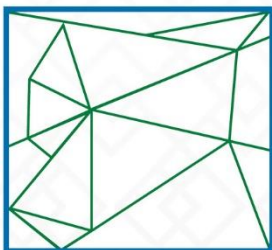


Laws Barring People from
Returning Home
Disguised as Source
Water Protection





Laws Barring People from Returning Home Disguised as Source Water Protection

*Law No. 1 of 2018 continues to deny Wadi Barada's people
access to their homes and legalize the confiscation and/or
destruction of their properties*





Executive Summary

Five years ago, the forces of the Syrian government (SG) launched a large-scale military operation into three key areas in Wadi Barada (Barada Valley) in the suburbs of the capital Damascus. The hostilities forced locals to flee their homes in the towns of Ein al-Fijeh, Basimeh, and Ein al-Khadara. Most of these people remain displaced, with their efforts to return home hampered by the SG's manipulation of the laws and the length of time being taken for legal procedures. The SG continues to bar the people from entering the region, delaying the return of some, while denying all access to others using laws and decrees issued in 2018 to instead expropriate their properties.

The SG's efforts to block people's return to their homes has been underway since 2017. Following the military operation that ultimately led to the SG's control over the strategic area of Wadi Barada, locals signed a settlement agreement (a surrender deal) with the SG. Under the agreement, the SG sent the area's local fighters who refused to legalize their status to northern Syria, accompanied by their families. But most importantly, the SG used the agreement to lay legal grounds for local property confiscations and seizures, especially those in the two towns of Ein al-Fijeh and Basimeh.

Ahead of the confiscations, the SG forces and their affiliated paramilitary groups, including the National Defense and the Qalamoun Shield Forces, carried out extensive looting and pillage operations in the areas of Ein al-Fijeh, Basimeh, and Ein al-Khadara. The SG did not take action to combat the wide property rights abuses or to remedy them, nor did the SG start a proper, open, and transparent investigation into the violations, nor returned stolen or appropriated possessions to their owners. Instead, the SG indulged in other abuses. They demolished or detonated houses and properties belonging to the area's residents under source water protection (SWP) pretexts. The SG claimed that the properties were demolished in the frame of their intended project to expand the perimeters of the facilities of the Fijeh Spring (Water Station), planning to establish two distinct zones around the water source, a primary zone that immediately encompasses the spring, and a secondary zone that encircles the primary one. The area used for zoning contains local properties, but several of the houses and properties the SG demolished were not located within the geographical range of the spring's facilities, neither in the primary nor the secondary zones.

In 2018, the SG issued Law No. 1, which proved decisive for drawing the fate of the area and the locals' property rights. The law legalized the SG's intended property confiscations in Wadi Barada, particularly in Ein al-Fijeh. The law authorized the seizure of complete properties or parts of the properties that fell within the spring's primary zone, prohibiting the locals from performing any activities within the marked area, whether for agricultural, industrial, and touristic ends, not even for purposes of trade or urbanization.

In addition to depriving locals of their properties using the law, the SG denied many residents access to their homes using security permits. To be allowed entry into the area, people had to get a difficult-to-obtain permit from concerned security branches in the area. The permits were frequently used to blackmail residents, with security branches even forcing displaced residents to chant pro-SG slogans to get the permits and reach their properties.

[Law No. 1](#), issued on 18 January by the Syrian presidency, changed the former urban planning schemes that targeted Ein al-Fijeh and Deir Muqaran, canceling all areas allocated for residential purposes within the spring's primary zone, which laid the ground for the eradication





of the existing houses. The law promised to provide affected locals with alternative housing and provided for compensations amounting to the real worth of the appropriated and to-be-demolished properties. However, the law remained obscure about the compensation mechanism and its delivery method.

In late 2020, the SG disclosed their plans for the alternative housing project. They proposed relocating the locals affected by the Spring Site Expansion Project to the Wadi Basimeh, which is an agricultural mountainous terrain, located nearly 3 KM away from Ein al-Fijeh.

The targeted locals refused the alternative housing plans because the new destination is remote and underserviced. Most importantly, the people said that they did not approve the relocation because they are not willing to give up on their original places of residence, especially since they were not consulted about the project, nor the fate of their properties.





The Wadi Barada Upheavals

[Wadi Barada](#) is administratively affiliated with the Rif Dimashq province (Damascus countryside) and is located nearly 20 KM west of the capital Damascus and close to the Syria-Lebanon borders.

The area consists of 13 villages, 10 of which were controlled by the opposition armed groups in 2012 and remained so until the 2017 military operation. These were [Basimeh](#), [Ein al-Fijeh](#), [Deir Muqaran](#), [Kfaer Azzeat](#), [Deir Qanoun](#), [Alhuseiniyeh](#), [Kafr al-Awamid](#), [Barhilya](#), the [Soug Wadi Barada](#) (Wadi Barada Marketplace), and [Efreh](#). The remaining three villages soon fell back under control of the SG, with government forces taking over [Jdeidat Wadi Barada](#) and [Ashrafiyat Wadi Barada](#) in May 2014, and [Huraira](#) in June 2016.

Wadi Barada was a strategic disputed area over the course of the Syrian conflict because it contains the al-Fijeh Spring. The spring is the primary source of clean water for the capital Damascus and its surrounding areas, with the number of beneficiaries amounting to 5.5 million persons according to [UN statistics](#).

Additionally, the area is surrounded by a cluster of military stations affiliated with the SG's forces, including those operated by the 4th Division, the Republican Guard, the 146 Regiment (Special Forces), the al-Dimass Military Barracks, and the Republican Guard Barracks in Jdeidet al-Shaibani town.

