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The Right to Property in Transitional Syria: Barriers to Restoring Rights and a Proposal for a National Program

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The paper examines violations of housing, land and property rights in Syria and the barriers to restoring them. It analyses unjust legislation and procedures, difficulties in proving rights, legal safeguards, and measures taken since the fall of the regime. It then addresses reconstruction and investment projects undertaken before property claims are resolved, restrictions on participation and transparency, and continuing seizures that obstruct return. Finally, it proposes a national programme, established by a dedicated law and administered by an independent body, for restoring rights and enforcing decisions, with accessible claims procedures, evidence rules, restitution, compensation and enforcement. It concludes with recommendations to halt ongoing violations, protect rights during the transition and review legislation, establish the national programme, facilitate access to justice and protect the right to housing, and link reconstruction to the protection of rights.

Introduction

The fall of the Assad regime on 8 December 2024 opened the way for claims to recover property whose owners had been deprived of through displacement, seizure, confiscation and unjust legislation. Yet many of those affected continue face obstacles to recovering their rights, ranging from the continued application of provisions and procedures that contributed to their dispossession to the continued control of their properties by armed actors or entities exploiting them without their consent. When ministries or governorate authorities launch or approve reconstruction and investment projects before settling the claims of rights holders o the properties concerned, restitution becomes more difficult and the risk of entrenching the consequences of past violations increases.

This deprivation also affects families' ability to secure housing and livelihoods, and to return to and resettle in their areas of origin. Restoring these rights depends the ability to access and safely use homes and land, as well an effective judiciary capable of adjudicating claims and authorities able to enforce judicial decisions and protect claimants from threats and retaliation.

This paper examines violations of housing, land, and property rights in Syria and assesses the measures taken since the fall of the regime against the backdrop of continuing violations and the demands of those affected. It draws on an analysis of relevant legislation, published documentation, and property restitution experiences in other countries. In this paper, the Syrian Initiative for Fundamental Rights proposes a national program linking legislative review to the restoration of rights and reparations, with provisions to guarantee access to justice and the enforcement of decisions. The proposal aims to ensure that reconstruction contributes to creating the conditions for the safe and voluntary return of those affected to their original places of residence, while safeguarding their rights against further violations.

Unjust Legislation and Barriers to Proving Property Rights
Syria's property crisis has deepened as a result of legislation and procedures that expanded the government's authority to expropriate, dispose of, and redevelop real estate while weakening rights holders' ability to protect their rights. Article 3 of Legislative Decree No. 20 of 1983 defined public benefit projects broadly to include tourism facilities and projects associated with the implementation of duly approved development and investment plans. Article 7 stipulated that an expropriation decree could not be challenged or reviewed, limiting

property owners' ability to contest expropriation decisions or seek judicial review of whether the project concerned genuinely serves a public benefit. Legislative Decree No. 66 of 2012 subsequently established two redevelopment zones in Damascus, placing the properties within them under a system of undivided co-ownership and redevelopment shares corresponding to the assessed value of right holders' interests. Law No. 10 of 2018 expanded the scope of this system by authorising the creation of redevelopment zones within the general urban plans of administrative units across the country. The provisions governing valuation, land deductions, allocation, and objections reflect an imbalance between the safeguards available to rights holders and the extensive powers granted to the local authorities responsible for implementing land readjustment, notably Damascus Governorate in the case of Decree No. 66.

Law No. 23 of 2015 establishes a general framework for land readjustment, including in areas affected by war. Under this law, properties within a redevelopment zone are converted into undivided co-owned property, with shares corresponding to the assessed values of their rights holders' interests. Land deductions without compensation may reach half of the area of the zone in governorate capitals, while rights holders are required to cover the costs of utility connections. The law also has significant implications for housing rights: Article 26 excludes tenants covered by its provisions from eligibility for alternative housing, while Article 51 limits the rights of those who built on land belonging to others, or purchased properties from such builders, to removing the rubble of their buildings. Access to alternative housing is further subject to a decision by the administrative unit and the availability of surplus housing in its possession. The law also requires rights holders to be declare and assert their claims within short time limits that displaced persons may struggle to meet, while land readjustment can proceed even when valuations are contested. These provisions risk depriving families of their homes without ensuring access to alternative housing that would allow them to remain in or return to their communities.

