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## Ariha/Idlib: Numerous Restrictions Imposed on Real Estate Transactions by HTS-affiliated Salvation Government

## **Ariha/Idlib: Numerous Restrictions Imposed on Real Estate Transactions by HTS-affiliated Salvation Government**

*The Salvation Government has imposed extravagant fees on real estate transactions, including sale, purchase and establishing title, in Ariha, southern Idlib, following the Hayat Tahrir al-Sham's control of the area on January 20, 2019*

The Salvation Government<sup>1</sup> has lately put into force a number of its resolutions concerning real estate and commercial transactions<sup>2</sup> in Ariha, south of the Syrian Idlib province. These resolutions followed Hayat Tahrir al-Sham/HTS<sup>3</sup> military control of the area in January 2019, which coerced the area's civil entities into an immediate subordination to its affiliate Salvation Government, after they used to operate under Harakat Ahrar al-Sham al-Islamiyya/Ahrar al-Sham. Some of these resolutions constrain the purchase, sale and establishing title to real estate; others imposed fees on these transactions, which citizens consider unaffordable.

Between the 7th and the 11th of February 2019, the field researcher of Syrians for Truth and Justice/STJ has conducted several interviews with civilians concerning the matter, who spoke about the resolutions being imposed on them and the pressures they are suffering, in what seems as a potential breach of the local population's economic rights.

## 1. The Regulations Relating to Real Estate and Commercial Transactions Put into Force in the Area of Ariha:

STJ's field researcher interviewed a lawyer from Ariha city, who refusing to reveal his name for security concerns, explained a few of these resolutions' details:

**“Of the recently passed resolutions, after the Directorate of Real Estate Interests in Ariha was taken over, is imposing fees on transactions, the purchase, sale, rental of and establishing title to real estate, as well as conducting a power of attorney, in addition to cancelling or the refusal of property titles - what is called a ruling decision made by the courts of the Syrian government/Syrian regime's government. These resolutions cover all the villages and towns that are administrative parts of the city of Ariha and Ma`arat al-Nu`man, not to mention all types of real estate, no matter what area they encompass.”**

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<sup>1</sup> On October 7, 2017, the formation of the “Salvation Government” was announced as to run Idlib province and the areas under the control of HTS. The Salvation Government has emerged from a “Constituent Assembly,” which, in its turn, resulted from the “General Syrian Conference” that HTS called for on September 17, 2017, and all the sessions of which and that of the Government's foundation, were conducted in Bab al-Hawa, a border crossing with Turkey.

<sup>2</sup> Real estate transactions refer to dealings of property purchase, sale and other activities which civilian individuals conduct. The commercial transactions, however, hint at those including the sale, purchase and other property-related activities, which companies, organizations or foundations under official bodies embark on.

<sup>3</sup> On January 28, 2017, several jihadist factions in Syria's north announced integration under “Hay'at Tahrir al-Sham/HTS”. The factions that dissolved themselves and joined together under the new name were (Jabhat Fatah al-Sham-previously known as al-Nusra Front- Nour al-Din al-Zenki Movement, Liwa al-Haqq, Ansar al-Din Front, al-Sunna Army). Nonetheless and due to the confrontations that broke out between the Ahrar al-Sham Movement and HTS on July 15, 2017, the Nour al-Din al-Zenki Movement announced its separation from HTS on July 20, 2017.

He added:

**“The Salvation Government has also deactivated the judicial power of attorney that authorizes lawyers or expeditors, for it only accepts power of attorney given by Idlib’s residents to relatives ranging from first to fourth degree. In addition to this, it has made it necessary that the powers be granted at the notary based in Idlib city exclusively, increasing, thus, the costs and the burdens of transportation, as there was a notary at each city earlier on.”**

The lawyer stressed that these resolutions apply to all real estate owners, even those not residing in Idlib province. This, accordingly, means that all sorts of transactions, including the **sale, purchase, transfer of ownership and devolution of the estates** that are located in the area of Ariha must be registered in the Salvation Government-affiliated cadaster, even if the estate’s owners are based in areas controlled by the Syrian government.

He said:

**“Pursuing transactions and establishing them on behalf of people living outside Idlib is conducted through sending a video in which the concerned person documents his/her name, identity, needed transaction, the person or lawyer he/she has authorized as to expedite the transaction. The mere adoption of the video-based authorization is costly beyond imagination and the demanded fee is excessive, for buyers based outside the province are asked to pay 200 USD while the seller also, in case he/she resides outside Idlib, is required to pay 100 USD.”**

## **2. Arbitrary Practices and Imposition of new Fees:**

On February 3, 2018, the Ministry of Justice under the Salvation Government has issued the judiciary list of fees, including those imposed on so-and-so transactions conducted by people. The monetary fees requested is paid either in USD or the Syrian Pound/SP.

**Earlier on, STJ’s field researcher said, the list existed, and it only applied to transactions within the city of Idlib. However, early in February 2019, the lists were generalized as to cover Ariha, after HTS took it over.**

According to these lists, people wishing to pursue a commercial transaction must pay a 100USD for each external authorization granted through a live video; another 100 USD is paid for the transactions of commercial/by implementation register and the commercial action register. In case of the appeal/commercial action register, the demanded sum is 200 USD.

