

Seizure of Property in Deir Ezzor

Violations under a Governmental Umbrella



January 2020

منظمة العدالة من أجل الحياة
Justice for Life Organization



TABLE OF CONTENTS

Executive Summary _____	4
Introduction _____	5
Deir Ezzor city _____	5
Al Mayadin city _____	5
Experiences for Countries that Suffered from Armed Conflicts _____	6
SYRIAN LAWS AND LEGISLATIONS THAT THREATEN PROPERTY: _____	7
Legal Frame _____	8
On the International Level _____	8
Regional Agreements _____	8
On the National Level _____	8
Testimonies on Property Seizure in the Syrian Government Held Areas _____	9
Recommendations _____	11

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EXECUTIVE SUMMARY

Justice for Life organization issued on 10 September 2018 a [brief report](#) on the seizure actions committed by Syrian government forces members in Deir Ezzor province. Now, two years following the re-control of Syrian government forces over vast areas of the province, the seizure is still on-going by military and security members along with allied or supporting militias.

The property of refugees and displaced people, who fled from Deir Ezzor due to the war that has been triggered since 2012, the deteriorating security conditions, and the prosecutions of security forces, are considerably at risk, particularly after a set of laws and decrees were issued by the Syrian authorities that increase such risk.

The Syrian authorities demand the returning and residence of the property owners as a condition to return the property, or to sign a power of proxy to some other resident, which is avoided by many refugees and IDPs as they fear that the proxy would be at risk.

Talking about a comprehensive political solution and a constitution for Syria is still incomplete as long as the dilemma of property seizure in Syria is not tackled, which is demanded by [Justice for Life organization](#).

The article 17 (2) of the Universal Declaration of Human Rights states that "*No one shall be arbitrarily deprived of his property*".

The article 8 (2), (a), (iv) of the [Rome Statute of the International Criminal Court](#) states that "*Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly*"

This report covers the areas controlled by the Syrian government forces in Deir Ezzor as JFL researchers interviewed a group of people whose property were seized.

INTRODUCTION

By the end of 2017, the Syrian government forces were able to recapture all cities, towns, and villages located in the south of the Euphrates River in Deir Ezzor as these areas have been under the control of different groups since 2012, where the last controlling group was ISIS. The most prominent recaptured areas are the eastern part of Deir Ezzor city along with the cities of Al Mayadin and Al Boukmal.

In addition to government forces, Russian forces and Iranian Revolutionary Guard (IRGC) are present along with military groups such as National Defence, Lebanese Hezbollah, and Liwa Fatemiyoun, etc.

Dozens of houses were systematically looted. Governmental and non-governmental military members committed acts of seizing property of IDPs and refugees, where some of them returned to the province. The charge of seizure is to secure a residence for the military and security leaderships, or to make benefit from the seized property.

The military and security members are utilizing the difficulty of returning for refugees and IDPs along with the fundamental excuse of security need as a driver for seizure.

According to JFL observation and documentation, violations committed by military and security forces along with supporting militias in Deir Ezzor and Al Mayadin are as follows:

DEIR EZZOR CITY

Syrian and foreign militias members seize houses in different areas including Al Qusour, the area nearby Al Fateh mosque, Al Joura neighborhood, Ghazi Ayyash nearby the military security branch and air force security branch, in addition to the eastern neighborhoods that were exposed to destruction as a result of six years of aerial bombardment.

AL MAYADIN CITY

Some military forces forbid civilians from returning to entire neighborhoods; The Fifth Brigade controls a residential neighborhood in front of the automotive bakery in the western part. The Fourth Squad controls a group of houses as headquarters behind the industrial high school. One of the seized houses is used to sell what has been looted. The Fourth Squad controls the entire river bank along with Al Hamadaneyya, which is an area of private property. It also controls a house nearby Al Bakra square where the area is considered a security one affiliated to the Squad Command.

Foreign militias allowed many houses' owners to return to the areas between the previous Female Secondary Schools and 40th street in the southeast part of the city. Still, they control the biggest part of the area and confiscate houses. The IRGC prevents the returnees back to the area located between the Public Company for Electricity and Al Tammo neighborhood. The Rural Recovery Center is controlled by Russian forces.

The Military Security branch informed the owners of property located around its headquarters for those who desire to reside not only to check their property and leave as Military Security members seized many houses in this area.

The Syrian authorities called upon the Syrian refugees and IDPs to return to their homes and launched the so-called "Reconciliations" in order to secure a safe return and not to be subjected to accountability. However, IDPs, interviewed by JFL, confirmed that real hardships are obstructing their returning including security conditions, military service, and lack of job opportunities. In this report, witnesses said that even their returning does not guarantee reclaiming their property as they have to stay at their homes, yet some civilians cannot stay continuously at their homes.

EXPERIENCES FOR COUNTRIES THAT SUFFERED FROM ARMED CONFLICTS

Constitutions and agreements in many countries, which experienced conflicts, stated articles on the property of displaced people and refugees that were seized or destroyed during wars. The United Nations Security Council issued resolutions related to land and property including article (7) of UNSCR [\(820\)](#) in 1993.