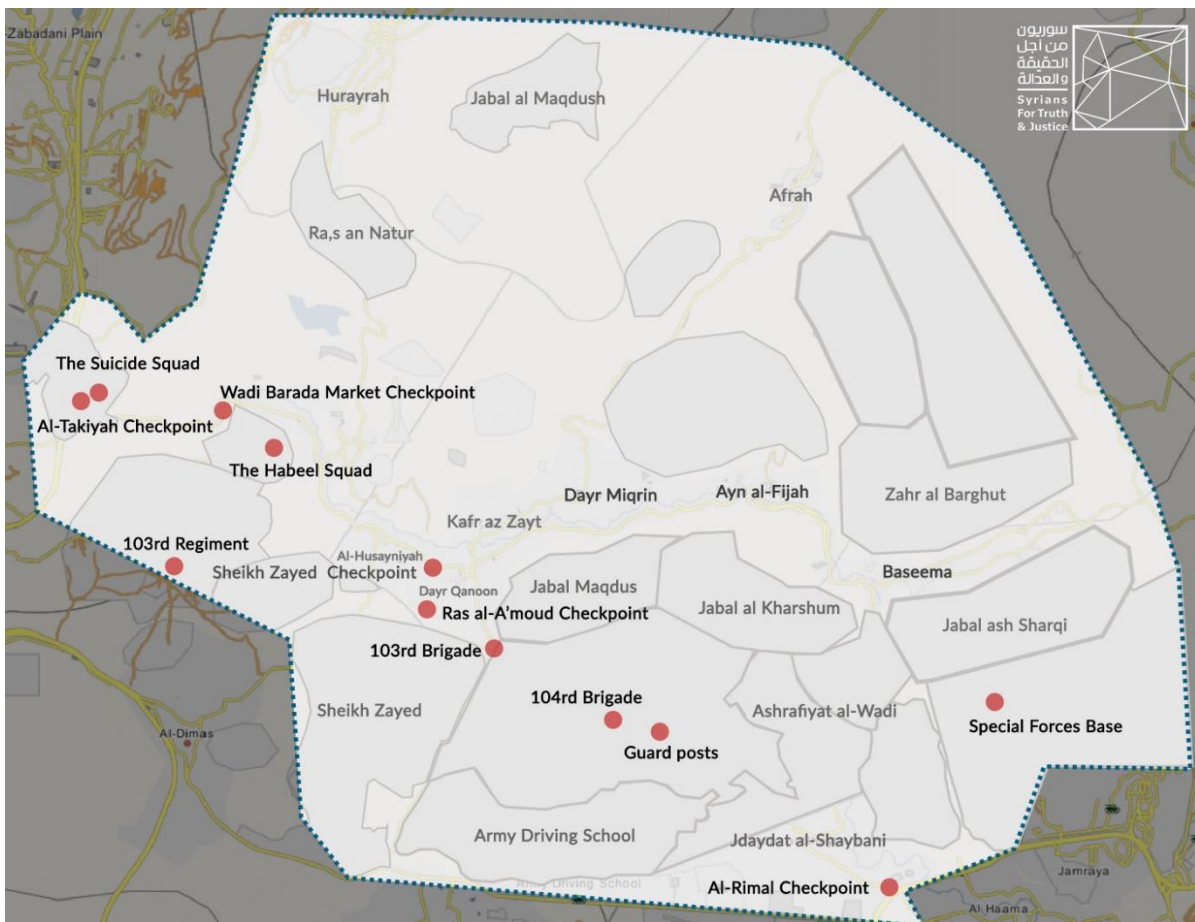


Image (1) –Map locating the villages in Wadi Barada, the surrounding military stations, and al-Fijeh Spring.





Several key armed opposition groups controlled Wadi Barada in 2012, including the Islamic Movement of the Free Men of the Levant/Harakat Ahrar al-Sham al-Islamiyya, al-Nusra Front/Jabhat al-Nusra, regarded as the Qaeda branch in the Levant region, as well as several groups of the Free Syrian Army (FSA), whose recruits were chiefly from the local population.

In 2014, the Islamic State (IS) also entered the area, remaining there until 2016 when it was defeated by the local military factions.

The area was a hotspot for military activities that abated only for brief intervals. In 2015, the armed groups in the area made a [truce](#) with the SG forces, which lasted only till mid-December 2016.

A field researcher with Syrians for Truth and Justice (STJ), who is from the area, said that the ceasefire had four provisions. The SG demanded that armed opposition groups supply the capital Damascus with water from the al-Fijeh spring, in return for which the groups asked the SG to provide the area with food supplies, maintain its security, and release 15 female detainees from the area the SG was holding.

Leading up to the ceasefire, the armed opposition groups—which then operated under the mantle of the Majlis Mujahidi Wadi Barada ([the Council of Mujahidin of Wadi Barada](#)), as a shura (advisory) council—cut off the water supplies from the al-Fijeh Spring in 2015. The armed groups blocked the water resources in response to the military operations the SG forces launched in [al-Zabadani](#) area, backed by the Lebanese Hezbollah militias.

Fearing further retaliation from the SG forces, a group of the areas civilians and fighters headed to the al-Fijeh Spring area and pressured the armed groups that controlled the water station, demanding that the spring be left out of the military conflict and that the factions that cut off the water withdraw from the area.

Over the course of hostilities in Wadi Barada, the al-Fijeh Spring gained political and military weight beyond its importance as a water source. The area was not spared the punitive measures the SG forces enforced against the areas controlled by armed opposition groups and/or extremist factions.

The SG forces imposed a siege on the area in November 2013 and continued to blockade the area completely or partially until early 2017.

Over the years, the armed factions used the importance of the Al-Fijeh Spring to Damascus to protect the area from total siege and complete annihilation by SG forces.

The Infamous Military Operation

On 22 December 2016, the military regiments of the Republican Guard, stationed in the mountains surrounding the valley area of Wadi Barada, launched extensive attacks on the area, using barrel bombs, surface-to-surface missiles (SSMs), and the highly-destructive Fil (Elephant) rockets. The regiments were also backed by the MiG fighter jets of the Syrian Air Force.

At the time of the operation, the SG circulated news claiming that the armed factions controlling the al-Fijeh Spring contaminated the water using “fuel and a dissolved organic matter (DOM), which caused damage to the main water supply pipes.”





Later, the news was revealed as a rumor the SG spread to justify the military operation and bombard the area while it remained outside their control.

Notably, while the SG spread rumors to undermine the truce signed in 2015 in Wadi Barada, a delegation, headed by the retired Syrian army Major General Ahmad al-Ghadban, was in Damascus seeking to sustain the truce and save the area from military activities, especially since hostilities were subsiding in other areas in Damascus's countryside, such as al-Tal, al-Hameh, and Qudsaya.