Converting property rights into redevelopment shares may undermine rights holders' ability to remain in or return to their areas. To apply for the allocation of a building plot, shareholders must hold shares equal in value to the plot concerned. Shareholders may submit a joint application under Article 30 of Legislative Decree No. 66 of 2012, as amended by Law

No. 10 of 2018. Even where an owner is allocated a plot, construction costs may prevent them from building a home on it. Alternatively, shareholders may contribute their shares to a company that develops the land, or have the plots sold at public auction, with the proceeds distributed among the relevant shareholders. Owners with limited financial resources may therefore have little choice but to sell their shares, potentially receiving insufficient compensation to purchase another home in the same area. Redevelopment projects should therefore take account of residents' ability to secure housing and maintain their livelihoods, while providing suitable alternatives that residents can choose freely from, with a clear understanding of associated terms and costs.

The difficulties in protecting property rights begin with identifying the properties and those who hold rights in them. Law No. 42 of 2018 granted holders of rights not recorded in the recognized registers one calendar year from the date of the relevant announcement to submit applications to the local authority responsible for redevelopment, identifying the property and the rights claimed and attaching any supporting documentation they possess. The law required the competent committees to consider rights recorded in the land registers even where their holders had not submitted such applications. It also allowed those who had not lodged objections with the Dispute Resolution Committee to pursue their rights before the ordinary courts once the judicial committees had completed their work. In practice, however, the effectiveness of these safeguards depends on whether rights holders are informed of the procedures and can submit claims, appoint representatives, and pursue objections. Displacement, the loss of documents, and inability to access the competent authorities may prevent them from benefiting from these procedures and undermine their ability to prove their rights and obtain a fair valuation.

Incomplete registration of properties and associated rights, and the prevalence of property transactions whose formalities had not been completed, predated the conflict. Damage to registers, loss of documents, and displacement have since made proving rights more difficult. The death or disappearance of rights holders has created additional challenges related to proof of legal standing, inheritance, and legal representation. These problems also affect buyers under unregistered contracts, tenants, holders of usufruct rights, and others whose occupancy has a lawful basis. Such difficulties are particularly evident in

areas of informal or unauthorised housing, where land ownership may overlap with ownership or possession of the buildings erected on it, and sales and occupancy arrangements may be based on unregistered contracts and fragmented documentation. Displacement and the loss of documents further complicate efforts to establish prior possession and its legal basis, increasing residents' vulnerability to losing their homes or being excluded from compensation and housing alternatives. Restricting protection to those holding a registered title deed would exclude groups already harmed by shortcomings in registration and by violations that hampered the documentation of their rights. Effective redress requires allowing verifiable forms of evidence and determining protection appropriate to the nature of each group's rights.

The procedures required to restore property rights also depend on the circumstances of their deprivation. Precautionary attachment restricts the disposal of a property without itself transferring ownership; expropriation removes ownership under specified conditions and procedures; and land readjustment redistributes rights within the designated area. A rights holder may be deprived of a property through an unjust confiscation judgment, as in some judgments of the Counter-Terrorism Court, or through falsified land register entries or forged documents submitted to courts or land registry offices. Physical seizure, meanwhile, may deprive a rights holder of possession or use while leaving the land register unchanged. Depending on the case, redress may require lifting an attachment, reversing the effects of a confiscation judgment, invalidating a transaction based on forgery and correcting the resulting register entry, restoring possession, or reviewing valuation and compensation. The state is obliged to establish effective procedures through which those affected can claim their rights and secure the enforcement of decisions issued in their favour.

Legal Safeguards for Property Restitution

The Constitutional Declaration issued in March 2025 provides a legal basis for protecting property rights and addressing past violations. The Initiative relies in particular on Article 12, which makes the rights and freedoms set out in human rights conventions and treaties ratified by Syria an integral part of the Declaration. These include the right to private property, guaranteed by Article 31 of the Arab Charter on Human Rights, which prohibits arbitrary or unlawful confiscation. Article 16 of the Declaration protects private property and makes expropriation conditional on public benefit and the payment of fair compensation.

Article 17 guarantees the rights to seek judicial redress, to a defence, and to appeal judicial decisions, and prohibits legislation from exempting any administrative act or decision from judicial review. Within the framework of transitional justice, Article 48 obliges the state to repeal exceptional laws that harmed Syrians and are incompatible with human rights, and to reverse the effects of unjust judgments issued by the Counter-Terrorism Court, including the restitution of property confiscated under those judgments. It also requires the state to abolish the exceptional security measures imposed by the former regime in relation to civil and property documents.

