goal was to mislead interested parties.

We are faced with a state of legislative turmoil, with several pieces of legislation being

issued to address one subject, with general and exceptional laws, some ignored, within a complex and conflicting legislative formulation that gives the administration multiple options, all applicable to the same situation, and each of which leads to different results; as if we are facing a legislative policy that does not reflect one general policy of the state towards these areas, but rather several policies.

3- Addressing informal settlements in accordance with applicable Syrian laws

Rumours are circulating today among informal settlements residents about how their areas will be handled and what laws will apply to them. Mostly, we are talking here about urban planning and urbanization laws. To understand the risks involved, we need to the reasons for giving the administration the right to zone an area. Are the already zoned areas immune, which zoning laws should be applied to these areas, and what are the risks if applied?

A- How a zoned area is created?

In accordance with Law No.23 of 2015, which specifies cases when the administration may create zoned areas, Article 5 stipulates that zoning shall be applied in the following cases:

- Areas affected by natural disasters such as earthquakes and floods, or destroyed as a result of wars and fires.
- Urban expansion areas, which were added to the general zoning plan for governorate centre cities after 12/11/2000, which is the effective date of Law No.26 of 2000.
- Areas annexed to general zoning plans of towns and cities, after the effective date of this law.
- Areas where the administrative body wishes to implement a general zoning plan and its relevant details.

However, the administration no longer needs any justifications to implement regulation, according to Legislative Decree No.66 of 2012, the first article of which is as follows:

Occurs within the scope of Damascus Governorate, both areas... etc., without any reasons.

The second article continues that, contrary to any applicable text, regulation and distribution shall be applied to the two areas, in accordance with the provisions and principles stipulated in this legislative decree.

Law No.10 of 2018, which amended Legislative Decree No.66, adopted the same approach, stipulating in its first article that creating one or more zoning zones within the administrative unit's general regulation plan is permissible, by decree based on the Minister of Local Administration and Environment's proposal, based on :

- Certified general and detailed studies and plans;
- and approved economic feasibility study

The administration no longer needs to do more than submit an economic feasibility study to subject an area to regulation. These laws also raised residents' concerns about the possibility of zoning areas that had already been zoned, which is known as re-zoning the already zoned areas, discussed in the next paragraph.

B - Re-zoning the Zoned Areas

The inclusion of the possibility of zoning areas that have been already been zoned or subdivided in urban planing and zoning laws threatens the stability of property ownership, and is unjust in terms of subjecting properties to free-of-charge deduction properties more than once. Do these laws really allow that?

Law No.23 of 2015 prohibits the zoning of already zoned areas; Article 15 stipulates a property or part of a property already zoned, expropriated or divided may not be included in the area, except by decree, based on the proposal of the concerned administrative authority.

However, Article 7 permits, by ruling of the Council (the Administrative Unit Council), application of this law's provisions to existing zoned areas on the date of its entry into force where the Distribution Committee had not issued a decision in its final form.

Legislative Decree No.66 of 2012 did not protect properties in either of its two regions from re-zoning the already zoned areas, as it applies to both regions regardless of whether they were already zoned or not.

When amended by Law No.10 of 2018, the text explicitly included permission to zone an already zoned area, as the amended Article 61 stated that in the event a number of parcels of one or more zoned areas, established under the provisions of law. No.9 of 1974,

fall within the boundaries of the zoned area established in accordance with the provisions of this law, then these parcels are subject to the provisions of legislative decree No.66 of 2012 and the provisions of this law.

C - Which law should be applied if the administration wants to address informal settlement areas?

Due to the multiplicity of related laws, residents of irregular areas no longer know in advance which law will apply to their area if the administration wants to tackle it.

Law No.23 of 2015, the current law for urban planning, became the primary reference regulating the process; Article 3 of it stipulated the following:

If, within approved zoning plans, there are existing areas of collective building violations, the administrative authority has the right, by a decision of the Council, approved by the Executive Office of the Governorate Council, to apply the provisions of this law or to apply the provisions of the Real Estate Development and Investment Law No.15 of 2008 and its amendments (Note: This law and its amendments have been repealed). Or apply the applicable expropriation law to implement the zoning plan for this area in a manner that does not conflict with provisions of Paragraph 2, Article 15 of the Constitution (which stipulates that expropriation compensation must be equivalent to the real value of the property).

Given that Law No.10 of 2018 was issued later than Law No.23 of 2015, it is also a law potentially applicable to these areas. Thus, the legislator has given the administration four options of laws which can be applied. With the abolition of the Real Estate Development and Investment Law, if it wants to address informal settlement areas, the administration's options are limited to either regulation or expropriation.

D - Risks if zoning is applied to informal settlement areas

Despite the many studies that have been completed on urban planning and urbanization laws, especially after the uproar caused by issuance of Law No.10 of 2018, it may still not be fully understood why these laws pose the most serious threat to HLP rights in informal settlement areas. Why do the residents of these areas feel that primarily their rights are targeted by subjecting their areas to regulation?

This section does not aim to analyse urban planning, but only to shed light on its relevant texts which pose a threat to ownership of informal settlements, and how it would affect the seven areas that are the subject of this study.

According to the previous paragraph, if the administration wants to apply regulation to

these areas, it has two options: either apply Law No.23 of 2015, or apply Law No.10 of 2018, and the following are the most prominent dangers in these laws:

- **The nature and size of free expropriation**

Perhaps one of the most prominent risks of post-revolution urban planning laws is the fundamental change in the nature and size of free expropriation and the reasons justifying it.

According to the old Urban Planning Law No.9 of 1974, free expropriation for the construction of roads, squares, parks, and public buildings is one-third of the land's area, up to a half if the general and detailed zoning plan requires it, and anything exceeding that must be compensated.

As for the new law No.23 of 2015, which repealed and replaced the previous law, a new approach was adopted regarding the nature of the free expropriation. It was no longer only for building roads, squares, parks and public buildings, and added it would be in exchange for the material and moral benefits that the owner would gain as a result of his property entering under the planning or zoning area, and the increase in the property's purchasing value, in addition to what would be allocated to public housing and private service zones.

These additions justified raising the ceiling of free expropriation and what the administration would get of the area's zones, as 40% now lay outside governorate city centres, and half inside them (Article 4), and it could be increased to more than half the land's area without specifying a ceiling, even when not required by the general and detailed zoning plan, in exchange for compensation if the amount of the free expropriation exceeds half and compensation is based on the real price estimated by the preliminary assessment committee.

It appears this approach regarding the nature of free expropriations was influenced by Legislative Decree No.66 of 2012 which raised their ceiling. However, it stipulated that the administration bear the expenses of delivering public facilities to the region to justify this expropriation, while Law No.23 stipulated that these expenses were a premium debt to the zones for the benefit of the administrative authority (Article 9), which means this expropriation enriches the administration at the expense of rights holders.

According to Law No.10 of 2018, which amended Legislative Decree No.66 of 2012, there is no longer a ceiling for free expropriation, other than maintaining 80% of a floor area for owners for each square meter of land, and the administration could now build floor towers for owners on part of the land's area and take over the rest of the land.

- **Time limits set by law**

Law No.23 of 2015 set the deadline to give rights holders to declare their properties and submit supporting documents at thirty days from the date of announcement inviting owners to declare (Article 18), according to Law No.10 of 2018. As a result of protests against this law, it was amended, making the deadline one year, and with the large numbers of displaced and persecuted Syrians, these short deadlines become impossible.

- **Determining entities required to produce lists with the names of property owners**

According to Articles 1 - 5 of Law No.10 and Article 18 of Law No.23, the administrative unit requests of the Directorate of Real Estate Services and entities authorized by law to maintain real estate records, to produce a list with the names of rights holders.

The bodies authorized by law to keep real estate records and land registry are the temporary registry, housing associations, the General Housing Corporation, and the Military Housing Corporation, and all of these bodies do not contain any reference to informal settlements in their records. If the authorities wanted to take informal settlements into consideration during regulation, they would have also asked other parties for such lists, such as electricity, water, and telephone companies, who have subscribers' names, proving that they are the residents of these homes, instead of shifting the burden of proof to the residents.

- **Determining addressees of the invitation to declare properties**

In Article 18 of Law 23, the administrative authority must invite property owners in an area, and owners of real and personal properties registered in the title register, to declare their rights; informal settlements are not present in the title register at all, therefore this invitation does not include owners of informal settlements according to this law.

As for Law No.10, after the uproar it caused and international support that accompanied owners' protests, it was amended with Law No.42 of 2018, so that Article 2 (Article 6) was amended, including among those addressed in the call to declare their rights, the owners properties not recorded in the land registry or other entities legally authorized to keep ownership records.

In reality, this amendment constitutes nothing but a smokescreen. What is the use of giving them the option to declare their rights if this would not lead to preserving these rights? This amendment was not reflected in the overall legislative drafting of the law which does not fully recognize informal property and housing rights, as will be shown in the following points.

- **The value of buildings and facilities is not included when assessing owners' rights in violation**

According to Articles 20 and 21 of Law No.23, and Articles (1, 5 amended, 7, 11) of Law No.10, the administrative authority forms a committee to identify and assess properties in the area and develop detailed records of their contents, including buildings, trees, crops, etc., and to conduct a social survey of the population, and it may use aerial photographs attached to the area's development file.

Then the Evaluation Committee estimates the value of the area's real estate in its current condition, including buildings, structures, trees, and plants. It also organizes an estimation for the value of the land, building, trees, plants, and other structures, each in a separate field.

Presumably, the main purpose of estimating value is to know the equivalent share value for rights holders in the zoning area, but this is not applied with regard to informal settlements in a clear text of the law. Although the administration has full information on residents of the area and their properties whose value has been estimated, this is not included when estimating equity shares of owners, but only to calculate rent and eviction fees.

Article 5 - Article 10 - Paragraph B of Law No.10 stipulates that the value of informal buildings is estimated for the purpose of calculating rent and eviction compensation, and is not included in the assessment table.

As stated in Article 51 of Law No.23, the value of informal buildings and facilities is not included in calculating the owners' rights.

- **These properties are not considered final and are referred to the Dispute Resolution Committee**

Although decades have passed since these properties were established in most regions, the law does not consider them to be finalized properties that can be declared. Rather, they must be submitted to the Dispute Resolution Committee, as Article 52 of Law No.23 stipulates the jurisdiction of the Dispute Resolution Committee in cases of building and occupancy violations on private property in the area, in accordance with the provisions of this law.

This is stipulated in Article 43 of Law No.10, which states: The Dispute Resolution Committee looks into cases arising from building and occupancy violations committed on

private property in the area. The committee determines the ownership of violating buildings and structures amongst owners, and what is due to each of them in ownership of the land.

It is clear, based on the previous paragraphs, that this will not lead to preserving these properties. If the ownership of a building is proven, its value will not be included when estimating shares of owners in the area, but will only be used to estimate the rental allowance. If ownership of an area of land equivalent to the price of the house is proven, it will be a small area that does not allow for specialization in the area after its redevelopment.

● **Limiting the rights of informal housing owners to rubble and rent**

According to Article 43 of Law No.10, and Article 51 of Law No.23, a distinction is made between two types of informal settlements:

- Housing built on state property, and the rights of their owners are limited to the rubble of their buildings, and no other rights are recognized.
- Housing built on private property, and the rights of their owners are limited to compensation for rent for a period of two years.

The administrative unit may, at its discretion, allocate residents of the houses in violations in a zoned area to alternative housing from the surplus it has available.

4- Risks posed by the new zoning plans

In the past, the delay in issuing zoning plans was a factor in the emergence of informal settlement areas. Today, these plans pose a threat to the rights of property and housing owners in these areas, as this study has observed in its seven regions; new zoning plans that include fundamental changes compared to previous plans, such as the case in Jobar and Daraya, as if the new plan was issued for an area not already zoned and with no rights for residents to object or even view it. Even this study was not able to obtain official copies of these plans, and still they are circulated in the manner of rumours, raising questions about the legitimacy of this method of issuing zoning plans in accordance with Syrian laws, and whether it is permissible to issue new plans that carry fundamental changes in the zoning character of a land's real estate, and the relationship between the development plan and the needs of the population, whilst these areas are deserted by residents.

According to Legislative Decree No.5 of 1982 (Urban Planning Law), general and detailed zoning plans would presumably be issued in a way that does not conflict with the planning program, and this program determines current and future needs of a population based on the reality of its community, and determines the number of residents, population density,

and type and number of public services and constructions required (Article 1). After presenting a draft for the general and detailed plan to the Council for its approval, the project and its amendments are displayed in the lobby of the administrative authority and announced, and concerned parties are notified to view it. They can object to the projects within 30 days by submitting a claim explaining the objection, and it is considered by a regional technical committee formed by the governor (Article 5).

In other words, zoning plans are issued based on the reality of a settlement, the population density, the number of residents, and their needs, giving them the ability to object to these plans; meanwhile, we notice new plans issued without any consideration of destroyed buildings and displacement of residents, as if they are being issued to new residents and not to address the needs of original residents, and without giving them the right to review and object.

The law also permits the amendment of zoning plans according to dates specified in Article 8, and does not mention issuing completely new zoning plans that do not take into account the zoning character of the area's properties based on a previous zoning plan, and the extent of harm that changing this character might cause.

This is despite the fact that the administration shows a tendency to stabilize zoning plans. On 19th June 2023, and within the framework of controlling zoning plans in a way that ensures their continuation in the future, the Ministry of Local Administration and Environment, in cooperation with the Ministry of Public Works and Housing, organized a workshop entitled "Stabilizing and developing zoning plans in administrative units and preserving their urban fabric", which concluded with several recommendations, including:

- Halting any amendments to zoning and directive plans in all their forms in residential areas, whether by increasing the number of floors, allowing basements, amending the construction percentage, and the investment factor, if any.
- No amendments to any zoning characteristics that affect societal issues, or affect the planning program in accordance with its future vision, including parks and public buildings.

These recommendations were adopted through a notification from the Presidency of the Council of Ministers (17/15B) dated 17th July 2023, and although these recommendations came to limit informal construction within zoning plans, they show the extent of discrimination practiced by the administration, as it issues legislation that is supposed to be comprehensive, while the administration takes it to mean specific regions, and does not care not to amend the zoning character in a way that affects societal issues in other regions, as if legislation is not issued to apply equally to all regions of the country.

5- Rubble Removal and Prohibiting Disposal

The two projects of Basilia city and Marota city, which were established under the urban regulation and urbanization laws issued after the revolution (Legislative Decree No.66 of 2012), showed the regime's inability to implement its plans regarding informal settlements areas due to the associated excessive cost of implementing such major projects. In order to ensure that residents do not return or dispose of their homes, and pending the opportunity to enable the establishment of such projects, the regime issued a law on the rubble removal and imposed a requirement to obtain a security clearance prior to any disposal of properties.

The regime issued Law No.3 of 2018 concerning the rubble removal of buildings, which allows the regime to demolish buildings and prevent the residents from returning to them, as the regime wishes. This law expands the concept of damaged buildings that may be completely or partially demolished to include the buildings that are demolished due to natural or non-natural factors, or because they are subject to the provisions of the laws in force that require their demolition, whether including an entire real estate area, a real estate, or a subdivided property (Article 1), which makes this law a dangerous tool for the regime to demolish an entire real estate area by a decision of a committee formed by the governor, and considering the absence and displacement of residents, their houses may be demolished and their rubbles and private assets may be sold without their knowledge.

Additionally, the regime has obstructed the attempts of residents to dispose their properties, that through a letter by the head of the council of ministers (the private office, No.4554, dated 4 August 2015), which listed the cases of selling real estate or transferring the ownership of houses/shops as part of the cases requiring a pre security clearance. The research team spoke to an informed lawyer in Damascus, and to a real estate dealer working in Jobar, and both these sources confirmed that the security clearances are not impossible to obtain, however require the middling of influential individuals or bribes, but are almost impossible for the displaced people outside the country, or outside the regime-held areas, who require an representative domestically. A legal specialist from the locals of Jobar, who was displaced to northern Syria, said that these clearances are impossible for tens of thousands of the neighbourhood residents, who were blacklisted by the regime as wanted for the security services, the military service, or known for being part of the opposition. Many of the individual we spoke to confirmed that there are entire families whose members are deprived from processing any application related to their assets, whether in relation to representation (power of attorney), selling, or such.

Section 2: Study Findings

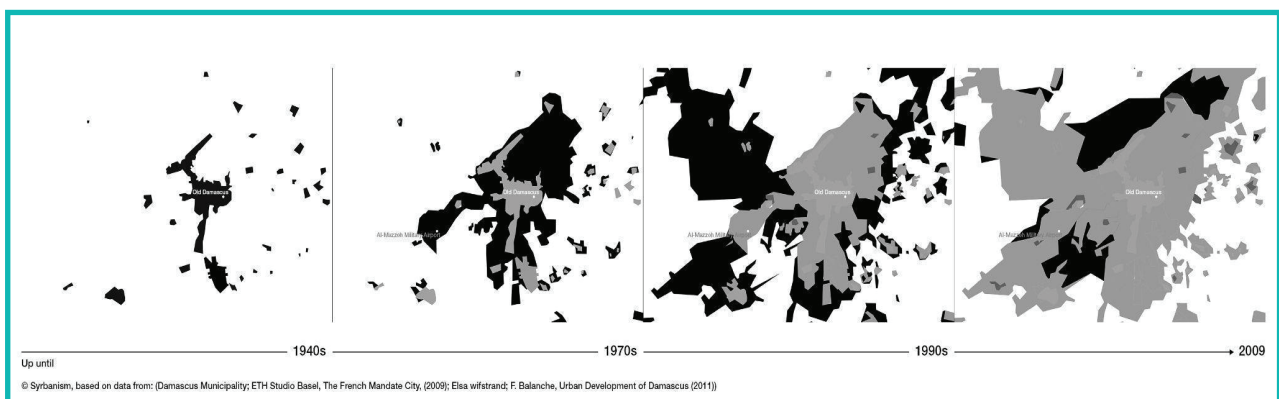
In order to develop a cognitive framework for the issue of urban planning which has been escalating since the 70ies and has resulted into the formation of informal settlement areas in Syria, we will exhibit the story of the urban planning in Damascus, the “urban-blind” city which has grown for four decades without a zoning plan, and we believe that the case of Damascus is an excellent example of the urban planning crisis across the country. The plan of the French architect, Michel Ecochard, which was adopted in 1968, is the most important architectural event in the history of Damascus, as it provided a general vision for the city and its future growth until 1985. Ever since, the state in Syria has been unable to implement that plan or any other plan in the city. The following map from 1968 shows the city of Damascus and its planned urban expansion, in addition to the villages and towns of rural Damascus (Rif Dimashq) such as Harasta and Duma in the east, to Jaramana and Bab Bila in the south, to Al-Ashrafiyah and Darayya in the south and west, as they all appear as areas adjacent to Damascus. In fact, the urban development, and mostly randomly, after this plan, has expanded in a way that has breached the administrative borders between the city and the rural area, between the neighbourhoods of the city itself, and between the borders of towns and districts in the rural areas, to the extent that the city and its rural have turned into a huge grey mass extending over 16,000 hectares, according to the estimation of the research team using Google Earth.



■ Figure (1) Ecochard Plan, 1968

Despite that the plan of Ecochard was not the best framework for the growth of Damascus city, as he predicted a population growth rate of 3% per year between 1968 and 1985, but given to internal migrations/relocations, the population increased by 6.1%, which is twice what was planned. This issue was further complicated by the violations of the plan by the authority itself which started early on, for example, opening major roads in places not stated in the plan, such as the road of Victoria Bridge, and guiding the urban expansion towards the area of Dummar and Qudssaya, contrary to what was proposed by the plan.

In 1983, two years before the end of the period planned by Ecochard, the Faculty of Architecture at Damascus University witnessed the formation of a team consisted of students and members of the teaching staff with an assignment to upgrade the Ecochard plan. Later, Ecochard himself joined the work and supervised the work of the team, but these deliberations did not lead to a meaningful change^[1]. To summarize, despite the numerous planning projects by the General Company for Engineering Consulting with Damascus University, Damascus provincial department, and with the support of international partners, most notably the Japanese JICA organization, Damascus has not received a third zoning plan till date. The following map presents the urban growth witnessed in Damascus between 1940 and 2009.^[2]



■ Figure (2) Urban expansion in Damascus between 1940-2009 (from Syrbanism, 2023)

[1]- Phone interview with Eng. Mud'har Shurbaji, 15 August 2023.

[2]- Lababedi, Z. (2008). The Urban Development of Damascus: A study of its past, present and future. A study of its past, present and future. University College London. <https://discovery.ucl.ac.uk/id/eprint/14328/1/14328.pdf>

(1)

Case of Jobar

a neighbourhood of which barely anything remains



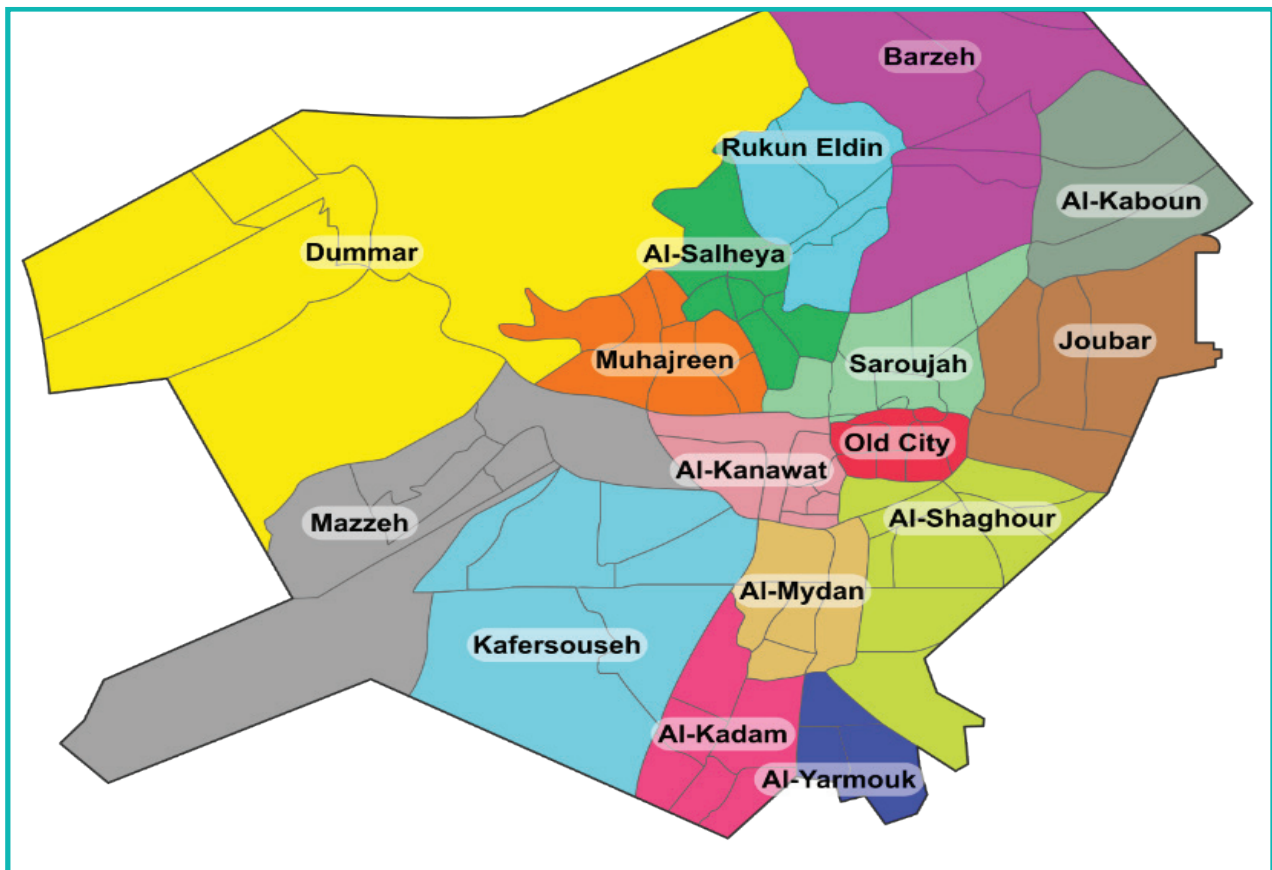
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(1) Case of Jobar, a neighbourhood of which barely anything remains

(1-1) Context of the neighbourhood's formation and experience in light of the conflict

Jobar neighbourhood is located in northeastern Damascus, between the neighbourhoods of Bab Touma, Al-Qasaa and Al-Tijara to the west, Qaboun to the north, and Ain Tarma and Zamalka to the east. Until the 1960s, the village of Jobar was part of the Damascus Countryside Governorate, and it was annexed to the city of Damascus in 1968, after the Ecochard plan was issued. Since then, significant urban expansion has occurred in Jobar, some of which is formal and some informal. Damascus Governorate had previously carved out some areas of Jobar, such as the Zabaltani neighbourhood and Souk al-Hal, and zoned them^[1].



■ Figure (3) Jobar's location in relation to Damascus Governorate

[1]- Syria Report, the new borders of the damascene neighbourhood of Jobar according to the zoning plan no.106, 2022 – Link:

<https://hlp.syria-report.com/%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84%D8%B3%D9%83%D9%86-%D9%88%D8%A7%D9%84%D8%A3%D8%B1%D8%A7%D8%B6%D9%8A-%D9%88%D8%A7%D9%84%D9%85%D9%85%D8%AA%D9%84%D9%83%D8%A7%D8%AA/%D8%A7%D9%84%D8%AD%D8%AF%D9%88%D8%AF-%D8%A7%D9%84%D8%AC%D8%AF%D9%8A%D8%AF%D8%A9-%D9%84%D8%AD%D9%8A-%D8%AC%D9%88%D8%A8%D8%B1-%D8%A7%D9%84%D8%AF%D9%85%D8%B4%D9%82%D9%8A-%D9%88%D9%81%D9%82-%D8%A7%D9%84/>

Jobar neighbourhood is separated from Eastern Ghouta and the city of Damascus by two main highways: to the east, is the Southern Highway of Damascus city, the eastern section of which is 7 km long and begins in Harasta^[2]. The highway cuts through Jobar from north to south, separating it from Zamalka and Qaboun. To the west, the Central Highway separates Jobar from Damascus city.

The area of Jobar is approximately 250 hectares, and according to the new zoning plan for 'Jobar 106' neighbourhood, announced in 2022, the entire area will become 304 hectares after annexing neighbouring areas administratively falling under Damascus and Damascus Countryside Governorates, such as parts of Qaboun, administratively under Damascus Governorate, as well as Arbin, Zamalka, Ain Tarma which fall administratively under Damascus Countryside Governorate^[3]

The neighbourhood's population, estimated at around 300,000^[4] before the conflict, was mostly Muslim (primarily Sunni, with a few Alawites, Ismaili, and Murshidi families). Christian families of the Roman Catholic and Orthodox sects also lived there, due to its proximity to Bab Touma and Al-Qasaa neighbourhoods, inhabited by a Christian majority. According to local sources, nearly half of the neighbourhood's residents are not original inhabitants, but have migrated to and settled there.

Since the beginning of 2011, anti-regime demonstrations began in Jobar neighbourhood.^[5] With its location adjacent to Abbasin Square, demonstrators hoped to turn the square into a sit-in, but in mid-2011 regime forces massacred demonstrators who tried to reach the square from Jobar^[6].

In mid-2013, armed opposition factions took control of most of the neighbourhood, and it became an advanced front for the opposition against the capital. Some southern and western parts of the neighbourhood, such as Al-Istiqlal, Al-Adashariyeh, Al-Dabaghat, remained under the control of regime forces and relatively safe. Despite an expansive geographical area, it only houses a small number of residents and some informal settlement areas formerly owned by the state, and these are the only parts of the neighbourhood that remain inhabited to this day.

[2]- eSyria website, a press release by Maa'n Qanawati, supervising director in Damascus governorate, 2010 – Last visit: 27 September 2023 –

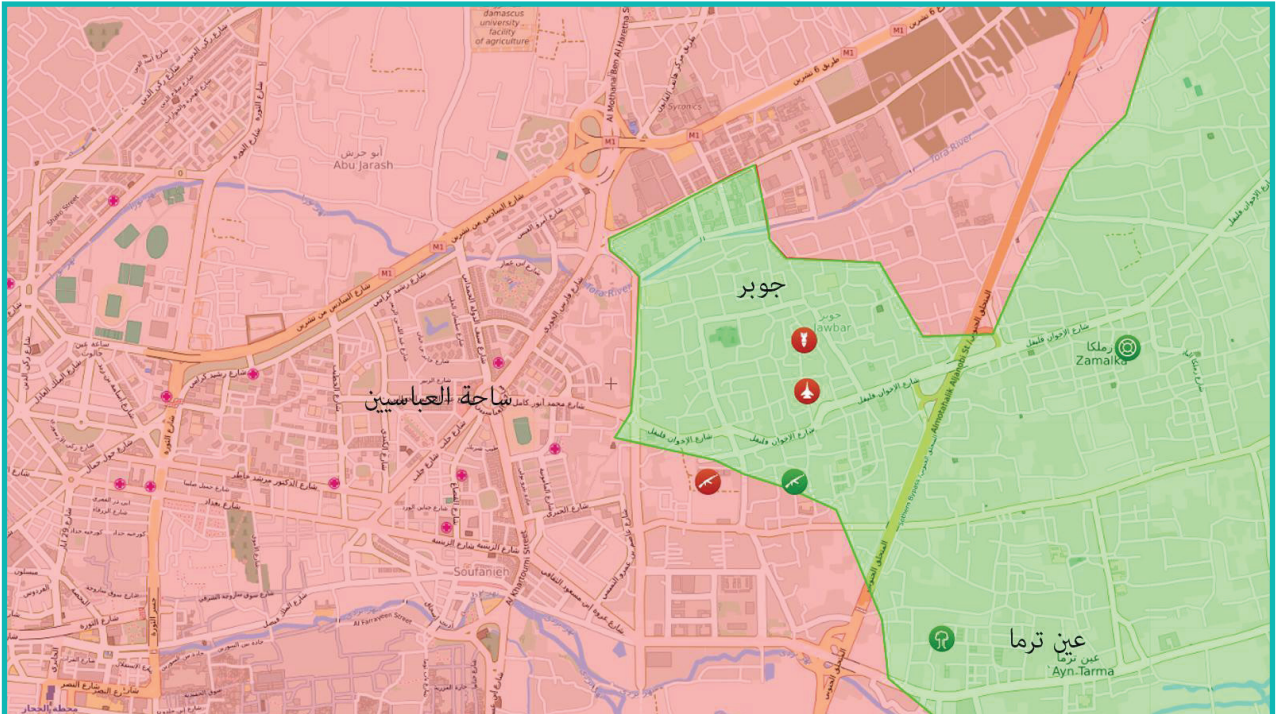
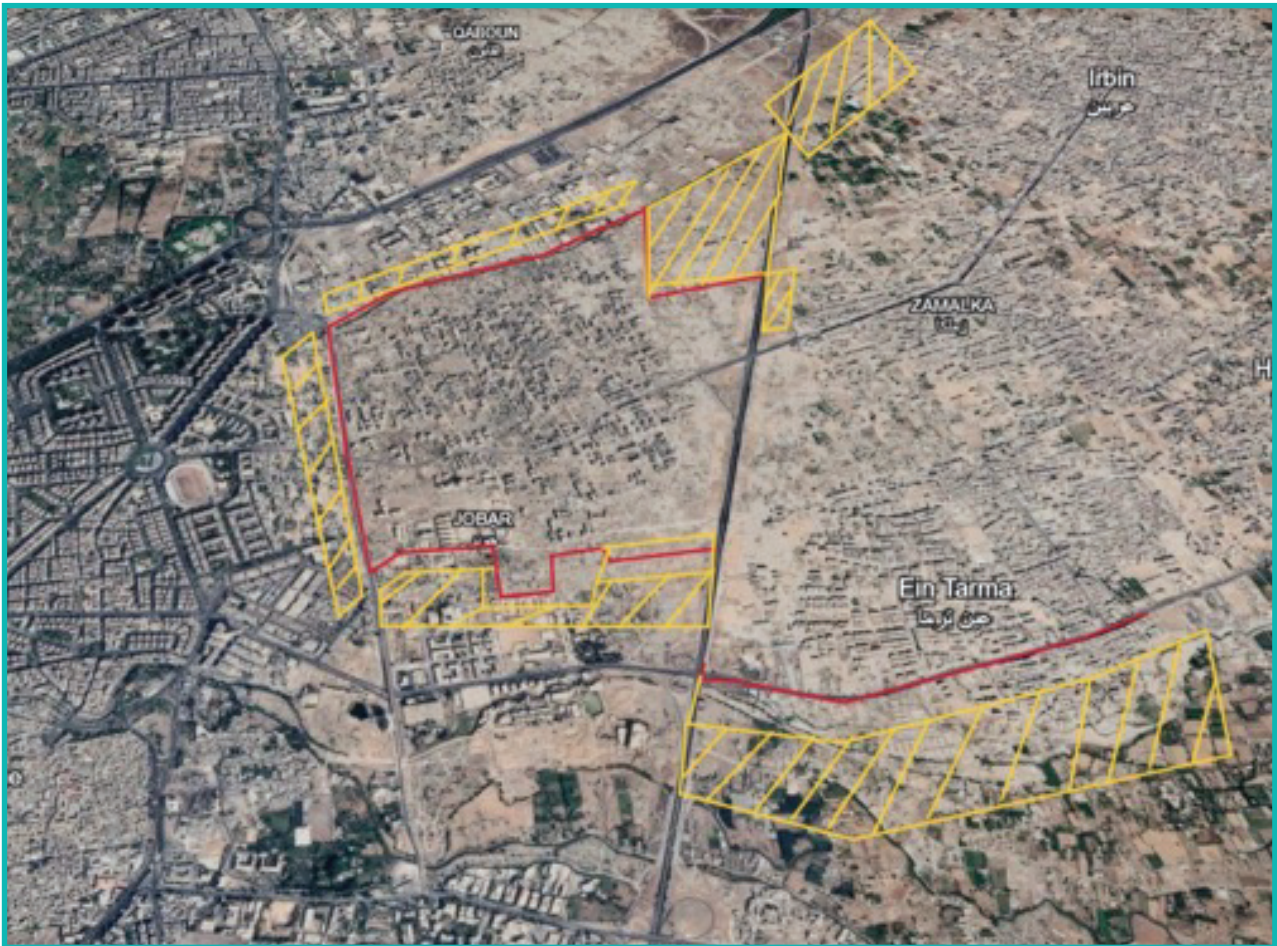
Link: [Here](#)

[3]- Publication of detailed plan for Jobar and surrounding areas, 2022 – Link: <https://www.sana.sy/?p=1685091>

[4]- Digital Arabic Encyclopedia, no publication date - Link: <https://tagepedia.org/Entry.aspx?id=74266&title=%D8%AC%D9%88%D8%A8%D8%B1&lang=ar>

[5]- The Great Friday demonstration in Jobar Neighbourhood, 22 April 2011 – Link: [Here](#)

[6]- The new Arab, The damascene neighbourhood of Jobar, the "Stalingrad" of Syria – the last visit: 27 September 2023 – Link: [Here](#)



■ Figure (4) Map of control in Jobar district, source LM

In March 2018, with regime forces retaking the neighbourhood, fighters, and any remaining residents of Jobar were displaced to areas of northern Syria lying under opposition control.

Until today, the neighbourhood is still uninhabited, except for the areas that remained under regime control.

Timeline of Events in Jobar:

- The first demonstration took place in Jobar on 4/22/2011
- 2013: Rebels take control of Jobar neighbourhood
- 2015: Close-contact battle to regain regime-controlled areas in Jobar
- 2017: Opposition takes control over Abbasin Garages and their surroundings
- 2017: Regime regains all the positions it lost and launches a massive campaign against Eastern Ghouta
- April and April 2018: Displacement of the people of Jobar
- June 2022: Zoning plan is issued.

(1.2) The Neighbourhood's Real Estate Composition

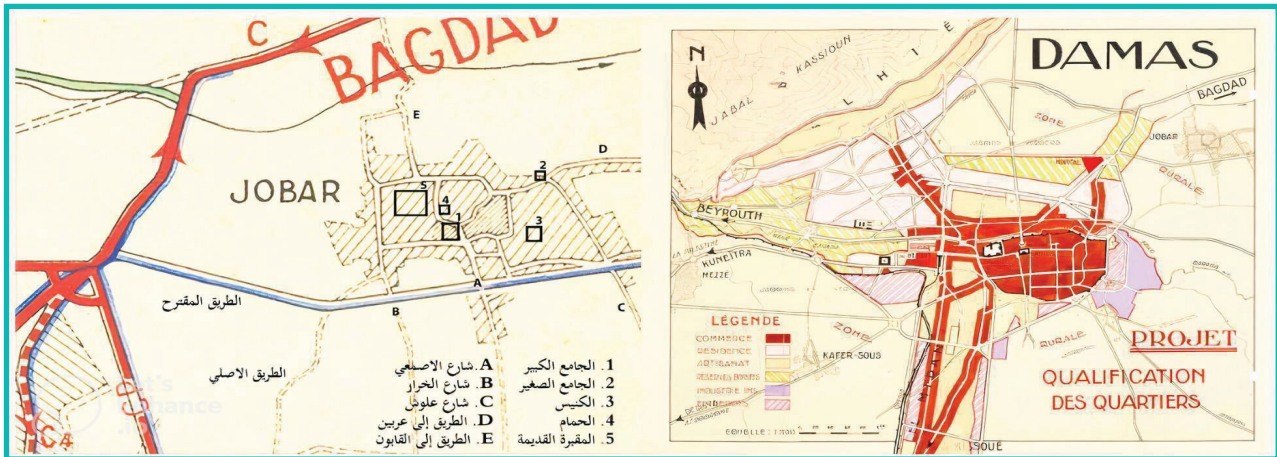
Jobar neighbourhood is an intertwined mixture of several urban forms, including historic, formal, semi-formal, and informal. It previously had ancient Arab buildings and houses in the centre of its Old Town. It also had parts zoned according to the Damascus Zoning Plan after the neighbourhood was annexed to the city in 1968, but many of these parts included violations in terms of land use and construction control, so can be considered semi-zoned. Finally, it had numerous clusters of informal alleys s connected to it from almost all directions. Following is a presentation of each of the urban forms within the neighbourhood in terms of nature, locations, and estimated size.

(1-2-1) Old Jobar

Until the outbreak of the conflict, Old Jobar had many mud houses, especially in the vicinity of the Great Jobar Mosque, one of its historical buildings which some believe dates back to the period of Islamic conquests^[7]. In the vicinity of the mosque, there was

[7]- Shehadeh, Hazem, 'The stones of the "Great Mosque" summarize facts as long as history', eSyria website, 2009 – Link: <https://www.esyria.sy/2009/06/%D8%AD%D8%AC%D8%A7%D8%B1%D8%A9-%D8%A7%D9%84%D8%AC%D8%A7%D9%85%D8%B9-%D8%A7%D9%84%D9%83%D8%A8%D9%8A%D8%B1-%D8%AA%D8%AE%D8%AA%D8%B2%D9%8-4-%D9%88%D9%82%D8%A7%D8%A6%D8%B9-%D8%A8%D8%B9%D9%85%D8%B1-%D8%A7%D9%84%D8%AA%D8%A7%D8%B1%D9%8A%D8%AE>

more than one old hammam dating back to the Ottoman era, and the Old Jobar Cafe. But the most ancient landmark is the Eliyahu Hanabi Synagogue, which dates back to about 800 BC^[8]. The mud houses in Jobar are very similar to the ancient houses of Damascus in terms of architectural style, but differ in the materials used in construction: clay and wood were the basic materials^[9]. The following drawing shows the location of Old Jobar and its most important landmarks according to the first zoning plan for Damascus in 1938, implemented by French architect René Dange^[10].



■ Figure (5) shows the plan of Jobar town and its location in Old Damascus in 1938

Jobar appears in this illustration as a small town east of Damascus surrounded by agricultural land and orchards on all sides. This was the nucleus around which urban expansion grew after Jobar turned into an extension of Damascus in the city's second zoning plan in 1968, known as the Ecochard plan^[11]. Thus, the village became a neighbourhood of Damascus, and it grew rapidly; two-storey concrete buildings between and around the mud houses grew at speed in the following decades, and formal and semi-formal Jobar was formed. Many old mud houses were still present when military operations began in the neighbourhood, and by the end of military operations it was still possible to see traces of these buildings which predate the history of urban planning in Damascus. The following pictures show the remains of some of these mud buildings after they were bombed amid the concrete urban centre^[12].

[8]- Archiqoo website, Jobar Synagogue – Link: https://archiqoo.com/locations/jobar_synagogue_ar.php

[9]- Al-Asali, Wissam, 2018, 'From Tora to the Valley, about Jobar and the eastern neighbourhoods of Damascus' - Link: <https://www.jadaliyya.com/Details/37784>

[10]- Ibid.

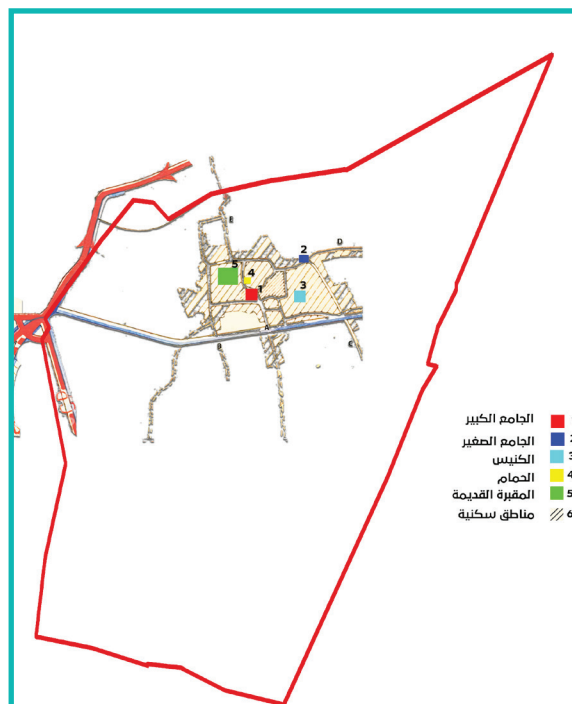
[11]- Jabour, Saadallah, 2001. 'Urban developments in Damascus', Damascus Magazine, Volume 17, Issue 2 – Link: <https://www.damascusuniversity.edu.sy/mag/eng/images/stories/pdf/17-2-2001/5.pdf>

[12]- Pictures taken from video recordings by Jobar Media Office and Jobar Coordination Office, broadcast on YouTube during the siege of the neighbourhood in 2017.



■ Figure (6) Remains of mud buildings in Jobar neighbourhood, (Jobar Coordination Office page, 2016)

To give a clearer idea of the extent of urban expansion in Jobar from 1968 until the present, the following illustration shows the current boundaries of Jobar neighbourhood, including boundaries of the Old Town.



■ Figure (7) showing boundaries of Jobar Old Town in 1938, compared to its current boundaries.

(1-2-2) Regulated Jobar:

In Jobar, concrete construction has expanded significantly over the past few decades. These buildings eventually formed the largest mass of modern Jobar architecture, and all of them have official title deeds: “green Tapu.” However, even within the zoned part of Jobar, there are violations to the map of land use; therefore, we believe the actual condition of a large percentage of these properties differ to a greater or lesser extent from their official real estate description. The following map shows land uses: which was meant for construction and what was supposed to be green spaces in Damascus and eastern surroundings, according to the Ecochard plan. The green polygon in the middle is supposed to form a separation between Jobar and the extensions of Old Damascus, and on the other end the green spaces connect with Eastern Ghouta.



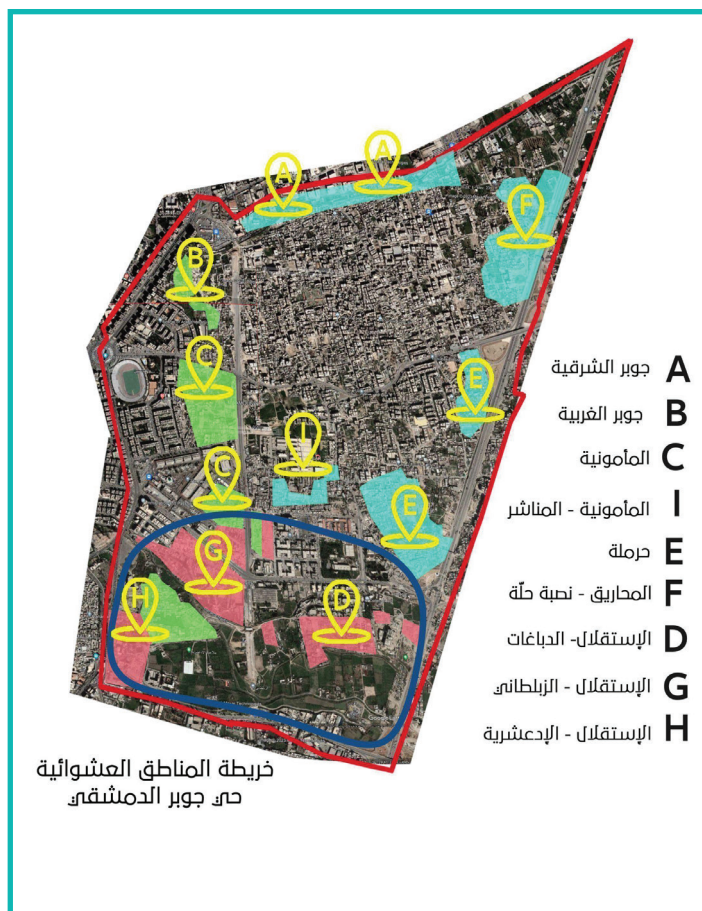
■ Figure (8) Land uses: green spaces and areas intended for construction, according to the 1968 Ecochard plan.

On the ground, concrete encroachment destroyed all those green spaces, and barely anything escaped except in some areas south of Jobar and the northeastern part. Although this zoned part covers the largest area of the neighbourhood, violations of land use and construction control, as well as informal settlement clusters that arose on lands not intended for construction, made it easy for the regime to view Jobar as “informal settlement”, like ones which have recently sprung up and not been zoned.

(1-2-3) Informal settlement Areas in Jobar:

The research team was able to count 12 prominent informal settlement communities lying within the administrative borders of Jobar, five of which are located within the area controlled by the opposition from 2013 to 2018. The focus of the case study was more on this area controlled by the opposition and its informal settlements, which to this day remain deserted and closed to their owners.

The largest informal settlement is located in the northern part in the shape of an extended strip parallel to the Tora River, Jobar's northern border. This is similar in the east, parallel to the southern highway and other parts shown in the map below (Illustration 10). These informal settlements blend in with the formal section in such a way that it is difficult to distinguish between them in many places. Indeed, many of the properties have both formal and informal parts. There are no reliable figures about the percentage of informal communities in the total urban mass of the neighbourhood, but some local sources estimate it may reach 40%.^[13]



■ Figure (9) The most prominent informal settlements in Jobar, illustration produced by the research team. (In green are the settlements inside areas controlled by the opposition, the rest are under regime control. In green are informal settlements that are still inhabited)

[13]- Online interview with a lawyer from Jobar, 14 September 2023.

In terms of land ownership, some of the lands on the outskirts of Jobar were expropriated by the state in 2008, including Al-Adashriya neighbourhood and some industrial workshops in the south.^[14] Other than that, the majority of lands in Jobar are private property owned by the town's families and passed down through generations. Some of the rights holders we spoke to can trace their family properties back to 1863, and many to dates prior to the establishment of the Syrian state. These people have title deeds for the land itself but not what lies upon it, so their properties are registered in the land registry as Amiri agricultural lands commonly owned. Meanwhile, buildings and constructions on the land are not acknowledged in the land registry. We examined a land registration deed pertaining to a property in one of the informal settlements in Jobar, described in the land registry as wooded agricultural land with an area of more than 2,000 square metres. In reality, the aforementioned land was divided, and two-storey residential buildings were built on it. We do not know exactly when construction was completed, but the document consisting of 6 pages shows that a building violation was reported in 1993 and a notification was mentioned in the title register. Then it indicates that the owners paid a fee to correct the property description, but the document does not show that any of the notifications were corrected. We will see in the upcoming case studies that pending notifications, i.e. those which have been decided and but not implemented, are a dominant feature of government land records, as the land registry system in Syria has grossly failed to accommodate and reflect real estate changes in its records over the past decades. Rights holders, in turn, have resorted to circumventing the system to make any space available for their property. In the following pictures, it is likely that the property owner knows it is not possible to register his house because it is built on land, which is not designated for construction, but he is content with registering a notification indicating that there is indeed a building on his property.



■ Figure (10) shows the first and last images of a six-page land registry document containing names of dozens of owners

[14]- Al-Iqtisadi website, Sharqi Bab Sharqi Organization, 2011 - Link: <https://manhom.com/aliqtisadi/77208-%D8%A7%D9%86%D8%AA%D9%87%D9%89-%D8%A7%D9%84%D8%A5%D9%86%D8%B0%D8%A7%D8%B1-%D9%88%D8%AA%D9%86%D8%B8%D9%8A%D9%85-%D8%B4%D8%B1%D9%82%D9%8A-%D8%A8%D8%A7%D8%A8-%D8%B4%D8%B1%D9%82%D9%8A-%D8%A8%D8%AF%D8%A3>

(1-3) Most Prominent Types of Violations Identified in Jobar

The research team was able to identify six patterns of repeated practices that affect property and housing rights in Jobar, and met and documented cases with victims of each of them. Below we present these practices and try to frame them legally and cognitively in a way that serves the study's goal of deepening our understanding of the problems of urban planning in Syria.

(1-3-1) Displacement, deprivation of the right to housing

On April 22, 2011, tens of thousands of residents of Eastern Ghouta joined Jobar demonstrators and sought to reach Abbasin Square, one of the main squares in the capital Damascus, with the aim of holding a sit-in and voice their demands for political reform in the country. The regime forces moved in and set up barriers at the entrances to Jobar, then started shooting when demonstrators left the neighbourhood. Dozens were killed by security forces' bullets, including a number of Jobar residents. That day was called Good Friday,^[15] and it was the moment of escalation in Jobar, followed by a series of raids and arrests that terrorized residents. Stories spread about mass killings of dozens of young men from the neighbourhood on walls of buildings and schools. Regime forces also looted homes and assaulted residents during the raids. The matter caused terror among the residents, and many left the neighbourhood, especially those from other regions of the country. A woman from Jobar commented: "They were like hateful invaders set against every place and every person, and it was clear that it was no longer safe for us and our children."

Displacement increased as the peaceful movement turned into an armed one, and Jobar fell out of the regime's control in the following year, 2013. With the expulsion of regime forces from the greater part of Jobar, the areas located east of the new highway, the entire area with its homes and public facilities became targets of artillery fire, warplanes, and later Russian fighters. Out of 300,000 residents, only a few hundred families remained in the neighbourhood, living through a siege and battles that lasted about 5 years until their forced displacement from Jobar and the rest of Eastern Ghouta in March and April 2018.

