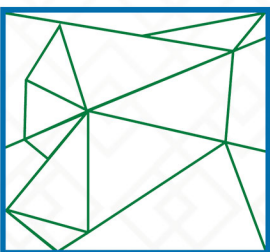


# Syria: Regime Auctions Off Privately-Owned Pistachio Lands in Hama and Idlib



## Syria: Regime Auctions Off Privately-Owned Pistachio Lands in Hama and Idlib

*The Syrian government staged auctions offering the investment of lands belonging to absent owners, in violation of their exclusive right to dispose of property enshrined in Article 768 of the Syrian Civil Code*



## Executive Summary

Between May and late July 2022, the Syrian government (SG) auctioned off the right to use and cultivate fertile pistachio plots owned by displaced Syrians in Idlib and Hama.

The auctioned plots in Idlib are located in Khan Shaykhun and al-Tamanah towns, in addition to the villages of Moqa, Hobait, Kafar Sijnah, Hesh, Kafr Basin, Sahyan, Alteh, Tahtaya, Umm Jalal, Halbeh, Raffa, Khuwayn, and others.

The auctioned plots in Hama are located in the villages of Latmeen, Kafr Zita, Morek, Lahaya, Taybat al-Imam, Maardes, Suran, Koukab, Shouaatha, Fan Shamaly, Khafseen, Taybat al-Isim, Ma'an, Abo Samira Qastel, al-Tulaysiyah, Kabaryah, Umm Hartein, Qubaybat, Karah, Atshan, and others.

The decisions made by the auctions in the two provinces are based on [Law No. 51 of 2004](#) as well as the two letters of the Ministry Of Agriculture And Agrarian Reform No. (169/s-g) and No. (438 /s-g), for the years 2021 and 2022.

Auction announcements claimed that a landowner can delegate a relative up to the fourth degree to attend the auction on his/her behalf. The announcements said that landowners' relatives have the preference above others to win the right of using their auctioned plots, but that is only if the landowner officially authorizes the delegated relative.

STJ learned that ,in some cases, the auctioned lands went to members and leaders of militias affiliated with the SG, such as the National Defense Militias.

Informed sources confirmed to STJ that the area of the pistachio land auctioned off in Idlib and Hama, estimated at about 160,000 dunams (16,000 acres).

Here we must recall that, in the middle of 2021,<sup>1</sup> the SG confiscated large areas of agricultural land, including pistachio land, in rural Hama. Furthermore, in late 2021, the General Secretariat of Hama Province of the SG announced the staging of public auctions that offer the 'al-Slaikh' rain-fed lands in the districts of Salamiyah, Suran, al-Hamra and its administratively-affiliated areas, as well as lands in the areas of al-Ghab and Muhradah, al-Qism al-Khariji, and the Hirbnafsah district and their administratively-affiliated areas.<sup>2</sup>

The SG and their affiliated militias started these seizures, disguised as investment opportunities, in February 2020. They seized lands belonging to IDPs, refugees, and expatriates in the provinces of Hama and Idlib, particularly across various towns they

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<sup>1</sup> Hama: Syrian Government Auctions New Swathes of IDP's Lands, STJ, 27 September 2021, <https://stj-sy.org/en/hama-syrian-government-auctions-new-swathes-of-idps-lands/> (Last accessed: 25 October 2022).

<sup>2</sup> Syria/Hama: The Security Committee Usurps IDPs and Refugees' Properties, STJ, 26 April 2022, <https://stj-sy.org/en/syria-hama-the-security-committee-usurps-idps-and-refugees-properties/> (Last accessed: 25 October 2022).







re-controlled in the western and northern rural sections of Hama and the southern rural sections of Idlib.

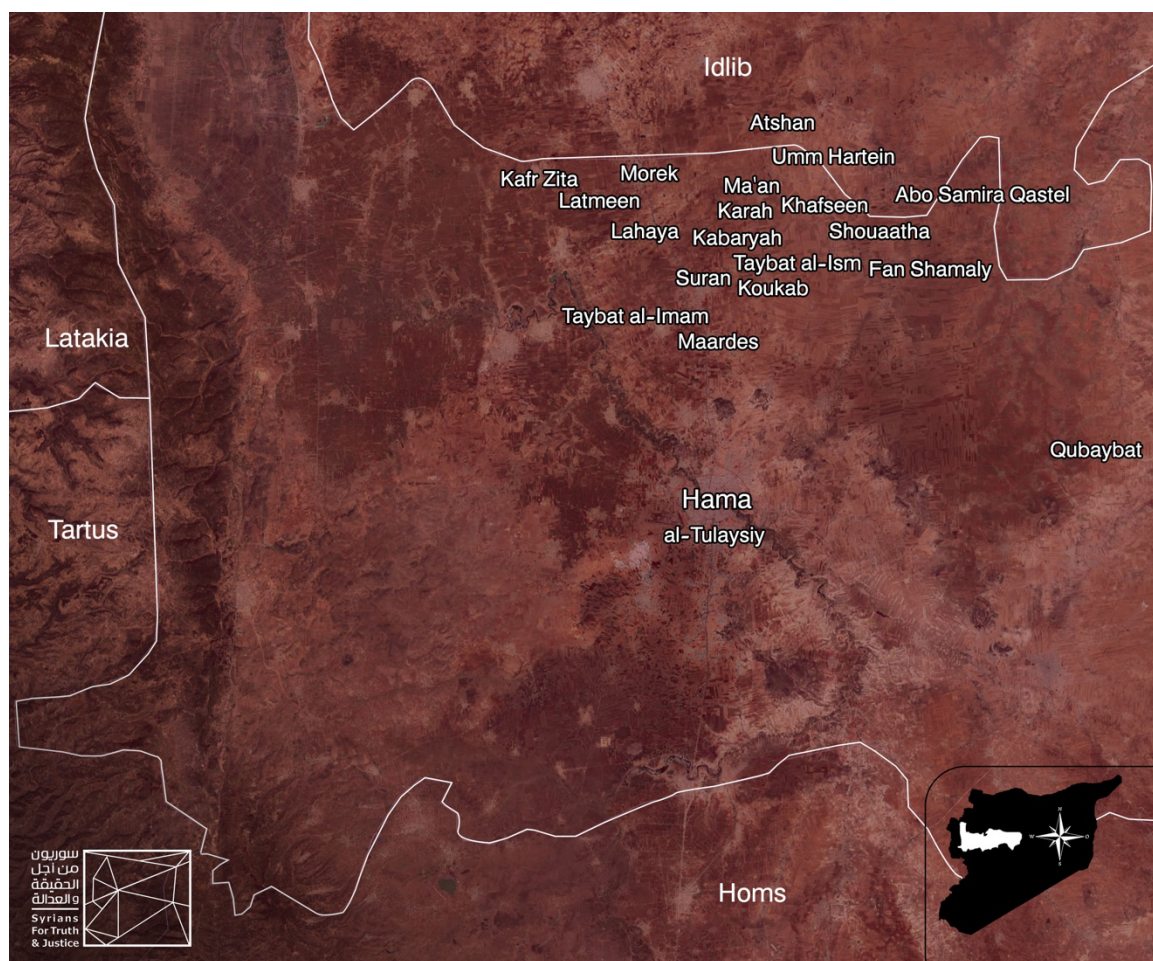


Image 1- A map of Hama's towns and villages affected by the auctions of 2022. Credit: STJ.







