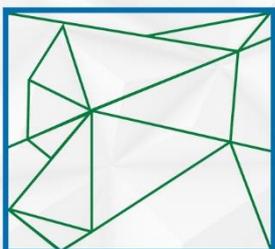


# Syria/Hama: The Security Committee Usurps IDPs and Refugees' Properties



سوريون  
من أجل  
الحقيقة  
والعدالة  
Syrians  
For Truth  
& Justice



26 May 2022

## **Syria/Hama: The Security Committee Usurps IDPs and Refugees' Properties**

*The Syrian government's use of sham "public auctions" to invest  
in IDPs, refugees, and expatriates' lands is an obstacle to these  
groups' safe return home*

## Executive Summary

The General Secretariat of Hama Province announced they were accepting applications for public auctions, which offer for investment the *al-Slaikh* (rain-fed) farmlands in the areas across Salamiyah, Suran district, and al-Hamra district and its administratively affiliated areas, as well as in the areas of al-Ghab and Muhradah, al-Qism al-Khariji, and the Hirbnafsah district and their administratively affiliated areas. These auctions were announced on 7 December 2021 and scheduled for 12 and 13 of the same month.

The auction announcement carried the signature of Hama governor, Muhammad Tariq Krishati, and was hinged on two letters by the Ministry of Agriculture and Agrarian Reform (MoAAR); No. 169/s-g and No. 588/m-f, addressing the work plan for investment in vacant land, to be announced for the 2021-2022 agricultural season. For reference, the auction announcement also cited [Law No. 51](#) of 2004,<sup>1</sup> which regulates government contracting.

The auction announcement listed a set of conditions, including that the investment period is one agricultural season, renewable pursuant to agreement between the two parties (the Syrian government and the contractor). Additionally, auction applicants must pay initial insurances of 5,000 Syrian pounds (SYP) for irrigated lands, and 10,000 SYP for rain-fed ones. Furthermore, the auction applicants should present a police clearance (Good Conduct) certificate and a residence certificate and authorization (See appendix 1).

