

## Statement

# SNHR Participates in a UN Webinar on HLP Rights and Return in Syria



**Saturday 22 June 2024**

The Syrian Network for Human Rights (SNHR), founded in June 2011, is a non-governmental, independent group that is considered a primary source for the OHCHR on all death toll-related analyzes in Syria.

On Wednesday, June 5, 2024, the Syrian Network for Human Rights (SNHR) participated in a webinar, held by the UN Human Rights Office (OHCHR), on housing, land, and properties (HLP) rights in Syria. The event aimed to provide participants and audience members with the knowledge necessary to better understand the importance of HLP rights and their impact on the lives of internally displaced persons (IDPs) and refugees upon their return to Syria in the context of the Syrian conflict. To that end, the panelists discussed the devastating impact of the current situation on HLP rights in Syria, highlighting discriminatory norms and practices, including obstacles faced by women in claiming and exercising their HLP rights. The panelists also discussed the most suitable strategies available to redress the ongoing violations in relation to HLP rights, including in post-conflict areas in Syria. In addition, the panelists shed light on the available paths to support IDPs in attaining their HLP rights in Syria, while exploring the best practices and actionable solutions to ensure HLP rights for returnees.

SNHR Executive Director Fadel Abdulghany spoke about how the Syrian regime has used the conflict to seize Syrian dissidents' properties, through laws and legislations promulgated since the start of the popular uprising in Syria in March 2011. He stressed that all of these articles of law have been created specifically in the service of exploiting the state of internal armed conflict and accelerating the process of expropriating properties.

Mr. Abdulghany noted that the promulgation of many real estate laws has been intrinsically connected with the developments on the ground in Syria, explaining that whenever the regime reestablishes control over a certain area, it quickly follows this by promulgating a legislative decree on real estate regulation, which paves the way for seizing any vacant properties there, then transferring their ownership to regime clients.

On May 25, 2023, SNHR released an extensive report on this subject entitled, [‘The Laws Employed by the Syrian Regime to Control Real Estate Ownership and Lands Before and After the Beginning of the Popular Uprising in March 2011’](#)

**Mr. Abdulghany noted that these laws primarily and directly target three groups:**

- 1.** The forcibly displaced (both IDPs and refugees), currently estimated to number **13.4 million** Syrian citizens according to the UN Refugee Agency (UNHCR);
- 2.** The forcibly disappeared, currently estimated to number at least **113,000** Syrian citizens according to SNHR's database, with the regime being directly responsible for the disappearance of at least 85 percent of this total;
- 3.** Victims killed (civilians and fighters alike), currently estimated to number at least **half a million Syrians**, the overwhelming majority of whom have not been officially registered as dead in the civil registry.

Mr. Abdulghany added that the overwhelming majority of the victims were dissidents opposed to the Syrian regime's autocratic rule, and had been subjected to the violations which the regime has continuously committed since March 2011.

The SNHR head also briefly summarized several of the strategies used by the regime, in addition to the laws and legislative articles it passed, to enable it to seize control of land and real estate properties:

- Taking advantage of the widespread destruction. As has been well documented, the devastation inflicted in dozens of the areas targeted by the regime was not incidental but was a goal in and of itself, intended to drive people out of those areas and inflict as much destruction as possible to enable the regime to easily pillage and loot the destroyed areas and steal the properties of the displaced residents, relying on the laws it had passed to confer a spurious legitimacy on these activities.
- The impact of the issue of incomplete civilian documents on real estate ownership. The Syrian regime has denied hundreds of thousands of dissidents their most basic rights afforded by domestic and international laws, including the right to acquire identification documents. One demonstration of this mindset is the regime's demand that individuals who have been internally displaced or sought refuge abroad, who justifiably fear that they may be arrested and tortured if they return to their home country, should be physically present before being able to claim ownership of their own property. This effectively creates two major problems: firstly, denying the fundamental rights of a whole generation of dissidents displaced, killed, or forcibly disappeared by the regime, and secondly denying the rights of a second generation born during the period of the armed conflict in areas under the control of the opposition, with the overwhelming majority of these children's births not registered, depriving them of official identification documents.
- The manufactured security clearance issue. In order to finalize what should be a straightforward, regular ownership transfer process, the Syrian regime requires that any such transactions can only be conducted after obtaining approval/security clearance from the regime's Political Security Directorate; in reality, it weaponizes these clearance documents for use against political dissidents. Selling or evicting a real estate property now requires clearance from the regime's Political Security Directorate, with those assigned with the task also facing another obstacle of having to secure power of attorney in case the owner is absent or missing. Even this process, i.e., securing power of attorney, which is normally a very simple and straightforward procedure, has become an insurmountable, if not impossible, ordeal, especially if the owner or their assignee is wanted by the authorities or for mandatory military service, or if they are deemed suspicious by the authorities for whatever reason.

