

# Syria: "Get out of Here before You See Things You Would Not Like, and Never Return!"



This report presents the stories of displaced families, who were banned from returning home and reclaiming properties, seized by the opposition's SNA following Turkish led Operation "Peace Spring"

سوريون  
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الحقيقة  
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Syrians  
For Truth  
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# Syria: “Get out of Here before You See Things You Would Not Like, and Never Return!”

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## Introduction

In October 2019, Turkey launched the military offensive codenamed "Peace Spring" in Syria, controlling the territories stretching between the areas of Ras al-Ayn/Serê Kaniyê and Tal Abyad. The operation led to mass displacements. The hostilities forced over 100,000 people to flee the targeted area by 11 October 2019. This number hiked to more than 175,000 by 22 October, including approximately 80,000 children.<sup>1</sup>

When the area recovered relative calm, the displaced families repeatedly demanded to be allowed to return to their original places of residence. Simultaneously, Turkish officials and the Turkey-founded [Ras al-Ayn Local Council](#) called for people to head back home. Several families took the daring decision and returned, determined to restore their properties.

However, the returning families told Syrians for Truth and Justice (STJ) that the promises made by Turkey, the local council, and the armed opposition groups operating in the region were misleading, made only to blind public opinion to reality.

The disappointment of the returning families can be traced back to the large-scale violations of property rights that occurred in the aftermath of the offensive. On 22 April 2021, STJ published a report documenting the looting of properties over the first days of the operation. Writing was spray painted on dozens of houses, highlighting the names of factions or factions' commanders, branding these homes as seized. The factions backed property seizures with several pretexts, most notably that the occupants of the property did not possess documents that prove their ownership. This pretext goes against local property norms, whereby the majority of property sale, purchase, and ownership transactions across Syria, and particularly in the areas targeted by the offensive, were carried out under oral contracts based on reciprocal trust among locals. Additionally, the factions frequently resorted to intimidation and blackmail to confiscate properties.<sup>2</sup>

In this report, STJ presents extensive accounts, obtained from seven witnesses. All the interviewees are internally displaced persons (IDPs), who attempted to restore their homes and properties, seized following Operation Peace Spring. The interviews were carried out in person or online, over February and March 2022.

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<sup>1</sup> For further information, see paragraphs (46, 47, 48, 49, 50 and 51) of the Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, issued during the forty-fifth session of the Human Rights Council, on 14 September 2020. (Last visited: 23 July 2022) [https://www.ohchr.org/AR/HRBodies/HRC/IICISyria/Pages/Documentation.aspx?fbclid=IwAR0eZ0192X0I4JizGbP57wFYq0RjBNFRi\\_BVp0N5C15if6wCoKOEYqO20wA](https://www.ohchr.org/AR/HRBodies/HRC/IICISyria/Pages/Documentation.aspx?fbclid=IwAR0eZ0192X0I4JizGbP57wFYq0RjBNFRi_BVp0N5C15if6wCoKOEYqO20wA)

<sup>2</sup> "Nothing is left of my home except the keys!" STJ, 22 April 2021, <https://stj-sy.org/en/nothing-is-left-of-my-home-except-keys/> (last visited: 23 July 2022).

## Recommendations

### ➤ To Parties in the Syrian Conflict, UN Bodies, and the Syrian Constitutional Committee

1. Establish the supremacy of international covenants and charters over domestic laws in the new Syrian constitution, to be drafted under the auspices of the United Nations (UN), particularly treaties that underscore human rights and fundamental freedoms, such as the right to own property, and especially treaties ratified by Syria, and authorizing the internal judiciary to apply these treaties to cases under-observation.

2. Form independent committees specializing in property issues to look into complaints and allegations that may be submitted in the future, regarding violations and abuses that have taken place across Syria, including the "Olive Branch" and "Peace Spring" operations areas. The decisions issued by these committees must be subject to appeal before a competent civil judiciary, provided that the judiciary be liberated from the power of the executive authority in Syria.

3. Inscribe terms into the prospective political agreement among Syrians, which annul all transfers of property ownership that occurred over the course of the Syrian conflict, especially in areas that witnessed mass displacement. The terms must cover decisions of courts and local councils that were formed in the areas of *de facto* entities and those occupied by Turkey. Whoever puts arguments against the invalidity of these transfers, must prove the opposite.