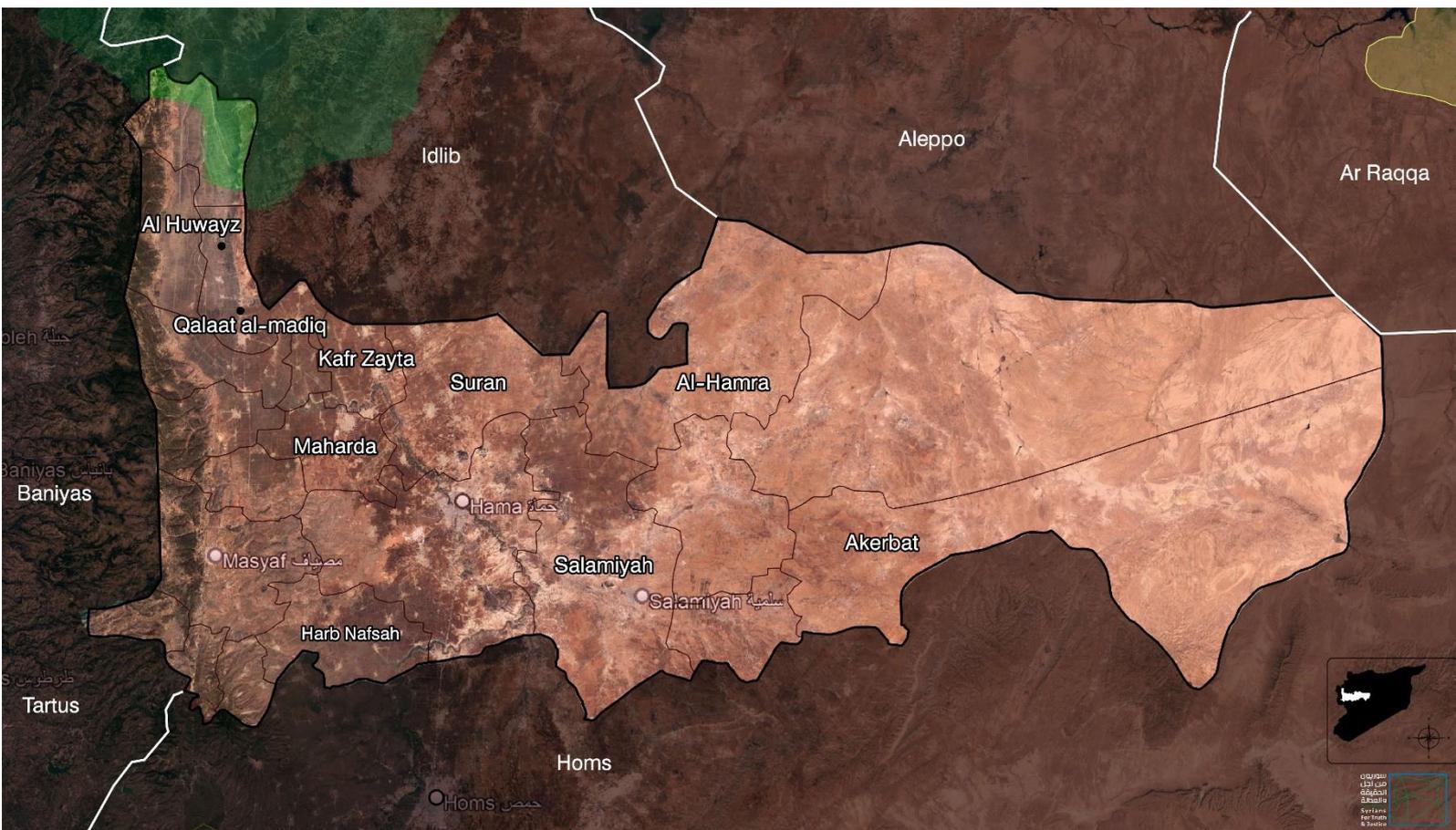


Image (1) – A map of the new lands seized and auctioned by the Syrian government in Hama and the end of 2021. Credit: STJ.

<sup>1</sup> The reference is legally out of context because Law No. 51 of 2004 governs bids, insurances, purchases, or services for public entities, not renting or investing private property.

Notably, such auctions are growing into a common practice by the Syrian government (SG). In two former reports, Syrians for Truth and Justice (STJ) documented large scale land seizures and similar auctioning practices by the SG after they reestablished control in areas held by opponent military groups.

Published on 10 June 2021, the first [report](#) revealed that the SG seized approximately 60,000 dunums (6000 hectares) of civilian agricultural lands, adversely affecting the lives of hundreds of both internally displaced persons (IDPs) and refugees. Many of the affected owners and farmers had been forced to flee their homes due to hostilities and settled within other Syrian territories, while some crossed international borders seeking asylum in various host countries.

In the second [report](#), published on 27 September 2021, STJ documented SG-perpetrated confiscations of new swathes of IDPs and expatriates' lands in Hama's countryside and the public auctions held to offer these plots for investment.

## Background

The SG and their affiliated militias started these investment-masked seizures in February 2020. They seized lands belonging to IDPs, refugees, and expatriates in the provinces of Hama and Idlib, particularly across various towns they re-controlled in the western and northern rural sections of Hama and the southern rural sections of Idlib.

In Hama province, administrative entities affiliated with the SG announced a series of public auctions, since mid-2020, offering for rent and investment pieces of land owned by IDPs, refugees, and expatriates. The auctioned swathes are located in several towns and villages within the administrative borders of Suran region— including Suran, Tayyibat al-Imam, Morek, Atshan, Koukab, and Ma'an—, Muhradah region—including Ltamenah, Latmeen, Kafr Zita, al-Zakat, Jubbayn, al-Hamameyat, Tal Meleh, Jalamah, al-Arbaeen, al-Mughayyir and Kernaz—, Salamiyah region—including Umm Hartein, Tell Elelbawi, Daki, Jrouh al-Nuaimia, Tuwaibet al-Ayash, Abul Kusour, Totah, Hjailiyah, Akash, al-Abayka, Rasim Qanbar, al-Sallaliah, Easim al-Khdaira, Jub Swaid, Jub al-Abyad, Soha, Hamadi Elomr and Abu Dali—, and in al-Ghab region—including plots in al-Qal'a and al-Jayyid.

In Idlib province, the Idlib Farmers Association (IFA) announced similar public auctions in October 2020, offering for rent agricultural lands seized in several towns and villages located within the administrative borders of Abu al-Duhur region—including Tell Sultan, Tell Touqan, Ballisa, Abu al-Duhur and its affiliated farms, Harmaleh and its affiliated farms, Rasm Nabas and its farms, Tell Salmou and its farms, al-Hasbanbeh and its farms—, Ma`arat al-Nu`man region— including Kafrya, Ramlah, Mreiheb, Nibaz, al-Juhman, al-Awja, Tell Halawa, Tal Alkarama, al-Qahira, Rajmel Mashraf, Ameria, al-Naqir, Qasabiyeh, al-Lweibdeh, Misherfah, Umm al-Saharij—, and Khan Shaykhun region—including al-Tamanah, Moqa, al-The, Tahtaya, Khan Shaykhun, Jarjanaz, Umm Jalal, Raffa, Jbala, Kafr Basin, Hobait, Kafr Ein, Sheikh Dames, al-Heraki, Babuline, Maysruneh.

In 2021, SG-affiliated entities announced a new series of public auctions, offering new swathes of rural Hama's agricultural plots for investment. These plots are located in the towns and villages of Suran, Morek, Latamenah, Kafr Zita, and Lahaya, among others and were expropriated in the absence of their original owners. Many of the property owners are IDPs

who fled their homes due to military hostilities, or expatriates who left the country before the war, or individuals wanted by Syrian security services on alleged “terrorism” charges.

