



Series of Reports by the Observatory on Violations of Housing,

Land, and Property Rights

Land Registry Violations in Azaz and Al-Raei

اليوم التالي
لدعم الانتقال الديمقراطي في سوريا



THE DAY AFTER
Supporting Democratic Transition In Syria

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Executive Summary

The authorities that replaced the "Syrian regime government" in areas that fell out of the regime's control failed in managing those areas in accordance with 'good governance' principles, and continued in the same path of Syrian institutions as before, which were generally characterized by corruption, nepotism, favoritism, and fulfilling the interests based on family ties or partisan relations, according to their proximity to the authorities at the political and security levels.

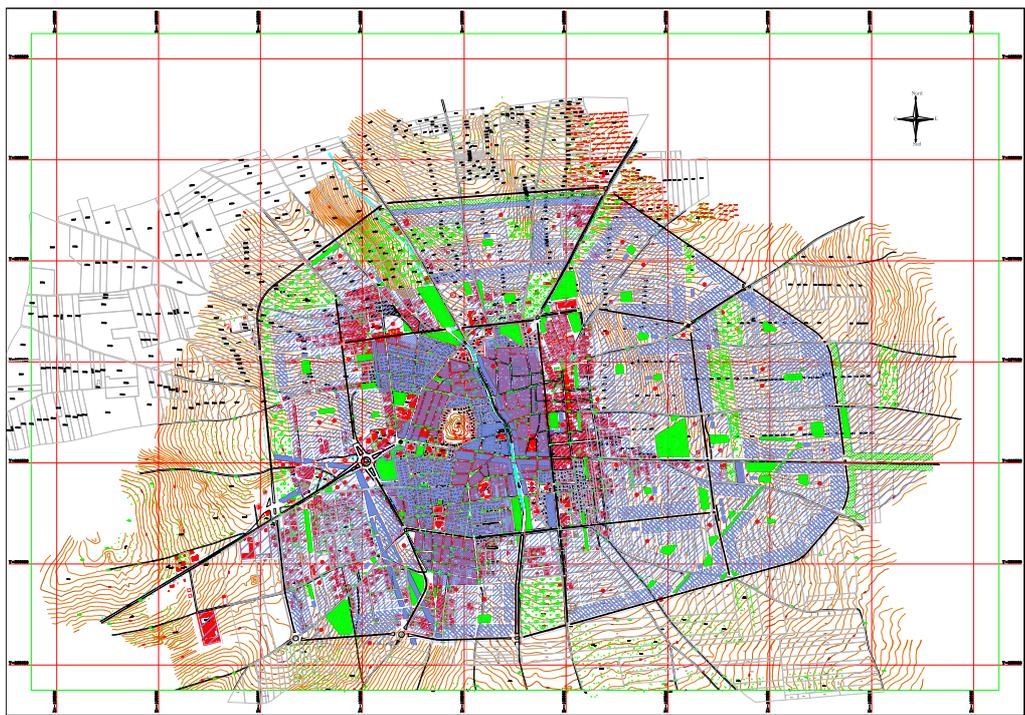
Perhaps it was expected that the factions that controlled areas, such as the two cases of 'Azaz and al-Raei' in this report, would seek the help of "legal technocrats" in the phase of structuring institutions there, especially with the absence of administrative and institutional experience of the military factions and their inexperience of managing entire areas before.

But what has happened is the reproduction of the policies of the ruling class, especially in the stages of conflict in general, by the de facto authorities in the two areas. This was most evident in the issue of "violations of the land registry, property rights and title deeds" contained in this report.

The lack of "governance" in the performance of legal institutions, real estate departments and property affairs in the two areas has led to a number of overlapping violations related to land registry services and HLP rights, in addition to relying on nepotism and family ties that are close to the factions in control. Further "violations" have been perpetrated by forgery of official documents and title deeds through the use of official stamps that had been confiscated from the Land Registry Services.

These violations have incurred significant damage on the legitimate owners of real estate, "the original owners", due to the use of official "confiscated" stamps that show the eligibility of new owners to the properties. These violations will also leave negative impacts on new buyers, especially if they buy real estate based on undocumented records, which will necessarily lead to legal disputes and financial losses. Above all, what is happening is a violation of the Syrian Land Registry Services Law and its various amendments over different periods. As long as there are no new laws governing these areas, the legal authority remains for the basic Syrian law.

I. Overview of the city of Azaz, the land registry and real estate areas



The city of Azaz is located in northern Syria about 4 kilometers only from the Turkish border. It is under the administrative jurisdiction of Aleppo Governorate, and it enjoys a strategic location making it one of the most prominent cities in the northern countryside of Aleppo, especially after 2012, due to its location near one of the important commercial crossings with Türkiye, namely 'Bab Al-Salama'.

The city is the center of the Azaz area, which includes, in addition to the center, five other subdistricts: Tel Rifaat, Akhtarín, Souran, Marea and Nubbul. Before the outbreak of the Syrian revolution, the city of Azaz had an estimated population of 50,000.

