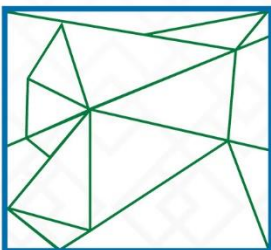


Housing Settlements in Afrin: Demographic Engineering or IDP Housing Projects?





Housing Settlements in Afrin: Demographic Engineering or IDP Housing Projects?

The UN Security Council and the European Union must take a firm stance towards the implicit and coercive demographic engineering efforts across Syria. Additionally, they must ensure that humanitarian aid, reconstruction, and early recovery efforts do not turn these demographic changes into the status quo





Executive Summary

Several factions within the opposition's Syrian National Army (SNA) have been building one of the largest human settlements in Afrin region. The settlement is warranted by the Turkish authorities and is designated for housing SNA fighters and their families in Afrin, which has historically identified as a Syrian Kurdish-majority region.

This settlement— *al-Tajamu' al-Sakani* (housing village)—was built on a large area in the region locally known as [Jabal al-Ahlam](#) (Mountain of Dreams). This mountainous area is part of the Jabal al-Akrad/Çiyayê Kurmênc (Mountain of the Kurds) and is referred to in Turkish as Kurd Dag. The area is famous for its key strategic location, which overlooks the Afrin city center and demarcates the territories held by Turkey on the one hand, and those controlled by the People's Protection Units (YPJ), the Syrian government (SG) forces, and Russian forces, which operate several military bases, on the other.

For the purposes of this report, Syrians for Truth and Justice (STJ) spent months collecting testimonies. Sources and witnesses reported that [Rahmi Doğan](#), governor of the Turkish state of Hatay, is one of the officials responsible for the construction of the housing village. They added that Doğan granted several local and international relief organizations, as well as the Afrin City Local Council (ACLC), the green light to commence with the project's construction over the mountain's foothills and provide the village with services. The building permit was forwarded after several armed opposition groups, notably the Levant Front/al-Jabha al-Shamiya, pitched the project proposal to Turkish authorities.

The role of some organizations supporting these settlements has sometimes gone beyond simply providing “public services” to the families of fighters. In some cases, organizations have built entire villages, giving the appearance of public services serving civilians when in fact the projects are primarily intended to house fighters and their families. One example of this is the village of “Kuwait al-Rahma”, which was built with the support of the [Rahma International Society](#) and donors from Kuwait, according to the [al-Sham Humanitarian Foundation](#), which implemented the settlement project.

The Kuwaiti newspaper [Al-Watan](#) revealed, in a report published 02 September 2021, that the Kuwait al-Rahma village is only one of other villages which will be built on the Turkish-Syrian border.

Furthermore, STJ learned that the ACLC, founded by the Turkish government after they militarily [occupied](#) the region in 2018, is issuing *Waraqat Takhssiss* (an allocation paper), which purportedly functions as a title deed for the buildings but not the plots of land on which they are constructed. The issuance of the document is also authorized by governor Doğan.

While plans for constructing the Kuwait al-Rahma village and other surrounding housing in Jabal al-Ahlam were put in place in early 2021, the construction process was still underway when this report was finalized in late May 2022. Additionally, the construction process is intended to cover the complete area of Jabal al-Ahlam.

STJ obtained information verifying that nine SNA-affiliated factions, notably the Levant Front/al-Jabha al-Shamiya, are deeply involved in the construction project. The Front is controlled by commander Muhanad al-Khalaf, known as Ahmad Nour. While these factions run the project, their sharia officials (men of religion) are disseminating information about the project to fighters and encouraging them to register their names for allocations. These officers





also critically contributed to the area's segmentation and, later, the distribution of land plots to fighters and their families.

Moreover, STJ-led investigations into the housing project revealed that several local and international organizations are also involved in funding the project and promoting it as primarily initiated for the benefit of civilians. Against these promotional claims, the sources STJ met stressed that the SNA-affiliated fighters and their families, hailing from areas in Rif Dimashq (Damascus countryside), Homs, and Hama, were the key beneficiaries of the project, while only 25% of the beneficiaries are civilians. The Turkish Humanitarian Relief Foundation ([IHH](#)) is among the key organizations financing the project. The IHH provided each beneficiary with construction materials worth approximately 1,000 USD.

Importantly, Jabal al-Akrad (also known as Aleppo Mountain), which is the project's construction site, extends over 2% of Syria's entire area. Its terrain is covered in bushes, constituting the largest vegetation cover in Aleppo province. For the purposes of the project, large swathes of the area's vegetation have been eradicated and replaced by concrete buildings.

The documentation process and evidence collected by "Syrians for Truth and Justice" for this report highlights several violations committed in northwest Syria for which Turkey, as the occupying power, bears responsibility under Article 47 of the Fourth Geneva Convention. For example, the selectivity of the allocation papers, which prioritize the needs of Syrian Army factions over the needs of civilians constitutes a discriminatory dispersal of aid which obstructs civilians from meeting their basic needs (a violation of Article 60 of the Fourth Geneva Convention).

It is helpful here to look to the case of Palestine, where the International Court of Justice in 2004 [found](#) that the border wall which Israel built risked "further alterations to the demographic composition of the Occupied Palestinian Territory resulting from the construction of the wall inasmuch as it is contributing... to the departure of Palestinian populations from certain areas" (para. 122). So, although Israeli authorities did not state outright that demographic change was the goal of the barrier wall, given the wider pattern of Israeli actions, its construction nevertheless had the effect of implicating Israel in this crime against humanity. Given the pattern of violations that STJ and other organizations have [documented](#) in Turkish-controlled and predominantly Kurdish areas of Northwest Syria, these settlements could be established to be part of this systematic process of altering the demographic composition of Afrin.

The fact that Turkish-backed forces, who have seized and rented the properties of civilians who were displaced or fled their home during Operation Olive Branch, continue to control Afrin and its surrounding areas makes it difficult for those civilians to return home. Moreover, despite allegations that the settlements are built by lands owned by the state, it is important to note that Syrian penal laws have described trespassing on public property as a crime punishable by law. Article 724 of the General Penal Code No.148 of 1949 notes that a penalty **of up to six months' imprisonment will be imposed on anyone who usurps a portion of attached or unattached public property.**

In any case, as the [Syria Justice and Accountability Centre \(SJAC\)](#) noted last year with regard to settlements elsewhere in Afrin, such as the Kuwait al-Rahma settlement, that it is incumbent on private donors and aid organizations, as well as the governments of their home states, to





ensure that their aid is distributed equitably and in a way that does not violate rights to property and return of displaced civilian populations. Most fundamentally, however, the Turkish government as the occupying power exercising effective control in Afrin and other parts of Northwest Syria is immediately responsible for the violations and issues that the settlements have entailed so far.

