

Basilia City: Has the Court of Appeals Contradicted Syrian Law?

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The Court of Appeals in Damascus has rejected hundreds of cases that were submitted to challenge rulings issued by the Dispute Resolution Committee (DRC), which handles conflicts and objections related to real estate properties in Damascus's second development zone, known as [Basilia City](#).

A human rights source in Damascus with knowledge of the situation told *The Syria Report* that the court rejected about 600 appeals, because they had been submitted after the deadline set by the Damascus governorate to contest rulings. Rejections in these cases are considered final and may not be appealed. Meanwhile, the court is still considering thousands of appeals against the committee's rulings, which were submitted before the deadline.

[Legislative Decree No. 66 of 2012](#) stipulated the creation of two development zones in Damascus. The first, at 214 hectares of land, is located southeast of Mazzeh and is known as Marota City. The second, located south of the Southern Ring highway, consists of the Mazzeh, Kafr Sousseh, Qanawat Basatin, Darayya, and Qadam real estate areas and is known as Basilia City. It takes up about 900 hectares of land.

Under Article 14 of Decree No. 66, the DRC was formed by the Damascus governorate after rights holders submitted their real estate or ownership rights cases. The committee has a judicial jurisdiction. It is tasked with examining all objections and claims of ownership or real estate disputes within the development zone. All similar cases in the area that have not reached a final judgment before a court are referred to this committee.

Article 15 gave the governor of Damascus the power to form one or more DRC. The bodies are headed by a judge with the rank of advisor, appointed by the Minister of Justice. Members of the DRC would include representatives from Cadastral Affairs and from the Damascus governorate. Under Article 17, "the decisions of the committee are subject to appeal before the Court of Appeals in Damascus under the rules and deadlines followed in appealing the decisions of the urgent matters judge. The Court of Appeals reaches its final decision in its study room.

On January 12, 2021, the Damascus governorate announced that the DRC in the Basilia City had finished its work. It called on real estate case claimants to visit the headquarters of the Decree No. 66 Enforcement Directorate, in order to receive certified copies of the decision issued by the committees.

A human rights source told *The Syria Report* that the Decree No. 66 Enforcement Directorate, which falls under the Damascus governorate, has kept all of the rulings issued by the DRC, and has not informed the rights holders of the results. The directorate has accumulated thousands of such rulings over the past several years. When the DRC's work in Basilia City was declared finished in early 2021, the directorate announced all its rulings in one wave, giving rights holders only five days to review and object to them.

From some comments made by rights holders, it appears that this course of action by the Damascus governorate violates the legal principle of informing. It is the Law of Court Principles that determines the time period of objecting to rulings made by the DRC, not the Damascus governorate or the Decree No. 66 Enforcement Directorate. That said, Article 18 of Decree No. 66 explicitly stated that the DRC was exempt from adhering to the rules and deadlines laid out in the Law of Court Principles.

It appears that the conflict between laws has only increased the issue of the DRC's powers. Law No.

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42 of 2018 amended Article 14 of Decree No. 66, giving the committee authority to consider all objections, whether they were made within the previously determined deadline or not. This measure appears to contradict the Court of Appeals' rejection of objections made after the deadline set by the Damascus governorate. Law No. 42 stated: "Rights holders who did not submit their objections before the DRC have the right to claim them before the Ordinary Judiciary upon completion of the work of the judiciary committees stipulated in the text of this law".

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