

A Supplementary Land Registry for Idlib?

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On April 14, Idlib attorney general Ziad Al-Sharifeh told the pro-regime newspaper *Al-Watan* that real estate cases there are on hold due to the governorate's lack of complete records. He urged officials to open a Supplementary Land Registry, noting that if the government were to regain complete control over Idlib, then that registry could be audited and transferred to the main land registry.

Under Decree No. 11 of 2016, the Syrian government considers land records located in areas outside its control to be "closed"; real estate transactions or changes of ownership recorded by opposition authorities may not be relied upon and are not legally valid.

Decree No. 11 went on to say that certain registries had closed due to the security situation and set up a provisional day-to-day land register to take its place at the governmental departments charged with registering real estate incidences. The provisional day-to-day land register is complementary to the main day-to-day land record, which is part of the [Land Registry](#).

Land Registry Law No. 188 of 1926 specified how the head of the office assisting with the Land Registry was to handle supplementary land registries. Such records were to be listed by serial number according to the date the transaction occurred. Then the person who carried out the transaction is given a receipt that includes the serial number and date, and the preference is for those who have already registered. Decree No. 11 of 2016 stipulated that the transactions recorded in the supplementary land registry be based on the original entries in the Land Registry, and that they be supported by the necessary documents, as if they were being recorded within the actual Land Registry.

The supplementary land registry serves as an alternative to the main day-to-day land record, which lists daily occurrences at the request of the stakeholders. The real estate owner does not need to be present at the registration of supplementary land record, whereas the owner must be present during creation of the main land record, as this process includes the delimitation and census work under which the owner's name is registered and the record number is given, according to Law No. 188 of 1926.

The Idlib attorney general's proposal includes setting up a supplementary land registry for the governorate, which would help with filing real estate claims, recording sales with temporary entries and recording all original and subsidiary real estate rights in the supplementary land registry.

However, under Decree No. 11 of 2016, entries within the supplementary land registry may be used when filing a case against the owner of a property before the court. This opens the door for potential manipulation and falsification of real estate data, by falsely claiming real estate rights against property owners and recording them within the supplementary land registry. Displaced people and people living abroad are at greatest risk of such fraud because they cannot safely visit official Cadastral Affairs' offices in government-controlled areas. In other words, using the supplementary land registry on its own without the permanent main records means an increased risk of chaos, fraud, and dispossession of private property.

For example, a plaintiff may file a case to record his "purchase" of a property owned by someone who has been displaced. The fraudulent purchase is then marked in the supplementary land registry, after which the buyer informs the original owner by notifying the Official Gazette, as is required by Civil Courts Procedure Law No. 11 of 2016, to obtain a final court ruling confirming the purchase in his favour. Then the transaction is recorded in the complementary land registry without the original owner having received any notification.

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Decree No. 11 did not mention what would happen in cases where illegal or fraudulent transactions found their way into the complementary land registry. Moreover, opening a complementary land registry in government-run Cadastral Affairs offices will do nothing to stop the ongoing registration of real estate transactions in opposition-held areas of Syria, leading to a duplication of the land registry. Decree No. 11 also failed to address the loss or destruction of the main real estate records, as has been the case in areas that have seen heavy bombing during the war.

According to Mr Sharifeh, data from the complementary land registry would be transferred to the main Land Registry should opposition-held territories come back under renewed government authority. Decree No. 11 of 2016 clarified that after the decision to close the complementary land registry, the contents of the complementary land registry and the Land Registry would be officially announced in the [General Directorate of Cadastral Affairs](#) and the local administration. Following a two-month period, work would begin to transfer the contents of the two registries to the Land Record.

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