



**Series of Reports**  
**by the Observatory on**  
**Violations of Housing,**  
**Land, and Property Rights**

**The First Report**

Shelter Programs



اليوم التالي  
لدعم الانتقال الديمقراطي في سوريا



THE DAY AFTER  
Supporting Democratic Transition In Syria

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## Upcoming Reports

(To be released later as part of the Series of Reports by the Observatory on Violations of Housing, Land, and Property Rights )

### Violations in Northwest Syria

(Shelter programs, property records governance, and forgery)

### Violations in Northeast Syria

(Bulldozing of Arab villages)

### Violations by the Former Regime

(Seizure of agricultural lands and early recovery programs)

# Executive Summary

This report traces two patterns of HLP rights violations in northwest Syria and Idlib regions, by interconnecting two cases: HLP violations in the city of Afrin after 'Operation Olive Branch' and the construction of new villages on the lands of displaced people from Afrin, and violations of lands owned by third party in Idlib city and its countryside. These violations were carried out by several military factions that control the aforementioned areas.

The two cases monitored in this report share a key point: the seizure and confiscation of real estate and property owned by third party, according to local procedures issued by the de facto authorities in control of those areas, without consideration to HLP rights, at least as stated in Syrian law.

The two cases also have several points in common; the most important of which is the dominance of the military faction's ideology in the case of Afrin, as the 'Operation Peace Spring' and the subsequent violations by some factions were a reaction to the displacement of the population from Arab villages in the Syrian al-Jazira – the countryside of al-Hasakah Governorate – by the Kurdish Protection Forces of the Kurdish Democratic Union Party (PYD), and replacing locals with a Kurdish population there. This is what the factions affiliated with the National Army did after taking control of the predominantly Kurdish city of Afrin.

In the case of building camps on real estate and agricultural lands in Idlib countryside, they were imposed by the conditions of displacement and the military conflict that was at its height between the Syrian regime forces and the opposition armed factions. However, the continuation of these violations after the relative calm in those areas has raised questions about the perpetuation of such violations and the failure to deal with these properties according to a clear legal framework.

In all cases, apart from the objective, military and political circumstances that led to these violations, what has happened, and is still happening, from a legal point of view is a stark example of violations perpetrated against the property of others, which has increasingly contributed to instilling the rift in the Syrian social body, based on excuses made by those in charge of these violations. Such excuses were based on ideological, military and political justifications, irrelevant to the legal rights of real estate and property owners, regardless of their political orientations.

Thus, "The pattern of violations" in Syria perpetrated by all parties, including the Syrian regime, is based on coercion, exclusion, and legal denial of property owners to benefit or reclaim their property.

Crosschecked against testimonies of the concerned stakeholders as well as other sources obtained by the report team, the present monitoring report found that there is a systematic practice of HLP rights violations on the one hand, and the dominance of corruption in terms of issuing laws and circulars that do not comply with any property-related laws, hence they were an entry point and justification for controlling and making financial benefit out of those properties in various forms.

Based on our study of these two cases, which represent a model of widespread violations in northwest Syria, we sought to provide a number of recommendations to the Syrian state to ensure the safeguarding of HLP rights.



**Important note:** This report was under development and its information was collected by the team of field researchers before the liberation of Syria from the Assad regime. The report reflected the state of military control of the factions in the areas of Idlib and its countryside, which were under the control of Hay'at Tahrir al-Sham, and the northern and eastern countryside of Aleppo, which was controlled by military factions affiliated with the Syrian Interim Government at the time.

At the end of the report, we were keen to make recommendations that TDA hopes the Syrian state will take into account and that the cases covered in the report represent lessons learned for safeguarding HLP rights in Syria in the future.



# Introduction

Housing, land and property rights (HLP rights) in Syria include the full range of housing, land and property rights recognized in accordance with the Constitution and laws, whether in private or public housing, land and property.

These rights are human rights, as stipulated in international covenants and instruments, and have been codified in the Constitution and the laws regulating HLP issues.

Despite the international and national guarantees that provide these rights with protection, the scale of violation has more than doubled during the years of conflict. The Syrian society now finds itself facing a legacy of HLP rights violations, which need to be addressed in the transitional period to avoid violence and forced displacement and to ensure non-repetition.

Since violating these rights is not only an infringement on a protected right, but also has a significant impact on the future of Syria and Syrians, the future of the solution in Syria, the fulfilment of civil peace and security, the return of refugees and reconstruction, it is incumbent upon all actors on the ground (including government bodies, local authorities,

local and international humanitarian organizations, or armed factions) to take into account the preservation of private and public property and not to commit or contribute to violations of HLP rights.

In this context, some "humanitarian organizations" operating in Syria have contributed to these abuses "directly or indirectly", most likely in good faith. The implementation of projects, which would deal directly with land and ownership and lead to a change in the nature of the land, which is the most serious form of intervention, is a violation of HLP rights and would pave the way for other violations by "organizations" that undertake the operational services of the projects implemented. For example, when organizations dig sewer pits and latrines on a land without obtaining the owner's consent, other organizations are encouraged to provide their services as well without considering ownership of that land.

On the other hand, there is a practice that promotes violations of HLP rights, indirectly and perhaps in a less serious manner.

It is related to services provided by humanitarian organizations "without dealing directly with land and property".

The regular provision of water, food assistance, and other services to the residents of a camp built on a piece of land without the owner's consent, encourages the residents of that camp to stay and thus the violation to continue.

With the multiplicity of types of violations, the multiplicity of parties that have committed or facilitated their commission, the breadth and persistence of networks benefiting from the occurrence and continuation of these violations, and the direct and indirect consequences resulting therefrom in both short- and long-term, it has become necessary to shed light on these violations and analyze the networks and effects thereof.

# I. Methodology

The report relied on investigation through various tools for data collection and verification, through the use of open sources, in-depth interviews with witnesses from military factions, local councils and law professionals, in addition to the analysis of satellite imagery as well as private images obtained by field monitors. We crosschecked witness accounts with other available sources.

Before the beginning of the research and investigation, TDA conducted a brainstorming session with real estate experts, law professionals, researchers and journalists from the regions in question to discuss the situation of HLP rights violations, and to draw a map of violations that can be worked on. We tried to monitor current violations that are still going on until now, taking into account that they constitute a pattern of violation by being repeated in several geographical areas in the countryside of Idlib and northern Aleppo, which are two adjacent areas with different military control: factions of the National Army in the northern countryside of Aleppo and Hay'at Tahrir al-Sham (HTS) in Idlib and its countryside. The brainstorming session with specialists and experts

was followed by other brainstorming sessions with field enumerators to work on violations that meet the basic conditions that the Observatory tries to highlight: time and type of violations and not to duplicate what has been documented by organizations and institutions specialized and interested in the HLP rights sector, in addition to highlighting these violations through investigation, backgrounds and factors that led thereto.