4. Carry out advocacy campaigns to pressure the Turkish government into adhering to its duties as an occupying power in the areas it controls in accordance with relevant international treaties, and to necessitate the prevention of property violations, guarantee the return of looted properties to their true owners, and provide a safe environment for the voluntary return of IDPs. These conditions must be applied across Syria.

5. Communicate with UN bodies and countries supporting the Syrian Opposition Coalition (SOC), the Syrian Interim Government (SIG), and their militias, demanding that they pressure them to stop the illegal seizure of the properties of the residents in the areas they control, especially the "Peace Spring" "Olive Branch", and "Euphrates Shield" strips.

### ➤ To Legal Bodies

1. Intensify material documentation and hand over compiled material to UN bodies concerned with documenting and investigating violations of international humanitarian law and international human rights law in Syria, particularly the Independent International Commission of Inquiry on the Syrian Arab Republic and the International Impartial, and Independent Mechanism (IIIM).

### ➤ To the Commission and the IIIM

1. Ascribe importance to the issue of forced displacement from areas occupied by Turkey and its factional proxies, carry out an investigation into the issue, and build judicial files, especially because this phenomenon entails a series of likely crimes in addition to the crime of displacement, such as the two crimes of seizing opponents' property and pillage.



## They Denied Her Access to Her House

In mid-December 2019, nearly two months after the Turkish military operation, Umm Shiyar decided to return to her home in Ras al-Ain/Serê Kaniyê, accompanied by her daughter, who also owned a property in the eastern neighborhood of the city.

Umm Shiyar and her daughter had an arduous journey home, during which they had to cross dozens of security and military checkpoints. Upon arriving, they were surprised that their house was occupied by another family.

Later, neighbors informed Umm Shiyar that the family that had occupied their house was that of a fighter within the Sultan Murad Division, which operates under the opposition's Syrian National Army (SNA).

An armed group affiliated with the division prevented Umm Shiyar from entering her house.<sup>3</sup> Narrating the details of the incident, she said:

"My daughter and I went to Ras al-Ain/Serê Kaniyê to check on our houses, which are located on the same street. However, we were shocked when we got to our street. Six fighters were sitting on plastic chairs in front of my door drinking tea and a number of them were smoking hookah. I noticed that they had changed the lock of the house's door. I also saw a woman, wearing a hijab, hanging freshly washed clothes on the rooftop. I approached them with fear and told them who I was and the reason I was there, but they expelled me without allowing me to enter the house. They also said that it was taken and asked me not to return again."

Umm Shiyar added that they were expelled from her daughter's house as well. She said that upon visiting her daughter's house they received worse treatment from the SNA fighters there, narrating:

"The door of my daughter's house was open, and it seemed that most of its contents had been stolen. No one lived there, but the fighters who lived nearby treated us inappropriately and accused us of dealing with the Autonomous Administration, which is absolutely baseless. They said: 'We are the death squad. Get out of here before you see things you won't like, and never return'. My daughter asked them to let her take some clothes for her children. They got upset and shot in the air to scare us, so we left, upset."

Full of pain, she added:

"We can no longer return to Ras al-Ain/Serê Kaniyê while it is under the control of the Turkish-backed factions... and we will always have that heartache over our house, which these factions continue to seize and prevent us from returning to."

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<sup>3</sup> STJ interviewed the source in person on 25 March 2022, in Amuda city. The source's name was withheld at her request.

## Local Council Issued Return Documents Are Useless

Baz Hassan is from Ras al-Ain/Serê Kaniyê. He and his family fled the area when the Turkish military operation started and relocated to Qamishli/Qamishlo city.

Less than three months after he escaped hostilities, Hassan heard from locals, who remained in the area, that IDPs can return and submit a request to the SIG's local council. He was also told that the council usually approves these requests. Thrilled, Hassan returned to the city.<sup>4</sup> He recounted what happened after:

"As soon as I arrived in Ras al-Ain/Serê Kaniyê, I went to the local council in the city and submitted a request to return to my home. They actually approved my request after verifying my identity and told me that I could return to my property. They gave me a paper. The paper was a certified written request, directed to the military body that resided in my house. The document told the entity to evacuate the house so that I can return there."