Implementing these obligations requires reviewing legislation that remains in force under Article 51 of the Declaration until it is amended or repealed. The transitional government bears responsibility for reviewing provisions governing expropriation, land readjustment, attachment, and confiscation, proposing amendments to bring these provisions into line with the rights guaranteed by the Declaration, and addressing the harm caused by their application. Property protection is also linked to guarantees of protection of the home against arbitrary interference, equality and access to an effective remedy, and to the right to adequate housing. Redress should therefore enable those affected to recover their rights, protect their housing and challenge decisions that affect them, and should include fair compensation where due, rather than reducing the harm to the property's monetary value. In September 2026, the Deputy Minister of Public Works and Housing stated that the Ministry was preparing a new draft expropriation law.

Some measures have been taken to address aspects of this legacy. Decree No. 16 of 2025 revoked the precautionary attachment orders issued by the Ministry of Finance between 2012 and 2024 on instructions from the security services and under Legislative Decree No. 63 of 2012. It tasked the Ministry of Finance with coordinating with the Ministries of Interior and Justice to expedite the removal of these attachments. Implementing the decree requires removing attachment annotations from the relevant property registers so that rights holders can freely dispose of their property. Final confiscations and judicial attachments, however, require separate legal remedies, as do disputes over ownership of properties that have been sold or transferred to others.

To address judicial confiscations, the Ministry of Justice reported that the Supreme Judicial Council had formed judicial committees in April 2025 to remedy the effects of the exceptional courts. On 16 September 2026, the

People's Assembly passed a bill abolishing the Counter-Terrorism Court and nullifying the effects of its judgments, including provisions for the restitution of confiscated property. Effective redress for those affected requires the adjudication of individual claims, the correction of property register entries, and the restoration of possession to rightful owners.

To facilitate litigation, , the Ministry of Justice designated under Decision No. 2064 issued in October 2025 the Second Civil Courts of First Instance and the Second Civil Courts of Appeal in judicial centres to hear claims concerning ownership, unlawful dispossession, and possession arising during the years of conflict. The decision provided for the transfer of relevant cases to these courts and for their expedited adjudication, while preserving the right to a defence.

Alongside the judicial process, local authorities in some governorates established administrative committees to receive and examine complaints concerning the seizure of property. Community committees also received property complaints and helped resolve disputes, although their decisions were not legally binding. However, the report of the Independent International Commission of Inquiry on the Syrian Arab Republic, issued in March 2026, showed that governorate committees operated without consistent mandates, a unified legal framework, or effective central coordination. The report further noted variations in the composition of community committees, their decision-making criteria, and their coordination with the judiciary. This highlights the need for clear procedures identifying where affected persons should submit claims, which bodies have the authority to examine and adjudicate them, how decisions can be challenged, and who is responsible for their enforcement and the restoration of property rights.

Reconstruction Under the Legacy of Previous Exceptional Legislation and Practices

Proceeding with new investment projects before resolving outstanding property claims threatens to entrench past expropriation injustices. The case of Kiwan land in Damascus illustrates this: parts of it were expropriated for the Ministry of Tourism in the 1970s to build hotels and tourism projects, and existing structures were demolished, while the projects that had justified the expropriation were delayed for decades. The disputed properties include the land of the "Syriana" swimming pool, which was demolished in 1983. According to the testimony of one of the heirs, his father was forced to accept the expropriation

compensation under threat. The family subsequently sought to recover the land through the courts and renewed its claim after the fall of the regime.

In April 2026, the Ministry of Tourism announced the launch of the "Beaumont Damascus" project in partnership with "Ezdihar Holding", comprising a hotel, luxury residential units, and commercial facilities. The announcement came as owners and heirs continued to seek restitution, while the Ministry continued to rely on expropriation decisions issued under the former regime and on the land's registration in its name. The case raises questions about the legality of the expropriation, whether the public benefit on which it was based was ever realised, the fairness of the compensation, and the circumstances in which it was received. These matters warrant review before proceeding with investment on the disputed properties. Claimants with credible claims should also be able to seek a judicial order temporarily suspending transactions involving these properties, to protect their rights against new contracts or construction works that may complicate restitution.

