

## || Syria: Alternative Committees for Property and Personal Status Disputes: Response to Power Vacuum or Judiciary Marginalization?



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## **Syria: Alternative Committees for Property and Personal Status Disputes: Response to Power Vacuum or Judiciary Marginalization?**

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## 1. Summary:

Weeks after the fall of the Assad regime on 8 December 2024, Syrians for Truth and Justice (STJ) documented new violations of property rights. Some of these violations reignited old disputes between Syrian citizens, prompting local dignitaries to launch several community-led initiatives to form "[property dispute resolution committees](#)" in various Syrian cities. These committees are overseen by clerics, lawyers, and community leaders, examining existing property disputes and proposing swift settlement solutions.

These initiatives, including the formation of committees to resolve property disputes, come at a time when Syria is facing major challenges, most notably the difficulty of immediately restoring property rights to their owners and the inability to directly settle property-related disputes, such as [forced sales](#) and coerced rentals. This is in addition to the impacts of the [loss of official property records](#) and the destruction of properties after sustaining severe damage due to shelling on civilian neighborhoods and facilities during the armed conflict.

Some homeowners left their properties in Syria with people they did not personally know, while others allowed relatives to stay. Many of them faced issues, including property theft and unlawful seizure, with no way to reclaim their homes.

For this brief report, STJ interviewed individuals involved with these committees handling property disputes, focusing on their experiences in resolving these conflicts. The aim was to explore the means and mechanisms that would enable dispute resolution without resorting to judicial proceedings or arbitration.

## 2. Background:

After protests erupted in hundreds of Syrian regions in 2011, and later evolved from a peaceful uprising into an armed conflict, enforced displacement became an unavoidable reality for millions of Syrians, driving them from their original areas to other regions inside and outside the country.

Fourteen years of armed conflict have reversed nearly four decades of economic and social progress,<sup>1</sup> underscoring that the destruction has affected a significant portion of the [country's vital assets](#).

During this period, the former Syrian government subjected individual property ownership to serve its own interests, while simultaneously altering the legal framework, which quickly became a tool for exerting power and controlling the population, restricting freedom of expression. For example, [Law No. 10 of 2018](#) was designed to advance the former Assad regime's security, political, and economic interests, while making it nearly impossible to restore to fair solutions.

During the rule of the former government in Syria, public confidence in the judiciary eroded as the executive branch exerted dominance over it. This was explicitly stated in the 2012 Syrian

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<sup>1</sup> Report by the United Nations Development Programme, published on 20 February 2025: [The impact of the conflict in Syria: a devastated economy, pervasive poverty and a challenging road ahead to social and economic recovery \[EN/AR\] - Syrian Arab Republic | ReliefWeb](#).

Constitution, which stipulates that the President of the Republic as the head of the Supreme Judicial Council.

At the same time, while this Council is supposed to provide the necessary guarantees to ensure judicial independence<sup>2</sup>, the concept of “judicial independence” becomes meaningless as long as it remains under the control of the head of the executive branch.

In this brief, STJ provides an analytical perspective on the proliferation of local committees and their role in dispute resolution. It examines the working mechanisms of these committees and evaluates them from a legal standpoint, aiming to assess the extent to which their practices align with Syrian legal standards and their legitimacy in resolving property disputes.

The researchers, who prepared this report, relied on secure digital channels to contact individuals, document their personal experiences, and collect detailed testimonies. The aim was to shed light on the circumstances and motivations that led them to restore to the property dispute resolution mechanisms overseen by these committees.

### 3. Non-judicial committees for property dispute resolution:

In the aftermath of the regime's fall, “dispute resolution committees for financial and real estate conflicts”, as well as other social matters such as marriage and divorce, have spread across Damascus and other cities. Operating from mosques, these committees aim to help people resolve long-standing disputes without resorting to legal proceedings before the competent courts<sup>3</sup>.

These committees spread across Damascus neighborhoods, including Rukn al-Din, Artuz, and Kafr Sousa. Similar committees were also established in other Syrian governorates for the same purpose<sup>4</sup>.

According to Syrian media outlets, these committees primarily seek to provide “quick and amicable” resolutions to disputes that are difficult to bring before the courts due to the current instability and ineffectiveness of state institutions. They do not operate for profit or charge fees, rather, their main objective is to serve the community, restore trust among people, and resolve conflicts in a manner that fosters civil peace rather than financial gain<sup>5</sup>.