The field research team, consisting of a principal researcher and two assistants on the ground, all of whom from the areas where the work was conducted, used data collection evidence which included knowledge of the general context of the areas, patterns of violations, perpetrators, and the nature of people whose rights have been violated. The monitoring and field research team also conducted a training on the use of open sources and developed an interview guide.

The research team tried to overcome security risks and access to information with the risks entailed on researchers, which may be get to arrest and accusation of working for foreign actors, just like other Syrian regions.

## These challenges were overcome by:

01

Acquiring informed consent from witnesses includes a pledge by TDA to use the information provided for the purpose of the search and not to indicate the explicit name of the source to protect their personal security, especially that the majority of witnesses still reside in the research regions.

03

The capacity of the field research team and its extensive relationships with the research community of residents and IDPs from the areas covered by the report.

02

Redacting information that may be harmful to its relevant owner if published, such as documents and data, provided that the original documents are available with TDA and can be submitted to international human rights institutions in accordance with the parameters of the informed consent if requested.

04

The optimal use of open sources and data collection tools.

## II. Afrin – The Violations Scenario

In early 2018, Syrian military factions announced a military operation on their border strip with the northwestern part of Syria in Afrin region,<sup>1</sup> which is predominantly Syrian Kurdish, and which was one of the important centers of the Kurdish 'People's Protection Units' (YPG) of the Democratic Union Party (PYD), which is linked to the Kurdistan Workers' Party (PKK). This military operation was called 'Olive Branch', and one of the results of this operation was the expulsion of the 'Kurdish units' forces and controlling the area by several military factions of the National Army. After taking control of this area by those factions, many violations against the property of local people have taken place, including "houses, real estate, and agricultural lands", under the pretext that the owners of these properties belong to the PKK. These factions shared control over the neighborhoods in the areas of Operation 'Olive Branch' among them: Afrin city and its districts and the 350 villages and farms that are under its administrative jurisdiction.<sup>2</sup> The income from the rent

of shops, houses and real estate has been collected by those factions on a monthly basis, through the economic office of each faction. These economic offices are tasked with collecting money, taxes and royalties, which are sent to the factions' treasuries.

The economic office grants permits to dispose of confiscated real estate, property, machinery, and other revenue for the relevant faction, according to the former military commander of al-Majd Corps "A.H."<sup>3</sup> He stated that the monthly revenue of rents of real estate and houses per faction are no less than 100 thousand US Dollars, and can be as high as one million USD, depending on the area controlled by the faction. The value of olive oil smuggled from Afrin in 2018 after Operation Olive Branch amounted to about 70 million Euros, of which the share of the military factions was about 17 million Euros<sup>4</sup>. According to the testimony of M.F.,<sup>5</sup> a security member in Afrin, houses controlled by factions from their absent owners or those accused of being agents of the PKK, are sold or rented through

1. "Olive Branch".. A Battle to Restore Afrin, Aljazeera.net, 2018/1/22.

2. Afrin City, Overview on the Administrative Unit, Aleppo Provincial Council.

3. The name of the military commander is encoded upon his request.

4. The War in Syria: Afrin's Olive Has Become a "Source of Income" for the Armed Groups, BBC Arabic, 2019/1/20.

5. The name of the security member is encoded upon his request.

real estate brokers close to the military faction. Sales are made at "cost price" through cross-checking information from social media groups.



# Violations on Property Right

## al-Wafaa Village as a Model

It is located in the al-Mahmoudiya Neighborhood in Afrin City. The land area is estimated to be at around 1.6 km<sup>2</sup>. The neighborhood is adjacent to a 100-hectare forest of perennial pine trees, and it served as Afrin's lung. The forest is located on the road leading to the subdistricts of 'Raju' and 'Maabatali', which is called the Raju Road. A large part of the forest has turned into informal IDP camps for the displaced and families working in livestock, and has become barren land due to the cutting and destruction of trees by the factions in control, according to 'M.Z.'<sup>6</sup>, a civil servant at one of the governmental departments in Afrin.



The construction of the village reflects complex challenges related to real estate ownership in areas that have witnessed armed conflicts since 2018, following Operation Olive Branch. 'Afrin' faced dramatic changes in the demographics and the reality of ownership. A village was established to house people displaced from different Syrian regions who lost their property as a result of forced displacement. However, the village was built on private property, belonging to local people, whose properties have been taken over by the military factions controlling that area under the pretext that the owners are affiliated with the PKK, while those owners still resided in the city of Afrin.

6. The name of the witness is encoded upon his request.

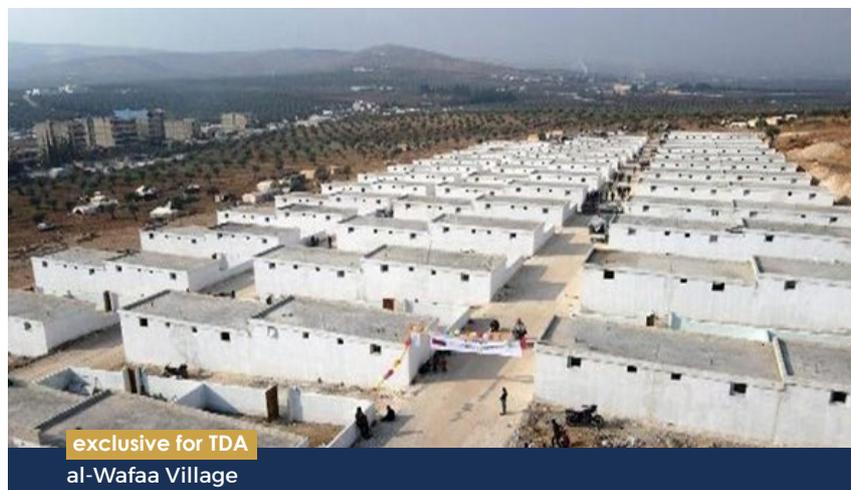


Al-Wafaa Village was built as a shelter for widows and orphans. It consists of 80 housing units with a land area of 210 m<sup>2</sup>, each block consisting of two apartments, built by reinforced concrete and cement walls.

Actors supporting the construction of some areas that came under control, as in the case of al-Wafaa Village, dealt with the de facto authorities without scrutinizing the ownership of the lands on which the projects were built. Although this can be seen as negligence of these organizations, the provision of misleading information by the factions in control adds to the crime of HLP rights violations the problem of corruption and circumvention of the law.