Two days ahead of the intensified attacks on the area, the SG forces hit the villages in Wadi Barada with [barrel bombs](#). Furthermore, the SG forces deployed snipers and used heavy machine guns (HMGs) that opened fire randomly on the target areas, or deliberately targeted civilians.

Basimeh was among the villages targeted with the barrel bombs, which, according to local activists, also witnessed five aircraft raids.

Other villages, including Kfaer Azzeat and the al-Fijeh water station, were targeted by sniper and HMGs fire.

On 22 December 2016, the Wadi Barada Media Office posted a [video](#) showing houses on fire after they were hit with incendiaries, which local activists said was likely [napalm](#).

By the end of the day, dozens of barrel bombs had struck various villages across the Wadi Barada area.

On 23 December 2016, the SG forces air raided the al-Fijeh Spring facilities. The airstrikes destroyed major sections of the station. Simultaneously, the SG cut off water supplies to over five million persons in Damascus and its countryside, alleging that the armed groups in control of the area had poisoned the water. These allegations were later refuted by the Independent International Commission of Inquiry on the Syrian Arab Republic.

Findings of the International Commission

On 10 March 2017, the UN commission published report [\(A/HRC/34/CRP.3\)](#) addressing a wide range of violations of human rights and the International Humanitarian Law (IHL) in Syria.

Part of the commission's investigations were dedicated to the SG's "allegation that the water was deliberately contaminated" by the armed opposition groups, finding that "there are no reports of people suffering from symptoms of water contamination on or before 23 December nor other indications that the water was contaminated prior to this date. On the contrary, interviewees say that Wadi Barada residents used water up until the bombing of 23 December and no one experienced any symptoms of contamination."

On the same issue, the commission added that "Several interviewees, including a person who went to al-Feijeh after the bombing, recalled that shrapnel damaged the storages of fuel and chlorine, which contaminated the water. It is therefore concluded that the water was not intentionally contaminated by either side."

The commission also investigated the SG forces attacks on the al-Fijeh Spring facilities, stressing that the "information examined by the Commission confirms that the bombing of alFeijeh spring was carried out by the Syrian Air Force. A review of videos of the attack,





photographs of the weapons used and damage to the facility, as well as pre and post-strike satellite imagery confirm the damage was caused by at least two airstrikes.”

The Commission emphasized that the airstrike on the water facility “amounts to the war crime of attacking objects indispensable for the survival of the civilian population.”

Armed Opposition Groups Losing Ground

Following the large-scale military campaign on 22 December 2016, the scope of the clashes was limited to specific areas, including Basimeh, Ein al-Fijeh, and Efreh, while the rest of the area’s villages made separate truces with the SG forces.

The truces, however, did not prove effective, failing to protect civilians from the continued violations committed by the SG forces.

On 15 January 2017, [Reuters](#) quoted the death toll reported by the Syrian Observatory for Human Rights (SOHR). The SOHR documented that SG shelling in the Deir Qanoun village killed nine persons and injured 20 others. Notably, the SG attacks targeted a wedding hall in the village that was converted into a make-shift housing facility for internally displaced persons (IDPs). These attacks were committed in a blatant violation of the established laws of war, and the provisions of the IHL.

Before the area signed a final agreement with the SG, several villages signed separate surrender/reconciliation agreements with the SG. Most of these agreements provided for the settlement of the status of those the SG forces “wanted” through personal “reconciliation agreements”, and the surrender of weapons, as well as hoisting the SG flag over the buildings of government departments.

These deals paved the path for the SG forces towards Ein al-Fijeh, which they ultimately controlled with the remaining areas after the armed opposition groups withdrew from their position succumbing to the progress of the SG forces.

Attacks with Chlorine-Loaded Ammunitions

While covering the attacks on Wadi Barada, international rights organizations documented the SG force’s use of the chlorine gas as a weapon in at least three attacks on 8 and 9 January 2017; however, the gas delivery method remains unknown.

In a [report](#) published on 1 May 2017, Human Rights Watch (HRW) confirmed that the SG forces used chlorine gas in their attacks on Wadi Barada, injuring dozens of the area’s civilians. The HRW based their findings on the accounts of three local witnesses, including a nurse.

The HRW said, “The three witnesses gave different accounts as to when the attacks happened on January 8 and 9. One said that the first attack happened in the morning on January 8, another said it happened in the afternoon. However, all three witnesses said that they smelled chlorine and described clinical signs and symptoms consistent with exposure to chlorine gas.”

The Final Agreement in Wadi Barada

On 28 January 2017, SG delegations and others representing the armed opposition groups in Wadi Barada met without an intermediary, international or local. As a result of the meetings, the two sides signed an agreement.





Notably, the agreement was preceded by the assassination of one of the Wadi Barada's dignitaries, retired Major General Ahmad al-Ghadban.

To gain insights on the meetings between the delegations and the course of the negotiations back then, STJ reached out to Salem Nasrallah, one of the negotiators.¹ Nasrallah recounted:

“An extensive negotiation process started before the military campaign against Wadi Barada. The negotiations were held at the request of the SG forces, particularly the entities in charge of the area's file, including the Presidential Office and the National Security Bureau, headed by Major General Ali Mamlouk, as well as the Grand Mufti of Syria, Ahmad Badreddin Hassoun, who personally intervened. On the other side of the negotiation table, there was a joint negotiations committee, consisting of both military and civilian representatives of the locals in the villages of Wadi Barada.”

The source also described the course of the military activities that accompanied the negotiation rounds:

“The two sides did not reach an agreement in the beginning, so the SG forces continued their military campaign in the area, which they started on 22 December 2016. The regime carried out several raids, using missiles and barrel bombs a few hours after the negotiations round failed . . . the raids persisted until we left the area in December 2017.”

The source added:

“Over the first days of the negotiations, the sessions were attended by representatives of the SG forces and various SG delegations, the most influential of which was the delegation that entered Ein al-Fijeh village. The delegation was headed by the deputy of the governor of Damascus Countryside and included several officials and influential figures from the area. I attended these negotiations as a representative and an intermediary on behalf of the area's people and Ein al-Fijeh village, alongside the retired Major General Ahmad al-Ghadban.”

