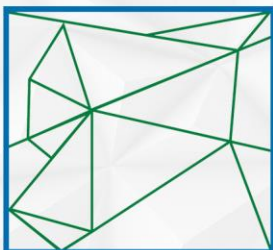


# Syria: Law No. 10 of 2018 is a Tool to Continue the Arbitrary Confiscation of Property



سوريون  
من أجل  
الحقيقة  
والعدالة  
Syrians  
For Truth  
& Justice



April 2023

## **Syria: Law No. 10 of 2018 is a Tool to Continue the Arbitrary Confiscation of Property**

*This law does not provide the minimum protection of owners' rights and represents  
additional evidence of the government's abuse of rights*

The first legislation on urban planning in Syria was issued during the French occupation on 22 January 1933. It remained in force until it was repealed by [Law No. 9 of 1974](#), issued on 27 January. The latter was repealed by [Law No. 23 of 2015](#) issued on 8 December.

On 18 September 2012, [Legislative Decree No. 66](#) was issued to frame plans for the construction of “two zoned areas” as part of the master urban plan of Damascus city.

- Zone One: An area southeastern Mazzeh, constructed over real estates in Mazzeh and Kafar Sousah neighborhoods. Later, the area was called [Marota City](#).
- Zone Two: An area southern al-Mutahlaq al-Janoubi (Southern Highway), across plots annexed from Mazzeh, Kafar Sousah, Qanawat Basatin, Daraya, and Qadam neighborhoods. Later, the zone was called [Basilia City](#).

The decree framed the two emerging cities with a set of regulations that differed from the applicable zoning provisions of the Syrian Law, established in Law No. 9 of 1974.

Moreover, on 2 April 2018, [Law No. 10](#) was issued to amend the aforementioned Legislative Decree No. 66 of 2012 and expand its scope to include the entire regions of Syria. Law No. 10 drew attention (locally and internationally) to the long-lasting violations of property rights, which increased during the years of the destructive conflict.

## 1. The Main Pillars of Law No. 10 of 2018:

[Law No. 10 of 2018](#) is an [urban law](#)<sup>1</sup> that addresses two main things:

- Delegating the President of the Republic the authority to issue decrees to create several redevelopment zones across Syria. These decrees shall be issued based on a proposal of the Minister of Local Administration, approved –general and detailed– studies and plans, and an approved economic feasibility study.
- Amending several articles of Legislative Decree No. 66 of 2012 which applies to the redevelopment zones.<sup>2</sup>

## 2. The Official Purpose of Law No. 10 of 2018:

Theoretically, and like Planning and Urban Development Law No. 23 of 2015, Law No. 10 of 2018 aims to plan –or replan– any urban area within the General Planning Scheme,<sup>3</sup> even if the area does not include random informal housing (slums) or does not need reconstruction. As mentioned earlier, the President of the Republic has the authority to issue decrees to create

---

<sup>1</sup> Other examples of Syrian Urban Laws are: [Law No. 23 of 2015](#), [Legislative Decree No. 82 of 2010](#), [Law 33 of 2008](#), [Law 26 of 2010](#), [Legislative Decree 5 of 1982](#).

<sup>2</sup>Article 2 of Law No. 10 of 2018 stipulates the amendment of Legislative Decree No. 66 of 2012, Articles No. 5, 6, 8, 9, 10, 12, 13, 17, 19, 20, 21, 22, 25, 26, 27, 28 29, 30, 31, 33, 34, 35, 38, 44, 45, 51, 59, 61, 63.

<sup>3</sup> According to Article 1 of [Law No. 23 of 2015](#), the General Planning Scheme is a scheme that clarify the vision of the future of a residential settlement and its expansion, through drawing new urban boundaries and main road networks, and by outlining the use of lands within those boundaries, in a way that does not contradict the foundations of urban planning.

redevelopment zones across Syria. The decrees shall be issued based on a proposal of the Minister of Local Administration and an approved economic feasibility study.

However, Law No. 10 of 2018 differs from Law No. 23 of 2015 in terms of property disposal, free deduction, and other issues that will be addressed in this report.