The witness added:

"I took the local council-issued paper and went to the eastern neighborhood where I live. The neighborhood is called Zorava/al-Hawarneh. I gave the paper to the fighters who settled in the house, which directed them to leave it. However, they kept delaying the matter. Every time I went there, they told me that their commander was not there, or that he had an 'emergency meeting', and asked me to come back later. This continued for about a week until I met the commander of the Mu'tasim Division. I negotiated with him, and ultimately he agreed to return my house in exchange for a ransom. It was about half a million Syrian pounds (SYP)... and I got my house back after I paid"

Hassan restored his house back from the Mu'tasim Division, but his happiness was short-lived. He recounted:

"On the same day, only a few hours after I got back to my house... I was arrested right from the house by three fighters from the al-Mu'tasim Division. They handcuffed and took me on foot to al-Za'eem Store, consisting of food shops owned by an IDP from Ras al-Ain/Serê Kaniyê and located on the street where I live. They had emptied the store of food and made it their headquarters. There, they asked me to give them my identity document (ID). When I gave it to them, they spit on the ID and threw it in my face. One of them said: "You are a Kurd, a pig. You were born in Amuda, so what brought you here?"

This was not the last time that the division arrested Hassan. He said that they arrested him three times after that. They beat and tortured him during these periods of detention. During the third arrest, after they tortured him to the point of losing consciousness, the fighters of the division stuffed him in the trunk of a car and threw him on the street. One of the fighters told him:

<sup>4</sup> STJ interviewed the witness in March 2022.

"Escape, save your life. We will not leave you alive if you stay."

Hassan returned to al-Hasakah province, but the fighters did not stop harassing him. They continued to blackmail him by filming his house while they were inside and asking him to pay a ransom of approximately 5,000 USD in exchange for not burning the house. Hassan did not pay or respond to their demands.

## They Offered Him to Partake in a Property Seizure

Like Hassan, Sardar Khalil and his family fled Ras al-Ain /Serê Kaniyê in the first days of the Turkish offensive. They sought temporary refuge in al-Malikiyah/ Dêrik city. Later, the family moved to al-Hasakah city after SNA-affiliated factions seized their house in Ras al-Ain /Serê Kaniyê and threatened them against even contemplating a return to the area. Khalil narrated:

"On 29 November 2019, I received WhatsApp messages. The sender identified himself as a member of the SNA, the Sultan Murad Division. He told me that he was staying at my house and he opened my laptop, which remained there. I suspected what he said because my computer was protected by a password. So, he sent me several pictures of my family that were saved on the computer and asked me to pay him 500 USD in exchange for deleting private photos and videos, threatening to publish them on social media if I did not. I replied: 'You stole the contents of my house and seized it, so I won't send you anything.'"

Khalil did not submit to the fighter's blackmail and blocked him. However, the fighter WhatsApp messaged him again, using a different number. This time, the fighter offered Khalil to guarantee him a safe return to the city in exchange for money. To Khalil's shock, the offer did not include his return to his home, but to another house that the SNA had confiscated. Khalil recounted:

"The second time, the fighter asked me to pay him 6,000 USD to guarantee my and my family's safe return to Ras al-Ain/Serê Kaniyê. I asked him: 'Will I live in my house?' He replied: 'No. Your house is inhabited by a family from Idlib, but we will provide you and your family with another house for the money you will pay.' I refused and told him that I would not take over someone else's house as they do. He was furious."

When Khalil rejected the offer, the fighter told him that he would not allow him and his family to return to the city again and threatened to burn down his house if he tried to return to it one day, or replied to him via messages in a manner that might upset him.