The construction of the village began in May 2022 and it was populated in June 2023 after the earthquake disaster that hit the area in early 2023. Many buildings and houses were damaged in al-Villat neighborhoods and al-Mazot highway. The village was provided with all requirements and needs, including relief projects, water, sanitation, etc.

The Village is currently populated by 145 families from different Syrian governorates, from Damascus Countryside, Idlib, Aleppo, Deir ez-Zor and Homs.



Support from humanitarian organizations stopped due to problems between an AFAD official<sup>7</sup> in Afrin and the military faction there, in addition to lawsuits filed by the owners of properties on which the Village was built, according to an employee in the local council. So AFAD refrained from supporting it and prevented humanitarian organizations from implementing projects there, or serving residents because the faction is having full control over the village and the services provided by the IDPs committees through the relief office of the local council. 'M.D.', who is the director of one of the volunteering teams who has relations with the camps, suggested that the statistics of the camps in Afrin show that 26 camps were built before the earthquake, and the village was not included in this statistic because residents did not settle there, just like many other camps, and this deprived it of relief projects.

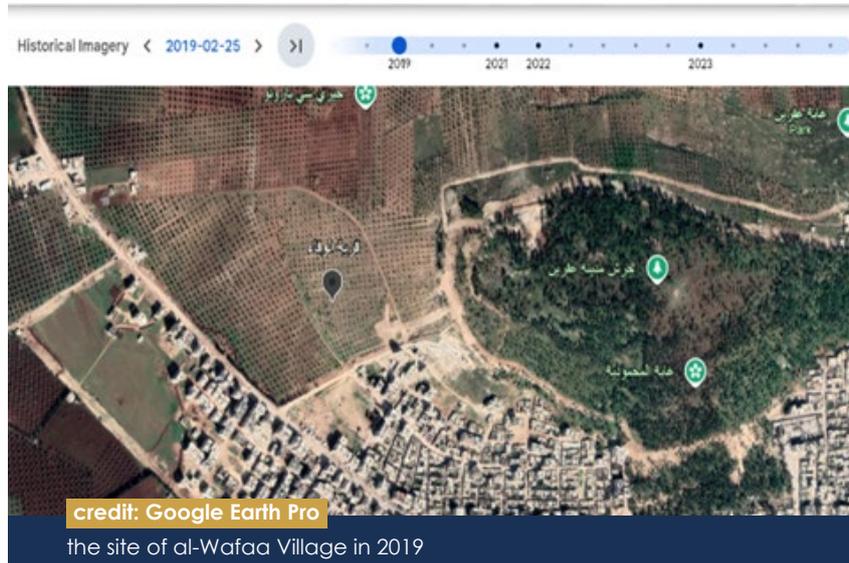
However, an official in AFAD's office affirmed that there was no problem with the real estate rights of the agricultural land on which the village was built as it was a common property affiliated with the PKK. The number of real estate plots on which the village was built is 6 real estates, large portions of which have been seized. They are close to the boundaries of the zoning plan, opposite the junction of the military hospital. This means that the prices of these properties are high. TDA obtained recent real estate registration data for a number of properties on which the village was built, which prove their ownership to people from the Afrin area. The real estates are 53, 52 and 55, and they belong to members from the families of Haji Ibrahim, Khalil and Kaddour. It is worth mentioning that the description of the land is a rain-irrigated land planted with olive trees.

7. AFAD is the Turkish Disaster and Emergency Management Authority. It is a governmental humanitarian organization which is in charge of managing aid operations in Afrin area, since Afrin has been put under the Turkish Governor of Hatay.



## TDA

Tracking satellite imagery between 2019 and 2023, obtained by TDA, allow to estimate that no less than 300 olive trees have been cut in the real estates. There are other agricultural lands near the Village site planted with around 2,000 olive trees, which were controlled by the faction, according to locals of the area.



We tried to communicate with the owners of the real estate on which the Village was built, who are still residing in Afrin, but they refused to make any statement or talk about the efforts they are making to regain their properties from the military faction. But we learned from some law professionals in the city that they filed lawsuits against the organization that carried out the construction operations, but to no avail because of the influence of the military faction, as the influence of weapons supersedes the authority of executive authorities: 'local councils and the interim government' despite the fact that all factions should report to the National Army, which in turn function under the umbrella of the Interim Government. The judiciary also comes under the influence of weapons.

## III. Idlib Border Camps

### Wholesale Violations

Al-Dana subdistrict is a Syrian subdistrict that is administratively within the jurisdiction of Idlib Governorate, Harem District, and its center is the city of al-Dana. There is a group of towns and villages that are within its jurisdiction: (Aqrabat, Atmeh, Burj Al-Nimra, Deir Hassan, Hazra, Kafer Darian, Qah, Sarmada, Salwa, Tal al-Karama, Termanin, Talaada). All these towns and villages are located within the northwestern border strip adjacent to the Syrian-Turkish border.

According to the 2004 census, the population of the subdistrict was 60,058 strong, which is the last official statistic available.

With the beginning of the Syrian revolution and the start of bombings by regime forces on the countryside of Aleppo, Hama and Idlib, and the expansion of military operations later to most of Syrian provinces, this area became a safe haven for those fleeing the horrors of military operations and bombing on revolting cities, villages and towns. The first

camp began to appear at the beginning of 2012, specifically in the Village of Atmeh adjacent to the border strip with Turkey, where the camps were composed of tents within agricultural areas. Some organizations rented those lands from their owners for the benefit of the IDPs. However, as the displacement towards the area expanded and the organizations' support for renting land for establishing IDP camping declined, a trend began to emerge toward establishing IDP camps within public property, and thus the camps expanded to new areas.

There are no recent official statistics on the total and detailed population of residents in Idlib governorate, but the United Nations statistics published in November 2024<sup>8</sup> put the population of Idlib Governorate at 3.42 million strong. This number constitutes the largest percentage of the population in the northwestern regions of Syria, which reached 5.06 million, including 1.64 million people in the northern and eastern

8. UN Office for the Coordination of Humanitarian Affairs (OCHA), Northwest Syria, Factsheet as of 28 August 2024.

countryside of Aleppo (Euphrates Shield area). Statistics also showed that there are two million people living in 1,534 IDP camps throughout northwestern Syria.

The number of camps – organized and random – within al-Dana District, according to an employee in the Ministry of Development and Humanitarian Affairs in the Salvation Government, is estimated at about 780 camps.

As displacement waves started to take place in Syria, many lands were leased from their owners to shelter IDPs, but after the end of lease contracts, owners were unable to evict residents of a number of camps. This was accompanied by establishing infrastructure within such camps by some NGOs, or constructing apartments by some residents within the camp, noting that the NGOs did not have the ability to prevent construction, or, in other cases, some NGOs left areas they were working in, without completing their obligation toward the owners in terms of paying the rent, as a result of changes in funding policy or other reasons that led to the withdrawal of such NGOs from the humanitarian response in Syria.