It is worth mentioning that Ahrar al-Sham, a former armed group in control of Ariha, also imposed fees on commercial transactions, but they were simple and paid in Syrian currency, never exceeding 10,000 SP<sup>4</sup>. This fee was demanded throughout its reign, starting in 2015 up to January 20, 2019, reported STJ’s field researcher quoting the civilians he interviewed.

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<sup>4</sup> Nearly 20 USD.

الخدمة	الرسوم وفقاً	الرسوم كتابية
قيد الدفوع المالية والعمالية	٥٠٠٠	حصة آلاف ليرة سورية
قيد دعوى الأصول الشخصية	٣٠٠٠	ثلاثة آلاف ليرة سورية
قيد الدعوى التجارية	\$ ١٠٠٠	مئة دولار
قيد الاستئناف المالية والعمالية	١٠٠٠٠	عشرة آلاف ليرة سورية
قيد الاستئناف الأصول الشخصية	٥٠٠٠	حصة آلاف ليرة سورية
قيد الاستئناف الدعوى التجارية	\$ ٢٠٠	مئتا دولار
تعديد الدعوى بعد القطب	٥٠٠/٣٠٠٠	رسوم دعوى جديد
القيد بالتفويض /الأحوال الشخصية	٥٠٠٠	حصة آلاف ليرة سورية
القيد بالتفويض /أموالي وعزائي	١٠٠٠٠	عشرة آلاف ليرة سورية
القيد بالتفويض / تجاري	\$ ١٠٠	مئة دولار
إسقاط الحق الشخصي والصلح	-	بدون رسم
رسم قرار شرعي وأمني	٣٥٠٠	ثلاثة آلاف ليرة سورية
رسم قرار إعتدادي	٣٠٠٠	ثلاثة آلاف ليرة سورية
رسم إعطاء صيغة التنفيذية	١٠٠٠٠	عشرة آلاف ليرة سورية
طلب إخلاء السجل ككتابة	٥٠٠٠	حصة آلاف ليرة سورية
طلب فك احتباس	٣٠٠٠	ثلاثة آلاف ليرة سورية
المخاطبة القضائية	٣٠٠٠	ثلاثة آلاف ليرة سورية
عقد الزواج ( إنشاء أو تثبيت )	٣٠٠٠	ثلاثة آلاف ليرة سورية
وليفة حصر إرث التملك وفاة	٥٠٠٠	حصة آلاف ليرة سورية
توثيق العقود كافة والإقرارات والوكالات وعزل الوكيل أمام كاتب العدل	٥٠٠٠	حصة آلاف ليرة سورية

الخدمة	الرسوم وفقاً	الرسوم كتابية
تصديق الأوراق	٢٠٠٠	ألفاً ليرة سورية
تقرير الخبراء والمحكمين	٢٥%	من قيمة الحق
تنظيم عقد شراكة	١٥٠٠٠	حصة عشر ألفاً ليرة
تصديق الوكالات أمام الكاتب بالعدل	٣٠٠٠	ثلاثة آلاف ليرة سورية
رسائل المحكمة لجهة ما	٢٠٠٠	ألفاً ليرة سورية
تصوير أوراق الإضارة	١٠٠	مئة ليرة للورقة الواحدة
أجور كراج دراجة أو نحوها	٥٠٠٠	شهرياً عند التسليم
أجور كراج سيارة سياحية أو نحوها	١٠٠٠٠	شهرياً عند التسليم
أجور كراج شاحنة كبيرة أو نحوها	٢٠٠٠٠	شهرياً عند التسليم
الوكالات الخارجية عبر الفيديو المباشر	\$ ١٠٠	مئة دولار لكن شخص أو عمل أو دعوى