[15]- Syrian Human Rights Committee, Number of victims of the Good Friday massacres rose to 112 martyrs, 2011 - Link: <https://www.shrc.org/?p=9828>

(1-3-2) Indiscriminate shelling and destruction of property

Violent bombing operations led to widespread destruction of urban structures in the neighbourhood, including housing, workplaces, public facilities, and infrastructure. According to testimonies by residents who were on the fronts at the time, “the bombing of Jobar is different from what we saw in northern Syria. The bombing in Jobar was systematic and deliberate, focusing each time on individual areas in succession, which led to the destruction of entire neighbourhoods, especially those close to the lines of contact: the new highway to the west, Taybah sector northeast of Jobar, and Wadi Ain Tarma to its south.” The following pictures show the level of destruction resulting from military operations in one part of Jobar, specifically in the northeastern part of what is known as the Nasbat Hilla (Taybah) and its vicinity. The pictures were taken between April 2011 and April 2018 when military operations ended.



■ Figure (11) Destruction in Nasbat Hilla neighbourhood in southern Jobar between 2011 and 2018

Beyond what we can conclude from these images, there is not much data available about the extent of the destruction resulting from military operations in Jobar. The last UN assessment dates back to April 2016,^[16] that is, before the most ferocious military campaign on the neighbourhood and on all areas of Eastern Ghouta. But the fact that Jobar formed an advanced opposition front in Damascus, made it vulnerable to greater destruction compared to most areas deep in Eastern Ghouta, such as Zamalka, Arbin, and others, as the aforementioned assessment showed. Local estimates indicate that the extent of total destruction resulting from military operations reached 50% of Jobar when the opposition left, while more than 90% of urban structures were subjected to varying degrees of damage.

[16]- REACH, Damage density of Jobar neighbourhood and Irbin city, Damascus governorate, Syria, 2017 – Link: https://unosat-maps.web.cern.ch/SY/CE20130604SYR/UNOSAT_A3_Damascus_Damage_Density_20160402.pdf

(1-3-3) Theft, looting, and demolition

According to multiple testimonies from residents and local experts, violations in three stages began in Jobar after opposition factions were expelled from the neighbourhood: regime forces looted all remaining household furniture and building equipment in the neighbourhood - this was the first stage. In the second stage, these forces carried out what is known as “taafish”^[17] (looting); the process of removing everything that can be removed of the building’s cladding, including floors, doors, windows, and internal installations such as electricity and communications cables, etc. When the “taafish” is complete, only concrete and bare walls remain of the buildings. The third stage is a process similar to killing buildings, or what is known as “looting iron”. Ceilings are demolished and reinforcing iron is removed from them, making these buildings unrepairable. Finally, regime forces remove the remaining rubble and sell it to make any trace of the buildings vanish, as well as the people who lived in them, and the crimes that occurred there. One of the rights holders who were able to enter the neighbourhood in 2022 narrates, “I entered a four-story building, and from inside what was supposed to be the first floor, I could see the sky, as there were no ceilings on the four floors, only long walls, as if it were a scene from a movie”. The following picture shows buildings with iron removed from their ceilings in Jobar.



■ Figure (12) What buildings look like with ceilings removed in satellite images (Google Earth, 2023)

A number of former residents who currently live in Damascus noted that the looting included all buildings within the neighbourhood, not distinguishing between regulated and unregulated ones. It excluded only government institutions, some mosques and buildings that have a special status. As for the looting of iron, it is still ongoing, but has already

[17]- Hammour, Ghaith, “Looting” eating through everything in Syria, Enab Baladi newspaper, 2022 – Link: https://www.enabbaladi.net/archives/616441?gclid=CjwKCAjw4P6oBhBsEiwAKYVvkq9oZZpxekhxiKSQt9OYWdacyhW9j5Pq4alxt24rQ0q4Rw4ybF9fxBoC39AQAvD_BwE

covered the largest percentage of the neighbourhood. Satellite images confirm this, as we find that the operations of removing buildings from the face of the earth have expanded significantly after regime forces regained control of the neighbourhood. The following images show the change in urban cover in the same part of Jobar (Nasbat Hilla “Tayba” neighbourhood) between two periods: end of military operations in the neighbourhood in 2018, until the most recent available via Google in September 2022. What can be seen in the last two pictures is that a large number of buildings that remained standing until 2018 were completely removed after that date, and those that have not yet been removed have had their ceilings removed.



■ Figure (13) Removing buildings and ripping off roofs southeast of Jobar (Google Earth)

Republican Guard forces and the Fourth Division, who control the neighbourhood, manage the looting operations through contracts with businessmen, contractors, craft workshops, and workers who work with them. The profits of the “looting industry” are very large. Let’s just look at iron, where the price of a ton of scrap iron in the region’s markets is about \$460 per ton.^[18] If each ceiling contained an average of three tons of iron, the value of the ceilings of a small four-story building would exceed \$6,900. We do not know the exact number of ceilings in Jobar, but if we assume that the neighbourhood’s 300,000 residents had 55,000 homes/ceilings, which is an estimated number based on the average number of Syrian family members and the number of Jobar’s residents before the conflict, then the quantity of looted iron may reach 165,000 tons and its market value is about \$76 million. This is the lowest possible estimate based on housing numbers only, without taking into account commercial buildings and workplaces. This is money stolen from the pockets of the people of Jobar, and is shared by the above-mentioned entities, while the regime uses looting as a way to direct gains to parties that have proven their loyalty during the conflict.

Regarding iron in particular, it seems certain that three businessmen close to the regime are involved in the operations in Jobar: Samer Al-Fawz and Imad Hamisho, two businessmen who are partners in the Sorouh Construction Company, which owns iron smelting plants in Homs and Latakia^[19]. The third is Muhammad Hamsho, who also owns a steel factory in the industrial city of Adra in Damascus countryside. The three figures are included on international sanctions lists, but the economic network that the Fourth Division and the Republican Guard have woven around Jobar is certainly much broader than that, and depending on the minerals and materials that are extracted from Jobar’s buildings, there are different companies and economic entities they are contracting with.

A human rights activist from the neighbourhood confirmed that the regime did not form any committees to inspect buildings in the neighbourhood after re-taking control, and did not issue any announcements to rights holders, not even as just a formality as required by the Debris Removal Law No. 3 of 2018. Therefore, the operations of looting, demolition and transportation do not take place in accordance with the aforementioned law. The activist concludes that this may be the regime’s way to completely free itself from any responsibility towards the owners of properties it removes under a security guise and in the absence of their rights holders, under the pretext of there being a network of war tunnels underneath affecting the foundations of the buildings and making them structurally unsafe. However, it is difficult to verify the veracity of these allegations, as all the rights holders we spoke to confirmed that the regime is continuing to bulldoze the neighbourhood to its very end, and the tunnels are only an excuse.

[18]- Arab Iron and Steel Union, Global iron scrap prices rise with an upward trend in demand in Turkey, 2023 – Link: <https://aisusteel.org/19015/>

[19]- Al-Desouki, Ayman, Fourth Division Economy Network during the Syrian Conflict, Robert Schuman Centre for Graduate Studies, 2018 - Link: <https://medirections.com/index.php/2019-05-07-15-50-27/wartime/2020-01-13-16-50-28>

(1-3-4) Preventing Return

More than five years after regime forces regained Jobar, its residents, even those displaced to Damascus and other regime-controlled areas, are still prohibited from entering it simply to inspect their homes and properties, not to mention the issue of the population's return. "The regime says that Jobar is a military area and contains mines and a complex network of tunnels that pose a danger to the residents. What is strange is that these tunnels and mines do not pose any danger to an army of scavengers and their vehicles that we have seen entering and exiting the neighbourhood throughout these years," a displaced woman from Jobar commented in Damascus. In light of the ban on returning to the neighbourhood, Google Earth remains the only window for the people of Jobar to view their homes from time to time, until there comes a time when they find it completely removed from the map, and that is what happened with a number of people we spoke to. A woman from Jobar currently residing in Turkey says, "When the revolutionaries were in Jobar, media teams would roam the streets with their cameras, taking pictures of its streets and buildings. We were sad to see our homes destroyed and abandoned, but after the regime entered, even that sad picture vanished ... We can only wait for Google updates every month, and each time we ask each other, 'Is your house still standing?'"

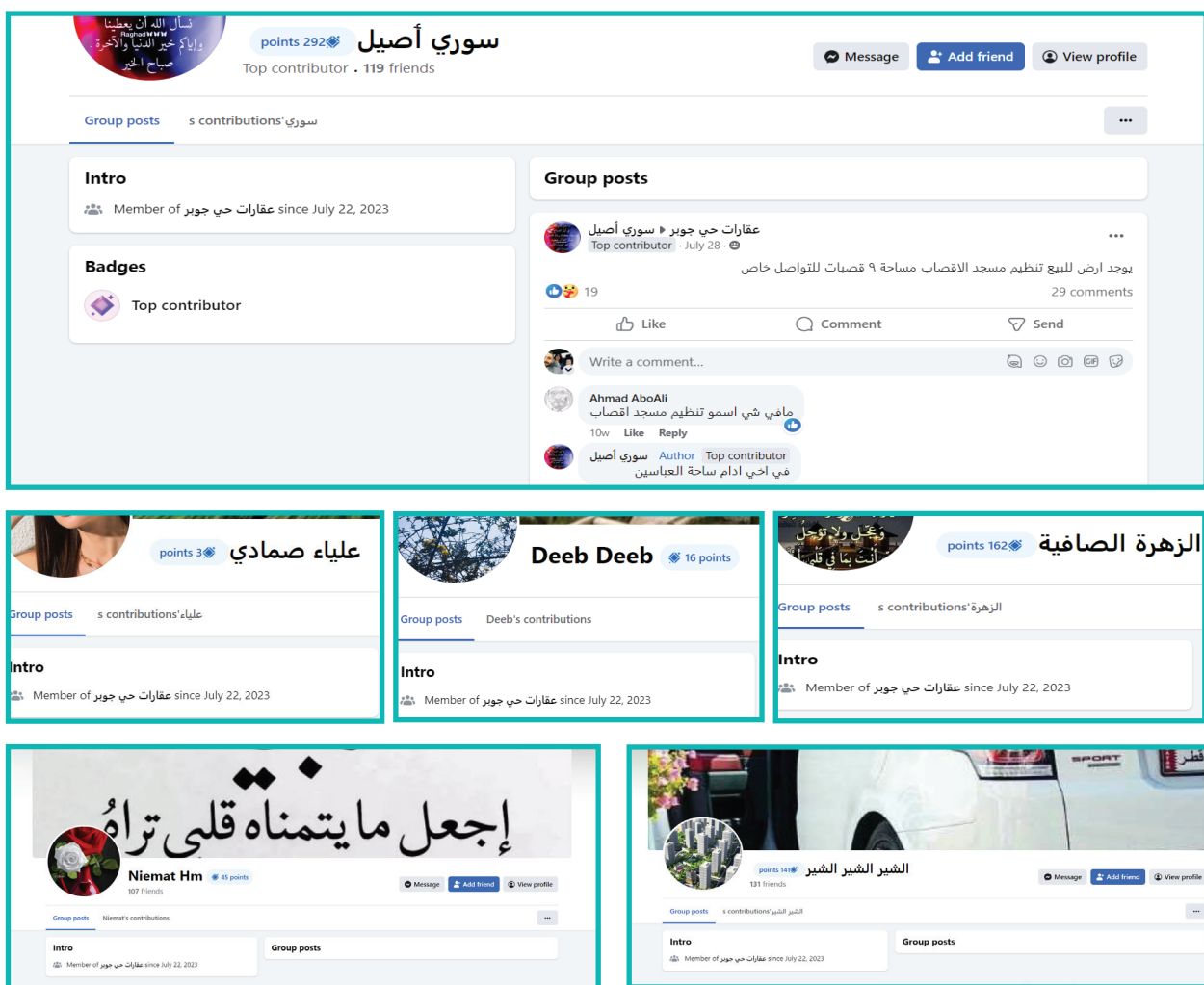
(1-3-5) Enabling powerful individuals to buy real estate under pressure

According to a lawyer from the neighbourhood residing in Damascus, in recent years, especially after Damascus Governorate issued the latest zoning plan for Jobar, several figures from the neighbourhood, known for their close ties to the regime and security forces in control there, were noticed to be active in buying properties of displaced people. We refrain from publishing their names here, but they are documented with TDA for use in appropriate forums. Because these and other individuals are from the neighbourhood, they know who owns what, families that have no opportunity to return and defend their property and some who have been completely deprived of those rights. They are also able to reach out and communicate with rights holders wherever they are in the world, as they are part of original community networks of displaced people. They facilitate the sale of homes and lands in the neighbourhood at low prices, and they alone are able to obtain security approvals to complete these transactions. He continued, "They have many ways through which they are able to communicate with families, directly by phone or through groups on Facebook, for example." There is Jobar Real Estate Group, Sharqi Bab Sharqi Organization,^[20] and Jobar Neighbourhood Real Estate Group,^[21] which includes about 3,000 members of people from Jobar, both inside and outside Syria, and some of them publish advertisements for the sale of their properties there. What is striking about the last group in particular is that, in contrast

[20]- Jobar Real Estate Group on Facebook, 2023 – Link: <https://www.facebook.com/groups/3078349308970026>

[21]- Jobar Real Estate Group on Facebook, 2023 – Link: <https://www.facebook.com/groups/281103041270022>

to the numerous advertisements for sale by owners, there are only a limited number of group members who express interest in purchasing or even ask about real estate prices, and they all use fake accounts as in the attached photos. In our attempt to learn more about these accounts, we found that they have all been members of the group since its founding in July 2023. We also noticed that some of them share real estate sales ads on the group, but these ads also appear to be fake as they contain false information about the locations supposedly on offer for sale. Some residents who are in the know explain the purpose of these ads is merely to give group members the impression that sales are taking place in the neighbourhood and that they too can advertise the sale of their properties in the group. In this way, the group appears to be a trap set for displaced rights holders to sell their properties at low prices under the pressure of prolonged displacement and poor prospects of return. The following pictures show some of those accounts expressing interest in purchasing real estate and asking about prices. We note that all of these accounts joined the group on July 22, 2023, the date of the group's founding. We note that the member "Real Syrian", in the picture, claims he has a property for sale, but mentions incorrectly the name of the area where the supposed property is located.



■ Figure (14) Suspicious accounts active in purchasing real estate online in the Jobar neighbourhood (Jobar Neighbourhood Real Estate Group on Facebook, 2023)

In addition to the above, a number of property owners living abroad told how they received offers to buy their properties in their current state, at very low prices, from brokers and contractors in Jobar and Damascus, with assurances to facilitate all legal procedures for the sale, including security approvals and administrative procedures. Others were approached to give up their property in exchange for the release of detainees from regime prisons. This network has strong influence on the ground, especially with support from security forces controlling the area. This has allowed them to exercise a kind of monopoly on purchases and even seize the properties of the people of Jobar, whether within the neighbourhood or adjacent to it, such as Ain Tarma, adjacent to Jobar. One of the rights holders whose story we documented fled the neighbourhood in 2014, and until last year 2022 had lost hope of returning to his Arab house which extends over an area of 240 square meters in Jobar Centre. The man says, “My son met a real estate dealer from an area adjacent to Jobar, and because of our difficult financial situation, we asked him to find a buyer for the property, and it was actually sold in its current condition and through a contract with a lawyer for 85 million Syrian Pounds”, meaning less than 15,000 USD; the market value of the land only, without construction, exceeded ten times this amount before the conflict.

(1-3-6) Jobar regulation plans a multi-faceted violation

In July 2022, Damascus Governorate announced a new detailed zoning plan for Jobar within what was called Plan 106, which includes the neighbourhood and its adjacent areas. The announcement caused great confusion and shock to the displaced residents of the neighbourhood, who have been watching the destruction, demolition, and looting of their property for years without being able to access them. The reason for the confusion was the scarcity of information that accompanied the plan, but for brief statements from officials in Damascus Governorate, some of which were conflicting. Even some of the engineers and specialists we spoke to are having difficulty understanding the details of the new plan and possible consequences. Of course, the detailed plan was drawn without any form of prior consultation with rights holders, and without providing them with any new communication channels, except that the governorate had displayed the vague plan in the lobby of its building and instructed rights holders to express their objections to it within a period of thirty days. Since the personal presence of the concerned person or his representatives was required, the majority of rights holders in Jobar did not have the opportunity to properly see the plan, let alone object to it. Some local media pages circulated low-quality images of the new plan, while the plan itself is still not available on government platforms, such as the Damascus Governorate website, for example^[22]. Below we summarize the most prominent problematic points and risks related to Jobar’s reorganization.

[22]- Although one copy of the Jobar plan published online bears the logo of the Damascus Governorate Council, we were unable to find that copy on the council’s website itself.



■ Figure (15) Jobar 2022 zoning plan

- Legislative Decree No. 5 of 1982, the effective urban planning law, mentions the permissibility of amending old zoning plans and not issuing completely new ones that do not take into account the zoning character of the area's real estate according to the previous zoning plan. What is clear in the case of Jobar is that the new plan changes the features of the neighbourhood completely. For example, the site of the Jobar cemetery appears as a public park in the new plan; the Teachers' Tower, tallest building in the neighbourhood and one of its most famous landmarks until it collapsed in regime bombing, has also changed to a park in the plan. The plan changes the routes of the internal road network within the neighbourhood. It also expands the southern highway to a depth of 120 meters into the neighbourhood, in what is called the Green Belt. Here the new plan ignores that the majority of Jobar's lands are areas included within the zoning plan of Damascus 1968 and replans the neighbourhood as if it were starting from scratch, which also means damages resulting from changing the zoning character of the neighbourhood and threats to property rights in terms of re-appropriating sections of properties which have already been subject to appropriation before.

- The plan also included a change to the administrative borders of the neighbourhood, as areas were removed from Jobar, and new areas were introduced

from the Damascus countryside. This produced a long list of formal real estate properties that now fell outside Jobar's zoning plan, after they had been within it, and were included to the towns of Zamalka and Ain Tarma in Damascus countryside governorate.

- The implementation of the new zoning plan, according to the Director of Urban Planning in Damascus Governorate, is subject to the provisions of City Planning and Urbanization Law No. 23 of 2015, and given the nature of the properties in Jobar, the state of these properties and subsequent destruction and forced displacement of the population, the implementation of this law will pose a number of risks, including size of the appropriation. According to the aforementioned law, the ceiling for appropriation and what the administration will receive of the area's shares has been raised, to become half in governorate city centres, as is the case in Jobar (Article 4), and can be increased to more than half the area, without specifying a ceiling for this increase. .

- In terms of time limits set by the law, the deadline given to rights holders to disclose their rights in the region and submit supporting documents is thirty days starting from the date of the announcement inviting owners and rights holders to disclose. In light of the displacement of neighbourhood residents and large number of the security's wanted people, this short deadline is impossible.

- In terms of the value of people's rights, they are based on assessing the value of the land and the buildings, crops, trees, and constructions on it. Today, most of the region's real estate is destroyed and looted, so how will value be assessed? Will it be limited to the price of the land? For this reason, it is not possible fairly assess value using a legal system that ignores context.

- In terms of the rights of informal settlements owners, they are not subject to value assessment and are not calculated. They are not considered final properties, but rather are referred to the Dispute Resolution Committee to determine their owners' share of the land. If these homes were built on state property, their owners are only entitled to take the rubble of their buildings, and no other right is recognized. It appears that in the case of Jobar, even this right to take the rubble of their buildings was denied to rights holders. However, if built on private land, their rights are limited to rental allowance for a period of two years, and they can be allocated alternative housing from among the surplus available to the administrative authority.

- Finally, treating all of Jobar as an informal settlement district contradicts the fact

that part of Jobar existed even before the idea of modern urban planning had arrived in Syria. That part has great historical and cultural value and reflects the urban identity of the neighbourhood, which must be protected and what remains of it preserved.

(1-4) Concluding Remarks on Jobar's Case

The story of Jobar is linked to the story of urban planning in Damascus city, since the old town of Jobar became an eastern neighbourhood of the capital, Damascus. The neighbourhood's mixed real estate composition from an old town, zoned areas beset by violations, and informal settlements, makes it one of the most complex of case studies. Jobar is another embodiment of the failure of urban planning policies in Syria for years before the conflict. The neighbourhood developed urbanely in a way that was very different from what was planned, but Jobar cannot be viewed as an informal settlements district. Rather, the majority of the neighbourhood's real estate is located within the zoned area and is registered at the Directorate of Cadastral Affairs in Damascus. Indeed, the neighbourhood was an important economic centre and its sources of income varied between industry, trade, crafts, and agriculture.

The study team was able to identify six recurring patterns of practices that affect HLP rights of the people of Jobar:

- 1) Violations as a result of the devastating military operations that continued for about five years and destroyed large parts of the neighbourhood.
- 2) Looting, which begins with looting the contents of buildings and ends with their complete removal and selling the iron structure and remaining rubble.
- 3) Preventing residents' access to their property by closing the neighbourhood and considering it a military zone to date.
- 4) Preventing property disposal and supporting specific networks of merchants linked to the regime.
- 5) Extortion of rights holders and purchasing their property at low prices, by merchants linked to regime agencies.
- 6) Re-zoning of Jobar in a multi-faceted violation that erases all problems of the past in the neighborhood, as the regime hopes.

Meanwhile, the regime claims that its competent committees are still reviewing the objections of rights holders in Jobar to its vague zoning plan, which was displayed for a single month inside the governorate building. Inside the closed neighbourhood, the regime's forces continue to loot what remaining wealth is left by displaced residents, from reinforcement materials in the buildings to the rubble, transporting them to recycling centres. In this way, it is uprooting the ancient residents of Jobar by removing any trace of their homes, looting, and selling materials worth millions in order to supply its military and security forces with resources, while paving the way for obtaining valuable land for its current and prospective local and international investors and economic partners. In the face of this gross injustice, we found that a network of activists from Jobar, which included lawyers, engineers, former government employees, and other rights holders, are resisting the regime's practices with all means available to them including monitoring and documentation, media pressure, and pressure through international institutions. They maintain active contact with the people of Jobar in the diaspora.

Finally, regarding early recovery activities and the fact that most of the neighbourhood is uninhabited, the quick survey we conducted in Jobar did not reveal many such activities. Perhaps the most important event in this context was the rehabilitation of the water pumping station in Jobar, which also pumps water to areas in Damascus and Eastern Ghouta. Information indicates that government ministries participated with unnamed international organizations in the rehabilitation process^[23]. While pictures show a number of regime government officials at the opening event inaugurating a monument that reads, "Under the patronage of President Bashar al-Assad..." there was no sign of the above-mentioned international cooperating organizations. The rehabilitation of the Jobar water pumping station does not likely involve a direct violation of residents' rights, but the way in which the regime politically exploited the station rehabilitation project, and was allowed to take control of it to the point of adding a picture of President al-Assad at the entrance to the station, makes the international assistance granted to Jobar water station seem even less neutral towards conflict and rights.

[23]- Ministry of Water Resources, 2022, Putting the Jobar Water Pumping Station into service. Link: <http://dawssa.gov.sy/site/arabic/index.php?node=554&cat=15567&>

(2)

Darayya Case Study

Fragmentation of a City



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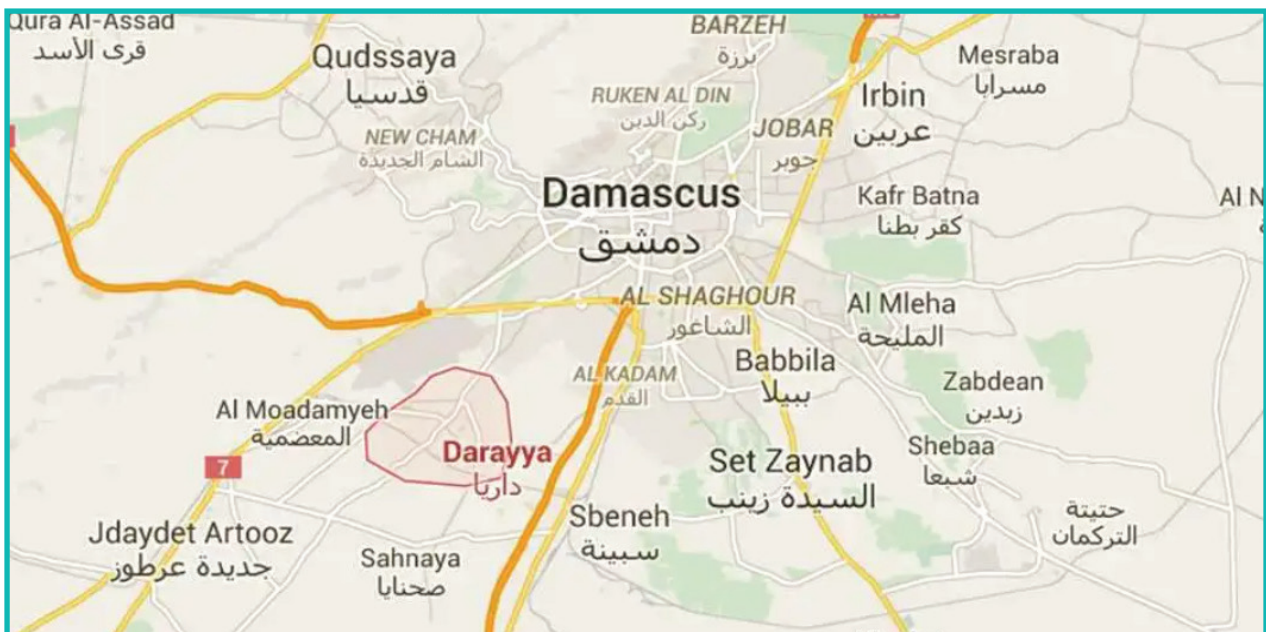
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(2) Darayya Case Study, Fragmentation of a City

(2-1) Context of the Case

The city of Darayya is located 8 km from the capital, Damascus. It is bordered by Moadamiyat al-Sham and Mezzeh to the north, Jdeidet Artuz to the west, and Sahnaya to the south. It is bordered to the east by the Kafar Sousah region and the Damascus neighbourhood of Qadam..

Administratively, Darayya is one of the areas of the Damascus Countryside Governorate. Its area is 102.48 square kilometres, and it has jurisdiction over Sahnaya sub-district , the “Al-Kuwaiti District,” the “March 8 complex,” and the city of Moadamiyat al-Sham, in addition to the Western Industrial Zone. The area of Darayya city is only 53.60 square kilometres^[1].



■ Figure(16) shows the location of the city of Darayya relative to Damascus.

The population of the city of Darayya is 155,000 according to the 2007 census. But the estimated number in 2011 was 200,000^[2]. After opening roads and all entrances to Darayya between 2022 and 2023, approximately 30,000 people returned to the city.

Darayya is a Syriac word that means many houses, derived from the word Dar, and this was known as the second largest village in Damascus.^[3] Historical sources indicate that the city’s history is linked to the history of Damascus, where a statue of the Greek god of love, Eros, was found and now it is in the National Museum in Damascus.

[1]- Al-Marefa website, Darayya. Link: <https://www.marefa.org/%D8%AF%D8%A7%D8%B1%D9%8A%D8%A7>

[2]- The Local Council of Darayya, History of Darayya. Link: <http://Darayyacouncil.org/index.php/%D8%AF%D8%A7%D8%B1%D9%8A%D9%80%D9%80%D8%A7/%D8%AA%D8%A7%D8%B1%D9%8A%D8%AE-%D8%AF%D8%A7%D8%B1%D9%8A%D8%A7.html>

[3]- The History of Darayya, author Abdul Jabar Al-Kholani

The original residents of Darayya and those residing there from the neighbouring Al-Midan area share the same customs and traditions, and belong to two main components: Sunni Muslims, who constitute the vast majority of the city's population whether original inhabitants or those who arrived in the last two decades due to its geographical proximity to Damascus and comparably low housing prices; and Darayya Christians of the Roman Catholic and Greek Orthodox sects, their number estimated at 5,000^[4] and they are located in the tribal region of Darayya, and each sect has its own church. Despite this, it is not possible to distinguish one component from another except through Christian and Muslim names, as the city's residents coexist with each other in markets and businesses that characterize the city, such as the furniture and wood industry and free trade, in addition to agriculture and contracting businesses.

In the beginning of the 2000s, the city hosted human rights activists from the "Damascus Spring," and with the outbreak of protests, security forces arrested a number of the "Darayya Youth Group" and its Sheikh Al-Saqqa, leading to the group's dissolution; however, its peaceful and political ideas began in the beginning of the year 2011 in the Revolution of the Roses.^[5]

Darayya's proximity to Mezzeh Military Airport, head of a triangle of vital military assets for the regime: the Fourth Division, the Republican Guard, and the Republican Palace, made it easier for regime forces to storm the city several times and arrest a number of leaders of the peaceful movement, such as Yahya Shurbaji and Ghiath Matar, who were arrested by security forces in late 2011. Ghiath's body was returned days later, mutilated^[6].

In early 2012, groups of the city's youth began forming brigades that joined the Free Army, the Darayya Coordination Committee issued its Issue 0 of one of the most important Syrian newspapers, "Enab Baladi", and in August 2012, army and security forces raided the city and the Great Darayya Massacre occurred in August 2012. More than 700 people were killed, the largest massacre that had occurred up to that time^[7]. Most of Darayya's population left the city, with 8,000 remaining under siege.

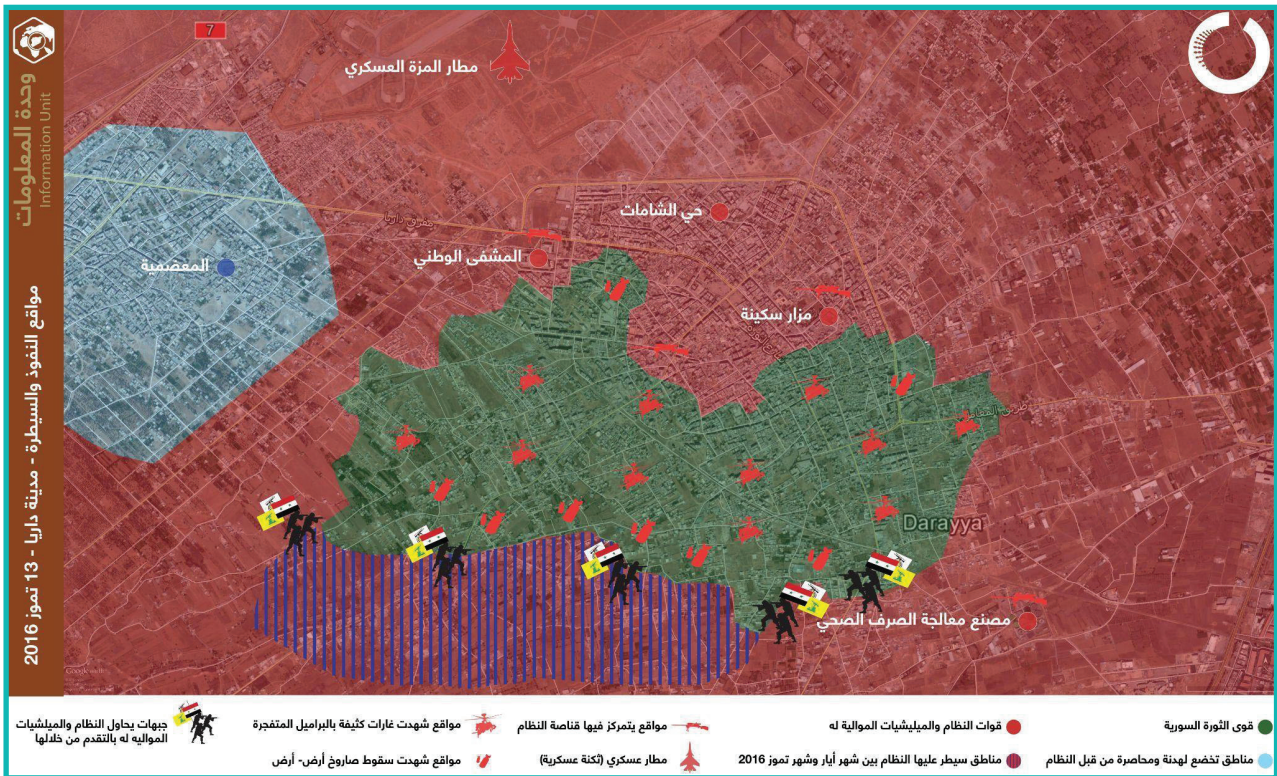
[4]- Interview with the former mayor of Darayya.

[5]- Shurbaji, Iyad, Al-Hayat, From Darayya to ISIS: The Making of Obscene Extremism, 2014. Link: <http://rasseen.com/art.php?id=9e53ccffd66fdb810c40b5a9c925a54498bd9aa97>

[6]- Enab Baladi, Ghiath Matar, The hope of Darayya and the coming rain of freedom, 2012. Link:

<https://www.enabbaladi.net/326/%D8%BA%D9%8A%D8%A7%D8%AB-%D9%85%D8%B7%D8%B1%D8%8C-%D8%BA%D9%8A%D8%AB-%D8%AF%D8%A7%D8%B1%D9%8A%D8%A7-%D9%88%D9%85%D8%B7%D8%B1-%D8%A7%D9%84%D8%AD%D8%B1%D9%8A%D8%A9-%D8%A7%D9%84%D9%82%D8%A7%D8%AF%D9%85/>

[7]- Enab Baladi, 700 people killed en masse. 7th Anniversary of the Darayya Massacre, 2019. Link: <https://www.enabbaladi.net/323382/700-%D8%B4%D8%AE%D8%B5-%D9%82%D8%AA%D9%84%D9%88%D8%A7-%D8%AC%D9%85%D8%A7%D8%B9%D9%8A%D9%8B%D8%A7-%D8%A7%D9%84%D8%B0%D9%83%D8%B1%D9%89-%D8%A7%D9%84%D8%B3%D8%A7%D8%A8%D8%B9%D8%A9-%D9%84%D9%85%D8%AC/>



■ Figure (17) Distribution of areas of control in Darayya 2016, Omran Centre for Studies

From the beginning of the siege in late 2012 until December 2015, nearly 1,300 people were killed,^[8] most of them victims of the Syrian regime’s air strikes which destroyed more than 80% of Darayya’s infrastructure, forced 90% of its population to flee, and tightened its siege over the city from all sides after the Free Army took control of all the regime’s military positions on the outskirts of the city; a deal was reached in August 2016 according to whose terms exhausted fighters left the city towards northern Syria.

Darayya Timeline:

- 25 March 2011: The first demonstration took place in the city.
- April 22, 2011: Security forces fire on Good Friday demonstrators
- 20 August 2012: The Great Darayya massacre lasted for 8 days and killed 700 people.
- Early September 2012, mass exodus of the city’s people after the major massacre
- Late 2012: Continuous bombing campaign and siege of the city
- August 25, 2016: Armed opposition reaches an agreement with the regime stipulating the handover of the city, and departure of civilians to Sahnaya and fighters to Idlib^[9].

[8]- Aljazeera.net: The revolution of Darayya in Syria and its tragedy – Events and Numbers, 2016. Link: <https://www.aljazeera.net/en-cyclopedia/2016/8/28/%D8%AB%D9%88%D8%B1%D8%A9-%D8%AF%D8%A7%D8%B1%D9%8A%D8%A7-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D8%A9-%D9%88%D9%85%D8%A3%D8%B3%D8%A7%D8%AA%D9%87%D8%A7-%D8%A3%D8%AD%D8%AF%D8%A7%D8%AB>

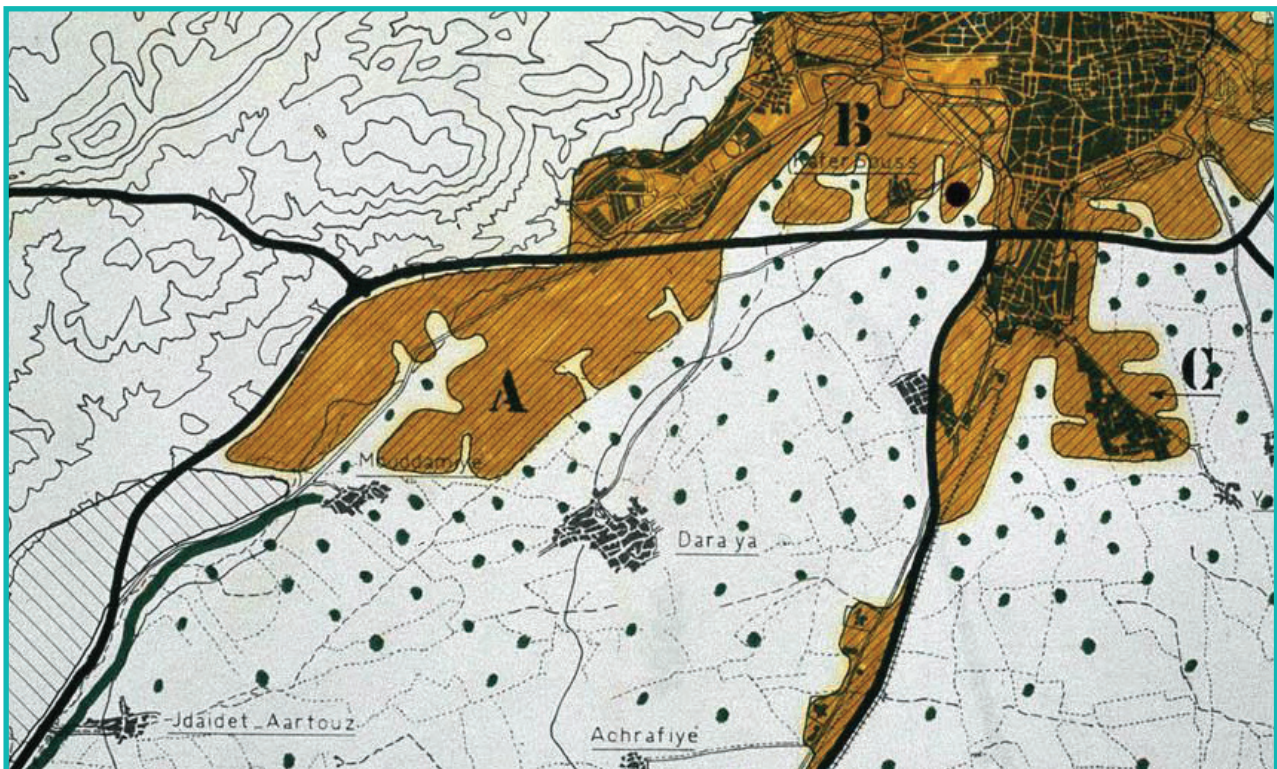
[9]- Enab Baladi, details on the first day of agreement in Darayya. Link: <https://www.enabbaladi.net/99956/>

(2-2) Structure of Real Estate in Darayya

The structure of real estate in Darayya is somewhat similar to that in Jobar, with the old town surrounded and penetrated by concrete buildings with a zoning plan unimplemented on the ground. On the outskirts, urban expansion spread over agricultural lands and outside the boundaries of the zoning plan. Distinguishing between the three layers of urbanization is difficult in many places, as the city has undergone many urban developments and three zoning plans, none of which fully implemented. Darayya's first zoning plan dates back to 1973. The zoning plan was expanded in 1993. The last general zoning plan in the city dates back to 2005; it took five years until detailed plans for sections of this plan were approved in 2010.^[10]

(2-2-1) Old Town of Darayya

The history of Darayya dates back to the pre-Islamic period as the largest town in Ghouta, western Damascus. The town was connected to Damascus through Mezzeh and Kafar Sousah neighbourhoods, as appears in the following photograph from 1968. The map shows the area of the Old Town and its surrounding agricultural lands before urban expansion.



■ Figure (18) Old Town of Darayya (Ecochard plan sheets)

[10]- Online interview with a former mayor of Darayya. 1st August 2023

We spoke to an engineer from the neighbourhood who mentioned that until the mid-seventies, Darayya was comprised of Arab-style houses built of clay mud with traditional roofs made of wood topped with clay; cement buildings in the town could be counted on one hand, so much so that he remembers their locations and the names of their owners. Concrete encroachment into and around the Old Town ensued. But an important section of mud houses remained standing until the outbreak of conflict in the country, not only in the centre of the old city, as the following picture shows, but even within subsequent urban expansions, as some residents of Darayya continued to build and use mud houses during the eighties and into the nineties.



■ Figure (19) Juxtaposition of mud houses with cement construction in town centre of Darayya 2015, (Darayya Local Council page)

The Old Town possesses dozens of important historical buildings and sites. Perhaps the newest of these is the Greek Orthodox Church of Saint Thecla, which was built in 1872. The oldest, at least above ground, is the shrine of the Prophet Ezekiel, one of the prophets of Israel, which dates back to the sixth century BC.^[11] Today the shrine is located within a mosque known by the same name. The town also includes a large number of mosques and shrines around which old mosques were built, including the Abu Muslim Al-Khawlani Mosque, which contains the grave of Bilal al-Habashi and a number of other notables and important followers.^[12] There is also the Grand Darayya Mosque, which likely dates

[11]- Denova, Rebecca, Tr, Mahmoud, Ismael, 2022, World History Encyclopedia. Link: <https://www.worldhistory.org/trans/ar/1-20610/>

[12]- Website of the Local Council of Darayya, DTN, Shrine of the Prophet of God, Ezekiel. Link: <http://Darayyacouncil.org/index.php/%D8%AF%D8%A7%D8%B1%D9%8A%D9%80%D9%80%D8%A7%D8%B9%D9%84%D9%85%D8%A7%D8%A1-%D9%88%D9%85%D8%B4%D8%A7%D9%87%D9%8A%D8%B1.html>

back to the Ayyubid era,^[13] the Al-Minbar Mosque, the Omar bin Al-Khattab Mosque, and others.^[14] But the most famous and problematic historical landmark in reality is the shrine of Sayyida Sakina bint Ali bin Abi Talib, which has become known outside the local region since the late 1990s. This attracted the attention of Iran, which financed the project to rebuild the shrine and its sanctuary during the following years, making it similar to the shrine of Sayyida Zeinab in the Damascus countryside. But as soon as the construction work was completed, the conflict broke out in Syria, in which neither the shrine nor any of the historical shrines and monuments we mentioned survived. All of them were bombed by regime forces. Although there are no accurate assessments of the extent of destruction in Darayya in general, most local estimates indicate that the Old Town is one of the most damaged parts of it.



■ Figure (20) The shrine of Sayyida Sakina after it was bombed by regime forces, 2016, (pictures circulated on the Internet)

The cultural and historical value of the Darayya's Old Town is not limited to religious buildings. Rather, there are many old houses and neighbourhoods that together form the identity of Darayya in terms of its urban style and the treasury of its residents' collective memories

[13]- Official website of Darayya, DTN. Link: <https://darayya.info/%D8%AF%D9%88%D8%B1-%D8%A7%D9%84%D8%B9%D8%A8%D8%A7%D8%AF%D8%A9-%D9%88%D8%A7%D9%84%D8%A3%D8%B6%D8%B1%D8%AD%D8%A9/>

[14]- Ibid. Link: <http://Darayyacouncil.org/index.php/newsroom/%D8%AA%D9%82%D8%A7%D8%B1%D9%8A%D8%B1-%D8%B5%D8%A7%D8%AF%D8%B1%D8%A9-%D8%B9%D9%86-%D8%A7%D9%84%D9%85%D8%AC%D9%84%D8%B3/237-%D8%AA%D9%82%D8%B1%D9%8A%D8%B1-%D8%B9%D9%86-%D8%AD%D8%A7%D9%84%D8%A9-%D8%A7%D9%84%D9%85%D8%B3%D8%A7%D8%AC%D8%AF-%D9%88%D8%A7%D9%84%D9%83%D9%86%D8%A7%D8%A6%D8%B3.html>

and common history. An elderly local woman proudly narrates the participation of the people of Darayya in the Syrian revolution against French colonizers, and the significance of places: “The southern neighbourhood of Darayya was the revolutionaries’ headquarters, and meetings were held in the Amir family’s house next to the Greek Orthodox church... It was in this same house that Charles de Gaulle stayed while he was in Syria in the 1940s.” The Amir family is a Christian family from Darayya, and the aforementioned house, whose remains appear in the following picture, is more like a mud palace about a hundred years old.

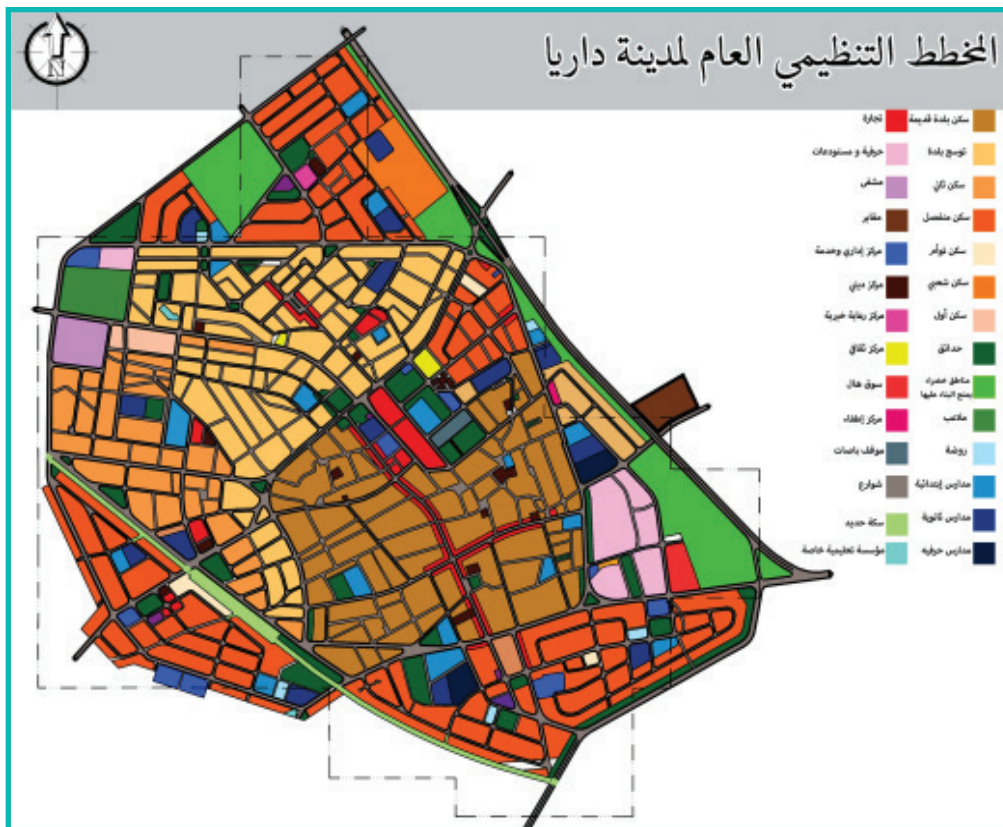


■ Figure (21) Amir Family’s House, one of the oldest and well-known houses in Darayya.

Regarding land ownership in the Old Town centre, with the exception of lands appropriated by the state for the construction of institutions and public spaces, almost all other lands and real estate are private properties passed down by Darayya families. The legal type of properties under the 1973 plan was registered as ‘private property’; unlike urban expansion lands under the 1995 and 2005 plans, the majority of which remained registered as ‘Amiri lands’, meaning the owner possesses the right to dispose of it, but not absolute ownership. This was not the only problem with the urban expansion occurring in Darayya during the eighties and nineties, as we will see in the following paragraph.

(2-2-2) Darayya City, Zoning Plan and Urban Expansion.

Darayya began to expand rapidly in urban areas from the late seventies and into the eighties and nineties, mostly in the form of single-storey cement buildings replacing a large section of the old mud houses over extensive areas. Urban density increased significantly within the borders of the Old Town, so that the constructed parts shaped approximately 67% of the town, according to a former mayor of Darayya.^[15] Urban expansion proceeded in a circular manner in all directions surrounding the Old Town, to a larger extent towards the north, in the direction of Mezzeh neighbourhood, and towards the northwest, towards the neighbouring town of Moadamiya. The constructed area in Darayya expanded from 38 hectares in 1970 to 173 hectares in 1985 and then to 496 hectares in 1995^[16]. Urban expansion undoubtedly continued until the end of the nineties and the beginning of the millennium, but we do not have accurate numbers about the final area. We have some conclusions based on the recent general zoning plan for Darayya, which was approved in 2005 and not actually implemented on the ground. But it gives an idea of the boundaries of the Old Town according to the first plan of 1973, and informal expansions, some of which are marked in this plan in orange (separate housing and second housing).



■ Figure (22) Last general zoning plan approved for Darayya in 2005.

[15]- Interview mentioned above.

[16]- Salah al-Din Meda, Haitham, D.T.N., A brief study of the negative effects resulting from the urban expansion of the city of Damascus towards part of its Western Ghouta, University of Damascus, p.10. Link: <https://astrolabe.files.wordpress.com/2007/08/urbanplanning-007.doc>

(2-2-3) Expansion of informal settlements around Darayya

Informal settlement areas make up about half of the city, according to some of the most credible sources.^[17] The research team was able to identify five large clusters of informal settlements in Darayya, in addition to a lot of informal construction scattered among the remaining agricultural lands around the city. These clusters arose mainly at the entrances to the city from all four sides, next to the main roads. As the following map shows, the five largest communities are: Al-Khaleej neighbourhood, north of Darayya, to the borders of the Mezzeh Military Airport. The southern neighbourhood is on the Darayya-Ashrafieh-Sahnaya road and includes the area of Abu Suleiman Al-Darani Mosque, all the way to Al-Alali towards Achrafieh-Sahnaya. Ubaida neighbourhood and Talit Road, located east of the city. The neighbourhood of Al-Maamel Road and the automated bakery towards Abu Dagher area^[18]. Finally, Fashoukh and Al-Marah neighbourhoods, west of Darayya, on the Four Seasons Road. Going back to the general zoning plan of 2005 (Figure 6), we note that most of these areas were included in the plan.



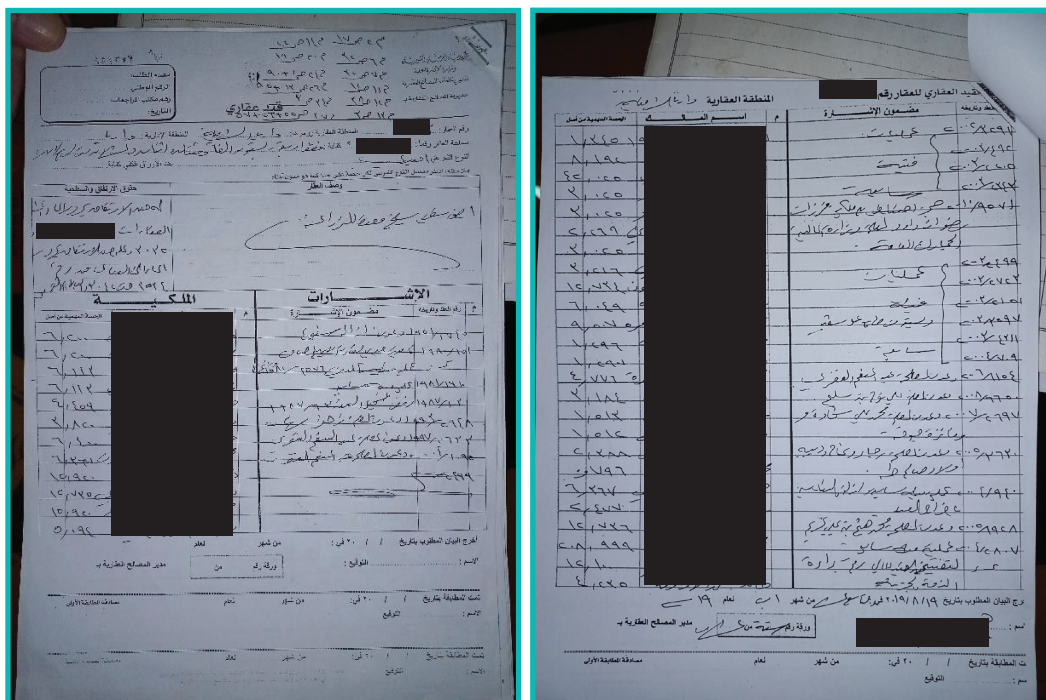
■ Figure (23) shows locations of the largest informal settlements around the city.