The present report is based on 14 interviews conducted with ten owners of auctioned lands, an informed source, an agricultural expert, a local legal scholar, and an international legal scholar with STJ.



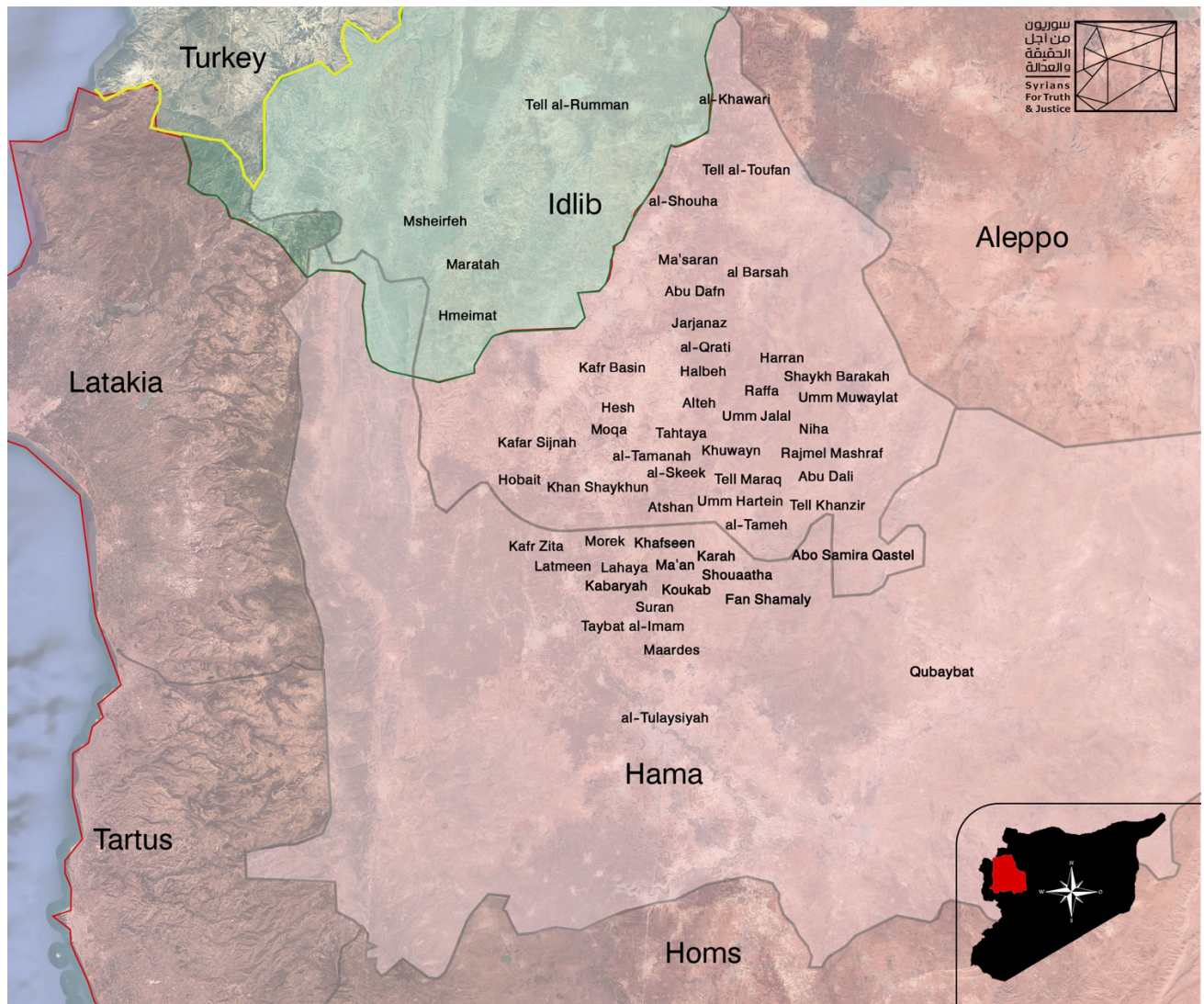


Image 3- A map of Idlib and Hama towns and villages affected by the auctions of 2022.  
Credit: STJ.

## Public Auctions Announced for the Investment of Pistachio Lands in Hama

Hama province announced the organization of a series of public auctions, between early May and the middle of July 2022, offering the investment of fertile pistachio plots in the province. On 8 May 2022, the General Secretariat of Hama Province published an announcement carrying the signature of Hama governor, Muhammad Tariq Krishati,





claiming they would accept applications between 8 and 14 May for the first auction that would be staged between 14 and 21 May 2022.<sup>3</sup>

This auction covered pistachio land in Latmeen, Kafr Zita, Morek, Lahaya, Tayyibat al-Imam, Maardes, Suran, Koukab, Shouaatha, Fan Shamaly, Khafseen, Taybat al-Ism, Ma'an, Abo Samira Qastel, Al-Tulaysiyah, Kabaryah, Umm Hartein, Qubaybat, Karah and Atshan.

The Ministry of Local Administration and Environment defined the requirements for the bidding, which included the payment of 70,000 Syrian Pounds (SP) as initial insurance per dunams and set the investment period for one agricultural season. The ministry said that the auction would be held in the governorate building in the city of Hama.

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<sup>3</sup> The General Secretariat of Hama Province's official Facebook page, 8 May 2022, <https://www.facebook.com/photo/?fbid=368237175361642&set=a.249686133883414>, (Last accessed: 13 October 2022).







التاريخ : ٨ / ٥ / ٢٠٢٢



وزارة الادارة المحلية والبيئة  
محافظة حماة

### إعلان للمرة الاولى بالسرعة الكلية

استثناساً بأحكام القانون رقم ٥١ لعام ٢٠٠٤ .