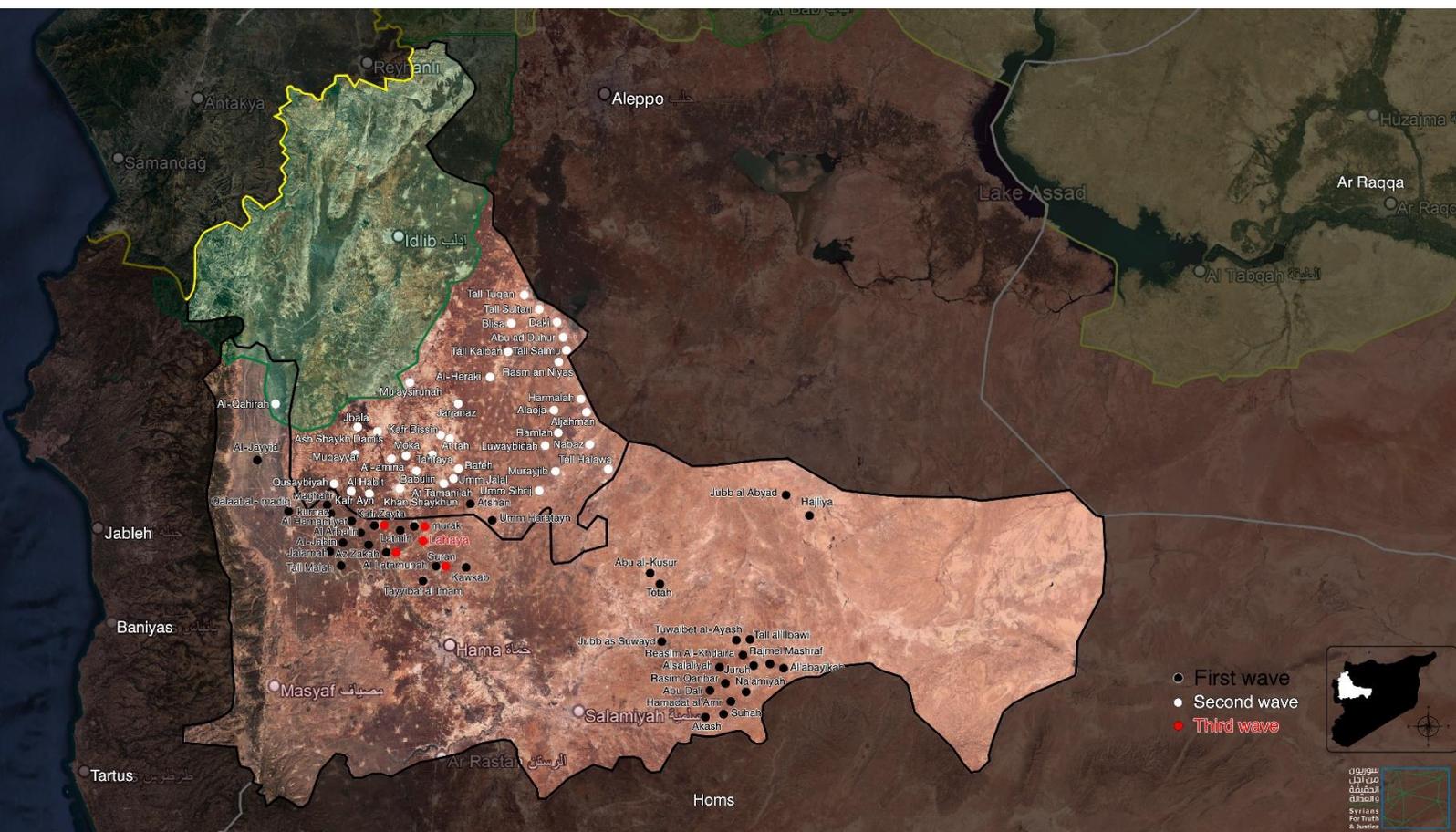


Image (2) - a map showing all the areas where the seizures and auctions by the Syrian government took place.

## The Role of the Security and Military Committee (SMC)

The SG-founded Hama Security and Military Committee (HSMC) has played a major role in the expropriation of agricultural plots of IDPs, refugees, and expatriates, as well as played a role in the public auctioning of these plots. The HSMC carried out the seizures on various pretexts, including that landowners live in areas controlled by armed opposition groups, which the SG classifies as “terrorist organizations”, or that landowners have unpaid dues to the Agricultural Cooperative Bank (ACB), which the ACB can retain through confiscating the landowner’s plots and auctioning them for investment.

To shed light on the HSMC’s working mechanisms and land-grab dynamics, the field researcher with STJ reached out to an informed lawyer. The lawyer recounted:

“On 1 July 2021, the HSMC held a meeting and decided to form a sub-committee. The sub-committee was delegated with scanning lands owned by IDPs/refugees, including pistachio fields, to identify their production capacity. The scans were carried out in preparation for confiscation of the land’s products and yields . . . the HSMC set up 20 July 2020 as the date for the start of the harvesting season. Based on this, preliminary

lists were issued, containing the names of villages and towns, as well as the names of landowners and the areas of the plots to be auctioned following seizures.”