[17]- Multiple interviews.

[18]- Previously mentioned interview with a former director of the municipality of Darayya. 1st August 2023.

These areas do not differ much from the majority of the zoned section of Darayya in terms of the nature of urban, level of services, and general conditions of life. Rather, they appear as a continuation of the urban fabric. They arose as extensions of the area under the plan, but for the most part, they were not made formal by it. Whether in the old part of town or in urban expansion areas, plans often came after urban expansion had occurred. The biggest difference is the ownership documents that residents have, differing from those within the boundaries of the first zoning plan to those in the expansions of the zoning plan. The majority of properties in the expansion areas are still recognized in the land registry as agricultural, Amiri, and communally owned lands. In fact, most of them now have single-storey buildings belonging to dozens, if not hundreds, of owners. As stipulated in the rules of common ownership, each of the rights holders owns an equity share in the property, which is registered as a mark of ownership or a claim.

To illustrate this complex and inefficient administrative and legal procedure, we can examine one of the ownership documents issued by the Land Registry Department in Darayya concerning a property in Al-Khaleej neighbourhood. The area of the agricultural property according to the land registry is about nine hectares, owned by more than a hundred rights holders, each of them with a mark on the real estate document after having filed claims and carried out transactions for the land registry, each individually of course and over different time periods extending from 1951 until the most recent mark appearing on the document in 2019. Thus, the names and marks of rights and claims accumulated in the land registry document grew to twenty pages long. In the attached image we show two pages of that document to give a clearer idea of what this means.



■ Figure (24) The first and eighth pages of a land registry document that is twenty pages long and lists more than a hundred owners in Al-Khaleej neighbourhood north of Darayya.

This is what we see if we open land registry documents for any of the properties located in informal settlement areas in Darayya: dozens of pages of Encumbrance, each with its own file holding contracts, lawsuit documents, and multiple files for transactions concerning the property. But in the end, the land registry views all rights holders as partners in commonly owned Amiri agricultural properties, and does not recognize the diverse types of construction and life taking place there. We see the repercussions of this problem in Al-Khaleej neighbourhood, north of the city, which was completely wiped off the map by regime forces in 2013. Consequently, the process of restoring rights has become an overly complex process in the administrative, legal, and technical sense, not to mention the political resistance shown by the regime towards rights holders.

The inability of the land registry system in Syria to accommodate these properties is essentially an administrative problem. This imbalance, which has persisted since 1951 until today in the case of the aforementioned Al-Khaleej neighbourhood property, is replicated in all informal settlements in Darayya, as well as in other areas covered by this research. This reflects the conflicting actions of local administration represented in municipalities and city/governorate councils on the one hand, and the land registry system represented in the Directorate of Real Estate Affairs and its affiliated directorates and departments.

(2-3) The most prominent types of violations in Darayya

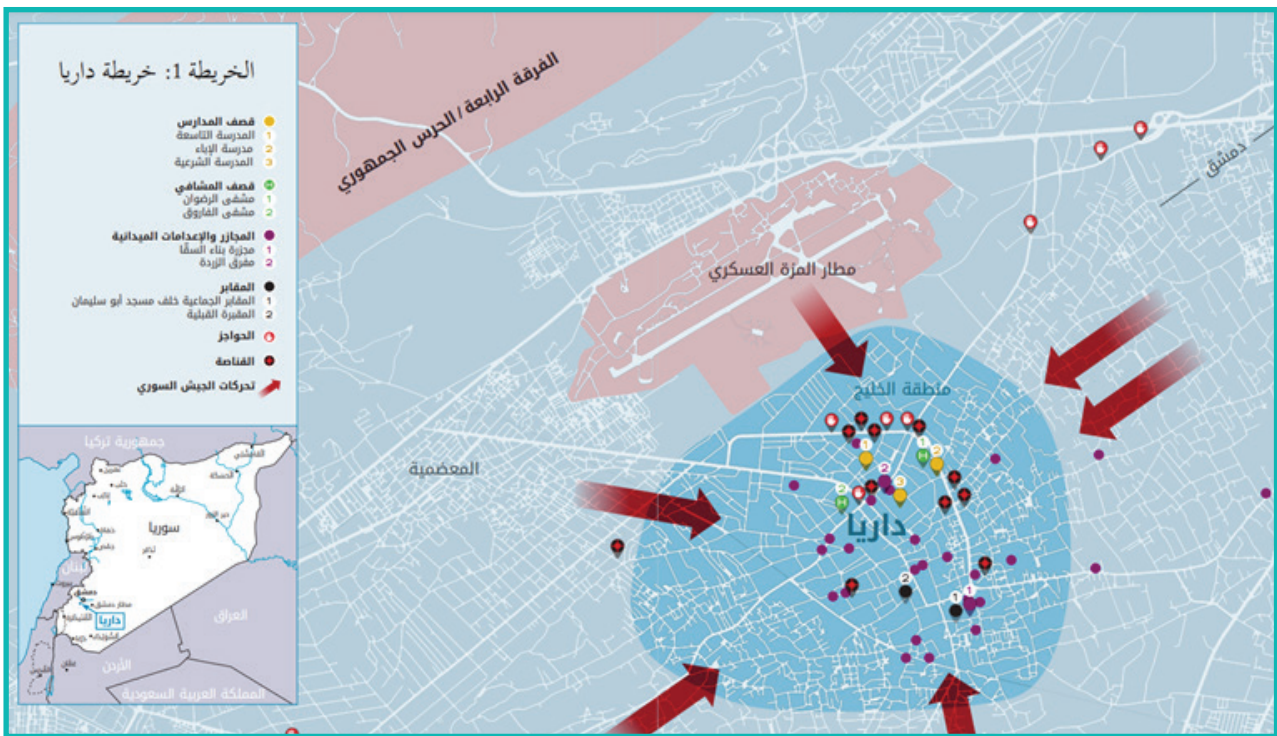
We will see in this section how a number of reported violations are similar to what we have seen in Jobar, and what we will see in other areas as well. But we view each of these violations as a separate event with its own time, space and event context, and different victims. While we see the repetition as an indicator of the policy behind these practices, and we will see at the end of the study which of these practices recurred consistently in the research areas, which of them were conditional, and which of them were rare. In the case of Darayya, we will begin as we did in Jobar, with the story of displacement.

(2-3-1) Population Displacement

After more than a year of anti-regime movement, the moment of tension came in Darayya in late August 2012, when regime forces committed a massacre in which the number of victims was estimated at 700 men, women, and children from the city's residents. The message was clear to the residents: "Leave the city and those who remain there will be killed."^[19] A documented study by the Syrian-British Council shows that the military campaign began with indiscriminate bombing of the city by regime forces on August

[19]- Testimony of one of the massacre survivors we spoke to.

20, which developed into a ground assault in which the forces of the Republican Guard, the Fourth Division, and Air Force Intelligence participated, in addition to Hezbollah and Iranian militias.^[20] The massacre ended with the displacement of all residents except for an estimated 8,000 people who remained trapped in the neighbourhood for more than four years, until they were displaced to northern Syria in 2016 under the forced displacement agreement imposed by the regime, with Russian support, on the remaining civilians and fighters in the city.^[21]



■ Figure (25) showing the movements of regime forces and its allies during the Darayya massacre (British-Syrian Council, 2022).

Residents initially sought refuge in Damascus and the towns neighbouring Darayya, such as Sahnaya and Kafar Sousah, and in the orchards of Darayya and the western countryside (Al-Kiswah, Kanaker, and Al-Muqaylibiya, where the farms of the people of Darayya are located). As the years of the siege extended, the displacement extended, as many of them left for neighbouring countries such as Jordan, Lebanon, Egypt, and Turkey, and from there to Europe and Western countries.

From the perspective of local residents, the Darayya massacre and subsequent devastating siege and bombing that extended for years took away people's right to live where they belong and own property, without any real justification for evacuating the population other than the Syrian regime's narrative about the presence of armed terrorist groups in Darayya.

[20]- Syrian-British Council, 2022, Documenting the Darayya Massacre. Link: https://www.syrianbritish.org/files/ugd/3f0228_9692027311a44c9faa8ebe28afea906a.pdf

[21]- <https://carnegie-mec.org/diwan/64523>

(2-3-2) - Indiscriminate Bombing and Destruction of Urban Structures

Syrian regime helicopters dropped more than nine thousand explosive barrels over Darayya during four years of siege and military operations^[22]. The random and destructive capabilities of free-falling barrels^[23] reflected the regime’s policy of causing the greatest destruction at the lowest possible cost. Although explosive barrels were the primary weapon used against Darayya, they were not the only ones. Air strikes were also employed, which intensified following the participation of the Russian Air Force after 2015, as well as locally made surface-to-surface missiles, artillery, and tanks. The list goes on to include internationally banned weapons, such as chemical weapons, incendiary napalm and others^[24].



■ Figure (26) shows the statistics by the Local Council of Darayya regarding air and ground bombardments that Darayya was subjected to between 2012 and 2016.

Most of the artillery and missile bombardment that Darayya was subjected to was from the mountains of Mashrou’ Dummar, where the Republican Guard forces are stationed,

[22]- Documentation of the Local Council of Darayya, 2016. Link: https://www.facebook.com/photo/?fbid=544482379079668&set=p_b.100067763396359.-2207520000&locale=ar_AR

[23]- See video recording of the moment an explosive barrel fell on a residential area in Darayya, 2014. Link: https://www.youtube.com/watch?v=pFr4VYLh_P4&ab_channel=DaryaRevolution

[24]- Online interview with a military commander who lived through the siege. 1st May 2023.

and from the mountains of Moadamiyat al-Sham, where the Fourth Division is stationed. Darayya has not had a methodological assessment of the level of destruction in its urban buildings, but estimates by one of the city's engineers indicate that until the date of the end of military operations in Darayya, 50% of the city's buildings had been subjected to major irreparable damage, concentrated in the city centre, the southern and eastern region, and Al-Khaleej neighbourhood in the north. Damaged but repairable buildings is estimated at 30%. 20% remain structurally sound.

(2-3-3) Burglary and Looting

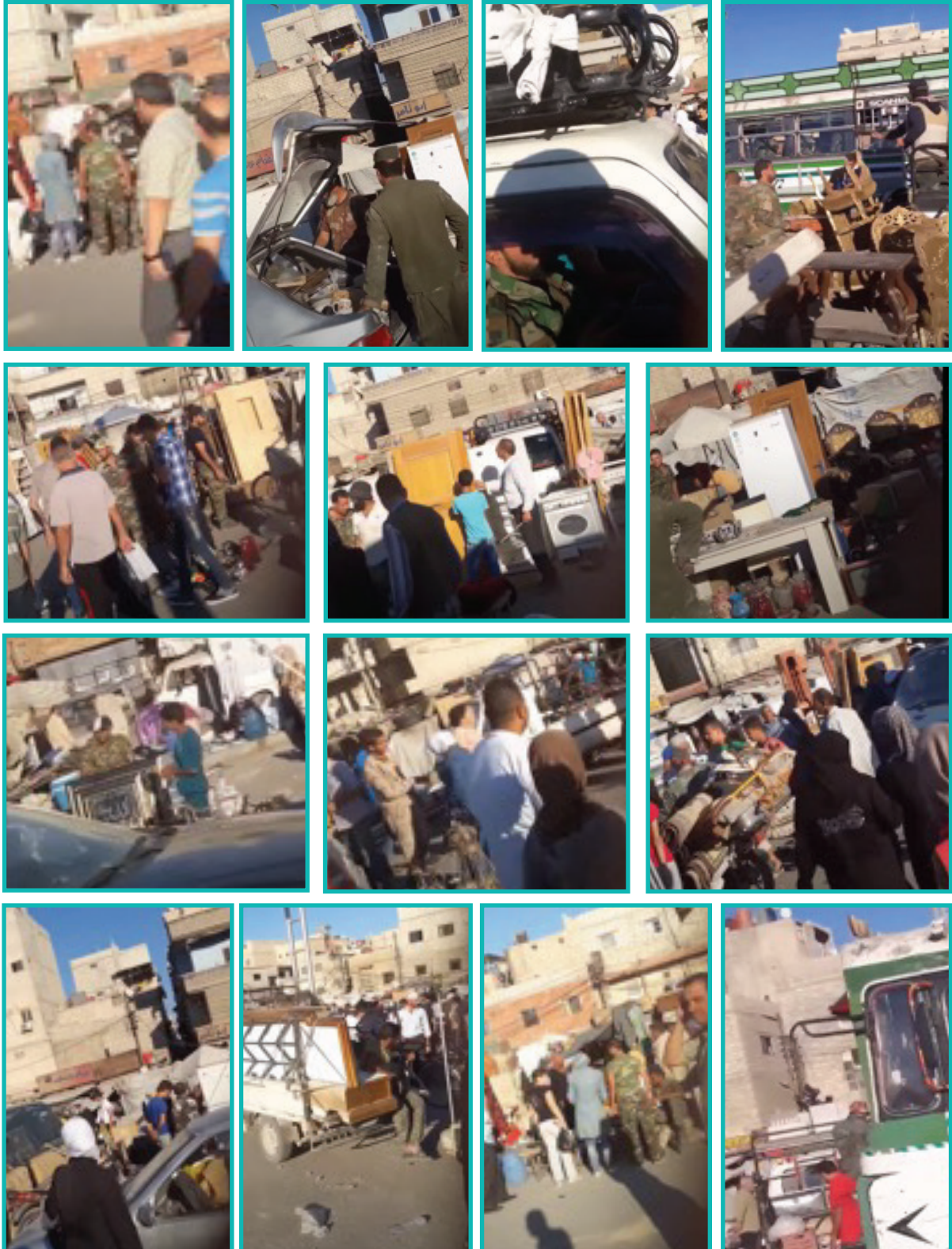
Looting began immediately after the massacre in 2012, when most of the city was deserted of residents. Houses were broken into, and their contents were stolen, including furniture, electrical appliances, etc., and the contents of workplaces, especially furniture workshops and warehouses, which were widespread in Darayya. These operations were carried out in an organized manner by the aforementioned regime agencies, most notably the Air Force intelligence services and the Fourth Division. One of the witnesses, a resident of Darayya, said that "large trucks kept transporting property out of Darayya for five consecutive days." Over the following years, looting continued in every inch of the city controlled by regime forces, until it reached the besieged section after the displacement of 2016. One of the rights holders we spoke to said, "Our neighbours who stayed in their homes and witnessed the massacre between August 25 and 28 told us that members of the army with large ZIL vehicles (military trucks used by the regular army) broke into the villa and carried off all the possessions and furniture inside it, leaving nothing behind. They even pulled out the flotation device in the water well, that was on August 29, 2012."

A video clip filmed secretly and shared on YouTube by a local channel on September 5, 2016, that is, a month after the regime regained the part of Darayya where the rebels were holed up, shows people in military uniform bringing cars loaded with stolen furniture to a popular market in the Al-Kabbas neighbourhood, east of Damascus, or standing there selling stolen items and bartering with potential buyers. In the video, which is less than two minutes long, more than twenty of these people appear in military uniform in various places in the popular market. The research team verified the authenticity of the video and the location of filming. Below are some pictures taken from it^[25].

All the rights holders we spoke to confirmed that mainly involved in the looting were the Republican Guard, the Fourth Division, and Air Force Intelligence. While the looting and sale

[25]- Video of military personnel transporting and selling stolen goods in one of the popular Damascus markets, Al-Kabbas area, 2016. Link: https://www.youtube.com/watch?v=fNhP9tgID08&ab_channel=%D8%B1%D8%A8%D9%8A%D8%B9%D8%AB%D9%88%D8%B1%D8%A9

of stolen goods were in the beginning carried out secretly and through intermediaries, the following pictures show that eventually members of those units no longer had a problem going out directly and selling the contents of homes they had looted, in the markets of Damascus in full view of everyone.



■ Figure (27) regime soldiers transporting and selling stolen goods in what is known as the 'looted furniture market' in Al-Kabbas neighbourhood, east of Damascus.

The second stage was stealing all cladding materials in the buildings, including bathroom fixtures, flooring, lighting, and internal installations such as electricity networks and heating and cooling systems. In short, everything that could be sold was removed from those buildings. This occurred simultaneously with the regime forces advancing control over the land, until the displacement of the besieged people in 2016. The regime would not allow anyone to remain in the city, not even people it had reconciliation agreements with. One of the displaced tells, “They drove us out, then army and security officers went in and divided the areas and resources amongst them. Darayya was besieged on all four sides and a different military and security force entered it from each side and they began to divide what remained of the city”^[26].

Video inadvertently shared on the page of the regime’s local council in Darayya^[27], showing what appears to be a yard where plastic water tanks snatched from rooftops and other looted items were being collected.



■ Figure (28) Screenshot of a moment on camera at the looted furniture collection site

We identified the location where the video was filmed, which is west of the city near the railway, as the following map shows.

[26]- - Al-Salhani, Ra'ed. "Looting the furniture" of Darayya, Almodon Newspaper – Link: <https://www.almodon.com/arabworld/2016/9/6/%D8%AA%D8%B9%D9%81%D9%8A%D8%B4-%D8%AF%D8%A7%D8%B1%D9%8A%D8%A7>

[27]- The looted furniture yard - <https://www.facebook.com/watch/?v=1172694542791267>, (second 41 and after)



■ Figure (29) Image from Google Earth on which we identified the location where the looted materials were collected.

Through satellite images, it was confirmed that the site had been used to collect looted items since December 2016, immediately after the displacement of residents and fighters besieged in Darayya, and continued until the beginning of 2017, as the following images show. The first photo dates back to July 2016, when the site is empty except for some rubble. The second and third photos date back to September of the same year, when the site is filled with water tanks and various metal materials. The two photos also show the presence of large trucks transporting the looted items. The last picture shows that the site is empty again, which means that looting operations at that site have ended.



■ Figure (30) Pictures at different dates of the looted items collection site between 2016 and 2017.

Unlike theft, regime forces cannot carry out looting operations alone because this requires special expertise and equipment. Therefore, regime agencies contracted with civilians who had technical professions and workshops in various specializations (carpentry, electricity, plumbing, blacksmithing, etc.). These people have become known in the region as “looting contractors”. These workshops often operate by verbal agreements with specific security and army officers responsible for the Darayya region, especially the Fourth Division, which appears to have expanded its influence at the expense of other actors after the first looting operations.^[28] The looting operations covered the entire city, according to all the sources we spoke to, and when some of Darayya’s residents were allowed partial return under special security approvals in the second half of 2018, that is, about two years after the city fell into the hands of the regime, the most fortunate of the returnees were those who found the bare walls of their homes still standing upright.

(2-3-4) A Complete Wipe Out of Residential Complexes, Al-Khaleej area as an example

References were made to the Al-Khaleej neighbourhood in Darayya in many international and local reports^[29], Horizontally, the urban structures wipe out of extended from the beginning of Moadamiya Road in the west to Damascus-Darayya Road in the east, and this included the cluster of villas and mansions located in the so-called Al-Ash and Shuqair, all the way to the main entrance of Darayya, adjacent to Kafar Sousah and Al-Mazzeh, near the Southern Highway, as the following pictures show.



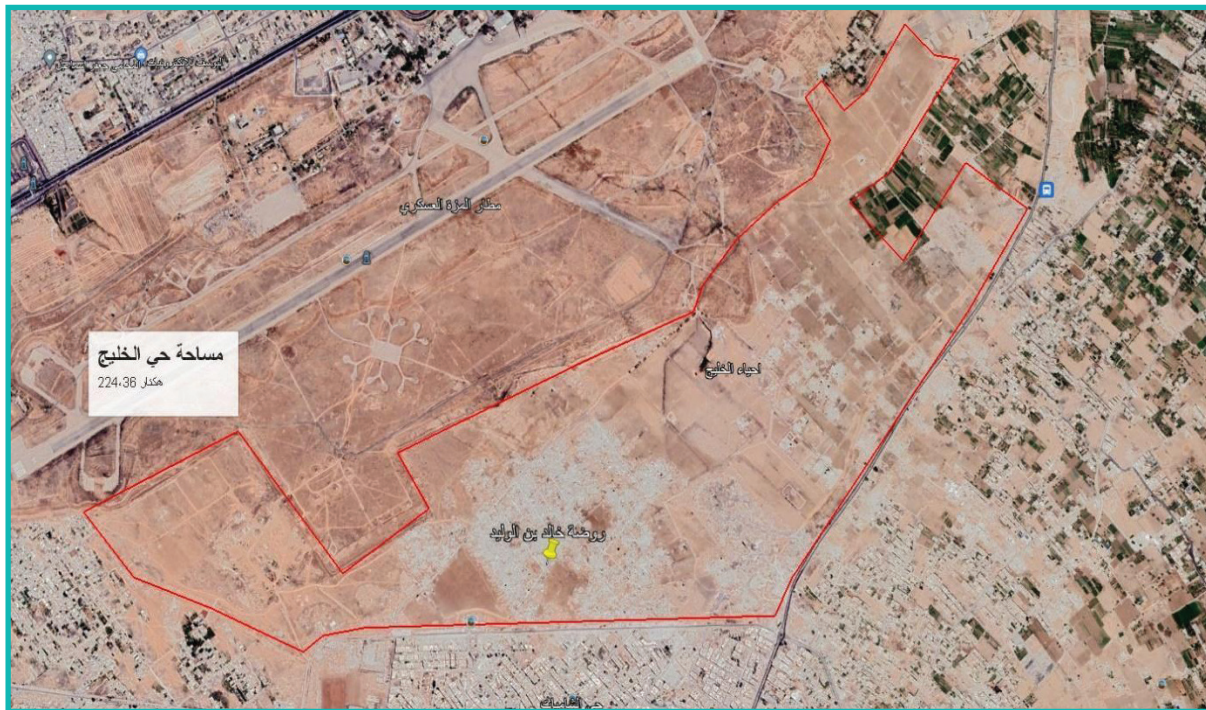
[28]- Al-Salhani, Raed, 2016, Al-Modon newspaper, “Looting” Darayya. Link: <https://www.almodon.com/arabworld/2016/9/6/%D8%AA%D8%B9%D9%81%D9%8A%D8%B4-%D8%AF%D8%A7%D8%B1%D9%8A%D8%A7>

[29]- See, for example, Human Rights Watch report “Land Settlement 2018”, Syria Directs Report 2021, and others.



■ Figure (31) Booby-trapping buildings in Al-Khaleej neighbourhood in 2013. Both pictures are from the same year.

All lands in Al-Khaleej neighbourhood were declared airport grounds, and were surrounded by a long trench and barricades, and access to them has been prohibited since 2013. The total area of land swallowed by the airport currently totals 224 hectares, as the following picture shows. Of course, all of these lands are the private properties of Darayya residents.



■ Figure (32) Measuring the area of privately owned land seized and declared airport ground.

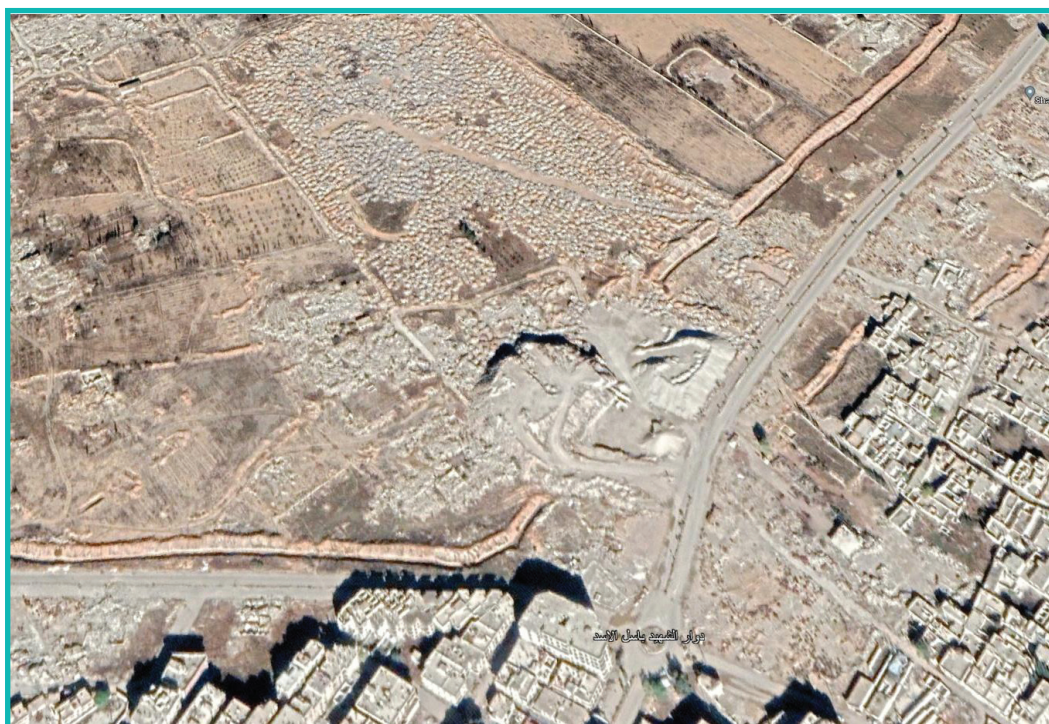
Considerable areas were planted with fruit trees: grapes, apples, apricots, etc. It is estimated that in Al-Khaleej 1,500 - 2,000 trees were cut down. Eyewitnesses we spoke to said that booby-trapping and blowing up the buildings took a month and a half, bulldozing and removing the rubble took more than a year and a half. In Darayya in particular, a station was established to recycle rubble and extract iron from it. According to satellite images, the station was established in 2018 at the eastern entrance to Darayya, next to what is

known as Al-Basil Roundabout (see the image below), which falls within the territory of Al-Khaleej neighbourhood.



■ Figure (33) Pictures showing the rubble recycling station established at the eastern entrance to Darayya on the ruins of displaced people's homes (2013-2018)

The station worked for approximately a year and a half until mid-2019 recycling thousands of tons of rubble from Darayya homes. Testimonies by rights holders indicate that the station was established in partnership between the Fourth Division and Hamsho Company, owned by a businessperson close to the regime, Muhammad Hamsho, and that the heavy machinery operating between Darayya and the recycling station, including bulldozers, trucks, etc., is Hamsho Company's own equipment. The amount of rubble transported is estimated at 1.5 -2 million cubic meters, according to local experts we spoke to. Satellite images indicate that work on the station stopped more than four years ago, but the waste resulting from its work has buried about 10 hectares of residential and agricultural land and is still there, as the following image shows.

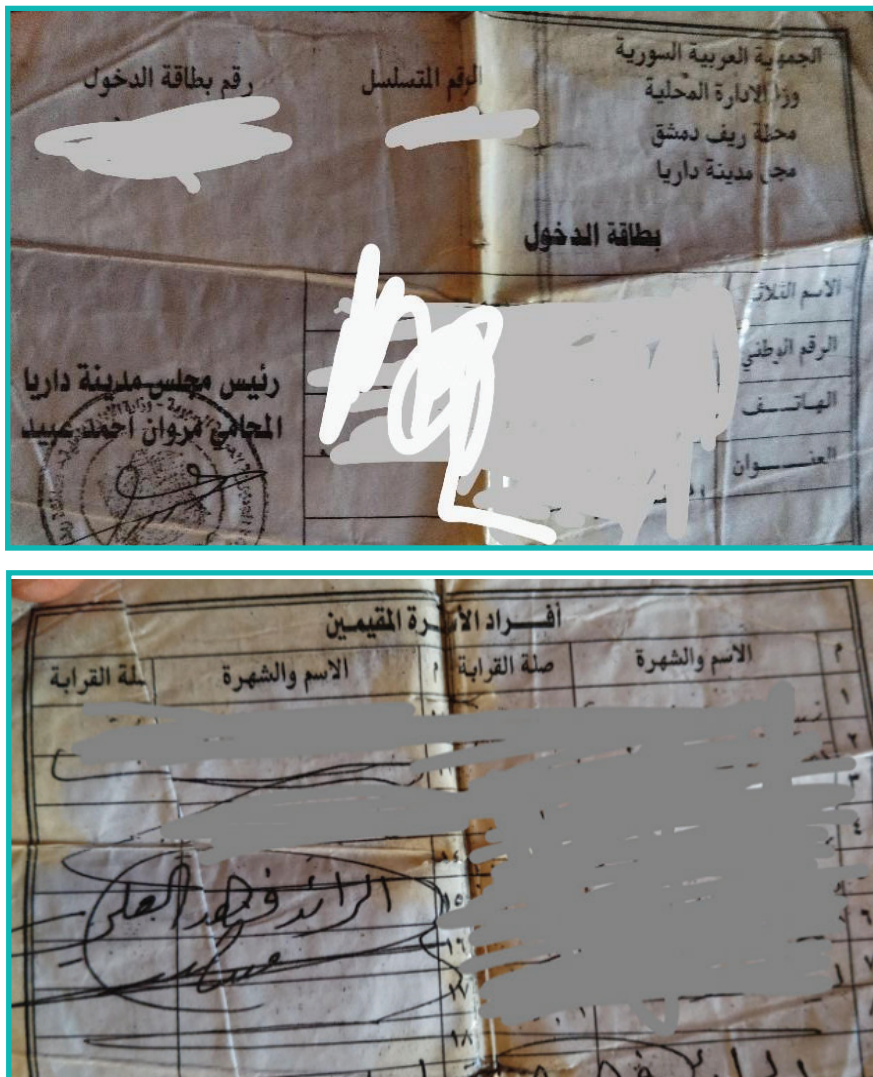


■ Figure (34) Waste from the rubble recycling station piled up and left on agricultural and previously built lands belonging to residents of Darayya.

(2-3-5) Preventing Return

More than two years after the regime recaptured Darayya and closed it to its people, its mayor Marwan Obaid, appointed by the regime, told a local radio station on December 14, 2018, that residents were gradually returning by applying for security approvals, following which special permits are issued only to those allowed to enter the city^[30]. Before that, only Fourth Division forces and associated looters had access to the city, former residents were rarely able to access it and only for short visits to inspect their homes after paying bribes to the Division's checkpoints at entrances.

With opening applications for security approvals in late 2018, emerged the name of Major Fahd Al-Ali of the 4th Division, Head of Security in Darayya and surrounding areas, authorized to sign security approvals, as the attached picture below shows. We also note the stamp and signature of the mayor at the time, Marwan Obaid:



■ Figure (35) Picture of a card authorizing owners to enter Darayya after obtaining security approval. (Special source)

[30]- Sham FM Radio, 2018, phone call with Sham FM Radio and the head of the Local Council of Darayya. Link: <https://www.facebook.com/100067576006690/videos/1949872468428964>

The regime tried to conceal the whole issue of security approvals within an ambiguous institutional process. Applications for security approval went through the Municipality of Darayya, operating outside the city at the time, by filling out an application form called “Form to count how many wish to return to Area A”, attached below. Note there is no mention of which security agency the request is submitted to, the Fourth Division in this case, nor is there any indication that the purpose of the request is to obtain security approval. Thus, the work of the security agency is concealed by an administrative body, which is the municipality.

الجمهورية العربية السورية
وزارة الإدارة المحلية
محافظة ريف دمشق - مجلس مدينة داريا
استمارة لإحصاء عدد الراغبين بالعودة الى المنطقة(أ)
الاسم الثلاثي: _____
رقم القمار والمنطقة المغارية: _____
وصف الشقة: _____
عنوان القمار: _____
رقم الهاتف: _____
عدد الافراد كاملا: _____
العدد اقل من ٦ سنوات _____
العدد من ٦-١٨ سنة _____
العدد فوق ال ١٨ سنة _____
هل يوجد؟ والعدد؟ شهداء _____
موظفين _____
عسكريين _____
نوي احتياجات خاصة _____
صورة عن الملكية مهما كان نوعها مع صورة رخصة البناء _____
صورة عن البطاقة الشخصية _____
إذا كانت الملكية مفقودة يكتب نوعها واين فقدتها؟ _____
في حال كان صاحب المنزل خارج القطر ويرغب ان يقطن احد اقاربه بالمنزل عليه ارسال
تصريح خطي يتم ارفاقه مع الاستمارة
تاريخ تقديم الطلب _____
اسم وتوقيع مقدم الطلب _____
توقيع الموظف المختص _____
شاهد وصديق
رئيس مجلس مدينة داريا
المحامي مروان احمد عبيد

■ Figure (36) Application form for obtaining security approval (private source)

The municipality also concealed the role of the Fourth Division security apparatus by announcing names of people who obtained security approval; lists of names were published on the municipality’s Facebook page “Technical Office of Darayya”^[31]. From September 2018 to November 2020, this page continued to publish thousands of lists of names of Darayya residents who obtained security approvals to return, over 27,000 names.

[31]- See Darayya Technical Office page – Link: <https://www.facebook.com/profile.php?id=100083516732734&sk=photos>



■ Figure (37) Screenshot of Darayya Technical Office Facebook page showing a number of lists of names of those who have obtained security approvals.

Note all these lists are handwritten and do not include any preambles about what they are or the party that issued them. The municipality’s page itself did not mention any information about what these lists were when they were published. However, many of those who applied for security approvals were asked to follow the Technical Office’s page, and indeed, by analysing hundreds of these lists, we were able to confirm that these lists were organized by military personnel, as the following images reveal:



■ Figure (38) Selected photos from hundreds of lists of names of those who obtained security approvals

In this way, the regime tried to hide efforts to prevent the return of residents, claiming in its media and in statements directed to the world that the neighbourhood was open to returnees. At present, even after rumours that security approval requirements had been cancelled, and regime institutions announce the number of returnees to be approximately 80,000, a source in the Syrian Red Crescent, the main body providing aid in the city, told us the actual number of residents in the city is no more than 30,000, some of whom go in during the day and leave at night. Additionally, there are still areas within the city, such as the aforementioned Al-Khaleej neighbourhood and part of the old town centre where the Sayyida Sakina shrine is located, closed to returnees.

(2-3-6) Urban Planning Violations

Darayya's lands are subject to two separate zoning plans that threaten people's properties. The first is described as a "Ministry of Housing and Public Works initiative" and dissects the city by selectively regulating parts of it, claiming they are the most affected parts. The other is the Basila City plan, which swallows large areas of Darayya lands located south of the southern highway.

The first plan was announced in early 2018 by the Ministry of Housing^[32] and submitted a proposal to amend the general zoning plan approved for the city. The amendment includes four previously regulated areas, as appears in the image of the plan published by Darayya Council. The proposed plan separates four parts of Darayya and proposes to reorganize them and, except for the coloured drawings, as in the following figure, there is not much information available about this initiative.



■ Figure (39) Reorganized areas in Darayya

(Ministry of Housing and Public Works Facebook page, 2018)^[33]

The first of the four areas that appear in the picture is part of the old city centre including surrounding areas of the Sakina Shrine, a previously regulated area and built according to the latest approved zoning plan for the city. The reorganization process is moving towards changing the identity of the area to make it a religious tourism area that serves and enhances the centrality of the shrine. Sayyida Sakina is of exceptional importance to the Iranians, who, incidentally, were the first delegation to enter Darayya and visit the shrine after its entire population was displaced in 2016, as the following picture shows.

[32]- See Darayya Technical Office page, 2018. Link: https://www.facebook.com/1689834737747374/posts/d41d8c-d9/1806330072764506/?locale=es_LA

[33]- Link: https://www.facebook.com/mopwhgov/posts/647947102203359/?locale=zh_CN

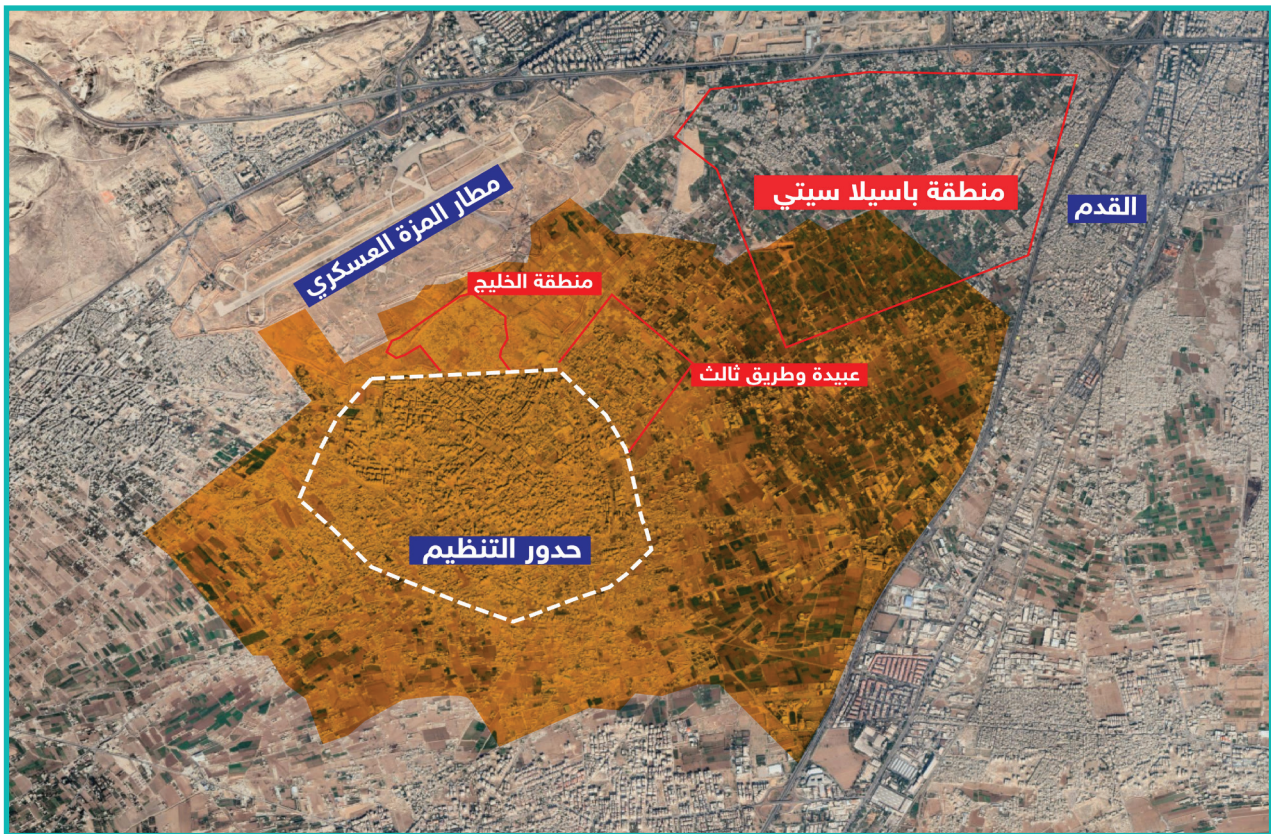


■ Figure (40) An Iranian delegation's visit to Darayya after the displacement of 2016, Facebook.

The second area is located south of Darayya, also included in the zoning plan, partly built, and regulated and has an urban identity. Note that the reorganization process completely changes the features of the area, including the network of main and secondary roads and the map for land use. The situation does not seem different in the third district, located southwest of the partially organized city. As for the last area north of the city, Al-Khaleej, completely demolished and annexed to the Mezzeh Military Airport grounds, it is also located within the approved general plan of the city but classified as an informal settlement, as it was built without obtaining building permits.

According to one of the experts we spoke to, there are currently no technical operations on the ground to implement this plan, no detailed studies, no acquisition operations, or any announced plans. Although the proposal to reorganize Darayya was not officially approved, its issuance indicates the policy adopted by the regime towards the city is to divide it and completely change its urban structure. Meanwhile, the issue of residents' property rights remains open to threat under the reorganization and in the absence of an estimated 89% of the population, as well as in light of the absence of mechanisms to establish, restore or compensate rights. Perhaps the best example of how the regime's administrative institutions compensate residents' rights in reorganized areas is the second zoning plan threatening Darayya: Basila City.

In August 2021, Damascus Governorate announced the second zoning plan for the Basila City project^[34] based on the infamous Decree 66 of 2012. The project included large areas of land located within the administrative borders of Darayya and owned by its residents. These lands actually belong to Damascus Countryside Governorate but were included in an urban development project under Damascus Governorate, creating a complex administrative conflict, as the municipality of Darayya has no authority to interfere in planning or implementation; what local administration specialists consider withdrawing powers from one governorate to give them to another, without redrawing administrative borders between the two governorates. The project swallowed up large areas of eastern and southern Darayya lands. According to the lists of properties included in the zoning plan and published on Damascus Governorate's page, the number of eastern Darayya properties included was 959, owned by 7,076 male and female owners, while in southern Darayya totalled 54 properties, belonging to 696 male and female owners.



■ Figure (41) Administrative boundaries of the city of Darayya and its surroundings, showing boundaries of the zoning plan for Basila City.

[34]- See the Marota City website. Link:

<https://marota.news/2021/08/05/%D8%A7%D9%84%D9%85%D8%AE%D8%B7%D8%B7-%D8%A7%D9%84%D8%AA%D9%86%D8%B8%D9%8A%D9%85%D9%8A-%D9%84%D8%A8%D8%A7%D8%B3%D9%8A%D9%84%D9%8A%D8%A7-%D8%B3%D9%8A%D8%AA%D9%8A/>

In fact, the aforementioned project includes a long list of problems that have been addressed in previous studies.^[35] Perhaps the most prominent of these problems is that the regime requires rights holders to appear before it and submit documents proving their ownership, ignoring two facts: First, state institutions have all the information about the rights of residents in that region, whether through data from the Land Registry, or the Ministry of Finance, state electricity and water companies, as well as data from the agricultural directorates. Secondly, it ignores the fact that the overwhelming majority of the population is absent and unable to appear before its institutions, whether they are displaced, detained, forcibly disappeared, or killed. This means depriving a large number of owners of the right to object or to obtain their rights and follow up on procedures for obtaining new title deeds, since property owners have now become owners of shares in the project. One woman who left the country with her family since 2012 told us that she had to return to Syria and register the death of her husband, who is still alive, and initiate the process of inheritance so that the family's land would not be lost. The woman said, "At least in this way my children might one day be able to inherit their father's property, since he is deprived of everything he owns in Syria."

As for the more fortunate rights holders who were able to appear before the regime's institutions, and who obtained from Damascus Governorate's 'Decree 66 Implementation Directorate' so-called "zoning share title deeds" as compensation for their properties, there is still a fundamental problem with the estimated value of the shares that the rights holders obtained. This value was determined after issuance of the decree creating the real estate zone in 2012, at which time the exchange rate of 1 USD was around 70 - 80 Syrian Pounds; however, by the time the lists of share owners were issued in 2021, the value of 1 USD was around 3,300 Syrian Pounds. Which means that rights holders lost a large part of the true value of shares for which they were compensated. Also, the Real Estate Value Estimation Committee, which completed its work at the end of 2020, that is, nine years after its formation, estimated the price of a square meter in the new planning area at up to 35,000 Syrian Pounds, then converted that value into zoning shares, meaning 35,000 shares per square meter. Hypothetically, if someone owns a property with an area of 100 square meters, it makes approximately 35 million zoning shares,^[36] but how much is this

[35]- Al-Helou, Khaled, et al., 2019, The Real Estate Issue in Syria and its Repercussions on Property Rights. Link:

<https://tda-sy.org/2019/07/01/%d8%a7%d9%84%d9%85%d8%b4%d9%83%d9%84%d8%a9-%d8%a7%d9%84%d8%b9%d9%82%d8%a7%d8%b1%d9%8a%d8%a9-%d9%88%d8%aa%d8%af%d8%a7%d8%b9%d9%8a%d8%a7%d8%aa%d9%87%d8%a7-%d8%b9%d9%84%d9%89-%d8%ad%d9%82%d9%88%d9%82/?lang=ar>

[36]- Syria Report, 2021, Basilia City: Beginning of a zoning share maze. Link:

substantial number of shares worth?



■ Figure (42) A sample of the ownership deeds granted to rights holders within the Basila City project.

In fact, the long duration of the project, on which construction work has not yet begun on the ground, has left rights holders open to various forms of fraud by traders and speculators, as many Facebook pages and groups have been active in buying and selling shares, but without a solid basis for evaluating the share price. At present, with 1 USD worth more than 13,000 Syrian Pounds, at the time of writing this report some traders are offering to buy shares from the rights holders for 1.80 Syrian Pounds, as the following picture shows in one of the Basila City stock trading groups^[37]. Thus, our hypothetical owner of 100 square meters will receive less than 5,000 USD for his property if he decides to sell. At the same time, stockholders are demanding a price of 200 SP per share, more than a hundred times the price offered by buyers.

<https://hlp.syria-report.com/%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84%D8%B3%D9%83%D9%86-%D9%88%D8%A7%D9%84%D8%A3%D8%B1%D8%A7%D8%B6%D9%8A-%D9%88%D8%A7%D9%84%D9%85%D9%85%D8%AA%D9%84%D9%83%D8%A7%D8%AA/%D8%A8%D8%A7%D8%B3%D9%8A%D9%84%D9%8A%D8%A7-%D8%B3%D9%8A%D8%AA%D9%8A-%D9%88%D8%A8%D8%AF%D8%A3%D8%AA-%D9%85%D8%AA%D8%A7%D9%87%D8%A9-%D8%A7%D9%84%D8-%A3%D8%B3%D9%87%D9%85-%D8%A7%D9%84%D8%AA%D9%86%D8%B8/#:~:text=%D8%B9%D9%84%D9%89%20%D8%B3%D8%A8%D9%8A%D9%84%20%D8%A7%D9%84%D9%85%D8%AB%D8%A7%D9%84%D8%8C%20%D9%84%D9%88%20%D9%83%D8%A7%D9%86,%D8%A8%D8%AD%D8%B3%D8%A8%20%D9%84%D8%AC%D9%86%D8%A9%20%D8%AA%D9%82%D8%AF%D9%8A%D8%B1%20%D9%82%D9%8A%D9%85%20%D8%A7%D9%84%D8%B9%D9%82%D8%A7%D8%B1%D8%A7%D8%AA>

[37]- Basilia City stock trading group, buying, and selling on Facebook. Link: <https://www.facebook.com/groups/666742884242835/>



■ Figure (43) Screenshots from a Facebook group specialized in trading in shares of the Basila City project.

The bottom line is that involving rights holders in such a complex administrative and legal process, and compensating their properties with shares that have no fixed value, constitutes in itself a serious violation of their rights, and an opportunity for businessmen and speculators linked to the regime to enrich themselves at the expense of rights holders, with a hundred-fold margin between supply and demand. State institutions must intervene and set a minimum price for shares, unless these institutions are in fact colluding with brokers and speculators.

(2-3-7) Pushing Rights Holders to Sell under Pressure

After the partial return of residents to Darayya, a number of real estate offices were remarkably opened, according to witnesses among returnees. A small portion of them were owners of previous offices, but the majority of them were new. Some of the city's residents we spoke to have expressed their concern that some of those offices were fronts for Iranian businesspeople, merchants, and others linked to local or foreign security agencies whose goal was to buy the properties of absentees by exploiting their circumstances and financial need. Among these offices are some who work only on purchasing lands in Al-Khaleej, amid widespread rumours that the area will be annexed to the airport and return to it will not be permitted. The second area witnessing a lot of purchasing activity is the vicinity of the Sayyida Sakina shrine in the city centre, which is still deserted. Many rights holders outside regime areas who we spoke to said that people had contacted them or someone they know, and offered to facilitate security approvals for them in exchange for purchasing their property at low prices. For those who live outside regime-controlled areas, the issue of disposing of property poses a major problem due to the security approval requirement that precedes any sale or power of attorney, as previously mentioned.

(2-3-8) Deforcemenet of Property

There are still many farms, villas, and establishments in Darayya appropriated by regime forces under various names, especially properties close to army and security checkpoints around the city. Among these properties, for example, are the Four Seasons Resort and Hotel next to the checkpoint at the western entrance to Darayya, an agricultural nursery, and a large plant sales centre at the main entrance to Darayya from the east. The research team was also able to monitor at least seven villas and farms appropriated in the vicinity of Darayya by the security authorities and the army.

(2-4) Concluding Remarks on the Darayya Case

We saw how the city developed from an old town with history, culture, and even a distinct dialect, and how it grew demographically and attracted new residents from a nearby cultural and social environment: the city of Damascus and its environs. It has also expanded in construction into an extended urban fabric that includes the old town, the largest part of which has been modernized, and the urban expansion areas of the zoning plan, as well as a series of informal urban clusters not significantly different from the zoned parts. With the fall of Darayya to regime forces in 2016, as Sam Heller, a researcher at the International Crisis Group, wrote, “For a large segment of the Syrian opposition, Darayya embodied the best of the Syrian revolution, as it was a stronghold for the civil movement and nationalist revolutionaries from the Free Syrian Army who held together and persevered for years under very negative circumstances”^[38]. Accordingly, the policies and practices of the Syrian regime have been against this city and its cohesive community for years. The regime was not satisfied with defeating Darayya, but rather wanted to kill it as a city and as a community.

In our research into patterns of repeated HLP violations in Darayya, we were able to observe eight clear patterns, while the future of Darayya and its rights holders remains largely unclear.

1) Of course, deliberately driving out and depriving people of the right to live in their city constituted the first of these violations, as only about 11% of its original inhabitants live in the city today.

2) The indiscriminate bombing, which destroyed an estimated 50% of urban structures

[38]- Heller, S. (2016). Syria’s Rebels Lose a Symbolic Stronghold. The Century Foundation. Link: <https://tcf.org/content/commentary/syrias-rebels-lose-symbolic-stronghold/>

and severely damaged about 30%, is the second violation.

3) Not to mention there are large parts of the city booby-trapped and completely wiped out, then the rubble was removed, as we saw in the case of Al-Khaleej neighbourhood north of the city, which was completely annexed to the airport grounds.

4) The violations also included looting by regime forces and contractors, who over the years extracted from the buildings all the materials that could be sold.

5) Even when looting ended, which had continued 2016 - 2018, the regime blocked the return of residents with many restrictions and obstacles.

6) The weapon of urban planning was used differently in Darayya. There are two zoning plans that threaten rights holders in the city. The first is a plan proposing to re-zone four parts of the city: the heart of the old town and three neighbourhoods bordering it from the north, south, and west - an urban fragmentation. The second is the plan of zoning Basila City, which swallowed up large areas of land in the eastern part of the city and engulfed owners, most of them displaced, in a long administrative and legal spiral that may not lead them in the end to obtaining any of their rights.

7) We noticed that there were many attempts to pressure rights holders in Darayya, especially displaced owners, to sell their properties at low prices to real estate offices and intermediaries feared to be linked to Iran.

8) Finally, we noticed many cases of properties and facilities being deforced by officers in the security services and army, and used without the consent of their owners.