In the Qudsaya Suburb and its surroundings in Rural Damascus, the launch of the "Abyat Hills" and "Sham View" projects in 2026 revived disputes over land expropriated by the General Housing Establishment decades earlier and subsequently included in investment partnerships with "Abyat" and "Thara". Local claimants spoke of compensation they had not received, compensation offers they had rejected as inadequate, and the commencement of works on land in respect for which they were still seeking a settlement of their rights. In September, the Establishment's director explained that plans for the two projects had been drawn up in 2004 for tourist housing, leisure facilities, and hotels, and that the Establishment retains ownership of the land until it passes to the final beneficiary and receives a share of the investment revenues. As project implementation begins, landowners' claims for compensation or the restoration of their rights remain unresolved. The involvement of new investors and buyers risks making these claims harder to settle underscoring the need to review expropriation, compensation, and land use before further project implementation creates additional obstacles to restitution.

Disputes over the fate of expropriated land also extend to Homs, where the launch of the "Al-Nasr Boulevard" project was announced in August 2026. To be implemented by "Al-Omran Holding", the project will

combine residential, commercial and hotel units with a public park. In September, landowners in and around the Al-Qarabis neighbourhood called for procedures relating to the project to be halted until their rights were determined, stating that their land had been expropriated in the 1990s and that they had received only part of the compensation. The City Council affirmed that the expropriation had been completed and the compensation deposited, explaining that the land subject to objections was allocated to a park under construction. The dispute concerns the legality of the expropriation, the fairness and payment of compensation, and whether the land is being used for the purpose for which ownership was taken. The Council's assertion that its procedures were lawful does not resolve these matters: it is the authority to which the land passed, whereas claimants need access to documents and the ability to bring their objections before an independent judicial body before the completion of the project becomes a justification for overriding rights that have not been adjudicated.

In Damascus, "Marota City" and "Basilia City" are among the most prominent examples of urban redevelopment projects that have raised concerns about housing, land, and property rights. The two redevelopment zones were established under Legislative Decree No. 66 of 2012 to redevelop areas of unauthorised construction and informal housing. "Marota City" includes parts of the orchards of Mezzeh and Kafr Sousa, particularly the area behind Al-Razi, while "Basilia City" extends across parts of Mezzeh, Kafr Sousa, Qanawat Basatin, Darayya, and Qadam. Evictions in the Marota City area began in 2015, before alternative housing had been secured for those entitled to it. The completion of this housing was subsequently delayed and its financing faltered, while access remained conditional on covering its construction costs. Those entitled to it therefore also faced the burden of securing accommodation during years of waiting. The harm thus extended from the loss of a home to years of instability and mounting financial burdens.

In May 2026, Damascus Governorate announced measures to address some of these harms, including increasing the floor areas allocated to original owners, raising rental allowances for those entitled to alternative housing and paying arrears, and allocating funds for its construction. The Governorate affirmed that challenges could be brought

before the courts and that it was committed to enforcing their judgments. It later announced batches of rental allowance payments for those entitled to alternative housing in Marota City.

The impact of these measures should be measured by what those affected actually receive: adequate housing they can afford, allowances that cover rental costs, and fair redress for the losses accumulated while waiting. Providing redress also requires reviewing Decree No. 66 and its implementation, including the fairness of property valuations and the allocation of shares, the reasons for excluding some residents from alternative housing, and the obstacles that prevented them from proving their rights. Addressing delays and housing costs is part of reparation, similarly to restoring the rights of those affected by redevelopment and eviction.

Restrictions on Affected Persons' Participation and Lack of Transparency
Reviewing these measures requires guaranteeing the freedom of those affected to object, express their demands and organize their efforts to defend their rights. Of particular relevance is the case of Yasser Abbas and Ibrahim Sheikh al-Shabab, two representatives of those affected by Decree No. 66, who were detained on 2 June 2026 and released on bail on 9 June 2026. The legal proceedings against them were linked to public statements and criticism, as well as calls for those affected to organize and demand their rights. Prosecuting them for such peaceful activities may discourage others from speaking out for fear of detention or trial, narrowing the space to challenge decisions affecting their homes and property and making it harder to seek redress.