According to one of its members, these committees serve as a “non-judicial alternative mechanism” for resolving disputes related to land and property ownership and usage, particularly in areas affected by armed conflict, where the judicial system faces significant challenges in terms of accessibility and efficiency in adjudicating cases. One of the key advantages of resorting to these committees is the cost savings associated with hiring a lawyer and filing a lawsuit, as well as their alignment with local customs and traditions, which

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<sup>2</sup> Syrian Constitution of 2012, Article 133 [Syrian Arab Republic 2012 Constitution - Constitute](#).

<sup>3</sup> A report by the Erem News website, titled “In the Absence of the Judiciary... Mosques as an Alternative for Resolving Syrian Disputes,” published on 30 January 2025 [في ظل غياب القضاء.. المساجد بديل لحل نزاعات السوريين | ارم نيوز](#).

<sup>4</sup> A report by *al-Araby al-Jadeed* (*The New Arab*), titled “Non-Specialized Committees for Dispute Resolution in Syria,” published on 1 February [لجان غير مختصة لفض النزاعات في سوريا](#).

<sup>5</sup> Ibid.

sometimes leads to greater acceptance and support from neighborhood residents, and fosters trust among the parties.

According to researchers at STJ, the formation mechanism and operation of these committees are not based on any official administrative decision or legal provision. Instead, they emerge from the local community, and their decisions are not legally binding due to the absence of executive authority, unless the disputing parties officially adopt them through the recognized judicial procedures, which may lead to subsequent disputes in case the parties involved did not comply.

In some cases, these committees may face pressure from local or political entities, which could affect their neutrality, independence, and the quality of their decisions. Additionally, they struggle to access specialized expertise or the necessary resources to conduct thorough investigations into property disputes, especially given the deteriorating security and economic conditions.

#### **4. Property disputes come to the surface after the collapse of the former regime:**

In 2018, the former Syrian army/Assad forces heavily bombarded the cities of eastern Ghouta, Damascus, resulting in the deaths of more than 200 civilians<sup>6</sup>. At that time, Amjad<sup>7</sup> (a pseudonym) and his family were displaced from Arbin town to northern Syria, settling in Idlib in northwestern Syria. He left behind a home and a jam production factory, awaiting conditions to improve, allowing him to return safely and with dignity to his hometown.

In 2019, the former Syrian government seized Amjad's properties as part of a campaign targeting the properties and assets of forcibly displaced persons, accusing them of "terrorism." Due to his previous arrest in 2012 by the Air Force Intelligence Branch in Harasta, eastern rural Damascus, where he was detained for four months, Amjad was unable to return to his hometown of Arbin to safeguard his properties, fearing to be arrested again.

To protect his property, Amjad obtained a general power of attorney with a backdated issue date through a broker in Damascus, transferring ownership to his brother Youssef (a pseudonym) to prevent confiscation. However, Youssef took advantage of this power of attorney and sold the house and factory without Amjad's knowledge or consent. Amjad stated:

**"After the regime confiscated the properties of the displaced and accused them of being terrorists, I had no choice but to obtain a general power of attorney with a backdated issue date through a broker in Damascus, who my brother secured. I transferred all my properties to my brother through brokers and by paying bribes to government employees at the time. All my real estate holdings were registered in my brother's name. These steps were carried out in the presence of my cousins in Damascus as witnesses. The agreement was clear: If I die, return to Damascus, or am forced to sell any of my properties, I retain full authority over them, and my brother has no right to make any decisions regarding them. His role was strictly limited to**

<sup>6</sup> News report by France 24, published on 21 February [سوريا: أكثر من 250 قتيلاً في قصف على الغرفة الشرقية خلال ثلاثة أيام وطالبات "بهدنة إنسانية".](#)

<sup>7</sup> A pseudonym was used at the source's request in the online interview conducted by a researcher with STJ on 3 February 2025.

**facilitating sale, purchase, or rental transactions and protecting my properties from confiscation by the regime.”**

Amjad continued:

**“Throughout these years, I never needed to sell any of the properties registered in my brother’s name. Thanks to God, I was blessed with the opportunity to open a small factory, where I started producing jams and exporting them to various regions within Syria. From time to time, I would check in with my brother about the status of my properties and lands, and he would assure me that everything was fine, and there was nothing to worry about. However, years later, my brother thought that we would never return to Arbin, as the regime had completely taken control of the Damascus countryside, and Arab countries had started normalizing relations with the regime to reinstate it.”**