The lawyer added:

“It is worth mentioning that on 21 August 2021, the HSMC made a second decision providing for confiscating the yield of olive fields and offering for rent the *al-Slaikh* (rain-fed) plots. The decision came after the sub-committees issued lists with the names and areas of the lands across Hama province, where the [seizure] decision applies.”

## The HSMC's Structure

In an exclusive account to STJ, a lawyer informed of the HSMC's structure said:

“In every Syrian province, the security committee often encompasses the highest military and security ranks available in the province. The [officer] holding this rank is assigned the head of the committee by the president of the republic directly. Usually, the head of the committee is chosen pursuant to his loyalty to the ruling regime in Syria.”

Pertaining to members, the lawyer added that the committee includes the governor, head of the military police department, head of the civil police department, head of the Military Security Branch (Military Intelligence Department), head of the General Directorate of Intelligence branch (State Security), head of the Political Security branch, head of the Air Force Intelligence, commander of the National Defense militias, and finally command of military brigades and divisions operating within the province.

## The HSMC's Members

Headed by Major General Ibrahim Khalifeh, the HSMC's includes, as its members, Major General Ramadan Ramadan, commander of the 4th Corps in the Syrian Regular Army, Muwafaq Bashouri, Secretary of the Hama branch of the Arab Socialist Ba'ath Party (Hereinafter Ba'ath Party), several members of the Hama-based Ba'ath Party's Executive Office, a representative of the National Progressive Front, Muhammad Tariq Krishati, the Hama governor, Judge Jihad Murad, the attorney general, Brigadier General Ibrahim Abbas, head of the Hama Military Security Branch, Colonel Radwan Saqar, head of the Hama Air Force Intelligence Branch, Major General Jasim Hamad, commander of the Hama Police Department, and Brigadier General and Head of the Hama Military Police Branch (whose name has not been identified), Brigadier General Taysir Amoun, head of the Hama General Intelligence Branch, Colonel Amer Hermez, head of the Hama Political Security Branch, and Adwan Mustafa, Commander of the National Defense Militia in Hama, Haitham Junaid, head of the Hama Farmers Union, and a number of the union's executive office members.

Following leads on the HSMC's activities, STJ obtained information that the Syrian Minister of Agriculture, Hassan Qatana, participated in one of the committee's meetings in 2021.

## The HSMC's Decision-Making Mechanism

Based on the collected testimonies, the field researcher with STJ traced two decision-making mechanisms that are applied for defining target plots of lands to be confiscated by the SG. Under the first, the confiscation decision is made directly by the higher political command in the country, represented by the President of the Republic, the Prime Minister, or the Minister of Agriculture/Executive Authorities. Later, the security committees per province, including the HSMC, handle the execution.

Under the second, target plots and the specific areas to be confiscated are proposed by the security committees themselves. Later, the proposals are filed to the higher political command in the country, represented by the Regional Leadership of the Ba'ath Party and the National Security Bureau, which make the final decision.

A lawyer informed of these mechanisms told STJ:

“In most cases, security decisions are made in one of two ways. In the first, the decision is made directly by the higher command of the SG, without proposals from lower circles. In the second, the decisions are made by the political command, however, based on the security committees within the concerned province. Next, the regional leadership of the Ba'ath Party (central command), dispatches the decisions to party branches across provinces and the National Security Bureau, to which are affiliated all the security services. For their part, commanders of party branches generalize the decisions, sending them to heads of branch departments, party divisions, and official government directorates. In its turn, the National Security Bureau circulates the security decisions, sending them to security committees, tailed with the order ‘for immediate execution’. Decisions are marked out with either of the expressions, ‘top secret’, ‘secret’, or ‘confidential,’ indicating both the importance and seriousness of the decisions.”

Both the security committee's structure and decision-making mechanisms indicate the pivotal role the Ba'ath Party continues to play in making critical decisions in Syria. This role constitutes a breach of the provisions of the Syrian Constitution of 2012, which canceled Article 8 of the 1973 Constitution. The eliminated article designated the Ba'ath Party as the ruling party of the State and society.

The broad powers granted to the party are further proof that many of the reforms alleged by the Syrian regime since the 2011 sweeping popular protests remain gestural, existing merely as ink on paper.

## Legalizing Land Grabs by Changing Auctioning Decision Makers

To legalize the land seizures and subsequent public auctioning decisions, the SG changed the entity in charge of issuing the decisions in 2021. Instead of the HSMC, the SG assigned the decision-making process to the Hama governor, changing as well the legal frames contextualizing the confiscations.

The decisions were hinged on Law No. 51 of 2004, which regulates public contracts. However, this frame fails to legally ground the seizures, because the cited law applies only to public bids and confiscations related to “public state-owned properties,” not including privately-owned ones.

The cited law is only operative should the State transform the nature of ownership of the confiscated properties, from private to public, rendering them liable to auctioning. This measure was not applied to the confiscated plots of land.