وعلى كتابي وزارة الزراعة والإصلاح الزراعي رقم ١٦٩ / ق ز تاريخ ٢٠٢١/٦/٩ ورقم ٤٣٨ / ق ز تاريخ ٢٠٢٢/٤/٢٣  
تعلن الأمانة العامة لمحافظة حماة عن قبول طلبات الاشتراك بالمزاد العلني لاستثمار اشجار الفستق الحلبي اعتباراً من  
تاريخ ٨ / ٥ / ٢٠٢٢ ولغاية ١٤ / ٥ / ٢٠٢٢ وتكون جلسات المزاد وفق البرنامج التالي :

م	اسم المنطقة	تاريخ جلسة المزاد	مكان وساعة المزاد
١	لظمين - اللطامنة ( لجنة مكانية محردة )	٢٠٢٢/٥/١٥	قاعة الاجتماعات في المحافظة الساعة التاسعة صباحاً.
٢	كفرزيتا ( لجنة مكانية محردة )	٢٠٢٢/٥/١٦	
٣	مورك ( لجنة مكانية صوران )	٢٠٢٢/٥/١٧	
٤	لحايا + طيبة الامام + معردس ( لجنة مكانية صوران )	٢٠٢٢/٥/١٨	
٥	صوران + كوكب + الشعثة + الفان الشمالي + خفسين + الجنية الغربية + طيبة الاسم ( لجنة مكانية صوران )	٢٠٢٢/٥/١٩	
٦	معان + قصر المخرم + قصر ابو سمرا + الطليسية + الكيارية + ام حارثين + قبيبات + كراح + عطشان + المتبقي من المناطق ( لجنة مكانية صوران )	٢٠٢٢/٥/٢١	

- مدة العمل : موسم زراعي واحد .
- التأمينات الأولية : ٧٠,٠٠٠ / سبعون الف ليرة سورية للدونم الواحد .
- التأمينات النهائية : ١٠% من قيمة الاحالة بموجب ايصال مالي .
- تقدم الطلبات الى ديوان النافذة الواحدة في الامانة العامة لمحافظة حماة مرفقة بالأوراق الثبوتية  
( صورة عن البطاقة الشخصية ، ل احكم عليه ، سند اقامة ، تصريح ، تعهد ، التأمينات الأولية ) .
- للإطلاع على الاراضي المطروحة لاستثمار مراجعة لوحة اعلانات المحافظة أو مديريات المناطق والنواحي في  
المحافظة ( صوران ، محردة ) .
- على الراغبين بالتقدم للمزاد مراجعة دائرة العقود في الامانة العامة لمحافظة حماة للحصول على الاضبارة الفنية لقاء  
مبلغ / ٣٥,٠٠٠ / ل س .
- لا يحق للعارض ادراج أكثر من منطقة عقارية ضمن الطلب الواحد بحيث يتضمن الطلب منطقة عقارية واحدة فقط

محافظ حماة

المهندس محمد طارق كريشاتي

Image 4- A copy of the announcement signed by Hama's governor, Muhammad Tariq Krishati, on staging a public auction for the investment of pistachio lands in Hama.



On 3 May 2022, the General Secretariat of Hama Province announced opening applications for a second similar auction between 30 May 2022 and 2 June 2022. This auction offered the opportunity to invest in pistachio fields in Kafr Zita, Morek, Lahaya, Latmeen, Ltamenah and other unidentified areas. The announcement said that the landowners' relatives, up to the fourth degree, could register for the auction, if they fulfill all requirements.

الرقم: ٢/٤/٢٠٢٢  
التاريخ: ٢٠٢٢ / ٥ / ٢

الجمهورية العربية السورية  
وزارة الإدارة المحلية والبيئة  
محافظة حماة

**إعلان للمرة الثانية بالسرعة الكلية**

استناداً بأحكام القانون رقم ٥١ لعام ٢٠٠٤ .  
وعلى كتاب وزارة الزراعة والإصلاح الزراعي رقم ٢٦٢ / د ت تاريخ ٢٠٢٢/٥/١٩ .  
تعلم الأمانة العامة لمحافظة حماة عن قبول طلبات الاشتراك بالمزاد العلني لاستثمار اشجار الفستق الحلبي اعتباراً من يوم الاثنين الواقع بتاريخ ٢٠٢٢ / ٥ / ٣٠ ولغاية يوم الخميس الواقع بتاريخ ٢٠٢٢ / ٦ / ٢ وتكون جلسات المزاد وفق البرنامج التالي :

م	اسم المنطقة	تاريخ جلسة المزاد	مكان وساعة المزاد
١	مورك + لحايا	٢٠٢٢/٦/٥	قاعة الاجتماعات
٢	كفرزيتا + لطمين + اللطامنة	٢٠٢٢/٦/٦	في المحافظة
٣	باقي المناطق	٢٠٢٢/٦/٧	الساعة التاسعة صباحاً

- مدة العمل : موسم زراعي واحد .
- التأمينات الأولية : / ٧٠,٠٠٠ / سبعون ألف ليرة سورية للدوكم الواحد .
- التأمينات النهائية : ١٠% من قيمة الاحالة بموجب ايصال مالي .
- تقدم الطلبات الى ديوان النافذة الواحدة في الامانة العامة لمحافظة حماة مرفقة بالأوراق الثبوتية ( صورة عن البطاقة الشخصية ، لا حكم عليه ، سند اقامة ، تصريح ، تعهد ، التأمينات الأولية ) .
- للإطلاع على الاراضي المطروحة لاستثمار مراجعة لوحة اعلانات المحافظة أو مديريات المناطق والنواحي في المحافظة ( صوران ، محردة ) .
- على الراغبين بالتقدم للمزاد مراجعة دائرة العقود في الامانة العامة لمحافظة حماة للحصول على الاضبارة الفنية لقاء مبلغ / ٣٥,٠٠٠ / ل س .
- لا يحق للعارض ادراج أكثر من منطقة عقارية ضمن الطلب الواحد بحيث يتضمن الطلب منطقة عقارية واحدة فقط .
- يمكن لأقارب اصحاب الاراضي حتى الدرجة الرابعة من جهة الاب المتقدمين بطلب اشتراك بالمزاد وقاموا بتسديد التأمينات الأولية وبعد انتهاء مزاد الارض العائدة لقريبه وإثناء جلسة المزاد ابداء الرغبة باستثمار الارض بالسعر النهائي للمزاد وفق تسلسل درجة القرابة شريطة ارفاق الوثائق اللازمة .