The source added:

“The delegation representing the area's people asked the SG delegation for a brief ceasefire to facilitate the locals' mobility between the villages of Wadi Barada and enable the local negotiators to hold talks. However, the SG forces refused the local delegation's demands and insisted on the military solution and displacing the local population. The SG forces even targeted the vehicles of the SG delegation, hitting and burning several of these vehicles, including the car of the governor's deputy and trucks belonging to the water and electricity emergency departments. These trucks accompanied the delegation intending to repair the damages in the al-Fijeh Spring facilities following the shelling to resume pumping water to the capital Damascus.”

The source reported the details of the assassination of the head negotiator Ahmad al-Ghadban, which put an end to the round of negotiations, while military hostilities intensified:

“Under an initiative proposed by the Presidential Palace, Major General Ahmad al-Ghadban mediated the entry of members from the SG's Riot Control to the spring

¹ The interview was held online in November 2021.





facilities. He was trying to reach and establish a ceasefire, and then start a new series of negotiations regarding the area's destiny. However, the Brigadier General Qayis Farweh, an officer within the Republican Guard and the commander in charge of the last military campaign against the area, refused the proposal and assassinated al-Ghadban on the Ras al-A'moud checkpoint in Deir Qanoun village in front of witnesses . . . additionally, that last proposal/agreement supposedly offered guarantees from the Damascus UN office to rebuild the area and help locals from Basimeh and Ein al-Fijeh to return to their villages."

The source provided additional details on the role Brigadier General Qayis Farweh played to undermine the negotiations underway:

"The assassination of the negotiator al-Ghadban curbed the initiative immediately. And Brigadier General Farweh insisted on proceeding with the military operation against Wadi Barada and refused any other initiatives proposed by the local delegation. Farweh continued the attack, systematically destroyed local houses, and targeting civilian gathering points to force both civilians and militants to unconditionally surrender. He also pressed the SG to forcibly relocate locals to northern Syria without any guarantees, local or international. When the armed opposition groups lost the al-Fijeh Spring facilities, they adhered to the final 'surrender' deal. The deal provided for handing over the spring facilities to the SG in return for the safe exit of civilians and militants to Idlib and the entry of the SG forces."

Terms of the "Surrender" Deal

In a Wadi Barada flash [report](#), the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported that the SG and "non-state armed groups" signed an agreement on 28 January 2017, which led to the SG control over the entire area of Wadi Barada.

The agreement also granted access to repair teams to the spring site to rehabilitate the water station.

According to a field researcher with STJ, the agreement allowed civilians to remain in the area on the condition that they sign a "reconciliation" deal. As for fighters, the agreement left them two options. They could either hand over their arms and settle their legal status with the SG, or relocate to Idlib, in northern Syria. 2100 fighters left the area, accompanied by their families and 70 injured persons.

According to figures collected by STJ, a total of 4800 persons, both militants and civilians, left Wadi Barada for northern Syria, while approximately 45000 persons stayed in the area, concentrated mainly in the Deir Qanoun village, leaving villages such as Basimeh, Efreh, Huraira, and Ein al-Fijeh.

Notably, the area was home for many IDPs who had fled hostilities in other areas. This raised the total population in the area to nearly 70,000 between 2014 and 2016.

Between late 2020 and early 2021, the SG allowed a segment of the Basimeh and Ein al-Khadrah original population to return to their homes for a short period of time. However, the return was conditional. The people wishing to return had to obtain a security permit issued by the SG-affiliated Republican Guard.





Nevertheless, most of the people refrained from returning to their villages, dismayed by the large-scale damage that befell the area and the lack of remaining infrastructure. The locals were also discouraged by the SG forces-led looting operations that targeted the majority of the area's houses.

Many of the Wadi Barada IDPs are the residents of Basimeh and Ein al-Fijeh villages, who fled their homes, did not return after the last military campaign, nor relocated to northern Syria. These people are today settled in other Wadi Barada villages, including Ashrafiyat al-Wadi, Jdaidadt al-Wadi, Deir Qanoun, Kfaer Azzeat, and Deir Muqaran. Thousands more spread across the provinces in northern Syria and other villages along the Syria-Turkey border strip.

SG Force Lootings

After they established their presence in Wadi Barada and surrounding villages, SG forces, and their allied militias, conducted large-scale looting operations in the area and broke into hundreds of the houses whose owners had fled to nearby villages or to northern Syrian provinces, particularly Idlib.

The three villages of Basimeh, Ein al-Fijeh, and Ein al-Khadara were the epicenter for the looting operations because they were entirely evacuated of their residents when they escaped the violent attacks on their homes. According to STJ's field researchers, the SG-affiliated Republican Guard and the 4th Division were the chief perpetrators of the looting operations which did not spare even furniture, windows, or doors. The information obtained by STJ's field researchers corroborates the [testimonies](#) of several locals from the area, who documented the looting and sabotage operations the SG forces committed after they took control of the area.

Raed Abdulqader (pseudonym), who is originally from Basimeh village and stayed in the area after the hostilities, reported the following:

"The entry of the SG forces into Basimeh and its affiliated area Ein al-Khadra was accompanied by *ta'afish* (looting) operations of houses and shops. The looting operations started immediately after the forces controlled the area. The forces targeted even the restaurants, coffee shops, and service facilities, such as the Telephone Service Office in Ein al-Fijeh. We saw pillars of smoke rise above the area, from the smelting of the stolen brass . . . the smoke was visible to people in other villages, such as in Deir Muqaran and Ashrafiyat al-Wadi . . . the looting operations continued further up to March and April 2017."

The witness added:

"SG forces partook in the looting operations, particularly the Republican Guard, in addition to SG-affiliated local paramilitary groups, such as the National Defense and the Qalamoun Shield Forces. These participated in all forms of theft and violations against the people's properties. They committed a practice that is locally called *tahriq* (Burning), during which they would use fire to heat kitchens and bathrooms to separate ceramic tiles and marble coatings from the walls, without damaging the pieces. The forces then would sell these pieces, claiming they are new. . . the forces also carried out *tafhim* (charring) operations. They cut off and heated the trees to sell them as coal . . . the SG forces in Ein al-Faijeh, Basimeh, and Ein al-Khadra contracted with a wood merchant from a nearby area to cut down trees."