As for early recovery and rehabilitation projects in the city, testimonies indicate that state institutions play an extremely limited role, while the greatest burden of rehabilitation work falls on returning residents^[39]. We also found many international agencies and organizations are active in Darayya despite the scarcity of information about their work; it is certain that: Red Cross, JICA, UNICEF, UNDP, and Norwegian People's Aid have implemented various projects, including opening roads, and rehabilitating schools and a health centre. All of these international organizations carried out their work in partnership with the Syrian Red Crescent, The Syria Trust for Development, or with government institutions. It appears that a few private housing restoration projects have been implemented, but there is no information about their size. Once again, passing early

[39]- See, for example, SANA report on the restoration of schools in Darayya, 2021. Link: https://www.youtube.com/watch?app=desktop&v=2v2yQTzgxrs&ab_channel=Syrianarabnewsagency

recovery aid through the regime's institutions, or through its affiliated humanitarian and development organizations, deprives residents and local associations of participating effectively in the recovery process and gives the regime the opportunity to exploit them politically.

(3)

Al-Tadamon neighbourhood

**the home of marginalized people which
eventually killed them**



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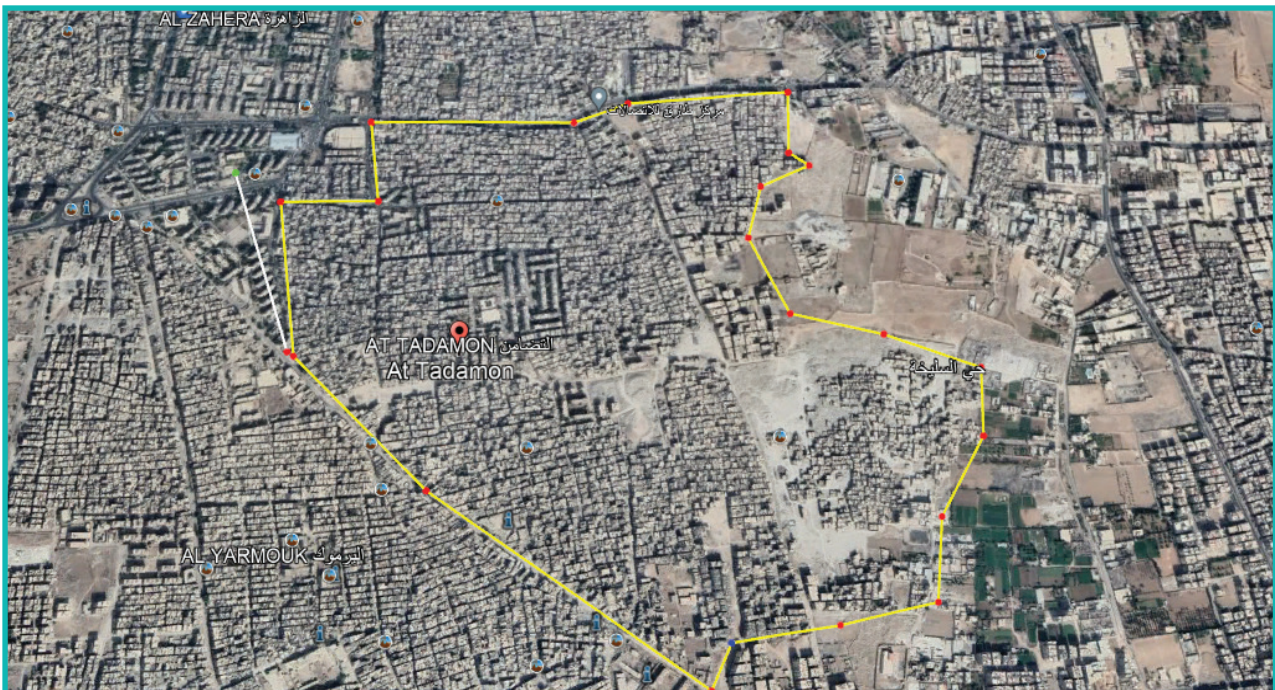
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(3) Al-Tadamon neighbourhood, the home of marginalized people which eventually

(3-1) Context of Al-Tadamon Neighbourhood

Al-Tadamon neighbourhood formed an extension of Yarmouk camp for Palestinian refugees on its northern side, in an area of orchards connected to Al-Shaghur district, south of the capital Damascus. It quickly grew in the early 1960s to house a number of residences and a camp for Palestinian guerrillas, and the people of Yarmouk camp gave it the name “Wara Al-Dor”, later to become known as Al-Tadamon^[1].

The neighbourhood began to take its shape after the displacement of people from the occupied Golan Heights in 1967. It expanded with domestic migration which increased considerably in 1981-1994 for economic reasons and potential job opportunities with the government, army, and security institutions, as Syrians had been displaced from several regions such as Daraa, Idlib, Deir Ezzour, the coast, and others. These groups were encouraged to settle in informal settlements due to the cheap costs of living and the Baath Party’s decision to provide basic services to informal settlement areas in 1982. This led to a construction boom and the spread of informal buildings through the acquisition of private or state-owned agricultural lands to build on^[2].



■ Figure (44) Urban boundaries of Al-Tadamon neighbourhood in Damascus

[1]- Interview with an academic urban expert in the region.

[2]- Al-Rai, Ilan; Arabic Post, Al-Tadamon neighbourhood in Damascus from its founding to pre-massacre, 2022 – Link: <https://arabicpost.net/opinions/opinion/2022/05/06/%D8%AD%D9%8A-%D8%A7%D9%84%D8%AA%D8%B6%D8%A7%D9%85%D9%86-%D9%81%D9%8A-%D8%AF%D9%85%D8%B4%D9%82-%D9%85%D9%86-%D8%A7%D9%84%D8%AA-%D8%A3%D8%B3%D9%8A%D8%B3-%D8%A5%D9%84%D9%89-%D9%85%D8%A7-%D9%82%D8%A8/>

The neighbourhood is considered the most densely populated of informal settlements in the city and countryside of Damascus, with a rate of 828 people per hectare. The population of the neighbourhood, according to the 2004 census, was about 187,510, of whom 121,300 live in informal settlements within the neighbourhood, according to data from the Directorate of Planning and Urban Planning,^[3] while unofficial sources estimate the population number of the neighbourhood at over 250 in 2012^[4]. Palestinian refugees constitute approximately 20% of them, or more than 50,000^[5].

Al-Tadamon residents were a mixture of ethnicities and sects; non-Arab minorities also inhabited the neighbourhood, such as Turkmen, Circassians, and Kurds. Sunnis constituted about 70% of the population, while other minorities, such as Druze, Alawites, Ismailis, and Christians, constituted 30%. However, all of the neighbourhoods are generally mixed, and it is difficult to draw an accurate map of sectarian distribution^[6]. Al-Tadamon saw coexistence and harmony among its various residents from all regions and sects, and there were cases of intermarriage between the various groups that inhabited the neighbourhood, including Palestinians and Syrians.

Demonstrations broke out in Al-Tadamon with the beginnings of the Syrian revolution in March 2011. Daaboul Street and Al-Sleikha neighbourhood witnessed most of the solidarity protests^[7]. Military security and the “Shabiha” (mercenary) groups stormed Al-Tadamon in August of the same year and burned civilian homes. The neighbourhood witnessed the first displacement of families, some to neighbouring neighbourhoods and some returning to their original towns and villages in other governorates,^[8] then regime forces returned to storm the neighbourhood several times. They targeted it with artillery shells, and at the beginning of November 2012, opposition factions announced they had taken control over parts of the neighbourhood under siege, as

[3]- Masri, Adnan; PhD thesis for the University of Damascus, The impact of passenger traffic on urban expansion in the city of Damascus, 2015 – Link: <https://www.geographytreasury.com/2022/01/2015.html>

[4]- Al-Sharq Al-Awsat, Al-Tadamon neighbourhood, scene of many crimes, 2022 – Link: <https://aawsat.com/home/article/3621566/%D8%AD%D9%8A-%D8%A7%D9%84%D8%AA%D8%B6%D8%A7%D9%85%D9%86-%D9%85%D8%B3%D8%B1%D8%AD-%D9%84%D9%85%D8%AC%D8%A7%D8%B2%D8%B1-%D9%83%D8%A-B%D9%8A%D8%B1%D8%A9>

[5]- Interview with Head of the local council of Al-Tadamon, indicating that the neighbourhood’s population before 2011 was half a million, but this number did not intersect with any of the other sources. The Palestinian Action Group, in its report on the Palestinians of Al-Tadamon, estimated the population at 250-400,000 - a number also not supported by evidence.

[6]- Interview with Head of the local council of Al-Tadamon whilst under opposition control

[7]- Al-Tadamon in Damascus from its establishment to the massacre - Ibid.

[8]- Interview with a resident of Al-Tadamon who lives in Idlib Governorate

well as neighbourhoods south of the capital, such as Yarmouk Camp, Al-Hajar Al-Aswad, and Babila and Yalda. ISIS quickly took control of the neighbourhood and others south of the capital at the beginning of April 2015^[9].

The regime began its final military campaign on Al-Tadamon in early April 2018, which covered Al-Tadamon, Al-Hajar Al-Aswad, and the Yarmouk camp. This operation led to a reconciliation agreement between the factions of south Damascus, the regime, and Russia. According to the agreement, the first displacement convoys were sent to northern Syria at the beginning of May 2018. With the end of displacement operations, ISIS left the neighbourhood on May 20, 2018, based on an agreement with regime forces.

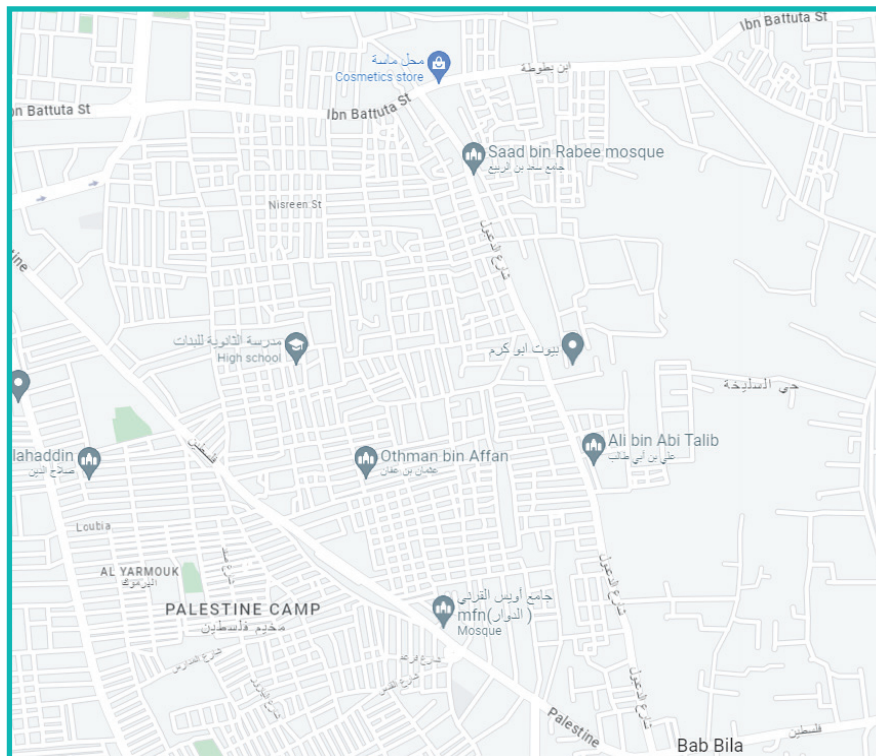
Timeline

- March 2011: First demonstration in the neighbourhood originating at Othman bin Affan Mosque
- July 2012: Most of the neighbourhood's residents displaced due to bombing
- August 2011: The Republican Guard and "Shabiha" forces stormed Nisreen Street, Al-Tadamon neighbourhood
- November 2012: Second incursion into the neighbourhood by security forces and "Shabiha" on Nisreen Street
- November 2012: Opposition factions declare their control over parts of Al-Tadamon
- January 5, 2014, Ali Al-Wahsh massacre
- 1/4/2015: ISIS takes control of the neighbourhood.
- 3/5/2018 Displacement of people from Al-Tadamon and neighbourhoods of south Damascus, sent to the north as per a reconciliation agreement.

[9]- Al-Sharq Al-Awsat, Displacement at the doors of South Damascus and Ambiguity regarding the fate of ISIS, 2018 – Link: <https://aawsat.com/home/article/1242416/%D8%A7%D9%84%D8%AA%D9%87%D8%AC%D9%8A%D8%B1-%D9%8A%D9%82%D8%B1%D8%B9-%D8%A3%D8%A8%D9%88%D8%A7%D8%A8-%D8%AC%D9%86%D9%88%D8%A8-%D8%AF%D9%85%D8%B4%D9%82-%D9%88%D8%BA%D9%85%D9%88%D8%B6-%D8%AD%D9%88%D9%84-%D9%85%D8%B5%D9%8A%D8%B1-%C2%AB%D8%AF%D8%A7%D8%B9%D8%B4%C2%BB>

(3-2) Structure of Real Estate in Al-Tadamon:

Unlike the previous two study areas, Al-Tadamon was not an old town that expanded, but rather a new residential area that gradually emerged in the vicinity of the Yarmouk camp as a result of migrations of Palestinian refugees, displaced people from the Golan, and migrants from the Syrian countryside to Damascus. The entire neighbourhood was built on private agricultural land that forms an extension of Al-Shaghour neighbourhood of Damascus, called the “Shaghour Orchards” in the land registry. The neighbourhood’s urban bloc formed gradually during the 1970s and 1980s and continued to expand until the outbreak of the conflict in 2011, even during, in some of the northern parts of the neighbourhood that remained under regime control. According to official figures, the total area of the neighbourhood is 226 hectares, including 147 hectares of informal settlements, i.e. 65%^[10]. Dr Maan Kafa argues that the informal settlement block in the neighbourhood, although not conforming to regulations and laws, is not informal in the strict sense of the word, but rather has its own system in terms of land usages, housing structure, and road network, which shows an organization that does not differ in essence from regulated neighbourhoods^[11]. This is confirmed by pictures of main and secondary road networks in Al-Tadamon on Google Maps. We find a consistent network of roads, many of which are narrow, but they extend to the entire neighbourhood and connect it internally and with its surroundings in a very efficient manner.

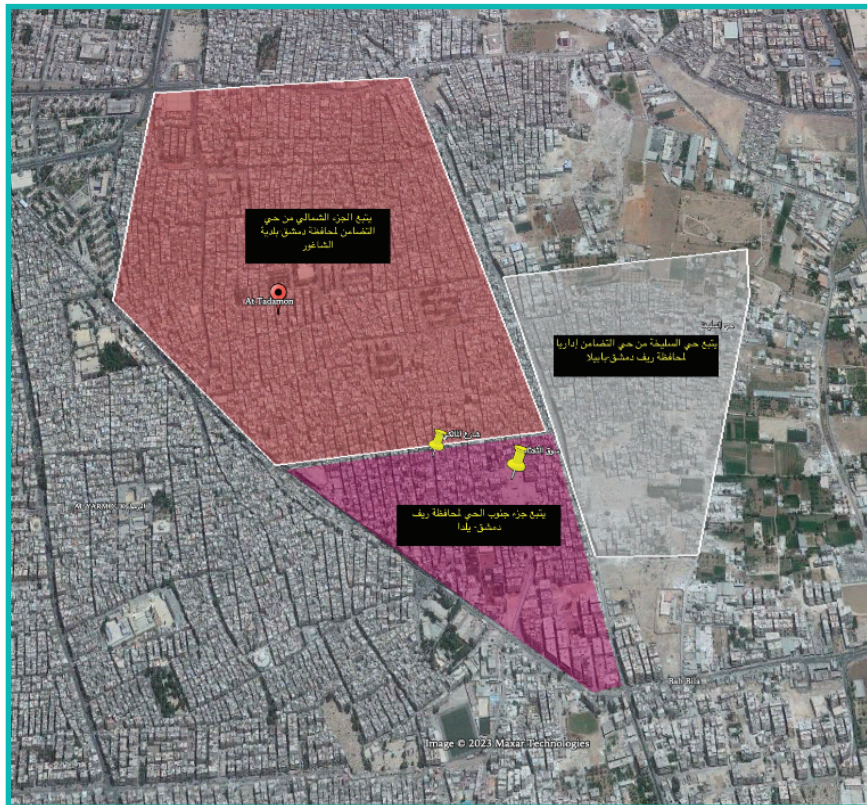


■ Figure (45) Map of main and secondary roads in Al-Tadamon (Google Map)

[10]- Passenger transport movement is affected by urban expansion in the city of Damascus - Adnan Masri - PhD thesis 2015 – Link: <https://www.geographytreasury.com/2022/01/2015.html>

[11]- Interviews with experts.

Al-Tadamon is one of the neighbourhoods that straddles the administrative borders between Damascus and its countryside. Therefore, the administrative entity of Al-Tadamon as a neighbourhood does not exist in the strict legal sense. There is no local administrative unit in Al-Tadamon, nor does it have its own municipality. Rather, it is actually affiliated with four neighbouring municipalities, each of which covers a part of the neighbourhood: The municipality of Al-Midan in the northern part, the municipality of Yarmouk Camp in the western part, the municipality of Yalda in the southern part, and the municipality of Babila in the eastern part. According to estimates by Syrian architect Maan Kafa, about two-thirds of the neighbourhood is located within the administrative borders of Damascus and a third in its countryside^[12]. This administrative overlap increases Al-Tadamon's vulnerability to regulation plans and accompanying HLP rights violations due to the absence of an administrative body representing rights holders. All that exists now is an informal civil committee called Al-Tadamon Neighbourhood Committee,^[13] and the neighbourhood "Muhtar" (local chief) appointed by the regime.



■ Figure (46) Approximate administrative divisions of Al-Tadamon, the current borders are being verified

In terms of the urban structure of the neighbourhood, Al-Tadamon is considered the largest informal settlement area in Damascus and the most densely built and populated, as the majority of its buildings are high-storey. It can be said that it is a large informal settlement

[12]- Kafa, Maan, p.124 – Link: https://www.researchgate.net/publication/345282357_Main_Kafa_2013_L'habitat_informel_en_Syrie_le_cas_de_Damas_These_de_geographie_Nancy_Universite_de_Lorraine_ecole_doctorale_Fernand_Braudel_LOTERR_Centre_de_recherche_en_geographie_296_p

[13]- See the Committee's page at the following link: <https://www.facebook.com/groups/2069832786434271/>

within which there are a few urbanely regulated islands. informal settlements is divided into two types: that built on private property, and that built on lands expropriated by the state. Thus, the case of Al-Tadamon is an example of the failure of urban planning policies in Damascus and the failure of legislation and state institutions that initiated large and unfair expropriation operations in the 1970s for the purpose of real estate development. Below we review the three types of ownership and housing in the neighbourhood:

(3-2-1) Regulated sections of Al-Tadamon

The most important are known as the ‘Construction Housing neighbourhood’ and the ‘pre-constructed neighbourhood’, shown in the map below. The two areas were built during the 1980s on lands that were unfairly appropriated by the state. In addition to these sections, a few squares include regulated government centres within the neighbourhood, whose immediate surroundings have consequently been organized. Some rights holders in the vicinity of schools, health centres and other facilities benefited from this regulation and gained a rare opportunity to regulate the status of their properties and register them officially for the first time. In general, however, regulated housing whose owners possess green tapu deeds does not exceed 10 -15% of the total area in best-scenario cases, according to an assessment conducted by the research team using Google Maps.



■ Figure (47) The largest regulated areas within Al-Tadamon.

(3-2-2) Expropriated lands on which informal settlements are built

Part of the neighbourhood was subject to expropriation without finalizing regulation and development. On the contrary, the expropriation decision was an impetus for those lands to be filled with informal settlements. The owners at the time objected to the low value of compensation for this expropriation and brought lawsuits against the Housing Corporation. These lawsuits dragged on for years, during which time the owners of the agricultural lands divided them and sold them to real estate traders linked to the regime. The clearest cases are two areas known as Al-Tabab in the middle of the neighbourhood, and Sleikha to its east, both built on expropriated lands. Although their borders overlap with adjacent areas, the study team estimates that expropriated land on which informal settlements were built is approximately 31 hectares and constitutes 14% of the total area of the neighbourhood.



■ Figure (48) Informal settlements built on lands expropriated by the state (Al-Tabab in purple, Sleikha in red).

Land registry documents that the research team was able to extract from the Real Estate Administration Directorate in Damascus show that the owner of the lands in Al-Tabab is the General Housing Corporation, and it appears that the expropriation plans date back to

1966, while most of the expropriation operations took place during the 70s and included large areas. One of the properties we investigated, located in Al-Tabab, had an area of more than 3,000 square metres. The description of the property in the registry was still agricultural land, but in reality, it was divided by its owners into separate plots ranging in size from 70 to 150 square metres^[14] and then sold in an attempt by the old landowners to avoid having their lands taken away for low compensation.

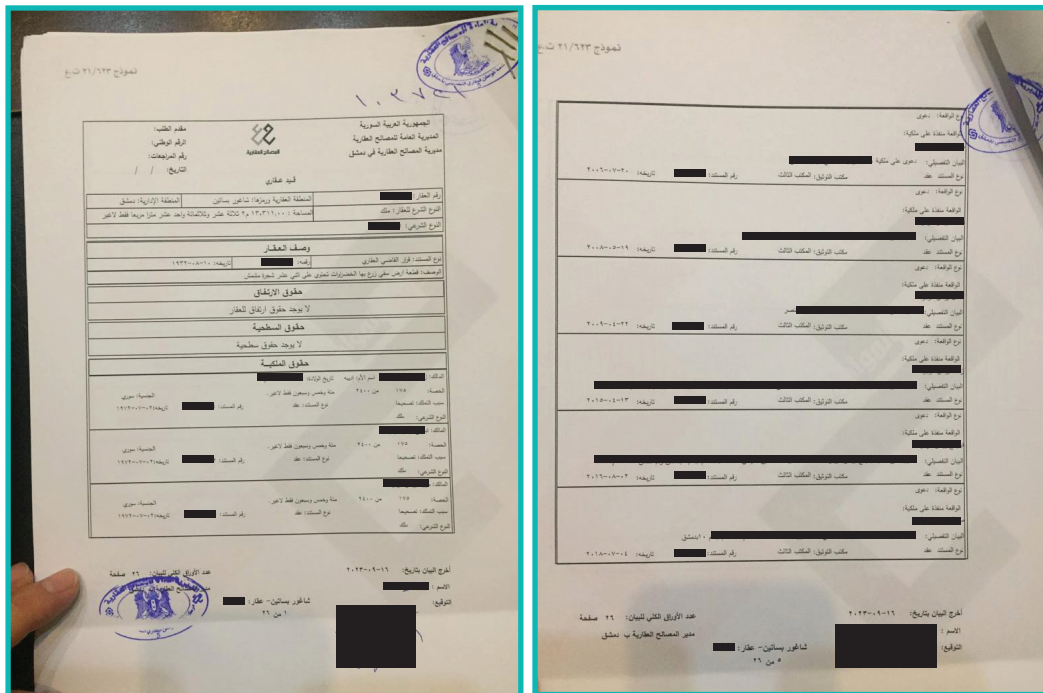
If we assume that every 100 meters of the property is owned by one family, then there are at least thirty-three families that own or have a right to this property, having purchased it under external contracts that have no official status. They have purchased and lived on expropriated lands for decades. Today, the closest thing to an “official document” to prove they owned and lived in a place are electricity and water bills.

■ Figure (49) A land registry deed for a property located in Al-Tabab.

[14]- Khadour, Y., & Kafa, M. (2009). Discussion of random and informal settlements in Damascus. Geo-Spatial Information Science, 12(4), 289-295.

(3-2-3) informal settlements on private property

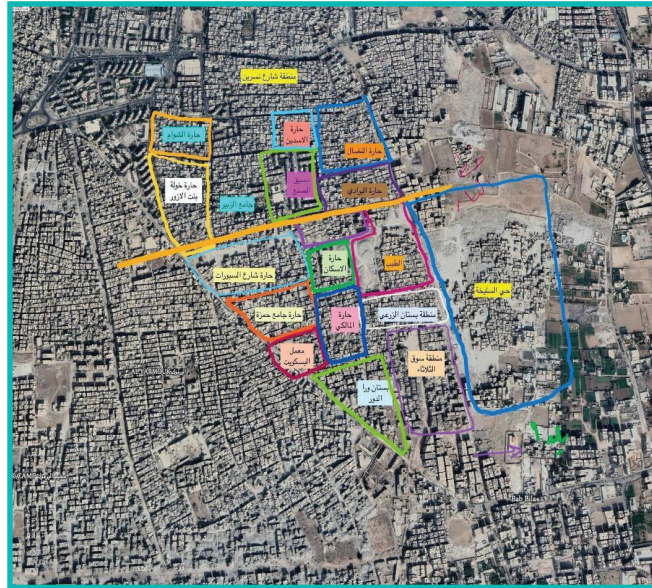
This is built on private agricultural lands which are commonly owned, and can be considered in reality the most widespread. In this case, ownership of shares in the land is documented in the land registry. We also find that many buildings and entire neighbourhoods are still listed in the land registry as one agricultural property designated for rainfall or irrigation, as wooded or barren land. In one land registry deed that we obtained, the area of the property was more than 13,000 square meters, while the real estate registration was 26 pages and included more than 150 owners. The registration document includes references to more than a hundred lawsuits filed regarding property where most of the time a sale had been transacted. The document also includes references to dozens of share ownership transfers, precautionary seizure notifications, and others. Of course, every reference contained in the real estate registration document has a whole file of documents and attachments, which means that we are talking about thousands of documents produced by state institutions for a sole property in the area, for over five decades.



■ Figure (50) Pictures of the first and fifth pages of a real estate registration for one of the large properties in Al-Tadamon.

Finally, it is also worth noting that Al-Tadamon was divided during the conflict into a northern section that remained under the control of the regime forces and constituted about 60% of its area, and a southern section controlled by opposition forces and constituted 40%^[15]. Our focus is on the southern part, as this was subjected to fierce military operations and siege starting in 2012, then ISIS took control over it in 2015, before the final displacement of residents and fighters took place in 2018. The vast majority of its rights holders are still absent, and this is where we assume most violations were committed.

[15]- Al-Watan newspaper, Ibid.



■ Figure (51) Map showing the distribution of neighbourhoods in Al-Tadamon, its landmarks, and the line of fire between the sections under the regime’s control in the north and those outside its control in the south.

(3-3) Most prominent types of violations in Al-Tadamon

The research team was able to identify six recurring patterns practiced by the regime and by its security services, militias and administrative institutions that affect HLP rights in Al-Tadamon.

(3-3-1) Displacement

The population’s displacement began by regime forces and militias at the outbreak of protests in the neighbourhood in 2011. Within the multi-sectarian and multi-ethnic demographic composition, a division emerged in its quarters, with a majority supportive of the regime and others opposed to it; displacement operations took an overwhelmingly sectarian shape by targeting Sunni Muslims, as confirmed by all the experts and rights holders we spoke to.

The first phase of displacement began between 2011 and 2012, when residents suspected of opposing the regime, living in neighbourhoods with a majority supportive of the regime, were forced to leave their homes as a result of attacks, arrests, and intimidation by militias affiliated with the regime. These militias were formed mainly from neighbourhood residents loyal to the regime, and were known as the Popular Committees before they were later called the National Defence. On the other side, neighbourhoods with a majority opposition witnessed kidnappings by some members of the armed opposition, prompting minority residents in southern neighbourhoods to leave their homes as well. Thus, by the middle

of 2012, there had occurred what resembled a political and sectarian sorting process between a supportive and armed north, and an opposition south where armed groups began to form.

The second phase of displacement was the largest, and extended from July 2012 until 2015, and was characterized by intensification of violence and the division of the neighbourhood into two control zones, as previously mentioned. In mid-2012, regime forces launched the first major military campaign on the southern part of the neighbourhood, in which the forces of the Fourth Division, the National Defence Forces, and the Palestine Liberation Front participated, resulting in the flight of the majority of residents^[16]. Subsequent to that campaign, the regime, represented by Area 227 Branch and the National Defence Forces, displaced the remaining residents of the central part of the neighbourhood. The operation included several quarters, most notably: Khawla Bint Al-Azwar, Al-Shawam, Al-Jamiya, Al-Zubair Mosque, Al-Baradi (see the previous figure). A journalist who covered these developments in the neighbourhood reported that “the displaced people were mostly Sunnis, there were residents from other sects as well but most of them returned to their homes after a period that varied according to the location of their homes, but those who fled were Sunnis and only a few of them returned.”^[17]

After 2012, the division of the neighbourhood into two areas of control was consolidated. In the north, controlled by the regime, there was a noticeable increase in population density, as illegal construction operations became active after residents of the south part of the neighbourhood were displaced to its north. The southern part fell under a siege that continued until the displacement agreement in 2018. The siege of Al-Tadamon and adjacent areas in southern Damascus, such as Yarmouk Camp, Al-Hajar Al-Aswad, and others, was one of the harshest sieges of the Syrian conflict. Unlike other besieged areas in the vicinity of Damascus, such as Eastern Ghouta and Daraya, the areas south of Damascus did not have agricultural lands or local food production, leading to the death of dozens as a result of hunger and lack of nutrition. It is not known exactly how many residents were trapped in Al-Tadamon, but according to a previous report by the Centre for Documentation of Violations in Syria, the number of civilians besieged in 2017 was about ten thousand people^[18]. It is likely that the number was much higher when the siege began, as over the years, thousands of civilians tried to leave, and many were subjected to mass arrest and assassination.

[16]- Al-Tadamon Coordination activists documented those moments in the following video: https://www.youtube.com/watch?v=oXc-CCBEHfK0&ab_channel=%D9%82%D9%86%D8%A7%D8%A9%D8%AD%D9%8A%D8%A7%D9%84%D8%AA%D8%B6%D8%A7%D9%85%D9%86%D9%81%D9%8A%D8%AF%D9%85%D8%B4%D9%82

[17]- An online interview with a journalist from Al-Tadamon who is currently residing abroad.

[18]- Centre for Documentation of Violations in Syria, 2017, Special Report on Besieged Areas in Syria – Link: <https://vdc-sy.net/wp-content/uploads/2017/07/%D9%85%D9%86%D8%A7%D8%B7%D9%82-%D8%A7%D9%84%D8%AD%D8%B5%D8%A7%D8%B1-%D9%81%D9%8A-%D8%B3%D9%88%D8%B1%D9%8A%D8%A7.pdf>

What is different about Al-Tadamon is the level of free rein given to local National Defence militias to do whatever they want. These militias set up checkpoints and detention and torture centres, carried out raids and kidnappings, and participated in massacres. In addition to the famous Al-Tadamon massacre, which claimed the lives of about 300 civilians,^[19] local activist networks documented 22 mass executions of civilians from Al-Tadamon committed by regime forces and militias between 2011 and 2013.^[20] All of these practices ultimately led to the terrorization and displacement of the population.

Of the 11 properties we investigated in depth in Al-Tadamon, the owners of eight properties said they had left with their families in 2012, while the owners of the remaining three properties were trapped in the neighbourhood until they were displaced northward following the displacement agreement in May 2018. The number of people displaced under that agreement is estimated at 4,000 civilians and fighters^[21]. All of this is seen by neighbourhood residents as religious cleansing targeting the Sunni population, including residents originally from the governorates of Deir Ezzour, Daraa, and Idlib, along with Turkmen and Palestinian residents. It eventually managed to reduce their presence from 70% of the total population to much less^[22].

(3-3-2) Indiscriminate shelling, demolition, and razing

In the case of Al-Tadamon, it is difficult to differentiate between the destruction resulting from military operations and that resulting from deliberate demolition of homes carried out on a large scale by regime forces. A previous Human Rights Watch report shows that buildings covering an area of 15.5 hectares in Al-Tadamon in southern Damascus were demolished in two waves: The vast majority of demolitions occurred between September and November 2012, followed by a wave from February to July 2013^[23]. These operations targeted the previously mentioned Sleikha and Al-Tabab neighbourhoods which were built on expropriated lands, but demolition operations stopped with the advance of opposition forces at the beginning of 2013 and the area turned into a line of fire. The aforementioned report covers similar and simultaneous practices in other regions of the country, but does not cover effects of the bombing operations by the regime in the south of Al-Tadamon or counter-bombing by the opposition, nor indeed by ISIS towards the northern part. The facts tell us that damages resulting from indiscriminate bombing in Al-Tadamon came later after bombing buildings and levelling them to the ground.

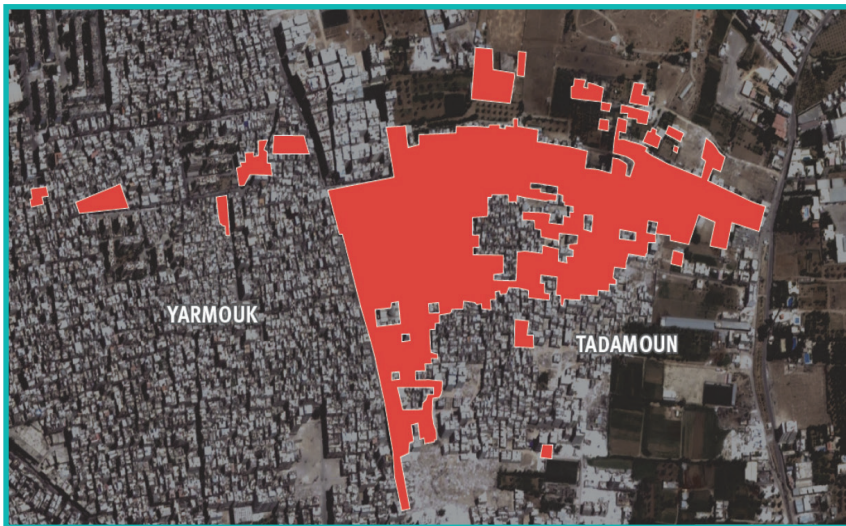
[19]- New Lines Magazine, 2022 - How the massacre of 300 in Syria was revealed – Link: <https://newlinesmag.com/reportage/how-a-massacre-of-nearly-300-in-syria-was-revealed/>

[20]- <https://actionpal.org.uk/ar/reports/special/tadamn.pdf> - p.66 onwards

[21]- <https://actionpal.org.uk/ar/reports/special/tadamn.pdf> - p.66 onwards

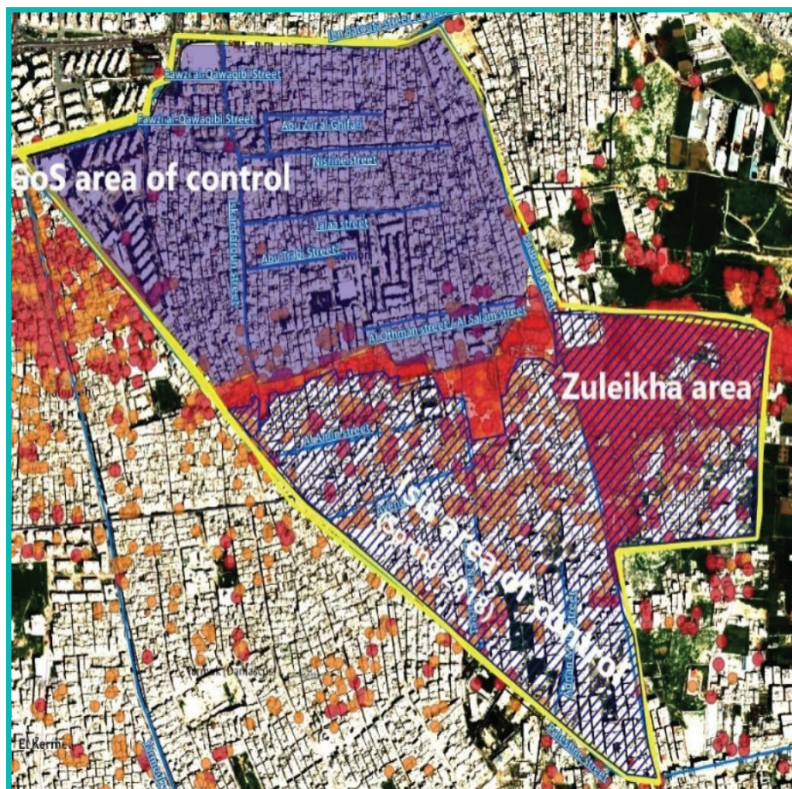
[22]- An online interview with the former president of the local council of Al-Tadamon, formed during rebel control of the southern part of the neighbourhood.

[23]- Razed to the Ground—Syria's Unlawful Neighbourhood Demolitions in 2012-2013 - Syrian Arab Republic | Relief Web. (2014, January 30). <https://reliefweb.int/report/syrian-arab-republic/razed-ground-syria-s-unlawful-neighbourhood-demolitions-2012-2013>



■ Figure (52) Areas levelled by regime forces and militias in late 2012. (Human Rights Watch, 2013)

Regarding bombing operations that continued from 2012 to 2018 and included artillery, air strikes, and explosive barrels: Reports indicate that the southern part of the neighbourhood in general was severely affected by bombing, while limited damage affected the northern part which remained under regime control, as the following map shows.



■ Figure (53) Evaluation of the extent of destruction in Al-Tadamon according to areas of control and type of destruction (red colour are razed areas, red dots are destroyed sites, yellow dots are damaged sites) [24]

[24]- Ferrier, M. (2022). What about the Return of IDPs to Areas Controlled by the Syrian Government? Konrad-Adenauer-Stiftung e.V.

After the regime took control of the entire neighbourhood in May 2018, Damascus Governorate formed a committee to assess damage in the neighbourhood in accordance with the Debris Removal Law No.3 of 2018. It seems the formation of the committee and the survey work it claimed to have undertaken did not even take three months before it issued its report to the Governorate in August^[25] 2018, the conclusion of which was that 90% of Al-Tadamon was uninhabitable and its residents would not be allowed to return. This aroused the ire of displaced people of the neighbourhood who were residing in Damascus, and government media outlets intervened, such as Al-Watan newspaper, which published several field reports about the lack of integrity in the committee's work, and presented a report with an assessment stating that 60% of homes in south Al-Tadamon were still suitable for rehabilitation and housing^[26].

(3-3-3) Preventing Return

Although regime control over Al-Tadamon has been complete since May 2018, it took about two years for it to announce the start of gradual return of displaced residents to specific areas of the southern part. In May 2020, it announced the formation of a committee whose mission is to coordinate “with the competent authorities” to rehabilitate areas of the neighbourhood in preparation for the return of residents^[27]. Four months later, the first batch of displaced people entered the neighbourhood after obtaining security approval. These approvals constitute the greatest obstacle to the return of residents, and includes those who do not obtain approval and those who do not dare to apply for it, especially refugees outside the country wanted by security forces, and even relatives of those wanted by security forces, as well as those displaced to opposition-controlled areas in the north. One of the people displaced to northern Syria who we spoke to said, “If you have a family member who worked with the opposition, you have no hope of obtaining security approval.”^[28] The latest available reports indicate that security approvals to return were granted until recently to about 2,500 displaced people out of the total population of that part of the neighbourhood, estimated at 25,000 families^[29].

Moreover, the regime has so far allowed the return of residents to limited parts of the southern section of the neighbourhood, as the following map shows. Within the grey areas

[25]- See the website of the Syrian Ministry of Local Administration and Environment – Link: <http://www.mola.gov.sy/mola/index.php/2018-04-19-13-25-36/item/6957-2018-10-14-11-28-31>

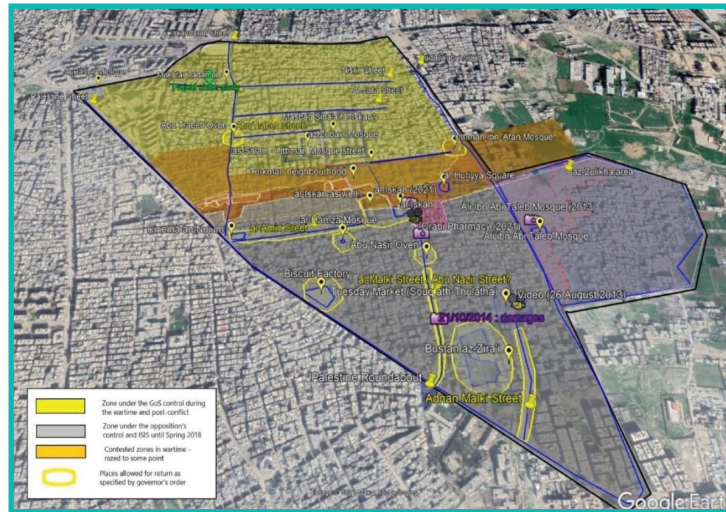
[26]- Muhammad, Muwafaq, 2018, report for Damascus Governorate: 690 habitable homes in south Al-Tadamon and families can return temporarily, Al-Watan newspaper – Link: <https://alwatan.sy/archives/167597?fbclid=IwAR1LgxGfXO40lgoHQrzs23bxiHsDSu-5ez7tSx7NO5pPk6vAPX9Hh5lgxWg>

[27]- Zaghmout, Mahmoud, Hassan, Muhammad, 2022, Al-Tadamon from establishment to massacre, Action Group for the Palestinians of Syria – Link: <https://actionpal.org.uk/ar/reports/special/tadamn.pdf>

[28]- Online interview with a displaced person from Al-Tadamon living in northern Syria.

[29]- Ibid. - <https://actionpal.org.uk/ar/reports/special/tadamn.pdf>

where the regime regained control and for the following four years, there were two main streets and one large residential square that were opened to returnees. Only those who have documents proving their ownership of a property can apply for security approval to return. Neighbourhoods such as Al-Tabab and Sleikha were explicitly declared as prohibited military zones, and other neighbourhoods remained under rubble, waiting to be included in rehabilitation processes.



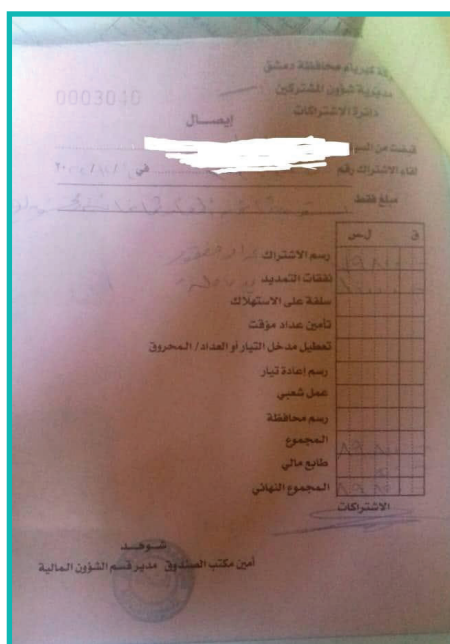
■ Figure (54) Areas to which civilians were allowed to return within Tadamon (2022)^[30]

Within those limited yellow spaces in the neighbourhood that were opened to returnees, the path was not easy, even after proving ownership and obtaining security approval, as there are other obstacles awaiting returnees. According to several intersecting testimonies, upon their return, Syrian residents must sign a pledge to remove the rubble from their property within 60 days, and to vacate the dwelling in the future when requested by the government, because the area will be subject to new urban planning. They must also present financial clearance documents from electricity, water, and telephone companies. The file is submitted to the security checkpoint responsible for the area, which includes National Defence and Branch 227. Here, kickbacks are imposed on every family from the neighbourhood. Some of those we spoke to confirmed that the amount is approximately four million liras, which is equivalent to 300 dollars according to the exchange rate in 2023.

In official media, the regime describes Al-Tadamon as a resistant neighbourhood, indicating that the entire neighbourhood sided with the regime during the conflict. However, we do not find this reflected in the behaviour of state institutions towards the neighbourhood five years after it regained control there. These institutions show great indifference to the conditions of the displaced. For example, to reconnect electricity, the returnee needs to

[30]- Ferrier, M. (2022). What about the Return of IDPs to Areas Controlled by the Syrian Government? <https://www.kas.de/documents/266761/0/Myriam+Ferrier+-+What+about+the+Return+of+IDPs+to+Areas+Controlled+by+the+Syrian+Government.pdf/4936200a-e436-8b7c-32bf-4143d567e805?version=1.0&t=1654779610977>

pay large costs, including zeroing out debt on the previous subscription, purchasing a new electricity meter, and requirements for connecting to the network; this is equipment supposed to be covered by the company providing the service. In addition, returnees are required to pay nine types of government fees to the state or to Damascus State Electricity Company, as the following picture shows. That is, the state does not exempt those returning after eight years of displacement from anything, and in the end, electricity supply does not exceed a few hours per day.

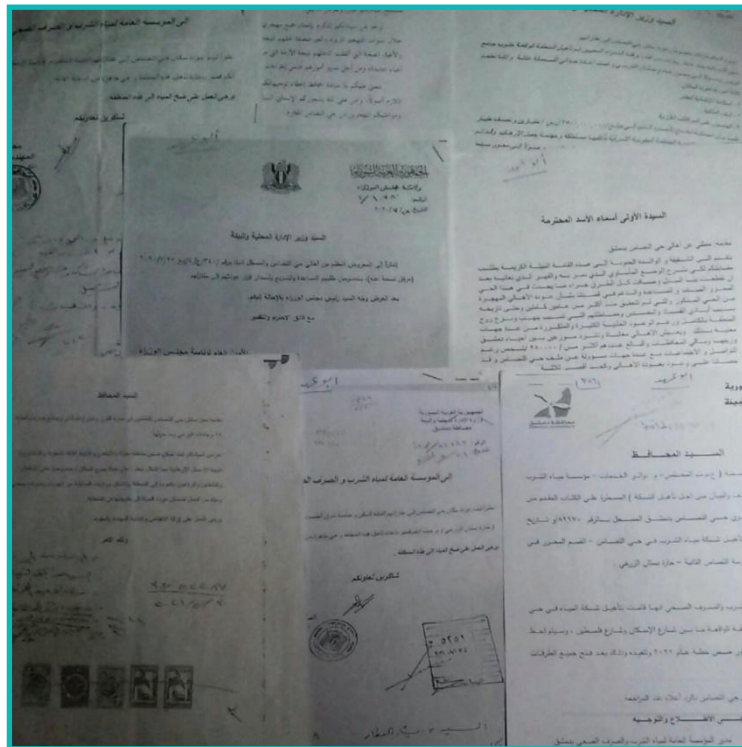


■ Figure (55) Receipt for payment of service restoration fees to Damascus Electricity Company (Al-Tadamon Neighbourhood Displaced Persons page, 2022)^[31]

Additionally, regarding the performance of state institutions, removing rubble and opening roads is still a priority in many parts of the neighbourhood whether opened or awaiting to be opened. The “Committee for Al-Tadamon Displaced Persons” page shows the arguments taking place between returnees on one hand, and the Governorate and its executive offices on the other. The page shares copies of official letters and appeals sent to the Governorate, the Minister of Local Administration, the Water Company, and to Asma al-Assad requesting the rehabilitation of roads and infrastructure in the neighbourhood. Finally, a journalist activist who returned to the neighbourhood posted on her Facebook account there were three Governorate vehicles operating in Al-Tadamon: a large bulldozer, a small bulldozer, and one truck for transporting rubble^[32].

[31]- Al-Tadamon Neighbourhood Committee member’s Facebook account, 2023 - Link: <https://www.facebook.com/photo/?fbid=3496692367240633&set=g.2069832786434271>

[32]- Local Facebook pages: <https://www.facebook.com/groups/619046878630041/permalink/1046645935870131>



■ Figure (56) Copies of letters and appeals sent by the Committee for Al-Tadamon Displaced Persons to government institutions. (Al-Tadamon Displaced Persons page, 2022)^[33]

(3-3-4) Looting and ‘Taafish’

Looting occurred throughout the entire southern part of Al-Tadamon since the first raids carried out by the National Defence militias and the army in 2012, and continued until 2020. In all the pictures and videos coming from south Al-Tadamon in the period after the regime regained control, buildings appear without windows or doors. These were not uprooted by military operations, but rather are a sign of looting. As we noted in the cases of Jobar and Daraya, the Fourth Division appears to be leading the looting industry in Al-Tadamon as well, but with a prominent role for the National Defence militia and its former leader Fadi Saqr, who is from Al-Tadamon and close to Bashar al-Assad. He was recently rewarded by being given a prominent position in Al-Ba’ath Party as well, and has been previously included on the US sanctions list^[34]. This explains the lack of discussion about the issue of looting, even among social media activists from the neighbourhood, but signs and hints are abundant. One representative of the Committee for Al-Tadamon Displaced Persons

[33]- Local Facebook pages: <https://www.facebook.com/photo/?fbid=3335306340045904&set=g.2069832786432471>

[34]- Syria TV, 2023, How did UN relief funds go to sanctioned Assad regime businessmen? - Link: <https://www.syria.tv/%D9%83%D9%8A%D9%81-%D8%B0%D9%87%D8%A8%D8%AA-%D8%A3%D9%85%D9%88%D8%A7%D9%84-%D8%A7%D9%84%D8%A5%D8%BA%D8%A7%D8%AB%D8%A9-%D8%A7%D9%84%D8%A3%D9%85-%D9%85%D9%8A%D8%A9-%D9%84%D8%B1%D8%AC%D8%A7%D9%84-%D8%A3%D8%B9%D9%85%D8%A7%D9%84-%D9%86%D8%B8%D8%A7%D9%85-%D8%A7%D9%84%D8%A3%D8%B3%D8%AF-%D8%A7%D9%84%D8%AE%D8%A7%D8%B6%D8%B9%D9%8A%D9%86-%D9%84%D9%84%D8%B9%D9%82%D9%88%D8%A8%D8%A7%D8%AA%D8%9F>

posted the following two photos on his Facebook account in 2020 and accompanied them with equivocal phrases condemning the thieves without naming them.^[35] The first picture is of roofs on houses removed to steal iron from inside them, and the second is of a truck carrying the stolen iron for transport. One rights holder who spoke to us from the vicinity of Damascus says, “The thieves did not leave behind any metal in the entire southern part of the neighbourhood... or anything that can be sold.”



■ Figure (57) Looting roofs and removing iron in Al-Tadamon (from the account of a representative of Al-Tadamon Displaced Persons Committee on Facebook, 2020)

Satellite images also show that roof vandalism occurred on a large scale within the neighbourhood especially during the years it was closed, between 2018 and 2020. We noticed that Al-Tabab in the centre of the neighbourhood, part of which was demolished between 2012 and 2013, was subject to roof looting before any remaining buildings were removed and the place was turned into a rubble dump, as the following pictures show:

[35]- Local Facebook pages: <https://www.facebook.com/photo/?fbid=2636991946630322&set=g.2069832786434271>



■ Figure (58) Al-Tabab Quarter in the years 2018-2020-2022, respectively.

Roof looting was not limited to buildings on expropriated lands, such as Al-Tabab, but rather extend to buildings located on private property, including multi-storey and larger buildings. Although it is difficult to identify all the sites where roof looting was carried out, we were able to identify some, as the following pictures show of a group of buildings located in the far south of the neighbourhood in Souq Al-Thulatha.



■ Figure (59) Looting roofs of multi-storey buildings built on private land between 2018 and 2022 (Google Earth).

One indicator of Al-Tadamon residents' normalization of looting is that local Facebook groups specializing in buying and selling real estate in the area often mention the level of looting to which the property has been exposed as basic information in the description of the property for sale in all its advertisements. The following pictures show examples of those advertisements.