Methodology

This report is one in a series that STJ started in 2021. With this series, STJ seeks to document and collect evidence about the illegal housing villages and settlements built in Afrin region after the Turkish army seized the area in the aftermath of Operation Olive Branch in 2018, launched with direct participation from SNA factions.

The report builds on information obtained over three stages. First, field researchers with STJ carried out visits to the target area in July 2021. The researchers examined the construction site of the project and took several photos and videos. During the visit, the project was still in its early phase.

Second, a different set of STJ's field researchers continued the information collection process about the seizures of homes and the construction of new ones. These researchers carried out interviews with 24 sources. All the sources are informed of the details of the residential project in Jabal al-Ahlam. The interviewees include eyewitnesses, local relief workers, and project staffers, who requested that their identities remain anonymous for security reasons and for fear of retaliation. Additionally, the researchers interviewed several beneficiaries and individuals within the SNA.

After the researchers verified the collected information and details provided by the sources, they obtained an additional set of information from open sources addressing the report's subject matter, and exclusive satellite images of the area where the project is constructed. The satellite footage is used to identify the exact areas dedicated for construction.

The Council of Afrin is headed by "[Mohammed Saeed Suleiman](#)", an engineer who also works as the [following](#): Minister of Local Administration and Services in the Interim Government (affiliated with the Syrian opposition coalition), also a member of the Presidency of the Council of Syrian Clans and Tribes, Secretary of the Civil Peace Council, and Chairman of the Organization Judy Education. He was born in Aleppo in 1966. Meanwhile, "[Mohammed Sheikh Rashid](#)" is the deputy of the local council of Afrin.



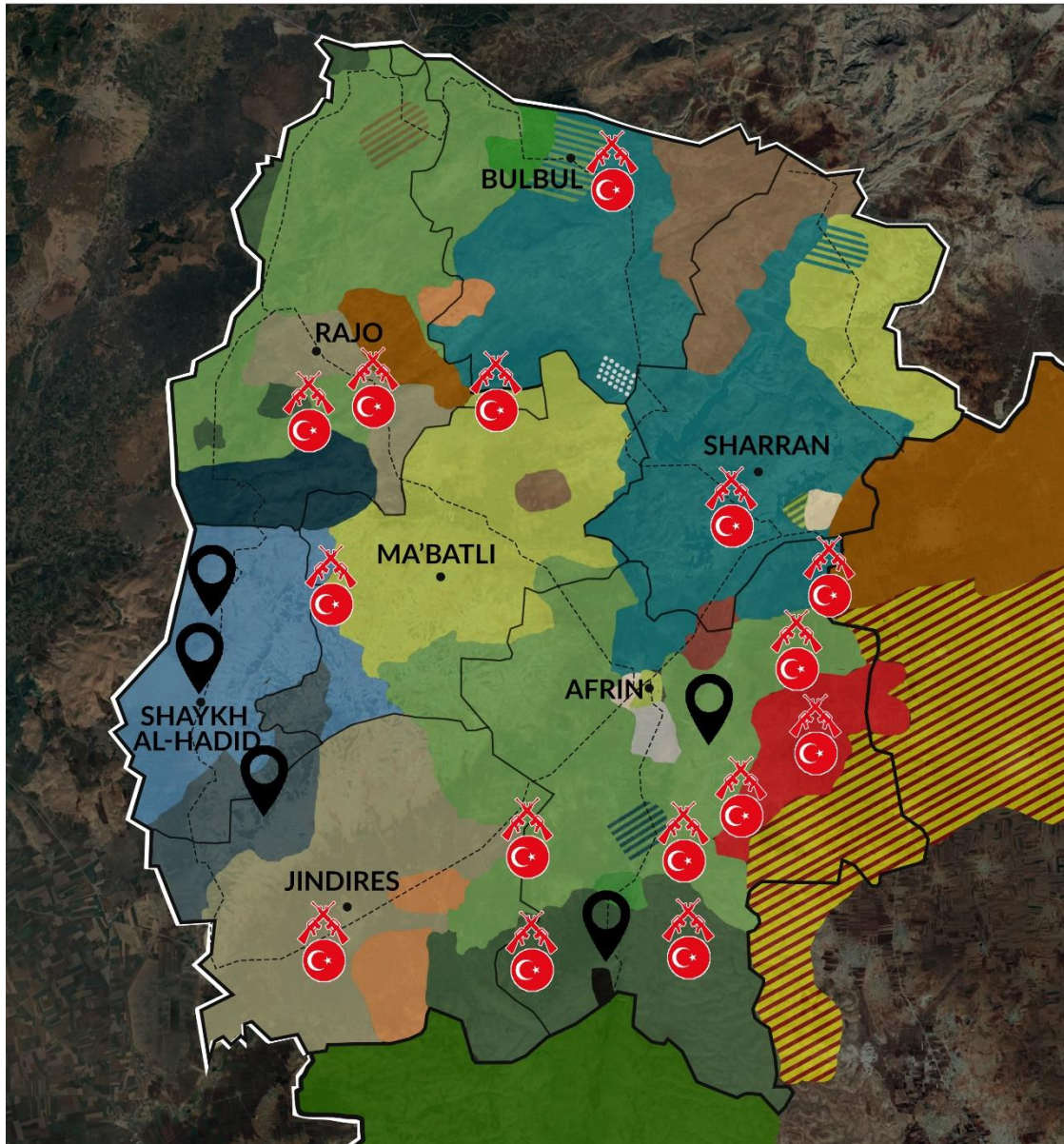
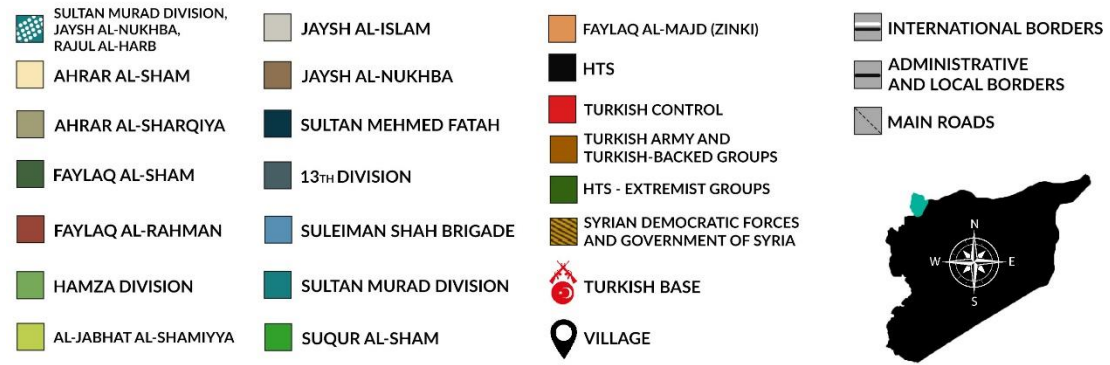


Image (1)- The map marks out the locations of effective control of the armed opposition groups, military bases of the Turkish army, and several illegal villages built in the area. Syrians for Truth and Justice created the map with the support of researchers as well as a similarly designed map by the [Rojava Information Center](http://www.rojava-info.org/).



