

## Explained: Do Owners Get Their Properties Back After Cancelled Expropriations?

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In Syria, the process of expropriating private real estate for the public sector is surrounded by a strict legal framework, making cancellation and return of the properties difficult — even if the so-called "[public benefit](#)" that authorised the expropriation in the first place is no longer applicable.

Expropriation Law No. 20 of 1983 states, in Article 7, that "expropriation occurs by decree...which includes statement of the presence of public benefit," adding that "the expropriation decree shall be final, and no method of appeal or review will be accepted."

However, the Administrative Judiciary Court has in some cases authorised cancellation of expropriations, Syrian lawyer Muhammad Al-Sattouf told *The Syria Report*. The Administrative Judiciary Court is authorised to settle disputes between individuals and official administrations, as well as between public institutions.

The Administrative Judiciary Court has issued decisions in previous cases (such as Decision 32/2 in Case No. 950 of 1998, and Decision 992/2 in Case No. 2413 of 1997) to cancel expropriation in the following situations:

- First, if the construction project planned for the expropriated property is abandoned, the expropriation loses its legitimacy.
- Second, if the construction project is not carried out within 30 years, then the idea of "public benefit" is absent, and it is possible to **request** cancellation of the expropriation before the Administrative Judiciary Court.
- Third, if it is proven that the project for which the property was expropriated does not need a specific piece of land, then the owner of that property can appeal to cancel the expropriation.
- And finally, appeals for cancellation can be made if the expropriating party has made an error in transcribing the property's number — for example, writing Property No. 30 instead of Property No. 40.

However, finding that public benefit is not present does not mean that the properties are then simply returned. Article 35 of Law No. 20 of 1983 explains that "if real estate is acquired for public benefit...and then that public benefit is no longer applicable to the acquired properties, that real estate is subsequently considered property of the state, and is recorded in the real estate registry, under the name of the expropriated public entity." Still, previous rulings of the Administrative Judiciary Court indicate that property owners have the right to demand restitution of their real estate if public interest is no longer applicable, and if they have not received alternative housing or compensation for the expropriation. But if compensation has been paid, or if it has been deposited in one of the state-owned banks, then the expropriation is considered final. No method of appeals, even if public interest no longer applies to the property, is accepted, according to Article 32 of Law No. 20.

Paragraph Two of Article 32 gives priority to the original owner in re-purchasing the property, but only if the expropriated property was agricultural land and the public benefit no longer applies. Priority purchase also requires the original owner to accept the price determined by the expropriating party.

In all cases, the cancellation of an expropriation is not linked to non-payment of compensation to the

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original owner of the property — even if decades pass without payment. Article 25 of Law No. 20 stipulates that if the expropriating party delays compensation for more than five years, then they must pay a legal annual interest rate to the property owner of six percent for the duration of the delay. This interest rate increases to eight percent after five years have passed since the property's seizure.

Sometimes, an expropriation decree may be approved, after which years pass before the expropriating party actually seizes the property. As a consequence, it is not possible to appeal for cancellation of the seizure simply on the basis of the fact that the expropriating party has not paid or provided compensation.

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