**محافظ حماة**  
**المهندس محمد طارق كرشاتي**

**صورة إلى :**

- قيادة فرع حماة لحرب البعث العربي الاشتراكي تحية عربية - يرجى الاطلاع - وخلود لرسالتنا .
- السيد اللواء رئيس اللجنة العسكرية والامنية بحماه - يرجى الاطلاع .
- السيد اللواء قائد شرطة المحافظة - يرجى الاطلاع .
- الفريق رئيس اتحاد فلاحي محافظة حماة - ( يرجى الاطلاع والنشر لدى الجهات التابعة لديكم ) .
- السيد الأمين العام للمحافظة - عضو المكتب التنفيذي لقطاع الزراعة .
- السادة مزارع المناطق رؤساء اللجان الكالكية ( للاطلاع والنشر لديكم ) **عن طريق ضادة المشعل**
- مديرية زراعة حماة - اللجنة العامة لإدارة وتطوير الغاب ( للاطلاع ونشر الاعلانات لديكم وأجراء لتقتضي اللازم ) .
- الوحدات الادارية والبلديات ( للاطلاع والنشر لديكم ) - رئيس وأعضاء لجنة المزارع ( للاطلاع وأجراء لتقتضي اللازم ) .
- مديرية التسمية الادارية بالمحافظة - للاطلاع ونشر الاعلان والجداول في لوحة اعلانات المحافظة .
- القانونية - المالية والمحاسبة - المراسلات - التصنيف - المكتب الصحفي .

الامانة العامة لمحافظة حماة - مديرية القانونية ١

Image 5- A copy of the announcement of a second public auction for the investment of pistachio lands in Hama, signed by Hama's governor, Muhammad Tariq Krishati.



The General Secretariat of Hama continued to announce more auctions; on 11 June 2022,<sup>4</sup> an announcement published on the acceptance of applications for an auction organized on the 15<sup>th</sup> of the same month, offering the investment of pistachio lands without defining their areas. The Secretariat announced similar auctions on 5 July 2022,<sup>5</sup> to be held on the 6<sup>th</sup> of the same month, and on 12 July 2022 organized in Hama governorate building on the 16<sup>th</sup> of the same month.<sup>6</sup>



Image 6- A screenshot of a post on Hama Province's Facebook page announcing the new auctions on 11 June 2022.

<sup>4</sup> The General Secretariat of Hama Province's official Facebook page, 11 June 2022, <https://www.facebook.com/hama.gov.sy/posts/pfbid0NNBrnV4wZAuSsmTM3uUtn7Z1JkHWCbA8S7XGPZeEygumG8nMXnRrUPGuPf3UM2eQl>, (Last accessed: 13 October 2022).

<sup>5</sup> The General Secretariat of Hama Province's official Facebook page, 5 July 2022, <https://www.facebook.com/hama.gov.sy/posts/pfbid02MWpirRPYfFCkGMbxaRYBeUppwXzBzKucXYMNJLveLqkQgw6ZequuqYyUtrP8J5mil>, (Last accessed: 13 October 2022).

<sup>6</sup> The General Secretariat of Hama Province's official Facebook page, 12 July 2022, <https://www.facebook.com/hama.gov.sy/posts/pfbid0cvP6RsXi1mJw8K1foWdGHHZfjLk1M254tNdkNNjg6LHBCUZYJqTe63Q2DeUWXHkl>, (Last accessed: 13 October 2022).







محافظة حماة

July 5 •

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#إعلان

#مزاو\_فستق\_حلبى

تعلم الأمانة العامة لمحافظة حماة عن قبول طلبات الاشتراك فى المزاو العلنى لاستثمار أشجار الفستق الحلبى واللى لم يتم التقدم إليها أى عارض وفق المناطق والمساحات حسب الجدول المرفق أدناه.

■ بناء على جداول اسمية و محاضر توصيف محفوظة لدى دائرة العقود ولجنة المزاو وذلك يوم الثلاثاء ٥/٧/٢٠٢٢ وتكون جلسات المزاو يوم الأربعاء ٦/٧/٢٠٢٢ فى قاعة اجتماعات المحافظة.

■ تقدم الطلبات إلى ديوان النافذة الواحدة فى الأمانة العامة لمحافظة حماة مرفقة بالأوراق الثبوتية صورة عن البطاقة الشخصية و لا حكم عليه و تصريح وتعهد و تأمينات أولية..

■ على الراغبين التقدم إلى المزاو مراجعة دائرة العقود فى الأمانة العامة لمحافظة حماة للحصول على الإضارة الفنية لقاء مبلغ مالى قدره ٣٥/ ألف ليرة سورية.

#المكتب\_الإعلامى\_لمحافظة\_حماة

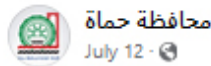
م	القرية	المساحة بالدونم	م	القرية	المساحة بالدونم	م	القرية	المساحة بالدونم
١	عطشان	٥٥٧	٩	مورك	٤١٦٠,٧	١٧	صوران	١٤٠,٥
٢	ام حارثين	٩٧,٥	١٠	لحايا	٤/٤ قط	١٨	قصر أبو سمره	١٦٠
٣	قبيبات	٣٩	١١	الغان الشمالى	٣٧٠,٥	١٩	الطنيسية	١٥
٤	كراخ	٢٣,٥	١٢	الجنية الغربية	٦٢	٢٠	الحمره	٨٠
٥	معان	١٣٥	١٣	الشعنة	٣	٢١	كوكب	٨٧
٦	طبية الإمام	٢١٠,٥	١٤	خفسين	٢١٢	٢٢	كفر زيتا	١٧٠,٨
٧	الطامنة	١٨٣,٥	١٥	لحامين	٦,٨١			
٨	الزلاقات	٢٠	١٦	معريش	٣			



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12 Comments

Image 7- A screenshot of a post on Hama Province's official Facebook page announcing the new auctions on 5 July 2022.