### **3. Restrictions on the Freedom to Dispose:**

Based on technical calculations of judicial and technical committees, the areas identified in a decree set for replanning undergo a process whereby the land is initially zoned to give pre-existing owners shares in the zoned area that will comprise the new development.

Previously, according to the successive planning and urbanization laws (1933 - 2015), common shares were compulsorily distributed to the new plots by judicial and technical committees. The committees seek to assign owners their shares in the location of their original properties.<sup>4</sup>

Nevertheless, Law No. 10 of 2018 –based on Legislative Decree No. 66 of 2012– adopts other strict methods for disposing of shares:

- Article 28(a) of Legislative Decree No. 66 of 2012: Owners of common shares may, within a year of the announcement of the final distribution list, trade the ownership of shares among themselves or others, whether totally or partially, and record that in the registry.
- Article 29(a) of Legislative Decree No. 66 of 2012: Within 6 months of the date of issuing share certificates, plots shall be distributed, and their ownership transferred and registered in the real estate registry according to one of the following options:
  - Allocation of a plot: this option requires an owner of shares to partner up with other shareholders to develop one plot, provided that the plot is free of mortgage, restriction, or obligation of any kind, and not burdened with any indication that prevents the obtaining of a building permit.
  - Participation in the establishment of a joint stock company in accordance with the Companies Law in effect or the Real Estate Development and Investment Law for building, sale, and investment of plots. This option gives an owner the right to offer their shares as an in-kind share in a joint stock company that invests shares commercially and distributes annual profits to shareholders. An owner shall apply to the administrative unit within six months of the date of issuing share certificates, provided that their shares are free of any sign of mortgage.
  - Sale at public auction: when an owner does not choose one of the previous options, the administrative unit shall sell their shares in a public auction based on Article 32 of Legislative Decree No. 66 of 2012.

---

<sup>4</sup> Article 37 of Law 23 of 2015.

#### 4. Restrictions on the Right to Property:

The right to property has three characteristics stipulated in the Syrian law. It is a comprehensive, preventive, and permanent right.<sup>5</sup>

- A comprehensive right: an owner has the right to benefit from their property, use it, and dispose of it. An owner can do whatever they want with their property, except for what the law forbids. An owner should not be obligated to make specific choices about their property.<sup>6</sup>
- A preventive right: no one is allowed to interfere in someone's property.<sup>7</sup> It is not permissible to obligate an owner to share their property under the pretext of free deduction, nor to compel them to dispose of it.
- A permanent right: ownership should not be limited to a term.<sup>8</sup> An owner should not be obligated to dispose of their property during a certain period.

These characteristics contradict Law No. 10 of 2018 and Legislative Decree No. 66 of 2012 (Articles No. 28, 29 and 30). Article No. 30 stipulates that once a decree is issued to create a redevelopment zone, no natural or legal person has the right to dispose of any shares (selling, donating, pledging, etc.), and any disposal shall be considered absolutely null and void.

STJ believes that restricting the right of property to the options mentioned in the Legislative Decree No. 66 of 2012 and preventing owners from disposing of their real estate after creating a redevelopment zone, contradicts Article 768 of the Syrian Civil Code which affirms that an owner has the right to use, benefit from, and dispose of their property.

#### 5. Short Deadlines and Displacement:

According to Article No. 2 of Law No. 10, once a decree is issued establishing a zoned area where a new development shall be undertaken, the relevant local administrative unit has one week to request from the competent real estate authorities a list of all pre-existing owners who hold title to land located in that zoned area. The competent authorities shall prepare this list within 45 days of receiving the request.

Within one month of the issuance of the decree, the administrative unit shall set up one or more committees to survey the zoned area and to provide detailed records of its contents such as buildings, trees, crops, etc. Moreover, committees shall conduct a social survey of the

---

<sup>5</sup> See: al-Samhourj, al-Waseet. Part 8, Article 324.

<sup>6</sup> Ibid. Article 325.

<sup>7</sup> Ibid. Article 326.

<sup>8</sup> Ibid. Article 331.

population and may use satellite images and aerial photos. The decision to form the committees stipulates the period required to complete their work.

