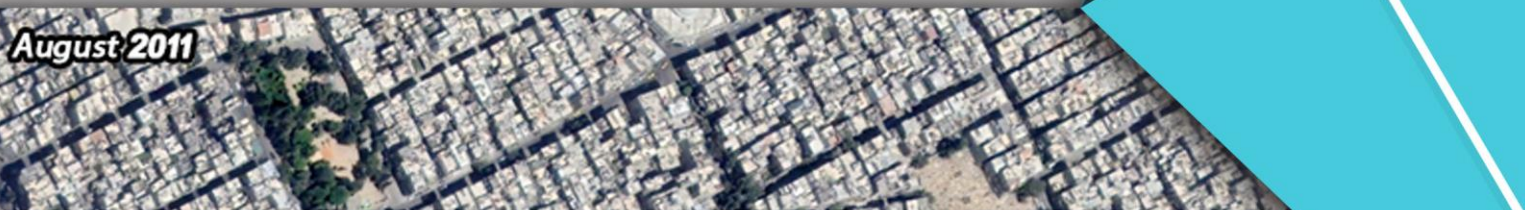


Damascus: The Governorate's Announcement on Removing Yarmouk Rubble Violates Ownership Right

August 2011



April 2018



June 2018



February 2022



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April 2023

Damascus: The Governorate's Announcement on Removing Yarmouk Rubble Violates Ownership Right

The announcement contravenes Law No.3/2018 and the current 2012 Syrian Constitution

Background

On 23 January 2023, the Damascus Governorate published in [the official Al-Ba'ath newspaper, Issue No.769](#), an announcement with the No.454 calling on property owners in the [Yarmouk](#) Camp for Palestinian refugees, to visit the Yarmouk Services Department in order to remove their fallen buildings or those at risk of either partial or total collapse. The announcement gave the owners one month to respond; otherwise, they will be fined and the rubble will be removed without them being notified.

The Yarmouk Services Department was established by Damascus Governor's Decree No. 61/2018 to replace the semi-independent Yarmouk Camp Local Committee that had administered the camp since 1964. The new services department operates directly under the Damascus Governorate and has its headquarters in the same building once occupied by the now-defunct local committee on Palestine Street. Syria's Ministerial Council said the replacement decision aims to task Damascus governorate with missions previously undertaken by Yarmouk municipality in an attempt to boost reconstruction plans and facilitate civilians' return to their homes at the soonest time possible.¹

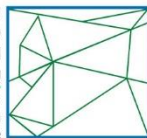


Image 1- Announcement No. 454 issued by Damascus governor regarding the remove of fallen buildings or those at risk of either partial or total collapse. Credit: The official Al-Baath newspaper

Here, it should be recalled that in April 2018, regime forces and its Russian allies launched a brutal military operation against the Yarmouk Camp, which is located 8 km. south of Damascus. The air and missile strikes conducted by pro-regime forces devastated 80% of the Yarmouk camp's buildings, turning it into the seventh largest point of destruction in Syria during the war, according to a survey conducted by the United Nations Institute for Training and Research (UNITAR) in 2019. The UNITAR issued the "Syrian Cities Damage Atlas", using satellite-detected damage analysis to identify buildings that are either destroyed, or severely or moderately damaged.²

¹ "Syria's Ministerial Council Tasks Damascus Governorate with Missions of Yarmouk Municipality", Action Group for Palestinians of Syria, 20 November 2018, <https://www.actionpal.org.uk/ar/post/10840> (Last accessed: 15 February 2023).

² Syrian Cities Damage Atlas - Eight Year Anniversary of the Syrian Civil War: Thematic assessment of satellite identified damage, UNITAR, 16 March 2019, <https://reliefweb.int/report/syrian-arab-republic/syrian-cities-damage-atlas-eight-year-anniversary-syrian-civil-war> (Last accessed: 15 February 2023).



February 2013



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After the Syrian government reclaimed the Yarmouk camp in June 2020, the Damascus Governorate Council approved the master plan No.105 of the al-Qaboun area and the regulatory map No. 298/3 of the Yarmouk Camp. The Damascus Governorate announced at the time that its plans for those areas work in three phases and includes a comprehensive reorganization of the most affected area, in addition to serving the least damaged areas, thus contributing to the return of more than 40% of the people.³

The Governorate's Announcement in View of the Rubble Removal Law

[Law No. 3/2018](#), which is concerned with the removal of rubble from buildings damaged by natural or unnatural causes, or those slated for demolition, was actually issued to deal with buildings damaged by the conflict. The Law states:

- The Governor assesses the damage to buildings and prepares a report detailing the damage to the building,⁴ the cost of removal, the value of the debris and a plan of the area including personal details of owners.⁵ The Governor then issues a decision specifying the zone that shall be cleared.
- The Governor forwards his decision to be published in the official gazette and a daily newspaper in Damascus and orders to pin it up on the notice boards of the Administrative unit, the Damascus Governorate, and the Region Directorate for 15 days. Claims can be made by property and debris owners, their legal representatives, or their relatives up to the fourth degree, within 30 days from the date of the decision publication. The claims must include ownership papers; if the original cannot be provided certified true copies could be accepted.⁶
- The Governor shall form the "Description and Verification Committee"⁷ to assess the damaged buildings and identify the owners. The committee has six members; a real estate judge who heads it, the Land Registry's Surveying Department president, a real estate expert, a representative from the Directorate of Cadastral Affairs, and two representatives from the local residents. The committee is tasked with determining the condition of the buildings and the extent of damage and structural integrity, as well as recommending full, partial, or no demolition. The Committee shall perform its task within 120 days and submit a report and initial chart to the administrative unit, which must include the properties' locations, numbers, names of their likely owners, and other necessary information. The administrative unit shall verify the owners and issue the last chart within 15 days.