محافظة حماة

July 12 · 🌐

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#إعلان  
#مزاو للأرضي ملحق  
#أراضي الفستق الحلبي  
تعلن الأمانة العامة لمحافظة حماة عن قبول طلبات الاشتراك #بالمزاد العلني لاستثمار أشجار  
#الفستق الحلبي ( ملحق أراضي قابلة للاستثمار ) اعتبارا من يوم الأربعاء  
تاريخ ١٣ / ٧ / ٢٠٢٢ ولغاية يوم الخميس تاريخ ١٤ / ٧ / ٢٠٢٢ ، على أن تكون جلسات المزاد يوم  
السبت الساعة الثانية عشر ظهرا في قاعة اجتماعات مجلس المحافظة  
تاريخ ١٦ / ٧ / ٢٠٢٢  
• تقدم #الطلبات إلى ديوان النافذة الواحدة في الأمانة العامة لمحافظة حماة مرفقة بالأوراق  
الثبوتية ( صورة عن البطاقة الشخصية - لا حكم عليه - تعهد - تصريح - سند إقامة - التأمينات  
الأولية ) .  
• للاطلاع على #الأراضي المطروحة للاستثمار مراجعة لوحة الإعلانات في الأمانة العامة  
لمحافظة حماة .  
• على الراغبين التقدم إلى المزاد مراجعة #دائرة العقود في الأمانة العامة لمحافظة حماة  
للحصول على الإضابة الفنية لقاء مبلغ (٣٥٠٠٠) خمسة وثلاثون ألف ليرة سورية.  
• يمكن #لأقارب أصحاب الأراضي حتى الدرجة الرابعة المتقدمين بطلب اشتراك بالمزاد وقاموا  
بتسديد التأمينات الأولية وبعد انتهاء مزاد الأرض العائدة لقريبه و أثناء جلسة المزاد إبداء الرغبة  
باستثمار الأرض بالسعر النهائي للمزاد وفق تسلسل درجة القرابة شريطة إرفاق الثبوتيات  
اللازمة.

.....

.....

علما ان مديرية المالية بحماه والمصرف المركزي جاهزين لاستقبال المتقدمين للمزاد ،ومن  
رست عليهم المزايدات السابقة لتسديد الالتزامات المالية المترتبة عليهم يومي الاربعاء والخميس  
القادمين.

.....

.....

#المكتب\_الإعلامي\_لمحافظة\_حماة



265

24 Comments

Image 8- A screenshot of a post on Hama Province's official Facebook page announcing the new auctions on 11 July 2022.

## Testimonies About the Auctions in Hama

STJ spoke with Omar, a farmer from rural Hama who won the rights to cultivate his brother's 10 dunams pistachio field in Kafr Zita town in rural Hama in an auction staged in July 2022. He said that he would not have won without bribing a member of a Syrian government militia. He explained:

"There was a heavy military and security presence in the auction hall. Hama's governor, Muhammad Tariq Krishati, was there and he gave a speech to the attendants asserting that the auction laws apply to all applicants and no one can go beyond them. When I reached the auction table, someone suddenly whispered in my ear. He said that I should pay 300,000 SP to a certain military officer so that my application will be approved. He warned me that if I did not pay the bribe, the land would go to another



applicant, especially since my brother lives on the Syrian-Turkish border, which the Syrian government considers a terrorist area. I acquiesced and paid the amount.”

The witness added that the auctioning went to him when he offered 1,000,000 SP for the investment of each dunams of the land. He also paid 70,000 SP in insurance, in addition to other expenses to acquire the land.

In the same vein, agriculturalist Ahmed A., from rural Hama, stated to STJ that in one of Hama’s auctions, H. al-Laban, who works on behalf of S. al-Wakeel, the leader of the National Defense Militia in Muhradah, won all the offered areas using his military power.

## Announcing Public Auctions Offering of Pistachio Lands in Idlib

On 31 May 2022, the General Secretariat of Idlib province announced it was organizing an auction from 2 June to the end of this month, offering investment in pistachio plots in Idlib. The areas covered in this auction included: the towns of Khan Shaykhun, al-Tamanah, Moqa, Hobait, Kafar Sijnah, Hesh, Kafr Basin, Sahyan, Alteh, Tahtaya, Umm Jalal Halbeh Raffa Khuwayn al-Skeek, Qlayaat al-Twaybah, Abu Dali, Msheirfeh, Umm Turaykiyah, Tell Maraq, al-Tameh, Tell al-Kiram, Niha, Rajmel Mashraf, Umm Khouzaym, Ma'saran, al Barsah, Abu Dafn, al-Qrati, Halbeh, Mazra'at Sheykh Hasan, Jarjanaz, al-Sarj, Umm Muwaylat, Shaykh Barakah, Maratah, Harran, Tell al-Toufan, Hmeimat, al-Mrandyah, al-Shouha, Tell al-Rumman, and al-Khawari.

The Ministry of Local Administration and Environment announced that the auction would be held within a tent in the General Secretariat of Idlib in the town of Khan Shaykhun. The Ministry distributed application requirements, which included the initial payment of 70,000 SP per acre, as well as as a final insurance payment estimated at 10% of the conversion value and 35,000 SP for the application file. The Ministry also determined the investment period as a single growing season.





الجمهورية العربية السورية  
وزارة الادارة المحلية والبيئة  
محافظة ادلب

الديوان العام - محافظة ادلب  
الرقم ٥٨٠ / ٤١  
التاريخ ٢٠٢٢ / ٥ / ٢١

## اعلان للمرة الاولى بالسرعة الكلية

استثناساً بأحكام القانون رقم ٥١ / لعام ٢٠٠٤ .  
وعلى كتابي وزارة الزراعة والاصلاح الزراعي رقم ١٦٩ / ق . ز تاريخ ٢٠٢١ / ٦ / ٩ ورقم ٤٣٨ / ق . ز تاريخ ٢٠٢٢ / ٤ / ٢٣

تعلن الأمانة العامة لمحافظة ادلب عن بدأ المزاد لاستثمار أشجار الفستق الحلبي اعتباراً من تاريخ ٢٠٢٢ / ٦ / ٢ ولغاية ٢٠٢٢ / ٦ / ١٥ وتكون جلسات المزاد وفق البرنامج التالي :

م	اسم المنطقة	تاريخ جلسة المزاد	مكان وساعة المزاد
١	مدينة خان شيخون ومزارعها	٢٠٢٢ / ٦ / ٥ - ٤ - ٢	خيمة المزاد الكائنة في ساحة محافظة ادلب الموقت بخان شيخون  من الساعة التاسعة صباحاً وحتى الساعة السابعة عشر
٢	بلدة التمانعة ومزارعها	٢٠٢٢ / ٦ / ٨ - ٧ - ٦	
٣	موقا - الهبيط - كفر سجنة - حيش - كفر ياسين - صهيان - التح - تحايا - ام جلال - الهلبة - الرفة - الخوين - السكيك - قليعات الطوبية - ابو دالي - المشيرة - ام تريكية - تل مرق - الطامة - تل الكرام - النيحة - رجم المشرف - ام خريم	٢٠٢٢ / ٦ / ١٢ - ١١ - ٩	
٤	معصران - البرسة - ابو دفنة - القراطي - الهلبة - مزرعة الشيخ حسن - جرجناز - السرج - ام مويلا - الشيخ بركة - معرانة - حزان - تل الطوقان - حميمات المرندية - الشوحة - تل الرمان - الخواري	٢٠٢٢ / ٦ / ١٥ - ١٤ - ١٣	