When Amjad returned to Arbin in early 2025, he was shocked by what his brother had done, which led to a violent confrontation between them, ending with their arrest by a security patrol in the area. Amjad said:

**“After visiting several relatives, I decided to go to my house to check on it. I was shocked when I arrived to find people inside that I did not know, who had been living there for three years. When I met the man responsible for the family residing in the house, he told me that he had bought the house from Amjad’s brother for 12,000 US dollars, and the full amount had been paid after the brother had emptied the house of all its furniture and contents, selling them in the second-hand market.”**

Youssef sold his brother’s house, its furniture, and the jam factory, including the production lines, equipment, and raw materials that were inside the production workshop. Amjad added:

**“Several dignitaries and notables from the eastern Ghouta intervened to settle the matter, and they managed to get us out of the security detention in Arbin. This was done through a written commitment and a guarantee from the notables, not to engage in any further confrontation.”**

This was followed by another intervention by local dignitaries to resolve the dispute, leading to the formation of an informal committee to hear both parties. The committee consisted of three elders, two local mukhtars from the area, and another person working as an engineer. In the first session held by the committee, Youssef claimed that the property transfer was compensation for a debt of \$60,000, which Amjad denied, asserting that the transaction was conducted through a legal power of attorney and in the presence of family witnesses.

The committee decided to hold another session with the witnesses present to compare evidence and seek a compensatory resolution to the dispute. Amjad said:

**“The committee will decide on the matter in a conciliatory and compensatory manner if my brother is proved to be lying, as they are a non-governmental committee with limited authority. Even if the case is not fully resolved, it will be partially settled until the official government institutions resume their functions. I am currently waiting for another session to present witnesses and prove my rights.”**

The General Directorate of Cadastral Affairs in Syria announced on 21 January 2025, the resumption of all services related to property and land registration records, in addition to documenting real estate contracts related to the correction of property description and division.

On 18 February 2025, the Directorate further announced the resumption of real estate contract documentation after linking all supporting documents for registration in accordance with the Real Estate Registry Law, and its executive regulations and applicable regulations.

### **5. Between 2014 and 2025... A response to the power vacuum:**

Between 2014 and 2018, eastern Ghouta in Damascus countryside witnessed significant developments in the role and influence of the Sharia committees and bodies. In 2014, the “Sharia Committee” was established in eastern Ghouta with the aim of combating theft and enforcing security in the region<sup>8</sup>.

This committee managed to extend its influence over civilians and opposition fighters, imposing strict punishments. However, the committee did not have a permanent headquarters, due to the former regime's forces targeting its offices with airstrikes and artillery shelling.

Over time, local committees and councils began to form in cities and villages, taking on the role of providing services to residents and political representation. These councils consisted of offices for relief, medical services, public services, and Sharia law, and were either formed through appointments by local notables and military leaders who defected from the former regime's forces or through elections.

Despite their basic structure and the lack of experience among their staff, these councils sought to establish an independent civil administrative system, laying the foundation for a broader political action<sup>9</sup>.

Qasim<sup>10</sup> (a pseudonym) participated in one of the Sharia committees in eastern Ghouta. After the regime's fall, the area faced significant disputes over property ownership due to forced displacement, some of which escalated into gunfire and clashes between residents.

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<sup>8</sup> A report by al-Hal/ al-7al net website, titled: “Sharia Committees in Opposition Areas: Survival of the Fittest,” published on 1 February 2014, [الهيئات الشرعية في مناطق المعارضة.. البقاء للأقوى - الحل نت](#).

<sup>9</sup> A report by al-jumhuriya.net, titled “What Happened in eastern Ghouta,” published on 24 June 2018, [ما الذي](#) [حدث في الغوطة الشرقية](#).

<sup>10</sup> A pseudonym was used at the source's request in the online interview conducted by a researcher with STJ on 2 February 2025.

In the absence of official judicial institutions, Qasim, along with four other prominent figures from the area, formed the Mending Fences Committee to address urgent cases (The committee's name is a Quranic expression, found in al-Hujurat, verse 10, which calls for resolving disputes between believers.)