It is worth mentioning that the deficit in the humanitarian response funding in the 2024 Humanitarian Response Plan for Syria, through the failure to provide the necessary funds to finance the humanitarian sectors, reached unprecedented levels that exceeded 73% of the necessary funding<sup>9</sup>.

In addition to the World Food Program's (WFP) reduction of food assistance provided since the beginning of this year, as a result of the lack of sufficient funding.

Camps in this area went through different stages under successive authorities in the area, each with their different orientations, but the general character of them all was the lack of proper planning for the temporary housing and permanent housing at a later stage,

in addition to the accompanying violations perpetrated on both public and private property.

In this report, we tried to focus on and investigate one type of violations against private property in its details, then, at the end of this section, we dealt with other prominent types of violations, whether with regard to public or private property.

# A. Violations against absentees' property

## 1. Border areas in Syrian law

The border areas with Turkey witnessed a large wave of real estate purchase before 2011. Purchases were made for the benefit of merchants with capitals through "intermediaries" from those areas, and in exchange for small sums of money "due to the rocky nature of the land", despite their privileged location due to their proximity to the Bab al-Hawa border crossing. According to a law professional from the region "A.A.", a specialist in real estate affairs, the increased wave of sales of large land areas in the bordering region prompted the Syrian regime – for security reasons – In 2008 to amend the law on the transfer of land in the border areas. According to the law of 2004, those who want to transfer ownership in these areas to private ownership "in the real estate registry" must obtain

"security clearance", and a lawsuit to confirm the sale was heard without obtaining the clearance. The amendment of 2008 prevented hearing the sale confirmation case without showing a copy of the security clearance, which would be issued by the Ministry of Interior. Thus, the transfer of border lands in the districts of al-Dana and Sarmada is subject to Law 41 of 2004,<sup>10</sup> as amended by Legislative Decree 49 of 2008,<sup>11</sup> and Legislative Decree 43 of 2011.<sup>12</sup> The transfer of these properties is subject to special treatment. The transfer of ownership requires obtaining a license issued by the Minister of Interior upon a proposal by the Minister of Agriculture<sup>13</sup>. The border areas subject to the border licenses have been identified with a depth of no less than 25 km from the border strip<sup>14</sup>.

10.Law No. 41 of 2004 on the delineation of bordering areas, The Central Authority for Supervision and Inspection.

11.Legislative Decree No. 49 of 2008 amending Law 41 of 2004, on the provisions of establishing, transferring, adjusting or acquiring any real right on a real estate located in a bordering area, Syria's People Assembly.

12.Legislative Decree No. 43 of 2011 amending Law 41 of 2004, on the procedures of establishing, transferring, adjusting or acquiring any real right on a real estate located in a bordering area, Syria's People Assembly.

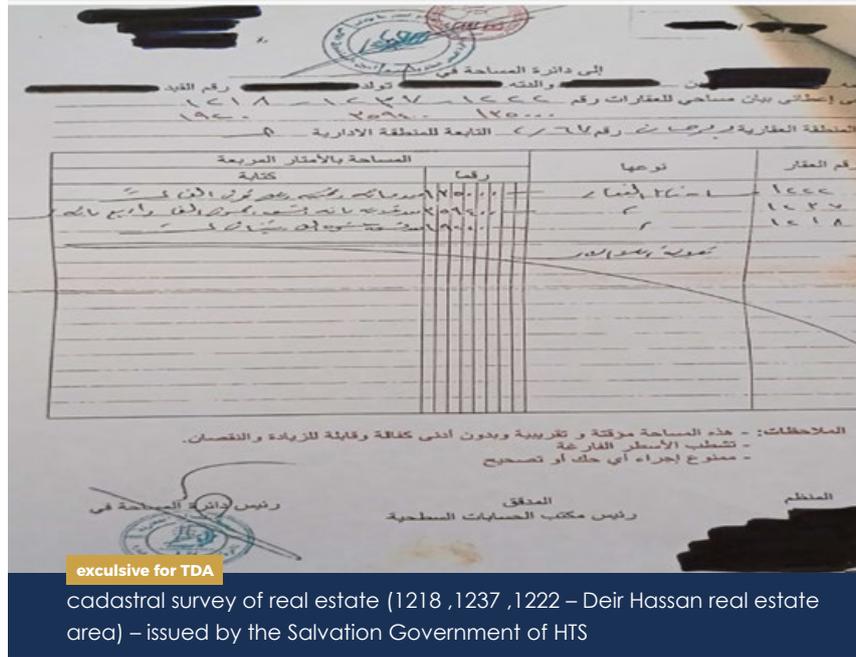
## 2. Violations against the Absentees' Property

(Real Estate numbers 1222, 1237, 1218) as a model:

The property of one absentee, on which interventions are carried out by NGOs operating in the 'Deir Hassan' District without the owner's consent, is estimated at 51 hectares. Camps have been established on a large part of them, on real estate number (1218 ,1237 ,1222, Deir Hassan real estate area). There are similar cases in the "Salwa" District near Deir Hassan, owned by another person, and it is similar to these properties in terms of the large land area.

13.The sale of real estate located in border areas was regulated by a series of decrees aimed at ensuring security control over these sales. After Decree No. 49 of 2008 amended the previous Decree No. 2004/41 and required prior security clearance to register any lawsuit confirming the sale of border real estate, Decree No. 43 of 2011 introduced new amendments. The said Decree excluded properties within the zoning plan from the requirement of security clearance, while this requirement remained applicable to properties located outside the zoned area. Decree 43 also added a new exemption, as it is no longer required to obtain a security clearance for real estate sold between ascendants (parents) and descendants (children), even if those properties are located outside the zoning plan. Thus, a balance has been struck between security checks and simplification of procedures in some special cases.

14.Syria Report website noted that a special decree issued in 2008, at the proposal of the Ministry of Defense, defined border areas in terms of geographical scope. However, the decree was not published. Syria Report sources indicated that the border areas generally consist of a security belt in the form of a strip parallel to the border, with a variable depth, but not less than 25 kilometers, within Syrian territory. It is noteworthy that the border areas according to this special decree include the entire governorate of Hasakah in the northeast, and the entire province of Quneitra in the southwest.