## Violations against Yazidis in Afrin Prompted His Early Escape

Suleiman B. is a Yazidi Kurd. He fled Ras al-Ain/Serê Kaniyê in the early stage of the offensive, fearing he will witness the same tragedies experienced by Yazidis in Afrin region in 2018, after

the Turkey-led Operation Olive Branch, which enabled Turkey and the Syrian armed opposition to occupy the Kurdish-majority area. B. narrated:<sup>5</sup>

"With the start of the Turkish military attack on Ras al-Ain/Serê Kaniyê, my family and I fled our village Batana, in the western countryside of the area, towards Qamishli/Qamishlo city. I left my house and all my possessions behind, fearing for my family because we are Yazidis, and the factions that Turkey brings to the areas it occupies are extremist Islamist factions. So, we dared not to stay after the Afrin experience and the violations that Yazidis were subjected to there."

According to B. and neighbors from adjacent villages, the Turkish airstrikes during the operation led to the demolition of his house, along with three other houses constructed with reinforced concrete in Batana village, for no identifiable reason.

B. said that he tried to negotiate with the SNA factions to recover his property, with the mediation of a neighbor. However, they refused to return him the house on the pretext that "he is *kafer* (an infidel)!" They threatened to arrest him if he thought of returning. He also said that he never stopped trying to his house get back, even though all his efforts were to no avail.

## Turkish Mediation to Return Yazidis under Minority Protection Pretext

On the condition of his anonymity, a Yazidi local told STJ in March 2022, that after he and his family fled Ras al-Ain/Serê Kaniyê to Ad-Darbasiyah city during the offensive, the SNA factions seized his family's homes, lands, and properties. He said that the Northern Hawks Brigade and Jaysh al-Islam/Islam Army confiscated and invested in properties that include nearly 2,500 dunums (250 hectares) of agricultural land in the villages of Aba and Shukriya east of Ras al-Ain/Serê Kaniyê.

Like all Yazidis, the witness was scared of the return to Ras al-Ain/Serê Kaniyê, discouraged by insecurity and instability, and fearing he would not be able to practice his religion in the presence of religious extremist groups.

The witness returned to Ras al-Ain/Serê Kaniyê in January 2022, more than two years after the Turkish offensive. His return was motivated by the Turkish promises, that Turkey will allow Yazidis to recover their property, and will ensure they will not be exposed to any harm. The witness narrated:

"I demanded that the Northern Hawks Brigade return the agricultural plots belonging to me and to my brothers. They refused and expelled me at first. However, they were forced to return me the plots and not harass me after the Turkish intervention. Turkish officials contacted several Yazidis from Ras al-Ain/Serê Kaniyê, who immigrated to Germany and asked them to work on the return of a number of Yazidis to Ras al-Ain/Serê Kaniyê so that it would not be said that Turkey and the factions it backs had forcibly displaced the Yazidis, because we are a religious minority. [Turkey] also promised to protect the returning Yazidis and to give them their properties back."

<sup>5</sup> STJ interviewed the witness on 15 March 2022.



The witness added:

"We know that this step is for the media (political investment), whereby Turkey claims that it protects religious minorities, especially because no Yazidis have in fact returned to Ras al-Ain/Serê Kaniyê and its countryside until two years and more have passed since Operation Peace Spring. However, this step was also an opportunity to claim our properties back. I was one of only three Yazidis who returned, and the Northern Hawks Brigade actually returned me a large portion of my land, and the lands of my brothers in Aba village, east of Ras al-Ain/Serê Kaniyê. The area of the returned plots is over 1,750 dunums (175 hectares)."

As indicated by the witness, he managed to reclaim only some of his seized properties, because other Salafi groups refused to return the properties they had confiscated. He recounted:

"The [Jaysh al-Islam/Islam Army] refused to return my land and confiscated it. This piece of land covers an area of over 700 dunums (70 hectares) in Shukriya village. They also planted it again for the season, with wheat and barley. They ignored my repeated requests to return my land because it is fertile and it has provided them with profits. I am still trying to get it back from them. They also live in my house and the houses of my brothers and relatives in the village. They had repurposed the houses into military points and refuse to leave them. Even though I filed complaints with the Turkish army and the SNA-affiliated Military Police, the Jaysh al-Islam/Islam Army remains headless of my demands."

