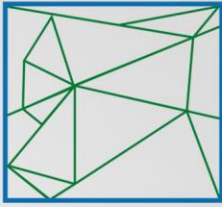


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Eastern Ghouta: Challenges Faced by People Trying to Establish Title to Properties

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In eastern Ghouta, rural Damascus, the people wishing to establish title to their properties are facing several challenges and are developing many concerns, represented by the possibility of being either prosecuted or arrested by the Syrian security services, which triggered a number of them to pay large sums of money in bribes to employees at governmental institutions in return for facilitating the process of establishing title. However, the majority of the people are incapable of proving their ownership of the properties they bought in the wake of the opposition armed groups' control of the area, which lasted for many years until 2018, as they cannot afford the demanded bribes.

The field researcher of Syrians for Truth and Justice/STJ spoke to a number of the people, who are today based in eastern Ghouta, and others who have been displaced to Syria's north. Lately, they all have commenced the proceedings of establishing titles to the properties they purchased between 2012 and 2018. The witnesses/residents, who refused to reveal their true names and instead resorted to pseudonyms for security considerations, explained the means by which they can, for the time being, establish title to their properties.

I. An Overview of the Area's Cadaster during the Reign of the Armed Opposition Groups:

Since the armed opposition groups took over eastern Ghouta in 2012/2013, the local councils, Duma City Local Council particularly, sought to establish a civil and a property register. To achieve this, they mainly depended on the records of the Syrian government, which remained in the city. The records were updated and the buying/selling transactions, in addition to titles were eventually being documented; in addition to the soft copy, a hard copy of the records was preserved in the local council's basement.

During the period mentioned, the Syrian Government/Damascus used to send a **notary** to eastern Ghouta at intervals, who was to manage some of the civilians' affairs. The notary passed through the official checkpoints of the Syrian regular forces and those of the armed opposition groups, given that his visits' dates were not fixed, during which he registered several ownership transferences, selling and buying transactions and sealed powers of attorney. For its part, the Syrian Government has ratified all the documents and transactions addressed by its own notary, despite the armed conflict that involved it and the armed opposition groups which were in control of the area.

In April 2018, upon taking over the area, the Syrian Government transported the property and civil registries, founded by opposition-affiliated entities, from the city of Duma to the

area of Mezzeh, Damascus, where it established a new property registry, designated for eastern Ghouta only.

STJ's field researcher pointed out that the government institutions do not acknowledge the documents issued between 2012 and 2018 by the opposition's institutions¹ in eastern Ghouta; the civilians also, who have obtained documents from the opposition's registries, which prove their ownership of the property, are afraid of presenting them, not even as a mere gesture, concerned that they might be subjected to arrest, accountability or charged for "continuing to deal with terrorist entities," as some of the area's people put it.

II. Methods of Establishing Title or Transferring Property followed by Civilians at the present time:

STJ's field researcher monitored a few of the buying and selling processes, in addition to cases of property transfer and establishing titles in eastern Ghouta. About which, he said:

"In the meantime, the people are resorting to paying massive sums of money as bribes to transfer the ownership of a property which they purchased earlier on- between 2012 and 2018. This is the case where one of the parties to the contract is outside eastern Ghouta. Though no arrests were recorded against the background of property-related transactions, the people are extremely afraid of security prosecution and harassment, knowing that every single transaction requires obtaining a security clearance, which the General Intelligence Directorate/State Security Directorate usually issues. The clearance is granted after the security services, operating in the areas, conduct a thorough background check of the people whose names are mentioned in the property transaction. There were cases where the parties to a transaction did not carry on with the proceedings because all or one of the parties is denied the clearance."

The present state or the circumstances of property owners in eastern Ghouta can be summarized as thus:

- 1. Both the Seller and the Buyer are in Eastern Ghouta:** In this case, completing the procedure of establishing title is easy, once the security clearance is granted. The transaction, here, does not cost any sums of money extra to the transactions' ordained fees. However, it is worth mentioning that the fees themselves are very

¹ The documents mentioned here refer to the transactions conducted through the local councils, which back then were affiliated with the National Coalition for Syrian Revolutionary and Opposition Forces.

high when compared to previous years. For example, getting a court statement² of a piece of land costs 500,000 Syrian pounds today, the equivalent to a \$1000, after it used to cost 7,000 Syrian pounds only.