The owner of these properties is a merchant from Aleppo City who is residing there. He bought them before the revolution, and they are registered in the real estate registry in the name of his two sons. The purchase was made through intermediaries from the region. He has no declared legal agent in the area. However, there was a person who had, at an early stage, bought real estate for this merchant and who became involved in the housing processes taking place in the area, so he denied any legal connection between him and the landlord lest being forced to sign tenancy contracts or give up ownership under duress.<sup>15</sup> At the beginning, the legal agent used to declare having a legal

power of attorney from the owner to make purchases and manage the property. During the first year of the Syrian revolution, the reality of these properties remained the same, and there were no encroachments on them by individuals or military factions. After the displacement of people towards the border areas in mid-2012, and the high rents and unavailability of houses, camps began to form in the border area. Due to the absence of the original owner of the properties and the deteriorating humanitarian situation with the absence of shelter for the displaced, the legal agent allowed the establishment of some small and random camps on the properties with the verbal consent of the owner.

15. An interview conducted by the field researcher with Mr. 'N. KH.', who is one of the locals and he knows the owner (date of the interview: 2024/8/13).

These small camps formed the nucleus of the current camps, and this remained the case until 2019, when the 'Nour al-Din Zenki' faction, controlling 'Deir Hassan' District, did not allow the establishment of built blocks on those properties, but only camps without constructions, in agreement with the owner through the intermediary residing in the district. As the displacement dragged on and some humanitarian organizations working in the area tended to construct buildings, the situation changed and built constructions began to be built on those properties. The NGOs that funded the construction of camps on private property sufficed with obtaining approval from the Salvation Government.

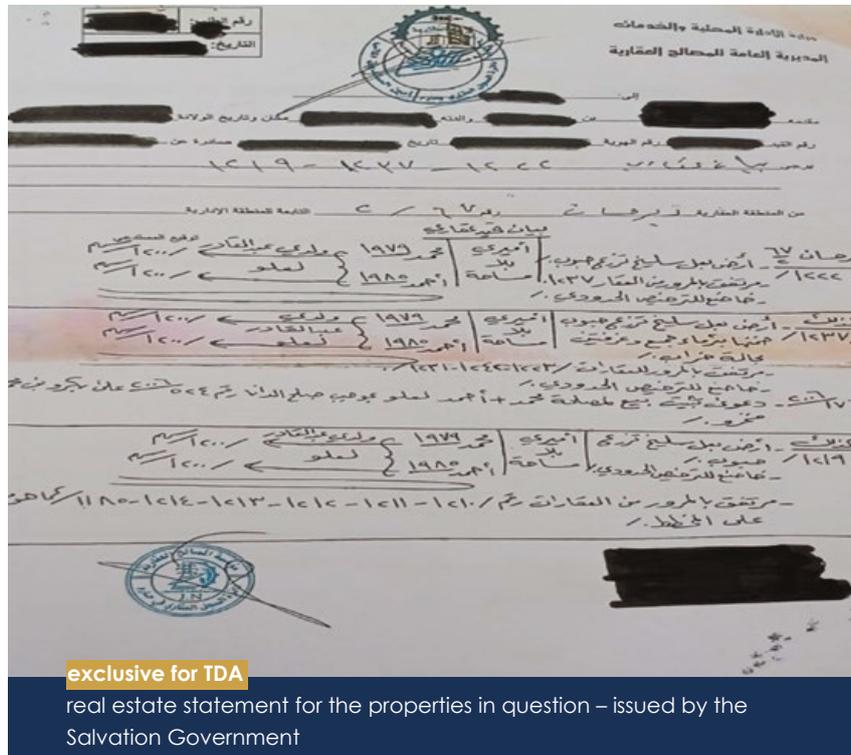
These properties became subject to the Absentee Property Department of the Housing Directorate within the Ministry of Local Administration in the Salvation Government, which succeeded the "Spoils Office" in managing the properties of absentees, whom considered by HTS to be pro-regime. The Housing Directorate is tasked with counting the properties of this category and registering them in special records, then it organizes the housing process in them through the Ministry of 'Development and Humanitarian Affairs' of the Syrian Salvation Government. However, the management of these properties has not been given to

any natural or legal entity or person, and the Salvation Government, through the Directorate of Development and Humanitarian Affairs, grants approvals to use these properties by humanitarian organizations.<sup>16</sup> Although a large area of the aforementioned properties has become built, no ownership transfer has been made nor an encumbrance is placed on the title register for those properties. They are still in the name of their real owners in the title register, as illustrated in the photo obtained by TDA from the Directorate of Real Estate Affairs of the Ministry of Local Administration and Services in the Salvation Government.



16. An interview conducted by the field researcher with lawyer 'K.', who works with the courts in Idlib.

The number of camps built on the three properties is estimated at 10 camps (they do not take up the entire property area, but they were built on parts of the three properties), %65 of those camps are built and %35 are tent camps inhabited by approximately 30 thousand people.<sup>17</sup> The number of NGOs that conduct humanitarian interventions there during that period is estimated at 12 NGOs, including the camps of (Morek, Lastom Wahdakum [You are not alone], Ahl al-Balad [Country People], Abu Obeida, and al-Amriya). It is noteworthy that some camps are completely built on these properties, while others are on part of them, and the other part is on "public property adjacent to the mentioned properties".<sup>18</sup>



17. An interview conducted by the field researcher with a local source.

18. An interview conducted by the field researcher with Mr. N., a humanitarian worker in Idlib.

## **B. Forms of Violations of Shelter Infringement Against Public and Private Property**

## 1- Violations Against private property

The most prominent forms of violations can be identified as follows:

### 1.1. Interventions that lead to a change in the nature of the land

These violations occur when humanitarian intervention is carried out without obtaining the consent of the real owner of the land, or obtaining incomplete consent through the omission of other owners of rights to the land. In some cases the consent of the male heirs is obtained while females and children heirs are ignored. In many cases, consent is taken verbally rather than in a written form (especially in the early stages of the establishment of camps), in addition to relying on ownership documents only, which could be fraudulent, without any verification from the community and official departments to have certainty about ownership. Within the scope of the project aimed at replacing tents with caravans, which was implemented in

2023 by many NGOs operating in northwest of Syria, some NGOs did not adhere to the standards and guidelines of due diligence on HLP rights in terms of verifying the owner and concluding a shelter agreement with them. In the 'Ihsan camp' located between the city of Sarmada and the town of Kelly, caravans were built with concrete bases and facilities, and a sewage network was extended on land belonging to several private owners. During the initial phase of the project, approvals were obtained from potential landlords to erect caravans and lay sewage networks, but the process was carried out by non-specialists who did not have legal knowledge or experience in the legal context of the area, resulting in many violations.