With the outbreak of conflict in the country, the city witnessed a large influx of displaced people from neighboring areas, doubling its population to reach about 254,000 early 2024, and by the end of September 2024 the population exceeded 310,000 strong.¹

Home to many basic facilities such as hospitals and schools, the city has witnessed a boom in construction and economic growth in recent years and has become the first commercial, cultural and educational center in areas under the control of the Syrian Interim Government. Before 1960, most of the land in the villages of Azaz was owned by the feudal lords (Aghas), as the people of the region called them.

Each village had an "Agha" who owned most of the land, and the villagers worked in his property. With the implementation of the Agrarian Reform Law, land was taken from the feudal lords and distributed to villagers in accordance with the law. The process of Delimitation and census of real estate in the city of Azaz and its villages began in the period from 1978 to 1980.²

That process was not final; citizens had the right to object to the delimitation processes within two years from the date of the census of the property, until it ended in 1982, and the real estate judge's ruling is issued accordingly.

The rulings then were sent to the "Land Registry" in the city of Aleppo. Then the Real Estate Documentation Office in the city of Azaz was created to include "often" one employee, who is the head of the office, and sometimes an assistant

¹ Statistics of the Local Council of Azaz City.

² Interview conducted by the field researcher with a law professional and a former employee in the land registry.

The office was tasked with documenting the incidents after verification and then referring them to the land registry in Aleppo. The real estate registry there then would handle the issues of collecting fees, registration on the records, data extraction, among other tasks. This has been the case until 2006 when the Real Estate Documentation Office in Azaz was transformed into the Department of Cadastral Affairs and all real estate records, files and related real estate paperwork were transferred. The office was opened on 1 January 2006 and it issued the first real estate statement.³

The first head of Cadastral Affairs was Mr. "Muhammad Salim Mustafa" until 2008.⁴ The Land Registry includes 148 real estate zones, including three real estate zones in the city of Azaz with all their records. The Land Registry officially began in 1998 at its well-known headquarters which is still located in the city center.⁵

The real estate areas in Azaz are divided into three, namely (133-134-first), all of which include about 6,988 property.⁶

1 - The real estate zone of Azaz 133, located in the southwestern part of the city; it includes about 1,800 properties.

2 - The real estate zone of Azaz 134, located in the southeastern part of the city; it includes about 2,300 properties.

3 - The real estate zone of Azaz first, located in the northern part of the city of Azaz; it includes about 2,888 properties.

3 Its mandate is to manage the Land Registry in terms of administrative affairs, signing records, supervising and monitoring activities of the Land Registry. He continued in office from 1 January 2006 to 31 December 2008, when he resigned and enlisted in the bar association of Aleppo.

4 Interview conducted by the researcher – ibid.

5 The source of this information is taken from lists available at the Land Registry in the Real Estate Documentation Office.

6 The Real Estate Documentation Office in Azaz.

The Real Estate Registry in Azaz between 2012 and 2021 and family quotas

A. Family Quotas in Azaz

Azaz, like other areas in northern Syria, is subject to family rule, where families control the decision-making junctures in the city and have weight in government institutions. Before 2011, some families were known for having power, contacts and wealth. After the liberation of the city, in August 2012, the situation changed and the influence and presence of these families declined, and new families emerged based on their military positions and affiliation with military factions, which created influence for new families.

The decision-making circles in the city are shared among the dominant families, including the local council, the military police, the court or the judiciary, the civil police, the Chamber of Commerce, and military factions.

After liberating Azaz from the Syrian regime, the Real Estate Registry was closed in July 2012. There was an attempt to reopen it in 2016 with the efforts of the former head of the Registry; at the time the Real Estate Registry was under the Sharia Board there headed by Sheikh 'Muhammad Yassin'.

The Sharia Board in Azaz supervised the granting of real estate statements by submitting an application to the Sharia Board, and the competent officer then, whose name was Abu Omar, received applications and collected fees from applicants, who would receive his real estate statement one day following the submission of the application, while real estate transactions were suspended and the Real Estate Registry was closed without documenting the incidents or registering the changes in the real estate procedures.

The initiative to reopen the Real Estate Registry at that time was based on the creation of records and books annexed to the original records, to which new incidents and liens would be added, with a reference to the annex placed in the original record to indicate the existence of a new transaction or lien.

The proposal of the former head of Real Estate Registry was not approved and the registry remained closed until it was reopened in 2021, which is still functioning until now, but all new transactions, incidents and liens are directly placed in the main record.

Family quotas were reflected in the administrative structure of the Real Estate Registry in Azaz, as all employees are affiliated with large families, and these families shared administrative positions in the Real Estate Registry Service.

The administrative structure of the Real Estate Registry Service consists of several offices:

1

Real Estate Registrar:

in charge of managing the Real Estate Registry, monitoring the work of employees and signing records.