To put the land confiscations in perspective, STJ consulted with a former judge, who stressed that decisions regarding the seizure and auctioning of IDP farmers are illegal. The judge recounted:

“The subsequent Syrian governments were keen on assigning a security committee in each province. Earlier [before 2011], the governor was the head of the committee, followed by the highest military rank in the province and heads of security branches, in addition to the secretary of the party branch and influential security and military figures

in the province. However, after the conflict started in 2011, command over the committee was transferred from the governor to the highest military rank in the province, designated by the president of the republic, on the condition that the governor maintains membership within the committee. When it comes to signing public auctioning decisions, the governor has become the representative of the political command of the committee. Accordingly, the governor turned into the political and executive representative of the president of the republic in the province.”

The former judge added:

“Neither the governor, nor the security branches, possess a legal source to legalize land grabs. The seizure-aimed public auction announcements are grounded in the [public contracting law]. This law applies to all public entities within the State, whether in the administrative, economic, or construction sectors; however, pertaining only to the public properties of the State. The scope of the law does not cover private properties owned by the citizens. Therefore, all the measures backing those investment and auctioning decisions are absolutely invalid.”

## Testimonies of Affected Owners

For the purposes of this report, STJ reached out to several of the affected landowners. In their accounts, the owners highlighted other abuses in addition to the violations the SG perpetrated against their property rights. The owners pointed to extortion, sham auctions, discrimination, and favoritism, as well as challenging auction application measures.

### Extortion

STJ reached out to a local from al-Ghab Plain, who is presently based in Hama city. The witness (46) is a teacher. He is married and a father. He recounted the challenges he had to overcome to attend a public auction on behalf of one of his village's farmers. He narrated:

“On 28 December 2021, I referred to the building of the Hama Provincial Directorate, planning to participate in the public auction and rent a land belonging to a farmer from my village. The owner had delegated me to cultivate the land for him. In the building, I went to the auction hall, on the second floor. However, I was surprised when one of the soldiers did not let me in, along with nine other people.”

The witness added that he was blackmailed to pay an officer money in return for access:

“After the soldier denied us access, a Lieutenant approached us at the hall's door. He said, ‘You cannot enter the auction room, unless each of you paid 30,000 SYP!’ I and other four people paid the money to gain access into the hall. In the room, I saw people wearing military rank identifiers, while others had military outfits but without such similar identifiers.”

## A Figure Committee and Sham Auctions

Both the committee and the auctions are used to add a legal cover to the extensive SG-pretreated land seizures. Several applicants noted that they met the bidding conditions listed in auction announcements, including the preliminary insurance. However, they were forced to pay large sums of money, in bribes, to influential figures, including officers and administrative employees, to get to the stage of the “rent application forms.” These forms are overseen and audited by military officers operating within the security branches to run a checkup on both the applicant’s security status and the land they are applying to invest in.

STJ reached out to an applicant, who succeeded in participating in one of the announced auctions. The applicant (43) recounted:

“There were approximately 35 persons in the bidding hall. I saw a few military figures. Some of them were signing papers; others were seated with the committee responsible for the biddings. Because I am a resident of al-Ghab Plain and very familiar with it, I identified some of the members of the committee running the public auctions. The committee included delegates of the party divisions in al-Ghab Plain, among them Suleiman Khalil Suleiman, Hassan Mikhail al-Dhib, Imad Mahfoud Nu’man, Mahran Youssef Issa, Shamseddin Ali Yassin, Nahel Rashid Suleiman, Muhammad Saleh Mahmoud, and Yassin al-Mahmoud. Additionally, there was a representative of the farmers union, Yassin al-Mahmoud, and the *mukhtar* (governor) of Qalaat al-Madiq town, Muhammad Hussain Saloum Mukhtar, and the head of the Qalaat al-Madiq City Council, Ibrahim Ibrahim. I could not identify several of the present people, who were adding the final seal on the bidding form. I filed the land rent form, with several people that had military outfits on. In the form, I specified the area of the land and its location.”

The witness/applicant added:

“As I presented the form to the bidding committee, a militant approached me and asked whether I had relatives in Idlib. He also asked about my current address, profession, and the reason I was bidding on this land in particular. I answered him that the piece of land was adjacent to my land. Out of nowhere, another person burst out, saying that this piece of land had already been rented and that it belongs to a person residing in areas hosting terrorists.”

## Discrimination Against Original Landowners

Documenting the seizures and other violations of the owners’ rights occurring during the auctioning process, STJ identified a heightened favoritism towards SG-affiliated militias, which is maintained at the disadvantage of the civilian applicants. The commanders of these militias use their military powers during the auctions to obtain investment rights over large areas of the confiscated plots of lands belonging to IDP owners, who fled their homes due to previous hostilities.

Over the past few years, the Commander of the National Defense Militia in al-Suqaylabiyah, Nabel al-Abdallah, and Commander of the National Defense Militia in al-Ghab Plain, Basim Muhammad, maintained a monopoly over large swathes of the confiscated lands. Over 2020-2021, Muhammad worked as a grain merchant, according to a local from his village in al-Ghab Plain.