**Case one:**

The organization's staff provided the camp manager with the required approval forms from the landowners as well as a request for a five-year lease between the owner and the occupier of the property "who will benefit from the caravan." The camp manager himself met with the owners and obtained approvals from them, but the organization's staff did not meet with any of the owners to verify the process and that the agreement had indeed been made with the landlord. Some of the leases were only a formality; an implicit agreement between the owner and the occupier of the property, provided that the occupant will vacate the property at the request of the landlord.<sup>19</sup>

**Case three:**

In some cases, there have been usage of old real estate statements dating back more than ten years, which have not been verified by any means, without paying heed to the fact that the ownership may have changed several times during such a long period and the extensive sales that took place in the region.<sup>21</sup>

**Case two:**

The approval was obtained from some people "who were not owners of the land", depending on title deeds and real estate statements of lands different from the lands on which the project was built, in addition to disputed real estate.

The approval was obtained from the person in possession of the property without taking into account the sensitivity of the dispute, and more than 15 caravans were erected on this property.

The owner of the property had bought a piece of land and transferred its ownership to him, only to discover later that the plot of land whose ownership was transferred to him is not the same that he received.

After the increase in real estate prices, the original owner filed a lawsuit "usurpation of a property" against the buyer, and demanded that he vacate the property. The lawsuit had not been decided on the date of the construction of the caravans.<sup>20</sup>

19. An interview conducted by the field researcher with Mr. F.M., a humanitarian worker in Idlib.

20. An interview conducted by the field researcher with lawyer Y.K., an activist lawyer working with the courts in Idlib.

21. An interview conducted by the field researcher with Mr. N., a humanitarian worker in Idlib – ibid.

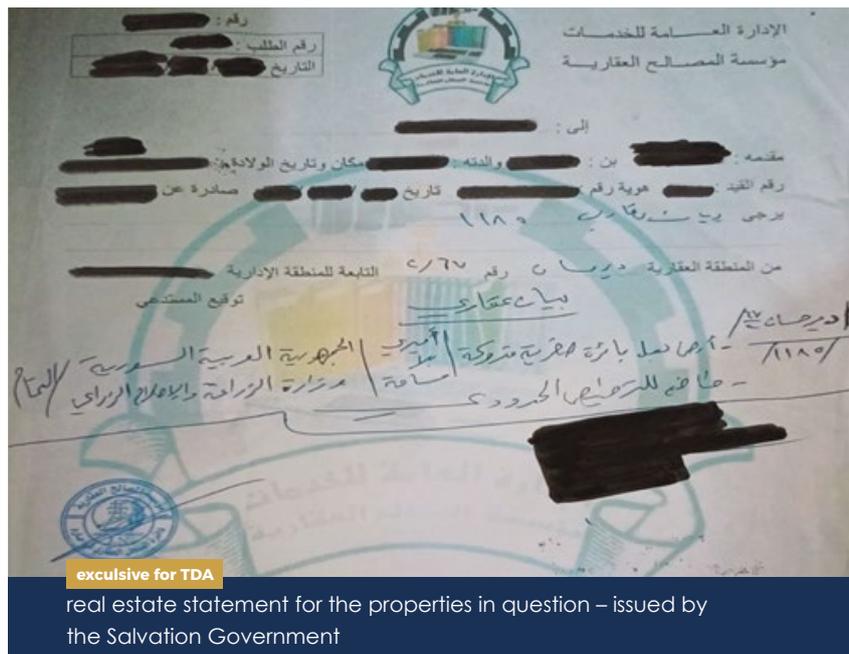
## 1.2. Infringements on public property:

### A. Property number 1185:

Considering the large area of public property in the border areas, especially that they are rocky barren lands subject to border licenses, in addition to the presence of archaeological sites in that area, these public properties constituted a target for establishing camps with the safety factor they enjoy due to their proximity to the border strip.

Humanitarian organizations worked under the supervision of the Salvation Government to exploit these properties.

The most prominent of these violations was in the 'Deir Hassan' area due to the presence of large areas of public property in the town, which is estimated at 500 hectares, the largest of which is property number 1185 - real estate area of Deir Hassan, with an area of 170 hectares. The camps later expanded, extending to new areas (Aqrabat, Hazra, al-Dana, Sarmada, Kafer Darian, Tall al-Karama, al-Bardaqli, Talaada, Termanin, Salwa, and Qah) and currently take up most of the areas of the abovementioned al-Dana subdistrict.



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real estate statement for the properties in question – issued by the Salvation Government

## B. Infringements on archaeological sites (Deir Amman as an example)

A number of camps have been set up along the border strip, within archaeological sites.

NGOs built sanitary facilities with concrete sewer pits and provided water, sanitation and other services, encouraging residents to remain in these archaeological areas.

The expansion of this kind of camps has led to an increase in the destruction and vandalism of archaeological sites, including for example, the camp near 'Termanin' city in the archaeological site of 'Deir Amman', which is one of the most important archaeological sites in the region. It is a monastery at the top of

a hill 2 km north of Termanin Town, and the site contains the remains of two churches dating back to the fifth and sixth centuries.<sup>22</sup>

During his tour of the site, the field researcher monitored a number of violations, including the construction of cement blocks inside the archaeological sanctuary of the site, the excavation and equipping of sanitary facilities, as shown in the picture, in addition to other violations including the demolition of the walls of the site and their use in construction, as well as the random excavation that the site witnessed like other archaeological sites in the north.



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the archeological site of Deir Amman

22. The Churches of Deir Amman, Qenshrin encyclopedia of churches and monasteries.

## **C. Establishing camps built on land included by expropriation whose owners did not receive compensation for the expropriation**

Some NGOs rely on obtaining approval from the Humanitarian Affairs to conduct the intervention, based on the fact that the property is a public property, without following proper due diligence procedures and the requirements of obtaining ownership documents, asking the local community and ensuring that there is no ownership dispute over the property, whether the dispute is between private citizens or between a private citizen and the authorities.

Here we refer to the case of Aleppo Labih camp near al-Bardaqli, as the camp land was included in the expropriation as a garbage dump (property number 2504 - real estate area of al-Dana 1/66). The camp became a housing project consisting of buildings built in part on public property, while the other part on a plot included in the expropriation. Someone claimed that he did not receive the expropriation compensation, and therefore he still has a right in the land. According to the owner, the operation was carried out in collusion with one of the military factions that was in control of the area; it facilitated the acquisition of the land and construction of buildings. Construction work began in 2017, after the Syrian regime took control of the eastern neighborhoods of Aleppo, and the displacement of a large number of the people of the city towards Idlib.<sup>23</sup>

23. An interview with Y.K., *ibid.*

## IV. Different Beginnings Similar Violations

The violations "in general" in what became known as the "Syrian war", several years after the start of the popular movement in 2011, did not depart from other common violations that usually take place in conflicts between local forces with their own political projects, supported by military actors. Hence, there are many backgrounds and beginnings leading to a series of violations related to the rights of individuals, and differ in the degree, severity and forms of violations in the successive stages of conflict.