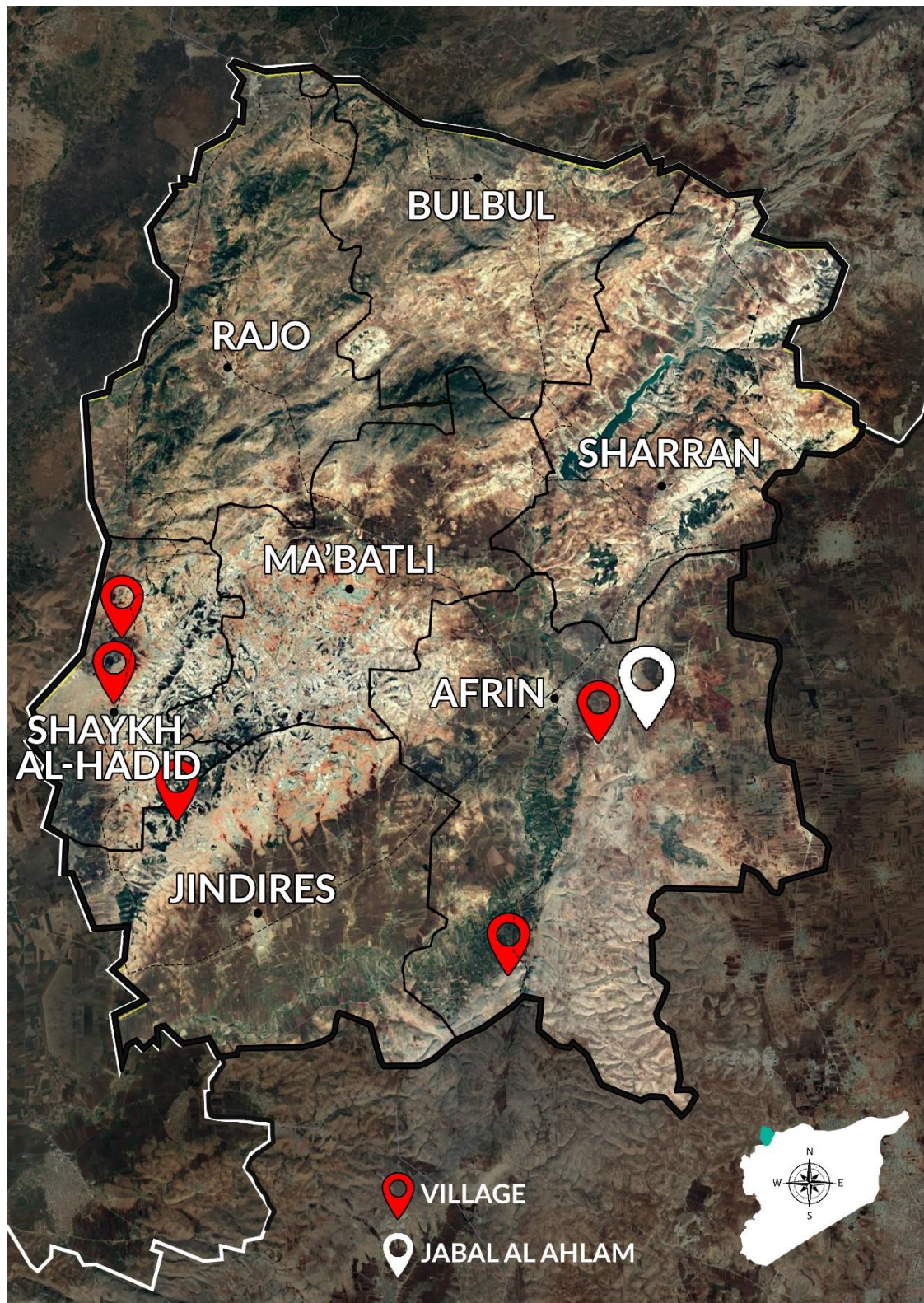


Image (2)- The map marks out the locations of several illegal villages built in the area, as well as marks the location of Jabal al Ahlam. Credit: STJ.





How Did the Jabal al-Ahlam Project Start?

Based on testimonies STJ obtained for the purpose of this report, Muhanad al-Khalaf—commander of the Levant Front/al-Jabha al-Shamiya and nicknamed Ahmad Nour, came up with the idea of building the Jabal al-Ahlam settlement in Afrin. Al-Khalaf promoted the project in the region as aimed at housing internally displaced persons (IDPs) from other Syrian regions, mainly fighters of the SNA factions, operating in the region, and their families, who mostly hail from the provinces of Damascus, Rif Dimashq, Daraa, Homs, Hama, and Syria’s eastern areas. Sources said that the project was embraced by most of the other military commanders, whom al-Khalaf consulted over the idea.

For additional information about the project’s inception phase, STJ reached out to a person who attended one of the meetings al-Khalaf organized with commanders and sharia officials from other factions. The source opted for anonymity, for security reasons and for fear of retaliation. He narrated:

“In October 2020, Ahmad Nour, commander of the Levant Front/al-Jabha al-Shamiya, invited us to a meeting. The meeting was held in Afrin city. He told us that the Front controls a large piece of land, with an area large enough for building houses for the fighters of all the factions in Afrin, and even IDP civilians.”

The source added:

“Muhanad al-Khalaf told us that several challenges faced the project and that we should all cooperate to make it happen . . . the key challenge, as he put it, was to obtain the building permit from the Afrin City Local Council. He added that this permit cannot be obtained without the authorization of the Turkish governor and that it is a prerequisite that the local council must uphold.”