Destruction in Wadi Barada After 2016

The digital forensic expert with STJ carried out an independent investigation into the looting and destruction operations in Wadi Barada, particularly in the three villages of Basimeh, Ein al-Fijeh (water station), and Ein al-Khadra in 2015 and 2016. He consulted photos, videos, and other information from open sources that covered the subject matter. The expert found, by linking satellite images with ground images, extensive destruction in the areas surrounding the water station.



Image (2) – A photo published on 17 December 2020, showing a group of Ein al-Fijeh residents visiting the area for only two hours, accompanied by members of the Republican Guard (Syrian Regular Army).
Credit: Ein al-Fijeh page.



Image (3) – A satellite image (taken on 25 October 2016) locating the buildings in Image (2).





Image (4) – A satellite image (taken 28 October 2020) locating the buildings in Image (2).



Image (5) – An image published 17 December 2020 showing a group of Ein al-Fijeh residents visiting the area for only two hours, accompanied by members of the Republican Guard (Syrian Regular Army).
Credit: Ein al-Fijeh page.





Image (6) – A satellite image (taken 25 October 2016) linking locations with Image (5). Credit: STJ.



Image (7) – A satellite image (taken 28 October 2020) linking locations with Image (5). Credit: STJ.





Image (8) – Satellite images showing the effects of destruction operations carried out by the Syrian government in the area of Ein al-Fijeh following its capture in January 2017. Credit: STJ.





Image (9) – A satellite image showing trees cut down in the area of Ein al-Khadra, near Ein al-Fijeh in Wadi Barada. Credit: STJ.



Image (10) – Satellite images showing the cutting down of trees and the effects of destruction in the area of Ein al-Khadra, near Ein al-Fijeh in Wadi Barada. Credit: STJ.





The Security Permit Deadlock

The hostilities in Wadi Barada caused a massive wave of displacement, mostly from the villages of Ein al-Fijeh, Ein al-Khadra, Basimeh, Efreh and Huriara, while the majority of the residents in the remaining villages managed to stay in their homes.

After the military operations ended, the SG authorities allowed IDPs from Efreh and Huraira to return home over June 2017, while they denied access to the people who fled from Ein al-Fijeh, Ein al-Khadra, and Basimeh.

In December 2020, four years after the SG forces took control of Wadi Barada, the Republican Guard notified the Municipal Council in Jdaidet al-Wadi to announce that people displaced from Basimeh and Ein al-Khadra could enter their villages and check on their houses.

Informed sources told STJ that the announcement excluded IDPs from Ein al-Fijeh.

The sources also reported that those who were allowed entry had to register their names with the al-Rimal checkpoint, which was supervised by the Security Office of the Republican Guard. The registration was a form of application to obtain a security permit.

Limited Access to Security Permits

Following the announcement, IDPs from Basimeh and Ein al-Khadra were allowed a two-hour visit to their villages.

Over the following weeks, the SG also provided IDPs who resided in Damascus and its countryside security permits to restore their destroyed houses and return to live there. However, the SG offered these permits only to a limited number of families.

STJ reached out to a local man from Basimeh, who failed to obtain the permit. He recounted:

“When the SG forces authorized the return of Basimeh’s people to check on their houses and lands, I filed an application at the Security Office of the Republican Guard, known as the al-Rimal checkpoint. However, my application was dismissed and I was humiliated by the checkpoint’s members. And if it were not for the dignitaries who happened to be present at the checkpoint back then, I would have been arrested on the pretext that my siblings are in Idlib.”

The witness also recounted how he was denied access to his properties:

“The SG forces did not allow me, nor my wife or children, to enter our agricultural lands. Later, a neighbor told me that members of the SG forces had turned my land in the Wadi Basimeh into a military center. They took my land while I have been homeless, often changing my residence across Damascus countryside for four years. I am also trying to leave Syria to escape death and arrest after I received several threats. The SG forces stationed in my land have also cut the trees down, punishing me for my brothers' political opinions about the SG.”

STJ reached out to a second witness from Basimeh, who lives in a village in Wadi Barada and was also denied access to his home. The witness narrated:

“When the settlement (surrender) agreement went into force and the people were forcibly relocated to Idlib, one of my sons boarded the SG buses. I refused to





accompany him and went to live temporarily in one of Wadi Barada's villages, hoping to return to my home in Ein al-Fijeh. However, the SG forces denied us access to the village at odds with the agreement's terms and the promises they made when the agreement was being signed, that they will allow us a safe return home."

The witness added:

"One of the SG checkpoints in Damascus arrested me even though I had signed a settlement agreement, which was supposedly operative for six months. I got out of detention after my family paid a large sum of money to a lawyer to help release me. The charge was that I contacted some of the people who went to Idlib. After that, I repeatedly tried to obtain a security permit to enter my village and house, but I was denied access and threatened with arrest by the Republican Guard checkpoint at the Ashrafiyat al-Wadi's entrance to Wadi Barada. The SG forces did not approve to settle my status until I handed them over the rifle I had. I was not the only person denied entry to the village, several other people were not allowed into Basimeh and Ein al-Khadara."

People Barred from Their Properties the Guise of Water Protection

In addition to the Ein al-Fijeh Water Station, Wadi Barada was once one of the key touristic sites in Syria, which attracted visitors and investors from various fields because it was a recreational destination for both Syrians and thousands of foreign visitors.

However, the SG destroyed several of the area's attractions and touristic facilities after they took control of the area. The SG appropriated numerous properties in Ein al-Fijeh and Ein al-Khadra and bulldozed or detonated restaurants using explosive devices and mines.

As mentioned earlier, the SG justified the appropriation and the destruction with investment and source water protection (SWP) agendas, claiming the confiscated areas would be used to expand the zone around the al-Fijeh Spring and the Barada River.

To gain insights on the investment pretext that covered the destruction in the area, STJ's field researcher talked to one of the affected restaurant owners, who said:

"The SG authorities destroyed the restaurants and coffee shops in Ein al-Fijeh and Ein al-Khadra, which were the source of income for a massive number of the area's residents. Additionally, the SG seized the people's agricultural lands and denied them access there, claiming these plots of land had become closed military territories. The SG also cut down all the trees in the area."