The two cases described in the report seem to be typical of two recurring forms of HLP rights violations in Syria, either for profiteering reasons, regardless of political orientations, or for an ideology that holds a dimension that often takes a "vindictive" path. In the two models before us in this report, the two aforementioned models are found.

The housing process in the border areas with Turkey, for the displaced fleeing the shelling of the Syrian regime forces, appeared at the beginning as an "emergency" humanitarian response aimed at securing the displaced in temporary

tents to protect them from remaining in the open. Something that even landowners there contributed to, as a temporary situation that will change when the military situation stabilizes. When the city of Afrin was taken over, with Turkish military support for the Syrian factions there, this was accompanied by the displacement of the Kurdish population there, or the flight of many families due to their links with the political and military actor that claims to represent the Syrian Kurds. Families who were previously displaced were housed in the areas controlled by the Kurdish forces at an earlier stage, in the countryside of al-Hasakah, Manbij and others, in a process that also seemed one of the solutions for the population who were displaced to the area and did not find shelter after being displaced from those areas. In both cases, there was a clear violation of HLP rights, albeit wrapped in humanitarian justifications or urgent solutions, and may not have departed from this context, at least with the end of the military operation in Afrin, or the protection of civilians fleeing the Syrian regime's bombardment.

Later, the policy for dealing with such properties owned by individuals who own real estate instruments issued by the competent courts in accordance with the relevant Syrian law has changed. The policies of these factions were based on meeting the urgent needs of the population, especially the displaced and those fleeing their homes who became homeless, so that these solutions seemed to be appropriate to the precarious situation suffered by these families, who were forced to stay in the new areas and their temporary stay turned to a permanent one, with no procedural solutions by the de facto authorities, who overlooked and even contributed to the construction of permanent cement housing for the population as a way to evade their obligations in relation to the restoration or preservation of property rights for others, even if they are not present in these regions at the present time.

In addition to the above, the de facto authorities in these areas have tasked administrative bodies under their control with finding legal solutions for real estate, which have often pursued an illegal approach in dealing with these properties and lands, which threatens to

permanently lose the rights of their owners.

Ownership documents issued by these bodies were submitted to the humanitarian organizations working there, in order to implement and support projects by those NGOs, without any verification of the documents submitted, participating as well in the perpetuation of violations. The situation in Afrin was different using different justifications. Many families were housed in the homes of displaced residents, after they were evacuated, or their residents fled. One of the most common justifications used was the ready-made accusation that locals were dealing with the Kurdish Protection Units, which had committed very similar violations of HLP rights in the areas of northeast Syria, Manbij and other areas.

However, we believe that such justifications are only used for obtaining financial gains and benefits from these properties, by one faction or another, in a recurring cycle of the absence of an institutional dimension with the authorities in charge of those areas or other areas in the various regions of Syria, which are still witnessing continuous violations of HLP rights.

## V. Conclusions

The area witnessed many violations of HLP rights including the use of lands owned by others which were used to shelter those displaced from hotspots which were under armed conflict or bombardment by the Syrian regime. “At the time”, there was probably no time to verify property rights and ownership because of the force majeure which necessitated building camps to accommodate IDPs. This does not, however, preclude the right of land owners to restore and use their lands be it by lease, purchase or compensation.

Based on investigation, personal testimonies and documents obtained by the team, the report arrived at the following conclusions:

1

Displacement caused by bombardment and the ensuing “urgency” to shelter IDPs in addition to the absence of the real owner or their legal proxy “recognized by the existing authorities” have led to building camps on private lands owned by others. As the years passed, those lands -both private and public- have become quasi-right for IDPs occupying them and are deemed as such by the IDPs and existing authorities.

2

The existing authorities, particularly the Salvation Government, have confiscated the properties of many Syrians in those areas under the pretext that the owners are loyal to the Syrian regime, a practice resembling that of the regime which confiscates properties of its opponents. This constitutes a stark violation of legal rights on the ground of political position.

## 3

## pid intervention

by humanitarian organizations to meet the needs of the displaced was necessary at that stage so the ownership of the lands on which camps were built were not verified especially as the authorities in control allowed these NGOs to work based on permits issued by them.

At later stages, NGOs continued to operate without verifying the legal status of these properties which constitutes negligence on their part or could be attributed to lack of awareness and technical know-how among those humanitarian organizations in relation to HLP, not only in terms of due diligence but also awareness of HLP rights and their obligations under such rights. It could also have been because of some complicity by the authorities in order to secure some personal military gains for the factions, their members and the brokers.

NGOs continued to operate relying on the licenses issued by authorities there. The presence of IDPs in those camps, "which have been built on private and public property," has helped humanitarian organizations to provide different forms of assistance regularly, giving IDPs a sense of stability in those camps where most of them continue to live to date because their homes in their home towns have been destroyed.

4

The policy used by local authorities vis-à-vis those private and public properties has blocked owners from restoring or benefiting from their real estate in any way. This could, given the complexity of the situation in Syria, lead to permanently stripping them of their properties due to the emergence of a new demographic reality.

5

Legal institutions and advisors were absented as the factions took over control followed by the various authorities in those areas. This gave rise to a porous legal and legislative structure, leading to the absence of regulation of property and real estate. This was further complicated by the spread of falsified real estate documents used to claim ownership of property and real estate with no means to verify the authenticity of those documents.

6

This ambiguous legal/real estate situation benefited various parties.

A class of 'contractors' and construction businesspeople emerged to implement the intervention projects of humanitarian organizations. They would be awarded contracts and bids in collaboration with existing authorities. Information collected by our monitoring team indicate that those contractors or businesspeople were linked to HTS through mutual economic interests so landing a contract with the organizations is facilitated through leveraging HTS's power and corruption networks within some organizations.

In some cases, these contractors and businesspeople would form an economic façade for HTS.

7

The area of agricultural lands has shrunk because of arbitrary camps which were built urgently at the beginning. Many farmers have been harmed by the camps built on their agricultural lands and the encroachments of camp inhabitants on crops and fruits.

Shepherds have also been affected because pastures on public properties have been impacted by camps causing them to shrink and adversely affecting their livelihoods and, in return, adversely affecting livestock.

8

Institutionalization is absent while giving a sense of legal legitimacy to the actions of factions in control of those areas where violations are taking place. Absence of a clear legal framework in dealing with real estate issues and property law on the one hand and the influence of factions on decisions made by some commissions on the other have facilitated various violations as the report explained in several instances. In some cases, the ideological and military conflict between conflicting forces have increased HLP rights violations.