On the issue of military control over investment contracts, STJ talked to a Hama-based farmer, who is married, a father of five, and presently lives with his family in one of the IDPs camps in Deir Hassan village. The farmer recounted:

"I own 67 dunums of agricultural lands, located in the Qalaat al-Madiq district. I cultivated vegetables, which helped us be self-sufficient and maintain decent living conditions. In the spring of 2019, the SG forces launched military operations in Qalaat al-Madiq, forcing us to flee to the camps in Deir Hassan, in Idlib province. We left our land behind, concerned over the lives and the safety of our sons. Today, we can hardly make ends meet, and we cannot afford our daily needs, especially because I could not find any suitable jobs. My land was planted with wheat, alfalfa, eggplant and tomatoes."

The farmer added:

"I shared this piece of land with my brother. Each of us owned approximately 67 dunums, registered at the Directorate General of Real Estate Interests. In March 2020, after the combat abated and the SG forces, with their affiliated militias, established control over the area, my brother toiled to cultivate both plots of land. Even though he remains in Hama city, my brother was denied the chance to plant the land because Basim Muhammad, [commander of the National Defense Militia], had expropriated over 2000 dunums in the real estate sector where my and my brother's pieces of land are located."

## Challenging Application Measures

On 16 September 2021, the SG's Ministry of Justice [issued Circular 30](#), which requires individuals obtain a security clearance to initiate power of attorney procedures for absent and missing persons, a requirement already applied to all other types of private and public powers of attorney. This security clearance prerequisite caused the land grabs to spiral, for the affected landowners, including IDPs, fit into the labels of the absent and missing, and are identified as so by the Syrian law. The prerequisite pushed the seizures further because the clearance is obtained from security and military branches, while the SG has been promoting the idea that IDP farmers had pledged allegiance to "armed groups". Such alleged affiliation with anti-government groups denies IDPs access to clearances, and in turn, to powers of attorney through which they could delegate their relatives to attend public auctions on their behalf.

STJ met with a farmer, who talked about the legal challenges his brother went through as he attempted to attend a public auction on his behalf. The farmer resides in one of the areas outside the SG's control and, thus, he cannot obtain a security clearance, nor issue a power of attorney to his brother. The farmer said:

"In 2021, my brother assured me that he is willing to attend a public auction to rent both of our lands to cultivate them. In November 2021, my brother succeeded in participating in the public auction after he paid an influential person approximately 50,000 SYP as a bribe. However, he failed to rent the land and could not even protect it from confiscation on the pretext that I had not granted him a power of attorney that gives him the right to dispose of the land and use it. Consequently, the land was rented, [seized], by Basim Muhammad, commander of the National Defense militias in the area."

The farmer/witness added:

“Going to the SG-held areas to initiate the procedures of granting my brother a power of attorney is impossible and unsafe for me. One of the prerequisites to grant a power of attorney is that both parties appear before the notary in person, not to mention that the SG has been stigmatizing IDP landowners living in Idlib as gunmen or affiliates with armed groups.”

## Illegal Land Investments

The investment-masked land confiscations perpetrated by the SG are illegal, particularly as they followed large waves of displacement induced by the military operations the SG forces waged in target areas. Additionally, while these confiscations go on unrestrained, the SG continues to pose numerous security challenges that hamper IDPs' access to their fields and put landowners at the risk of ultimately losing ownership rights over their properties.

The adverse impacts of these challenges grow more alarming when viewed through the available figures on [IDPs in northwestern](#) Syria, which amount to 2.8 million persons. Nearly 1.7 million IDPs are dispersed across 1,400 IDPs concentration points, among them 80% are women and children, while 46,000 have disabilities.

According to the field researcher with STJ, the majority of these IDPs are from Hama province and the southern rural parts of Idlib; namely, the areas that witnessed large-scale military operations by the SG between 2019 and 2020. The SG-spearheaded combat forced the residents of villages, towns, and cities across both areas to flee their homes for the areas adjacent to the Syria-Turkey borders, leaving behind their sources of living.

Expressing concern over his property rights, a former resident of Kafr Zita (52), who is a father of seven and currently lives in an IDP camp in Harim, told STJ:

“My three brothers and I owned a piece of land on the outskirts of Kafr Zita, extending over nearly 96 dunums. We used to plant it with potatoes and it yielded thousands of dollars. It gave us a luxurious life. In 2016, we dug two artesian wells to provide a permanent source of water for the planted crops. However, in April 2019, two of my brothers fled to Harim city, with their families. They were approximately 23 persons. They escaped the extensive airstrikes by the SG and the Russian aircraft. Despite the shelling, my other brother and I stayed to look after the crops, convinced we will be able to harvest the yield on time. In June 2019, my brother and I were forced to abandon the land because the SG forces advanced and retook Kafr Zita and the lands surrounding it. After we fled, we asked a relative, who was still living in Suran town, to visit our land in Kafr Zita and inspect the crops. He informed us that the land and the 2019-2020 harvest were seized by a militia affiliated with the SG.”