Commenting on this specific case, Anass, a resident in the city of Duma and the owner of a residential apartment there, which he previously sold to Yasser, also based in Duma, said:

“When we decided to register the sale process, conducted earlier on, Yasser and I headed to a transactions broker as to finalize the conveyance. The broker told us that the proceedings will take the normal rhythm, but we should wait for 15 days for the results of the security checks to come out. After 15 days, he informed us that we could carry on with the conveyance measures, and the matter was resolved.”

2. **The Buyer is in Eastern Ghouta and the Seller is Displaced to Syria’s North/Opposition-held Areas:** In this case, it is very difficult to transfer the ownership or establish title to a certain property, and, likewise, the people tend to be afraid of mentioning that they have ever bought a property from a person who departed towards Syria’s north, for such an action is regarded as “a charge of dealing with a terrorist.” To establish title, thus, civilians are left with three choices: A person in eastern Ghouta is given proxy by the seller, who left to Syria’s north, as to conduct the sale transactions, where the power of attorney is signed through the Syrian government-affiliated notary-mentioned- or the buyer, in agreement with the witnesses and the broker, would have to change the date of the sealed transaction or the date of the purchase process to somewhere before 2011; or the third case where the seller would have to bribe the current notary as to establish the title to the property considering that the seller is present.

Concerning these cases, eyewitnesses spoke to STJ’s field researcher about the methods with which their transactions are being conducted. Abu Imad, a civilian-based in Syria’s north said:

“I left the area, forcibly displaced, while my family stayed; a while ago, they wanted to finalize the transaction of devolution of estate at death³ and establish the hires’

² A court statement is a document that resembles a real-estate extract, issued by the court concerned with the case. The document gives information about the land’s area with a structural drawing, showing its dimensions and the adjacent lands. The document is usually granted after a committee of engineers conducts a field examination of the land and matches the results up with its structural drawings.

³ The devolution of an estate at death: It is a document issued by the courts, naming the hires of a deceased person and the shares and the stocks of each of them of the inheritance according to the degree of kinship. It has two types: A sharia-based devolution of estate, which is a document that the area’s sharia judge issues, naming the hires and their legal shares according to the law, dividing both the movable and the immovable

ownership to the properties. To do so, they bribed the notary, in charge of the process. He received 100,000 Syrian pounds in return for registering the properties duly, regardless of me being in Syria's north. He requested that I only send him my identity document via one of the transportation companies; he, then, registered the data based on it and completed the devolution of estate transaction. If we did not pay the bribe, it would have been impossible to seal the transaction."

On his turn, Abu Mahmoud, a man displaced with his family to Syria's north, said:

"Prior to our departure from Ghouta, I signed an official and legal power of attorney through the notary of the Syrian Government/Damascus, who used to come to eastern Ghouta at intervals. I gave a proxy to one of my friends to sell my car, shop and house. When I left to the north, I asked him to sell them. The sale transaction did actually happen under this power of attorney and the ownership of all these properties was transferred to the buyer, [the new owner]."

Hussein, however, sold a piece of land, located in the town of Maydaa, to a person in the city of Duma, eastern Ghouta. **When the buyer wanted to establish title to the property, he made an agreement with the seller and the witnesses to change the date of the sale contract, for the sale transaction was sealed in 2017, which they changed to 2010. The buyer, thus, managed to establish title to the property after resorting to a transactions broker.**

On another incident, the buyer failed to establish ownership because one of the parties to the contract is in Syria's north. Raed, outside Syria, said:

"I bought a large plot of land near the city of Duma and registered it in my mother's name. When we wanted to finalize the transference of ownership transaction, we were surprised that one of the owners was displaced to Syria's north, and 45 meters of the land's overall area are in the name of this person. As a result of this, the whole transaction stopped, for the person did not provide anyone with a power of attorney before leaving Duma while it is impossible to establish title to a land whose owner is accused of terrorism."