Concerns about exclusion from reconstruction decisions are also evident in Jobar and Qaboun. In March 2026, at a meeting with local representatives, Damascus Governorate presented a proposal to grant companies portions of project land in return for financing and carrying out reconstruction. The proposal prompted objections over the size of the areas to be deducted and the method of calculating residents' entitlements. According to accounts from some attendees, no plans or clear details of valuation, compensation, or the implementing entities were presented. At the time the proposal was publicly reported, it remained a verbal proposition that had not been provided in writing. This uncertainty left rights holders facing the prospect of losing parts of their properties without knowing what they would receive or whether they would be able to return to their neighbourhoods.

In October 2026, the Jobar Neighbourhood Board of Trustees announced its rejection of an investment offer to reconstruct the neighbourhood, stating that it had agreed with Damascus Governorate to halt the offer and allow others to be considered. The attendance of several neighbourhood representatives at a meeting does not signify the consent of all rights holders to the disposal of their properties, nor does it guarantee the representation of displaced persons, heirs, women, and holders of unregistered rights. The protection of their rights depends on how properties and the rights attached to them are identified, the independence of the body responsible for this process, and their ability to participate in planning and implementing the project and challenge decisions affecting their rights.

Without access to property maps, the criteria for valuing land and buildings, the areas to be deducted, and the entities benefiting from them, rights holders struggle to understand what they will lose and what they will receive. This uncertainty extends to the cost of alternative housing and its delivery dates, details that are essential to a family's decision about its home and future.

In these circumstances, any consent may reflect limited options rather than free acceptance of the project, particularly where it is given under the pressure of economic need or fear of losing one's home, or within a time limit that does not allow sufficient time for alternatives to be considered and independent legal advice to be obtained. The imbalance increases when the governorate or implementing company alone controls the information and determines the options, while those affected have no effective opportunity to challenge decisions before eviction or disposal of their properties. Financing a project before rights have been verified and disputed claims settled may also entrench arrangements that are difficult to reverse, making restitution more complex.

Continuing Property Seizures Obstruct Return

In Afrin, the effects of property seizures have deprived residents of their homes and livelihoods for years. Ninety interviews conducted between June 2022 and January 2023 with displaced Kurds and their families documented the seizure of homes and land and the looting of crops and agricultural equipment after Turkish forces and Turkish-backed factions took control of the area in 2018. Witnesses attributed these violations to factions of the "Syrian National Army" and, in some cases, to Turkish forces. The testimonies indicate that armed factions controlling the area

imposed extortion payments on some residents who continued to cultivate their land, taking a share of the proceeds from their crops, particularly olives. Those affected also expressed fear of threats or arrest if they sought to recover their properties. Land that had supported their livelihoods thus came under the control of actors who determine whether it can be accessed and what share of its production its owners receive.

This deprivation continued after the fall of the regime, as reflected in testimonies concerning properties in Afrin that remained occupied without their owners' consent, and demands for payment to vacate them, with some complainants facing threats instead of receiving protection. Accounts collected in April and May 2026 from displaced persons from Ras al-Ayn and Tal Abyad also described difficulties in accessing properties, occupants' refusal to vacate them, and extortion and assault against some owners when they sought to reclaim them. In these circumstances, a person may be able to enter their town but remain unable to live in their home or cultivate their land. Their return remains at risk as long as recovering their property depends on payment, relinquishing rights or accepting conditions imposed by those controlling it.

In rural Hama, testimonies published in February 2026 linked the displacement of Alawite residents and the continued obstruction of their return to the looting of their homes and the seizure of their land. They indicated that "Iktifaa for Agricultural Investment", a company originating in Idlib and operating in agricultural production and investment, was exploiting land belonging to displaced persons in rural Hama and depriving them of its proceeds. In a report covering the period from the fall of the regime to the end of January 2026, the Independent International Commission of Inquiry on the Syrian Arab Republic documented the flight of residents of dozens of Alawite villages in northern Hama, the looting of property, and the seizure and cultivation of land in its owners' absence. The report stated that local authorities, including Public Security, had failed to ensure the safe return of those who requested it, citing an inability to protect them. The lack of protection thus kept residents away from their properties and enabled others to continue benefiting from them.