Moreover, Article No. 2 of Law No. 10 states that the administrative unit shall, within one month of the issuance of the decree, provide notice via its official website and media outlets for any interested people whose ownership rights are not recorded in the registry to declare their interests in any land located within the respective zoned area. Alternatively, they can have a relative or authorized representative make such a declaration on their behalf. Owners whose ownership is not recorded in the registry shall declare their interests within one year of such notice being published<sup>9</sup> and shall submit all relevant documents to substantiate their ownership. If these documents are missing, owners should provide the location of their property, borders, shares, legal type, and all the lawsuits filed by an owner or against them.

The obligation to declare property rights and submit supporting documents within a specified period, does not correspond to the displacement that Syrians have been experiencing for more than a decade, especially that many of the displaced are unable to provide their relatives with power of attorney because they cannot obtain the required security approvals.<sup>10</sup>

## 6. The Judiciary is Deprived of the Power to Resolve Real Estate Disputes:

According to Law No. 10 of 2018, Legislative Decree No. 66 of 2012, and Law No. 23 of 2015,<sup>11</sup> a dispute resolution committee is established with jurisdiction to review all objections and claims of ownership of real estate inside development zones. All similar existing cases, which are before the courts, shall be reviewed by the committee as well.<sup>12</sup> Moreover, the committee shall determine the ownership of buildings and constructions in violation among owners.

Moreover, the committee enjoys, in adjudicating disputes, all the competencies of the court originally competent to solve the dispute.<sup>13</sup>

The head of the administrative unit shall issue a decision to form the committee as follows:

- A judge, at rank of counsel, assigned by the Minister of Justice as committee chairman.

<sup>9</sup> According to Decree No. 42 of 2018, the period was amended to one year instead of thirty days.

<sup>10</sup> [Above the Judiciary and State Institutions: The Powers of the Syrian Security Services](#). 7 October 2022. Syrians for Truth and Justice.

[Syria: The Ministry of Justice Newly Requires Security Clearances for Receiving Powers of Attorney for Missing and Absent Persons](#). 22 October 2021. Syrians for Truth and Justice.

<sup>11</sup> Article 2(29) of Law No. 10 of 2018 stipulates that Law No. 23 of 2015 applies to any matter that is not addressed in this Law or in Legislative Decree No. 66 of 2012. Also, Article 5 of Law No. 10 of 2018 states that Legislative Decree No. 66 of 2012 and its amendments apply on redevelopment zones that are created in accordance with Article 1 of this law.

<sup>12</sup> Article 14 of Legislative Decree No. 66 of 2012.

<sup>13</sup> Article 16 of Legislative Decree No. 66 of 2012.

- A representative of the Directorate of Real Estate Interests in the governorate, who holds a law degree, assigned by the General Director as a member.
- A representative of the administrative unit, who holds a law degree, assigned by the head of the administrative unit as a member.

The two representatives should have served the state for no less than 10 years since obtaining their law degree.

Granting this committee the power to consider and resolve claims and disputes leads to depriving owners of their right to litigation –stipulated in the constitution—<sup>14</sup> because it is an administrative committee, and its members –except for the committee chairman– are not judges. Moreover, although decisions of the committee are subject to appeal, trials before the Court of Appeal are not public and the Court does not listen to litigants. Rather, it looks at the decisions of the committee privately in a deliberations room, and in accordance with the dates and rules followed in appealing decisions of the judge of urgent matters.<sup>15</sup>

Assigning the mission of forming the aforementioned committees to the administrative units is an interference in the judicial authority, because the heads of the administrative units are among the pillars of the executive authority. It is also considered a violation of the principle of the “independence of judiciary” stipulated in the constitution.<sup>16</sup> Also, it is a violation of the Judicial Authority Law No. 98 of 1961, which confirms that the Supreme Judicial Council appoints, promotes, and dismisses judges, not the governor or the heads of administrative units.

## 7. Taxes and Fees:

Article 49 of the Planning and Urban Development Law No. 23 of 2015 exempts owners of properties damaged by natural disasters or wars from financial fees, local costs, and other fees related to reconstruction. It also exempts properties –within the redevelopment zones– from registration fees in the real estate registry.

As for Legislative Decree No. 66 of 2012, the exemption is limited to property registration fees in the real estate registry.<sup>17</sup> Moreover, Law No. 10 of 2018 does not come with any amendment.