- مدة العمل : موسم زراعي واحد
- التأمينات الاولية / ٧٠ / سبعون ألف ليرة سورية للدونم الواحد .
- التأمينات النهائية / ١٠ / % من قيمة الإحالة بموجب إيصال مالي .
- للاطلاع على الأراضي المطروحة للاستثمار مراجعة لوحة إعلانات المحافظة أو مديريات المناطق والنواحي في الريف المحرر ( منطقة خان شيخون ونواحيها - منطقة معرة النعمان ونواحيها - منطقة ادلب ونواحيها )
- على الراغبين بالتقدم للمزاد مراجعة دائرة العقود في الامانة العامة لمحافظة ادلب للحصول على الاضبارة الفنية لقاء مبلغ / ٣٥ / خمسة وثلاثون ألف ليرة سورية .
- لايقب للمزاد ادراج أكثر من منطقة عقارية ضمن الطلب الواحد بحيث يتضمن الطلب منطقة عقارية واحدة فقط .

Image 9- A copy of the announcement issued by the General Secretariat of Idlib (The Ministry of Local Administration and Environment) on 31 May 2022. This document is registered in the General Office of Idlib Province under No. 580/p.



On 1 June 2022, the official website of Idlib province published that Idlib's governor, Thaer Salhab, Idlib Police Commissioner, Brigadier General Abdul Baqi Afara, and the Agricultural Investment Committee met at the General Secretariat building in Khan Shaykhun to discuss the procedures of offering pistachio lands for investment in auctions.<sup>7</sup>

On 4 June 2022, the Farmers' Union in Idlib published a copy of the Presidency of the Council of Ministers' decision to accept the proposal of the Minister of Agriculture and Agrarian Reform on giving lands owners' relatives up to the fourth degree 10% off the auction's closing price. This is on the condition that the relative must invest in the plot personally under authorization from the owner.<sup>8</sup>



Image 10- A copy of the decision issued by the Presidency of the Council of Ministers on giving priority to owners' relatives in investing in pistachio lands.

<sup>7</sup> Idlib Province's official Facebook page, 1 June 2022, <https://www.facebook.com/IdlibGovernorate/posts/pfbid02f6QDT4SYyAymMRnGpFpQE4DbK7ZWjCByBT01YWKvNDm6E2Yzm2j7KfhPuU8Urbyrl>, (Last accessed: 12 October 2022)

<sup>8</sup> The official Facebook page of the Farmers' Union in Idlib, 5 June 2022, <https://www.facebook.com/photo/?fbid=425429356255641&set=a.134253695373210>, (Last accessed: 12 October 2022).





## A Testimony about an Auction in Khan Shaykhun, Idlib

STJ met Zakwan, who participated in Khan Shaykhun auction of June 2022. Zakwan applied to invest in his brother's 17 dunum pistachio land, located in al-Tamanah town in rural Idlib. Zakwan's brother, who resides in Lebanon, officially authorized him with the land disposal, Zakwan recounted:

"On my way to Khan Shaykhun, I was questioned and scrutinized by three military checkpoints; one of them was of the National Defense. Members on the latter asked why I was headed to Khan Shaykhun. When I told them it was to participate in the auction, they peppered me with a barrage of questions: Where did you come from? Who is the original landowner? Then, a member asked: 'How much will you pay us to let you continue on your way?' This prompted me to pay them 25,000 SP."

The witness went on to say that about 200 meters before the auction tent, militia members searched him, confiscated his phone, and checked his security status:

"When I entered the auction tent, I noticed a large number of militia members among the attendants. The auction committee consisted of five people; two militia members and three civilians. When the auction started, I offered to buy my brother's land for 800,000 SP (about \$300) per dunams. The committee asked an official of the agricultural association about the land quality and he said it was poor, especially since it has not been weeded nor its trees taken care of for more than three years. That said, a militia member in the committee commented that since the land is infertile no one else would bid for it, so the auction went to me, the first bidder, but for a price higher than what I offered. After consultations, the committee gave the rights of the land to me for 1,500,000 SP (approximately \$500) per dunams and I had no option but to agree to this price so that the land would not go to strangers who may mistreat it."

## Landowners Failed to Win Auctions of their Lands

STJ met landowners and their delegated relatives who failed to win the auctioning of their pistachio lands in Hama and Idlib. . Their failures occurred for various reasons, the most important of these was their inability to conclude formal authorization for their relatives. The authorizations needed to be obtained from notary offices in regime-held







areas, so some family members and landowners refrained from going in fear of being arrested.

## Testimonies from Landowners of Lands Auctioned in Idlib

### The First Testimony

STJ met with Ra'ed, a farmer from rural Idlib, who could not participate in the auction and thus could not apply to participate in the auction of his brother's 15 dunams pistachio field located in al-Tamanah town suburbs. This is because Ra'ed's brother could in no way come to Syria from Turkey to sign an official authorization for him fearful of arrest. Ra'ed recounted:

"In the past year, I managed to reap my brother's land after bribing an influential officer. After reaping, I plowed the land and fed it with fertilizers and medicines hoping to gain its harvest this year. However, a member of the National Defense militias called Marwan Sarmany, nicknamed al-Dahal, wanted the land. He seized it and won the auction of its investment. I strived to regain the land and paid large bribes but to no avail."

The witness lamented that when he went to his brother's land last September he found the branches of its trees broken as a result of a haphazard harvest. He confirmed that harvest workers used by those investing in the land destroyed the trees deliberately and cut more than 25 out of the land's 80 trees to use in heating.

### The Second Testimony

Salem, a farmer displaced from Khan Shaykhun to Dier Hassan IDP camp in rural Idlib, told STJ that he owns 22 dunams of pistachio land in Khan Shaykhun. His land was auctioned off, but he could not officially authorize his relative, through a notary, to invest it. Salem said:

"In 2021, a relative of mine managed to cultivate my land. He then sent me only 10% of the harvest price, but I never argued, I was happy with the amount because it was from my land's goods. In July 2022, the same relative submitted to the auction to cultivate my land but his file was missing the authorization document, which I must sign in regime-held areas where I would never go so as not to be arrested. I do not know who took over my land, on which my family and I spent our blood. From riches to rags! Today, I am a worker in a field for little pay."