The witness added:

“During the next harvest season, of 2020-2021, and by mere chance, I learned that the Hama Province announced a public auction, offering IDPs' lands for rent. The auction included my land. We immediately decided to send one of our brothers to attend the auction, despite the risks posed to his safety. He paid sums of money, amounting to 300 USD, in bribes to attend the auction and to guarantee that we will win the bidding, not someone else. When my brother arrived in the auction hall at the Hama Provincial Directorate, he was denied access, until he paid 35,000 SYP as a bribe to an influential person overlooking the auction. Then, my brother presented his identity document to the auction officials, asking them to rule out his land from the rent bids because he is one of the land's original owners.”

The witness added:

“The committee in charge asked my brother to visit them the next day. He went there. However, the committee told my brother that the land is not registered under his name and that the records still reference my deceased father as the owner. They told [him] that no one has the right to claim ownership over the land without a document entailing the *Sharia* settlement of succession or a power of attorney duly certified by the notary granted by my father, which enables my brother to dispose of the property. The committee asked for the power of attorney even though my brother told them that my father died in 2016, and that since his death we could not proceed with procedures of the *Sharia* settlement of succession and the distribution of property to legal heirs due to the war. The committee insisted on auctioning our land. Later, someone spoke for my brother with the committee in return for money, as to guarantee that he wins the bid being one of the owners.”

The witness concluded:

“Back then, [my brother] won the bidding. Today, my brother works on a segment of our land as a tenant. He saw one of the influential persons in the region seize the rest of the land and enjoy its yield. Moreover, my brother could not cultivate potatoes as we used to do before because the SG-affiliated militias stole the agricultural tools and the wells' equipment. It costs a fortune to get the necessary supplies for cultivation. Therefore, he planted wheat. Presently, I, my brothers, and their families continue to live in the Harim IDP camps, in Idlib, supported by monthly relief baskets which are nothing compared to a single atom of our land's soil.”

## Legal Opinion

The confiscation of IDPs' lands in the provinces of Hama and Idlib, and the subsequent public auctioning of these plots of land are but one measure in a multilayered pattern applied by the SG across the country to rob Syrian citizens of their moveable and immovable assets. Notably, the seizure pattern pre-dates the conflict; however, the raging war pushed it to the surface, while the SG continues to use property rights as a retaliatory tool against its opponents, including the confiscation and expropriation of their properties.

The pattern marks the numerous laws and decrees the SG enforced for such vengeful purposes. Among the most offensive of the private property-aimed legal frames are Decree No. 66 of 2012, which was amended by Law No. 10 of 2018, and Law No. 23 of 2015. These frames legalize expansive property confiscations, particularly those owned by citizens with anti-SG opinions.

Importantly, the SG grounds confiscations in legal frames that do not directly pertain to property rights, using different overbroad laws for similar ends. For instance, the SG utilizes the Counter-Terrorism Law No. 19 of 2012, which demonstrates the SG's intentions to expand the scope of target landowners, directing the policies of private property confiscations towards several segments of the Syrian communities, not only IDPs.

While exploiting a variety of laws to justify confiscations, the SG-initiated public auctions that offer seized properties for investment operate against several others. The auctions are a blatant breach of Article 15 of the operative [2012 Constitution](#). This article provides that:

“Private ownership shall not be removed except in the public interest by a decree and against fair compensation according to the law; confiscation of private property shall not be imposed without a final court ruling.”

This article shows that the auctioning producers, starting from announcement and up to bidding results that grant certain sides the right to invest in confiscated lands, are all constitutionally invalid.

This practice is a flagrant violation of the owners' right to dispose of their properties stipulated in Article 768 of the Syrian Civil Code. The article states that “the owner of a thing alone, within the limits prescribed by law, has the right to use, exploit and dispose of it.”

These confiscations are also considered thefts and lootings of the produce of these properties, which the law has determined is the right of the owner exclusively in Article 770. The article states that “the owner of a thing has the right to all its yield, produce, and its adjuncts unless otherwise stipulated by a text or agreement.”

Moreover, Law No. 51 of 2004 which the Hama governor cited as framing the applications for the public auctions is misused and decontextualized. The law is exclusively dedicated to purchases (materials or services) for the public authorities and is based mainly on the principle of tenders. However, it does not provide cues on the process of public auctions on private land and property. Therefore, basing the auctioning decision on this law is unfounded and illegal.

## Conclusion

The right to property is a basic human right enshrined in international covenants and charters and is deeply related to the right to dignity and security. This right is established by Article 17 of the Universal Declaration of Human Rights of 1948. Additionally, the Guiding Principles on Internal Displacement guarantee protection for IDPs property and possessions in all circumstances, particularly against looting, arbitrary, and unlawful appropriation, as well as against illegal occupation or use, and direct or indiscriminate attacks or other acts of violence.

While SG-perpetrated property confiscations continue to jeopardize IDPs and refugees' basic property and human rights, the confiscations have graver impacts on the future of the affected property owners. These property violations construct a barrier to IDPs and refugees' safe and voluntary return because the expropriations rob these citizens of their potential sources of living or places of residence, making their return meaningless. Therefore, the SG's appropriations are further proof that its calls for these people to return to their homes and places of residence are insincere and confirm the SG's unwillingness to abide by the UN resolutions issued regarding Syria, particularly Resolution 2254 of 2015. The resolution underscores:

“The critical need to build conditions for the safe and voluntary return of refugees and internally displaced persons to their home areas and the rehabilitation of affected areas, in accordance with international law.”