3

Real Estate Division Office:

Its responsibilities are distributed between financial matters, registration of incidents and extraction of real estate statements.

2

Real Estate Documentation Office:

tasked with documenting real estate incidents (purchases, lifting liens, and checking files).

4

Archives:

It is concerned with registering files in warehouses and arranging real estate files.

5

Survey Office:

Although there is an office dedicated to the delineation of properties and identifying infringements, the office suffers from a lack of equipment and human resources, which hinders its work

B . The role of nepotism in Real Estate Registry violations

Family quotas resulted in the appointment of employees at the Real Estate Registry who lack experience in this field. Poor experience resulted in errors/mistakes related to entries in records and extraction of real estate statements, such as errors in the names of owners, changing the name of owners, placing a lien on a property, or removing a lien from another.

Through the interviews conducted by the field researcher, we concluded that the Real Estate Registry staff are working as service offices staff, hence the state of chaos is mainly caused by the absence of accountability and the work of employees in completing paperwork for clients within the Real Estate Registry.

The field researcher observed firsthand the work of most employees within the Real Estate Registry in Azaz, and it was found that their work focused on completing real estate paperwork that they were assigned to complete for a fee, while other real estate transactions are neglected. Apart from conflicts of interest during work, the work of employees in completing the paperwork resulted in multiple errors including:

1. Errors in removing the lien off the real estate

If a lien is removed off the property by mistake or intentionally, the buyer may get into catastrophic troubles. This lien may be a lien of the completion of the selling of the property, a writ of attachment for the benefit of a person or for the benefit of the state, which means that the ownership of the property is ceded or there is a legal problem concerning the property, which leads to the inability to transfer ownership of the property to the new buyer who paid the price of the property, to be surprised afterwards by the presence of a lien such as the completed sale of the property by the owner and that the ownership belongs to the former person for whom the lien has been placed.

This case happened with 'M.A.' when he bought a property in one of the real estate areas in the city after he made sure of the ownership of the property and the absence of previous liens, only to be surprised later after paying the price of the property and going to transfer ownership that a lien of the complete sell of the property by the original owner to a third party is placed on an earlier date, which led to the loss of his right between the plaintiff who placed the lien and the seller and he was unable to transfer ownership.⁸

⁸ We preserve the right to mention the name of the buyer in this incident. TDA has the document that proves this case.

2. Errors in placing liens

As in the previous case, the presence of a lien on the property leads to the inability of the buyer or the person wishing to buy to transfer ownership and thus cancelling the purchase and causing significant damage to the seller if the title register of the property is free of any lien. This case happened with a buyer of a parcel in the first real estate zone, and he wanted to buy the property only to be surprised by the presence of the name of an owner different from the real owner's name on title register, so he refrained from the purchase. When the real owner inquired about the matter, the employee's answer was that the name had been inadvertently dropped.⁹

We asked a service office who spoke on the condition of anonymity,¹⁰ saying that these errors are very common and occurred in the case of the property in the real estate area "the First Azaz" area, as the name of the owner was deleted from the title register. When the matter was reviewed with the employee in charge, he corrected it justifying what happened as a result of work pressure at the Real Estate Registry. Another property in the same real estate area had a similar incident.

There was an error in the name of the owner and when the matter was reviewed with the employee, he corrected it giving the same pretext of work pressure at the Real Estate Registry.

⁸ We preserve the right to mention the name of the buyer in this incident. TDA has the document that proves this case.

⁹ Interview conducted by the researcher with the concerned person.

¹⁰ Interview conducted by the researcher with a legally licensed service office staff member.

3. Violation of the Real Estate Registry Law

The Real Estate Registry Law in Syria No. 188 of 1926,¹¹ and its amendments until 2011,¹² is the law applicable in the Real Estate Registry in Azaz. The Real Estate Registry Law stipulates the assignment of a real estate judge in each or more real estate areas. In Azaz, there is no real estate judge, and the circulars and instructions directed to the Registry's managers and staff come from the General Directorate of Cadastral Affairs in Damascus as well as from the real estate committee for each governorate.¹³

The committee holds regular meetings to reach solutions to problems and new emerging situations. When it cannot find a solution or it needs help, it requests opinion, assistance and support from the General Directorate of Cadastral Affairs in Damascus. Government institutions are all subject to inspection by the internal supervision or by a committee formed by the director of Cadastral Affairs or the Central Authority for Supervision and Inspection.

On another note, the law required the presence of both the seller and the buyer together with two witnesses before the real estate documentation office within three days of concluding the contract. But in Azaz, the contracts are concluded in the presence of the seller alone, then the buyer comes after a period that might reach months to fingerprint the contract, and then the purchase and the contracting process is complete. It is worth mentioning here the case of contract No. 3746.

The seller came and fingerprinted the contract before the documentation office on 5 July 2024, and then the buyer came and fingerprinted the contract on 29 July 2024 with the absence of witnesses.