Referring to other obstacles, the source said:

“The project had to be given a [civilian character] to persuade local and international organizations to contribute to the construction process, without facing pressure and problems. There were other obstacles, related to the administrative and organizational aspects, as well as segmenting the areas and distributing them to the meeting attendees, who included representatives of the factions and their sharia officials.”

Following these meetings, Mohamad al-Khatib, the sharia official within the Levant Front/al-Jabha al-Shamiya - [mohamad7112822](#)), was assigned manager of the project’s organizational affairs. Notably, al-Khatib is a member of a group named the "Restitution Committee" which was formed in northwestern Syria to investigate violations committed by armed opposition groups and bring justice to the victims. He is also a member of the [Syrian Islamic Council](#) and the Director of the Moral Guidance Branch in the SNA’s Third Corps.

Al-Khatib asked IDPs, who wish to benefit from the project, to divide themselves into groups, marked by the region/town from which they come and to name a group representative. He, then, created a “General Committee” to coordinate project-related affairs between the groups’ representatives and the faction’s representative.





Image (3)- Twitter account of Mohamad al-Khatib.



Image (4)- A picture taken from a video clip published by the Afrin Local Council during the opening of the Kuwait al-Rahma village, which was built by the humanitarian association al-Sham Humanitarian Foundation. The photo shows al-Khatib during the village's inauguration.

A second source, who attended the meetings held by Mohamad al-Khatib, narrated:

“Sheikh Mohamad al-Khatib met with several people. I was present at one of those meetings. During these meetings, he asked us to register the names of those who wish to benefit from this project, identify whether they are civilians or fighters within our





factions, divide them into city-based groups, and then choose a representative for each group or block. Thus, the blocks were created, each encompassing 20 to 200 families. The same was applied to all other provinces.”

A third source, who attended one of the meetings held by al-Khalaf, said that the project aims mainly to build permanent homes for the displaced faction fighters and their families, and to remove them from the houses they seized in Afrin region. The faction’s sharia officials commended the project as a positive step because establishing permanent homes on land owned by the Syrian government is the best solution to the housing problem and the appropriation of properties owned by the indigenous people of Afrin. However, STJ has not documented any mass evictions of the houses that had been seized by fighters affiliated with the factions of the Syrian National Army (SNA). On the contrary, several cases were monitored of fighters who rented those seized houses in Afrin to other people after moving into the residential settlement in Jabal al-Ahlam. This means that the seized homes are not actually being returned to their original owners.

STJ learned that up to early March 2022, at least 600 fighters, with their families, have settled in residential villages constructed in Jabal al-Ahlam area. Most of these fighters serve within al-Hamza/al-Hamzat Division and the Levant Front/al-Jabha al-Shamiya.

According to one of the beneficiary groups’ coordination officers/representatives, the project is planned to cover the entire area of Jabal al-Ahlam and would not be limited to only a few housing villages. He said that the project started with the construction of three blocks over an area of 12 hectares, in addition to an area reserved for the benefit of Turkish international organizations. However, the officer added, this large expansion depends on the turnout of the target group (fighters and IDPs). He said that other large areas have also been allocated for the benefit of other factions. The source recounted:

“I am not sure about the exact area allocated to all the factions, or the areas allocated to each of the factions. Only Sheikh Mohamad al-Khatib has access to this information because he is the one who personally received and addressed the factions’ applications for plots. Many similar applications are filed by both individual IDPs and factions. Many land plots were allocated and later withdrawn in favor of another party. So far, the allocated spaces have not been permanently fixed, and there are relief and charitable organizations that contribute to the project.”

Why was Jabal al-Ahlam chosen?

Jabal al-Ahlam has a strategically vital location. Militarily, the mountain rests across an area that overlooks the contact lines between territories controlled by the Turkish forces and the SNA on the one side, and the territories controlled by the Syrian government forces, particularly those stationed in the towns of [Nubl](#) and [Zahraa](#), and the territories controlled by the YPG, especially those centered in the areas of [Tall Rifat](#) and [Deir Jamal](#), on the other side. Before 2018, when the YPG were still in control of the area, they used Jabal al-Ahlam as a stage for military activities, including the digging of tunnels and trenches, and establishing observatories and military outposts. Following the 2018 Operation Olive Branch, the Turkish forces and the opposition’s SNA took over the region. Jabal al-Ahlam was designated as the military territory of the Levant Front/al-Jabha al-Shamiya, which considers the mountain a "spoil of war", as described by one of the sources STJ interviewed for the report.





The locals named the area [Jabal al-Ahlam](#) after a restaurant built at the foot of the mountain. This name is usually used in reference to a specific part of the Jabal Sem`an (Mount Simeon), which is a part of the larger mountainous range, known as the Mountains of the Kurds that runs parallel to the [Afrin](#) city center and the town of [al-Basouta](#), as far as the Turkish-Syrian border, drawn in 1939.

Up to March 2022, the division and planning of three blocks of the housing project were completed. Two of these blocks are adjacent; the third is nearly 2 KM away. The blocks will be built in [Hersh al-Khalidiya](#) area, a part of Jabal al-Ahlam that overlooks Afrin city from the east. The collected information demonstrates that the construction of the military housing will be expanded to cover the entire mountain because the project is intended to create a city that runs parallel to Afrin and separates the different areas of control.

The Project's Engineering Plan

STJ obtained exclusive access to a document which includes one of the housing projects' engineering plans. The document demonstrates that part of the residential village (housing estate)—to be constructed over an area of about 12 hectares in Jabal al-Ahlam— has already been completed. The engineering plan indicates that the project's total area amounts to 122,533 m², all located in a rural area covered by vegetation.

According to one of the report's sources, al-Furat Trading and Contracting Company developed the project's engineering plan and conducted its field study in late 2020.¹ The company worked under the directives of the Afrin City Local Council (ACLC). The Council acted on the orders of Afrin's governor, Rahmi Doğan.