■ Figure (60) A local real estate group on Facebook shows introduction of the word “looting” as one of the determinants of the condition of the property for sale.

(3-3-5) Seizing and Exploiting Property

During the years of conflict, a complex power map was formed in Al-Tadamon, which included the National Defence Militia and its local groups, the Fourth Division, the Republican Guard, and at least two security branches: the Palestine Branch, and Branch 227, known as the Region Branch. While the name of the Fourth Division is prominent in looting operations, seizing property to use, rent, or even sell, features the names of National Defence militias and their local leaders, such as Saleh al-Ras known as Abu Muntajab, Hikmat Ibrahim known as Abu Ali Hikmat, Saeb Suleiman, and others^[36] whose names are associated with several massacres committed in the neighbourhood. This happens under the wing of Branch 227, linked to a network of merchants and brokers who facilitate rental and sales procedures. These leaders are residents of the neighbourhood who know it well and were present throughout the conflict and participated in the mass displacement and assassination of opposition residents, including the famous Al-Tadamon massacre. Therefore, they know very well the houses whose owners may return and the ones whose owners will never return because they have been assassinated. We have obtained testimonies from within Al-Tadamon that these leaders are selling the properties of families that have been assassinated to new owners, after forging ownership documents, contracts for the sale of shares, or power of attorney, and they can even confirm the sales in the

[36]- Syria TV, 2023, nine criminals and dozens of massacres... Who are the perpetrators of massacres in Al-Tadamon in Damascus? - Link: <https://www.syria.tv/%D8%AA%D8%B3%D8%B9%D8%A9-%D9%85%D8%AC%D8%B1%D9%85%D9%8A%D9%86-%D9%88%D8%B9%D8%B4%D8%B1%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D8%B0%D8%A7%D8%A8%D8%AD-%D9%85%D9%86-%D9%87%D9%85-%D9%85%D8%B1%D8%AA%D9%83%D8%A8%D9%88-%D9%85%D8%AC%D8%A7%D8%B2%D8%B1-%D8%AD%D9%8A-%D8%A7%D9%84%D8%AA%D8%B6%D8%A7%D9%85%D9%86-%D9%81%D9%8A-%D8%AF%D9%85%D8%B4%D9%82%D8%9F-%D8%B5%D9%88%D8%B1>

courts. No one knows the number of properties seized by these militias and their partners, but given the number of dead residents of the neighbourhood estimated at thousands, and tens of thousands displaced people who have not been allowed to return yet, there is no doubt that there are large numbers of properties seized. One witness currently residing in Al-Tadamon tells of his friend who was looking for a house to buy in Al-Tadamon. A broker took her to an abandoned house that was for sale. When the woman asked about the owners of the house, the broker told her, “These properties belong to the leader, and his word is the title deed”, referring to Abu Muntajab mentioned above.

(3-3-6) Urban Regulation Plans

The regime has not issued any new plan for Al-Tadamon, as we saw in the cases of Daraya and Jobar. All we and rights holders know so far is the content of vague statements made by officials in Damascus Governorate that the entire area will be subject to the controversial Law No.10 of 2018. Work on preparing a new zoning plan for the region is now underway^[37]. However, returning residents were informed of the regime’s intention to demolish the neighbourhood within 3-5 years, and signed pledges to evacuate when asked to do so. However, the failure to issue a reorganization decision as the sixth anniversary approaches of the regime’s control over Tadamon, means the fate of the neighbourhood remains suspended and the state shirks all its responsibilities towards its displaced people. It also means a decisiveness to prevent the neighbourhood from returning to its pre-2011 conditions. If the aforementioned law is implemented at any time in the future, this will mean neglecting the reality in Tadamon and the loss of rights of tens of thousands of residents who are unable to appear before regime institutions, or unable to present ownership documents.

(3-4) Conclusions of the case study of Al-Tadamon

Al-Tadamon has often been described as a miniature Syria due to the diversity of its residents’ religious, ethnic, and regional backgrounds. Another valid analogy between Syria and Tadamon is the latter exploded internally with the outbreak of the conflict, and its sectarian dimension became more apparent. In truth, all these sectarian identities coexisting and not integrating was clear in the urban structure of the neighbourhood and the names of its quarters, such as the Turkmen quarter, the Shawam quarter, and the Alawite quarters, etc. The neighbourhood was divided into two parts: one used against another, so the loss of life and property was more severe in Tadamon than in other places.

The research team was able to identify six types of practices that affect HLP rights in Tadamon:

[37]- The website of the Ministry of Local Administration and Environment, Al-Tadamon will be fully regulated - Link: <http://www.mola.gov.sy/mola/index.php/2018-04-19-13-25-36/item/6957-2018-10-14-11-28-31>

1) These violations begin with displacement of residents who oppose the regime, first through intimidation and harassment, then with bombing and military operations, and finally with direct forced displacement. These displacements changed the demographics of the neighbourhood.

2) Destruction of homes was the second violation practiced on a large scale and in several stages in Tadamon. Here, the majority of the destruction resulted from regime forces booby-trapping and bulldozing homes, rather than from bombing and military operations.

3) Looting operations also extended to the entire south part of the neighbourhood, where the regime regained control in 2018. In many areas of the neighbourhood, we noticed that looting developed to the removal of roofs of intact houses to extract iron from them. The Fourth Division and National Defence militias are the main parties involved in these operations.

4) The regime is still preventing and hindering the return of displaced residents to the neighbourhood, even more than five years after regaining control over it. So far, they are allowing residents to return only to specific parts of south Tadamon. Even for displaced people from the neighbourhood who live in Damascus and its environs, return is an unattainable hope. The regime has imposed the condition of security approval for return, followed by presenting a property ownership deed in a neighbourhood where 85% - 90% of properties are informal. Afterwards, comes restoration approval and a series of long and expensive undertakings and procedures. As for those residing outside Syria or outside regime-controlled areas in Syria, returning under these requirements is almost impossible.

5) Seizing intact properties then disposing of them for rent and sale, seems to be widespread in Al-Tadamon, with the largest actor being local National Defence militias. As they are from the neighbourhood, they target specific properties because they know their owners are either dead or have no hope of returning.

6) The regime announces its intention to regulate Tadamon according to Law 10 of 2018 within three to five years, while its institutions are working to complete a new zoning plan for the neighbourhood that is still awaited. At the same time, the Debris Removal Law No.3 of 2018 comes into effect, which gives the administrative authority the right to remove rubble from private property and sell it at public auction after short deadlines. The initial assessment of the Building Assessment Committee formed by Damascus Governorate was that 90% of the neighbourhood needs to be demolished, which reflects the government's intention to remove the largest possible number of urban structures from the neighbourhood.

(4)

Baba Amr Case Study



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(4) Baba Amr Case Study

(4-1) Baba Amr context

Baba Amr neighbourhood is located in the south-west of Homs. It is bordered to the north by both the Insha'at neighbourhood and the station. It is divided into a residential area, comprising the neighbourhood and its urban expansion that includes Al-Sultaniya and Jourat Al-Arayes neighbourhoods up to the town of Jobar; and the orchards located to the west of the neighbourhood^[1].

The name of the neighbourhood comes from its two gates, unlike other neighbourhoods of Homs which only have one gate, all together making up the seven gates of Homs. These two gates are named after the Companion Amr bin Ma'di Yakrib, who is buried in the neighbourhood^[2]. The area of Baba Amr is estimated at 255 hectares, and its population in 2010 was approximately 55,000 people. Until 1962, Baba Amr was known as a village in the western countryside of Homs, and under regulation in the same year it was adjoined as a neighbourhood within the borders of the city of Homs.

Most of the residents of Baba Amr are Sunnis of Arab, Kurdish, and Turkmen ethnicities,^[3] and Alawite presence there was limited to about sixty families living on the outskirts of the neighbourhood, considered one of the poorest neighbourhoods and constituting an ideal area for low-income housing, near the main entrance to the city of Homs^[4].

The neighbourhood's anti-regime demonstrations began in April 2011, days after a massacre committed by regime forces against demonstrators in Al-Sa'a Square, which was the centre of demonstrations in the city of Homs. Demonstrators gathered in the streets, and with continued raids and arrest campaigns targeting activists inside Baba Amr, Al Farouk Battalion intervened; the first Free Army battalion formed by defected Lieutenant Abdul Razzaq Talas to confront regime forces inside the neighbourhood in early June 2011.^[5] Since then, the neighbourhood has been under the control of the armed

[1]- Syrian Human Rights Committee, Invasion of Baba Amr neighbourhood of Homs, on its tenth anniversary, 2022 – Link: <https://www.shrc.org/?p=37161>

[2]- Baba Amr in the Eye of the Revolution, Lines on Baba Amr, 2011 – Link: <https://babaamr.wordpress.com/about/>

[3]- Interview conducted by the researcher with residents of the neighbourhood

[4]- LBCI, Baba Amr neighbourhood. Where it is located and its strategic importance, 2012 – Link: <https://www.lbc-group.tv/news/latest-news/21987/%D8%AD%D9%8A-%D8%A8%D8%A7%D8%A8%D8%A7-%D8%B9%D9%85%D8%B1%D9%88%D8%A3%D9%8A%D9%86-%D9%8A%D9%82%D8%B9-%D9%88%D9%85%D8%A7-%D8%A3-D-9%87%D9%85%D9%8A%D8%AA%D9%87-%D8%A7%D9%84%D8%A7%D8%B3%D8%AA%D8%B1%D8%A7%D8%AA%D9%8A%D8%AC%D9%8A%D8%A9%D8%9F/ar>

[5]- Arab Jerusalem, the story of Baba Amr: The first bullet fired in the Syrian revolution... In the beginning it was "peaceful", 2014 – Link: <https://www.alquds.co.uk/%D9%82%D8%B5%D8%A9-%D8%A8%D8%A7%D8%A8%D8%A7-%D8%B9%D9%85%D8%B1%D9%88-%D8%A3%D9%88%D9%84-%D8%A7%D9%84%D8%B1%D8%B5%D8%A7%D8%B5-%D9%81%D9%8A-%D8%A7%D9%84%D8%AB%D9%88%D8%B1%D8%A9-%D8%A7%D9%84%D8%B3%D9%88/>

opposition. Regime forces besieged the neighbourhood and launched several campaigns to regain control over it, the most violent of which was in February 2012 when regime forces bombed it and killed 200 people in one day, the largest death toll since the protests had begun^[6]. Among them were foreign journalists covering events in the neighbourhood, such as American Marie Colvin and Frenchman Remy Ochlik.

After 28 days of the military campaign, most of its residents had been displaced to adjacent neighbourhoods. This was the first displacement in Syria,^[7] and regime forces took control of the neighbourhood in early March. The neighbourhood saw the first visit by the Syrian President in the same month.



■ Figure (61) Location of Baba Amr neighbourhood in relation to the city of Homs.

The armed opposition factions tried again to take control of the neighbourhood in early March 2013, a year after regime forces had retaken it, and succeeded in controlling several positions, only to withdraw again 15 days after the operation, with the regime regaining control over 80% of the destroyed neighbourhood^[8].

Until 2018, the people of Baba Amr were not allowed to return to the neighbourhood, after which regime forces allowed the return of displaced people who had reached a

[6]- The Guardian. Battle for Baba Amr – timeline2012 , – Link: <https://www.theguardian.com/world/2012/mar/01/battle-ba-ba-amr-timeline-syria>

[7]- Bakour, Jalal, Al-Arabi Al-Jadeed, Baba Amr... Here began the catastrophe of Syrian displacement, 2017 – Link: <https://www.alaraby.co.uk/%D8%A8%D8%A7%D8%A8%D8%A7-%D8%B9%D9%85%D8%B1%D9%88-%D9%87%D9%86%D8%A7-%D8%A8%D8%AF%D8%A3%D8%AA-%D9%86%D9%83%D8%A8%D8%A9-%D8%A7%D9%84%D8%AA%D-9%87%D8%AC%D9%8A%D8%B1-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D8%A9>

[8]- Homs Governorate Council, Statement by Homs Governor Talal Al-Barazi, 2018 – Link: https://www.facebook.com/profile/100069277146801/search/?q=%D8%A8%D8%A7%D8%A8%D8%A7%20%D8%B9%D9%85%D8%B1%D9%88&locale=is_IS

security settlement, with the number of returning families totalling 4,822 as of mid-2022,^[9] according to government sources.

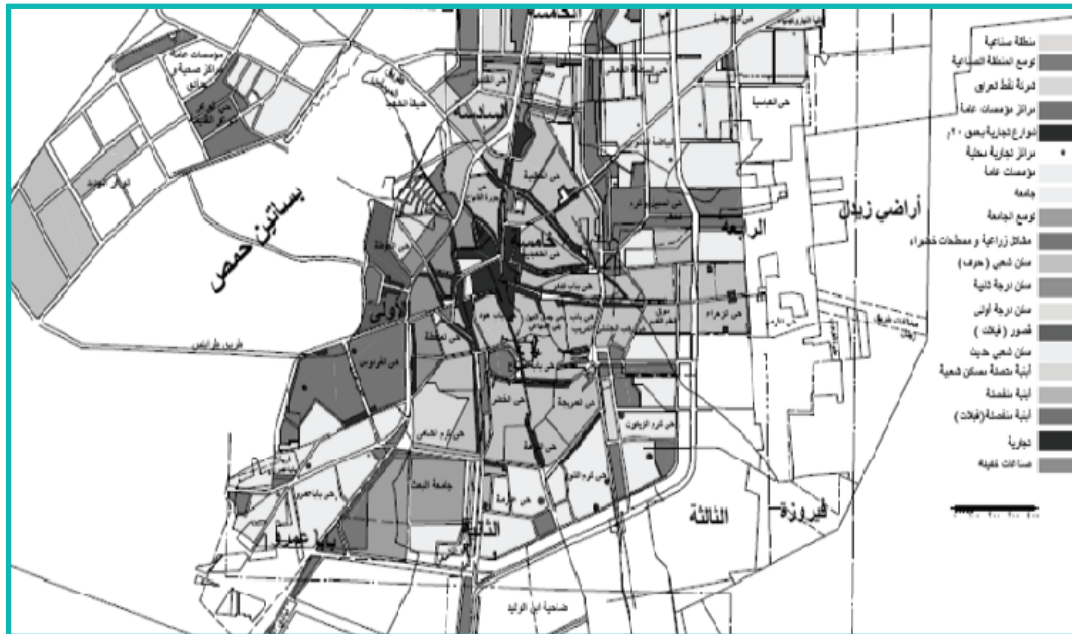
Baba Amr Timeline

- April 2011, first demonstration in Baba Amr
- June 2011, first battles between the armed opposition and regime forces in Baba Amr
- February 2012: The regime began a military campaign to regain control of Baba Amr
- March 2012: The displacement of residents with regime taking control of the neighbourhood
- March 2012, the Syrian President visits Baba Amr after taking control of the neighbourhood
- March 2013, the armed opposition attempted to regain control of the neighbourhood

(4-2) Baba Amr's Real Estate Structure

Baba Amr remained a village in the western vicinity of Homs until the early sixties, when it was swallowed up by the urban expansion of the city and the second zoning plan for Homs introduced it as a neighbourhood designated for low-income housing. The plan included the old village of Baba Amr and large areas of agricultural land in its eastern, southern, and western surroundings, as seen in the following map showing the zoning plan of Homs in 1966.

[9]- Syrian news report monitoring life in Baba Amr, 2022 – Link: <https://www.youtube.com/watch?v=70HiAwmp73U>



■ Figure (62) Zoning plan of the city of Homs for 1966.^[10]

Therefore, in terms of real estate composition, Baba Amr consists of an Old Quarter, regulated urban expansions, and others classified as informal, which is the largest portion. The Old Quarter currently constitutes less than 10% of the total area of the neighbourhood, as the picture below shows. The rapid urban expansion that the city of Homs witnessed began in the 1950s due to migrations from the countryside to the city.^[11] Baba Amr's orchards were a suitable destination for new migrants to possess and build, as did some of the city's residents escaping overcrowding. Thus, the population of Baba Amr increased from an estimated few thousand in the 1940s to more than 55,000 people in 2010^[12].

A small part of Baba Amr, which was regulated according to the city's zoning plan, is currently known as the 'compulsory distribution' quarter, located east of the Old Quarter. It constitutes an estimated 15% of the area of the neighbourhood and is the only area that was planned and then built in Baba Amr. Al-Hakourah quarter was also later included within the regulated section in 2007. The other four quarters are: Al-Juri Mosque adjacent to the 'compulsory distribution', Al-Mujadara east of the Old Quarter, Al-Tahoun in the south, and Jourat Al-Arayes to the southeast, part of which was established before the zoning plan, and part after it but without building permits, and all of them are considered informal settlement areas from the government's perspective. This comes despite the fact that it enjoys an acceptable degree of urban organization and services, according to a

[10]- Al-Masry, Imad Hamad, Al-Saqqa, Heba, D.T.N., Considerations for preparing and qualifying zoning plans: Homs city case study – Link: <https://360doc.files.wordpress.com/2011/04/d8a7d8b9d8aad8a8d8a7d8b1d8a7d8aa.pdf>

[11]- Al-Debat, Mohamed, 1999, Algerian Journal of Anthropology and Social Sciences – Link: <https://journals.openedition.org/insan-iyat/12249?gathStatIcon=true&lang=ar>

[12]- UNHABITAT and others, 2015, Baba Amr, Neighbourhood Profile - Link: <https://unhabitat.org/sites/default/files/download-manager-files/Baba%20Amr%20Neighbourhood%20Profile.pdf>

report by the United Nations Human Settlements Programme, which also indicates Homs City Council worked between 2005 and 2008 to settle the status of all informal buildings in the neighbourhood and fortify them^[13], but we could not find further details about this from open sources or from the sources we spoke to, we are therefore faced with a complex legal and administrative picture of a large portion of properties in Baba Amr.



■ Figure (63) Clarification of main quarters of Baba Amr (UN-Habitat, 2018)

Regarding land ownership, all the neighbourhood buildings are located on registered private property lands. However, real estate descriptions and the legal type of those properties differ from one area to another. While the legal type of real estate in the Old Quarter and the compulsory distribution quarter appears as “possessed,” and owners possess green tapu documents, we find that the legal type of real estate in other areas is still “Amiri”; and although a percentage of rights holders possess green tapu deeds for their lands or buildings, many properties are still commonly-owned, and many of the rights holders we spoke to only possess purchase documents registered with the notary only, which means the ownership transactions took place through the judicial authority represented by the notary, and not through the administrative body responsible for keeping ownership records. Thus, property can remain assigned to its former owner in real estate records. Although the majority of properties are registered in one form or another in official records, there is a wide margin of discrepancy between the description of properties in the land registry and their actual reality. Many properties are still registered as land intended for construction even though they have already been built, and some are registered as traditional residential homes, but in reality, they have been transformed into multi-storey buildings.

[13]- Ibid.

conditions led to a significant decrease in the population of the neighbourhood, escalating with the formation of armed brigades made up of regime military defectors and protesters, defending themselves against attacks by the regime and militias in late 2011 and escalation of violence in the neighbourhood.

With the launch of the regime's most violent military campaign against the neighbourhood, led by the Fourth Division and the Republican Guard, in February 2012,^[17] only about four thousand out of a population of 55,000 remained in the neighbourhood^[18]. Those who remained were subjected to siege, artillery and missile shelling, and ground assault attempts for 28 days. International agencies documented the killing of 62 people trying to flee the neighbourhood during the campaign^[19]. The operation also ended with a massacre while storming Baba Amr when security forces and the army murdered citizens and entire families who remained in the neighbourhood^[20]. Thus, the Baba Amr neighbourhood was completely devoid of residents when regime forces took control of it in March 2012 in what was described as a government strategy of displacement and demographic engineering in the city of Homs, by manipulating population numbers on a sectarian basis in order to empower the power base^[21].

(4-3-2) Indiscriminate Shelling

The regime's military campaign on Baba Amr did not last more than 28 days, contrary to other case studies that included bombing over the years. However, the destruction affected all parts of the neighbourhood, albeit to varying degrees. The bulk of the destruction, as the following map shows, affected the Old Quarter in Baba Amr, and local sources estimate that the damage affected 80% of that neighbourhood. Secondly, we notice that the bombing focused on the two neighbourhoods adjacent to the Old Quarter, which are Al-Juri Mosque and Al-Hakourah, to the east and west. In third place are the neighbourhoods of Jourat Al-Arayes, Al-Tahoun, and Al-Mujaddara, with rates of destruction estimated at between 20% and 30%, according to assessments by experts and rights holders we spoke to. Lastly comes the compulsory distribution quarter, the least affected area. A United Nations report indicates that about 4,000 buildings out of 14,000 were so severely

[17]- Asharq Al-Awsat, 2014, The Story of Baba Amr: The first bullet fired in the Syrian revolution...in the beginning it was 'peaceful' - Link: <https://www.alquds.co.uk/%D9%82%D8%B5%D8%A9-%D8%A8%D8%A7%D8%A8%D8%A7-%D8%B9%D9%85%D8%B1%D9%88-%D8%A3%D9%88%D9%84-%D8%A7%D9%84%D8%B1%D8%B5%D8%A7%D8%B5-%D9%81%D9%8A-%D8%A7%D9%84%D8%AB%D9%88%D8%B1%D8%A9-%D8%A7%D9%84%D8%B3%D9%88/>

[18]- Human Rights Watch, 2012 - Link: <https://www.refworld.org/docid/4f55f2e82.html>

[19]- Reuters, 2015, available at: <https://www.reuters.com/article/us-syria-quarter-idUKTRE8250DY20120306/>

[20]- Syrian Centre for Human Rights, 2022, The invasion of the "Baba Amr" neighbourhood of Homs on its tenth anniversary - Link: <https://www.shrc.org/?p=37161>

[21]- PAX Organization and the Syrian Institute, 2014, No return to Homs: Case study on forced displacement in Syria - Link: <https://paxforpeace.nl/wp-content/uploads/sites/2/import/import/pax-tsi-no-return-to-homs-arabic.pdf>

damaged that they are no longer suitable for rehabilitation^[22].



■ Figure (65) Analysis of satellite images show bombed buildings in red and bombed open land in yellow. (Human Rights Watch 2012 ,)^[23]

Of course, rights holders who later returned to their destroyed homes did not even receive any compensation from the government responsible for bombing their property.^[24]

(4-3-3) Preventing Return

We do not know how many previous residents have returned to Baba Amr. Estimates indicate that the current population of the neighbourhood is approximately 20,000, constituting about 36% of the total population in 2010, which was 55,000. However, of these current residents, a percentage were displaced from other areas, or are regime force family members and loyalists, concentrated in the compulsory distribution quarters and Al-Juri Mosque. Estimates by experts and rights holders we spoke to indicate that 15,000 residents are concentrated in the latter two quarters, and the rest are distributed among four quarters south and west of the neighbourhood, while no one has returned to the Old Quarter. With local estimates that at least a third of the current population are not former residents, this means that the percentage of returnees who are rights holders may not exceed, at best, a quarter of those who were displaced in 2012.

Displaced people face innumerable obstacles to their return,^[25] most notably prior security

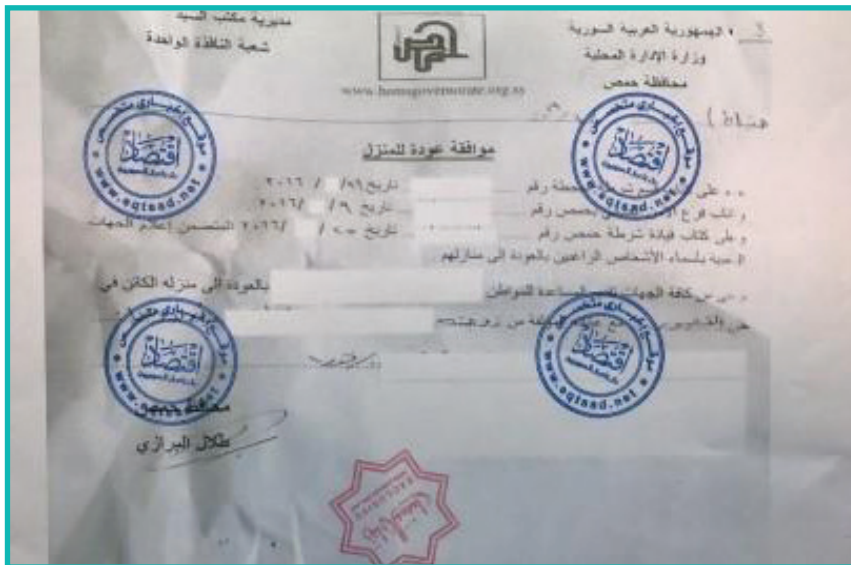
[22]- Ibid.

[23]- Human Rights Watch, 2012, Syria: New Satellite Images Show Homs Shelling, Link: <https://www.refworld.org/docid/4f55f2e82.html>

[24]- Al-Tirkawi, Khaled, 2022, The Syrian regime's policy of reconstructing destroyed neighbourhoods, Homs as an example, Jusoor Centre for Studies – Link: <https://jusoor.co/storage/posts/old-images/1976.pdf>

[25]- PAX with the Syria Institute, 2017, No Return to Homs, Case Study on Forced Displacement in Syria – Link: <https://paxforpeace.nl/wp-content/uploads/sites/2/import/import/pax-tsi-no-return-to-homs-arabic.pdf>

approval required for return, which is granted by what is known as the Quartet Branch, which apparently links the main security agencies with authority in the neighbourhood: Air Force Intelligence, Military Security, Political Security, and State Security. As we have seen in other areas under this study, security approval procedures pass entirely through the Homs City Council, as seen in the following picture showing a security approval bearing the seal and signature of the Head of the City Council, and does not include any reference to the four security authorities mentioned above.



■ Figure (66) A copy of the security approval that returnees are required to obtain. (Eqtsad website,2017)^[26]

One of the rights holders following developments in Baba Amr says, “The regime’s claims regarding returns are a pretence, in order to obtain money from associations and aid from international organizations, especially those working on early recovery. Obtaining security approval is extremely difficult, especially outside the quarters that the regime has actually opened for returnees. These quarters are the compulsory distribution quarter and Al-Juri Mosque quarter.” Another witness added, “A group of my friends who live in Al-Inshaat neighbourhood adjacent to Baba Amr applied for security approval and waited months without receiving any response. When they visited the reconciliation centre in Al-Waer neighbourhood to inquire about their request for permission to return to their homes in Baba Amr, they were told: ‘Don’t expect good news’.”

The difficulty of obtaining security approval in the western and southern quarters of Baba Amr is paralleled by a disparity in the level of services between the two parts. According to current residents, “only the compulsory distribution quarter and the part adjacent to it in Al-Juri Mosque quarter have services at a minimum acceptable level, while services are very poor in the rest of the quarters such as the Old Quarter, Al-Hakourah, Al-Mujaddara,

[26]- Eqtsad website, 2017, To return to your home in Homs... you must obtain approval from 3 security authorities – Link: <https://www.eqtsad.net/news/article/17100/>

and the mill.” In general, comparing the numbers of those returning to either part reveals the fact that the regime is focusing on reviving only one part which has become, in a way, a centre of gravity for the regime within the neighbourhood.

(4-3-4) Demolishing and bulldozing buildings

The Old Quarter of Baba Amr was almost completely demolished in 2013, nearly a year after the military campaign against the neighbourhood. Comparison of satellite images between 2011 and 2012 shows clear effects of bombing on the Old Quarter, confirmed by the analysis of the above-mentioned UN-Habitat report, but the majority of buildings are still standing. However, comparing photos of the same neighbourhood in the following year, 2013, shows that the majority of the buildings had been bulldozed, as in the following photos.



■ Figure (67) Demolition of the Old Quarter in Baba Amr (2011-2012-2013)

The bulldozing operations also affected several residential communities connected to Baba Amr in the area south of the railway. These buildings remained erect until late 2012, as satellite images show. However, the first pictures taken in 2013 show the majority of those houses had disappeared, while those remaining are semi-demolished, as the following picture shows.



■ Figure (68) Demolition of residential communities south of the railway in Baba Amr between 2012 and early 2013.

Most of the rights holders we spoke to have mentioned the involvement of both the Fourth Division forces and the Republican Guard in demolition and bulldozing operations, accompanied by extensive looting.

(4-3-5) Looting the contents of buildings

Returning to 2012, Syrians had become accustomed to stories of looting that occurred during raids by the army and security services, often limited to items that were light and expensive. It can be said that Baba Amr was one of the first areas to be subjected to widespread looting of the contents of its homes and shops. The looting was carried out by a regime-affiliated militia from the Shiite village of Al-Mazraa, located west of Baba Amr, and groups from loyalist neighbourhoods inside the city, under the protection of security services, according to testimonies by rights holders we spoke to. The exact extent of the looting that affected the neighbourhood, especially the southern and western parts, is not known, but 11 out of 15 rights holders we spoke to reported that their homes or shops had been looted.

Did furniture looting also occur in Baba Amr? In that initial period of the conflict, the idea of looting furnishings was not yet known, nor were its practices or the economic networks behind it developed to the extent that we later witnessed in Jobar, Daraya, Tadamon, and others. Clips shared by local groups on YouTube^[27] show many of Baba Amr's buildings with their windows and doors removed, and this is an indication that furniture looting did occur, but it does not appear that these operations evolved into removing cladding materials or reinforcement steel.

(4-3-6) Confiscating property

We spoke to a number of Baba Amr's displaced people who said that their homes are currently inhabited by others against their will. It seems that this practice has become widespread since 2014 and began with soldiers and militia members affiliated with the regime coming from outside Homs and seizing habitable homes to live in without informing their owners^[28]. They took up residence mainly in the compulsory distribution and Al-Juri Mosque quarters. These were followed by displaced people, less from theft and more from need, who came to live in the southern parts of the neighbourhood. One of the experts we spoke to said that trespassing practices decreased in number after 2018, as some new residents have agreed to pay monthly rent to agents on behalf of displaced homeowners in most cases, often nominal rents. But this does not negate the fact that there is still an unknown number of buildings seized without the consent of the owners. Of the rights holders we spoke to, a family owns a two-story residential building that was seized by a regime soldier who has been living with his family in the house since 2015. The interviewed family is displaced in northern Syria, and the father, who owned the building, has died; reclaiming the house requires inheritance procedures, which in turn require security approval. Our speaker says, "We did not try to reclaim the house because there is simply no way to do so. The only way that has worked for others is to pay money to the people taking over their homes and cajoling them to leave voluntarily, as if you were buying your house back from them... But why would I do that if I cannot come back?"

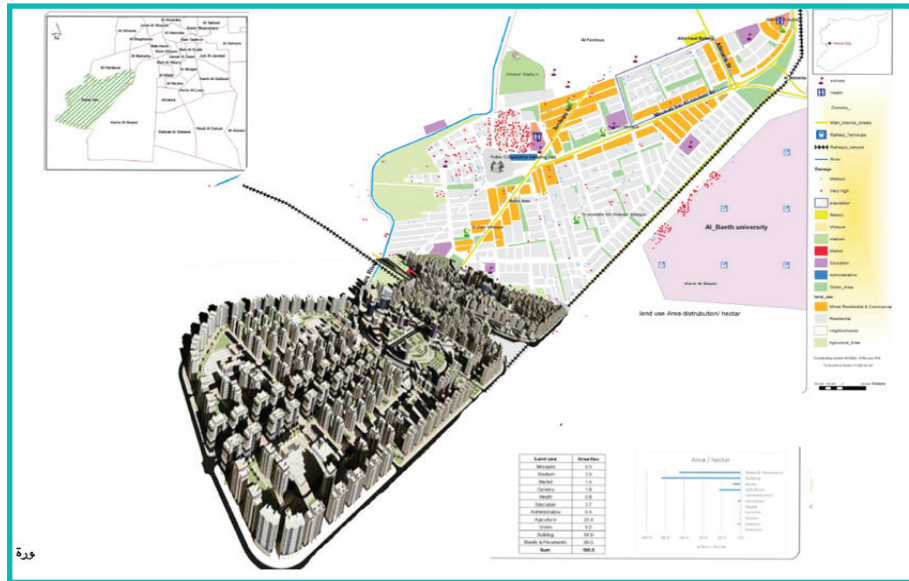
(4-3-7) Property regulation violations

The above-mentioned United Nations report estimates the number of buildings that can be effectively rehabilitated at about 10,000 homes of the total number of housing units in Baba Amr. The report stresses the priority of rehabilitating the neighbourhood to accommodate

[27]- See Doha Al Mimas Channel, 2020 – Link: https://www.youtube.com/watch?v=Ea37IG8kr9I&t=350s&ab_channel=%D8%AF%D9%88%D8%AD%D8%A9%D8%A7%D9%84%D9%85%D9%8A%D9%85%D8%A7%D8%B3

[28]- Zaman Al-Wasl newspaper, 2014, Al-Assad rewards his loyal officers with homes of displaced people from Baba Amr and the "compulsory distribution" quarter - Link: <https://www.zamanalwsl.net/news/article/55428>

the great need for housing in the city^[29]. But the Homs City Council went in the complete opposite direction, announcing in August 2015 its plans to reorganize the southern and western quarters of the neighbourhood, an area of 217 hectares, supposedly into 465 residential subdivisions as well as utility buildings and public facilities,^[30] in a plan to link it to its adjacent area under a so-called Baba Amr, Al-Sultaniya, and Jobar reconstruction project. The new plan, as shown in the picture below, seeks to replace the neighbourhood with modern towers reaching heights of up to 12 floors, similar to the Marota and Basilia City projects in Damascus.



■ Figure (69) Sections covered by the general zoning plan for Baba Amr 2015

This picture is all the information available about the new zoning plan for Baba Amr. Neither the city council, the Ministry of Housing, nor any of the administrative institutions concerned with reconstruction have published maps or additional information about plans to reorganize the neighbourhood. What is certain is that the new plan erases the previous neighbourhood and all its features. A former employee of the Homs City Council comments, “There is no similarity between the new plan and the old plans that were approved for Baba Amr. The new plan does not take into account the urban reality in the neighbourhood at all, with existing building blocks, road maps, and land uses. Rather, it undermines all of that. The city council has concealed all necessary information about the announced plan from rights holders, a step that suggests political rather than administrative intents, and the goal is to kill hope in the hearts of the displaced people of Baba Amr who are hoping to return.”

[29]- UN-Habitat 4, Baba Amr Neighbourhood Profile. June 2015, Link: <https://unhabitat.org/sites/default/files/download-manager-files/Baba%20Amr%20Neighbourhood%20Profile.pdf>

[30]- SANA, 2015, Homs City Council approves the general zoning plan for the Baba Amr, Al-Sultaniya, and Jobar reconstruction project – Link: <https://www.sana.sy/?p=257736>

On the ground, no steps were taken for the alleged reconstruction. Little was accomplished with regard to the rehabilitation of infrastructure and services outside the boundaries of the compulsory distribution and Al-Juri Mosque quarters, and talk about the reconstruction of Baba Amr ceased, until 2015 when Homs Governorate revived the plan by announcing it had “finished” preparing the approved zoning plan for Baba Amr and Al-Sultaniya, and was awaiting a decree to be issued for implementation to commence.” In the same period, Homs Governor Talal Al-Barazi announced that reconstruction would take place in accordance with Law No. 10 of 2018^[31]. To date of writing this research, the anticipated decree has not been issued and no reconstruction work has taken place on the land; but everyone has become convinced that both the southern and western parts of the neighbourhood will be completely removed, and of course this has a great impact on preventing displaced people from returning, as there are no homes left for them there, and in the local real estate market property prices have fallen to less than a quarter of their values before the conflict. “Buying in Baba Amr is like buying fish which is still in the sea,” comments one of the local contractors, while an engineer from the neighbourhood summarizes the matter by saying: “What the City Council is telling us, in short, is that the urban structure will change, the boundaries between properties will be lost, and large areas of the neighbourhood will be seized for the benefit of investors, or to expand streets and public spaces. What remains for rights holders are shares in the air suspended in towers and buildings that do not exist and may never exist.”

(4-4) Summary of the Baba Amr case

The Baba Amr neighbourhood consists of seven quarters, three of which can be described as regulated, all of which are located in the northern part and include the Old Quarter, the ‘compulsory distribution’ quarter, and Al-Hakourah quarter. The remaining four quarters are: Jourat Al-Arayes, Al-Tahoun, Al-Mujaddara, and Al-Juri Mosque, treated as informal settlement areas because many of their properties are communal and their buildings unlicensed. This is despite the fact that they are located within the zoning plan and on the private property of their occupants in most cases, and are characterized by a reasonable degree of urban organization in terms of the condition of roads and public spaces.

The most prominent types of violations that have been confirmed in Baba Amr are:

- 1) Displacement affecting all residents of the neighbourhood in early 2012 after a

[31]- Enab Baladi, 2019, Regulating three neighbourhoods in Homs under Law No. 10 - Link: <https://www.enabbaladi.net/348583/%D8%AA%D9%86%D8%B8%D9%8A%D9%85-%D8%AB%D9%84%D8%A7%D8%AB%D8%A9-%D8%A3%D8%AD%D9%8A%D8%A7%D8%A1-%D9%81%D9%8A-%D8%AD%D9%85%D8%B5-%D8%A8%D9-%85%D9%88%D8%AC%D8%A8-%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86/>

series of restrictions, arrests, and assassinations, culminating in military operations in February of the same year.

2) Indiscriminate bombing that continued throughout February 2012 causing damage and destruction to a significant percentage of the neighbourhood's buildings, estimated at up to 80% in the Old Quarter and Al-Hakourah, and up to 30% in the southern and western quarters.

3) This military operation led to the expulsion of opposition fighters and all residents from the neighbourhood, and despite the regime's frequent talk about the return of its displaced, only a small percentage of Baba Amr's previous residents were able to return to their properties, because of the condition of obtaining security approval in-person from the very security services who had displaced them. After the regime regained control of it, the neighbourhood remained closed for about a year to a year and a half, before some residents were allowed to return, most of whom are concentrated today in the northeastern part of the neighbourhood.

4) It also appears that demolition operations occurred in various locations in Baba Amr, especially the old Quarter, the majority of whose buildings were demolished during 2013. Several residential communities adjacent to Baba Amr south of the railway were also demolished.

5) Among the violations recorded were widespread looting of the contents of homes and buildings, to which Baba Amr was one of the first to fall victim at that early time in the conflict. It is likely that all the buildings in the neighbourhood were looted, with the exception of the compulsory distribution quarter, which the regime was keen to revitalize as a vital security extension within the neighbourhood. In some places, looting developed into removing windows and doors from buildings, but these practices remain small-scale compared to the operations we witnessed in other study areas, carried out by specialized craft workshops.

6) Seizure of property constitutes one of the violations that, although the pace has slowed in recent years, is still occurring. There are no documents or estimates of the number of houses occupied without the consent of their owners, but in the absence of the majority of owners and the arrival of new residents, including other displaced people and regime soldiers, this seems likely.

7) Finally, there are violations related to urban planning in the southern and western

part of the neighbourhood, which simply replaces buildings with residential towers according to Law No. 10 of 2018, similar to the Marota City and Basilia projects that have been stalled since 2012. Homs Governorate approved a new plan for the aforementioned part of Baba Amr in a way that is completely different from its previous plans and completely changes the identity of the region. There have been successive statements and decisions made by government officials since 2012 about the reconstruction of Baba Amr, but none of them have been reflected on the ground, and it does not appear that the regime has the financial or administrative capacity to implement such a project. Despite this, these statements and plans have effects on the ground in terms of significantly reducing real estate prices in the neighbourhood and freezing any construction movement, as well as conveying to displaced residents the feeling that there is nothing left for them to return to.

The area did not witness any serious rehabilitation or early recovery operations until about 11 years after it was retaken by regime forces^[32]. Entire neighbourhoods are still covered in rubble, and traces of the war are visible in most of Baba Amr's buildings. On the part of local authorities, the neighbourhood seems as marginalized as if it were outside Homs. We followed, for example, posts by the Homs City Council page over a period of one month, and Baba Amr was not mentioned in any of the posts, while the page is active in covering the council's work in the rest of the city. Not even local and international organizations seem to have significant activities within the neighbourhood. The regime imposes its usual conditions on UN agencies and international organizations working in Baba Amr and other Homs neighbourhoods, such as a partnership with the Syrian Red Crescent. It dominates local organizations. On the other hand, a resident and follower says, "Early on, one of the well-known local associations in Baba Amr was active in removing rubble and restoration on a small scale after the regime returned, and when the effects of that work began to appear, the regime arrested a number of the association's members. It appointed a new board of directors of its own choosing. After that, the work of associations in general was restricted, especially after 2018, and the regime began to control everything."

[32]- Al-Tirkawi, Khaled, 2022, The Syrian regime's policy of reconstructing destroyed neighbourhoods, Homs as an example, Jusoor Centre for Studies - Link: <https://jusoor.co/storage/posts/old-images/1976.pdf>

(5)

Al-Qusayr Case Study



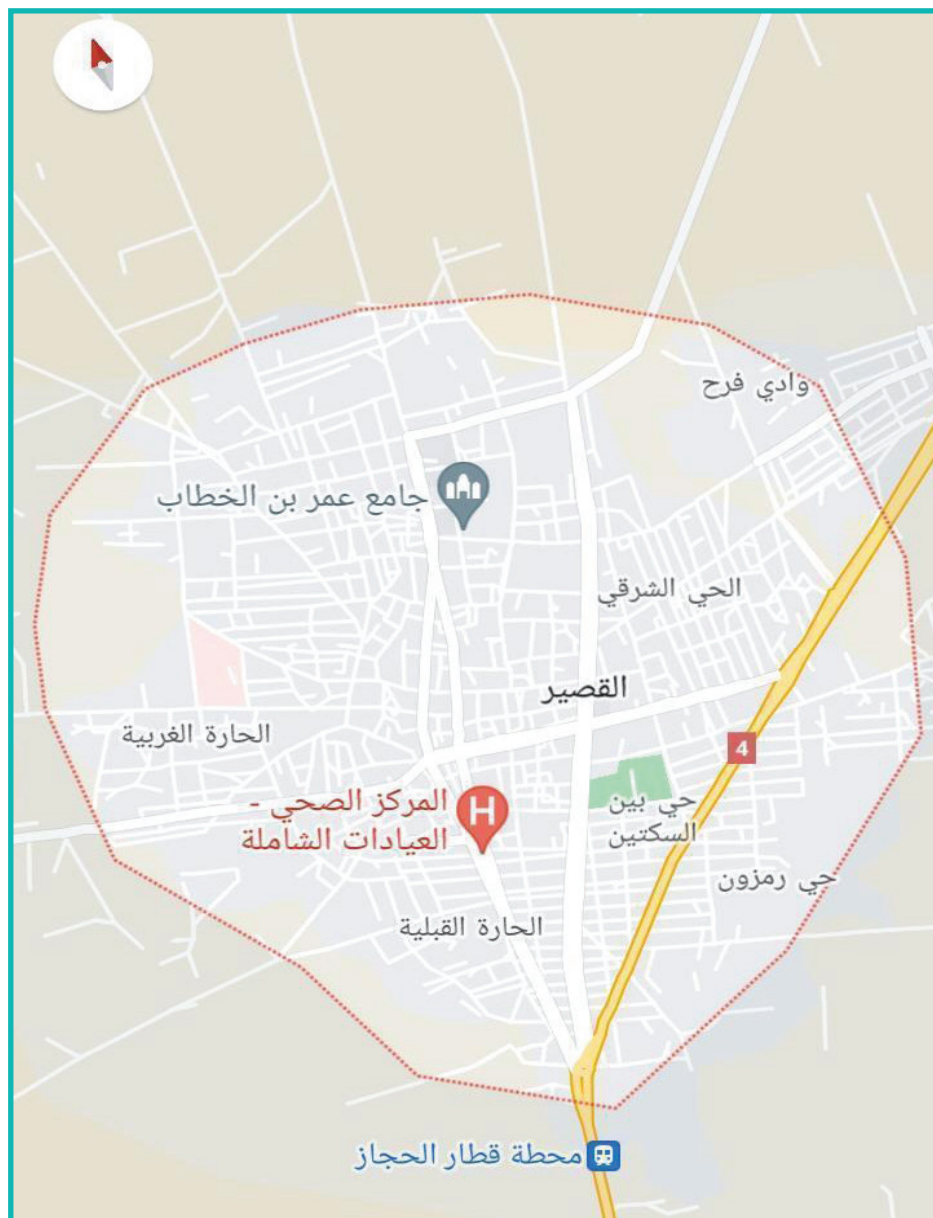
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(5) Al-Qusayr Case Study

(5-1) Context of Al-Qusayr city

Al-Qusayr is located 15 kilometres from the Syrian Lebanese border, and 35 kilometres from the centre of Homs Governorate on the banks of the Orontes River. The city was an important station on the Hejaz Railway, and the city's location on the Homs-Baalbek International Road gave it particular importance as it linked the Lebanese Bekaa with Homs Governorate in central Syria via the Jusiya crossing^[1].



■ Figure (70) Al-Qusayr city map, Google maps

[1]- Al-Qusayr City Council, 2019 – Link: <https://www.facebook.com/589240101527521/posts/808687482916114/>

The city is located in an agricultural plain, and Al-Qusayr Municipal Council was established in 1919 during the first Arab government of Faisalid rule^[2].

Al-Qusayr is one of the large cities in Homs Governorate, and includes more than 80 villages. The population of the region was about 112,000 according to the 2011 census,^[3] while the city's population was 60,000 the majority of the Sunni sect with around 10,000 of Christian minorities^[4] and a population of Shiites and Alawites.

The area flourished due to commercial activity between residents in northern Lebanon and residents on the opposite side of the border, until the end of February 2012 when fighters fleeing from Baba Amr took refuge there and together with residents formed armed brigades to fight the regime's army. By the end of March 2012, the city of Al-Qusayr fell out of the regime's military control.

On May 19, 2013, the Syrian army, in cooperation with groups affiliated with Hezbollah, announced the launch of military operations under the name "Cleansing Al-Qusayr"^[5] with the participation of 1,200 Hezbollah fighters.^[6] The battle ended on June 5, 2013, with regime control of the city and displacement of its population.

[2]- Geography of the Levant, 2019, Natural Syria, Al-Qusayr – Link: <https://www.facebook.com/331585077180512/photos/a.331678990504454/919483705057310/?type=3>

[3]- Khalifa, Ninar, Enab Baladi, 2020, Al-Qusayr under the dominance of "Hezbollah"... Change in the reality of property ownership – Link: <https://www.enabbaladi.net/415278/%D8%A7%D9%84%D9%82%D8%B5%D9%8A%D8%B1-%D9%81%D9%8A-%D8%B8%D9%84-%D9%87%D9%8A%D9%85%D9%86%D8%A9-%D8%AD%D8%B2%D8%A8-%D8%A7%D9%84%D9%84%D9%87-%D8%AA%D8%BA%D9%8A%D9%8A%D8%B1-%D9%81%D9%8A-%D9%88/>

[4]- Majeed, Abdul-Ilah, 2012, The Vatican accuses rebel leader in Syria's Al-Qusayr of displacing Christians from the city, Elaph – Link: <https://elaph.com/Web/news/2012/6/741568.html>

[5]- Al-Alam Channel, 2013, The Syrian army completes its cleansing of Al-Qusayr and mass escape of militants – Link: <https://www.alalam.ir/news/1482476/%D8%A7%D9%84%D8%AC%D9%8A%D8%B4-%D9%8A%D8%B3%D8%AA%D9%83%D9%85%D9%84-%D8%AA%D8%B7%D9%87%D9%8A%D8%B1-%D8%A7%D9%84%D9%82%D8%B5%D9%8A%D8%B1-%D9%88%D9%87%D8%B1%D9%88%D8%A8-%D9%83%D8%A8%D9%8A%D8%B1-%D9%84%D9%84%D9%85%D8%B3%D9%84%D8%AD%D9%8A%D9%86>

[6]- Arab Centre for Research and Policy Studies, 2013, The Battle of Al-Qusayr, Repercussions and Effects – Link: https://www.dohainstitute.org/ar/politicalstudies/pages/the_fallout_and_implications_of_the_battle_for_qusair.aspx

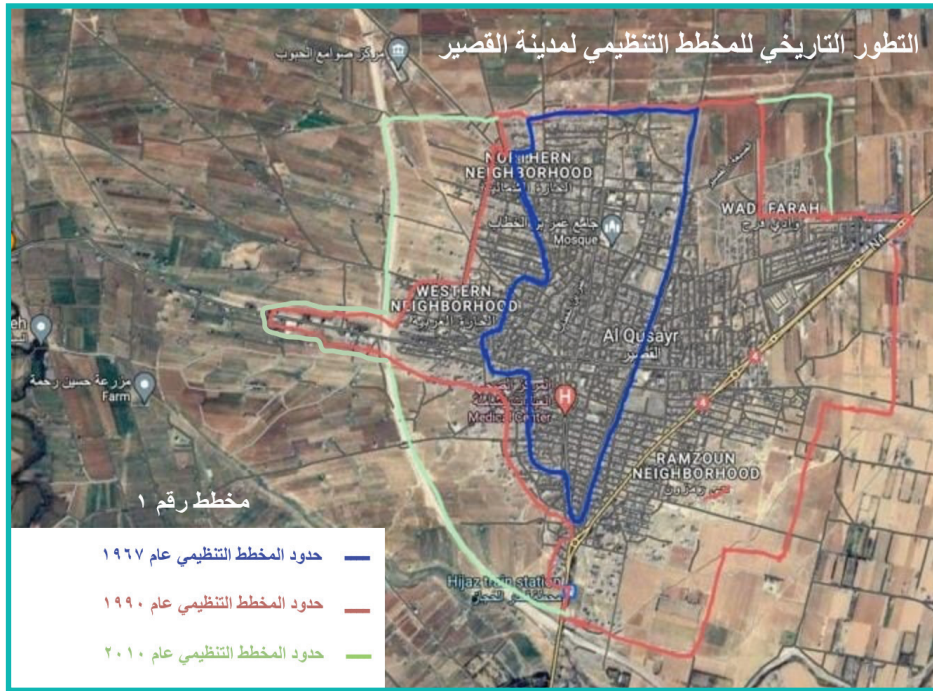
Al-Qusayr Timeline

- April 2011: The first demonstration took place on Martyrs' Friday
- February 2012: Fighters from Baba Amr fled to Al-Qusayr and formed armed brigades to confront the Syrian army
- March: Al-Qusayr falls out of regime control
- Early May 2013, Iran and Hezbollah announce military intervention in Syria
- May 19, 2013, Syrian regime announces launch of a battle to cleanse Al-Qusayr.
- June 2013, the regime takes control of Al-Qusayr, and civilians and soldiers leave in convoys through the villages of Homs countryside.
- July 2019, Governor of Homs announces the return of the first group of displaced people from Al-Qusayr, numbering 425 families (1,000 people).