The UNSCR [\(687\)](#) in 1991 stated that "*Requests the Secretary-General to report to the Security Council on the steps taken to facilitate the return of all Kuwaiti property seized by Iraq, including a list of any property that Kuwait claims has not been returned or which has not been returned intact*".

The [Agreement](#) on a Comprehensive Political Settlement of the Cambodia Conflict in 1991 stated that "*the right to property*" must be fully respected.

The annex 7, chapter one, article I in [Dayton Agreement](#)¹ stated that "*All refugees and displaced persons have the right freely to return to their homes of origin. They shall have the right to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any property that cannot be restored to them*".

¹ The agreement that put an end to the conflict in The Republic of Bosnia and Herzegovina and was signed on 14 December 1995

Syrian Laws and Legislations That Threaten Property:

On 17 December 2019, the Syrian Parliament amended article (e) of article 97 of Military Service Act where the state has the right to have executive custody on the assets of anyone liable to reserve the military service, who objects to pay the no-service allowance. Also, an initial custody to be laid on the assets of the wife, sons, and daughters of the objector pending determination of their source in case the assets of the objector are not enough to pay the allowance. The amendment became as follows "The allowance of no-service, for those who are over 42-year-old and liable to reserve the military service, shall be collected -in accordance with the Public Fund Collecting Act- and executive custody shall be laid on his assets without need to notification. Initial custody shall be laid on the assets of his wife, sons, and daughters pending determination of their source in case the assets of the objector are not enough to pay the allowance".

Law No. 10 of 2018, allows for creating redevelopment zones within the structure plan based on a legislative decree that was proposed by the Minister of Local Administration. This may form a violation of the right of property, especially for refugees and IDPs.

LEGAL FRAME

ON THE INTERNATIONAL LEVEL

The article 17 (2) of the Universal Declaration of Human Rights states that "*No one shall be arbitrarily deprived of his property*".

The article 8 (2), (a), (iv) of the Rome Statute of the International Criminal Court states that "*Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly*".

The Rule 133 of the study on customary international humanitarian law states "*The property rights of displaced persons must be respected*".

The principle 21 (3) of the Guiding Principles on Internal Displacement states that "*Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use*".

REGIONAL AGREEMENTS

The article 1 of the protocol amended to the Convention for the Protection of Human Rights and Fundamental Freedoms states "*Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law*".

The article 21 (1) and (2) of the American Convention on Human Rights states that "*1. Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society. 2. No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law*".

The African Charter on Human and Peoples' Rights states that "*The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws*".

ON THE NATIONAL LEVEL

The article 15 of the Syrian Arab Republic's Constitution of 2012 states that "*Collective and individual private ownership shall be protected in accordance with the following basis:*

1. *General confiscation of funds shall be prohibited;*
 - b. *Confiscation of private property shall not be imposed without a final court ruling;*
2. *Compensation shall be equivalent to the real value of the property*".

Article 723 of the Syrian Penal Code states that "1- Persons who are not in possession of an official document of property or disposal, and seize a property, or part of a property, must be liable to imprisonment for a term of up to six months; 2- And the punishment must be for a term of 2-6 months if the crime is accompanied with threatening, or forcing people, and for a term of six months up to three years in case of being perpetrated by a group of two armed persons at least".

TESTIMONIES ON PROPERTY SEIZURE IN THE SYRIAN GOVERNMENT HELD AREAS

JFL interviewed 11 persons from Deir Ezzor (both IDPs and refugees) to share their testimonies about seizing their property in different areas across the province by the Syrian government, security apparatuses, and foreign militias.

Abd, a pseudonym², says "I own a shop in Al Mayadin city market, east of Deir Ezzor. As the government forces entered the city, one of the National Defense Militias members seized this shop. The member refused to respond to my relatives attempts to give the shop back despite the fact that I have all documents that prove my ownership. The member confirmed that the head of NDM gave him this shop in order to be benefitted from it".

Abd says that he communicated with the member in person and tried to convince him to evacuate his shop. However, the member refused to do so and threatened him not to repeat this request again. He continues, "I was able to return to the city and get my shop back as they ask me to do so, but I can not stay permanently as my sons are wanted to military service and I have to go back to them in the displacement areas. This may result in seizing my shop again.

Abu Yussouf, a pseudonym, have a house nearby the State Security Branch in Al Qusour neighborhood, Deir Ezzor city. This branch is considered a cluster point for officers of Republican Guard forces. These forces seized houses surrounding the branch, especially those that are located behind it.

Abu Yussouf says "A security officer informed the family that resides in my house to evacuate it so another officer can reside instead. I tried to sign a rental contract with this family in order to avoid the seizure of my house. However, we failed as they required the family to evacuate the house and told the family if I want to get my house back, I have to return to the city".

Abu Yussouf knew that the officer who resides his house is an Iranian, not a Syrian one. He says "When the house owner is based out of Syria, his relatives are not able to get back his property as the answer always comes "Let the owner come and take his house back". Additionally, he can not get his house back as the resident officer is an Iranian, not a Syrian".