The source added:

"The SG is seeking to end the economic life of the area's people, imposing continuing restrictions on local trade activities. This is at odds with the SG's earlier efforts because they used to promote tourism projects. However, as we observed, all these investment plans have stopped due to the fierce competition between SG-affiliated businessmen to control touristic investments in the area."





“Area Unfit for Housing”

In addition to investment and SWP pretexts, the SG has been using the destruction the military operations caused in the area as an excuse to prevent people from Ein al-Fijeh from returning home, claiming these homes are unsafe and at risk of collapse. A lawyer from the area told STJ about the several other pretexts that the SG is using to deny people access to their original places of residence:

“Nearly five years after the displacement/surrender agreement, the SG continues to bar all of Ein al-Fijeh’s people from returning to their village, using various excuses. The SG has been alleging that the area is destroyed and unfit for housing due to rubble and wreck left by the battles, in addition to the remaining explosive devices. The SG forces have been claiming that they are planning to clear the rubble and start to prepare the infrastructure necessary to service the area, as well as to guarantee the ‘safe return of displaced’ property owners and lay the ground for house restorations. These pretexts are being presented at a time when some of the people’s properties were confiscated under Law No. 1 of 2018. The SG deliberately destroyed Ein al-Fijeh to get rid of the people and allow Iran and the militias of Hezbollah to establish their presence in the area.”

Legalization of Property Appropriations Using Alternative Housing

On 17 August 2020, the state-run *Syrian Arab News Agency* (SANA) published a [news piece](#), titled: “Contract Signed to Prepare Zoning Plans for the Construction of Dahiyat Wadi Barada.” In the news, SANA reported that approvals had been obtained to construct the *Dahiyat* (Residential area) Wadi Barada over the area extending between Ein al-Fijeh and Basimeh. The media outlet added that for the purposes of the project a contract worth 450 million Syrian Pounds (SYP) was signed with the state-run General Company for Engineering Studies and Consultations, which will prepare the detailed organizational and executive zoning schemes.

Commenting on the contract, SG officials said that the decision was made to house the people whose properties were seized (appropriated) for investment ends.

The Directorate of Decision Support and Regional Planning in Damascus province, engineer Abdulrazaq Dmairiyeh, stated that the Dahiyeh will be used as alternative housing for owners whose lands and real estate were destroyed in Wadi Barada. Dmairiyeh added that the alternative housing would not be located near or within the primary zone around the al-Fijeh Spring, stressing that people would be granted housing units which areas are equivalent to the areas confiscated.

In his statements, Dmairiyeh noted that Dahiyeh, extending over approximately 40 hectares, will be a tourist attraction that will provide additional economic value to Wadi Barada, stressing that every citizen whose house was bulldozed due to “terrorism” within the project’s specified area, will be designated a house in the Dahiyeh.

The alternative housing plans were decried by the local people due to the remoteness of the project’s area and its lack of services, and most importantly because they are unwilling to abandon their original places of residence.

Commenting on the alternative housing project, a lawyer said:





“After the SG took control over the area and forced people to leave their houses, they later prevented them from returning there. The return restrictions oppose the statements made by SG officials, including Alaa Ibrahim, former governor of Damascus province, who started talking about alternative housing in early August 2020. Ibrahim said that the SG’s Committee of Economy had ratified the contract designated for the construction of a residential area, dahiyeh, in the name of Dahiyat Barada, in Basimeh in Damascus countryside. The targeted location consists of agricultural lands between the two villages of Basimeh and Ein al-Fijeh, which mostly belong to Basimeh’s people. Additionally, according to a statement published on the website of the Syrian Prime Ministry, the SG’s Committee of Economy has approved to ratify the contract signed between the Damascus Province and the General Company for Engineering Studies and Consultations to prepare the detailed zoning and executive studies needed for the Dahiyat Wadi Barada in the Basimeh area.”

Laws Permitting Property Confiscations

In 1989, the SG issued Law No. 10, which stipulated the protection of the Wadi Barada spring area, and prohibited the drilling of wells or establishing fuel stations around the primary zone encompassing the spring or establishing garbage dumps within the spring area. Under that law, the state expropriated real estate and homes from their local owners and demolished them within the plan to expand the spring site area, without fair compensation for some and/or any compensation for others. This practice is at odds with Article 15 of the [1973 Syrian constitution](#) that was in force at the time, which emphasized the necessity to protect public and private properties and to prevent confiscation except by virtue of a court ruling and in return for fair compensation.

On this issue, STJ reached out to a second lawyer, who is a resident in Ein al-Fijeh:

“Since the late 1980s, the SG put in place several plans and procedures to seize the lands of Ein al-Fijeh. The SG’s purpose was not the protection of the water source, because they expropriated the lands for low sums of money backing these seizures with Decree No. 10 in 1989, which provided for the protection of the primary and secondary zones of the spring. And under this law, the SG prevented all works of construction, and restoration, even grazing in the area... As a form of alternative housing, the SG granted people whose properties were confiscated licenses for building housing compounds... However, I believe that the confiscations were part of a plan to displace the people to the Adra area and completely expropriate Ein al-Fijeh, through confiscating Ein al-Fijeh’s people’s properties and compensating them with houses in the Adra area.”

He added:

“Through earlier expropriation laws, known as Law No. 10 of 1989, half of the people’s homes in the area were demolished. Even though the law specified the terms and conditions of the Ein al-Fijeh Spring site zoning plans, at execution the SG forcibly confiscated lands and properties, some of which were even outside the zoning borders specified in the decree. Back then, the SG promised the people compensation and housing, but fulfilled none of these promises.”





Law No. 1 of 2018

Nearly a year after the displacement of the local population from the areas of Wadi Barada, on 18 January 2018, Syrian President Bashar al-Assad issued the [decree](#) titled Law No. 1 of 2018. The law is concerned with establishing a protective area around the al-Fijah Spring site. In other words, the law was put in place to frame “the acquisition of lands adjacent to the spring.” The law also amended the zoning schemes of the towns of Ein al-Fijah and Deir Muqaran, stipulating the obliteration of residential areas within the primary zone around the spring site.

The primary zone: the plot of land surrounding the water spring, 10 meters on both sides of the water tunnel. This zone is established to provide access to the spring facilities for purposes of repair and preservation, as well as the protection of the water from contamination.