(5-2) Real estate structure in the city of Al-Qusayr

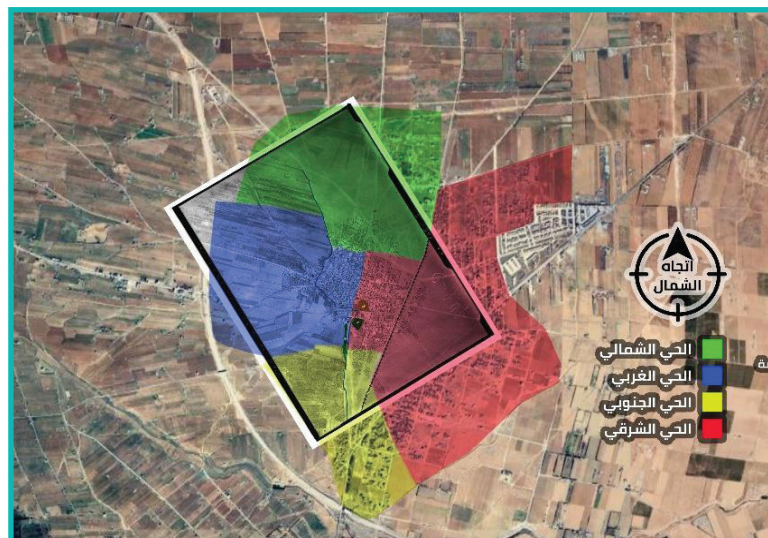
The first zoning plan for the city of Al-Qusayr dates back to 1967 and includes the old town located in its entirety west of the railway, covering an area of 150 hectares, as the blue colour in the following map shows. With population growth and the expansion of construction on agricultural lands outside the boundaries of the aforementioned plan, it was expanded in 1990 to an area of 250 hectares, with urban expansion moving eastwards of the railway to the Ramzoun area southeast of Al-Qusayr, as shown in the red colour on the map. With the expansion of the plan, urban growth areas in the east, known locally as the Eastern Quarter, became the modern centre of the city, as it included the security square and most government institutions, as well as the industrial zone built in 2004^[7]. The last expansion of the plan was in 2010, according to experts we spoke to, and its borders appear in green on the attached map. However, it is not certain whether the plan received final approval or not. What is certain is that none of it was implemented on the ground. One of the experts we spoke to said, "The problem with the zoning plans in Al-Qusayr was that they appeared after urban expansion had become a reality." Therefore, the plans were a containment for past growth rather than a plan for future urban growth in the city, and that affected the urban structure of the city as a whole.

[7]- Online interview with a real estate expert and former employee of the Land Registry Directorate in Al-Qusayr for more than two decades, 9 August 2023.



■ Figure (71) Approximate boundaries of the zoning plans of the city of Al-Qusayr in the years 1967-1990-2010 (research team interviews, 2023)

To local knowledge, Al-Qusayr is divided into four large neighbourhoods: The western and eastern quarters are the oldest and the ones that expanded significantly. Additionally, there are the relatively new northern and southern neighbourhoods. The following map shows estimated boundaries of the aforementioned neighbourhoods. We have also added a picture of Al-Qusayr in 1930, showing urban boundaries of the Old Town, which appear as only two neighbourhoods, east in red, and west in blue.



■ Figure (72) The boundaries of the main neighbourhoods in the city of Al-Qusayr and the boundaries of the Old Town in 1930^[8]

[8]- See WikiMapia - Link: https://upload.wikimedia.org/wikipedia/commons/2/27/lfpo_21575_Syrie%2C_gouvernorat_de_Homs%2C_la_ville_de_Qousseir_entour%C3%A9_de_terrains_agricoles%2C_vue_a%C3%A9rienne_verticale.jpg

The city of Al-Qusayr grew gradually, slowly, without sudden changes in population numbers like those in previous study cases of Damascus, where migration and displacement caused those cities to grow beyond the control of urban planning. Nevertheless, urban development and land registry systems failed to accommodate its urban growth. Despite the fact that all of the city's neighbourhoods and expansions were included in its zoning plan of 1990, where residential construction is located on private property, the legal status of the majority of properties in the city cannot be described as formal. Many of the properties built within the plan are still classified in the land registry as agricultural land. This conflict between the work of the City Council and the Land Registry Directorate led to widespread common-ownership problems. Of course, this does not make Al-Qusayr neighbourhoods informal settlement areas according to the procedural definition adopted in this study, but it places them somewhere between regulated and unregulated; we shall call them semi-regulated areas. We realize that urban planning and regulation that follows actual urbanization upturns the very concepts of regulated and unregulated. However, in the following paragraphs we will try to break down the problem.

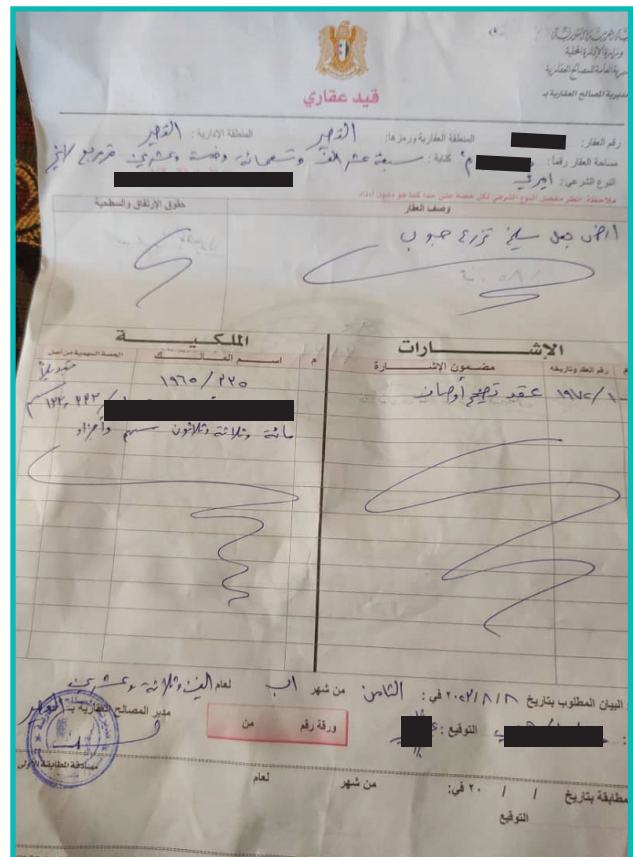
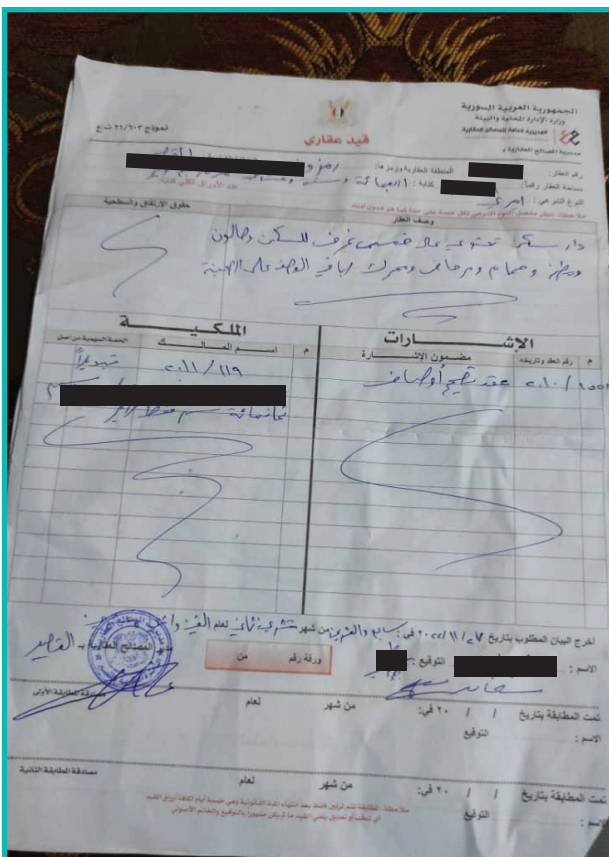
Lands located within the boundaries of the first zoning plan of 1967 were, of course, large properties, residential rural homes with surrounding expanses of land. This is the part of Al-Qusayr whose owners obtained after the regulation a "green tapu" ownership deed for the property built above the land, and the legal type was also changed. It automatically goes from Amiri to owned. However, land usage and construction systems remained the same. With the death of original owners and transfer of property ownership to second and third generations, most of these properties turned into jointly owned^[9]. Often, an agreement is reached by mutual consent between heirs to distribute shares through legal or customary methods, without going through official records. Over the years, the density of construction under the plan increased, and most of the rural homes were transformed into multi-storey buildings, again without being reflected in ownership records. According to a former employee in the Land Registry Directorate in Al-Qusayr, the problem of a property not matching its description in the registry means an exceedingly small percentage of rights holders have the opportunity to remove common-ownership off their properties.

As for the vicinity of the Old Town, during the 80s, construction was active outside the boundaries of the city's first zoning plan, and took place on privately owned agricultural lands whose legal type was Amiri. At the time, these lands were not within the plan, and it was not possible to obtain building permits. Even after these lands entered the second zoning plan in 1990, the legal type was not changed from Amiri to owned. Converting from Amiri to owned requires the property owner to bring a lawsuit to the State Affairs Department requesting that the legal type of his property be changed. Of course, it is

[9]- Online interview with a former mayor of Al-Qusayr. 28 November 2023.

a long and expensive process, and the vast majority of the population preferred not to engage in it.

The following pictures show land registry documents for two separate properties that reveal the depth of the problem. The first property is registered as agricultural land with an area of 18,000 square meters, and the document holder owns 133 shares out of a total of 2,400 shares. That is, he owns an area of 1,000 square meters, equivalent to 5.5% of the total area of the property. Given the history of ownership, which dates back to the 1960s, there is no doubt that even this share does not belong to a single owner, but rather to one or two generations of heirs. As for the second, it concerns a small property with an area of 450 square meters, described in the land registry as a one-storey Arab residence containing five rooms. Etc. The document holder owns 800 shares, or about 150 meters of the property, and transfer of ownership of shares took place in 2011. The property is in fact a multi-storey building that houses a large number of owners.



■ Figure (73) Land registry documents extracted by the research team from the Land Registry Directorate in Al-Qusayr.

What we can conclude from the two land registry documents is that over different time periods from the 70s to the present, and over differing areas of properties large and small, the same administrative problems have been the obstacle to the land registry system's

response to the requirements of urban and population growth in a town transformed into a city. We note that the legal type of ownership in both cases is Amiri and not owned, despite the fact both properties lie within the boundaries of the city's zoning plan. The documents also show there are references in both properties' folders, to requests submitted by the owners to correct the descriptions in the land registry, one of them as far back as 1972, but even this process to correct descriptions is mired in legal and administrative obstacles, and in the end only a small percentage of rights holders were able to follow it through.

(5-3) The most prominent types of violations in Al-Qusayr

Al-Qusayr was the first Syrian region in which political and military events rapidly escalated and ended with regime forces and Hezbollah taking early control of the city in 2013. However, HLP rights violations that began during that conflict did not end with military operations, but rather continue to this day. Because of its border location and its intertwined sectarian and political fabric, the city was exposed to a wider spectrum of practices affecting HLP rights by the regime's military and administrative agencies, as well as Hezbollah and their associated militias. The research team was able to identify nine forms of violations, which we list below:

(5-3-1) Displacement

The population of Al-Qusayr began to decline in late 2011 with escalation in the city of protests and increased regime suppression^[10]. The situation worsened after opposition factions gradually took control of the entire western part of the city between late 2011 and mid-2012. During this time, the city was besieged by regime forces and subjected to indiscriminate bombardment, and the population in its western part decreased significantly with large numbers of residents displaced towards other areas inside Syria or seeking refuge in Lebanon. Estimates are that remaining in the western part of the city were about eight thousand people^[11]. They were displaced by regime forces and Hezbollah in mid-2013 after a devastating military campaign. On the night of July 5, 2013, all remaining civilians and armed residents fled on foot through a single hole opened after the attackers locked the city under a siege. At the time, the media shared horrific videos of a stream of tired people wandering through agricultural lands, including women, children, elderly,

[10]- Christian Science Monitor, 2012, from Al Jazeera website – Link: <https://www.aljazeera.net/news/presstour/2012/3/4/%D8%A7%D9%84%D9%82%D8%B5%D9%8A%D8%B1-%D9%85%D8%AF%D9%8A%D9%86%D8%A9-%D8%B3%D9%88%D8%B1%D9%8A%D8%A9-%D9%85%D8%AD%D8%A7%D8%B5%D8%B1%D8%A9-%D8%AA%D9%83%D8%A7%D9%81%D8%AD>

[11]- Intersecting information from a number of interviews with residents who witnessed or lived through that stage, 2023.

and hundreds of wounded^[12]. Displaced residents travelled by night on foot towards a single opening through which they were able to cross the Damascus-Homs highway to reach opposition-controlled areas. Some of them crossed through the hole that night, and hundreds were killed in an attack by local militias who were waiting for them there. That hole was later called the hole of death^[13]. After the displacement, Hezbollah took complete control of the city and banned entry until mid-2019, as we will detail in the following paragraphs.

(5-3-2) Indiscriminate bombing and destruction of property

The indiscriminate bombing of Al-Qusayr began in late 2011 and continued until regime forces and Hezbollah retook the city in mid-2013. For more than a year and a half, regime forces bombed Al-Qusayr using vacuum bombs and explosive barrels, missile, and artillery bombardment, to which Hezbollah actively contributed, especially during the last attack. These operations led to major destruction in the western part of the city, especially in the northern and western quarters, according to local assessments. We did not find any reliable published assessments of the extent of destruction caused by bombing and military operations up to 2013, but news reports filmed immediately after regime forces and Hezbollah took control of the western part of the city show the majority of buildings were damaged and uninhabitable^[14].

(5-3-3) Demolishing and bulldozing buildings

Immediately after Hezbollah took control of Qusayr, demolishing buildings in the northern and western neighbourhoods and levelling them to the ground began and continued for about three months. There are no reliable estimates of the number of buildings demolished, and in many locations, it is difficult to tell whether the destruction is from bombing or from demolition work. However, based on a series of interviews with rights holders and their lower estimates and information, the number of buildings bulldozed in the northern quarter is approximately 160. The situation is similar in the western quarter, where the number of buildings demolished was estimated at more than 180 buildings. The following picture shows part of the northern quarter in Al-Qusayr from 2013, before regime forces took control, until August 2014, about a year after they took control. The areas of buildings demolished and bulldozed in the neighbourhood are clearly visible.

[12]- Al Jazeera Satellite Channel, 2013, The suffering of thousands of displaced people from the city of Al-Qusayr - Link: https://www.youtube.com/watch?v=P-F2vTIVkFk&ab_channel=AlJazeeraArabic%D9%82%D9%86%D8%A7%D8%A9%D8%A7%D9%84%D8%AC%D8%B2%D9%8A%D8%B1%D8%A9

[13]- Online interview with a journalist from Al-Qusayr living the events, 2023.

[14]- See BBC correspondent report, 2013 - Link: https://www.youtube.com/watch?v=8ul0vhcSDC8&ab_channel=BBC-News%D8%B9%D8%B1%D8%A8%D9%8A



■ Figure (74) Demolition of residential buildings after the regime and Hezbollah regained control of Al-Qusayr between March 2013 and August 2014.

All the experts and rights holders to whom we directed the question confirmed that Hezbollah is responsible for the majority of demolition operations through booby-trapping and then bulldozing. These operations targeted specific homes, often those of defected officers, opposition activists, members of families active in the protests, and others. In other words, the demolitions were retaliatory and involved local militia members who knew the city well.

(5-3-4) Looting

Looting was widespread to the extreme in the northern and western quarters and centre of Al-Qusayr, especially the market area, to a lesser extent in the southern quarter. This violation is easy to verify through open sources, and our interviews provided a lot of related information, but as with the assessments of destruction and demolition, we do not find any reliable assessments here, either.

Of the 23 rights holders in Al-Qusayr that we spoke to during data collection, nine said their homes or shops had been looted and ransacked. One of them says, “We fled from Qusayr after the regime and Hezbollah attacked, and we did not know anything about our house until 2018, when one of my work colleagues went to Al-Qusayr and told me the house was completely bare of everything, including furniture, doors, windows, kitchen,

plumbing, everything.” Supporting this, satellite images show a widespread phenomenon of disappearing building roofs in several areas of the western quarter, and to a greater extent in the northern quarter. The following pictures show the part of the northern quarter adjacent to the Teachers’ Housing area, between 2013, when regime forces and Hezbollah took control, and 2017. We notice that the majority of buildings have lost their roofs.



■ Figure (75) Looting the construction iron in Al-Qusayr, northern quarter 2012-2017

The majority of those we spoke to have attributed the looting to the regime army and local militias who participated in the fighting against the opposition. One rights holder says, “My house had been damaged in the bombing, but after the fall of Qusayr, shabiha (mercenaries) from the neighbouring Alawite villages came under the protection and supervision of the regime, and looted the house... The consequences of shabiha involvement are more dangerous because they know us and our families, and they loot our homes out of vengeance.” A number of speakers also referred to a Colonel in the regime army, Ahmed Mualla, saying he was the commander of these operations and responsible for looting and other violations. He was also the signatory on the settlement card we will discuss in the next paragraph, after being appointed Head of the Security Committee and Commander of the Third Corps in 2023^[15].

[15]- Syrian Revolution Military Media Website, 2023, Assad’s gangs appoint the criminal Major General “Ahmed Youssef Mualla” as commander of the Third Corps and head of the security and military committee in the city of Homs in central Syria - Link: <https://alaskari.media/news/news-with-photo/2023/19509/>

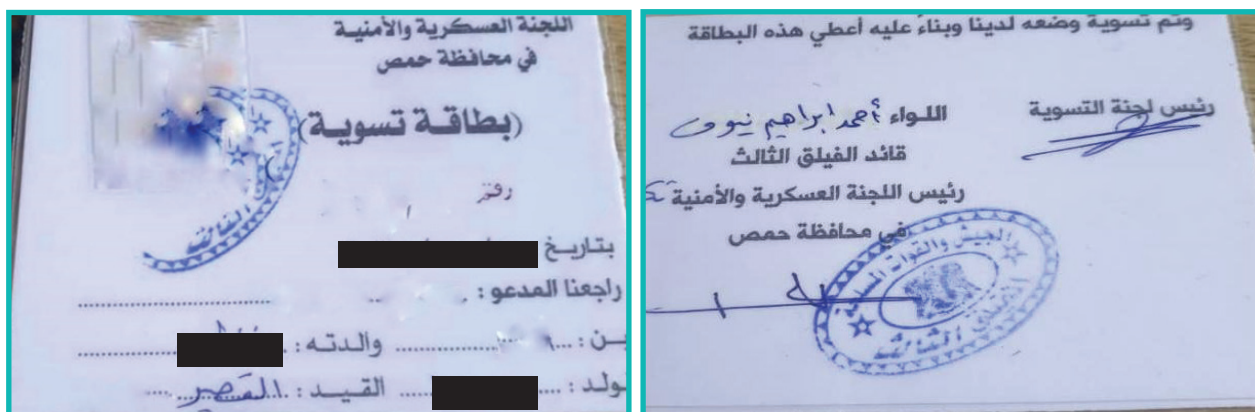
(5-3-5) Preventing Return

Throughout the years 2013 - 2019, residents were completely barred from returning to the western part of Al-Qusayr. Most of the booby-trapping and looting occurred during the years when the city was completely closed down, up to the summer of 2019, when the regime and Hezbollah allowed the return of some residents under pressure from Russia, which was attempting to shore up support for the regime internationally by calling for the return of refugees from Lebanon and neighbouring countries. Hezbollah was forced to withdraw from some of its positions in the city during that period. Monitoring shows that the movement of vehicles around one of Hezbollah's headquarters located east of Al-Qusayr, established in 2014, remained active until the end of 2018, but the first photos of 2019 show the place completely emptied of vehicles, in what appears to be a transfer of the headquarters outside civilian areas.



■ Figure (76) Lebanese Hezbollah headquarters on the road leading to Homs, 2014, 2018, 2019 when the place was abandoned.

As for the anticipated return after six years of closure, widely promoted by regime media, only resulted in the return of a few hundred residents who were displaced in the beginning of the conflict and were residing in neighbouring areas, particularly government employees and military families. Most importantly, they were all loyal to the regime and Hezbollah, and they returned to the city on government buses carrying pictures of Bashar al-Assad and Lebanese Hezbollah flags, instead of carrying their bags and tools to clear their homes^[16]. This and similar announcements of return later on were nothing more than television shows for international consumption. On the ground, both the regime and Hezbollah prevented the return of tens of thousands of displaced people from the entire city of Al-Qusayr, not just from its western parts. Our interviews revealed that the regime imposes different conditions depending on the religious affiliations of those wishing to return, and return is generally easier for Christians and Alawites than for the Sunni population. Those wishing to return need to obtain a settlement card first of all, which is also a form of security approval issued by the “Military and Security Committee in Homs Governorate,” which includes the security services, the Fourth Division, and behind them Hezbollah who has the final say in approvals^[17]. The following is a picture of a settlement card that the research team was able to obtain.



■ Figure (77) Sample settlement card, the first condition for allowing the return of displaced people.

The Baath Party division of Al-Qusayr played the role of mediator for those wishing to settle with the security services, and shared nominal lists of those who obtained security approval on its Facebook page.^[18] Here, too, we find the security approval procedure takes place through unofficial channels and is concealed. Obtaining approval is not an easy matter. Zaman al-Wasl newspaper published in 2019 that “the security committee refused to grant approval to more than 700 people, because they had relatives who opposed the regime, or relatives who died in the battles of Al-Qusayr.”^[19]

[16]- See the following report broadcast by pro-regime Al-Mayadeen channel, 2019 - Link: https://www.youtube.com/watch?v=kqRKYRvt1E&t=52s&ab_channel=AlMayadeenChannel-%D9%82%D9%86%D8%A7%D8%A9%D8%A7%D9%84%D9%85%D9%8A%D8%A7%D8%AF%D9%8A%D9%86

[17]- Intersecting testimonies

[18]- See Al-Ba'ath Party Division in Al-Qusayr page, 2020 - Link: <https://www.facebook.com/photo/?fbid=1472699062924743&set=pcb.1472711832923466>

[19]- Zaman Al-Wasl newspaper, 2019, a new group returns to Al-Qusayr... Al-Assad refuses the return of 700 people related to living or dead opposition members - Link: <https://www.zamanalwsl.net/news/article/113742>

A sample list we were able to view of people who obtained security approvals, out of 43 nominal lists shared on the Party’s Facebook page, shows that all who obtained approvals were displaced people in areas under regime control, especially Homs Governorate itself. The lists, as usual, do not have any titles or headings, as we have seen in other regions. What is striking, however, is it includes the names of many children, even those born in 2018. It appears approvals must include all members of families wishing to return. Below we exhibit two random pages from those lists in relation to the above notes.

0938831504	القصور	بلوزة	الجزيرة 2013	عائدة	عمر	أحمد مخيمر	839
	القصور	حاديك	القصور 1978	خديجة	حسين	عائدة جريان	220
	القصور	حاديك	القصور 2000	عائدة	سماخين	إيمان مخيمر	841
	القصور	حاديك	القصور 2002	عائدة	سماخين	عطي مخيمر	842
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	843
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	844
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	221
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	845
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	846
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	847
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	848
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	849
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	222
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	850
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	851
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	852
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	853
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	854
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	855
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	223
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	856
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	857
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	858
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	224
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	859
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	860
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	861
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	225
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	862
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	863
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	864
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	227
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	865
	القصور	حاديك	القصور 2009	عائدة	مصطفى مخيمر	مصطفى مخيمر	866

148	جورية عبود	رحيل	أكرم رسلان	حبيبا	رحيل	جورية عبود	148
148	زران القيسي	طلال	جورية عبود	حبيبا	طلال	زران القيسي	148
148	عنان القيسي	طلال	جورية عبود	حبيبا	عنان القيسي	عنان القيسي	148
148	عزال القيسي	طلال	جورية عبود	حبيبا	عزال القيسي	عزال القيسي	148
148	برهان القيسي	طلال	جورية عبود	حبيبا	برهان القيسي	برهان القيسي	148
149	لميس القيسي	طلال	جورية عبود	حبيبا	لميس القيسي	لميس القيسي	149
149	محمد سعيد القيسي	طلال	جورية عبود	حبيبا	محمد سعيد القيسي	محمد سعيد القيسي	149
149	رياض كاسوجة	رمضان	حبيبا	حبيبا	رياض كاسوجة	رياض كاسوجة	380
149	ناريمان طيخ	رمضان	حبيبا	حبيبا	ناريمان طيخ	ناريمان طيخ	149
149	نور كاسوجة	رمضان	حبيبا	حبيبا	نور كاسوجة	نور كاسوجة	149
149	أحمد كاسوجة	رياض	حبيبا	حبيبا	أحمد كاسوجة	أحمد كاسوجة	149
149	رشدي كاسوجة	رياض	حبيبا	حبيبا	رشدي كاسوجة	رشدي كاسوجة	149
149	ليلى كاسوجة	باسم	حبيبا	حبيبا	ليلى كاسوجة	ليلى كاسوجة	381
149	ونو كاسوجة	طلوس	حبيبا	حبيبا	ونو كاسوجة	ونو كاسوجة	149
149	ناديا كاسوجة	طلوس	حبيبا	حبيبا	ناديا كاسوجة	ناديا كاسوجة	149
1500	ايدان كاسوجة	طلوس	حبيبا	حبيبا	ايدان كاسوجة	ايدان كاسوجة	1500
382	رامدا الزقاني	فارق	حبيبا	حبيبا	رامدا الزقاني	رامدا الزقاني	1501
383	حمدا الورب	عزرا	حبيبا	حبيبا	حمدا الورب	حمدا الورب	1502
1503	ليلى حديد	عسان	حبيبا	حبيبا	ليلى حديد	ليلى حديد	1503
1504	سوس حديد	عسان	حبيبا	حبيبا	سوس حديد	سوس حديد	1504
1505	لمعان حديد	عسان	حبيبا	حبيبا	لمعان حديد	لمعان حديد	1505
1506	يوسف حديد	عسان	حبيبا	حبيبا	يوسف حديد	يوسف حديد	1506
384	مهدي حديد	زهود	حبيبا	حبيبا	مهدي حديد	مهدي حديد	1507
1508	لجين حديد	عسان	حبيبا	حبيبا	لجين حديد	لجين حديد	1508
1509	هادي حديد	عسان	حبيبا	حبيبا	هادي حديد	هادي حديد	1509
1510	عسان حديد	مهدي	حبيبا	حبيبا	عسان حديد	عسان حديد	1510

■ Figure (78) Lists of people receiving security clearance to return to Al-Qusayr, 2019, Baath Party Division Facebook page.

Recently, the Head of the Al-Qusayr City Council stated to a local media platform that the current population of the city is 18,000 people, [20] about a third of the pre-conflict population estimated at 52,000. Not all the current residents are old residents, however. Rather, there are thousands who moved to the city after Hezbollah and the regime took control, including soldiers in regime forces who come from opposition-controlled areas such as Aleppo and Idlib, together with their families, families of Hezbollah fighters and officials and their affiliated persons in the city, and government employees from other governorates. The number of these people is estimated at between five and eight thousand people, and most of them live in the area between the two railways in the south of the city, as well as in the eastern quarter, which lies beyond the security square. Therefore, former residents who have not returned to Al-Qusayr yet are likely around 80% of the total population.

(5-3-6) Seizing and exploiting property

Confiscations began in mid-2013, when hundreds of homes not damaged, or damaged but habitable, were turned into headquarters and residences for the invading forces, including the Fourth Division and other parts of the army, Hezbollah forces, and local militias. This

[20]- Qasioun Business website, 2023, interview with Ramez Saadia, head of the local council in Al-Qusayr - Link: https://www.facebook.com/watch/?ref=search&v=197932486524111&external_log_id=40f2a93b-5a4f-4f60-a952-953f8adb-c61e&q=%D8%A7%D9%84%D9%82%D8%B5%D9%8A%D8%B1%20%D8%AD%D9%85%D8%B5

continued until 2019, when the scene changed slightly as Russia sought to return refugees in Lebanon to the Homs areas, which diminished some of Hezbollah's influence. One indicator of this, for example, is that many Hezbollah and associated persons who seized homes in Al-Qusayr began to contact homeowners or their relatives and offer to pay cash rent to the owner, as rents remain low compared to the real estate market in the region (\$10 to \$15 per month). Regime members and militias did not seem keen on paying any rent, confirmed by the owner of a house in Al-Qusayr confiscated by a Political Security officer. The source said he was aware of dozens of homes in similar situations.

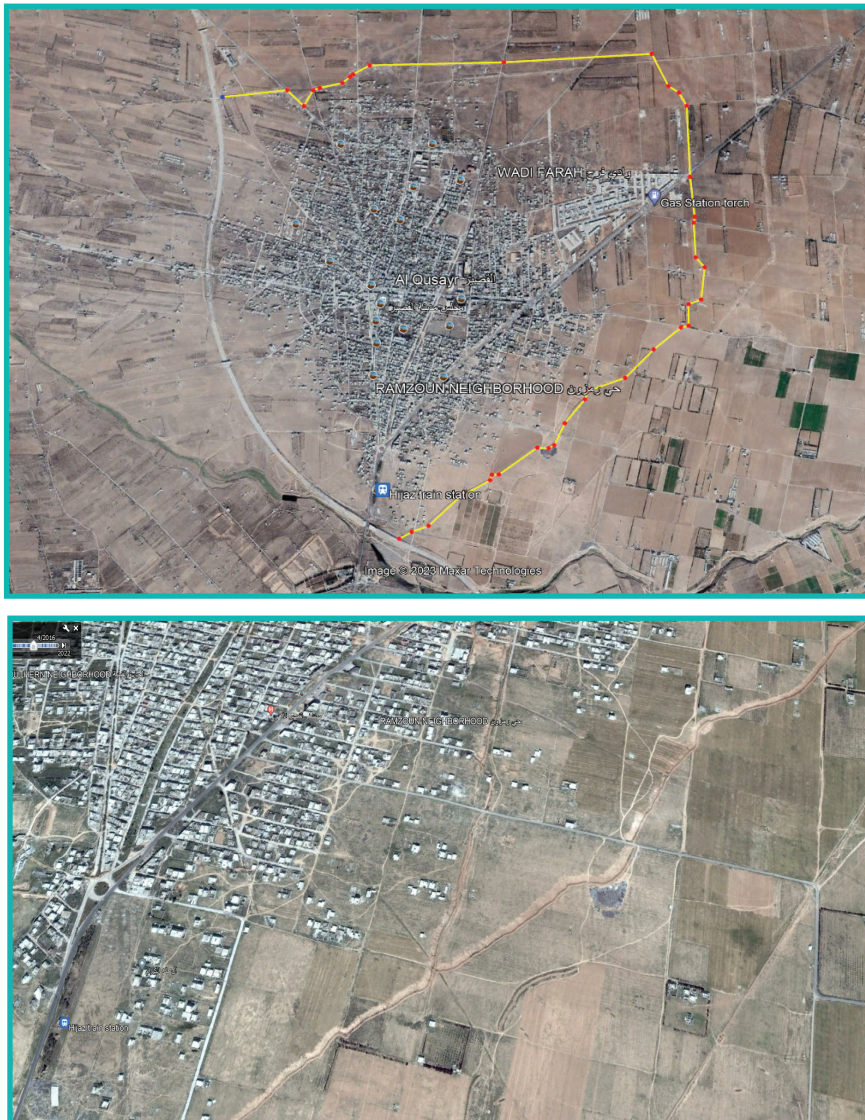
In addition to seizing homes, we found that after 2014, Hezbollah seized the entire industrial zone north of the city, establishing dirt barriers and checkpoints and blocking owners of the establishments and shops from having access. The area of the industrial zone is approximately 33 hectares and includes approximately 200 facilities and workplaces, all of which are privately owned. Residents say the Hezbollah has turned the area into a command centre, but no one knows what is happening inside or when the owners of these facilities can hope to regain access. The following map shows the boundaries of the closed industrial zone.



■ Figure (79) The industrial zone in Al-Qusayr, seized by Hezbollah since 2014.

Another form of property confiscation happened in the vicinity of the city, where the regime and Hezbollah established blockades in the entire perimeter of the city from the north, east and south, leaving only the western side as it was already closed by the new Latakia-Hasia highway. The length of the blockade was 8.5 kilometres, according to Google Earth, and the cross-sectional area that it cuts off from each land it passes through is between

17 and 35 meters. That is, the total area of agricultural land occupied by the blockade is about 220 hectares. It also cuts off all the properties it passes through, meaning there are likely parts of the land that have become difficult to access. The following pictures shows it surrounding the city, and we also see a closer photo of one section.



■ Figure (80) Blockade surrounding the city of Al-Qusayr.

(5-3-7) Building residential complexes on displaced people's lands

Since 2020, Hezbollah began, in cooperation with organizations linked to Iran, to seize agricultural lands west of the Orontes River and building several residential complexes to settle new Shiite residents, some from the town of Al-Foua, displaced from Idlib as part of the famous Four Cities Agreement in 2017^[21]. Although this violation takes place outside the administrative boundaries of the city of Al-Qusayr, it targets lands belonging to the city and owned by the people of Al-Qusayr.

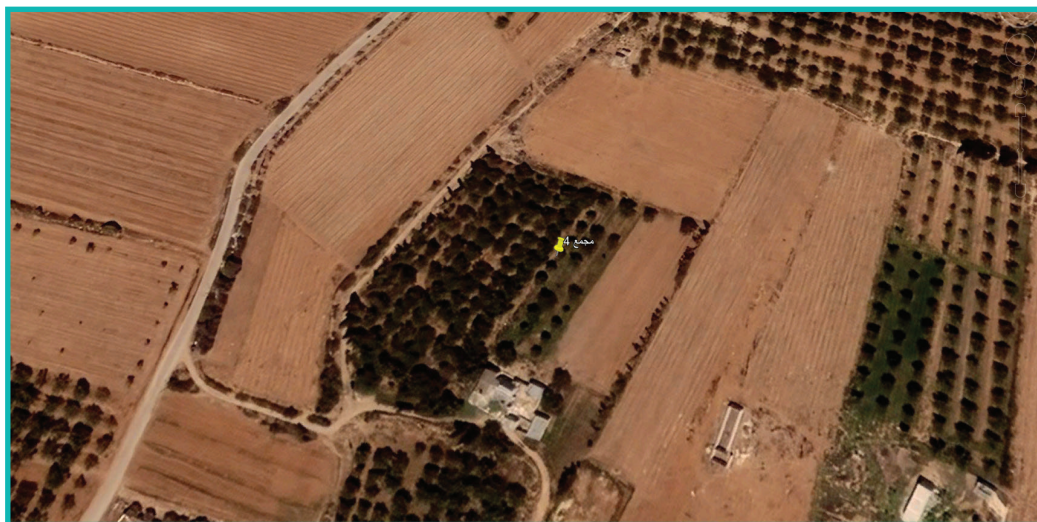
[21]- See Al Jazeera website, 2017, Preparations to implement the Four Cities Agreement in Syria - Link: <https://www.aljazeera.net/news/2017/4/12/%D8%A7%D8%B3%D8%AA%D8%B9%D8%AF%D8%A7%D8%AF%D8%A7%D8%AA-%D9%84%D8%AA%D9%86%D9%81%D9%8A%D8%B0-%D8%A7%D8%AA%D9%81%D8%A7%D9%82-%D8%A7%D9%84%D9%85%D8%AF%D9%86-%D8%A7%D9%84%D8%A3%D8%B1%D8%A8%D8%B9>

The owner of one of the lands on which constructions were built says, “Hezbollah seizes lands whose owners it knows are displaced, and begins paving the land and building without consulting the owner or official authorities. During this time, if the landowner is able to reach the judiciary and file a lawsuit before construction begins, he may regain his land after paying bribes to the Fourth Division or Military Security for their support; but if construction operations begin, the owner has no hope of recovering the land or obtaining any compensation.” The following pictures show six residential complexes that began to appear in late 2020 in the vicinity of the village Abu Hourri, six kilometres west of Al-Qusayr.



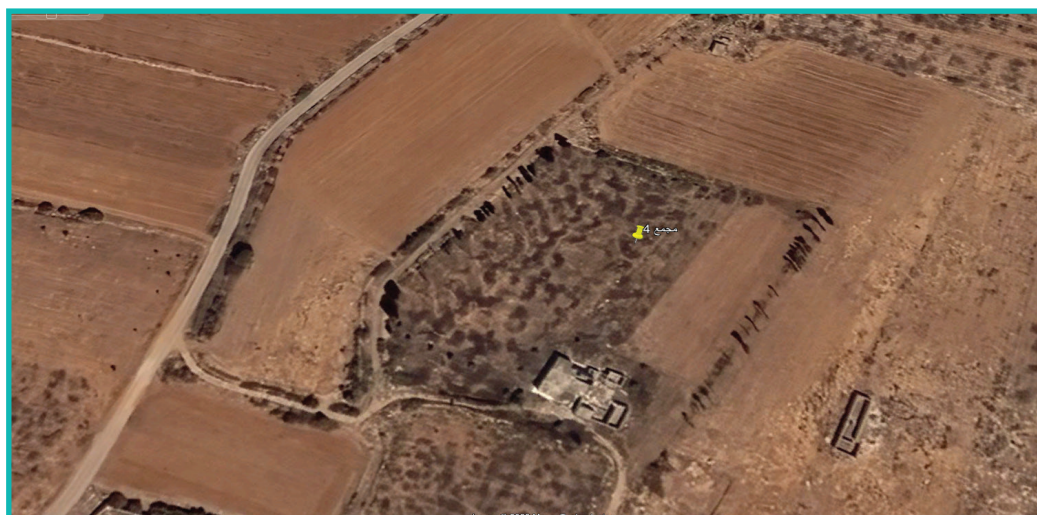
■ Figure (81) Residential complexes built on lands owned by Al-Qusayr residents without their consent (2020-2022).

It appears from the pictures that each complex comprises dozens of buildings, and of course each building several residential units. Local sources estimate the number of residential units built at around 500. However, it is clear from these images that construction work in these complexes continued until the last available satellite images in 2022. This means the current number is likely to be greater. Let us take a closer look at the site of Complex No. 4. The clearest images from late 2012 show the site as a wooded land with a relatively large building likely used for housing, agriculture, and animal husbandry, as were the majority of rural homes in the area.



■ Figure (82) Site of a residential complex in late 2012.

The following pictures show the site approximately a year after the first picture, and we notice that trees have been cut down and the building destroyed.



■ Figure (83) Site of the former complex at the end of 2014.

The third image is the last one available on Google Earth for this site, after 19 multi-storey residential buildings were built on it by 2022.



■ Figure (84) Site of the former complex in 2022.

We do not know to how far construction might continue, which began three years ago to replace displaced residents. However, one expert from the region whom we spoke to hints that the area extending from Al-Qusayr in the west to the Lebanese border has become a strategic area of influence for Hezbollah, where it is implementing its demographic and urban engineering in a way that serves its continued influence in the region.

(5-3-8) Sale under pressure (forcibly)

Some of the displaced residents were forced to sell their properties at low prices because of their inability to return to them or benefit from them. However, the sales do not take place in a normal real estate market, but rather, properties are acquired by merchants and real estate offices, some of which are linked to Hezbollah and Iran according to multiple testimonies. The owner of a shop in Al-Qusayr market told us that he had to sell it for a quarter of its price to a local real estate office linked to Hezbollah because he needed money to send his son to Europe. Not only that, but he also paid about 20% of the price in bribes to obtain security approval and conduct the sale transfer transaction.

This practice affects not only displaced people but also some loyalist residents who remained in the area. Two years ago, Al-Sharq Al-Awsat newspaper published an investigation entitled “Hezbollah turns against its comrades-in-arms,” exposing pressures by Hezbollah on landowners in the west of the city to sell at low prices. Many of these landowners are Christian residents who supported the regime in its fight against the opposition, as the investigation indicates^[22]. This information is consistent with general Iranian policy in Syria, and in that context Hezbollah’s actions, as the purchase or acquisition of land and real estate is a major tool in Iranian policy for long-term presence in Syria.

(5-3-9) Violations in urban planning

In October 2018, Al-Qusayr City Council announced a new zoning plan for the city and asked interested rights holders to submit their objections by reviewing the city council within a month from that date^[23]. At that time, most of the city was closed-off military zones. Despite this, the new plan was displayed in the Council’s lobby for a month, and

[22]- Al-Sharq Al-Awsat newspaper, 2021, Al-Qusayr residents complain about Hezbollah turning against their “comrades in arms.” They indicated pressure to sell their lands west of the Orontes River. Link: <https://aawsat.com/home/article/2870261/%D8%A3%D9%87%D8%A7%D9%84%D9%8A-%D8%A7%D9%84%D9%82%D8%B5%D9%8A%D8%B1-%D9%8A%D8%B4%D9%83%D9%88%D9%86-%D9%85%D9%86-%D8%A7%D9%86%D9%82%D9%84%D8%A7%D8%A8-%C2%AB%D8%AD%D8%B2%D8%A8-%D8%A7%D9%84%D9%84%D9%87%D8%BB-%D8%B9%D9%84%D9%89-%C2%AB%D8%B1%D9%81%D8%A7%D9%82-%D8%A7%D9%84%D8%B3%D9%84%D8%A7%D8%AD%D8%BB>

[23]- Al-Sharq Al-Awsat, 2018, Al-Qusayr is the first zoning region to be announced in accordance with Law No.10 - Link: https://aawsat.com/home/article/1424081/%D8%A7%D9%84%D9%82%D8%B5%D9%8A%D8%B1-%D8%A3%D9%88%D9%84-%D9%85%D9%86%D8%B7%D9%82%D8%A9-%D8%AA%D9%86%D8%B8%D9%8A%D9%85%D9%8A%D8%A9-%D9%8A%D8%B9%D9%84%D9%86-%D8%B9%D9%86%D9%87%D8%A7-%D9%88%D9%81%D9%82-%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%B1%D9%82%D9%85-%D8%B9-%D8%B4%D8%B1%D8%A9?amp&fbclid=IwAR3n7Rg8RI_6PTLECa40fVxeiFenar6CHf8ObZ27jXbpVk5rp9OGu8Bhy9l

although participants in this study reported the plan received many objections, the Council did not announce it had received any, nor did it announce subsequent steps for the plan. Online, there was only a single, poor-quality picture of the zoning plan shared on the Council's page,^[24] and from that picture it is possible to identify some of the basic features of the new plan.



■ Figure (85) Image of the zoning plan for Al Qusayr, 2018. (Al-Qusayr City Council, 2018)

By comparing this plan with the current map of Al-Qusayr, it appears that the areas included in the new plan are only the western part of the city, which was an opposition stronghold. Meaning the centre of the old city and parts of the northern and western quarters, which are mostly areas located within the first zoning plan of 1967 and sections of the 1990 plan. We also noticed that the new plan radically changes the urban structure of the region in terms of main and secondary road networks, land uses, and divisions of neighbourhoods and residential blocks. In other words, it is destroying the entire old section of Al-Qusayr, which carries its cultural and urban identity.

On the ground, no work was carried out to implement the plan after five years of its announcement, and the government's talk about regulating Al-Qusayr gradually diminished after the aforementioned announcement until it became a forgotten topic. A lawyer working in contact with the city council in Al-Qusayr told us, "After the plan was announced, it was strongly objected to because it was simply a plan to remove al-Qusayr

[24]- The information is based on the previous source. We did not find the page referred to on Facebook, meaning it was later removed or blocked.

and the majority of its buildings, and as a result work was frozen.” But freezing does not mean cancellation, and until now the neglected plan remains a threat to the properties of all residents of the western quarters, and to the identity of the city as a whole, especially if the planning process is carried out in accordance with the notorious Law No. 10, as previous government announcements have hinted at^[25].

(5-4) Summary of the case of Al-Qusayr

Al-Qusayr embodies the state of rural towns that turned into cities in the absence of effective urban planning. When the zoning plans followed urban growth which had taken over the land, the Al-Qusayr plans were an attempt to accommodate urban changes on the land, and these attempts failed. The city, whose buildings are all located within the zoning plan and on private property, has differing real estate structures: a small number of regulated buildings, and a majority of semi-regulated buildings which are either in violation of land use or construction regulations, or their descriptions in the land registry differ from their actual state. We saw these different cases in all the previous areas of study, but the difference in Al-Qusayr is that it is difficult to identify specific areas within the city where one form predominates over another. Rather, they are all spread side by side in the city’s four main quarters. In general, the eastern section of the city received greater zoning attention than the western whose residents suffered more from insecure ownership before the conflict and were exposed to greater damage and violations during it.

In Al-Qusayr, we recorded the longest list of HLP rights violations, which include nine types, mainly:

- 1) Indirect displacement of the population during the first and second years of protests through acts of intimidation, siege, and indiscriminate bombing; and then direct displacement of the remaining population after a military operation in which Hezbollah participated alongside the Syrian army.
- 2) Indiscriminate bombing and destruction of property, which continued from late 2011 until mid-2013, during which missiles, artillery, and air force, including explosive barrels, were used against civilian targets.
- 3) After Hezbollah, the regime, and their associated militias entered the city, Hezbollah began booby-trapping and bulldozing hundreds of buildings, especially in the northern and western quarters. These operations were directed in particular at the homes of

[25]- Middle East and North Africa Observatory, 2018, The regime begins implementing Law No. 10 in Al-Qusayr - Link: <https://me-na-monitor.org/%D9%81%D9%8A-%D8%A7%D9%84%D9%82%D8%B5%D9%8A%D8%B1-%D8%A7%D9%84%D9%86%D8%B8%D8%A7%D9%85-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A-%D9%8A%D8%A8%D8%AF%D8%A3-%D8%A8%D8%AA%D8%B7%D8%A8%D9%8A%D9%82-%D8%A7%D9%84/>

defecting officers and activists opposed to the regime.

4) The western part of Al-Qusayr was not spared from looting, which in many locations led to the removal of roofs in order to steal the iron inside them.

5) The western part remained a closed military zone for six years after it was reclaimed from the opposition, and only a small number of people loyal to the regime and Hezbollah were allowed to return; even after the regime claimed to allow the return of displaced residents in mid-2019, it remained closed to over three-quarters of the displaced population, as security clearances were not granted to anyone involved in activities opposing the regime.

6) At the same time, the victorious forces seized hundreds of displaced people's properties and turned them into housing or military headquarters. Hezbollah also seized the entire industrial zone whose facilities were owned by Al-Qusayr industrialists and craftsmen, and closed the area with dirt barriers. Another form of confiscation was that Al-Qusayr was surrounded by a giant blockade surrounding the entire city for a distance of more than eight kilometres. Of course, it was built over agricultural lands surrounding the city and owned by residents, thereby cutting off hundreds of lands to its right and left and swallowing up large areas which we estimate at approximately 220 hectares.

7) We also noticed that from 2020, Hezbollah began building residential complexes on the seized lands of displaced people west of Al-Qusayr without their consent and without the involvement of government institutions. Satellite images show six residential complexes, all of which continue to grow.

8) Sales under pressure is also a violation against displaced residents, as merchants and real estate offices linked to Hezbollah and Iran are actively buying lands and real estate in Al-Qusayr, taking advantage of the need of the rights holders and their inability to return. However, this violation is not limited to displaced residents, as many complaints have been lodged by Christian residents who supported the regime and fought for it. Today, they are under pressure from Hezbollah to sell their lands and leave.

9) Finally, there are violations of urban planning, as the Al-Qusayr City Council announced in 2018 a new zoning plan that covers the western part of the city and undermines its urban structure by changing road networks, land uses, and the composition of its neighbourhoods. The announcement of the plan came with government statements that implementation would be in accordance with Law No. 10 of 2018, which threatens to seize the property of absentees, as stated in its legal framework clause. No reorganization

decree was issued, and no work was carried out on the ground to implement the plan. News about the issue faded away in what appears to be a suspension of the plan, but in the legal and administrative sense the plan is still in place.

The most prominent early recovery activities that the city has witnessed so far have been the provision of financial grants ranging from 500 to 800 dollars to about 400 beneficiaries among residents returning to the city, meaning to those who have obtained security approvals with the several conditions that must first be fulfilled. International partners such as the Danish Refugee Council and the United Nations Development Program funded these grants, which are entirely managed by Al-Qusayr City Council and its municipality. During interviews, we heard the names of a number of international Christian organizations, European organizations, and local organizations active in the field of early recovery in Al-Qusayr, something that has not been witnessed to such an extent in other study areas. So far, parts of public facilities and four schools have been rehabilitated, but scenes of destruction dominate the city to this very day^[26].

More than ten years after their displacement, the people of Al-Qusayr are still receiving scarce news about their city, circulating it among themselves, most of them unable to have a say in the fates of their properties. Of the 23 rights holders we met, only three said that they had made attempts to regain their property, and those attempts were limited to paying bribes to settle with the regime, then bribes to file lawsuits or gain the support of Military Security, the Fourth Division, or others. The rest of the rights holders have not made any attempt because there were no means available to them. During this study, we met many lawyers, journalists, engineers, and families actively documenting and publishing violations through social media and media platforms. These individual efforts by activists, connected and supported by familial and local networks, embody the most prominent forms of resistance of the displaced people of Al-Qusayr at home and abroad.