---

<sup>14</sup> Article 51 of the Constitution of 2012 stipulates that “3. The right to conduct litigation, remedies, review, and defense before the judiciary shall be protected by the law, and the state shall guarantee legal aid to those who are incapable to do so, in accordance with the law. 4. Any provision of the law shall prohibit the immunity of any act or administrative decision from judicial review”.

<sup>15</sup> Article 2(8) of Law No. 10 of 2018

<sup>16</sup> Article 132 of the Constitution of 2012 stipulates that “The judicial authority is independent; and the President of the Republic, assisted by the Supreme Judicial Council, ensures this independence”. Also, Article 134(1) of the Constitution stipulates that “Judges are independent and there is no authority over them except that of the law”.

<sup>17</sup> Article 41 of Legislative Decree No. 66 of 2012.

## 8. Legislative Decree No. 82 of 2010 Applies to Plots in Redevelopment Zones:

Law No. 10 of 2018 amends Article 59 of Legislative Decree No. 66 of 2012. The new amended Article stipulates that plots in a redevelopment zone are subject to [Legislative Decree No. 82 of 2010](#) on Land-Use Planning which contains strict regulations.

For example, Article No. 9 states that an owner of a plot should obtain a building construction permit within one year. Otherwise, an annual fee of 10% of the property value is imposed for a period of four years. Further, if an owner does not obtain a permit during this period (the four years), the administrative unit shall sell the plot in a public auction.

## 9. Law No. 10 of 2018 and Legislative Decree No. 19 of 2015:

Legislative Decree No. 19 of 30 April 2015 allows administrative units to establish a private joint-stock holding company and own its shares. The company consists of a chairman and members of local councils. Its board of directors is headed by the head of the administrative unit. The company works according to the Companies and Trade Laws, and it has the right to establish and manage subsidiary companies.<sup>18</sup>

Although Law No. 10 of 2018 does not mention Legislative Decree No. 19 of 2015, the two legislations share common goals.

The holding company aims to manage and invest the properties of the administrative unit<sup>19</sup> and to manage the redevelopment zones through a subsidiary “management company”. The holding company is responsible for the following:

- Implementing the infrastructure and managing electronic systems in redevelopment zones.
- Granting building permits and monitoring their implementation.
- Granting housing permits under the supervision of the administrative unit.
- Collecting fees, allowances, and penalties.
- Managing the funds of redevelopment zones, collecting installments, and following up on loan and interest payments.
- Creating and managing citizen service centers.<sup>20</sup>

Based on the aforementioned decree, [the Damascus Governorate launched a holding company](#) in December 2016 called “[Damascus Cham Holding](#)”. One of its responsibilities is to undertake development projects in Marota City, with respect to Legislative Decree No. 66 of 2012 and Law No. 10 of 2018. The ownership of 50 plots of the redevelopment zone was transferred to Damascus Cham Holding.

---

<sup>18</sup> Articles No. 1 and 2 of Legislative Decree No. 19 of 2015.

<sup>19</sup> Articles No. 1 of Legislative Decree No. 19 of 2015.

<sup>20</sup> Articles No. 4 of Legislative Decree No. 19 of 2015.



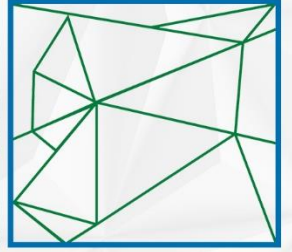
## **10. Conclusion:**

Law No. 10 of 2018 does not include the minimum requirements to protect the rights of property. On the contrary, the Syrian government can use it as a tool to confiscate property and deprive people of their rights.

The government claims that this law aims to develop the areas of random informal housing, to reconstruct these areas, and to make the city more attractive. However, this law is an abuse of rights and an unjust enrichment.

Law No. 10 of 2018 raises concerns that its hidden purpose is to confiscate private properties from their owners, particularly refugees and displaced people, which makes it challenging for them to return. Taking into consideration that many of them are wanted by the police for their political beliefs, owners are not able to communicate with the relevant committees or to provide their relatives with power of attorney to represent them.

---



## About Us:

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

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

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



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



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



[EDITOR@STJ-SY.ORG](mailto:EDITOR@STJ-SY.ORG)