¹¹ Order No. 188 of 1926 on the Law of the Real Estate Registry and amendments thereof, Syria's People Assembly

¹² Legislative Decree 48 of 2008 amending Order No. 188 of 1926, which regulates the Real Estate Registry, Syria's People Assembly.

¹³ The real estate committee for each governorate consists of: the head of cadastral affairs in the governorate, the head of the real estate registry in the governorate, the chairperson of internal oversight, the head of the real estate office.

4. Violation of the procedures of writing off records

4.1. Real Estate Registry and Property Book:

The Real Estate Registry consists of property book and the complementary documents (daily book, minutes of delimitation and census, cadastral maps, aerial photographs and survey drawings, authenticated documents).

The property book is of great importance, and it is one of the most important documents of the Real Estate Registry. In each real estate area, the book consists of one or several registers that are numbered, and collectively compose the real estate area.

Each ownership register initially includes 100 in rem title registers of 100 properties. The title registers are arranged according to their serial number in the records. To simplify the reviews of the property book, the front and back covers of each book show the first and last numbers of the properties registered in it, i.e. the serial numbers are written on the outer cover, and property numbers are recorded in this book to facilitate the search for a property, as shown in the image below.



Image

displaying the ownership books and how numbers of real estates are written on them

The in-rem title register consists of four pages; the first page is devoted to the description of the property, its area, legal type, and easement and usufruct rights. The other three pages include the fields for owners, liens, and tables of contract numbers for each purchase, transfer, gift inter alia. In the last page mortgages and bonds are recorded.

When making a sale or transfer, the required papers are prepared and submitted to the real estate registrar for validation of the sale and ensuring that all the paperwork documents are complete. If the transaction meets all the requirements, it gets approved and the seller and buyer appear before the real estate registrar, and acknowledge the sale of the property.

Then the real estate registrar gives this transaction a unique number, called the sales contract number. After the transaction receives the contract number, it is given to the Director of the Registration Office to perform the "writing off process".

Easement:

Article 960 of the Civil Code defines the right of easement as: "an assignment imposed on a property (servant property) for the benefit of a specific property (the serviced property) that is owned by a person other than the owner of the first property". This right is applicable only on the property by its nature and cannot apply to the movable or real estate by allocation, such as the right of water discharge (drainage of water) of high lands on lowlands, as well as the right of the owner of a besieged property to pass from his neighbor's property to reach the public road, provided that this is with the least damage and in return for fair compensation.

Usufruct:

Article 936 of the Civil Code defines it as "the right in rem to use and exploit something belonging to others". This means that the usufruct right can apply to a movable asset or real estate, whether the property is built or not. The usufructuary is granted the right to use and exploit, while the ownership of the property remains for the owner. The usufruct may be for a fee or without, and the usufruct right may be for life or for a specific period. The usufruct right is nullified by the death of the usufructuary or the complete damage to the property or by the waiver of the usufructuary, or at the request of the owner due to misuse. Such right must be registered in the Real Estate Registry.¹⁴

14 Simplified explanation of the key HLP legal terminology, Syrians for Truth and Justice, <https://stj-sy.org/ar/سوريا-شرح-مبسط-لأبرز-المصطلحات-القانون>

The following image, taken from the Real Estate Registry in Azaz, shows the process of transferring new ownership on the title register:

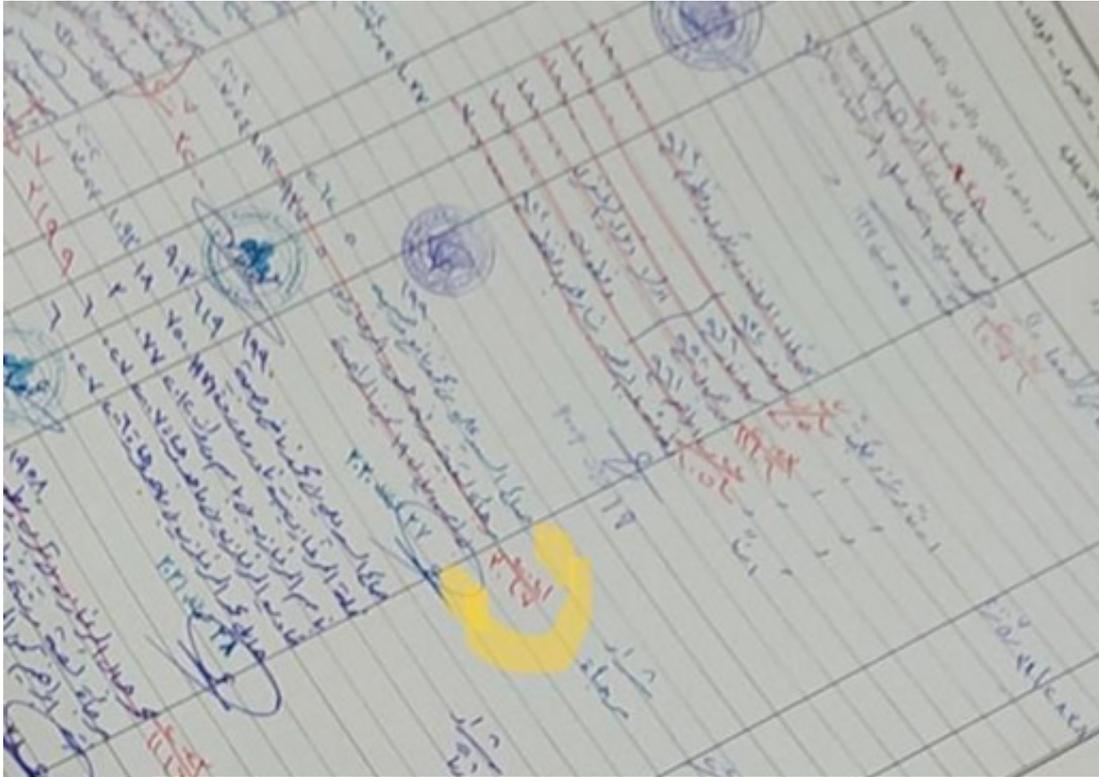


Image Transferring new ownership on the title register

The yellow mark in the photo above shows the correct procedure for the writing off process. The registrar strikes with a red pen the previous ownership, and writes next to it the contract number given by the registrar for the transaction, and then documents the new owner with the same contract number that revoked the previous ownership. If the owner wants to know the reason for revoking his/her ownership, the contract number for the transaction should be looked for, which we find written in red on the revoked ownership, then searching for this number in the warehouse, to find out that the contract revoked the previous ownership due to a sale.

4.2. Violation of the writing off process, revocation of ownership and distortion of the title register

Article 32 of Decree No. 189 of 1926¹⁵ containing the executive regulations of the Real Estate Registry Law refers to the registration of writing offs, corrections, revocations and forfeiting real estate on the day of their occurrence. They are written off by underlining them with a red pen, and at the same time mentioning "in the same section of the title register" the legal instrument or document relied on for conducting the writing off, correction, revocation, etc. "in the same section of the title register" the legal instrument or document relied on for conducting the writing off, correction, revocation, etc.

The following image from a title register shows the revocation of the name of a previous owner without the presence of a writing off contract number or the reason for the revocation or writing off ownership, by striking out the owner's name with blue ink.



Image

The striking out by a blue pen illustrates the removal of ownership without having a contract number

¹⁵ Syria's People Assembly, Order No. 189 of 1926; the executive regulations of the Law of the Real Estate Registry, *ibid*

This procedure involves irregularities that constitute a clear violation of legal administrative due process:

- Inking and striking out in such a way on the title register causes deformation of the title register on the back of the paper, which includes the area of the property, its description, easement and usufruct rights.

- Deletion in an illegal way without a writing off contract indicates a serious problem; either falsification of facts or the lack of knowledge and lack of experience. In either case, it is a violation of one of the most important laws of registration in the title register, which is one of the strongest proofs of ownership in state departments. Every entry on the title register has an origin and link to several numbers and contracts that have origins in the title register.

- A violation of due process and the law. This registration has no value and the person affected by this registration may claim before the District Court of First Instance that the registration is illegal. The claim can be against the third party of bad faith, i.e. the owner of the right that is registered without a legitimate justification, not to mention that the real estate registry employees are involved in the matter. This subsequent registration based on falsehood is considered invalid, and the owner of the right may prosecute those who caused this distortion, and if the harmed person has been harmed by the real estate registry system, he should receive a compensation from the real estate registry treasury itself, i.e. the state treasury, in accordance with Order No. 188 of 1926, or what is known as the Real Estate Registry Law and amendments thereof.¹⁶

So far, the numbers of missing judicial dossiers and their serial numbers have not been counted, which leaves the space open for exploitation by the court's repository itself.

16 Syria's People Assembly, Order No. 188 of 1926 on the Law of the Real Estate Registry and amendments thereof, *ibid*

D. Testimonies of lawyers working in Azaz about the court's repository

Case 1

A sale confirmation lawsuit for the sale of a commercial shop. The lawsuit was ongoing when the Syrian revolution started and during the war to liberate the area. A fire then broke out in the Azaz court, damaging documents of the nearly-completed lawsuit, causing the buyer catastrophic problems. Until now, the shop remains in the name of the seller who refuses to transfer ownership to the buyer under the pretext of high prices despite his acknowledgment through the judicial proceedings of selling his property.

Case 2

Bribery and exploitation

An employee of the court's repository exploited a citizen's need and received 50 US Dollars in exchange for extracting a judicial dossier confirming his purchase of a property, under the pretext that the dossier was destroyed. It is noteworthy that the review fee (searching for the dossier in the repository and taking it out) is 100 Turkish Lira.