## They Asked for the Title Deed, Tore the Deed Up, and then Harassed Her

On 14 December 2019, Fatima Saleh and her husband returned to Ras al-Ain/Serê Kaniyê city,<sup>6</sup> after they fled the area for two months. To their surprise, heavily armed fighters of al-Hamza/al-Hamzat Division were in their house. The fighters asked them to get a permit from the entity, back-then called Military Council and an affiliate of the SNA. The permit had to approve that fighters return the house.

Saleh obtained the required approval to retrieve her house. However, the fighters that seized her house refused to acknowledge the paper, and accused her husband of dealing with the Autonomous Administration. Notably, affiliation with the Administration is the usual charge that SNA-affiliated factions press against Kurds to arrest them and force them to abandon their original areas of residence.

Later, al-Hamza/al-Hamzat Division asked Saleh to prove ownership over the property. She went to al-Hasakah city to obtain the required documents.

<sup>6</sup> STJ obtained the witness's consent to use her real name.

Fortunately, Saleh took only a copy of the official documents, not the originals, when she returned to Ras al-Ain/Serê Kaniyê on 25 December 2019. When she presented the fighters of the division with the copies, they tore them up and asked Saleh and her family never to return or demand their house again.

Saleh and her husband were disappointed at the time. However, she did not lose her resolve. In February 2022, Saleh returned alone, without her husband, and asked the fighters of the division to return her house. They refused and asked her to leave and not to return again. She narrated:

"I went to Division's headquarters in the neighborhood. A number of its commanders were meeting. I submitted my complaint to them, asking them to give me my house back, because my husband and I wanted to return to our house. They were disrespectful and insulted me. One of them said: 'Is not your husband a man, why did not he come with you?' Another said: 'Come and live with me in my house until we find a solution.' He was nodding sexually and smiling maliciously, so I was very scared. I recounted to my husband what happened. He asked me to leave the city and return immediately. I did the next morning, on 5 February 2022. I returned to al-Hasakah, where we live to this day."

Najah Ahmad went through the same struggles as Saleh.<sup>7</sup> From neighbors who returned to Ras al-Ain/Serê Kaniyê, Ahmad learned that opposition fighters seized her home. So, she decided to return immediately and restore her house. However, her repeated efforts all ended in failure. Ahmad recounted:

"On 10 November 2019, I went to Ras al-Ain/Serê Kaniyê with my husband, hoping to get our house back. We saw three fighters sitting on the sidewalk in front of the door of the house. They had written the name of [Ahrar al-Safira/The Rebels of al-Safira Division] on the outer wall. The division is affiliated with the Sultan Murad Division. We told them that we are the owners of the house. They asked us to bring documents that prove our ownership of the house and come back later. The fighters were staying in at least five houses on our street, and none of our neighbors had returned, except for an old man and his wife; we stayed with them that night."

Two days later, Ahmad went to restore her house. She had the house ownership papers, but she failed again. The fighters refused to leave her house and threatened her with arrest if she returned again. She narrated:

"Several of the Kurds, who returned to the city, were arrested or kidnapped by the fighters of the SNA, who confiscated dozens of Kurdish homes and housed their families or IDPs from other Syrian provinces in many of them. Additionally, the houses and properties of all the city's residents, particularly Kurds, were affected by thefts. This reveals their hostility towards the Kurdish people and their intention to take revenge on them and displace them."

<sup>7</sup> STJ obtained the witness's consent to use her real name, over the interview conducted on 12 February 2022.

## Right to Return in International Law

### Displacement

All parties in an armed conflict bear legal responsibility for causing the displacement of the civilian population during the armed conflict. International humanitarian law (IHL) prohibits ordering or carrying out the displacement of civilians.<sup>8</sup> This ban is also established in the customary IHL. The evacuation of civilians from their places of residence is unlawful unless it is carried out for imperative military reasons or for reasons related to the security of the civilians themselves.

Whether it is legal, as an evacuation, or illegal, as displacement, the party responsible for the displacement of civilians shall adhere to a set of additional obligations, related to the protection and rights of those civilians. These obligations include the reception of displaced civilians and providing them with a shelter, as well as ensuring their protection and rights,<sup>9</sup> among them rights to property,<sup>10</sup> and return.<sup>11</sup> Moreover, forced displacement entails individual criminal responsibility for what may amount to a war crime.<sup>12</sup>

### Right of Return

Rule No. 132 of Customary IHL states that "Displaced persons have a right to voluntary return in safety to their homes or places of habitual residence as soon as the reasons for their displacement cease to exist."