[26]- Al-Sharq Al-Awsat, 2023, Al-Qusayr... Partial restoration of daily life for some of its returning residents - Link: <https://aawsat.com/%D8%A7%D9%84%D8%B9%D8%A7%D9%84%D9%85-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A/%D8%A7%D9%84%D9%85%D8%B4%D8%B1%D9%82-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A/4430921-%D8%A7%D9%84%D9%82%D8%B5%D9%8A%D8%B1-%D8%AA%D8%B1%D9%85%D9%8A%D9%85-%D8%AC%D8%B2%D8%A6%D9%8A-%D9%84%D9%84%D8%AD%D9%8A%D8%A7%D8%A9-%D8%A7%D9%84%D9%8A%D9%88%D9%85%D9%8A%D8%A9-%D9%84%D8%A8%D8%B9%D8%B6-%D8%A3%D9%87%D9%84%D9%87%D8%A7-%D8%A7%D9%84%D8%B9%D8%A7%D8%A6%D8%AF%D9%8A%D9%86>

(6)

Case of Jabal Badro



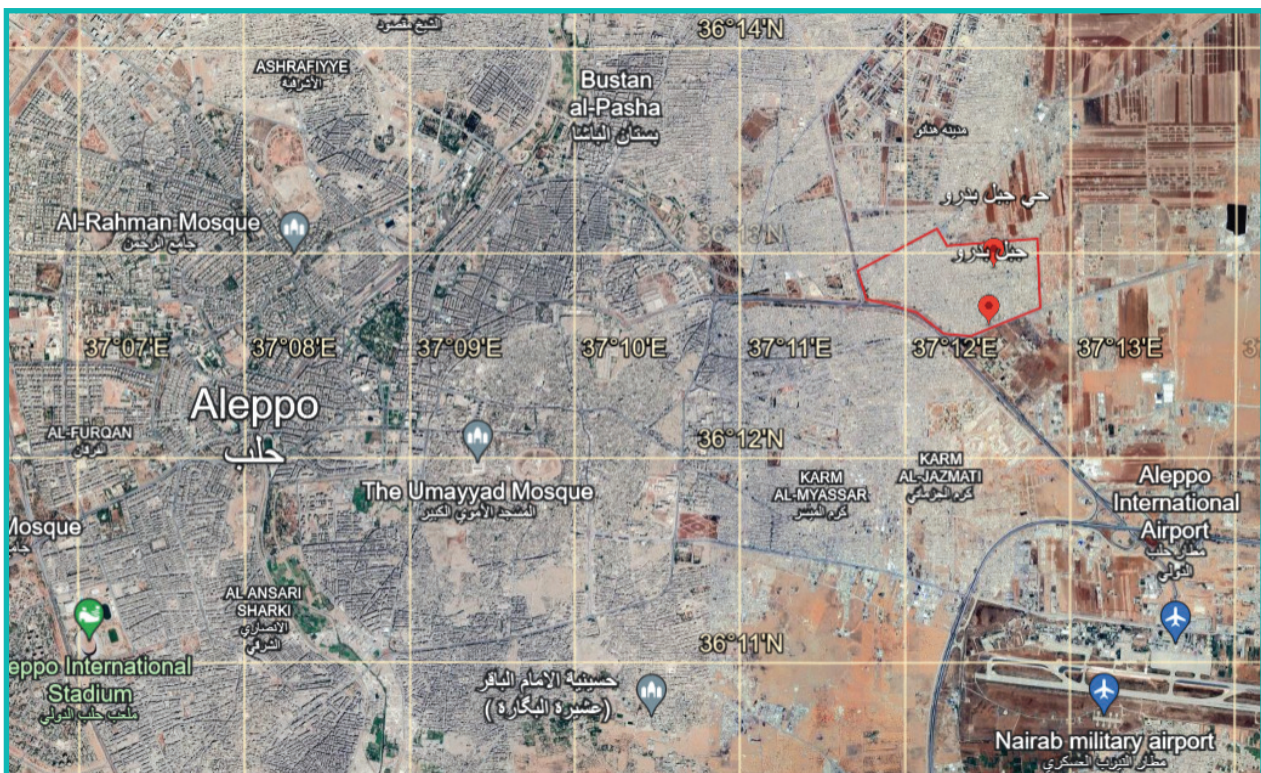
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(6) Case of Jabal Badro

(6-1) Context of Jabal Badro situation

Jabal Badro was established in the early 1980s at the eastern entrance to the city of Aleppo from Al-Bab Road, and on lands that were cultivated with wheat, barley, cumin, and some seasonal crops. Its proximity to the industrial zone in Sheikh Najjar village, and to the road leading to Aleppo International Airport and Nayrab Military Airport made it a suitable place for low-income families coming from the eastern countryside of Aleppo and the city of Aleppo. Families wishing to own property found there an opportunity to buy or build a house at low cost, unlike house prices in Aleppo neighbourhoods.^[1]



The area of the neighbourhood is approximately 2.5 square kilometres (250 hectares), and most of the residents come from the eastern and northern regions of the city of Aleppo. The demographic composition of the population is varied and tribal: some of them are from Al-Batoush, others from Al-Hazawneh and Al-Jais, and small numbers of Kurds from Ayn Al-Arab^[2]. The neighbourhood's population in the 2004 census was approximately 25 000 people, and reached 40 000 in the 2009 census^[3]. That is, the population grew by 62.5%

[1]- Jabal Badro... from dire omission to the suffering of displacement and fear of loss of rights. Social Press Centre – last visited 20 November 2023 – Link: [Here](#)

[2]- According to interviews conducted by the field researcher with a number of neighbourhood residents

[3]- Ibid – Link: [Here](#)

in just five years. This was helped by its proximity to Sheikh Najjar Industrial City, which opened in 2004 and provided job opportunities for residents of the neighbourhood,^[4] the majority of whom hold intermediate and primary certificates and are labourers.

The armed opposition took control of the neighbourhood in July 2012, and soon in early 2013 it was subjected to ballistic missile attacks that killed 47 people^[5]. As a result of the bombing, a third of the neighbourhood was displaced, and the population decreased to 10,000 people in 2016, according to local sources. Government forces besieged the neighbourhood in July 2016 as part of the siege of the eastern neighbourhoods of Aleppo, and it was bombed with barrels, warplanes, and missiles, until regime forces entered the city from Bawabet Hanano and Jabal Badro, leading to the displacement of its remaining residents.

Neighbourhood Timeline:

- 1980 The establishment of Jabal Badro neighbourhood
- 2004: Population increase with the opening of the industrial city in Sheikh Najjar
- 2012: Opposition factions take control of the neighbourhood
- 2013: Neighbourhood Targeted with a ballistic missile (Scud)
- 2016: Neighbourhood besieged, becoming the gateway to control the city of Aleppo

(6-2) Real estate structure in Jabal Badro

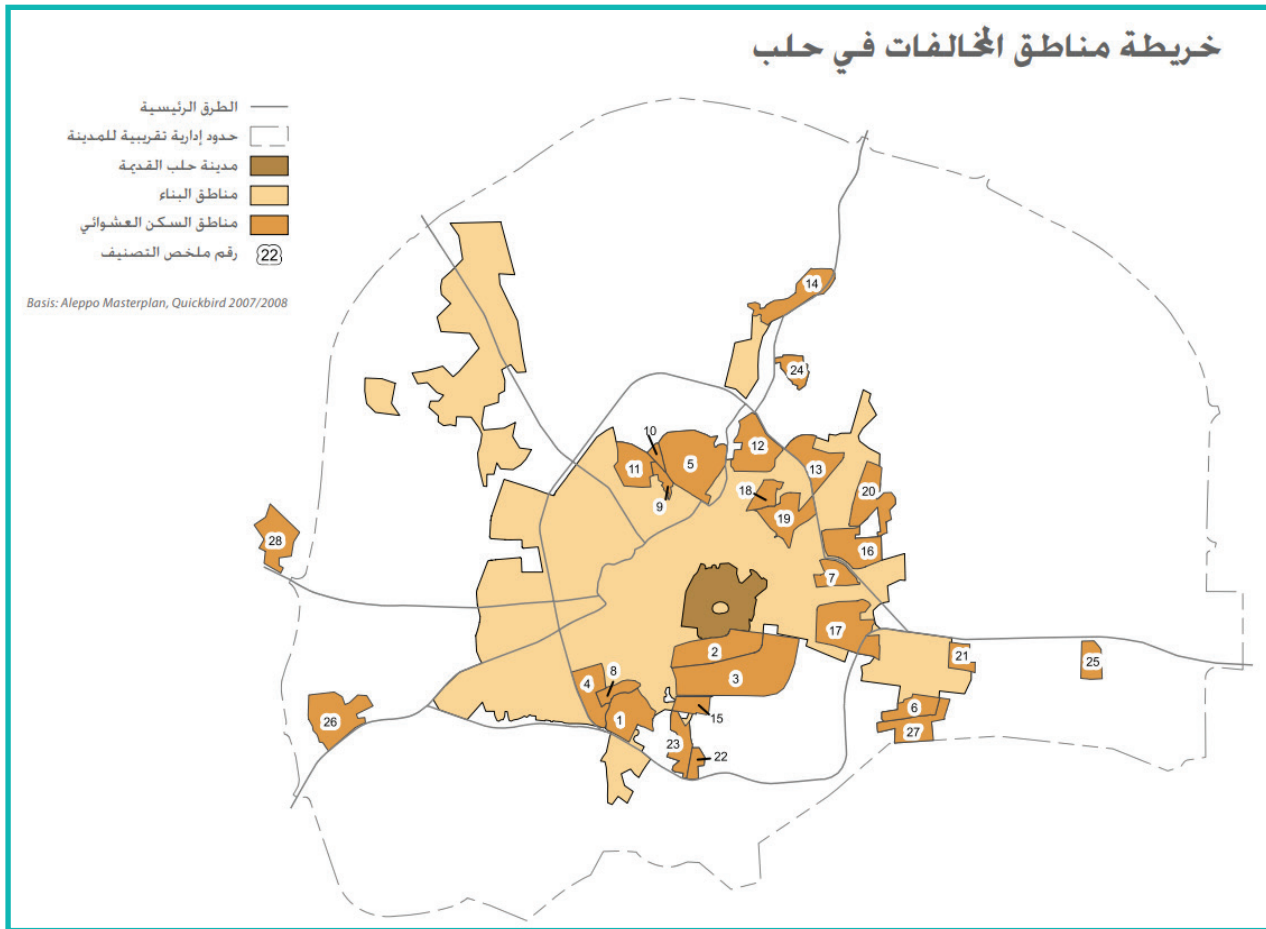
The story of urban planning in Aleppo is not quite different from what we saw in Damascus in terms of the faltering and slowdowns in urban planning, and efforts to meet the growing need for housing, then neglect and complicity by civil and security authorities toward the emergence of informal settlement areas around the city. According to a rare study by the German Agency for International Cooperation in 2009, 27 informal settlement areas emerged around Aleppo, which constituted housing for about 40% of the city's population^[6]. This study was part of an ambitious program which the aforementioned

[4]- The industrial city of Sheikh Najjar, the vein of investment and incubator of business – 54 Arab investors, 64 billions, and 22400 jobs – SyrianDays – Last visited: 20 November 2023 – Link: [Here](#)

[5]- Syria, unrightful missile attacks leaves more than 140 dead – The Syrian Human Rights Watch, last visited 20 November 2023 – Link: [Here](#)

[6]- German Agency for International Cooperation, 2009, Informal settlement areas in Aleppo. Quick classifications of all informal settlement areas in Aleppo – Link: http://madinatuna.com/downloads/IS-Book_ar.pdf

agency participated in together with the city council and other partners^[7] to develop Aleppo urbanely and address the problem of informal settlements, but all these plans were halted with the outbreak of the conflict.

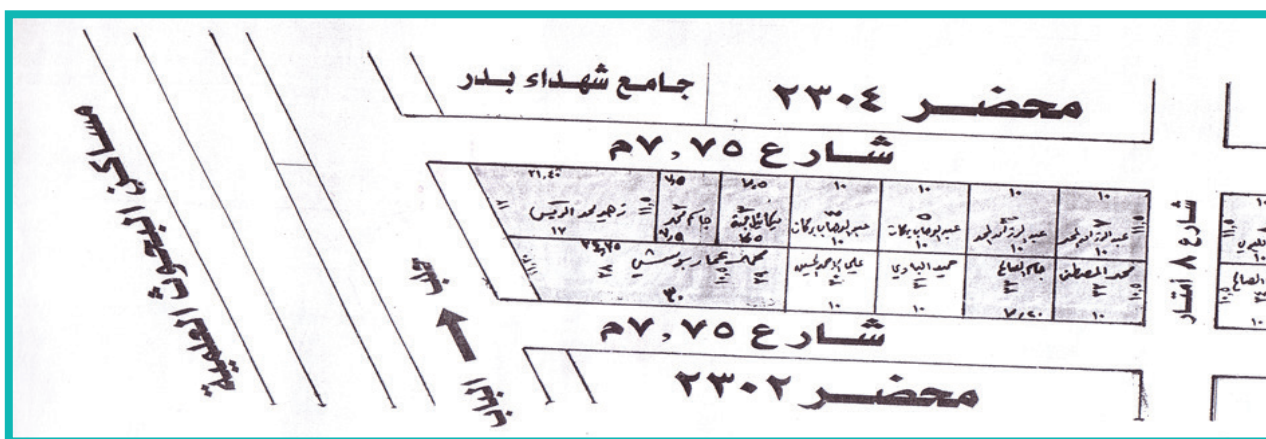


■ Figure (86) Map of Aleppo showing locations and boundaries of informal areas in the city (GIZ, 2009)

Within this context, Jabal Badro neighbourhood can be considered an informal area built on privately-owned Amiri agricultural land belonging to owners from major Aleppo families such as Joukhadar, Barakat, Al-Jabri, Souda, and others. Until the early 1980s, these lands were still cultivated with wheat, barley, cumin, and seasonal crops, according to witnesses we spoke to. According to these testimonies, informal construction became more active in the neighbourhood after the state expropriated agricultural land in the east of the area to build what is known today as the Islamic Cemetery, extending over an area of 40 hectares, which constitutes the eastern border of Jabal Badro. Compensation for this expropriation was small, barely a quarter of its market value at the time, and as we have seen in other

[7]-DeutscheWelle,RegulatinginformalsettlementareasinAleppo,Syria,withsupportfromtheGermanTechnicalCooperationAgency,2009 – Link: <https://www.dw.com/ar/%D8%AA%D9%86%D8%B8%D9%8A%D9%85-%D9%85%D9%86%D8%A7%D8%B7%D9%82-%D8%A7%D9%84%D8%B3%D9%83%D9%86-%D8%A7%D9%84%D8%B9%D8%B4%D9%88%D8%A7%D8%A6%D9%8A-%D9%81%D9%8A-%D8%AD%D9%84%D8%A8-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D8%A9-%D8%A8%D8%AF%D8%B9%D9%85-%D9%85%D9%86-%D9%88%D9%83%D8%A7%D9%84%D8%A9-%D8%A7%D9%84%D8%AA%D8%B9%D8%A7%D9%88%D9%86-%D8%A7%D9%84%D8%AA%D9%82%D9%86%D9%8A-%D8%A7%D9%84%D8%A3%D9%84%D9%85%D8%A7%D9%86%D9%8A%D8%A9/a-4007955>

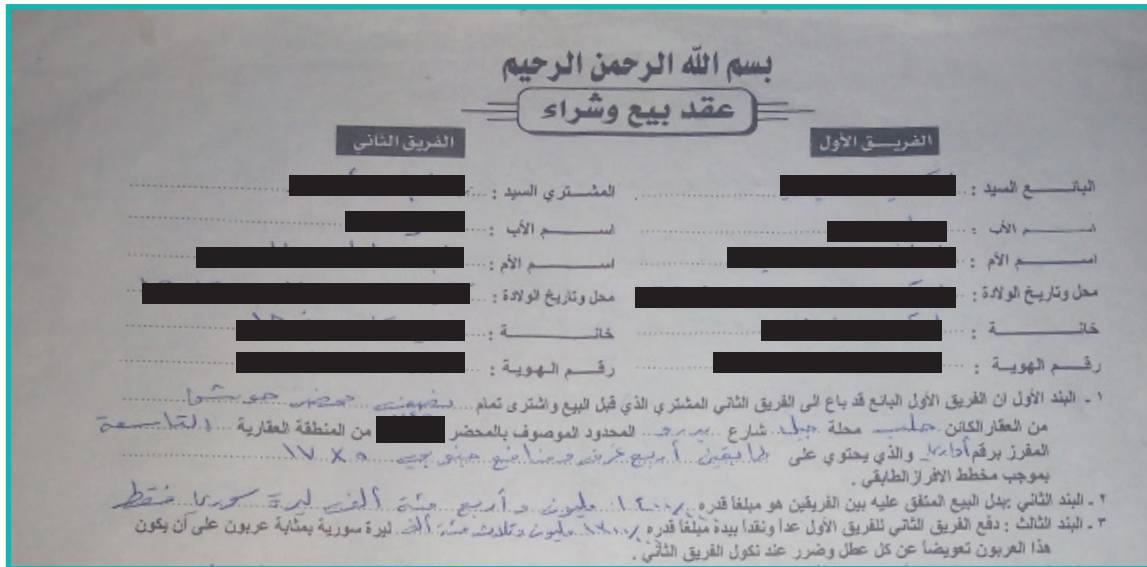
informal settlement areas, other landowners at the time divided their agricultural lands into plots of land ranging in size from 60 to 150 square meters, connected by side roads, and then sold them as shares to new owners coming in from the countryside. Later, the city council acquired lands estimated at 10 to 15% of the neighbourhood's area to build the neighbourhood's two schools and a few public facilities. Of course, the neighbourhood did not exist in the administrative sense of the word, as it had no municipality of its own and no official committees. The neighbourhood Muhtar (chief) appointed by the regime was the only semi-official position in the neighbourhood. The following picture shows how the lands of Jabal Badro were divided into small holdings.



■ Figure (87) Divisions of neighbourhood records in its southern section adjacent to the Scientific Research Housing complex (Aleppo City Council study, 2005)

As for the land registry, Jabal Badro has throughout the past decades remained registered as a limited number of agricultural properties, each with an area of five to forty hectares, noting that according to the city council, the total area of the neighbourhood was estimated at 205 hectares in 2005^[8]. A land registry deed we managed to see for a property of 5.7 hectares showed the names of 122 right holders, some of whom obtained possession by purchasing shares in the land, and the majority filed lawsuits and announced their names in the title register, and then proceeded to build their homes and neighbourhoods. In terms of legal procedures, the sale and ownership processes took place in three stages. First, the rights holders prove the sale process through external contracts between the seller, the buyer, and witnesses. Within these contracts, the specifications of the purchased is mentioned, often a built property so the area and number of rooms, number of floors and other details are stated in the contract, as shown in the following picture:

[8]- Ibid.



■ Figure (88) Contract for sale of a house in Jabal Badro (lawyer active in documenting sales in Jabal Badro)

In the next stage, the rights holders take these contracts to court, where a formal lawsuit is filed by the buyer against the seller, who is asked to confirm the sale of the property. The judiciary considers the case, which usually ends with a ruling ordering the transfer of ownership of the property after correcting its descriptions in the land registry. Since the process of correcting the status is not possible when it is commonly owned, transferring ownership is also not possible. It was often enough to simply place an encumbrance in the title register. Eventually, there were hundreds of lawsuits involving hundreds of owners of parts of the same property, as we have seen in other areas.

No administrative measures were taken to address the property problem even after Jabal Badro was included in the zoning plan of the city of Aleppo in 2004. The City Council carried out several detailed studies and surveys of this and other neighbourhoods according to a development vision based on preserving and improving the urban fabric, but that vision never became a reality.

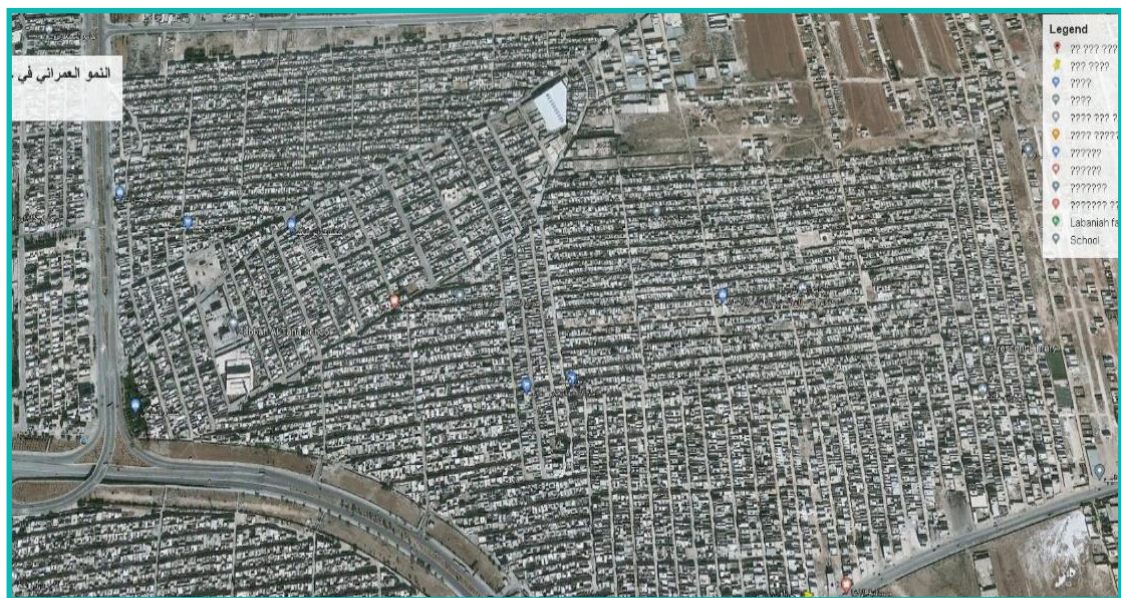
Compared to the rest of the 26 informal settlement neighbourhoods in Aleppo, Jabal Badro is one of the newest chronologically, and the poorest and most lacking in services. We can still distinguish between its western part, where the streets are partially paved and services are a little better, and its eastern part, which is an expansion of the former and where the paved roads and schools disappear, along with services such as water, road lighting, and cleaning services. The following map shows the condition of the streets in either section.



■ Figure (89) Plan and nature of streets in the western and eastern parts of Jabal Badro (Aleppo City Council, 2005)

Despite this, it continued to expand in its eastern part at a high pace until the outbreak of the conflict and during its first years. However, the previous map remains relatively old and does not reflect the increase in population and building density that occurred in the eastern part after 2005, the date of the city council's study. One of the studies shows that the population of Jabal Badro increased from 25,000 in 2004 to 40,000 in 2009,^[9] with the majority settled in the eastern part. Comparison of satellite images between 2000 and 2012 shows that thousands of homes were built in this part, until it became the largest mass in the neighbourhood. All its buildings are concrete, and most of them consist of two floors with small areas of one hundred square meters on average.

[9]- Information attributed to the Aleppo City Council's study of Jabal Badro, 2009- Link: <https://syrianpc.com/%D8%AC%D8%A8%D9%84-%D8%A8%D8%AF%D8%B1%D9%88-%D9%85%D9%86-%D8%B1%D8%AD%D9%90%D9%85-%D8%A7%D9%84%D8%A5%D9%87%D9%85%D8%A7%D9%84-%D8%A7%D9%84%D9%83%D8%A8%D9%8A%D8%B1-%D9%84%D9%85%D8%B1%D8%A7%D8%B1/>



■ Figure (90) Urban expansion in the eastern part of Jabal Badro between 2000 and 2012. (Google Earth, 2023)

(6-3) Most prominent types of violations identified in Jabal Badro

The regime’s practices towards Jabal Badro show clear differences to what we saw in Damascus and its environs. If we consider Jabal Badro an example of informal settlement neighbourhoods in eastern Aleppo, then it is true to say that although there are serious HLP rights violations in Aleppo, they did not escalate to obliterating neighbourhoods as witnessed in Damascus. Despite some similarities between the two largest cities in Syria, the eastern part of Aleppo, which is mostly informal, was a stronghold for the armed opposition, which fought a vicious battle with the regime to control the city between 2012 and late 2016. It ended with the displacement of about 50,000 civilians and fighters trapped

in those neighbourhoods^[10]. The research team have been able to confirm the occurrence of four types of violations in Jabal Badro so far, and below we detail each of them.

(6-3-1) Indiscriminate bombing

As soon as opposition forces took control of Jabal Badro and other eastern Aleppo neighbourhoods in mid-2012, those neighbourhoods became the target of massive indiscriminate bombing operations launched by regime forces for the next five years. Aleppo is associated in the memory of Syrians with barrel bombs;^[11] that primitive, highly destructive and directionless weapon that was used extensively by regime forces. It is not known exactly how many barrel bombs targeted Jabal Badro, but some reports indicate that regime military helicopters fired approximately 17,000 barrels on the eastern areas of Aleppo, including residential complexes and public facilities^[12]. Jabal Badro in particular witnessed two famous ballistic missile attacks, as regime forces targeted two residential communities in the neighbourhood with Scud missiles in 2013. Each of them led to the obliteration of dozens of homes at once^[13]. One of these attacks documented by the Syrian Network for Human Rights led to the destruction of approximately thirty homes and killed 45 people, half of whom were children, and wounded at least 80 others^[14].

In an assessment conducted by the Habitat Program in Aleppo in 2014, Jabal Badro was classified as a “highly damaged” neighbourhood^[15]. Today this assessment seems somewhat old, especially since it comes before the last and most destructive military campaign launched by the regime, backed by the Russian Air Force, on eastern Aleppo in late 2016, which led to its siege and the displacement of the remaining population and opposition fighters. We did not find any more recent assessments or surveys about the destruction in Jabal Badro, so the estimates of experts and local residents remain the only indicator that approximately 30% of buildings in the neighbourhood can be considered destroyed and 50% of the rest are moderately or slightly damaged. What we see in satellite images supports these estimates, and we also notice that the destruction in the neighbourhood is not clearly concentrated in specific lanes or parts, as we witnessed

[10] - <https://baladi-news.com/ar/articles/13814/%D9%86%D8%A7%D8%B7%D9%82-%D8%B9%D8%B3%D9%83%D8%B1%D9%8A:-%D8%A5%D8%AC%D9%84%D8%A7%D8%A1-50-%D8%A3%D9%84%D9%81-%D8%B4%D8%AE%D8%B5-%D9%85%D9%86-%D8%AD%D9%84%D8%A8-%D8%A7%D9%84%D8%B4%D8%B1%D9%82%D9%8A%D8%A9>

[11]- <https://www.amnesty.org/en/documents/mde24/1370/2015/en/>

[12]- https://snhr.org/public_html/wp-content/pdf/arabic/In_Nine_Years_the_Syrian_Regime_Has_Dropped_Nearly_82,000_Barrel_Bombs_Killing_11087_Civilians_Including_1821_Children.pdf

[13]- See the extent of the destruction caused by one of those missiles that struck on February 19, 2013: https://www.youtube.com/watch?v=2wqD1vZt8eA&ab_channel=%D9%85%D8%B1%D9%83%D8%B2%D8%AD%D9%84%D8%A8%D8%A7%D9%84%D8%A5%D8%B9%D9%84%D8%A7%D9%85%D9%8AAMC

[14]- The Syrian Network for Human Rights' documentation of the Jabal Badro massacre, 2013 - Link: https://snhr.org/public_html/wp-content/pdf/arabic/Jabal-Bedro.pdf

[15]- <https://unhabitat.org/sites/default/files/download-manager-files/Aleppo%20City%20Profile.pdf>

in previous study areas, but rather is distributed in general throughout all parts of the neighbourhood, with hardly a street devoid of some demolished houses as a result of the bombing, and next to every destroyed building there are undoubtedly several damaged ones.



■ Figure (91) Satellite images of Jabal Badro between 2012 and 2017 (Google Earth)

(6-3-2) Displacement

The aforementioned indiscriminate bombing by regime forces and its allies over the years led to the neighbourhood's population shrinking from at least 40,000 people at the beginning of the conflict, to approximately 10,000 people when this and other eastern Aleppo neighbourhoods were besieged, according to estimates by the opposition's local council of Aleppo at the time^[16]. The majority of those remaining were displaced to Idlib and the northern countryside of Aleppo.^[17]

[16]- Online interview with a member of the opposition's local council of Aleppo (2012-2016)

[17]- Jusoor Studies, Aleppo Displacement Agreement: How Was It Reached and How Was It Implemented?, 2016 - Link: <https://jusoor.co/ar/details/%D8%A7%D8%AA%D9%81%D8%A7%D9%82-%D8%AA%D9%87%D8%AC%D9%8A%D8%B1->

As for those who remained in the neighbourhood until the regime forces entered it in mid-December 2016, or those who attempted to flee to neighbourhoods controlled by the regime, they were transferred to a collective shelter in Jibreen, east of Aleppo; an abandoned factory^[18] that the regime converted into a shelter. There, so-called security settlements were carried out and those wanted by the security services or for compulsory service in the army were detained^[19]. Thus, the neighbourhood was completely emptied of its residents, before a limited number of them were allowed to return two months after the attack, according to testimonies by a family who passed through the Jibreen Centre.



■ Figure (92) The state’s green buses used to transport residents, civilians, and fighters out of Aleppo (Aleppo Media Centre, 2016)^[20]

The population of Jabal Badro was dispersed: some returned to their original areas in towns of northern Aleppo countryside still under opposition control, such as Al-Bab, Jarabulus, and Tadif, and others went to regime-controlled areas in Aleppo and elsewhere, or beyond to Turkey and the European Union. As for returnees to the neighbourhood itself, at the time of preparing this study, they did not exceed a quarter of the former population, according to the best estimates provided by current residents we spoke to. This is also evidence from recent videos shared on local media by a person walking around the streets of the neighbourhood with a camera. The videos show that many homes are still destroyed and abandoned, the majority of shops are closed and damaged, and there is limited movement of people and vehicles in the streets^[21]. A woman who returned to the neighbourhood

<https://www.youtube.com/watch?v=88%D9%84%D8%A9+%D8%AD%D9%8A+%D8%A8%D8%AF%D8%B1%D9%88>

[18]- CNN Arabic, An abandoned factory in Jibreen turned into a shelter for displaced people from eastern Aleppo, 2016 – Link: <https://arabic.cnn.com/middle-east/video/2016/12/01/v11623-me-011216-aleppo-refugees>

[19]- Online interview with a well-informed lawyer from Jabal Badro, 11-17-2023.

[20]- Picture shared on Facebook - <https://www.facebook.com/photo/?fbid=2751636395132227&set=a.1676817125947498>

[21]- Journalist Najji Hassan, published on YouTube, 2022 – Link: https://www.youtube.com/results?search_query=%D8%AC%D9%88%D9%84%D8%A9+%D8%AD%D9%8A+%D8%A8%D8%AF%D8%B1%D9%88

said, “My family and my husband’s family all moved to the village in opposition-controlled areas. They left their homes here and do not dare to return because they are afraid. Most of the men are wanted by the regime, and even those who have not opposed the regime fear they will be blamed for the actions of others or that they will be extorted for any reason.”



■ Figure (93) Pictures taken from video recording on YouTube (local media personality, 2022)

Contrary to what we saw in previous case studies, where regime forces closed the areas under their control for years and prevented entry except with security approvals that require a series of procedures, things happened differently in Jabal Badro and in Aleppo in general, as closure of neighbourhoods lasted only a few months, two months in the case of Jabal Badro, and people were allowed to return without prior approval, but those returning were required to first visit security branches in the region. Neighbourhood mukhtars have become a link between the population and security services,^[22] and their affiliated agencies or militias frequently organize Jabal Badro patrols and verify identities of returnees and their proof of right to occupy the properties they return to. On the surface, this practice appears to preserve the rights of the absent population, but there is a large segment of the displaced community who participated in activities opposing the regime and who are not able to go to security branches because they are vulnerable to arrest and

[22]- See Enab Baladi, The Syrian regime arrests families who returned from Turkey to the eastern neighbourhoods of Aleppo, 2021 - Link: <https://www.enabbaladi.net/527723/%D8%A7%D9%84%D9%86%D8%B8%D8%A7%D9%85-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A-%D9%8A%D8%B9%D8%AA%D9%82%D9%84-%D8%B9%D8%A7%D8%A6%D9%84%D8%A7%D8%AA-%D8%B9%D8%A7%D8%AF%D8%AA-%D9%85%D9%86-%D8%AA%D8%B1%D9%83/>

forced disappearance. There is also a large percentage of those displaced who moved to their original areas under opposition control in the Aleppo countryside, as well as refugees outside the country, none of whom dare to return, especially with repeated cases of the regime arresting and killing under torture displaced people who reached settlements with it and returned to Aleppo^[23]. A number of displaced residents that we spoke to told stories about relatives and acquaintances who were arrested and forcibly disappeared at the hands of security services after their return to the neighbourhood, but there is no published data on the number of returnees who were subjected to persecution after their return to Jabal Badro.

It must be noted that many of those who returned to the neighbourhood after 2016 later left it due to the deterioration of services there, according to current residents. Electricity comes on for two hours a day in the best of circumstances, and water is turned on once a week. Garbage is collected in the neighbourhood waiting for municipality vehicles to come once a month, and there is no public transportation linking it to adjacent areas. A woman returning to the neighbourhood says, “Our relatives who went to the village say that conditions there are better, as food is cheap, electricity is available, and people work on the land and in industry.”

(6-3-3) Looting

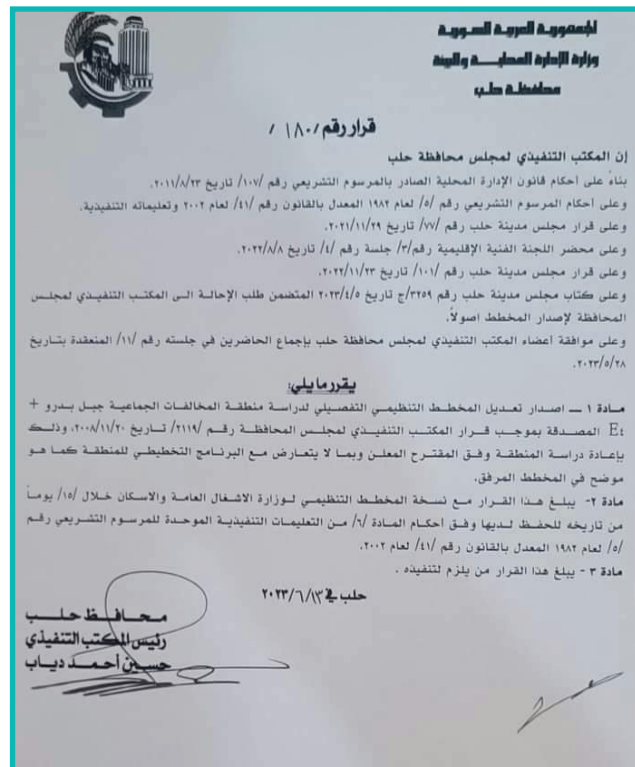
The testimonies we collected during this study confirm that widespread looting of the contents of homes occurred after regime forces took control of the neighbourhood, and ransacking also occurred in many places. I refer in particular to local militias as having played the largest role in looting from when the regime regained control of the neighbourhood in late 2016 until residents returned in early 2017, such as the Al Berri militia and the Qaterji militia, affiliated with Syrian businessperson Hossam Qaterji who is close to the regime. However, it is also noticeable in videos and photos taken in the neighbourhood as residents began to return that looting did not reach totality, in terms of removing windows, doors, floors, etc., except in limited areas of the neighbourhood^[24]. Russian influence in the Aleppo displacement agreement as political guarantor and military police on the ground may be a factor in the neighbourhood escaping complete devastation, perhaps there are other factors, but there is certainly a clear difference between the regime’s practices in Aleppo and that in Damascus.

[23]- See for example the story of Mohamed Majo – Link: <https://www.syria.tv/%D8%A8%D8%B9%D8%AF-%D8%A7%D9%84%D8%AA%D8%B3%D9%88%D9%8A%D8%A9-%D9%85%D9%82%D8%AA%D9%84-%D8%B4%D8%A7%D8%A8-%D8%AA%D8%AD%D8%AA-%D8%A7%D9%84%D8%AA%D8%B9%D8%B0%D9%8A%D8%A8-%D9%81%D9%8A-%D8%B3%D8%AC%D9%88%D9%86-%D8%A7%D9%84%D9%86%D8%B8%D8%A7%D9%85-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A>

[24]- See, for example, a local media professional filming Jabal Badro on his YouTube channel, 2022 - Link: https://www.youtube.com/watch?v=LVqbKGk9ba0&ab_channel=%D9%86%D8%A7%D8%AC%D9%8A%D8%A7%D9%84%D8%AD%D8%B3%D9%86NajiAlHassan

(6-3-4) Urban planning violations

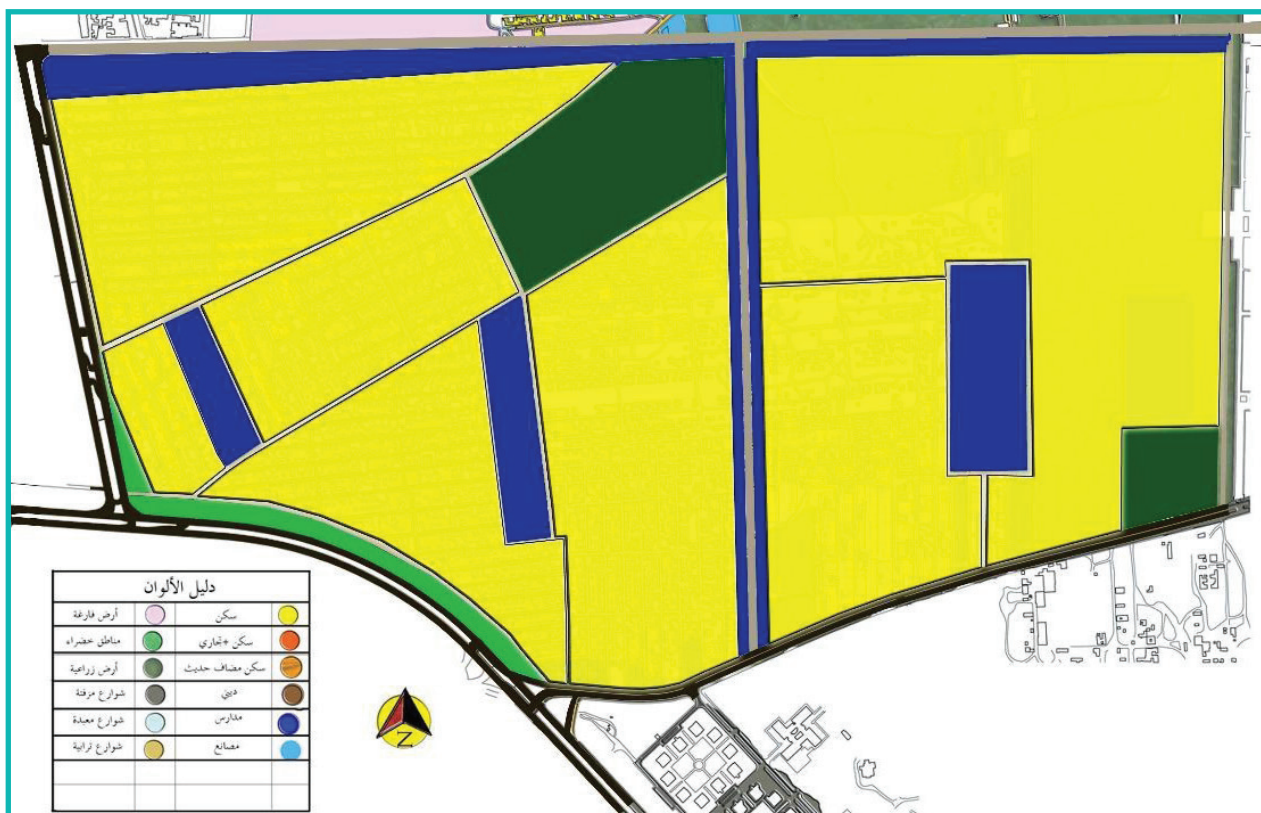
Jabal Badro was included in the general zoning plan of Aleppo in 2004, as previously mentioned, but detailed plans were delayed so Aleppo City Council amended the general plan again in 2007, and this continued until the outbreak of the conflict in 2011.^[25] There was no talk about plans to reorganize the neighbourhood during the years of conflict, but Aleppo City Council announced the approval of an updated zoning plan for Aleppo in 2018, and another in 2022, and in 2023 announced start of work on updating the detailed plan for Jabal Badro in accordance with Law No. 5 of 1982, known as the Urban Planning Law, and its amendments in Law No. 41 of 2002. See the text of the attached resolution, which was circulated by residents of Jabal Badro on Aleppo City Council page.



■ Figure (94) Decision of the Executive Office of Aleppo City Council (Aleppo City Council page, 2023)

Based on plans from a previous study by Aleppo City Council (2005), the residential function of the land is preserved while three new wide roads are opened in the neighbourhood in addition to green spaces and schools, as the land usage plan for the neighbourhood shows.

[25]- Al-Ajili, Fouad, After delays of seven years...the zoning plan for the city of Aleppo comes to light, Al-Thawra newspaper, 2011 - Link: http://archive.thawra.sy/_print_veiw.asp?FileName=28150505120110606213357



■ Figure (95) Land usage plan in Jabal Badro according to a 2005 Aleppo City Council study.

This is almost all the information available via regime institutions and media about the regulation of Jabal Badro. We do not know how the rights of residents in general, both displaced and returnees, will be dealt with. What is certain is that detailed plans are being drawn today in the absence of the majority of rights holders from the neighbourhood, and they are unable to object to any plans that may appear soon. In general, we can measure the case of Jabal Badro against that of Al-Haidariyah, which was declared the first informal neighbourhood that the city council had begun regulating in eastern Aleppo in 2017. The neighbourhood was expropriated by the city council and planning began with widespread demolition of housing and opening of three large streets inside the neighbourhood, turning it into three isolated islands buried under rubble, as the following pictures show.



■ Figure (96) A look at Al-Haidariyah between 2017 and 2023

The majority of the residents of Al-Haidariyah have not returned until the date of this study, and have not received alternative housing or compensation.^[26] Later, implementation of the project faltered in 2020 due to the withdrawal of investors, and Al-Haidariyah remains in ruins overlooking wide streets. Jabal Badro and other neighbourhoods of Aleppo are placed second in terms of urban planning after Al-Haidariyah on the city council's list, and depending on the legal frameworks within which regime institutions operate, Jabal Badro may await a similar fate.

(6-4) Summary of the case of Jabal Badro

Jabal Badro was formed before the zoning plan for Aleppo reached it. The neighbourhood entered the plan in 2004 and remained, from an urban and legal standpoint, informal. Jabal Badro was considered one of the poorest and most marginalized slums in Aleppo before the conflict, and things got worse after it. In terms of land ownership, the neighbourhood is built on agricultural lands that are privately jointly owned in the land registry.

In terms of patterns of violations observed in the neighbourhood, we found that

- 1) since the opposition took control of the neighbourhood in 2012, indiscriminate bombing carried out by regime forces on the neighbourhood led to the displacement of 75% of its population, and those who remained until the siege of eastern Aleppo in 2016 were forcibly displaced by the regime to opposition areas.
- 2) The same bombing destroyed nearly a third of the neighbourhood and caused damage to half of it, which we consider a separate violation as it carries direct damage to material property.
- 3) When regime forces regained control of the neighbourhood at the end of 2016, the last residents who remained there were transferred to shelters for two months, during which affiliated forces and militias carried out extensive looting, which in some locations developed into looting anything that could be sold, including construction materials and cladding.
- 4) Finally, the neighbourhood faces an urban planning project whose features are as yet vague. Aleppo City Council says that Jabal Badro is next after Al-Haidariyah on its lengthy list of Aleppo neighbourhoods to be regulated; the matter is being carried out in isolation from Jabal Badro's rights holders and they have no influence over it.

[26]- Çelebi, cited source, pp.18 et seq.

Seven years after the return of the regime, less than a quarter of the population had returned to Jabal Badro until the date of this study. Some of them were displaced again due to collapsed services in the neighbourhood, as no serious rehabilitation work has been carried out to its infrastructure. What also hinders return is the imposition of returnees' obligatory check-ins to security branches, exposing them to the risk of arrest and enforced disappearance.

(7)

Daraa Camp case study



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(7) Daraa Camp case study

(7-1) Context of the neighbourhood's formation and experience during the conflict

Daraa camp is an example of informal residential communities that arose when waves of refugees came from Palestine, and displaced people from occupied territories in the Syrian Golan under the Arab Israeli conflict. These refugees and displaced people were housed in camps on the outskirts of main Syrian cities such as Damascus, Aleppo, and of course Daraa and others. As authorities did not intervene to organize them, they turned into large, crowded informal settlement areas. The regime has always promoted this story as its primary justification for the emergence of informal settlements in Syria, even though these 12 camps^[1] make up an exceedingly small portion of total informal settlements in the country.

The state used right of return as an excuse to evade its duty of providing adequate housing for displaced people and refugees in Daraa and elsewhere, but allowed them to build and expand unregulated. An engineer we spoke to who comes from a camp said, "I have never heard in my life that the authorities prevented anyone from building in the camp. All the property regulations applied in Daraa did not apply in the camp. The camp was a separate area from Daraa even though it was located in the centre of Haditha."

On the other hand, Daraa camp gradually developed from tents to mud-stone houses, and with population growth within the camp's non-expandable area, the camp witnessed a shift to concrete construction and multi-storey buildings during the 80s and 90s. A rights holder and former camp resident, tells us, "Camp residents spent time developing their homes, and with each new generation, families built additional floors. My family's house was made of mud and had one floor. When we grew up, we turned it into a cement building. My brother built a second floor and was married there. I built the third floor, and so did all the young men in our neighbourhood." This contributed to their areas of residence forming isolated islands and stigmatized communities. The instability of their HLP rights remains an obstacle to the integration of their neighbourhoods into the urban and economic fabric of the cities within which they are located. Perhaps this explains the fact that residents of these areas were among the first to participate in protests in 2011, and their areas witnessed the most intense and bloody moments in the conflict, and the largest in terms of destruction to property and housing.

[1]- UNRWA, n.d - Link: <https://www.unrwa.org/where-we-work/syria>



■ Figure (97) The location of Daraa camp in relation to the city of Daraa

The camp's population was estimated at about 40,000 people before 2011, according to local estimates. UNRWA statistics put down Palestinian population in the western part of the camp at 10,500 before the conflict,^[2] while other sources suggested the number was around 17,000. It is also estimated that 23,000 displaced people from the Golan lived in the eastern part of the camp. Residents of the southern part of the camp (Palestinians) come from the villages of Ijzim, Jaba, Ain Ghazal, Samakh, Al-Shajara, Taraan, Balad Al-Sheikh, and the Arabs of Suwayt, who used to live on the outskirts of Haifa. Some of them are descended from the villages of Samakh, Al-Naqib, Al-Mallah, and Al-Hamma, as well as from Al-Mawasi, Al-Zangriya, Al-Talawiyah, and Al-Masarwa clans. As for the residents of the displaced persons camp, they come from the occupied Syrian Golan, especially the towns of Faik and Al-Zawiya.

Camp residents of both sections joined the protests from the start in 2011. A media figures from the camp says it was at one of the first Daraa neighbourhoods liberated from the Assad regime, and saw the establishment of the first field hospitals of the revolution,

[2]- UNRWA, 2019, Daraa Camp - Link: <https://www.unrwa.org/where-we-work/syria/deraa-camp>

pointing out it was a haven for revolutionaries and people wanted by regime forces, and a haven for families displaced from the neighbourhoods of Daraa al-Balad, subjected to severe bombing from the beginning of the Syrian crisis. However, as the revolution entered its second year, regime violence against the camp increased, which, due to its location and density of construction, became an advanced front for opposition forces launching towards the centre of Daraa city, and military operations continued there between 2013 and 2018. The camp was besieged from all directions and a policy followed of starving and bombing with diverse types of weapons, which displaced the majority of its residents and ended in widespread destruction of its urban buildings.



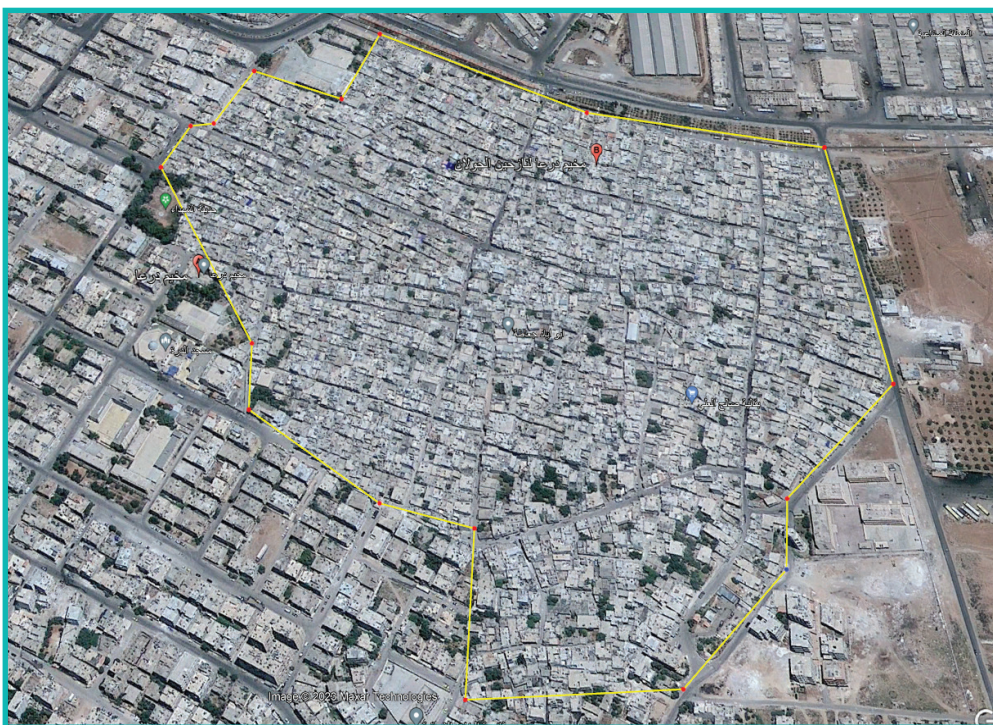
■ Figure (98) Daraa Camp, urban nature and density. (Photos for the study, 2023)

Daraa Camp Timeline:

- 19 March 2011: First demonstration in Daraa camp
- April 2011: Siege of the camp and of Daraa neighbourhoods
- May 2011: The first mortar shelling against the camp
- June 2012: Expansion of the military operation area, liberating the camp police station, and the first raiding by tanks.
- July 2018: Approx. 25 families of the camp residents were displaced to Northern Syria as part of the reconciliation agreement for Daraa governorate.
- July 2021: The regime besieged the camp and the neighbourhoods of “Tariq Al-Sad” and Daraa Al-Balad for a duration of 70 days, forcing most of the camp residents to displace.
- September 2021: The families returned to the camp after lifting the siege according to the agreement of 2021.

(7-2) Real estate structure of the neighbourhood

The case of Daraa camp differs from other informal settlements in Syria in that it was not created by residents encroaching on public or private property or building without a permit. Rather, they were allocated these lands under the supervision of authorities, who did not subsequently settle the legal status of the camp's lands. Today, the camp is the most densely populated urban neighbourhood in the city of Daraa. Its total area is 3.9 hectares, but houses about 40,000 residents. Most of the buildings are multi-storey, and many streets are so narrow that cars cannot enter. Although it is less than a kilometre away from the Palace of Justice, the camp was not included under the zoning plan for the city of Daraa.

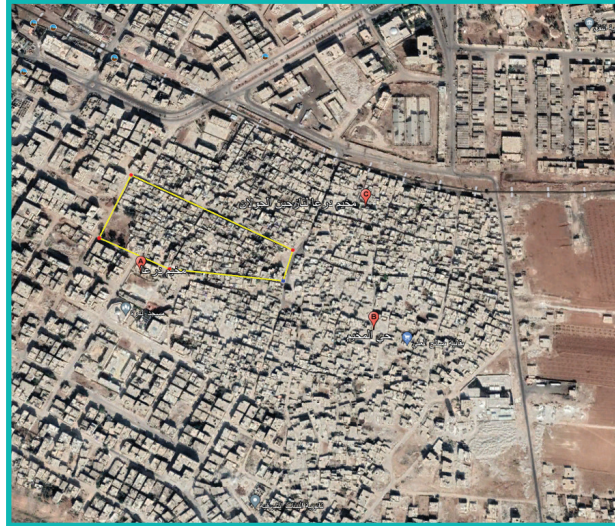


■ Figure (99) Map of the Daraa Camp

Although the camp appears to be a single, connected urban extension, there are three groupings for three different waves of refugees and displaced people. The oldest of them is known as the Southern Camp or the Palestinian Camp, established in 1950. Then, with the fall of the Syrian Golan Heights to Israel in 1967, about 4,200 Palestinian refugees arrived who had previously sought refuge from Palestine in the Golan, and another grouping was established to the north and south of the old camp, known as the 1967 Emergency Camp. In the same year, a wave of displaced Syrians arrived, fleeing villages and towns in the Golan, and they settled in the area southeast of the original Palestinian grouping, creating what is known as the “displaced persons’ camp”^[3]. The most important

[3]- Al-Khatib, Abdullah. Rollins, Tom. Shaheen, Abdel Rahman, 2020, A New Palestinian Society? The uprising and conflict in Syria from the perspective of the Palestinian camps, a book published by the Rosa Luxemburg Stiftung Berlin, West Asia Unit – Link: https://www.rosalux.de/fileadmin/images/publikationen/Studien/Studien_7-20_Palestinian_arabic.pdf

thing in the internal division of the camp is the distinction between the Palestinian part in the west, supervised by UNRWA, which we will call the western part of the camp; and the Syrian part whose majority are displaced people from the Golan, administratively linked to Quneitra Governorate Council, which we will call the eastern part of the camp. The following map shows the camp's internal divisions.



