

Explained: Security Approvals and Infringements on Property Rights

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Some of the circulars and decrees released by the Syrian cabinet in recent years directly contradict property rights as they are outlined in the 2012 constitution.

For example, in February 2018, the minister of justice issued Circular No. 14, which prohibited public auctions unless they had obtained security approval. This had an impact on operations related to the cancellation of common shares and to property distribution, which is often requested by heirs receiving an inheritance. Common share cancellation means ending the ownership of a property by multiple people by grouping all shares in the hands of just one person, or by dividing up the communal property between partners. Circular No. 14 exempted public entities from having to obtain security approval to sell by public auction.

Before that, the cabinet issued Decree No. 4554 in August 2015, addressed to the Ministry of Local Administration. The measure contained Circular No. 463, which stipulated that real estate sales, leasing vacant homes and shops, would also require security approval. The circular was leaked to the media at the time, despite being labelled as "confidential and urgent." According to the leaked document, the goal of the measure was to "protect the legal and security rights of citizens, as well as those wishing to sell their properties or pass them on to others."

In Syria, real estate sales, inheritances or transfer of ownership require clearance from the [Ministry of Finance](#). With the issuance of Circular No. 463, obtaining this clearance requires obtaining security approval. Often this is done by submitting a request to the Political Security branch in charge of the area where the real estate is located. In cases where the prospective buyer or seller is wanted for security reasons — such as anti-regime activities, having not done mandatory military service, having previously committed a crime or having been sentenced to prison — authorities will not grant the approval.

Many Syrians have resorted in recent years to more informal real estate sales in order to avoid having to subject themselves to security clearance. They use witnesses and written contracts that are not officially certified in government real estate records. This practice puts those involved at risk of losing their properties, as there is no formal documentation.

Then in 2018, the [Ministry of Interior](#) released Decree No. 2744, which cancelled the requirement to obtain security approval in order to make lease contracts. However, the new decree did impose several security measures that would have to be followed when leasing. Involved parties are required to register the rental contract with an administrative unit such as a municipal council. Copies of the contract must then be sent to local police to check the legal status of the tenant and see if they are wanted by security forces or the judiciary. Then, police must send a copy of the contract to the local Political Security branch in charge of the area to conduct a security background check.

In practice, Decree No. 2744 did not really remove the security approval requirement for leasing, but rather tied the process to the police.

Decrees and circulars released over the past several years related to property management are not a direct product of the Syrian revolution. Rather, this system has been imposed since the 1970s through a series of similar decrees. Most importantly, measures banned the sale of land and properties along border areas located outside official zoning plans, without obtaining prior security

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approval. These measures are not based on legislative or constitutional principles, but instead were contained in confidential notices issued by security services. In the notices, security services defined the areas in question as lands within a depth of 15 kilometres along the borders.

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