The secondary zone: the plot of land encompassing the primary zone, 20 meters on both sides of the spring water tunnel. This zone is established to bar certain activities that would cause either contamination or the depletion of the water.

In Article 4(a), the law provides for constructing two zones along the water tunnel, through which water is pumped from the al-Fijeh Spring to Damascus. These are the primary zone and the secondary zone.

In Article 4 (b), the law specifies the width of the primary zone on both sides of the water tunnel, as 10 meters, starting from the tunnel axis and in line with the attached schemes, prepared by the General Company for Engineering Studies and Consultations.

In Article 4 (c), the law specifies the width of the secondary zone on both sides of the water tunnel, starting from the tunnel axis and covering the area of the primary zone.

Notably, the 10-meter primary zone and 20-meter secondary zone cover only the area surrounding the spring’s tunnel, not the whole area of the spring site (water station). Pertaining to the complete zoning area around the station, Article 2 of the law stresses it would be specified in accordance with the yet to be issued topographical schemes.



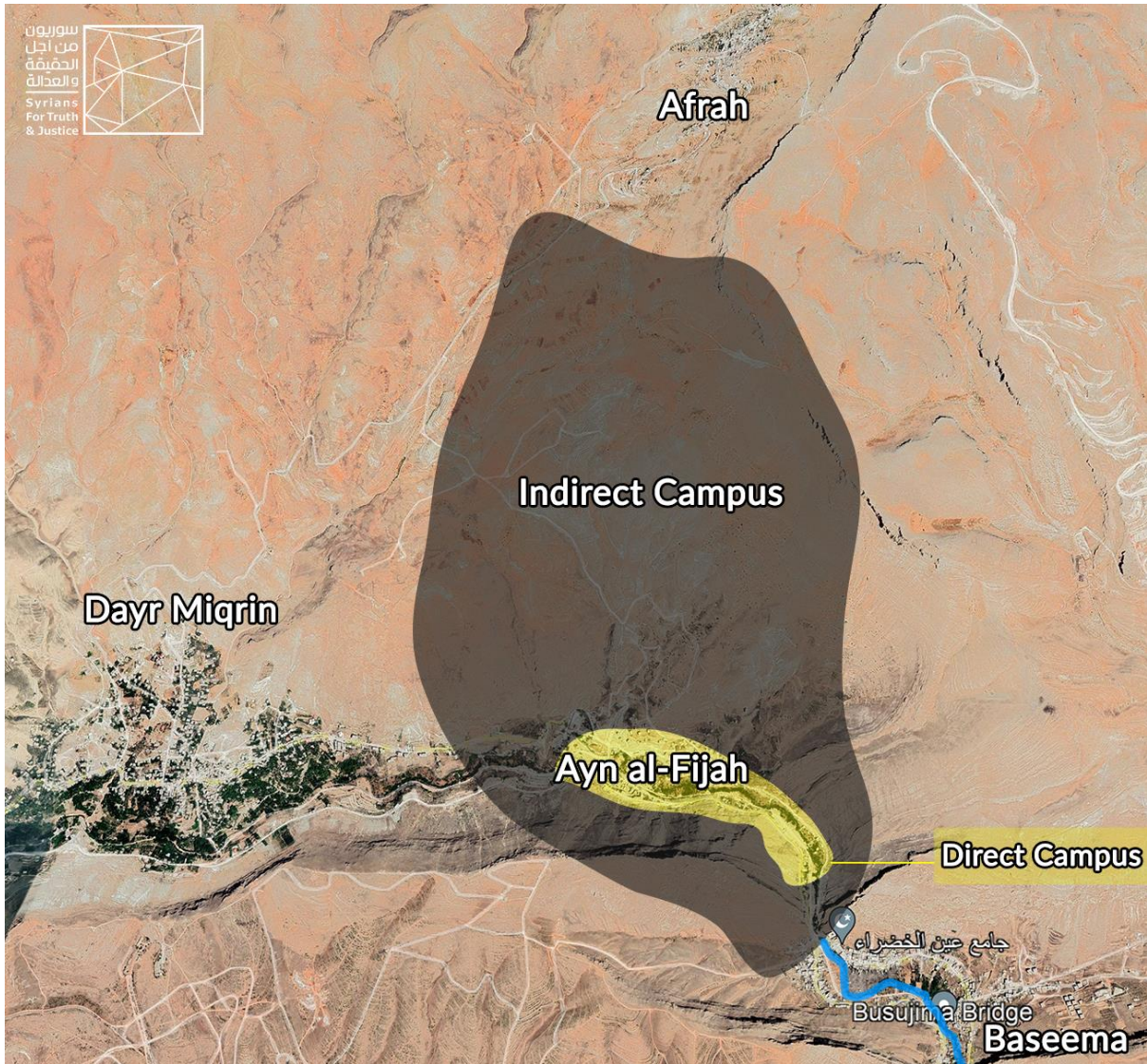


Image (11) – A map drawn by “Syrians for Truth and Justice” showing the area of the direct and indirect campus of the al-Fijeh spring water station in Wadi Barada.





The following images show the Ein al-Fijeh area and the dredging operations that followed the issuance of Decree No. 1 at the beginning of 2018. Notably, dredging operations practically began in the second half of the same year and continued in the years following the issuance of the law.





Law No. 1 Disrupts Locals' Lives

Even though Law No. 1 of 2018 remains widely controversial, Article 3 poses the greatest threat to people's property rights. The article provides for confiscating swathes of land within the primary zone in accordance with the zoning schemes attached to the law, the schemes that have not been issued yet. The article also provides for compensation that is worth the actual value of the confiscated property. However, the article does not highlight a compensation mechanism, nor the manner for the compensation calculation. Given that uncompensated confiscations under investment guises are among the SG's common practices, the article might open the door for arbitrary uses of the confiscations stipulated in the law.

Additionally, Article 3 provides for compensation, but it does not safeguard the affected people's right to express dissatisfaction with the compensation amount in case of arbitrariness by administrative entities in charge of the project. The article does not provide for the people's right to appeal the compensation decision, nor puts in place a mechanism for appeal or filing grievances regarding the confiscation or compensation amount, while it did not even specify a period for the grievances, nor their legal referential sources.