Recovering rights becomes more difficult when an affected person must submit a complaint to a body linked to those who seized the property or benefit from it. In such cases, making a claim may itself become a source

of risk, while the prospect of an independent investigation and an enforceable decision diminishes. Redress depends on an independent body that receives and documents complaints and enables complainants to track their progress within clear time limits, while protecting the confidentiality of their data, allowing threats to be reported safely, and ensuring that judgments are enforced under judicial supervision. Recovering a home or land does not erase the losses sustained during years of seizure. As part of a reparation claim, those affected may seek compensation for the value of looted crops and lost income, and damage to the property. Preserving evidence helps assess these losses and adjudicate the claim.

A National Programme for Restoring Rights and Enforcing Decisions
The Syrian Initiative for Fundamental Rights considers that redress for those affected requires a national programme enabling them to recover their rights and ensuring the enforcement of decisions concerning those rights. It proposes establishing this programme through a dedicated law defining the rights and claims covered, the body competent to examine them, the rules of evidence and appeal, and responsibilities for funding and enforcement. Its scope would cover violations of housing, land and property rights committed during the conflict or after the fall of the regime, while defining a process for addressing property injustices predating 2011 whose effects persist. The proposal draws on a comparative study of property restitution options.

An independent body would administer the programme, with its members selected according to publicly announced criteria of competence and integrity, subject to rules preventing conflicts of interest. The law would define its relationship with existing courts and committees so that affected persons are not passed between bodies that dispute jurisdiction or issue conflicting decisions. The body would issue reasoned decisions, subject to appeal before the courts. Assigning a dedicated body to examine these claims would help address their volume and complexity to be addressed, while guaranteeing the parties' right to present their evidence and respond to the evidence and allegations submitted against them. The body would work in coordination with entities concerned with transitional justice, linking the restoration of property rights to reparation for harm arising from displacement, confiscation and seizure.

Access to the programme would be facilitated through accessible application procedures, including remote submissions, representation through a power of attorney, local offices and mobile units, and legal assistance for those who need it. Claims would be submitted free of charge, with their requirements and deadlines widely publicised, sufficient time allowed to collect evidence, and provisions allowing deadlines to be waived where displacement or involuntary absence prevented compliance. Women would be able to submit their claims and exercise their rights directly, and the barriers they face in inheritance and registration would be addressed. Where a rights holder is missing, the restitution programme would allow a representative confirmed or appointed by the court under Article 204 of the Personal Status Law to submit a property claim on their behalf. Their family could apply to the courts to preserve and temporarily manage their assets and benefit from them within the limits permitted by law, without requiring a judicial declaration of death.

Adopting rules of evidence that take account of displacement and the loss of documents would enable claims to be examined even in the absence of a complete title deed. Contracts, tax records, utility documents (such as electricity, water, and internet bills), testimonies, maps, and photographs would be assessed together, according to their relevance to the right claimed and their reliability. The body would help retrieve records and gather information from the entities holding it, rather than leaving this burden to the affected person alone. Evidence of patterns of displacement and seizure would also help explain the loss of possession through rebuttable presumptions. Sales and waivers alleged to have been made under duress would be examined in light of the circumstances in which they were concluded, without presuming every transfer of ownership during the conflict was invalid.

Given the volume of claims, cases relating to a single area or a common pattern of violations could be grouped for the examination of common facts, while retaining an individual assessment of each person's rights and evidence. A unified claims register would help identify conflicting claims and trace transactions affecting a property, subject to safeguards protecting affected persons' data. Priority would be given to cases involving a risk of evidence being lost or property being disposed of, and to people facing homelessness or urgent need, according to publicly announced criteria and reviewable decisions, without political or regional favouritism.

Priority would be given to restoring rights to their holders where it is established that they were arbitrarily or unlawfully deprived of them and restitution is possible. Compensation would remain an alternative where restitution is materially impossible or where the affected person freely accepts it on an informed basis, in accordance with the Pinheiro Principles on Housing and Property Restitution for Refugees and Displaced Persons. The body would determine whether restitution is possible through a reasoned decision subject to appeal before the courts. The destruction of a building does not in itself extinguish rights to the land or rule out repair or reconstruction where feasible. Nor would restitution depend on the rights holder returning to reside in the property. Restitution could be combined with compensation for other harm, such as damage to property or deprivation of use, depending on what is established in each claim.