From the committee's inception in early January 2025 until the report was compiled in February 2025, the committee handled 56 property cases and 7 marriage cases. Qasim said:

**“Days after returning to our cities following the fall of the regime, we encountered several problems, family disputes, and conflicts at the level of cities and towns. These disputes included issues related to buying and selling, and inheritance of properties and land in eastern Ghouta. We began to witness conflicts that escalated to gunfire over property, an apartment, or even a few meters of land, between families and individuals.”**

He added:

**“We formed a committee under the name “Mending Fences” with the aim of resolving disputes related to inheritance, properties, agricultural lands and others, due to the numerous issues and conflicts that arose after the return of the displaced to their cities.**

**Prior to forming the committee, we had met with the area official responsible for eastern Ghouta under the new government, Sheikh Abu Ahmad Halawa, a former leader in Hay'at Tahrir al-Sham (HTS). We informed him about the need and necessity of forming these committees, emphasizing that their role would be limited to providing initial resolutions for cases until the activation of government institutions.”**

According to Qasim, Abu Ahmad Halawa agreed to the committee operating and gave its supervisors a “verbal authorization” to continue until government institutions began functioning in an organized and official manner:

**“The committee started working in some areas of eastern Ghouta on 2 January 2025. Currently, we are handling around 56 property cases and 7 marriage cases involving wives of detainees who were released from prisons during the liberation, as the women are now married to other men. The challenges are significant, given the lack of official government institutions and specialized judges. However, we are currently operating within this committee following numerous public demands to establish such committees in the region. The aim is to serve as a foundation for resolving disputes, to reduce the spread of chaos among families, and to support the government and its institutions, easing the burden on them in the coming days.”**

## **6. Syrian legal opinions:**

Despite the important contributions made by Property Dispute Resolution Committees in providing quick and flexible solutions in post-conflict environments, they raise fundamental legal questions. These committees operate outside the framework of the official judicial system,

which raises doubts about their legality and legitimacy, as there are no clear legal foundations regulating their work and effectiveness.

Currently, Syrian administrative and judicial bodies suffer from structural and legal deficiencies, undermining public trust due to past experiences of corruption or bias in the judiciary. Despite this, one of the main legal issues related to the initiatives of property dispute resolution committees is that they operate outside the legal framework, for lacking clear foundations that regulate their work and determine the binding nature of their decisions. Therefore, these committees cannot be considered within the scope of arbitration, as arbitration is subjected to a legal system and specific procedures<sup>11</sup>.

Law No. (4) of 2008 regulates arbitration procedures in civil, economic, and commercial disputes in Syria. Within this legal framework, the establishment of property dispute resolution committees does not adhere to the provisions of this law. Additionally, the decisions issued by these committees cannot be enforced by the executive authority or the enforcement departments under the Ministry of Justice. This makes individuals' compliance with them merely a moral obligation, which can be evaded by either parties<sup>12</sup>.

According to Syrian arbitration law, jurisdiction over arbitration matters is assigned to the relevant Court of Appeal, which conducts all arbitration procedures within its jurisdiction. This court remains exclusively competent until the completion of all arbitration procedures<sup>13</sup>. In cases where the dispute are related to a real property right, the court's decision is enforced by placing the lawsuit notice on the property record, ensuring the protection of the rights of the parties involved throughout the duration of the proceedings<sup>14</sup>.

Therefore, although these committees attempt to provide quick solutions to ease the burden on courts, they do not align with the provisions of Syrian law, as they operate outside the official legal framework. This may lead to subsequent disputes if the parties fail to adhere to the decisions made, and opens the door to evading the established judicial procedures<sup>15</sup>.

Consequently, these committees do not replace the judiciary, and no judicial resolution can be reached through them. Only decisions issued by a properly represented judicial authority are enforceable through the enforcement department<sup>16</sup>.

However, it is acceptable for such initiatives and committees, represented by legal, social, and religious figures, to emerge, equipped with the appropriate communication tools to engage with all segments of society. These committees may serve as a foundation for raising awareness about the legal procedures that should be followed to resolve disputes amicably, which could help alleviate the pressure on the judicial system in reaching an agreement between the parties. This agreement should then be documented according to the proper legal procedures in official

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<sup>11</sup> Interview with Syrian lawyer Ahmad Sawan by the team via email.

<sup>12</sup> Ibid.

<sup>13</sup> Paragraph 1 of Article 3 of Law No. (4) of 2008, the Syrian Arbitration Law: [القانون رقم \(٤\) للعام ٢٠٠٨ الخاص بالتحكيم](#)

<sup>14</sup> Ibid.

<sup>15</sup> Lawyer Ahmad Sawan.

<sup>16</sup> Interview with lawyer Hala al-Majzoub by the team via email.

administrative and judicial bodies<sup>1718</sup>. If the parties cannot reach an agreement, they are entitled to resort to the judiciary.