Violations of the Real Estate Registry in al-Raei

A. Creating real estate records in al-Raei without official documents

Al-Raei subdistrict is under the administrative jurisdiction of al-Bab district in Aleppo governorate. It is located 60 km northeast of the city, with a population of 25,000 people, and 60,000 with villages under its jurisdiction, according to the statistics of the local council of the city.

The majority of its population is Turkmen who speak Arabic and Turkish. In the Ottoman era, al-Raei was an important point on the trade route between major cities, which gave it economic importance and an increase in commercial and agricultural activities. This contributed to the growth and prosperity of the village.

The subdistrict was impacted heavily during the revolution. On 8 April 2016, opposition forces from the "Killis Dialogue" operations room took control of al-Raei and more than a dozen other villages that were under the control of the Islamic State (ISIS).

A request was submitted by the local council to the Turkish authorities with the aim of separating the real estate records of al-Raei area and its countryside from the Real Estate Registry Service of the Al-Bab real estate area.

Because of the importance of al-Raei to the Turks because of the presence of the Turkmen component there, the village was separated from the Al-Bab district,¹⁷ which is a legal violation.

Instead of establishing a general department for real estate records as stated in Legislative Decree 81 of 1947, which defined the mandate and scope of the General Directorate of Cadastral Affairs and stipulated that it reports to the Ministry of Justice, which is, at the central administration, composed of a general director of cadastral affairs, a directorate for real estate registration, a directorate of survey and real estate improvement, then the inspection authority, the directorate of administrative affairs and an accounting department.

Al-Raei Village was separated from the al-Bab real estate area at the beginning of 2023, and real estate records were established without official documents as stipulated in the laws of establishing records in accordance with Law No. 188 of 1926.

We will try to clarify the violation by clarifying the difference between the correct real estate register and the one al-Raei village had under this violation.

The official real estate registry, as stipulated in Article (1), is a set of documents that present the descriptions of each property, determine its legal status, provides for the rights accruing to it and emanating therefrom, and indicate the transactions and adjustments related thereto. This register consists of:

1- Ownership Registry Book

It is an official document which includes all the details of real estate registered at the real estate registry. It is one of the most important documents to prove property and other rights in rem over real estate properties. It typically includes the following information:

¹⁷ According to the field researcher, there is no official written decision on the matter, but it has been procedurally implemented on the ground, because the existence of a written decision constitutes a clear legal violation.

- Property information: an overall description including the area, location and delimitation.
- Owner details: name of present owner(s) of the property, their nationality or any other identification information.
- Modifications or updates: any changes to ownership such as being sold, given as a gift or inherited with all the relevant dates.
- Rights in rem: such as easement right, mortgage or any other rights incumbent on the property.
- Restrictions or limits: any legal or financial restrictions such as seizure or loans affecting the property. The property registry book is an important legal document for real estate transactions as it guarantees the protection of owners' rights and clarifies the legal status of the property.

2- Property supplementary documents

These are a set of documents supporting and complementing the registration of property and clarifying its legal and technical status. These documents are necessary for real estate transactions such as sale, mortgage or gift. Supplementary documents usually include the title deed or ownership license "green tabu" which cites ownership rights and is considered the main document certifying the ownership of the property. The presence of these documents helps facilitate and accelerate legal and administrative procedures related to the property and guarantees the rights of all stakeholders in real estate transactions.

3- The journal book

It is a register including all the daily transactions related to registered properties including details of the modifications and changes to ownership of real estate. It is used in real estate registry offices to document all procedures and transactions related to real estate on a daily basis. The information recorded in the real estate journal book include the following:

- Date: date of transaction or change
- Transaction Number: a unique number given for each transaction for tracking and reference.
- Type: Type of transaction such as sale, purchase, mortgage, census, delimitation, change of property details.
- Stakeholders: Names and identification numbers of parties to the transaction (such as the seller and buyer).
- Property description: details of the property concerned in the transaction such as address, plot number, and surface area.
- Modifications and updates: any changes made on the real estate registry based on the transaction.
- Accompanying documents: documents supporting the transaction such as contracts, statements or plans.
- Notes: any additional notes concerning the transaction or followed procedures.

The real estate journal book helps improve the transparency and accuracy of real estate procedures to guarantee rights of all stakeholders. It also facilitates going back to past transactions when needed. A title register is only started through a decision by a real estate judge or allotment process initiated by the surveillance department; i.e. to have a complete or correct real estate registry, we need to see article 8 of decision 186 of 1926 which stipulates that when mandatory delimitation and census processes are implemented in accordance with the provisions of the aforementioned article, delimitation and census records related to the real estate area(s) must be deposited with the secretary of the real estate registry in the concerned area.

The real estate secretary must open a title deed upon receipt of the delimitation and census statements with the decisions of the real estate judge to initiate a real rights register for each property in which all data and information included in the delimitation and census statement.