This right obliges relative authorities to a set of legal duties that revolve primarily around the fact that displacement is a temporary condition. This is also reiterated in the UN Guiding Principles on Internal Displacement, which prescribes on competent authorities - primarily those that caused displacement - the duty and responsibility to create conditions and provide the means to enable the safe and dignified voluntary return of IDPs.<sup>13</sup>

Using as a pretext ongoing hostilities and the military context, and its necessities, to force civilians into displacement and abandon them to their fate violates the essence of the prohibition of displacement first, and the obligations of the party based on displacement second. The relevant authorities are responsible for taking necessary measures to guarantee the right of return of IDPs and refugees, including measures to ensure safe return, especially demining; providing assistance to cover basic needs (shelter, food, water, and medical care);

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<sup>8</sup> ICRC, IHL Database, Customary IHL, Rule No. 129: [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule129](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule129)

<sup>9</sup> Ibid, Rule No. 131.

<sup>10</sup> Ibid, Rule No. 133.

<sup>11</sup> Ibid, Rule No. 132.

<sup>12</sup> Statute of the International Criminal Court, Article 8(2)(e)(viii).

<sup>13</sup> UNHCR, Guiding Principles on Internal Displacement, 22 July 1988, Principle 28.

providing building materials, household items, agricultural implements, seeds, and fertilizers; overseeing school renovations, and providing skill training programmers, and education. Measures may also be taken to allow IDPs (or their representatives) to visit areas of return, prior to their return, to assess the situation in terms of safety and material conditions.<sup>14</sup> In the light of these legal frames, the practices, shown by the report, against the victims of forced displacement who tried to return, reveal the fact that the concerned authorities - the factions controlling the areas of the original residence of the displaced and behind them Turkey as the occupying power through these factions as its proxies - are acting against their duties before international law.

The right of refugees and IDPs to return to their homes and recover the properties they lost under the circumstances that led them into forced displacement is one of the basic rights guaranteed by relevant international covenants and charters. Additionally, it is unacceptable to demand or encourage them to return to their original places of residence, while their properties remain seized. Such demands cannot be made because one of the first elements of return is that the refugee or IDP has a shelter to accommodate him/her when he/she wishes to return or a piece of land to invest in and make a living of, or both. Otherwise, the return demands will be meaningless if they are not accompanied by minimum life necessities, including civilians' ability to return to their property, a safe environment, and other factors encouraging voluntary return.

## Displacement and Property Rights

International law prohibits the occupying power - Turkey in this case - from seizing private property in the occupied territories except in the case of urgent military necessity,<sup>15</sup> which must be followed by compensation for persons affected, while it is established that private property cannot be seized to enrich the occupier.

Regardless of the reality of the occupation, the destruction and appropriation of an opponent's property by one of the parties to the armed conflict is a violation of Customary IHL<sup>16</sup> and may amount to a war crime, whether the armed conflict is international<sup>17</sup>—and occupation is enforced under it—or non-international.<sup>18</sup>

Since the appropriation or making profits of private property in Ras al-Ain/Serê Kaniyê area did not take place for reasons justifiable by urgent military necessity in the context of hostilities, and since the owners were not restored these properties or compensated for them after the absence of that necessity - if any, the only concept applicable to these seizures would be pillage. In several case laws, pillage is defined as the unlawful appropriation of property,<sup>19</sup>

<sup>14</sup> See for instance: UNHCR Executive Committee, Conclusion No. 18: Voluntary Repatriation.

<sup>15</sup> Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907.

<sup>16</sup> ICRC, IHL Database, Customary IHL, Rule No. 50

<sup>17</sup> Statute of the International Criminal Court, Article 8 (2)(b)(xiii).

<sup>18</sup> Statute of the International Criminal Court, Article 8 (2)(e)(xii).

