

Fraudulent Power of Attorney: Easiest Path to Unlawful Seizure of Property

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The head of Syria's Forgery and Counterfeits Branch, Col. Wassim Maarouf, revealed last week that the agency had caught a network using fraudulent power of attorney to sell real estate belonging to Syrian expatriates and others who had left the country. The Forgery and Counterfeits Branch is part of the Criminal Security Department of the [Ministry of Interior](#).

Three judges, and a number of lawyers and clerks were involved in the network, according to Mr Maarouf. Investigations revealed that the judges could earn up to SYP 1.5 million per unit of property sold. The justice minister confirmed to the pro-regime newspaper *Al-Watan* in November that there were ongoing trials—and others to take place soon—of judges accused of transferring real estate properties to others based on fraudulent power of attorney.

One of the easiest ways to seize real estate is to forge power of attorney documents to sell real estate. The power of attorney for selling such properties is issued by the client, giving the agent the right to sell the property to himself or to anyone else who wants it. The client may not terminate or cancel the power of attorney without the consent of the agent. That is, the real estate selling power of attorney is not subject to removal and is considered a final sale under Article 681 of the Syrian Civil Code.

Pro-regime media reported in late November that a judge had been arrested in Aleppo for his involvement in transferring real estate via forged documents. The judge could overlook a defect in one of the lawsuit proceedings confirming the sale of the property. For example, the judge could neglect to verify the authenticity of the documents, including the sales power of attorney.

According to a judicial source from the [Ministry of Justice](#), the year 2014 alone saw the discovery of around 25 counterfeit powers of attorney to sell real estate per day. There were 15 daily in 2015, 20 daily in 2016, and five per day in 2017. In 2013, according to an official statement, there were 15 cases of fraudulent real estate ownership discovered daily in Damascus and Damascus Countryside governorates alone. The statement affirmed that, at the time, there was a high rate of forgery for personal documents, and that many gang members were placed on trial under this charge.

Power of attorney fraud became widespread after 2011, with an increase in arrests, forced displacement and disappearance. In August 2015, the [Prime Ministry](#) issued Circular No. 463, directed at the Ministry of Local Administration, which adds real estate sales to cases that must obtain [prior security approval](#). Such approval requires detailed security investigations of both the buyer and the seller. According to pro-opposition news sites, this indicates the security apparatus's involvement in the process of fraudulent real estate power of attorney used to sell off properties belonging to people who are opposed to the regime, including detainees and displaced people.

If the property is sold to just one party, the owner must go to the civil or criminal court to file a lawsuit to invalidate the sale or demand compensation. In cases of multiple sales of a single property, called a buyer's dispute, the original owner only has the right to request compensation, without recovering the property. With this in mind, fraudulent power of attorney resort to selling a single property more than once in order to mislead and prevent the original owners from reclaiming their property.

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