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To start a real estate registry, it is essential to have a 'delimitation and census process' which is fundamental for a title register. To clarify the meaning of delimitation and census, this is a process that is usually initiated in March every year as it is a good time for topologists to work as their work depends on the climate of the area.

The initiation month must be identified two months earlier, so while the actual delimitation and census work starts in early March, the initiation decision must be published in early January.

All of their orders must be issued by the director of real estate departments. When a delimitation and census process is announced in newspapers, names of the villages and areas which those processes are going to cover are mentioned as well as the date of initiation. Official departments concerned with delimitation and census are also informed to guide surveillance teams in their properties.

Citizen owners must also help the delimitation and census teams in their work and must prepare documents to prove their ownership. In addition, the announcement must also include the penalties which shall apply to those who object or impede the delimitation and census processes and must be published in the official gazette and local newspapers and must be posted in the area where the delimitation and census processes are planned to inform the owners that the process has been initiated.

The legislature assigned those preliminary procedures to the director of cadastral affairs who holds the primary responsibility.

Article 7 of decision 186 stipulates that in practical implementation, the heads of technical works prepare these decisions in their relevant specializations.

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The prepared decisions are then sent to the director of cadastral affairs to complete their publication and dissemination to the departments, courts and the general directorate of cadastral affairs duly in collaboration with the heads of technical works who develop every year a program to identify the area for delimitation and census with a list of names of villages which are to be included in the delimitation and census process.

Surveying teams start working on a survey map for the cadastral area based on the completion of temporary delimitation and census processes. These maps developed by engineers are not finalized until the real estate judge looks into the objections arising from delimitation and census.

Objections are open for two years after which the lots are established and deemed to meet the entry requirements in the real estate registry after the real estate judge decides and ratifies the delimitation and census statements. The Directorate of Technical Works then draws the final plans in accordance with the decisions of the real estate judge or the magistrate. Based on the plans, the numbers of stones surrounding the real estate and the numbers of adjacent properties are added to the final delimitation chart.

It is well-known that when undertaking the surveying processes, the Directorate of Technical Works puts some special stones to mark boundaries between real estates. When the engineers finish developing the basic plan, which was developed according to the real estate judge decision, this plan must be approved by the director of cadastral affairs. With this approval, the plan becomes official.

After approval by the director general of cadastral affairs, the survey plan and delimitation and census charts become official documents of the real estate registry as stipulated in article 8 of decision 188 of 1926. These documents are then deposited in the real estate secretariate of the concerned area.

In the case of al-Raei, since there is no real estate registry, registration carried out only using a contract entailing a transfer of ownership in all cases. In our present case, no title register must be opened except through supplementary documents including a contract whose number is taken from the real estate journal book of the real estate documentation office given a number, date and time along with all the formal documents which identify the old and new owners.

The fingerprints of the parties to contract are taken along with the concerned application (allotment, sale, purchase, relocation... etc), the ownership statement and copies of the parties' IDs. It is then referred to the revision office and then the registration office to open a title register, register the number and date of the property as specified, the description, the owner and the shares in the contract. It is then returned to the repository to become part of the supplementary documents which indicate the legality of the work in the future. A title register is deemed unreliable if it is not stamped by director of the real estate registry and the director of the registration office.

Failure to observe those procedures when registering or opening a title register exposes the register to 'fraud' such as being sold without the real owner using a forged purchase contract or for the owner to acquire an old title statement for a property that has been sold without destroying the title document hence enabling them to reuse it to sell the property again.

This issue opens the floor for corruption by employees and profiteers in the area who register their names in the real estate register using forged documents or taking possession of a property with the pretext that the owner is a pro-regime 'shabiha' member.

B. Causes for the Violation

Violations of real estate registries in al-Bab city started because of the “absence of supplementary documents of real estate registries” so influential people took advantage. Al-Raei council followed the same procedure and some real estate registers were started to increase the income of the local council through fees levied on real estate transactions let alone the acquisition and use of property. Specifically, in 2022, an investor contacted officials in the local council to build ‘New al-Raei City’ which made them accelerate the violation because of the significant benefits for them.

In addition, there is ‘demographic change’ as such real estate issues may arise causing tensions in areas like Turkmen-majority al-Raei. These may include:

1

Displacement: People may be forced to flee their homes and lands due to conflict leaving many properties uninhabited or unprotected. This may cause loss of real estate documents or difficulty proving ownership hence property may be seized with the pretext of the owners being loyal to the Syrian regime or using forged documents identical to the formal documents because when state entities went out of the regime's control, several things including official governmental stamps were taken enabling forgery to make any document official.

2

Disputes over ownership: When IDPs return to their home towns, they may face some disputes over ownership of real estate because of illegal changes made to the ownership in their absence or because of the absence of legal documentation. Returnees may, for example, find that their agricultural lands have been built up by IDPs or some authority figures in the area.