### The Third Testimony

STJ met Mukhtar, a displaced man from Hesh district now residing Kalli IDP camp in rural Idlib. Mukhtar and his family own 50 dunams of pistachio land in Hobait town in Khan Shaykhun. Mukhtar could not authorize his relative to cultivate his land because he chose not to travel to regime-held areas for fear of being arrested. Mukhtar explained:

“Every year, my brothers used to plow the land, weed it, and tend to its trees to benefit from its harvest for our livelihood. However, in 2021, an influential member of the National Defense militias prevented us from harvesting our land and took it over. We filed several complaints to security services but they were not heard. In the middle of 2022, a relative of ours submitted to the auction to invest in our land; however, he was missing an official authorization signed by us, the owners, at a notary. I learned later that a member of the National Defense militias, called Bahbouh, won the right to use our land in an auction.”

### The Fourth Testimony

Sa’er, a displaced man from Khan Shaykhun currently residing Atmah IDP camp in rural Idlib, told STJ that he failed to win the auction of his 23 dunams of pistachio land located in Khan Shaykhun. Sa’er recounted:

“During the past few years, a member of the National Defense Militia called Marwan al-Sarmani, nicknamed al-Dahl, seized the harvest. In 2022, my land was auctioned off and my cousin submitted to invest in it. His application fulfilled all the requirements, including the due insurance payments and an official authorization signed by me. However, the auction went to Marwan al-Sarmani, who also won the auctions of other lands.”

## Testimonies from Owners of Lands Auctioned in Hama

### The First Testimony

STJ met Ali, a farmer from rural Hama currently residing Atmah IDP camp at the Syrian-Turkish borders. Ali testified:

“I own a 30 dunams pistachio plot in Atshan village, rural Hama. In the past few years, Syrian government seized the harvest of my land, which my relatives used to benefit from. In early 2022, I was encouraged by the announcement that allowed landowners to authorize their relatives to cultivate their lands. Thus, I asked a relative to complete the auction submission file and pay the required initial deposit amount.”





Ali confirmed that his relative paid 10,000 SP to the militias stationed near the auction hall to allow him in. Ali added:

“My relative bid to invest my land for 700,000 (about \$250) per dunams. Just before closing the auction, a proxy of a commander in the National Defense bid 12,200,000 SP (about \$5000) per dunams. Once again, a stranger took over my land. The Syrian government’s decision to allow landowners to pass the right of cultivating their lands to relatives was a mere lie aimed to keep us displaced, suffering the miseries of camps.”

### The Second Testimony

Samer, a farmer displaced from rural Hama to rural Idlib did not win the auction of his 27 dunams of pistachio land in Muhradah, rural Hama, even though he conducted an official authorization for his relative. Samer testified to STJ:

“My relative bid 1,500,000 SP (about \$500) per dunams for the investment of my land. However, he did not win the auction, because a member of the National Defense militias, nicknamed Bahbouh, bid a higher price, which we could not afford. I recently learned from a relative that this member cut 30% of the tree branches on my land and stole the contents of the artesian well, which is estimated at about \$12,000.”

### The Third Testimony

Muhammed, from rural Hama and now residing in rural Idlib, owns 15 dunams of pistachio land in Kafr Zita, rural Hama. Muhammed told STJ that, after his displacement, a man invested in his land and he used to receive a share of its output every year until 2019. Muhammed said:

“Members of the pro-Syrian government Liwa al-Quds/the Jerusalem Brigade seized my land in 2020. Meanwhile, members of the Syrian loyalist militia Baqir Brigade wanted the land and demanded a share of its output. Eventually, the two brigades agreed to share the harvest, as a neighbor told me. In 2022, my land was offered in an auction, however, my relative failed to win it against a bidder who bid a higher amount. I learned later that this bidder is a member of the Liwa al-Quds/the Jerusalem Brigade.”

### The Fourth Testimony

STJ met Ahmed, a farmer displaced from rural Hama to Deir Hassan camp in rural Idlib. Ahmed owned 27 dunams pistachio land located in Latmeen. His land was offered in the latest public auction in Hama but he refrained from bidding for it. Ahmed explained:





“In 2021, I authorized a relative to participate in the auction offering my land and, indeed, he won it. However, my relative could not reap a single fruit from the land. That was because of my land was near land seized by the leader of the National Defense in Muhradah, Simon al-Wakeel. During the harvest of his land, members under the latter beat my relative and looted my land’s crop. My relative went to al-Wakeel and complained about his members’ behavior. The latter responded: “We spent blood to liberate this land; how can it be for anyone but us?” My relative then filed a complaint to the investment committee, which claimed to look into his issue but he got nothing.”

## Auctioning Off Swathes of Pistachio Land in Hama and Idlib

A human rights activist familiar with the latest public auctions organized in Idlib and Hama between early May 2022 and late July 2022 confirmed to STJ that the area of the lands offered in the auctions in Hama was estimated at 55-60 thousand dunams (6,000 acres) while the lands offered in Idlib were estimated at 100,000 dunams (10,000 acres). The activist told STJ: “The decision to auction off land belonging to the displaced was made by the security services and affiliated militias, especially since the auction proceeds go to the wounded and the families of dead militia members, including the National Defense, the 25<sup>th</sup> Division, and the 5<sup>th</sup> Corps, who were effectively running the latest auctions.”

**Note:** STJ could not verify this information.

## The Importance of Pistachio Trees in Syria

Pistachio is a long-living, highly productive, and thus a high payoff tree. According to the state-run Syrian Arab News Agency (SANA),<sup>9</sup> the Hama Agriculture Directorate of the Syrian government estimated the pistachio crop of the lands under its supervision at 13,709 tons for the agricultural season of 2022. The director of the Pistachio Office in Hama stated that the total area planted with pistachio trees was 213,447 dunams, of which 58,944 were irrigated and 154,503 rainfed. The area has 3,323,000 trees; 3,207,000, of which were fruitful.<sup>10</sup>

<sup>9</sup> Agriculture, Hama: About 14 Thousand Tons of Pistachio Production for the Current Season, SANA, 24 August 2022, <https://sana.sy/?p=1725006>, (Last accessed: 16 October 2022).

<sup>10</sup> Ibid.