Mr. Abdulghany also noted that the regime has not only used laws to establish control over and seize properties, but has also extended these practices to the issuance of provisional seizure orders, a phenomenon seen in Zakya town in Rural Damascus. In Zakya, the regime's Ministry of Finance has issued **13 mass** provisional seizure orders against residents of the town since the start of 2024. These orders have affected **817 civilians**, including 273 women and 12 children. It should be noted that SNHR is set to release a detailed report on the situation in Zakya town in the near future.

The SNHR head also summarized the negative effects of the absence of HLP rights on the return of IDPs and refugees. He stressed that allowing the regime to seize properties gives it the upper hand in any future reconstruction process, as it enables the regime to redistribute private properties in whatever way serves its own goals and vision, which in effect would perpetuate the displacement of the indigenous Syrian people, so the regime can replace them with whomever it wishes. Should that come to pass, the return of refugees and IDPs will become virtually impossible, especially with the regime's increasing practices of seizing and expropriating homes, lands, and all types of buildings and real estate property.

Mr. Abdulghany also explained that Syrian citizens are forced to grapple with numerous difficulties simply to protect and maintain ownership of their properties, noting that this is not at all surprising given the regime's policy of systematic theft, the sole objective of which is to usurp people's property rights which affects all Syrians. Despite all Syrians being affected, however, Syrian women face even more obstacles, given the additional challenges they face due to the discriminatory treatment they are subject to vis-à-vis property and housing. One of the most notable manifestations of this issue is the rarity of properties being registered in women's names. Some studies suggest that the total number of properties registered in women's names in Syria accounts for less than five percent of all properties registered in the real estate registry.

Moreover, many women are wives of missing persons or political prisoners or are widowed. Some of these women face pressure from their husbands' families to force them to waive the inheritance share that they should receive from their absent or deceased husbands. There is also the issue of the civilian documents required to claim real estate rights being lost, or of their being faultily recorded or documented, an issue which is particularly complex in the case of women, since many of them cannot obtain the death certificates for their absent family members which are required for obtaining the necessary limitation of succession document. Many do not even possess a written marriage contract which is required to claim their inheritance.

The SNHR head stressed that the return of refugees and IDPs to their original areas is contingent upon a number of concerns that those Syrians who decide to return to areas under regime control must take into consideration. The most crucial of these concerns is the constant risk that these returnees face of being arbitrarily arrested and forcibly disappeared, and of dying due to torture. Some returnees or their family members are forced to join the army as part of their mandatory military service.

Another, equally serious, issue for those considering returning to Syria is the fear of returning only to discover that their homes, land and other properties have been seized by the regime or its clients, either on the basis of the laws promulgated by the regime to legalize such practices, or because they have simply been seized by one of the pro-regime militia groups or their allies. Given such uncertain and extremely dangerous prospects, the decision to return becomes a major, potentially fatal gamble that barely anybody is willing to put themselves and their families through. Even worse, those returning might be subjected to extortion simply to be allowed to re-enter their hometowns, with the regime requiring a security clearance from those wishing to re-enter most areas that have seen offensives.

Mr. Abdulghany concluded his address by stressing that the regime is not really concerned about the return of refugees and IDPs to Syria, a reality evidenced by the fact that the regime has made no tangible effort to facilitate any safe return. The regime's sole concern regarding this subject is how it can exploit the reconstruction issue and fund itself through donors. As such, Mr. Abdulghany stressed that it is essential to include a process of returning properties to their rightful owners as part of a broader reparation program, for any potential transitional justice mechanism. He further stressed that it would be impossible to implement such a policy without the international will to establish laws through the competent institutions that would enable IDPs and refugees to return while ensuring their freedom to choose their place of return in accordance with the legal obligations clearly defined in international law, to which states must adhere to and act upon. In relation to the issue of redressing the loss of properties and lands, he said, international legal jurisprudence has established moral, material, and conciliatory forms of compensation. Therefore, he concluded, the reparation mechanisms addressing these injustices must not dismiss the rights of the victims to attain such compensation in whatever form possible, and must give special consideration to the rights of women, and ensure that they are not sidelined in favor of men.





SYRIAN NETWORK  
FOR HUMAN RIGHTS



[info@snhr.org](mailto:info@snhr.org)  
[www.snhr.org](http://www.snhr.org)

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