3

Demographic change: Conflicts have led to changing the composition of the people of the area giving rise to conflicting claims to the same properties by old and new dwellers. It is well-known that al-Raei area has a mix of Arab and Turkmen people. Most land owners have fled to neighboring countries 'Türkiye, Jordan and Europe' leaving the controlling faction behind with stamps that have been acquired from Syrian governmental departments which enabled dwellers of lands whose owners have been displaced to claim ownership using forged documents.

4

Absence of urban planning: In conflict conditions, buildings may be constructed in an illegal or unregulated manner causing problems in urban planning and public utilities as no surveying plan is issued by the cadastral affairs department.

5

Unclear or conflicting laws: Changes of the ruling authority or local laws may cause unclear or conflicting real estate legislations adding more complexity to dispute resolution in the absence of applicable decisions and real estate registry articles. When new laws are introduced to the real estate registry, violations are multiplied.

Conclusions and Recommendations

A. Conclusions

Areas outside the Syrian regime control did not manage to develop clear and sound policies in their administrative and institutional work. Existing authorities in the two case studies “Azaz and Al-Raei” instilled the pre-revolution status quo in formal governmental institutions including the breaches, violations and corruption.

Based on the survey, testimonies and documents collected by the report team, the report arrives at the following conclusions:

1

Creation of real estate registries has not been institutionalized in Azaz with the dominance of contacts and kinship associated with the military factions in control of the area. This constitutes a continuation of the pre-revolution status quo where institutions were dominated by powerful families associated with the existing authority.

2

Lack of experience in real estate legal processes in Azaz and al-Raei coupled with favoritism in appointment of employees in real estate registries in Azaz instead of relying on experts and specialized people in both areas led to violation of HLP rights of original owners particularly those who were not in the area.

3

A series of legal errors were made in documenting real estates in Azaz because of the absence of real estate legal experts further exacerbating the violations.

Factions in control of Azaz and al-Raei have been suspected of corruption because they benefited from transferring ownership to those who were not original owners using formal stamps taken when the areas came under their control and used to forge the documents.

4

Results of these violations will leave their mark on the Syrian social fabric on the short and long run. HLP rights violations, no matter the type of final political solution in Syria, will introduce division and tension to social relations because the absence of the displaced was used to take over their properties in the name of the law using forged documents and stamps. These incidents have not been casual, they are rather a matter of planning and policy that has been and continues to be followed in those areas.

B. Recommendations

1

Strengthening institutionalization and good governance and applying clear and transparent standards in hiring staff of the real estate registry departments, with a focus on experience and competence rather than favoritism. Training local cadres on legal and real estate management to ensure an accurate understanding of laws and regulations.

2

Creating an independent agency or department to supervise real estate records in afflicted areas, ensuring their independence from military or familial influence.

3

Reforming the real estate legal system: by reviewing and updating real estate laws to ensure protecting the rights of original owners, especially internally displaced persons. Establishing a speedy and effective legal mechanism to document and re-registration of real property, prioritizing areas that have been subjected to widespread violations. Providing free-of-charge or supported legal assistance to IDPs and affected people to enable them to regain their property rights.

4

Combating corruption and promoting transparency by revitalizing oversight and accountability mechanisms on real estate registry departments, including periodic inspections and continuous review of records, and using modern technology to register real estate properties in a safe and transparent manner, which reduces the chances of forgery and corruption.

5

Resolving real estate disputes fairly by creating tribunals or ad hoc committees to hear real estate disputes, while ensuring their independence and impartiality. Providing alternative mechanisms for resolving disputes, such as mediation and settlements, to accelerate dispute resolutions and reduce costs for the affected people.

6

Promoting the role of civil society in monitoring the registration of property and dispute resolution while ensuring broad participation from all affected groups

7

Supporting reconstruction and sustainable urban planning: developing reconstruction plans based on sustainable urban planning while respecting property rights and protecting private property in addition to encouraging investment in infrastructure and housing while ensuring reconstruction processes are fair and beneficial for all social strata.

8

Enhancing coordination between local and national bodies and linking all registries in Syrian regions to the general directorate of cadastral affairs while promoting coordination between local administrations and national bodies to ensure standardization of real estate policies and procedures nationwide.

9

Raising social awareness of property rights through awareness raising campaigns on HLP rights and legal measures to protect these rights and providing educational materials in multiple languages to ensure they are accessible for all social strata including the displaced and promoting the role of local media in exposing real estate violations and supporting efforts aimed at reforming the real estate system.

10

Establishing a permanent monitoring system to evaluate the performance of real estate departments and local administrations and publishing periodic progress reports in addition to activating feedback mechanisms for the local community to ensure local administrations respond to the needs of their citizens and improve services provided.

11

Seeking to promoting trust between the local community and local authorities by showing real commitment to the protection of HLP rights, combating corruption and encouraging societal dialogue on property rights and involving all stakeholders in decision making.

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