To ensure that compensation retains its practical value, its amount would be based on an independent, reasoned assessment setting out the value of the right and the harm, and taking account of the effects of delay and changes in purchasing power. The valuation method and outcome would be open to challenge. Entitlement to compensation would be accompanied by an identified source of funding, payment schedules and enforcement guarantees. Where alternative housing is offered, its adequacy would depend on safety and habitability, access to work and services, and consideration of social ties. The nature of the affected person's rights in the alternative housing and any associated costs would be explained before acceptance, so that the alternative does not become a new burden.

The programme would extend to tenants, holders of usufruct rights and others who held housing or occupancy rights deserving of protection: returning property to its owner does not automatically determine the fate of those rights. These rights would be examined according to their nature, legal basis, duration and the effects of the conflict on them. Similarly, the circumstances of subsequent occupants, including displaced persons and purchasers in good faith, would be examined to distinguish their potential rights from unlawful seizure. Evictions would be enforced only after rights had been adjudicated, with guarantees of notice, appeal, and protection against violence. The authorities would bear responsibility for providing suitable alternatives for those facing homelessness, without requiring the rights holder to bear the cost of housing them or using their needs to obstruct restitution.

The programme's decisive outcome would remain the enforcement of decisions: handing over property, correcting its registration, removing unlawful encumbrances, or paying the compensation due. The law would therefore identify the authorities responsible for each measure and provide them with the necessary resources, powers, and protection, with oversight of enforcement and periodic data on rights actually restored. The programme would be linked to transitional justice efforts to uncover patterns of confiscation and displacement and hold those responsible accountable, while keeping restitution claims independent of criminal proceedings and safeguarding the right to reparation for other harm.

Recommendations

The Syrian Initiative for Fundamental Rights calls on the transition government, the People's Assembly, the competent judicial authorities and international partners, each within their respective mandates, to adopt the following priorities:

First — Halt ongoing violations and protect those affected: Protect rights holders and their representatives from threats, extortion, and prosecution for peacefully claiming their rights, investigate property seizures, and hold those responsible accountable. Make urgent judicial measures available to preserve evidence and suspend the disposal of properties subject to credible claims where restitution is at risk.

Second — Protect rights during the transition and review legislation before an elected assembly: Adopt interim measures to suspend new approvals, transactions, and works that are difficult to reverse in projects affecting properties subject to credible objections or properties whose existing rights have not yet been identified. Enable objections to be raised, ensure that they are recorded, and preserve evidence. A freely elected People's Assembly should review legislation on expropriation, land readjustment, attachment, and confiscation, including by amending or repealing unjust provisions, addressing their effects, restoring rights, and providing reparation.

Third — Establish a national programme for restoring rights: Enact a law establishing an independent body with clearly defined powers, setting out the rules for submitting claims, assessing evidence, and pursuing appeals, and identifying funding sources and the authorities

responsible for enforcement. The law should define the body's jurisdiction and its relationship with courts and local committees and guarantee the right to appeal its decisions before the courts.

Fourth — Facilitate access to justice and protect the right to housing: Allow claims to be submitted free of charge, and provide legal assistance, remote submission procedures and alternatives to consular powers of attorney for those unable to obtain them. Accept asylum documents as evidence of identity, subject to verification that they correspond to the rights holder's details. Recognize diverse forms of evidence, including private sale contracts, judgments confirming sales and utility bills, assessing them together according to their evidentiary value in establishing ownership, possession or lawful occupancy. Preserve original registers and protect their data, and address the barriers facing women, families of missing persons, and holders of unregistered rights, in ways that protect their right to housing and enable them to assert their rights.

Fifth — Link reconstruction to the protection of rights: Require an independent inventory of properties and the rights attached to them, with the participation of residents, displaced persons, and rights holders, before approving any plan or investment offer. Make expropriation decisions, plans and valuation criteria publicly available, assess the effects of projects on housing, livelihoods and the possibility of return, and ensure the participation of those affected and their right to object. Make funding conditional on safeguards for resolving claims concerning properties included in the project, independent oversight of implementation, and enforceable commitments on housing delivery and the payment of compensation.

These measures become meaningful when affected persons can safely recover their rights, and those responsible for violating them are held accountable and required to compensate them for the harm caused during unlawful seizure. Fair reconstruction enables people to recover their homes, land, and livelihoods, protects their ability to choose freely between return and other solutions, and prevents displacement from becoming a permanent loss of rights.