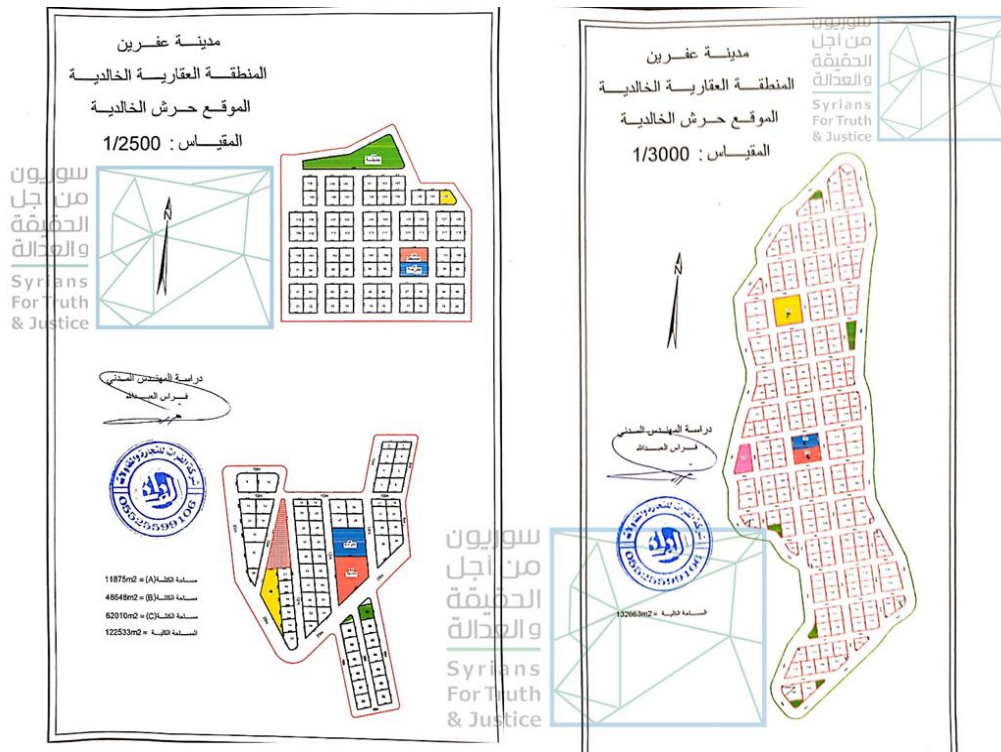
[Rahmi Doğan](#), the governor of the Turkish state of [Hatay](#), was born in 1969 in Sivas, Anatolia Centre. He has held many government positions in Turkey, including the deputy governor of Kilis region, and the head of the provincial administration department in the Turkish Ministry of the Interior. He was appointed Governor/Governor of Hatay Region by [Presidential Decree](#) No. 202 of October 26, 2018. The decree dismissed 21 prefects and appointed 39 new governors.

The project is divided into three housing blocks and includes two schools, two mosques, a clinic, a police station, six gardens, several water wells, and the main water tank. The same document demonstrates the ACLC also directed the Electricity Company to serve the area, and extended water and sewage networks with a sewage treatment plant that is supposed to serve neighboring agricultural lands. Additionally, the ACLC paved the internal roads and those leading to the project area, which is rugged terrain. According to the engineering plan, an area of 400 m² has been designated for each housing unit. Each unit consists of three rooms, utilities, and a private water tank.

Moreover, the project will include 5000 houses/housing units, sources reported to STJ. The sources added that 1000 units have already been built and residents are settled in. The project's construction started in 2020 and was still ongoing when this report was being composed. The first block is about 30 km south of the second and third blocks.

¹ STJ learned that al-Furat Trading and Contracting Company provides the local council, founded by Turkey, with engineering and project studies services. However, STJ could not locate any further information about the company in open sources.





Images (5) & (6)- The engineering plan of the three residential blocks within the Hersh al-Khalidiya/Jabal al-Ahlam project. The plan was prepared by the al-Furat Trading and Contracting Company under orders from the Afrin City Local Council. Credit: STJ.

A local visited the location and provided STJ with live photos of the project, encompassing the three aforementioned housing blocks. The photos show the construction of some of the utilities and the erection of fences to demarcate several houses. The photos date back to late 2021. The source stressed that the construction work has largely progressed, compared to the state presented in the photos.

To verify the exact location designated for the project, STJ matched the source-provided live photos with those taken by STJ's field researcher over July 2021. Additionally, STJ's digital forensic expert identified the precise locations of the three housing blocks, relying on the obtained photos. The expert matched and compared these photos with satellite images that demonstrate preliminary construction work (the laying down of foundations), and the completed parts of the project.





Image (7)- An exclusive photo obtained by STJ, showing the initial phase of land segmentation, and plots to be distributed to fighters and their families.



Image (8)- Satellite footage matched with the above live photo.





Image (9)- Another exclusive photo obtained by STJ, showing the initial phase of land segmentation, and plots to be distributed to fighters and their families.

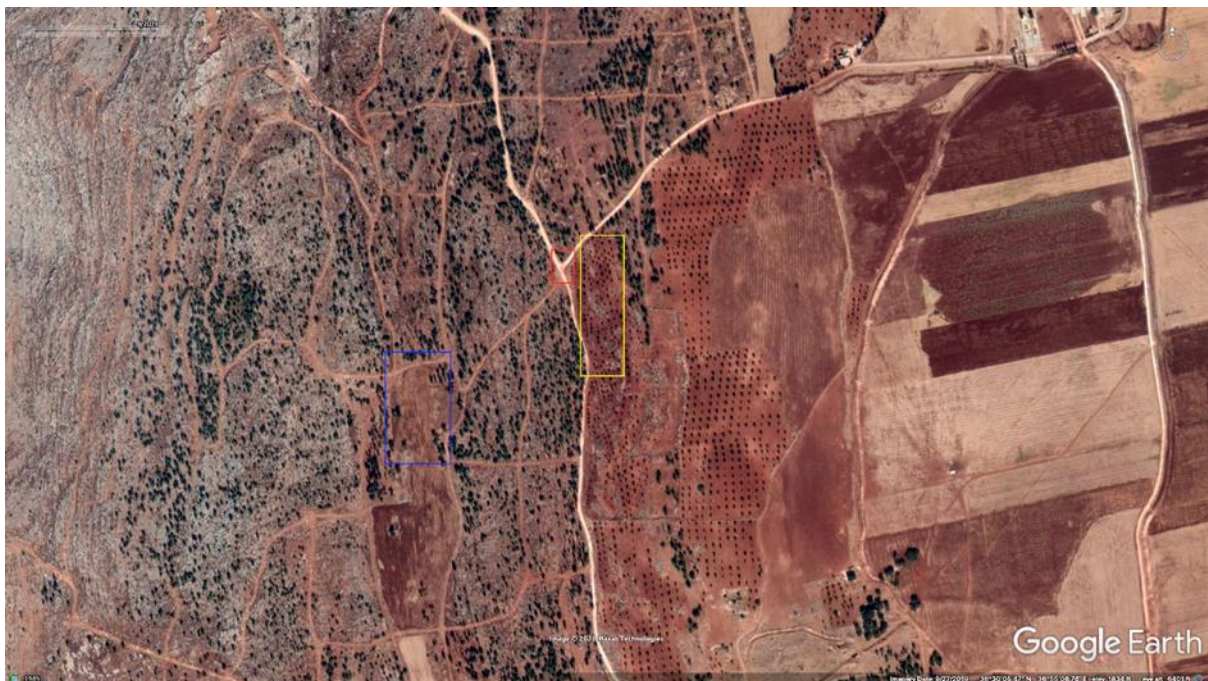


Image (10)- Satellite footage matched with the previous live photo.





