

Why Does Syria's Latest Amnesty Decree Exclude 'Building Violations'?

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Presidential Amnesty Decree No. 13 issued in early May notably excluded pardons for so-called "building violations", which surprised people sentenced under [Decree No. 40 of 2012](#). The 2012 decree penalised people for failing to adhere to construction codes, an offense commonly known in Syria as "building violations".

This month's decree pardoned 13 types of criminal offenses. One third of the penalty time was dropped for the [crimes of customs smuggling](#) and drug trafficking, while two thirds was dropped for destroying documents and records and falsifying official records. Full amnesty was granted for some crimes stipulated in the laws of the Terrorism Court. However, the decree did not pardon building violations, classifying such crimes alongside espionage, treason, unlawful links with the enemy, incest, looting public property, dealing with Israel and affiliation with the Muslim Brotherhood organization.

Furthermore, Decree No. 13 explicitly stated that the crimes mentioned in Decree No. 40 of 2012--namely, illegal construction--would not be pardoned. Under Decree No. 40, trials for building violations take place before a criminal court. The crime is considered a misdemeanour if it includes one of the violations that is not acceptable for settlement; it is a felony if the building has partially or completely collapsed. If the crime is a misdemeanour, the Court of First Instance is in charge of examining it. Felonies, however, are considered by the Criminal Court, in accordance with the legal principles stipulated by the Syrian Criminal Courts Rules Law No. 112 of 1950.

Decree No. 40 of 2012 laid out the steps that must be taken in "building violation" cases, as well as the rights of the workers who carried out the violation and the rights of the administrative body that failed to suppress it. These steps include demolishing the building, removing the rubble at the owner's expense, imposing a fine on the perpetrator, the workers and the local administration employees who did not stop the illegal construction. The decree also included imprisonment ranging from three months to a year for the perpetrator, as well as the workers and administration. Punishment is three months to a year for any violation that occurred on public or private property. That punishment increases to between a year and three years for breaching durability conditions or license specifications or adding floors. Finally, imprisonment is no less than 10 years in cases involving the collapse of a building or loss of life, for which the fine is doubled.

However, Decree No. 40 allowed for settlement of some building violations, under the following conditions: if the violations occurred before the date the decree was issued, if the construction block did not distort the general view, if the building was safe and structurally sound, if a fine was paid or if the Order of Engineers submitted a technical report proving the building's load-bearing capacity allowed it to be licensed in accordance with construction codes. Decree No. 40 also allowed settlement of such violations in informal settlements, provided that the perpetrator rehabilitated the defective building and settled the status of attached properties. Then, once the perpetrator pays the necessary fines, the building is included within the zoning plan for the area.

At the same time the Syrian government excluded crimes and misdemeanours related to Decree No. 40 from this month's general amnesty measure, it released strict orders in most governorates these past several weeks to ban illegal construction that may occur during official holidays. Local administrative units stressed the need to adhere to Decree No. 40, and not to tolerate violations, especially in agricultural lands. The Damascus Countryside governorate witnessed many demolitions of illegally constructed buildings during this period, especially in Douma, Darayya, Al-Mleiha, Qatana,

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and Jaramana.

Previous amnesty decrees have pardoned misdemeanour building violation crimes, removing prison sentences while still enforcing fines. However, this month's amnesty excluded all building violations. This reflects a harder line by the government towards unlicensed buildings after what some pro-regime news sites have called "widespread damage" wrought by illegal construction.

A source familiar with the real estate market in Damascus told *The Syria Report* that the government's current focus is on preventing unlicensed construction in order to continue its own monopoly over the market, as well as preventing Syrian produced cement from reaching the black market or being smuggled out of the country, thus controlling its price locally. According to the source, the most important takeaway from the situation is the government's clear message that it will not tolerate such violations, and that it will suppress them and remain strict against perpetrators even as time passes. Such measures will likely be a strong deterrent to unlicensed construction.

Demolishing a Building in Aleppo



Source: Sana

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