## 7. Legal commentary by STJ:

STJ believes that there is no provision in Syrian law that prohibits resorting to these committees for financial matters, such as disputes over private property ownership, as long as it is voluntary, with the consent of the parties involved, and not imposed by the ruling authorities. There is no official decision or directive requiring the parties to follow this approach. Rather, these committees are simply grassroots initiatives aimed at bridging the gap between the disputing parties and resolving conflicts amicably, outside the procedures typically followed in courts, and from their complexities and costs that may be burdensome for some. In any case, they are not a substitute for the judiciary, which still can be resorted to at any stage of the dispute.

If this procedure leads to an agreement between the two disputing parties, the agreement can be documented as a written contract in the presence of witnesses. If the terms of this contract are consensually executed through the relevant state institutions, the dispute is considered resolved. However, if one party evades voluntary execution, the concerned party may resort to the competent judiciary once the judicial system is reactivated. After obtaining a final court ruling confirming the content of the agreement (contract), it can be enforced compulsorily through the competent enforcement department.

This is based on Article 92 of the Syrian Civil Code No. 84 of 1949, which states that a contract is concluded as soon as both parties exchange expressions of two matching intents. Additionally, Article 148 of the same law affirms that **“a contract is the law of the contracting parties, and it may not be revoked or modified except by mutual agreement of the two parties or for reasons determined by law.”**

This means that the parties to the contract are obligated to implement its terms, and none of them may unilaterally revoke or amend the agreement, unless they mutually agree to such a modification, or there is a legal basis for seeking the annulment of this contract/agreement, including instances where the contract was signed under duress, or other reasons stipulated by law, which will be determined by the competent judiciary.

Regarding this, STJ recommends expediting the optimal activation of the judicial institution in Syria, while ensuring its independence and impartiality. This would enable the judiciary to address potential future disputes between conflicting parties in cases where agreements facilitated by the aforementioned committees are not upheld, or when parties wish to enforce these agreements according to the legal procedures stipulated in Syrian law.

Furthermore, both parties may resort to arbitration in accordance with what is stipulated in Arbitration Law No. 4 of 2008. The arbitration agreement must be in writing, otherwise it is considered null and void. The agreement is considered written if it is included in a contract, an official or ordinary document, a record prepared by the selected arbitration body, or in any exchanged correspondence, whether through regular or written communication means such as

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<sup>17</sup> Lawyer Hala al-Majzoub

<sup>18</sup> Interview with lawyer Ghazwan Qurnful by the team via email.

email, fax, or telex, if it demonstrates the mutual intent of their senders to resolve the dispute through arbitration (Article 8).

The matter of selecting the arbitrator/s is at the discretion of the disputing parties. However, if they fail to reach an agreement on this regard, the Court of Appeal, within whose jurisdiction the arbitration takes place, assumes this responsibility, unless the parties agree to assign jurisdiction to another Court of Appeal in Syria. The court issues its decision expeditiously in deliberation chambers after summoning both parties (Article 14).

However, arbitration is not permitted in matters where reconciliation is not allowed<sup>19</sup>, or in cases that violate public order<sup>20</sup>, or those related to nationality or personal status<sup>21</sup>, except for the financial consequences arising from them (Article 9).

This means that the committees' involvement in cases of detainees' wives, who remarried and whose former husbands were later released, is legally invalid. Jurisdiction over such matters lies with the competent religious courts, pursuant to Articles 40 and following and 85 and following of the Syrian Personal Status Law No. 59 of 1953 and its amendments.

Accordingly, STJ recommends that these committees refrain from intervening in matters related to marriage and divorce, and direct the concerned individuals to the authorized religious courts.

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<sup>19</sup> Among the issues in which it is not permissible are: personal rights, such as basic human rights, as well as criminal lawsuits as they relate to public rights, and cases of public property of the state.

<sup>20</sup> For example, gambling and prostitution.

<sup>21</sup> For example, marriage and divorce.



## ABOUT STJ

Syrians for Truth and Justice (STJ) started as an idea in a co-founder's mind while attending the U.S. Middle-East Partnership Initiative's (MEPI) Leaders for Democracy Fellowship program (LDF) in 2015. The idea became a reality and flourished into an independent, non-profit, impartial, non-governmental human rights organization.

## ABOUT Ceasefire



The Ceasefire Centre for Civilian Rights aims to empower civilians in situations of armed conflict or prevailing insecurity to document violations of their rights; to seek justice and accountability for violations of civilian rights; and to develop the practice of civilian rights protection and raise public support for the promotion of civilian rights.

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