Several locals own lands and properties within the range of the primary zone. While they are all threatened with losing their rights over their properties that might be forcibly confiscated, they will remain unable to appeal confiscations or compensation decisions, for lack of knowledge about the proper procedure.

The restrictions posed by the law on local's lives are not limited to direct property confiscations. The law also threatens to disrupt many of the locals' rights to use and dispose of their properties. Article 5 of the law prevents property owners, located within the primary zone, from carrying out activities such as digging or patching wells, establishing stone or sand quarries, closing holes, or initiating activities for agricultural, industrial, urbanization, or trade purposes. Article 5 is thus a violation of several established legal frames such as Article 15 of the enforced [2012 Syrian constitution](#), which states that:

“Collective and individual private ownership shall be protected in accordance with the following basis:

1. General confiscation of funds shall be prohibited;
 - a. Private ownership shall not be removed except in the public interest by a decree and against fair compensation according to the law;
 - b. Confiscation of private property shall not be imposed without a final court ruling;
 - c. Private property may be confiscated for necessities of war and disasters by a law and against fair compensation;

2. Compensation shall be equivalent to the real value of the property.”

Article 5 also undermines Article 768 of the Syrian Civil Law, which stipulates that “The owner of a thing alone, within the limits of the law, has the right to use it, exploit it and dispose of it.”

While it wreaks havoc on people's sources of income and undermines their property rights, Law No. 1 stipulates a prison sentence between one and three years, as well as a fine of 500,000 SYP against any person who violates its Article 5.





Barriers between Locals and Their Properties

Similar to other Syrian appropriation laws, Law No. 1 of 2018 assigns SG executive authorities, represented by the Provincial Directorate of the Damascus Countryside, large powers. The law enables the authorities to carry out confiscation proceedings as they see fit; thus, prioritizing the authorities' interests over the rights, interests, as well as opinions of the people affected by the proceedings.

Such legal privileges are problematic, especially since Syria is witnessing a destructive extended armed conflict, which over the course of 10 years created several challenges to people's rights. The key challenges include the absence of people, whose properties are subject to confiscation, because many remain in the areas, inside and outside Syria, they fled to during earlier hostilities. Additionally, many of the area's people, particularly IDPs settled in Wadi Barada and surrounding areas, have complicated security circumstances, whether for their anti-SG positions or for failing to legalize their status with the SG following the settlement deal. These people can neither demand access to their properties nor claim their rights of use or disposal.

Additionally, the law undermines people's property rights due to certain procedural gaps that it does not cover.

The law does not provide for informing the owners of properties within the primary or secondary spring zones that their properties are target to confiscation. This deprives owners of knowing the fate of their properties, and worse yet, from knowing the proceedings they must follow to protect their rights or demand compensation.

This gap represents a major threat, particularly to absent owners who were relocated to Idlib or others who are in countries of refuge. The law neglects to provide grievance and appeal mechanisms. This denies owners their right to seek refuge in the law or the court system to protest the confiscations, especially when no or unfair compensation is delivered.

Denying affected owners access to the court breaches several local and international laws. The law apparently functions against Article 51 of the Syrian constitution, which states that:

3. The right to conduct litigation and remedies, review and the defense before the judiciary shall be protected by the law, and the state shall guarantee legal aid to those who are incapable to do so, in accordance with the law;
4. Any provision of the law shall prohibit the immunity of any act or administrative decision from judicial review.

It also violates Articles 8 and 10 of the Universal Declaration of Human Rights, which respectively stipulate that: "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law" and "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."

The law also fails to adhere to the International Covenant on Civil and Political Rights of 1966, particularly Article 14, which states that:

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone





shall be entitled to a fair and public hearing by a competent, independent, and impartial tribunal established by law.

In other words, the law is undermining both the owners' legal rights, as well as the role of the judiciary, which is supposed to govern all cases of judiciary implications, including affected people's right to appeal the unfair amount of compensation.

This gap represents a major blow to the rights of property owners, especially when observed within the larger picture of the current security situation in Syria because even if the SG were to address the gap many owners would not dare take their cases to concerned courts personally, because many continue to be prosecuted for their anti-SG sentiments or other political opinions.

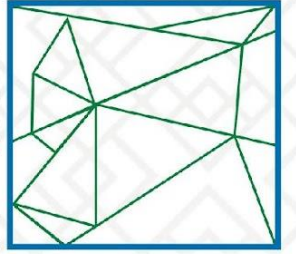
Stemming from similar security barriers, those owners who cannot pursue legal action themselves because they are displaced or refugees, also cannot grant powers of attorney to representatives, including relatives, to establish their right over properties or protest confiscation or compensation.

Powers of attorney are more of a challenge than a solution because owners (who have a clear security record and who are not present in the area) must wait for three to six months to delegate a relative, pending the approval of security services. Powers of attorney are automatically denied to other owners who are wanted for security services or are subject to a court ruling in absentia.

Notably, the multilayered violations inscribed into the law do not only jeopardize property rights, including of IDPs and refugees, they also threaten to sustain internal displacements and complicate the already difficult peace process in Syria which depends on IDPs' ability to return home.

Consequently, if the SG is truly willing to use the law to protect the Fijeh Spring from pollution and depletion, not as a pretext to legalize property confiscations, the law should include highly transparent compensation mechanisms that is consistent with the Syrian constitution and other legal frames; the law also should safeguard people's right to information, regarding the confiscation methods, through proper legal means, and their right to litigation should they be harmed by the legal proceedings.





About Us:

Syrians for Truth and Justice (STJ) is a nonprofit, nongovernmental organization monitoring human rights violations in Syria. Founded in 2015, STJ has been based in France since 2019.

STJ is an impartial and independent Syrian human rights organization operating across Syria. Our network of field researchers monitor and report human rights violations occurring on the ground in Syria, while our international team of human rights experts, lawyers, and journalists gather evidence, examine emerging patterns of violations, and analyze how violations break domestic Syrian and international law.

We are committed to documenting violations of human rights committed by all parties in the Syrian conflict and elevating the voices of all Syrians victimized by human rights violations, regardless of their ethnicity, religion, political affiliation, class, and/or gender. Our commitment to human rights monitoring is founded on the idea that professional human rights documentation meeting international standards is the first step to uncovering the truth and achieving justice in Syria.



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