When we asked Abu Yussouf if he tried to sell his house, he said, "Who would buy a house resided by an Iranian officer?"

Abu Najem, a pseudonym, says "As the military campaign started by the government forces on Deir Ezzor, I fled towards SDF held areas, on the counter bank of the Euphrates River. During my absence, Hezbollah forced seized my house and the house of my parents and uncles, and made them their headquarters".

Abu Najem was not able to enter his seized house, which is located in Al Mayadin city, to bring his own official documents.

The Military Security branch seized the house of Ahmad Al Deiri, a pseudonym, that is located in Al Qussour neighborhood in Deir Ezzor city. He, and his family, left the neighborhood as the Republican Guard forces invaded the neighborhood in 2012. Ahmad told JFL that "Our houses now is resided by an officer of military security who is from Aleppo city. We were not able to get our house back as the ownership document is still in the house and we could not bring it. Since the house is resided by an officer of security branches, a proxy is not accepted to get the house back".

The Fourth Brigade seized the house of Aziz, a pseudonym, in Al Mayadin city after they looted everything that can be looted and burned the property that could not be looted. Aziz says "The Fourth Brigade members claim that they seized my house in purpose for protecting an officer who resides in a neighboring house". He confirmed that most of the neighborhood houses were seized.

² The witness required not to mention his real name for security reasons.

Aziz continues narrating about his attempts to get his house back: "Despite the fact that I have the complete official documents that prove my ownership, yet I was exposed to threats by the Fourth Brigade members following reaching out to many figures in the city in order to get my house back with their support". Aziz cannot return to the city as he fears to be arrested by the security apparatuses. This made the seizure act and raising threats easier.

Imad Al Mustafa, is from Buqrous Foqani town in the eastern countryside of Deir Ezzor, shared his experience with JFL: "The government forces entered my family's house in November 2017. They burned all belongings and asked my relatives not to get close to the house under penalty of questioning. The main charge is participating in the anti-authority movement".

Abu Mahmoud, a pseudonym, is from a town in the western countryside of Deir Ezzor, has a different experience to share: "My house was seized by ISIS as they controlled over most of Deir Ezzor province. I fled the town for security reasons I was a civil activist. As the government forces drove ISIS out of the town, they seized my house to use it as cafe for the militants. Then, it was tired into a headquarter". Abu Mahmoud cannot return or even reaching out to his relatives in order not to expose them to risk. About four years ago, a member of one of the supporting militias to government forces seized the house of Sami, a pseudonym, which was located nearby the security branches in Deir Ezzor city. Sami says "There is no way to get my house back except for the presence of the owner, or to sell it officially, which is not guaranteed. What makes it easier for us is the fact that our house is resided by a member, neither a security officer nor a foreign member".

Hamid, a pseudonym, could keep government militants, who wanted to rent a property of his father, in Al Mayadin city away from the property despite their threats in case he refused to do so. Hamid says "We reached out to one of our relatives who has relationships with figures based in the city. We could convince the military members that we need the property. They did not repeat their attempts again".

Foreign militias seized an entire neighborhood in the western part of Al Mayadin city, including the house of Wael, a pseudonym, after burning the belongings inside it. Wael says "Persons who tried to get back their houses were threatened. I recognized that party behind those violations throughout the logos on the militant's shoulders such as IRGC, "Zeynab...Here I am ", Hussien ...Here I am".

A government forces member informed Mohammad, a pseudonym, that a group affiliated to the Fourth Brigade seized his house which is located near Al Bakra square in Al Mayadin city, and a colonel is currently residing in the house. He says "It is not easy to get my house back. The main concern is about the reaction of the residing group and the consequences of my claim or even appointing a proxy for this case".

RECOMMENDATIONS

Taking back the property of the refugees and IDPs is on the top of their priorities even if they chose to live in another area, and this helps in countering the attempts of demographic change accompanied by wars. Accordingly, JFL is recommending the following;

The Syrian Government:

1. To ratify the Rome Statute in order to enable the attorney to investigate the crimes and violations committed in Syria.
2. To collaborate with the IIM and the independent international commission of inquiry in Syria.
3. To guarantee the return of property to their owners, to develop effective mechanisms to solve the property related issues, and to cancel all laws that allow seizure of property of the displaced persons.
4. To halt the seizure acts that are committed by government forces members, supporting militias members, both Syrian and foreign members.
5. To facilitate a safe return for refugees and IDPs in order to follow the legal ways for getting their property back.
6. To facilitate the refugees and IDPs returning for the purpose of managing their property.

United Nations Security Council

1. To play the fundamental role in putting pressure on the parties to conflict in Syria in order to adopt the proper actions for returning the property through the binding resolutions.
2. Referring the Syrian file to the ICC.

The Constitutional Committee

To work on adopting clear and explicit scripts that protects the rights of property and cancel all laws and legislations that violate this right.

Local and International Human Rights Organizations

To document all violations related to seizure the property of those who are residents, IDPs, or refugees, and to put this on the top of their priorities.



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