9

Factions in control of Afrin and its subdistricts have provided humanitarian organizations implementing housing projects with inaccurate documents about the lands and property owners so new inhabitants replaced the indigenous Kurds.

10

All the above indicates the growing need for legal entities and centers specialized in documenting and restoring HLP rights. Property rights are not subject to the statute of limitation in cases where owners are forcibly absent from their lands and properties.

On the other hand, IDPs who have acquired in good faith lands owned by others must be provided with alternatives and resettlement options based on their special status as victims of forced displacement which mostly also involve violations of their HLP rights. If the status quo persists, it would further instigate social fissures because of the disputes and tensions between owners and IDPs and disputes with owners of adjacent lands who found their lands being used by those camps either as pedestrian routes or waste water discharge.

It must finally be noted that because of those violations various groups in those areas have incurred benefits or damages, including:

- Legal prosecutions against organizations which implemented their projects without verifying stakeholders (landlords) incurring liability for compensation.
  - It is likely some judicial decisions against violators would force them to evacuate, hence rendering them homeless, or making them liable for compensation due to trespassing public and private property.
  - Several networks, entities and individuals have benefited from the occurrence and persistence of these violations; e.g. humanitarian organizations through their operational services, de facto governments which reinforce their power through the management of camps, providing permits for humanitarian intervention and expanding camps in their areas of control in order to benefit from infrastructure projects as well as various forms of aid, in addition to economic profiteers including contractors, construction materials merchants, brokers and agents linked with de facto authorities.
  - Many stakeholders have been harmed by the HLP rights violations including owners of seized lands who are stripped of their property and the right to dispose of or benefit from their lands, in addition to farmers because some camps were built on agricultural lands forcing nearby farmers to lease out their lands to build camps because of the encroachment by adjacent camps on crops and fruits. The local population has also incurred damages with the expansion of residential areas trespassing public property and then selling them out to the local population in accordance with enforced laws rendering them unable to purchase these lands.
- IDPs are also affected by being exposed to potential eviction in cases where owners reclaim their property. Humanitarian organization could also be exposed to lawsuits or suspension of their operations which means wasting donor funds.

## Recommendations:

Based on this report, the following recommendations may contribute to addressing the HLP rights issues in Syria taking into consideration the complexity of the situation and the violations which took place during the years of conflict:

Establishing legal commissions specialized in HLP rights including independent and impartial legal commissions and centers whose job would be to document and protect property rights especially in areas which have witnessed conflict and displacement. It is essential that these commissions are capable of verifying the authenticity of real estate documents and resolving ownership disputes. In addition, the role of local and international legal institutions must be promoted to provide technical and legal support in property cases including providing free-of-charge legal advice for victims.

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Reviewing the legal status of camps by seeking to settle situations where they have been built on private or public property through negotiations with the original owners to work out options of compensation, lease or purchase while also providing appropriate housing alternatives for IDPs who have been living in those camps in good faith and guaranteeing they would not be forcibly evicted without alternative solutions. In addition, inhabitants of these camps must be prioritized in reconstruction plans for Syria.

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A fair mechanism must be introduced to compensate those whose lands were taken without their consent either through financial compensation or provision of alternative lands and guaranteeing they are entitled to restore and use their property. It must also take into consideration the humanitarian conditions of IDPs living on those lands.

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Promoting transparency and combating corruption by holding to account the entities and individuals who took advantage of the legal ambiguity including contractors and construction material merchants who used their influence to land contracts with humanitarian organizations. Transparency must further be promoted in tender and contracting processes between those organizations and local entities so that real estate documents are verified to ensure no party is complicit in HLP rights violations.

Protecting agricultural lands and pastures by introducing plans to rehabilitate those lands which have been damaged by establishing camps on them. In addition, farmers and shepherds who have incurred damages must be supported to recover their livelihoods. Inhabitants of camps must be banned from encroaching on agricultural lands and pastures while offering IDPs alternative areas away from agricultural lands to ensure balancing protection of natural resources and meeting the needs of IDPs.

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Promoting legal awareness and organizing intensive awareness raising campaigns targeting local communities and IDPs to educate them about HLP rights and property and ownership laws in order to avoid future violations. In addition, humanitarian organizations must be trained on HLP rights issues in order to ensure their understanding of these issues in depth and to avoid repeating mistakes of the past in implementing humanitarian projects.

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Working on bridging legislative gaps in HLP laws and introducing a clear legal framework that protects the rights of owners and identify dispute resolution mechanisms in addition to reviewing the decisions taken by local authorities or armed factions which have led to HLP rights violations and ensuring laws are not used for political ends or reprisal. In addition, introduction of a special legislation to regulate the right owners to return to their lands and legal mechanisms to protect their rights in cases where they are displaced or they lose their properties for conflict-related reasons must be considered.

Further, it may be necessary to introduce a law protecting real estate property rights even in cases where the owner is unable to return to their lands by guaranteeing adequate compensations or alternative solutions for IDPs.

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Promoting collaboration between humanitarian organizations, local authorities and civil society in order to ensure the implementation of projects in a fair manner while respecting property rights in addition to encouraging constructive dialogue between owners and IDPs to minimize social tensions and reach some common solutions to achieve justice for all and promote social stability.

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IDP rights must be protected. Guarantees should be introduced against their forced eviction without appropriate housing alternatives. Their status as victims of forced displacement must be taken into consideration and they must be provided with psycho-social support to help them deal with the changes to their housing situation and enable them to adapt to their new conditions.

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Promoting accountability through holding to account the entities which committed violations of HLP rights including local authorities and armed factions to ensure no one acts with impunity. In addition, humanitarian organizations must be liable in cases where projects were implemented without verifying property rights to guarantee adequate and fair compensation.

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- Promoting international partnership and demanding support from the international community and international organizations to provide the necessary resources for the implementation of recommendations related to HLP rights including through funding reconstruction and resettlement programs. In addition, collaboration with international organizations specialized in HLP must be promoted to ensure best international practices in this field are observed to achieve sustainable and fair results.

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Establishing a central database for real estate and lands while minutely verifying real estate documents to preclude the use of forged documents. Strict penalties must apply to those who are implicated in forging real estate documents or taking possession of other people's property. This would promote trust in the legal system and protect owners' rights.

**Note:**

This report is part of a series titled “**by the Observatory on Violations of Housing, Land, and Property Rights**”, which highlights violations occurring in various regions in Syria.

**The subsequent reports will cover:**

- **Reports on northwest Syria**  
(shelter programs, property records governance, and forgery)
- **Reports on northeast Syria**  
(bulldozing of Arab villages)
- **Reports on practices of the former regime**  
(seizure of agricultural lands and early recovery programs)



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