■ Figure (100) The old camp 1950

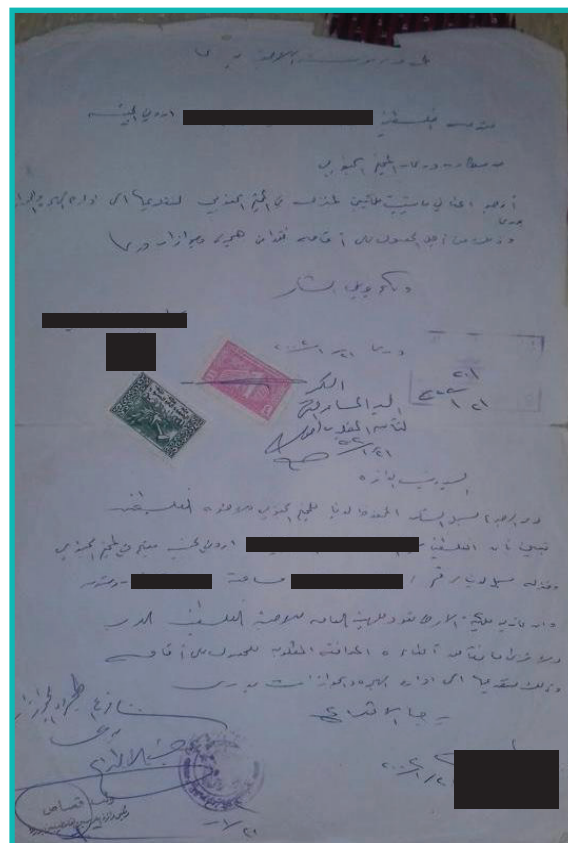


■ Figure (101) Emergency camp, Palestinian refugees from 1967



■ Figure (102) The eastern part of the camp known as the IDP camp, displaced from the Golan 1967.

In the western part, the state expropriated camp lands for the benefit of the General Authority for Palestinian Arab Refugees, a Syrian governmental body of an administrative nature that was created pursuant to Law No. 450 of 1949 and whose goal is to regulate the affairs of Palestinian refugees in Syria. Its president is appointed by the Presidency of the Council of Ministers, and it is linked to the Ministry of Social Affairs and Labour^[4]. This body maintains records of land and housing ownership in the western part of the camp following a numbering system, and issues a document recognized by Syrian government institutions. Therefore, most residents had the opportunity to obtain a statement of ownership of the camp land which they built on. One of these documents dating back to 2002 says that the Palestinian Refugee Foundation in Daraa, affiliated with the aforementioned body, has reviewed ownership records of the camp and states that the applicant resides in house number such and such, with an area of such and such, and indicates that ownership of the land belongs to the General Authority for Palestinian Arab Refugees. The authority also regulated real estate trading, buying, and selling through transfer transactions, although the law did not authorize it to keep real estate records^[5].



■ Figure (103) Document proving possession issued by the General Authority for Palestinian Refugees within the lands of the eastern section of the camp.

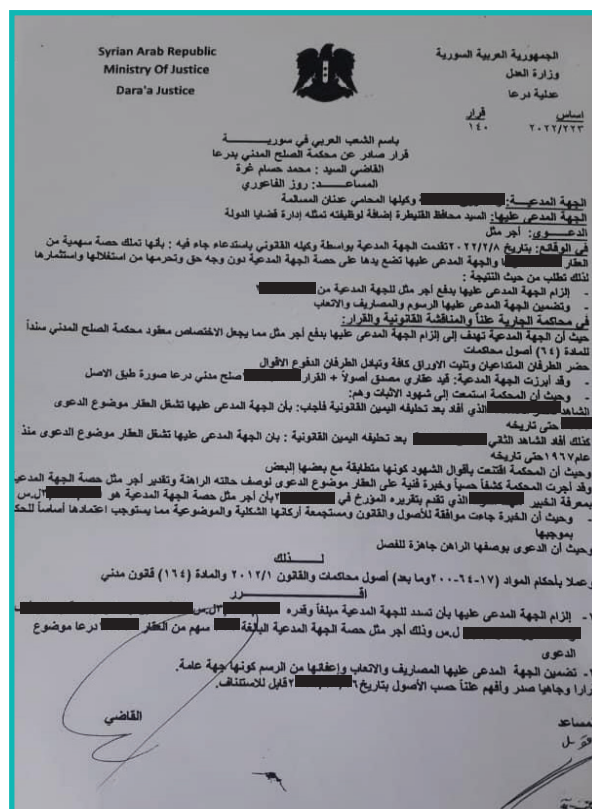
Palestinian refugees have a somewhat complicated ownership of their homes, as they own the buildings but not the lands on which they are built. However, it is less difficult to

[4]- Check website of the aforementioned authority- Link: <http://www.gapar.sy/ar/aboutus.html>

[5]- Multiple interviews.

prove one’s rights than it is in the eastern section. This is of course due to the confusing administrative situation in the camp, despite its small area. The western part of the camp is overseen by UNRWA, which runs schools, health centres, early recovery programs, etc. The city council plays a nominal role there. In the eastern part, there is no sign of the international agency. Rather, it falls under the Quneitra Governorate Council, despite the fact it is in the centre of the city of Daraa. In 2004, a local council was established for the camp under the name of Fiq Town Council, named after the Golanian town where the majority of residents in the eastern part came from, but it is a service council only.

As for land ownership in the eastern part, large areas of land remained jointly owned by heirs of original owners, Daraa families, at the time that the camp was established. The government did not take any initiative to resolve the problem of ownership and tenure in the camp. On the other hand, landowners brought lawsuits against the Quneitra Governorate Council, the administrative body concerned with this section of the camp, and the council began paying landowners what is known as ‘ideal rent’ in exchange for occupying their lands. Thus, landowners were forced to file a lawsuit every few years to claim rent. The following picture shows a ruling issued last year by Daraa Justice Department regarding a lawsuit filed by a shareowner concerning camp lands, demanding that Quneitra Governorate Council pay him rent for 2010-2022, which the court estimates at 3.2 million Syrian Pounds, or less than \$492 according to rates for the aforementioned year.



■ Figure (104) A court ruling regarding a claim for rent on a property in Daraa Camp.

According to Syrian laws, these do not constitute an acceptable documentation of ownership, neither with regard to land ownership, as there is no indication in real estate records of the existence of rights for camp residents, nor with regard to ownership of the building, as these buildings do not exist in real estate records at all. They constitute a presumption of possession of the home. These homes are disposed of through sales contracts between individuals without being approved by any official body, and it is similar to the exchange of ownership of movables, where a bill is considered a documentation of ownership.

(7-3) Most prominent types of violations

The research team was able to identify five recurring patterns of HLP rights violations in Daraa camp, which are: Displacement, indiscriminate bombing and destruction, looting, preventing return, and finally there are zoning plans that threaten the refugees from Golan who are currently displaced outside their camp, as well as the original owners of the land on which the camp was built.

(7-3-1) Displacement

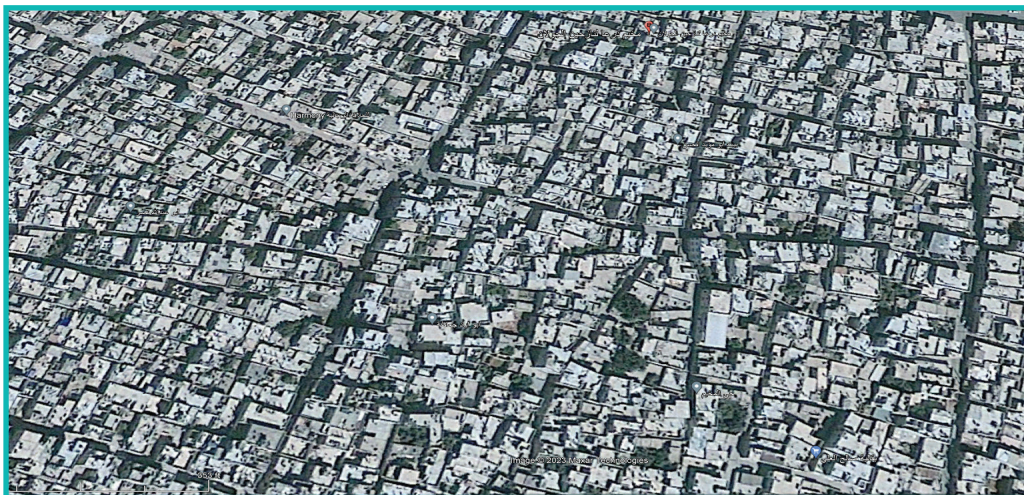
The geographical location of the camp, which is in the middle of both Daraa Al-Balad, stronghold of the opposition, and Daraa Al-Mahatta, stronghold of the regime, as well as the role the camp has played since the start of the protests both in participating in demonstrations and providing refuge for the wanted and displaced, are all factors that prompted the regime to empty the camp of its residents. Indeed, the camp turned into a war zone, and most of its residents fled after 2013. Even after regime forces retook Daraa with Russian support in 2018, and displaced some of the population and fighters to northern Syria, they were unable to deploy in the entire neighbourhood until 2021 due to the density of buildings, narrowness of its alleys and roads, and resistance of the remaining residents. During those years, regime forces imposed a suffocating siege on the camp, until the end of the aforementioned year when the siege ended with a second wave of bombing then displacement to northern Syria, while others fled in fear of arrests and reprisals. After the displacement, most of the camp's population was spread over Daraa and Quneitra governorates, while a small percentage was displaced to northern Syria. According to estimates in the north, the number of families displaced from Daraa camp reached 17 Palestinian refugee families and 30 families from the Golan, in addition to about 1,200 people without their families. Those who left Syria for countries abroad are estimated at 25% of the camp's population, and they headed towards Jordan and Europe.

(7-3-2) Indiscriminate bombing and destruction

The camp is considered the area of Daraa most exposed to systematic destruction,

according to rights holders we spoke to. Because the camp is surrounded by Air Force Intelligence to its east, State Security Service to its north, and the security square to its west, it was easier to bomb it with diverse types of weapons, including warplanes and 'elephant rockets'. The percentage of destruction in the eastern part of the camp was estimated at about 80% (IDP camp was 60% total destruction and 20% partial destruction), compared to 60% in the western part (the Palestinian camp: 20% total destruction and 40% partial). Seven out of 15 camp rights holders we spoke to have said their buildings were completely destroyed. The other eight said they were partially destroyed, but the lower floors were still habitable.

Drone recordings published by a local media outlet support the previous estimates, as the video shows a drone roaming completely destroyed lanes. It is difficult to find a habitable house in the video^[6]. These large levels of destruction affected the urban density in the neighbourhood, as the following images show from Google Earth of the eastern part of the camp.



■ Figure (107) Satellite image of the IDP camp showing the change in urban density between 2011 and 2022 as a result of bombing and the destruction of buildings

[6]- Naba Agency, 2018, aerial photography of the destruction in Daraa camp - Link: https://www.youtube.com/watch?v=ZinviRCN-v3l&ab_channel=%D8%B9%D9%8A%D9%88%D9%86%D8%AF%D8%B1%D8%B9%D8%A7-DaraaEyes

(7-3-3) Looting and ransacking

Extensive looting occurred in the camp after the regime regained control in 2018, especially in the eastern part. All the contents of the homes were looted, including electrical appliances and furniture, and even internal electrical extensions were pulled out and stolen. The contents of the shops were also looted and stolen. The interviews we conducted with current and former residents confirm that all the buildings in the eastern part of the camp that survived bombing were subject to looting and ransacking, and estimates indicate that about 700 buildings were subjected to this violation. The perpetrators are local militias linked to Air Force Intelligence, the most important of which is a group under Mustafa Al-Masalma, nicknamed (Al-Kasm), who is included in the British-American sanctions list related to the Captagon trade in Syria ^[7] and who was recently assassinated in August 2023.

As for the western part of the camp, it appears the extent of the looting was significantly less. Estimates indicate between fifty and eighty buildings were looted and ransacked, most of which are on the street separating this section from the eastern part of the camp. Experts we spoke to explain this is due to several factors, including the number of alleys in this part, most of which cannot accommodate trucks. Additionally, there are some inhabited parts there resisting looting attempts.

(7-3-4) Preventing Return

In a statement by the Governor of Daraa, Khaled Al-Hanou, after the regime retook control of the camp in late 2018, he said that all shelters in the city of Daraa had been closed and everyone in them returned to their towns and villages, and that all the governorate's residents could return to their homes except for camp residents. The official cited massive destruction in the camp as the reason and the government's inability to contribute to restoration work. From the perspective of displaced residents we spoke to, the regime does not hide its intention to prevent the population from returning and to remove the camp, especially as it is still unable to fully control it. Previously, the regime tried to exclude camp residents from the settlement agreement concluded in the governorate after the escalation of 2021 which led to the displacement of another wave of residents towards northern Syria and other areas, including people the regime requested be displaced by

[7]- Asharq Al-Awsat newspaper, 2023, Assassination of a militia leader in Daraa whose name appears on an international drug trade list - Link: <https://aawsat.com/%D8%A7%D9%84%D8%B9%D8%A7%D9%84%D9%85-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A/%D8%A7%D9%84%D9%85%D8%B4%D8%B1%D9%82-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A/4479331-%D8%A7%D8%BA%D8%AA%D9%8A%D8%A7%D9%84-%D8%B2%D8%B9%D9%8A%D9%85-%D9%85%D9%8A%D9%84%D9%8A%D8%B4%D9%8A%D8%A7-%D8%A8%D8%AF%D8%B1%D8%B9%D8%A7-%D9%88%D8%B1%D8%AF-%D8%A7%D8%B3%D9%85%D9%87-%D9%81%D9%8A-%D9%82%D8%A7%D8%A6%D9%85%D8%A9-%D8%AF%D9%88%D9%84%D9%8A%D8%A9-%D9%84%D8%AA%D8%AC%D8%A7%D8%B1%D8%A9>

name. Recently, one of the camp's displaced residents said, "People were informed by the security that everyone who is wanted must move to live in the camp, so they were all gathered together there."

The interviews we conducted with rights holders also indicate that the regime deals differently with western and eastern camp residents, with regard to return and how difficult obtaining security approval is. In general, it appears that return to the western part is on a greater scale, with 3,700 Palestinian refugees returning as we mentioned previously, who consist approx. third the population prior to the conflict if we were to consider the figures of the UNRWA (10,500 refugees). However, and by considering the largest estimation of the population, which suggests the presence on residents unregistered on the lists of the UNRWA (17,000 refugees), hence the percentage of the returnees is only 21% of the total displaced population. However, the situation is more complicated in the eastern part where returns are still limited and estimated by local sources as approx. 320 families (approx. 1700 individuals) who consist only 6% of the total population prior to the conflict, which is estimated at 23,000 people.

Requests for security approvals are passed through the Party's local divisions - there is a special division for the eastern section and another for the western section. Recipients of security approval do not receive any cards or documents, as we have seen in other areas. Rather, approval is transferred verbally and is verified when reviewing checkpoints at entrances to the camp. While hundreds of Palestinian families were able to return to the western section after obtaining security approvals, it appears that none of the residents of the eastern section obtained them. A woman displaced to Quneitra countryside tells us that a local militia leader asked them for three thousand dollars to issue this approval. The same amount was repeated in more than one interview with displaced residents from the eastern part of the camp. Others told us that security demanded they hand in their children wanted for compulsory service as a condition for issuing security approvals.

As of last year 2022, about 3,700 Palestinian refugees had returned to the western part of the camp.^[8] They constitute less than 10% of the total number of former residents of the camp, estimated at 40,000, and about 20% of its displaced Palestinians, estimated at 17,000. The authorities still refuse the return of the majority of Palestinian families who have relatives wanted by the security services.

[8]- UNRWA, 2022, UNRWA partners with Japan and UN-Habitat to provide support to Palestinian refugees returning to Darraa camp in Syria - Link: <https://www.unrwa.org/ar/newsroom/press-releases/%D8%A7%D9%84%D8%A3%D9%88%D9%86%D8%B1%D9%88%D8%A7-%D9%81%D9%8A-%D8%B4%D8%B1%D8%A7%D9%83%D8%A9-%D9%85%D8%B9-%D8%A7%D9%84%D9%8A%D8%A7%D8%A8%D8%A7%D9%86-%D9%88%D8%A8%D8%B1%D9%86%D8%A7%D9%85%D8%AC-%D8%A7%D9%84%D8%A3%D9%85%D9%85-%D8%A7%D9%84%D9%85%D8%AA%D8%AD%D8%AF%D8%A9-%D9%84%D9%84%D9%85%D8%B3%D8%AA%D9%88%D8%B7%D9%86%D8%A7%D8%AA-%D8%A7%D9%84%D8%A8%D8%B4%D8%B1%D9%8A%D8%A9-%D9%84%D8%AA%D9%82%D8%AF%D9%8A%D9%85>

Finally, government institutions have not undertaken any activities to rehabilitate the camp and encourage residents to return; until now UNRWA and international partners are carrying out early recovery work in the western part of the camp. As for the eastern part, it remains a deserted pile of rubble. In the western section, recent video recordings from inside it shows that Palestinian returnees are living in a place that looks more like a war zone than a residential or urban environment^[9].

(7-3-5) Violations of urban planning

Camp residents are fearful due to circulating information about regulating their area, as a security officer responsible for the area informed them of this since regime forces retook the camp. This was repeated by the Governor of Daraa, who stated that the camp has become part of the new zoning plan for the city of Daraa. The governor added, “90% of the destroyed camp is scheduled to be rebuilt according to a modern zoning plan that includes public gardens and storied towers.” He explained that “its reconstruction would be costly to the population and the Syrian state, so a decision was taken to regulate the camp and build a modern city in its place.”

In a normal situation, if the administrative authority wanted to regulate the camp, it has all the information about the camp’s residents in both its parts. If their right to housing is recognized, given that the authorities are the ones who granted them this right, then the least of their rights is to obtain alternative housing and rent allowance. However, if this right is ignored, as the authorities do towards informal settlement areas, and the camp situation is dealt with in accordance with applicable laws, then a distinction must be made between the two sections of the camp:

Regarding the IDP camp, like other informal settlement areas, current city planning and urbanization laws only recognize HLP rights in these areas to a limited extent, whether they are subject to Law No. 23 of 2015 or Law No. 10 of 2018; when the administrative unit consults real estate records for names of rights holders, only names of original owners of the land appear. Also, according to these laws, estimating the value of buildings is not included when calculating shares of rights holders in the zoning area, in addition to the fact that these buildings are now destroyed, and when the Dispute Resolution Committee looks to estimate shares in the land belonging to each owner in an informal building, it will not be able to estimate any shares in the land, as there is no direct relationship between camp residents and landowners, and if an estimate is made of the value of the destroyed buildings, it will only go to estimate the value of the rent they are entitled to for a period of two years only, while giving the administration the possibility of granting them alternative

[9]- Local Media, 2023, Balad Al-Kheir program on Daraa Eyes YouTube channel – Link: https://www.youtube.com/watch?v=Zinvl-RCNv3I&ab_channel=%D8%B9%D9%8A%D9%88%D9%86%D8%AF%D8%B1%D8%B9%D8%A7-DaraaEyes

housing from the surplus it has. Therefore, it is up to the administration to give them alternative housing or not, it is not based on their proven rights.

As for the Palestinian refugee camp, the state's expropriation of the land for the benefit of the Palestinian Refugee Authority, and the presence of UNRWA as the main provider of services there, has constituted a kind of documentation and protection of the rights of Palestinian refugees to housing. This enabled UNRWA to launch a program to rehabilitate homes and infrastructure.

(7-4) Conclusions of the Daraa Camp case

Daraa camp is an example of the first generation of informal settlement areas that formed in many Syrian cities during the 50s and 60s due to the war with Israel. Unlike any previous case studies, the camp did not receive new residents to lead its urban expansion. Rather, its urban development was limited to vertical growth resulting from the natural population growth of Palestinian and displaced residents who came initially, and then their children and grandchildren. Therefore, in terms of urban structure, we distinguished between the western part of the camp, which housed Palestinian refugees, and the eastern section, which housed less fortunate Syrian refugees. While the land in the Palestinian section was expropriated by the state for the benefit of the Palestinian Refugee Authority, which allocated the refugees spaces for construction and housing, lands in the western section remained the property of their owners, Daraa families, and the displaced there did not acquire any ownership rights except for electricity and water bills, which it is hoped will be taken as evidence that they had once lived in the camp.

In terms of patterns of HLP rights violations, the research team was able to identify five repeated violations that affected the camp, and clearly targeted the eastern part more than its western part. These violations are

- 1) Displacement that affected all residents of the IDP camp and the overwhelming majority of the Palestinian camp, and this violation was embodied in a series of practices, including raids and arrests, burning homes, besieging the area, and finally bombing it.

- 2) Indiscriminate bombing and resulting destruction of housing and infrastructure were extensive in Daraa camp, especially in the eastern part, which was mostly destroyed.

- 3) Looting was highly active in the eastern part of the camp and affected all of its buildings, while a limited number of homes in the western section were affected.

4) Preventing return, as the regime imposed on families the condition of obtaining security approval to return. These approvals were granted to a limited number of Palestinian refugees, while none of the Golan IDPs in the eastern part were given approval.

5) Finally, the camp zoning plans announced by regime officials immediately after regaining control of Daraa. They threaten the displaced people of both parts of the camp, but loss of rights is more likely in the eastern section, where there are no ownership deeds in the possession of the displaced people. They also threaten the rights of the original owners of the land on which the camp was built.

No rehabilitation activities were observed in the eastern section of the camp during this study, unlike the western section where UNRWA, in partnership with the United Nations Human Settlements Program and the Government of Japan, implemented a series of early recovery activities that included providing financial support to carry out “minor” renovations to the homes of two hundred returning families of the most vulnerable Palestinians^[10]. According to local testimonies, the support covered maintenance work, installation of doors and windows, and sewage maintenance, but no construction work. The support was limited to those who owned the entire house, so none of the partners or heirs would benefit from it in the absence of others. Early recovery activities included vital UNRWA centres, such as renovating the only health centre in the camp, reopening one of its schools, and providing vocational training opportunities for two hundred young men and women from the camp within the agency’s training centres.

In conclusion, while recognizing the positive impact of these activities in facilitating the living conditions of the returning population, or at least some of them, it is unlikely that they will lead to a noticeable recovery or an increase in return rates, especially since the security situation in the camp has not yet become stable. There are still areas inside the camp that are difficult for security forces and the army to reach, and there are still population groups resisting the regime’s practices, which has produced a fragile balance between various forces at the local level and has apparently frozen movements in and around the camp.

[10]- Palestinian Refugee Portal website, 2023, “UNRWA” signs contracts to restore homes in Daraa camp – Link: <https://plord.ps/post/14230/%D8%A7%D9%84%D8%A3%D9%88%D9%86%D8%B1%D9%88%D8%A7-%D9%81%D9%8A-%D8%B4%D8%B1%D8%A7%D9%83%D8%A9-%D9%85%D8%B9-%D8%A7%D9%84%D9%8A%D8%A7%D8%A8%D8%A7%D9%86-%D9%88%D8%A8%D8%B1%D9%86%D8%A7%D9%85%D8%AC-%D8%A7%D9%84%D8%A3%D9%85%D9%85-%D8%A7%D9%84%D9%85%D8%AA%D8%AD%D8%AF%D8%A9-%D9%84%D9%84%D9%85%D8%B3%D8%AA%D9%88%D8%B7%D9%86%D8%A7%D8%AA-%D8%A7%D9%84%D8%A8%D8%B4%D8%B1%D9%8A%D8%A9-%D9%84%D8%AA%D9%82%D8%AF%D9%8A%D9%85-%D8%A7%D9%84%D8%AF%D8%B9%D9%85-%D9%84%D9%84%D8%A7%D8%AC%D8%A6%D9%8A%D9%86-%D8%A7%D9%84%D9%81%D9%84%D8%B3%D8%B7%D9%8A%D9%86%D9%8A%D9%8A%D9%86-%D8%A7%D9%84%D8%B9%D8%A7%D8%A6%D8%AF%D9%8A%D9%86-%D8%A5%D9%84%D9%89-%D9%85%D8%AE%D9%8A%D9%85-%D8%AF%D8%B1%D8%B9%D8%A7-%D9%81%D9%8A-%D8%B3%D9%88%D8%B1%D9%8A%D8%A9>

Section 3



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Section 3

(3-1) Rights holders experiences : Descriptive quantitative perspective

(3-1-1) What are the properties whose condition we investigated?

During this study, we spoke to a sample of 111 rights holders from seven regions, previously presented. As the following table shows, the types of properties against which violations occurred were distributed among 39 multi-storey residential buildings, often with two to four floors. In second degree were 35 one-storey Arab houses. 14 rights owners had residential apartments in multi-storey buildings, and the same number for workplace owners. Finally, the sample included 9 landowners whose lands had been violated. Among all those properties, it is rare to find one that has been subjected to a single violation. Rather, the majority have been subjected to multiple violations, ranging from two to five each.

What is the nature of the property subjected to violations?		
	Frequency	Percent
Two-storey residential building	39	35.1%
Arab house	35	31.5%
Apartment in a residential building	14	12.6%
Piece of land	9	8.1%
Commercial store or work-place	14	12.6%
Total	111	100.0%

■ Table 3: Nature of properties subjected to violations

In terms of current conditions of properties, especially structural safety, more than half of respondents, 58 cases, said their properties were completely destroyed. On the other hand, 31 respondents said their properties were partially destroyed, but they were, or parts of them were, still usable. 22 of the rights holders said their properties are still intact.

For those whose properties remained intact or usable, 52, we found that 28 of them are currently unoccupied, while 17 are occupied by other people or entities without the consent of their owners. 7 properties were occupied by rights holders.

Current condition of the property, in terms of structural safety?		
	Frequency	Percent
Completely intact	22	19.8%
Completely destroyed	58	52.3%
Partially destroyed but usable	31	27.9%
Total	111	100.0%

Current condition of the property, in terms of occupancy?		
	Frequency	Percent
Unoccupied	28	53.8%
Occupied by someone else without our consent	17	32.7%
Occupied by someone we consented to	7	13.5%
Total	52	100.0%

■ Table 4: Distribution of intact or partially destroyed properties according to occupancy status

(3-1-2) Legal status of the examined properties

From the perspective of the land registry, the majority of properties included in the study sample were registered as agricultural lands, numbering 68 out of 111 properties. 30 properties were officially registered as licensed construction, even though they were located in areas classified as informal settlements. Finally, only seven properties were registered as land intended for construction. Our sample does not claim to be representative of the seven study cases, as we only covered a small number of violation cases in each region. However, these results can be used as guidance to form a deeper understanding of the

complexities of the property issue in Syria; it is not the presence of informal housing next to zoned housing, but rather the overlapping of the informal, zoned and semi-zoned housing to such an extent that it is difficult to distinguish between them, as we saw in study areas where each neighbourhood enclosed different urban and real estate formations.

Description of the property in the land registry		
	Frequency	Percent
Agricultural land	68	64.8%
Land prepared for construction	7	6.7%
Licensed construction	30	28.6%
Total	105	100.0%
Missing	6	
Total	111	

■ Table 5: Urban characteristics of the property according to land registry.

The type of documents in possession of rights holders is the most decisive factor in terms of officially and securely establishing ownership. 52 of the properties have official title deeds i.e. green tapu. Of course, there is a margin for difference between description of the property in the land registry and its reality on the ground, but the number is still unexpected in a survey targeting areas classified as informal. Secondly, 35 properties had for ownership documentation, sales contracts that were not officially registered. Notary agencies and judicial rulings as documentation dominated the remaining quarter of samples, recurring in 16 and 14 properties, respectively. Finally, there was one case of an owner with a temporary registration document, and another of an owner with an electricity bill. Of course, these recurrences do not necessarily reflect the actual distribution of these forms of ownership documents in the study areas. If we were to rank the previous documents in terms of ownership security, electricity bill holders would be the least secure group, followed by holders of unregistered contracts, and third would be holders of notary agencies and judicial rulings. The most secure rights are those that proved by land registry documents or green tapu deeds.

What type of document proves your ownership of the property? (multiple choice)		
	Responses	
	N	Percent
Green tapu deed	52	43.7%
Temporary registration document	1	0.8%
Judicial decision	14	11.8%
Non-removable agency	16	13.4%
Contract of sale	35	29.4%
Electricity bill	1	0.8%
Total	119	100.0%

■ Table 6: Distribution of the studied properties according to ownership documents currently or previously possessed by rights holders.

Whatever type of document or claim of ownership the rights holders had previously obtained, less than half of them currently possess those documents. The sample data indicate that 54 of the rights holders said the aforementioned ownership documents were in their possession, while 57 had lost them. Obtaining a replacement document for the lost one may seem possible for those with semi-officially registered properties, but for owners of unregistered properties, or those owning a property through unregistered sales, obtaining a replacement document for the lost one is no easy matter. Additionally, a significant percentage of displaced people from the seven regions live outside regime-controlled areas or abroad, and cannot access Land Registry Directorate services or official courts.

Do you currently have it in your possession?		
	Frequency	Percent
No	57	51.4%
Yes	54	48.6%
Total	111	100.0%

■ Table 7: Percentage of rights holders who currently possess ownership documents.

23 rights holders in our sample live in regime-controlled areas and have access to land registry and court services. The rest live outside regime areas. We note here that the total number in the sample rose to 133, as some of the 111 properties we examined have more than one owner located in more than one place.

Place of residence of property owner(s).		
	Responses N	Percent
Syria, regime areas	23	17.3%
Syria, outside regime areas	39	29.3%
Neighbouring countries	59	44.4%
Other countries	12	9.0%
Total	133	100.0%

■ Table 8: Distribution of rights holders participating in the study according to their current places of residence.

(3-1-3) Recovery attempts

Whether or not rights holders made attempts to recover their property in any way, is the most decisive factor in their interaction with what is happening in their regions. 87 out of 111 rights holders said that they had not made any attempts to date. Of course, most of those who have been displaced yearn to return to the warmth of their homes, but there are many factors that prevent them from doing anything about that.

Have you made any attempts to recover your property or rights to it?		
	Frequency	Percent
No	87	78.4%
Yes	24	21.6%
Total	111	100.0%

■ Table 9: Distribution of rights holders according to attempts made to recover properties.

Fear of arrest was at the forefront of factors preventing 86 rights holders from taking any action to recover their property. 46 of these, or 59%, said that they were either wanted by the regime, had relatives wanted by the regime, or would not be safe to appear before any government institution. The second largest percentage, 20%, were those who said they were unable to effectively access or establish contact with the region, meaning they did not find a way to intervene. More than 10% said their properties are destroyed and they do not have the financial ability to restore them. The smallest percentage of 5% were those who said death of the primary owner and scattered heirs in several countries made it impossible to restore ownership. These are likely examples of a broader range of problems that prevent displaced people from trying to reclaim their homes.

Why were there no attempts?		
	Frequency	Valid / Percent
It is destroyed and there is no financial capacity to restore it	8	10.3%
Fear of arrest	46	59.0%
Death of owner and heirs scattered geographically	4	5.1%
Unable to access the area	20	25.6%
Total	78	100.0%

■ Table 10: Distribution of rights holders according to factors preventing them from trying to recover their properties.

Let us quickly look at the results of attempts by 24 rights holders who said they had attempted to recover their property. Of these, 18 named the authority they had turned to in an attempt to recover the property. As the following table shows, these authorities varied from administrative to security agencies, networks of influential people in power, lawyers, and even attempts to directly contact the people in control of their properties. It is worth noting that although most individuals turned to administrative institutions in attempts to regain their property, as the following table shows, many of these institutions can be interfaces for security transactions and procedures, as we saw in Daraya and other regions where security approvals were passed through city councils, mukhtars (chiefs), and Al-Baath Party members.

Authority contacted to recover property		
	Frequency	Valid Percent
Current occupant of the property	1	5.6%
Administrative body	8	44.4%
Security agency	5	27.8%
Influential person	1	5.6%
Lawyer	2	11.1%
Mediator and acquaintance	1	5.6%
Total	18	100.0%

■ Table 11: Distribution of rights holders who made attempts to recover their properties based on the authorities they resorted to.

Finally, we asked rights holders whether they had been forced to pay bribes to government or security agencies in order to restore ownership: 8 out of 24 were forced to pay bribes ranging from 300 to 6,000 dollars, and succeeded in restoring ownership of their properties or in 3 cases of these 8, restoring ownership of parts of them. These numbers indicate cases of extortion and fraud facing rights holders, which may also contribute to the reluctance of the majority to attempt to restore their rights, as paying bribes is almost a given when applying for security approval to return, as we saw in the detailed study cases, following which more bribes are required to obtain approval to renovate the home, then again to dispose of the property, and so on.

Did you have to pay bribes during the process?		
	Frequency	Percent
No	16	66%
Yes	8	34%
Total	24	100%

■ Table 12: Distribution of rights holders who made attempts to restore ownership, based on the necessity to pay bribes to government agencies.

(3-2) Constants and variables in the seven regions: Comparative analysis conclusions

(3-2-1-) Classification of HLP rights violations

Through monitoring, analysing, and comparing practices affecting HLP rights in the seven study areas, it was found that there is a broad and connected spectrum of recurring practices that differ in their nature and perpetrators. Many security and military institutions and local administrations in the country contributed to these violations, as did local militias and others linked to Iran, in addition to financial networks differing from one region to another. We attempted to identify and record as many of these practices as possible, and then to reclassify them into clear patterns. We learned during this study that violations in the targeted areas are not as simple as a set of crimes. Rather, the picture is more complex, and many practices that appear to be of no consequence toward HLP rights are, in fact, a threat to them.

In the end, we managed to observe patterns in how these practices are organized, and based on that, we propose a classification of HLP rights violations based on field data from the seven study regions. The classification includes 10 patterns of violations constructed around dozens of practices that we documented. The proposed classification remains material for development and growth, until we reach a cognitive framework capable of organizing as much as possible the chaos of practices affecting HLP rights in Syria.

The following table shows the ten forms of violations and which of them were committed in which of the seven study areas, to enable comparison between those areas and to show which violations are consistent to the extent they can be regarded official policy, which are repeated in the majority of cases, also considered official policy, and finally which were repeated in one region in the study areas.

Violation\area	Jobar	Daraya	Al-Tadamon	Baba Amr	Al-Qusayr	Jabal Badro	Daraa camp
1 Displacement	1	1	1	1	1	1	1
2 Indiscriminate bombing and destruction	1	1	1	1	1	1	1
3 Looting and ransacking	1	1	1	1	1	1	1
4 Preventing return	1	1	1	1	1	1	1
5 Urban planning violations	1	1	1	1	1	1	1
6 Demolition and bulldozing of buildings	1	1	1	1	1	0	0
7 Confiscation of property	0	1	1	1	1	0	0
8 Forced sales under pressure	1	1	1	0	1	0	0
9 Selling or renting displaced people's properties	0	0	1	0	0	0	0
10 Building on displaced peo	0	0	0	0	1	0	0

■ Table 13: shows types of violations identified, by study area

(3-2-2) Sequence of violations occurring in the seven regions

We note in the table above that the first five patterns of violations recurred in the seven regions in almost the same sequence. In other words, all the study regions were subjected to displacement and indiscriminate bombing that destroyed large parts of them. Later, when the regime regained control, the area was subjected to almost complete looting and varying degrees of ransacking. Residents were then prevented from returning there for prolonged periods of time, extending up to six years in the case of Qusayr, and about four years in the case of Daraya, and is still continuing to this day for the residents of Jobar. Perhaps the only exception was Jabal Badro in Aleppo, which allowed some residents to return after a few weeks. However, a constant in all areas regarding return of residents is the condition of obtaining security approvals.

In recent years, local administration institutions in the seven regions have issued new zoning plans or announced intentions to issue such plans for each of these regions, which would remove them, or remove large and essential parts of them, and then rebuild modern buildings with money from investors who do not yet exist. The new plans change the

urban structure in those areas and completely prevents the reproduction of their previous communities, changing the form of life in them forever. In the four areas for which zoning plans were issued - Daraya, Al-Qusayr, Baba Amr, and Jobar - we noticed, for example, that the proposed plans target specific parts of those areas, especially old quarters, completely removing them, keeping in mind that these quarters were the first to be included in zoning plans. As for the three areas where plans have not yet been issued - Al-Tadamon, Jabal Badro, and Daraa camp - rights holders have heard repeated statements from security and administrative officials that they will be demolished and reconstructed in the coming years.

Outside of the five consistent violations, we observed a group of violations committed on a large scale but not in all of the study areas. We saw large-scale demolition and bulldozing of buildings in five areas: Jobar, Daraya, Al-Tadamon, Baba Amr, and Al-Qusayr, during which entire residential neighbourhoods were wiped out in every area.

Seizure of property to use it as military headquarters or residences for military and security personnel affiliated with the regime or its militias, or even people associated with them, was observed in four regions: Daraya, Al-Tadamon, Baba Amr and Al-Qusayr. This violation did not occur in Jobar, of course, because it is still an uninhabited military zone. It also seems that areas such as Jabal Badro and Daraa camp were not attractive enough to occupiers because they were originally poor and marginalized areas, and their urban structures were more modest.

The latest violation, which we believe is part of the regime's policies, is forced sales under pressure, which often affects displaced people outside the country; buying and selling are often managed through brokers and real estate offices with ties to figures from the regime, as they are responsible for issuing security approvals and other administrative tasks for transferring property ownership. We documented cases of selling under pressure and at low prices in Jobar, Daraya, Al-Tadamon, and Al-Qusayr.

Finally, we point out two patterns of violations observed in at least one of the study areas, although this does not negate the possibility that they occurred in other areas too. Firstly, the selling of displaced people's property by other people, which apparently occurred repeatedly in Tadamon in Damascus, managed by leaders of local militia affiliated with the regime in the area. Secondly, the construction of residential complexes on lands owned by displaced people from Qusayr in Homs countryside. Although these lands are located outside city limits, we decided to include them in the study because they are agricultural lands owned by the city's residents, especially since this violation constitutes a unique

case in terms of blatancy and severity, and shows the extent to which expropriation of displaced persons' property can develop.

(3-2-3) Violations to erase other violations

This data also means that a large number of properties in the study areas has been subjected to several layers of accumulating violations, such as bombing, looting, demolition, and then turning it into a public park under a new zoning plan. This is how some violations erase others. Demolition, for example, hides the violations of displacement and bombing, while urban planning often covers up all the violations that preceded it. No reconstruction projects have been implemented under the new plans in any of the areas studied so far. Of course, the regime does not have the money nor the technical capabilities necessary to rebuild any of them as it claims in its official speech. Consequently, urban planning decisions are a tool to freeze the current landscape and block any local or international initiatives to revitalize those areas. It is likely that the regime hopes to extend this state of freeze until a more suitable international and financial situation emerges to allow it to complete the policy of urban killing it has begun.

The tangible and intangible effects of each of these violations intertwine and affect the lives of displaced populations and returnees alike in ways that are difficult to quantify. The importance of the proposed classification for international and local actors focused on early recovery in informal settlement areas in Syria, is that it provides a conceptual framework through which to understand and assess HLP rights in any area where intervention is sought. It can be used as an operational tool in efforts to prevent the risk of recovery activities contributing to violations of existing rights, as it gives an idea of the nature of these violations and how widespread they are, and creates a basis for developing a more comprehensive and more organized classification of observed and unobserved violations in various informal settlement areas in Syria. We hope that this effort will contribute to redefining the nature of HLP rights violations in Syria, not as a definitive list but as dynamic practices that differ from one region to another and from one stage to another in the drawn-out conflict, while also overlapping and erasing each other.

(3-2-4) Most prominent perpetrators

When it comes to HLP rights violations, the roles of an extensive list of perpetrators, linked to the regime and its allies, overlap. These direct perpetrators also differ in each region. In every raid, bombing, and demolition, there is always a role for more than one security agency and more than one operating military formation and militia. Combined, the complexity of the group of perpetrators and the scarcity of information from within the study areas, even for rights holders, makes it easy for rights holders to say “the regime”

when they talk about the parties responsible for violations against them; in other words, the direct perpetrators of the violations, whether the Fourth Division, city council or other, from the perspective of rights holders, are all different tools of one system, a system that uses political, administrative, security, and militia power combined to commit its violations, and the roles of some of these actors often complement the roles of others, so many of their answers did not specifically identify, when asked, the party or parties who committed the violations against them.

In any case, from the respondents who provided more specific answers, we were able to sketch an outline of the landscape of main perpetrators in the field of HLP violations in the areas of our study, and the following table displays the most prominent of them:

Violation		Main perpetrators
1	Displacement	Security services, army, especially the Fourth Division and Republican Guard, local militias such as the National Defence Forces and others, Iranian-backed militias.
2	Indiscriminate bombing and destruction	Various units of the army, the Syrian Air Force, the Russian Air Force, Iranian-backed militias, and Air Force Intelligence.
3	Looting and ransacking	The Fourth Division, Republican Guard, local militias, companies, and businesspeople close to the regime.
4	Preventing return	Security services, Fourth Division, local militias, militias supported by Iran.
5	Urban planning violations	Provincial and city councils, Ministry of Housing, Presidency of the Republic.
6	Demolition and bulldozing of buildings	Security, the Fourth Division, Hezbollah, Air Force Intelligence, companies, and businesspeople close to the regime.
7	Confiscation of property	The Fourth Division, security services, militias, or some of their members.
8	Forced sales under pressure	The Presidency of the Council of Ministers, figures in the army, the security, real estate offices and real estate dealers.
9	Selling or renting displaced people's properties	Local militias in Al-Tadamon.
10	Building on displaced people's lands	Hezbollah with local militias in Qusayr.

■ Table 14: shows the most prominent actors involved in committing HLP rights violations in the study areas.

The most significant observation in the previous table is the frequent mention of the Fourth Division in all regions as perpetrator committing various forms of violations. The truth is that the Fourth Division is a major force in the regime's war against the seven study areas, and in each area the Division committed raids, bombing, demolition, and looting, and also closed the areas to returning residents. The Fourth Division sometimes does this alone, as in the case of Daraya, or in cooperation with other military forces, such as Hezbollah in Qusayr, the Republican Guard in Jobar, or Air Force Intelligence in Daraa camp. The presence of the Fourth Division in each of the study areas was not limited to a military role. Rather, there are many economic roles, and it has become more like a state within a state^[1]. We also noticed that it operates whilst surrounded by different local militias depending on the region.

Militias also play a key role in HLP violations if they participate with security forces and the army in fighting and looting. They seize properties and prevent the return of displaced people with intimidation. What is striking is how the composition of militias varies from one region to another: while sectarian militias are active in areas such as Al-Tadamon, Al-Qusayr, and Baba Amr, the militias in Jabal Badro in Aleppo have a tribal or family character, the same as in Daraa to a certain extent. In contrast, the presence of militias was limited in Daraya and Jobar. The clear reason for this is that the communities of these two regions were not demographically diverse enough to allow for their division into loyalist and opposition and inciting one against the other, such as happened in Al-Tadamon and Al-Qusayr; and the two regions were not surrounded by population centres loyal to the regime, as was the case in Baba Amr and Jabal Badro. The danger of the actions of these militias is greater for rights holders, especially those displaced, as these militias are often recruited from the community itself or neighbouring communities, thus the conflict takes on a civil character and the issue turns into family feuds not necessarily related to the political crisis in the country.

The third type of perpetrator is state administrative institutions, from municipalities to city and governorate councils, all the way to government ministries associated with the ministries of local administration and housing. At the local level, these institutions operate in complete submission to security and military authorities, and often cover up activities and violations by these agencies by forming channels through which to pass security approval requirements for return, as we saw in the case of the technical office in Daraya and Qusayr City Council. At the broader level, these institutions draw plans to erase urban environments that pose a threat to the regime's authority, and to replace them with others that do not take into account the urban and social identity of those areas. The haste of

[1]- For more details, see: Al-Desouki, Ayman, 2020, Fourth Division Economy Network during the Syrian Conflict, Robert Schuman Center for Graduate Studies – Link: <https://medirections.com/index.php/2019-05-07-15-50-27/wartime/2020-01-13-16-50-28>

local administrative institutions in announcing plans and zoning plans for areas the regime had reclaimed from the opposition imposed a new legal and administrative reality on those areas, a reality that decisively affected the real estate market in those areas and the values of the trapped wealth of displaced people. It also affected people's decisions to return or not and weakened hopes and opportunities for early recovery in those areas.

We argue that these practices can put a brake on post-conflict economic recovery efforts, not only because a portion of the population has been robbed of their economic assets, but also because there are new economic dynamics created by the ongoing forced redistribution of wealth, including the consolidation of war-based economies and the emergence of a class of new businessmen who are not concerned with productive economy. All of this comes in the context of a distorted economic model that combines neoliberal policies in urban development, and the brutal and direct intervention of authority in the market by imposing monopolies and strengthening clientelist networks.

(3-3) Study Recommendations

Studies in Syria often reach the same conclusion, that there are no sustainable solutions to any problems without overcoming the political crisis in the country. This is most clear when analysing the problem of informal settlement in areas the regime retook from the opposition, and which it treats with the mentality of a vengeful victor. In an attempt to circumvent the wall of political intractability in the country, we base our recommendations here on the assumption that the existing reality in the country will remain the same for the foreseeable future, hence the need to deal with current movements by the regime's various military, security, administrative and semi-official organizations that aim to dismantle HLP rights of people in informal settlement areas.

The main question, then, is not how we or any actor can restore the rights of displaced people from informal settlement, but rather how we can empower rights holders and put them in a better position to defend their rights in a long and exhausting battle. These are the real stakeholders who are likely to have the motivation to act and the will to continue doing so for years, perhaps decades, until their rights are restored. Therefore, their inclusion as an actor may create new dynamics and take us a step forward. Taking these points into account, the following paragraphs present three sets of recommendations directed at different actors: Syrian civil society organizations active in the field of property and housing rights, along with international organizations interested in the same field. Secondly, international organizations and United Nations bodies involved in early recovery activities in regime-controlled areas. Thirdly, international human rights mechanisms concerned with restoring property and housing rights in conflict areas, such as special rapporteurs at the United Nations.

I: Regarding recommendations to Syrian civil society organizations and international partners interested in HLP rights in informal settlement areas that the regime has reclaimed. We believe there are three areas where we can work with rights holders' communities to strengthen their position in the conflict:

To support organizing, making information available, and providing a glimmer of hope.

1- **Supporting the organization** may be achieved by encouraging the formation of local associations of rights holders in large numbers and in every region, neighbourhood, or lane in which violations have occurred or are a threat. This type of organizing local communities, and with access to their networks and resources, can play a significant role in mobilizing rights holders' capabilities and pushing their cause forward. During the study, we noted the existence of early forms of such organizations among affected population groups, especially in Jobar, Daraya, and to some extent Al-Tadamon. These are often small groups of educated people who are well connected with rights holders in their areas and are active as channels for information transmission and advocacy. Such groups can build on their efforts and develop them to fill a major gap in monitoring violations, documenting rights, and preparing files for the post-conflict phase.

2- **Availability of information:** If rights holders knew exactly what they were facing, many of them, individuals, and groups, would find ways to deal with it. However, the scarcity of information and the ambiguity of urban planning, even to specialists, mean a large segment of rights holders in informal settlement areas are unable to understand what is happening, let alone resist it. There is a need to put pressure on local administration institutions affiliated with the regime, through their international partners, to make necessary information available to rights holders, such as details of zoning plans, for example, or overall activities by these institutions in assessing damages, removing buildings classified as dangerous, rehabilitation activities, and providing services.

3- **A glimmer of hope:** Building property databases and redrawing maps of vanished informal settlement areas using digital technologies, satellite images, and blockchain technologies may constitute a glimmer of hope for rights holders, that their rights have been preserved somewhere, especially in residential areas registered as agricultural land in official records and where ownership of the land itself is not sorted. Databases with a degree of accuracy and comprehensiveness are important in the face of prolonged displacement and increasing risk of the disappearance of rights with the change in features of regions and dispersion of the population. It is also a basic need in any effort to restore rights. We can imagine establishing these maps or databases on a digital platform

that includes topographical maps for an area dating back to pre-conflict, then adding information, documents, and evidence of owners and occupants at the time. Rights holders' associations can perform such work with a high degree of efficiency if they are able to mobilize rights holders to contribute to building the database for their specific neighbourhood or area, and succeed in cementing the feeling that the database belongs to all residents of the area or neighbourhood. Efforts to build a database for a single neighbourhood may take several years, and may never be completed, but it is certain that every effort currently being made in the context of documenting properties, or enabling owners to document their properties, will strengthen their position in the long war to recover properties.

II: Recommendations to United Nations agencies and international organizations involved in early recovery activities

- Act with high sensitivity in relation to existing or potential violations of HLP rights, and adopt the guiding principles for early recovery as developed by the Inter-Agency Standing Committee (IASC), including avoiding harm to HLP rights holders, and focusing on the activities which contribute to the return of displaced people.
- Establish criteria for selecting early recovery projects, including specific criteria to avoid establishing these projects on the ruins of the HLP rights of Syrian men and women, to ensure that such projects do not consolidate the violations or result into new violations.
- The United Nations agencies must associate early recovery projects with the presence of a third party to examine the HLP rights criteria, whether prior to the project's approval, implementation, or post evaluation.
- Guarantee the HLP rights of displaced people across all the UN political agreements and initiatives.

III: Mechanisms for Accountability and Restoring HLP Rights

- The patterns of violations combine elements of crimes of forced displacement and attacks on property, and constitute a systematic and extensive practice by the regime in Damascus, which is associated to elements of crimes against humanity and war crimes, hence it is required to investigate these violation patterns, identifying their perpetrators, including both the actors and associated partners, and preparing their files in preparation for holding them accountable.

In this context, we recommend the following:

- Issue special periodic reports by the International Commission of Inquiry on violations of HLP rights.
- Include a chapter on violations of HLP rights in the periodic reports issued by the International Commission of Inquiry.
- Document the HLP rights violations by an independent and impartial international mechanism, establish special filing for such violations, and works to hold the perpetrators accountable according to available accountability mechanisms.
- Focus on holding the Syria regime accountable for its HLP rights violations by the Human Rights Council through its special mechanisms, especially the comprehensive periodic report, and the special rapporteur on HLP right.

IV: The international community

- Whereas violations of HLP rights have coincided with widespread human rights violations, including forced displacement, while the practices of the regime in Damascus work to consolidate a reality imposed by its military machine, and its security and executive institutions, all of this hinders the right of return and the following associated rights, including the exercise of political rights, as exercising the right to vote is linked to the electoral domicile. Thus, we recommend the following:
- Include all perpetrators of violations against HLP rights, both Syrian or non-Syrian individuals and institutions, on sanctions lists.
- Pressure the Syrian regime to end the practices associated to violating HLP rights.
- Include the enablement of voluntary, safe, and dignified return for the displaced people in any political solution, in a safe and neutral environment, in a manner which enables them from regaining their properties and being compensated for the damages.

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