In the same vein, a pro-state news website quoted the head of the Agriculture Directorate in Idlib. Muhammad Nour Takko, an engineer, said that the pistachio crop of 2022 is five tons more than that of the last year in Idlib. The website stated that the area planted with pistachio trees in Idlib is estimated at 10,475 acres, of which 10,231 acres are in the province suburbs. The number of trees in the area is estimated at 1,639,000 trees, whose production is expected to be more than 10,000 tons this year.<sup>11</sup>

An agriculturalist, Ahmed A., spoke to STJ about the pistachio production in Syria, saying:

“Pistachio trees grow in fertile, light, deep sandy soil with good ventilation and drainage. The number of pistachio trees per hectare ranges from 160 to 200 trees. The first pistachios can be seen only after about the seventh year if the trees are well taken care of. The red pistachio trees take up about 85% of the cultivated fields in Syria. The seeds of red pistachio germinate quickly, and the yield of its tree – if it is well cared for – may reach 100 kg per season.”

The agriculturalist added that the continued and protracted Syrian conflict and the resulting displacements left pistachio lands in Hama and Idlib unattended. Furthermore, renters who took over the lands through auctions have not provided due care to these land and haphazardly harvested them which led to a decline in pistachio production as the yield of a single tree dropped to only about 15 kg.

Ahmed went on to say:  
“Leaving pistachio fields untended and tampered with by people ignorant of agriculture has led to low production of pistachio rates, especially in Hama. Nevertheless, the auction committee re-offered these lands in a second auction on 6 July 2022, in order to help investors, win them for lower prices.”

## A Legal Opinion

The 2012 Syrian constitution in force states in Article 15: “Collective and individual private ownership shall be protected in accordance with the following basis:

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

That said, the Syrian government’s auctioning of pistachio lands considers a blatant violation of the right to private property entrenched by the constitution. All the more

<sup>11</sup> Agriculture, Idlib: Pistachio Yield Increased Five Thousand Tons this Season, Cham Times, 21 August 2022, <https://e.chamtimes.com/archives/43433> , (Last accessed: 16 October 2022)





so because those real estates are still in the names of their owners and were not removed under a decree against fair compensation and according to a final court ruling, as provided for in the constitution's Article 15.

Although the international human rights law (IHRL) allows states to impose restrictions on the enjoyment of some rights guaranteed in international instruments. This is framed in strict terms:

First, the limitation must be determined by law. Second, it must promote the general welfare or "public purpose" in a democratic society. Third, it must be suited to the legitimate purpose cited. Fourth, the limitation must be necessary, in the sense that if there is more than one measure that could reasonably be expected to serve the purpose of the limitation, the least restrictive measure must be chosen. Lastly, the benefits of the limitation in promoting the common good must outweigh the impacts on the enjoyment of the right being limited.<sup>12</sup>

State parties should clearly define the concepts of public purpose in law, in order to allow for judicial review

As such, the term "public interest" contained in Article 15 of the Constitution must be clarified and detailed in all relevant laws regulating the state's eviction or auction of private property. This is required on the consideration that the state's acquisition to the right to use private property is an exceptional procedure which must be the only the last option to maintain the higher interest in the common good of a democratic society where every individual and community is treated equally. In addition, this procedure must be carried out against reasonable, appropriate, and fair compensation.

The auctions may not transfer ownership of the land, but they violate the rights of the original owners to access and cultivate them – a right emphasized in Article 768 of the Syrian Civil Code, which states: "The owner has the exclusive right to use, exploit and dispose of this property within the limits of the law." Furthermore, according to Article 770 of the Civil Code: "The owner of a thing has the right to all its fruits, products and accessories unless there is a text or agreement to the contrary." It is worth clarifying that the Syrian government granting owner's relatives the preference to win the auction does not negate the government's violation of the owner's right, since it is still renting his/her property and this contradicts the aforementioned legal texts.

Moreover, the auctions staged in Hama and Idlib were hinged on Law No. 51 of 2004 on public contracts. The law is exclusively dedicated to purchases (materials or services) for the public authorities and is based mainly on the principle of tenders, not auctions. The provisions cited in Chapter Six of this law entitled "The Provisions Governing Sales" applies only to public bids and confiscations related to "public state-owned properties," not including privately-owned ones. Furthermore, Article 73 of the Law states: Public real estate shall be sold, rented, or invested in one of the following

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<sup>12</sup> UN Human Rights Council: Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, A/HRC/4/18, 5 February 2007, annex I, paragraph 21.





ways. First, the direct way. Second, under a contract terminated by mutual consent. Third, by bidding in cases where there are no relevant regulations in place. The same applies to the sale of supplies and materials.

State parties should develop laws and policies to guarantee that land-based investments are done in a responsible manner. That requires early participation of all affected parties and fair regulation of transfer processes. In all those processes, affected persons or groups should have access to complaint mechanisms that allow them to challenge the decisions of local governments, investment boards, or other relevant parties before the start of implementation and up to the payment of fair compensation. Previous impact studies need to be conducted to identify potential harm and options to mitigate it. Principles for responsible investors and investment need to be determined by the law and must be enforceable. Responsible investments should respect legitimate tenure rights and do no harm to human rights and policy objectives such as food security and sustainable use of natural resources. State parties should provide transparent rules on the scale, scope, and nature of allowable transactions in tenure rights and should define what constitutes large-scale transactions in tenure rights in their national contexts.<sup>13</sup>

Looking at the legal basis for the auctions the report mentioned, as well as the operational procedures followed in investment operations, we find that they all lack the minimum conditions set out above.

Furthermore, the SG's preference to the landowners' relatives, up to the fourth degree, albeit formally as discovered from testimonies,<sup>14</sup> constitutes an explicit recognition that the properties auctioned off are privately owned. Therefore, the SG has violated the right to private property enshrined in the constitution. This inevitably leads us to the conclusion that basing auctions on Law No. 51 of 2004 is legally invalid, since this Law is not related to private property.

## 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.

<sup>13</sup> UN Committee on Economic, Social and Cultural Rights, *General Comment No 26 (2021) on land and economic, social and cultural rights*, E/C.12/69/R.2, 03 May 2021, § 30.

<sup>14</sup> The witnesses STJ met for the purpose of this report confirmed the presence of militaries among the auction committee members. They also mentioned that bribing members of government militias was necessary to win the auction even if the bidder's file 100% met the requirements.



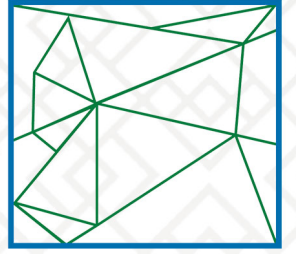


While SG-perpetrated property confiscations continue to jeopardize IDPs and refugees' basic property and human rights, the confiscations have graver impacts on the future of the affected property owners. These property violations construct a barrier to IDPs and refugees' safe and voluntary return because 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".

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## 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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