Image (11)- Another exclusive photo obtained by STJ, showing the initial phase of land segmentation, and plots to be distributed to fighters and their families.



Image (12)- Satellite footage matched with the previous live photo.



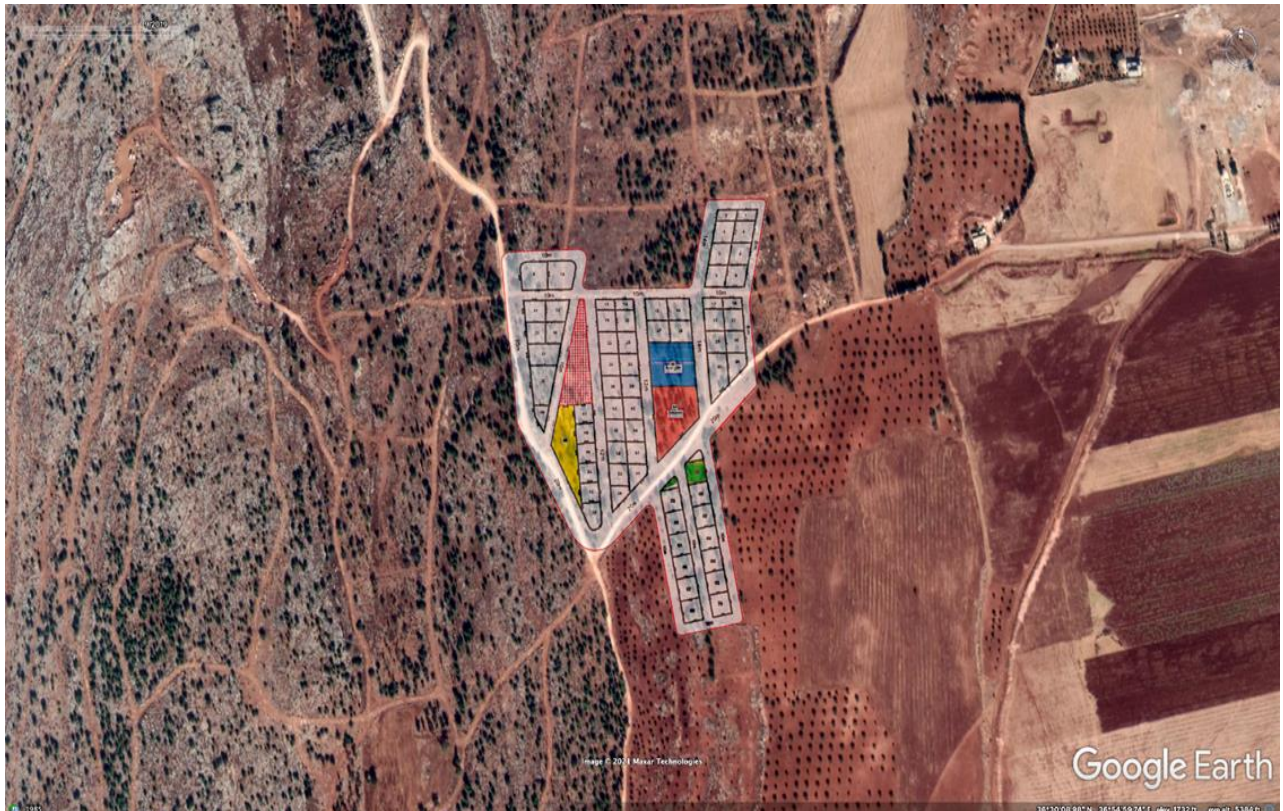


Image (13)- Using the live photos obtained from the source and the project's engineering plan, STJ's digital forensic expert mapped the plan onto the satellite footage, to precisely locate one of the housing blocks.

Beneficiaries and Land Distribution Mechanisms

According to information STJ obtained from several sources, some of whom are directly informed of the progress of the project, the beneficiaries of the Jabal al-Ahlam housing units fall under two key categories. The first, encompassing over 70% of the total beneficiaries, includes fighters within opposition armed groups and their families. The second, less than 30%, includes former fighters, with their families. These fighters abandoned their armed groups after they left/were displaced from the various areas their factions controlled across Syria. The second group also covers civilian IDPS who fled different Syrian areas.

In the following quote, STJ lists a segment of the account given by an informed source regarding the distribution mechanism. The source narrated:

“Following the registration, [application], for plots of land, the faction commanders and sharia officials did a screening process and chose families. Each of these families eventually obtained an area of 400 m². Most of the people chosen were faction fighters and some civilians, to bestow a civilian attribute on the housing operations and cover up the military factional aspect so as not to put international and local charity organizations in a bad situation for providing support or carrying out construction work.”

Additionally, STJ interviewed a civilian displaced from Rif Dimashq. The witness opted for the pseudonym Abu Nabil, and he is one of the people granted a 400 m² plot of land in Jabal al-Ahlam after he registered his name with a sharia official, operating within the Islamic





Movement of the Free Men of the Levant/Harakat Ahrar al-Sham al-Islamiyya. The source noted that the project beneficiaries are both former and active fighters, in addition to civilians, who worked within local councils and relief organizations, before they were displaced from their areas. Therefore, the category involving civilian beneficiaries is not particularly designated for “average civilians”, who probably do not have access to the project’s houses.

Land Plots Distribution Mechanism

Based on the meetings that Mohamad al-Khatib, a sharia official within the Levant Front/al-Jabha al-Shamiya, held and which brought together sharia officials from other factions and beneficiary groups’ representatives, Muhanad al-Khalaf, commander of the Front, segmented the construction site into areas, which are called blocks. He designated independent blocks to separate factions, others to civilians who did not wish to share blocks with the factions, and another set to relief organizations, planning to build permanent housing, such as [al-Sham Humanitarian Foundation](#). He also allocated an area of 400 m² to each of the registered families.