<sup>19</sup> See for instance, SCSL, [Fofana Appeal Judgment](#) 28 May 2008, para. 409

even if the perpetrator's intent is not actually to use the confiscated property personally.<sup>20</sup> Pillage is prohibited and entails individual criminal responsibility as a historically recognized crime, recently enshrined in the Rome Statute of the International Criminal Court<sup>21</sup>.

Principle 21 of the [Guiding Principles on Internal Displacement](#) affirmed that no one shall be arbitrarily deprived of their money and property, while Principle 28 stressed that "competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means which allow internally displaced persons to return voluntarily, safely, and with dignity to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavor to facilitate the reintegration of returned or resettled internally displaced persons." Additionally, these authorities have the duty and responsibility to assist returning and/or resettled IDPs to recover their funds and the property that they left behind or that were expropriated from them at the time of their displacement, whenever possible. If it is not possible to recover funds and properties, the competent authorities shall ensure that appropriate compensation or some other form of redress is provided, or they shall contribute to compensating or providing redress to these people.

The right of IDPs to reclaim their property is reiterated in The Pinheiro Principles. Principle 2 of the document emphasizes that:

2.1 All refugees and displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any housing, land and/or property that is factually impossible to restore as determined by an independent, impartial tribunal.

2.2 States shall demonstrably prioritize the right to restitution as the preferred remedy for displacement and as a key element of restorative justice. The right to restitution exists as a distinct right and is prejudiced neither by the actual return nor non-return of refugees and displaced persons entitled to housing, land, and property restitution.

## Conclusion

The right to property is one of the basic human rights stipulated in international covenants and charters. This right is closely tied to the right of refugees and IDPs to the safe and voluntary return to their original place of residence. Therefore, refugees and IDPs may not be deprived of this right, as emphasized in Article 17 of the Universal Declaration of Human Rights (UDHR) of 1948. Furthermore, the Guiding Principles on Internal Displacement establish that the funds and property of IDPs should be protected in all circumstances, particularly against pillage, arbitrary and unlawful appropriation, occupation or use, direct and indiscriminate attacks and other acts of violence.

The seizures of properties owned by IDPs and refugees from Ras al-Ain/Serê Kaniyê and Tal Abyad by the Turkey-backed SNA-affiliated armed groups will likely hamper these people's voluntary and safe return. Should any of the two areas' IDPs contemplate return, the first thing they will probably think of is living in their homes or investing in their lands. However, the absence of homes or lands renders their return purposeless. Therefore, the seizures led by

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<sup>20</sup> Ibid, para. 160.

<sup>21</sup> Statute of the International Criminal Court, Article 8 (2)(e)(v).



these militias confirm the insincerity of their calls to IDPs to return to their homes and places of residence, and also their failure to abide by the UN resolutions issued addressing Syria, particularly Resolution 2254 of 2015, which "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."

Notably, the seizures documented in this report do not only violate the several legal frames cited above. Property expropriations also breach operative Syrian legislations, most importantly the Syrian Constitution of 2012. The constitution's Article 15 states that "Collective and individual private ownership shall be protected" against confiscation unless the confiscation is in the public interest and in return for compensation that is equivalent to the real value of the property. Additionally, the seizures violate Article 711 of the Syrian Civil Code issued by Legislative Decree No. 84 of 1949, which affirms that no one may be deprived of his/her property.

Moreover, these property-related practices by these militias also infringe the principle of equality between citizens, established in the Preamble to the Syrian Constitution and its articles 18, 19 and 33. This principle is undermined because the militias, as recounted by the witness, confiscated properties from their original owners and gave them to other people who do not have any right to them.

Furthermore, Article 723 of the Syrian Penal Code stipulates an imprisonment penalty for anyone who unlawfully seizes the property of others, and Article 8, Paragraph 2 of the Rome Statute of the International Criminal Court of 1998, which entered into force in 2001, establishes that the destruction and the seizure of property without military necessity is a war crime, especially when committed within the framework of a plan or public policy or as part of a large-scale act of commission. This applies to international and non-international armed conflicts.



Our team of researchers and volunteers at Syrians for Truth and Justice are dedicated to uncovering human rights violations in Syria.

Believing that diversity has historically defined and benefitted the country, we work everyday to promote inclusivity and justice to ensure that all Syrians are represented, and their human rights secured.