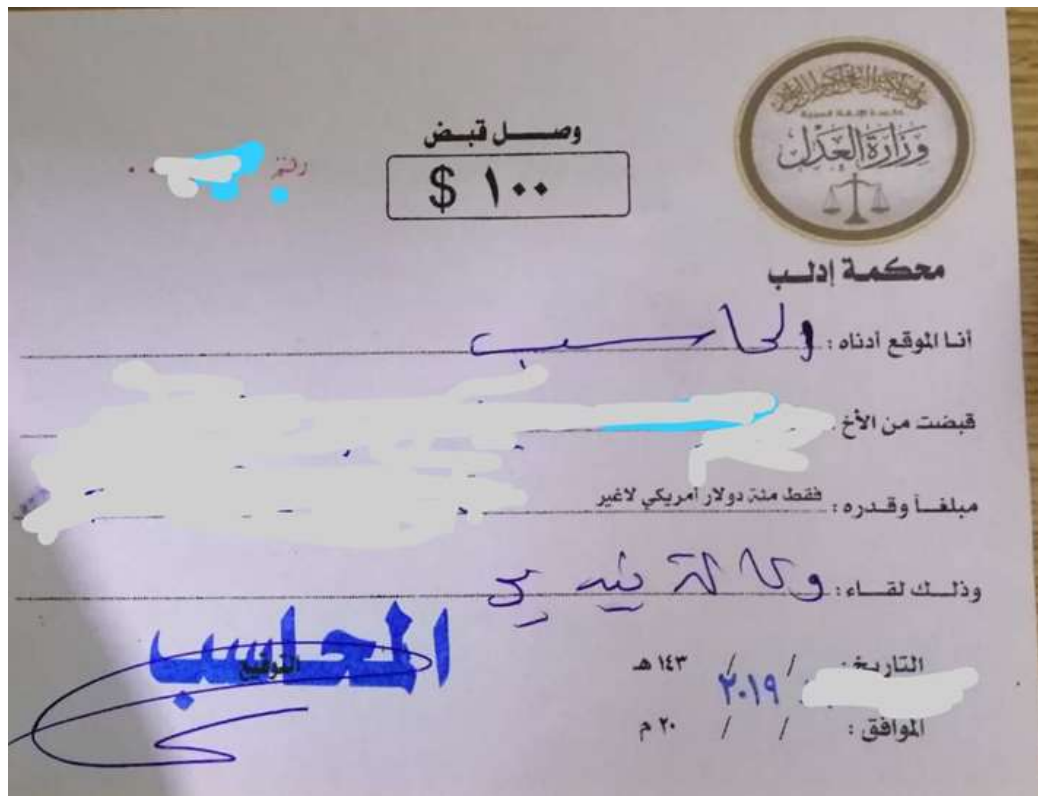
The list of judiciary fees, issued by the Salvation Government-affiliated Ministry of Justice. Photo credit: A lawyer from Ariha.

On this note, a civilian from Ariha informed STJ's field researcher of the following:

**"The fees of establishing a sell transaction through videos have increased, for we used to pay about 10,000 SP before. Today, however, we are supposed to pay 100USD. Many people have refrained from pursuing their transactions driven by these fees. Let us say that you wish to establish title to an estate you bought from inheritors based outside Idlib, you, then, have to pay a 100USD for each video that establishes the sell transaction conducted by each separate inheritor, which means that in total the transaction would cost 500 USD, a fortune in other words."**

Another civilian recounted what he went through:

**"I got the chance to establish title to a land, which I inherited from my father; my siblings agreed to transfer my ownership to me, given that they are abroad. We wanted to conduct the conveyance transaction resorting to the video method. The notary at the Commercial Registry Department in Ariha city demanded a sum of 100 USD to establish the video. I paid the same amount to hire a lawyer, and about 10,000 SP to obtain documents and finalize the procedures. This process has cost me 200 USD and 10,000 SP!"**



A receipt issued and signed by the accountant at the Court of Idlib, affiliated with the Salvation Government, where 100USD is paid for establishing a video-based power of attorney. Photo credit: An eyewitness interviewed for this report.

### 3. How Legal these Commercial Transactions are, on What Legal Grounds they are Based and How do they Operate throughout Syria:

The Ariha-based lawyer told STJ's field researcher the following:

**"The commercial contracts and transactions sought by two persons are fully-fledged and are valid for the two sides to the contract. When established in the Salvation Government-affiliated Real Estate Registries, the transactions become operative in all the areas that HTS controls in Idlib, Aleppo, Hama and Latakia. Due to this acknowledgment of the contracting person's rights within these areas, the civilians refrain from any sell or purchase operation without establishing the transaction in the real estate registries, as to preserve rights [for their part]."**



STJ's field researcher said that the residents of these areas refuse to conduct any sell processes without establishing them, fearing any of the inheritor's refusal to admit the selling process in the future, adding that only a small number of people are establishing their commercial transactions at the Real Estate Registry Department of the Syrian government.

Commenting on this, STJ's local/legal consultant said:

**“Contracts, conducted in the areas outside the control of the Syrian government, are outsourced contracts according to the comparative jurisprudence. For this reason, they do not have a strong legal ownership title, since they have been conducted outside the government/state's departments. Rightful owners, thus, have to establish the transaction per the proper procedures, as to preserve their right. In case the owner fails to establish the transaction, he/she can place an encumbrance of equitable lien upon the specific estate's cadastral certificate, as to prevent selling it for a second time by the original owner. The Real Estate Registries of the Syrian Government do not recognize the commercial transactions conducted outside them; to establish the transaction, they demand the presence of all the parties to a contract to conclude a new one.”**

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## History

Syrians for Truth and Justice was conceived during the participation of its co-founder in the Middle-East Partnership Initiative (MEPI) Leaders for Democracy Fellowship program, who was driven by a will to contribute to Syria's future. Starting as a humble project to tell the stories of Syrians experiencing enforced disappearances and torture, it grew into an established organisation committed to unveiling human rights violations of all sorts.

Convinced that the diversity that has historically defined Syria is a wealth, our team of researchers and volunteers works with dedication at uncovering human rights violations committed in Syria, in order to promote inclusiveness and ensure that all Syrians are represented, and their rights fulfilled.

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