Owners have the right to object to the published chart to the Court of Civil Appeal within 30 days from the date of the chart publication. In the event of an objection, the

³ "Residents of the Yarmouk Camp in Damascus Can Enter the Camp Starting Tomorrow Unconditionally Under a Decision by Al-Assad", RT, 9 September 2021, https://arabic.rt.com/middle_east/1271463-%D8%A8%D8%AF%D8%A1%D8%A7-%D9%85%D9%86-%D8%A7%D9%84%D8%BA%D8%AF-%D9%88%D8%A8%D9%82%D8%B1%D8%A7%D8%B1-%D9%85%D9%86-%D8%A7%D9%84%D8%A3%D8%B3%D8%AF-%D8%A7%D9%84%D8%B3%D9%85%D8%A7%D8%AD-%D9%84%D8%A3%D9%87%D8%A7%D9%84%D9%8A-%D9%85%D8%AE%D9%8A%D9%85-%D8%A7%D9%84%D9%8A%D8%B1%D9%85%D9%88%D9%83-%D8%AF%D8%AE%D9%88%D9%84%D9%87-%D8%AF%D9%88%D9%86-%D9%82%D9%8A%D8%AF-%D8%A3%D9%88-%D8%B4%D8%B1%D8%B7/ (Last accessed: 15 February 2023).

⁴ Article 2 of Law No.3/2018.

⁵ Article 3 of Law No.3/2018.

⁶ Article 2 of Law No.3/2018.

⁷ Article 4 of Law No.3/2018.

Court makes the final decision within 30 days starting on the day of objection registration.⁸

- After any disputes, the administrative unit opens up a period for requests for the collection of debris or moveable properties.⁹ Following the finalization of all the above stages, the administrative unit organizes the owner to attend to the property and collect any moveable property from the damaged buildings. A record is kept of the process and details. Debris and movables can be collected for a period of 30 days.¹⁰
- The administrative unit keeps any valuable property in special warehouses, in order to return it to the owners or to sell it at auction. The debris is sold at auction according to the regime of public contracts, and any money earned is deposited in a bank account managed by the administrative unit, with any amount owed to the beneficiaries frozen after the deduction of the debris removing and transferring costs¹¹.

If the auction did not bring the expected value, the administrative unit will dispose of the rubble as it sees fit according to the regime of public contracts and the technical conditions books prepared by the Minister of Public Works and Housing in coordination with the Minister of Local Administration and Environment.¹²

The Governorate's Announcement Violates the Right to Property

Having reviewed the announcement and after scrutiny and deliberation, Syrians for Truth and Justice (STJ) found that the administrative unit did not follow the rubble removal procedures set in place by the legislature in Law No.3/2018. STJ believes that clearing the debris in such hasty procedures would erase signs of the buildings and turn the area into an unrecognizable terrain. Thereby, it would be impossible for property owners to prove their ownership of properties there, especially in case of losing ownership documents.¹³

The announcement did not take into account the situation of displaced Syrians and the deadline it granted to owners is insufficient to complete all the procedures and potential complications surrounding the process of proving ownership. Many owners may be altogether unable to prove their ownership as their fear of security persecution and other risks may impede them from receiving proper legal representation. The only one-month deadline and the summary procedures for removing the debris may result in the government's unlawful appropriation of debris, under the pretext of the failure of the legal owners, who may be displaced, refugees, or even arrestees.

STJ sees that the step of proving the ownership and identifying the legal owners must be given priority and sufficient time. The Governorate must take into account that there may be debates over the ownership of some properties and if such cases were not settled and the legal owners were not identified we will be before the big question of who is responsible for removing the rubble.

⁸ Article 6 of Law No.3/2018.

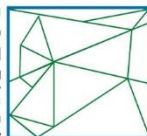
⁹ Article 8 of Law No.3/2018.

¹⁰ Article 10 of Law No.3/2018.

¹¹ Article 11 of Law No.3/2018.

¹² Article 12 of Law No.3/2018.

¹³ Ownership documents of real estate in the Yarmouk Camp varied according to their registration way that depends on the legal status of the estate. For example, there are estates registered at the General Administration for Palestinian Arab Refugees, and others at the Cadaster (green *tabu*), or at the notary. There are also communally owned farmlands, which are subject to contracts of sale and purchase.



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Finally, we should recall that trespassing on private property goes against;

Article 15.2 of the [2012 Syrian Constitution](#) in force, which states: “Private ownership shall not be removed except in the public interest by a decree and against fair compensation according to the law.”

Article 771 of the Syrian Civil Code promulgated by [Legislative Decree No. 84 of 1949](#), which states: “No one may be deprived of his/her property except in cases determined by the law and in return for fair compensation.”



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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EDITOR@STJ-SY.ORG