- 3. Both the Seller and the Buyer are in Syria's North:** In this case, it is impossible to transfer the ownership of any property from one person to another in the meantime

money, i.e. organized real estate, and a law-based devolution of estate, which is a document that the area's Magistrates' Court issues as to divide the state-owned properties i.e. those unorganized by the state.

while they both cannot give any person proxy under their current state. In addition to this, if the seller or the buyer happens to be prosecuted by the security services or classified as a perpetrator of crimes endangering the state's security, a cautionary seizure⁴ would be imposed on their properties in accordance with Decree no.19 for 2012, which to cover, STJ published a detailed report.⁵

STJ's field researcher pointed out that the major segment of the civilians who conducted commercial and property-related transactions in eastern Ghouta are yet unable to establish title because one of the parties to the contract is either in Syria's north or is prosecuted by the security services. According to this, people are concerned about being held accountable for dealing with these persons.

It is also worth mentioning that the field researcher has monitored large scale selling and buying operations in the town of **Hawsh ad-Dawahirah**, eastern Ghouta, where well-known real estate merchants are playing intermediary between the area's people and Iranian personalities who want to buy lands and houses for high prices that exceed the current value of the properties. Some of eastern Ghouta's people indicated that these buying operations are an attempt at causing demographic changes in the area, for focusing on buying large areas in the same town is doubt worthy.

STJ's field researcher quoted a real-estate dealer in eastern Ghouta as saying:

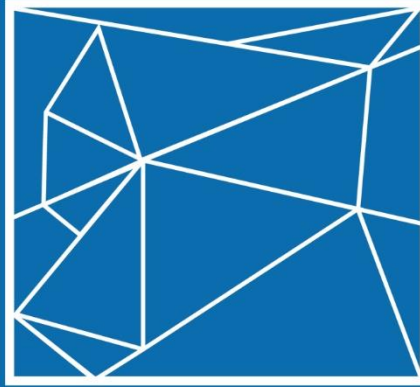
"Prior to the break out of the Syrian revolution, there were dealers who bought real estate in Old Damascus, particularly in the neighborhoods of Qaymariyya and al-Shaghour, on behalf of Iranian personalities, where they played intermediary between them and the real-estate owners. Old Damascus has witnessed several massive arson attacks of houses and shops, triggered by these properties owners' refusal to sell them. After the Syrian Government took over eastern Ghouta, several of the same dealers reappeared and are brokering the sale of real-estate in Ghouta. We have witnessed similar activities on the part of the following dealers: Kh.k, B.K, N.S and A.N."⁶

⁴ Cautionary seizure is placing the money of the debtors at the disposal of the judiciary system, which is usually the specialty of the court. Nonetheless, this was subjected to amendments under Decree no.63 for 2012, where the Minister of Finance was given the power to impose cautionary seizure or place a cautionary lien on the money of perpetrators of crimes relating to the state's security or the crimes reported by Decree no.19 for 2012. STJ's legal consultants pointed out that the mentioned decree has transferred one of the judiciary system's powers to a legally incompetent executive authority and that the crimes relating to terrorism and state security are of an overly broad meaning and are not explicitly defined in the law, not to mention the difficulty at assessing them.

⁵ Syria: Arbitrary Decisions of Cautionary Seizure of Opposition Figures' Properties, STJ, March 6, 2019, last visit: March 15, 2019. <https://stj-sy.com/ar/view/1211>.

⁶ The dealer mentioned the names of a number of dealers who are brokering the purchase of real estate for Iranian personalities; however, STJ did not enlist them here until they are verified by several independent sources or proven true by overwhelming testimonies.

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About Syrians for Truth and Justice:

STJ is an independent, nongovernmental organization whose members include Syrian human rights defenders, advocates and academics of different backgrounds and nationalities.

The initiative strives for SYRIA, where all Syrian citizens (females and males) have dignity, equality, justice and equal human rights.

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