A source, “Abu Nabil”, narrated to STJ how the registration for area allocations started and how he obtained a plot of land. Additionally, he highlighted that all the factions and beneficiaries adopted the same registration method. He recounted:

“A sharia official within Ahrar al-Sham sent voice notes to a WhatsApp group that includes people from my area. In the notes, he gave a lengthy description of the project and said that a date has been set to examine the pieces of land in case we wished to join them. He also said that they will handle transportation because the land is remote. We headed to the location. The road there was extremely rugged and road paving work was already underway.”

The source added:

“After we observed the land, we agreed to register our names with the sharia official. He also said we had two choices to settle the plot allocation issue. We could either draw lots or agree amongst ourselves, as groups and neighbors. We opted for the second way. He allocated each family an area of 400 m², on the condition that each beneficiary builds a fence around his plot over a maximum period of four days, or else the plot would be withdrawn from him. My neighbors and I bought construction materials and fenced our plots of land.”

Abu Nabil’s testimony matches the details demonstrated by the live photos STJ obtained of the project’s site, which show that the site had been divided into specific areas in preparation for construction work. (See images 7, 9, 11 and satellite images below).

Recent Satellite Images Reveal the Project’s Accurate Area

STJ obtained a set of exclusive satellite images, taken in March 2022. The footage shows a few of the housing blocks that appear in the engineering plan (see image 13). The footage also locates hundreds of homes and individual housing blocks built on the mountain, occupied by fighters and their families. This confirms that the fighters and their families have access to over 70% of the housing units included in the engineering plan, in addition to those independent structures scattered across the mountain.





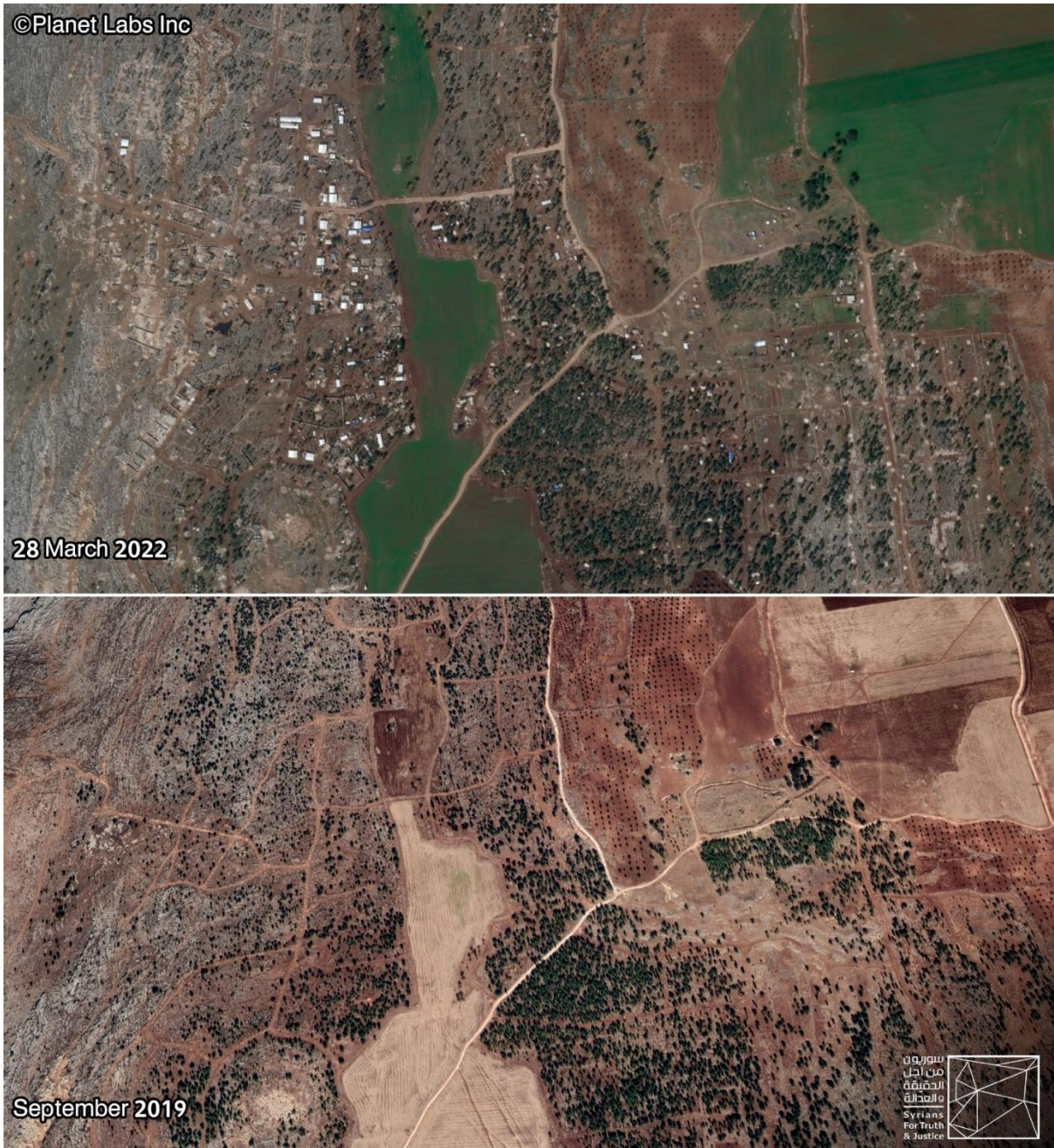
Images (14) & (15) - Satellite image which show the housing that were built in settlements on Jabal al-Ahlam (Kuwait al-Rahma village).