## Appendix:

الجمهورية العربية السورية  
وزارة الزراعة والحماية  
محافظة حماة  
الرقم: ١٣١١ / ٢٤١  
التاريخ: ٢٠٢١ / ٨ / ٧

اعلان للمرة الثانية بالسرعة الكلية

- استثناءً بأحكام القانون رقم ٥١ لعام ٢٠٠٤ .
- واستناداً لكتسابي وزارة الزراعة والاصلاح الزراعي رقم ١٦٩ / ق ز تاريخ ٢٠٢١/٦/٩ و رقم ٥٨٨ / م و تاريخ ٢٠٢١/٨/٢١ بخصوص خطة عمل ضمان الاراضي الشاغرة والمقرر اعلانها للاستثمار الزراعي لموسم ٢٠٢١-٢٠٢٢ .
- تعلن الامانة العامة لمحافظة حماة عن قبول طلبات الاشتراك بالمزاد العلني لاستثمار الاراضي ( المصلحة ) للمرة الثانية ابتداءً من يوم الثلاثاء الواقع في ٢٠٢١/١٢/٧ ولغاية نهاية الدوام الرسمي ليوم السبت الواقع في ٢٠٢١/١٢/١١ وتجري المزايمة في قاعة الاجتماعات في المحافظة وفق البرنامج التالي :

(١) منطقة سلمية + ناحية صوران + ناحية الحمراء وتوابعهم :

يوم الاحد الواقع في ٢٠٢١/١٢/١٢ الساعة التاسعة صباحاً

(٢) منطقة الغاب + منطقة محردة + القسم الخارجي + ناحية حريفنسة وتوابعهم:

يوم الاثنين الواقع في ٢٠٢١/١٢/١٣ الساعة التاسعة صباحاً

وفق الشروط التالية .

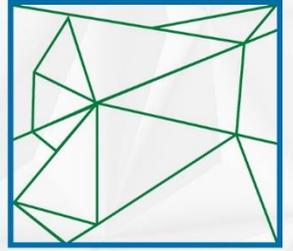
- مدة الاستثمار : موسم زراعي واحد قابل للتجديد لموسم اخر بموافقة الطرفين .
- ثمن الاضبارة الفنية والمالية والحقوقية مبلغ : / ٢٥٠٠٠ ل / من
- التأمينات الاولية : تحدد لاستثمار الدونم الواحد بمبلغ مقطوع وقدره ( ٥٠٠٠ ) ل من للمسروي و ( ١٠٠٠ ) ل من للبعسل .
- التأمينات النهائية : تحدد بمبلغ : ١٠ % من قيمة الاحالة .
- تقدم الطلبات الى ديوان الناقد الواحدة لدى الامانة العامة لمحافظة حماة مرفقة بالأوراق الثبوتية ( لا حكم عليه ، سند اقامة ، تصريح ، تعهد ، التأمينات الاولية ) .
- للإطلاع على الاراضي المطروحة للاستثمار مراجعة لوحة اعلانات المحافظة .

محافظة حماة  
المهندس محمد طارق كرشاتي

صورة إلى :

- ◀ قيادة فرع حماة حزب البعث العربي الاشتراكي لجهة عربية - يرجى الاطلاع - والخلود لرسالتنا .
- ◀ السيد اللواء رئيس اللجنة العسكرية والامنية بحماه .
- ◀ السيد اللواء قائد شرطة المحافظة - يرجى الاطلاع .
- ◀ الرفيق رئيس اتحاد فلاحي محافظة حماة - يرجى الاطلاع والنشر لدى الجهات التابعة لديكم .
- ◀ عضو لكتيب التنفيذية لقطاع الزراعة رئيس لجنة لمراد .
- ◀ السادة مديراء مناطق رؤساء النجان لكتابية - للاطلاع والنشر لديكم واجراء للتقتضى اللازم .
- ◀ مديرية زراعة حماة - للاطلاع ونشر الاعلانات لديكم واجراء للتقتضى اللازم .
- ◀ الجهة العامة لإدارة وتطوير الغاب - للاطلاع ونشر الاعلانات لديكم واجراء للتقتضى اللازم .
- ◀ الوحدات الادارية والشديات - للاطلاع والنشر لديكم .
- ◀ مديرية التنمية الادارية بالمحافظة - للاطلاع ونشر الاعلان والجدول في لوحة اعلانات المحافظة .
- ◀ القانونية - لثالية والخاصة - المراسلات - التصنيف .

Appendix (1)- Copy of the public auction announcement, issued by the Hama Governor, Muhammad Tariq Krishati.



## 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.



[WWW.STJ-SY.ORG](http://WWW.STJ-SY.ORG)



[STJ\\_SYRIA\\_ENG](https://twitter.com/STJ_SYRIA_ENG)



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