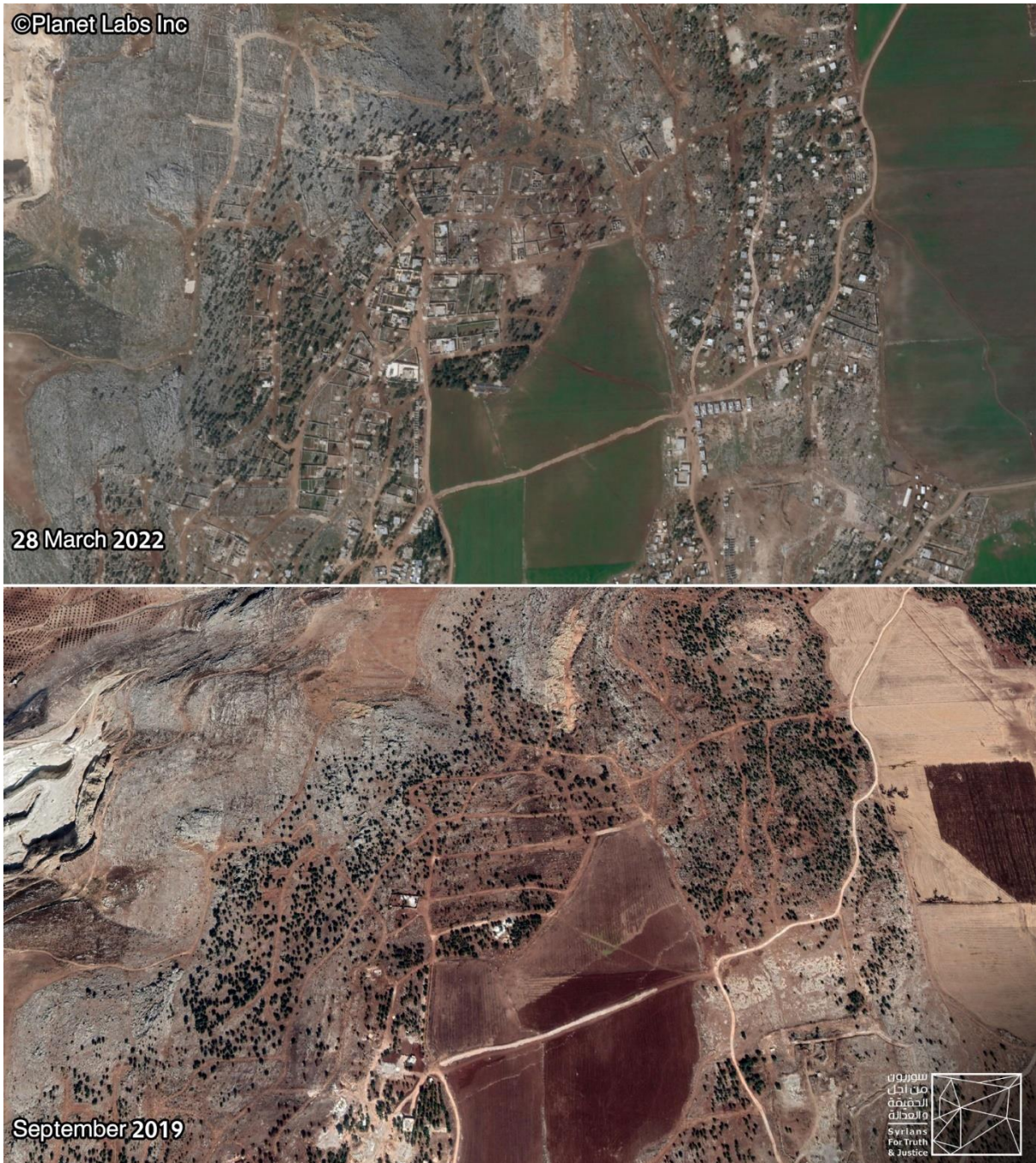
Images (16), (17) & (18) – Three images show the Kuwait al-Rahma village, which has been built on the foot of Jabal al-Ahlam as part of a housing settlement project.





Images (19) & (20) – Satellite images demonstrating the number of houses built in the Jabal al-Ahlam settlement.





Images (21) & (22) - Satellite images demonstrating the number of houses built in the Jabal al-Ahlam settlement.





Images (23) & (24) – Satellite images demonstrating the number of houses built in the Jabal al-Ahlam settlement.





Images (25) & (26) - Satellite images showing part of Jabal al-Ahlam and the housing built on it.





Images (27) & (28) - Satellite images showing part of Jabal al-Ahlam and the housing built on it.





The Role of the Turkish Governor

To obtain additional details on the Turkish contribution to the project, STJ interviewed several sources based in Afrin city. The sources said that Muhanad al-Khalaf, commander of the Levant Front/al-Jabha al-Shamiya, presented the idea of Jabal al-Ahlam housing project to the governor of the Turkish state of Hatay for the first time during a meeting in early 2020.

The idea resurfaced later when the armed opposition groups and the Turkish authorities held new meetings, during which the confiscations perpetrated against civilian houses in Afrin were brought up and the “Restitution Committee” was constituted. Al-Khalaf proposed the project as a solution for the seizures. The Turkish authorities greenlighted the idea and warranted immediate execution. An interviewed source stressed that all the orders the Turkish governor issued about Jabal al-Ahlam were oral, and that higher levels within the Turkish authorities were mostly informed of these orders. The source added:

“It is impossible to find a Jabal al-Ahlam-related document carrying the signature of the Turkish governor or the intelligence service. All the orders delivered to the local council were oral. That is the reason why the local council refuses to issue allocation papers—a document that specifies the exact area dedicated for construction but does not entitle its holder to dispose of the plot of land on which construction is initiated. Also, it is difficult to get the local council to sign any documents.”

However, as stated previously, STJ has not documented any mass evictions of the houses that had been seized by fighters affiliated with the factions of the Syrian National Army (SNA). On the contrary, several cases were monitored of fighters who rented those seized houses in Afrin to other people after moving into the residential settlement in Jabal al-Ahlam. This means that the seized homes are not actually being returned to their original owners.

The interviewed sources noted that for ownership and licensing measures the concerned factions and owners of housing blocks referred to the Afrin City Local Council (ACLC), which oversees these measures. The faction and the owner filed applications for allocation papers to the ACLC. These documents confirm that the owner received a plot of land with identifiable specifications and that he had constructed a housing structure on it. However, the ACLC refuses to grant these papers without the direct approval of the Turkish governor.

The “allocation paper” entitles its holder only to initiate construction work on the designated piece of land, as well as sale and purchase of the building constructed on it, but it does not entitle the holder to similar privileges over the land itself. The document proves that the holder owns the building, while the land remains owned by the local council, because it is a state-owned property in the first place. This legal status is, to a large degree, like houses in Mazzeh 86 and Ush al-Warwar on the outskirts of the capital Damascus.

An owner of a contractor company, who is working for the Jabal al-Ahlam project, told STJ that the ACLC did not have any real or effective role in the project. He added that the decision was made by the factions’ commanders and the Turkish authorities. The head of the ACLC only received oral orders from the Turkish governor to sign allocation papers, which pertained to a few, but not all, of the constructed housing blocks. The witness added:

“The Turkish governor fast-tracked the permits for the blocks allocated to the Levant Front/al-Jabha al-Shamiya. This of course has to do with the Front’s status and the





relations it maintains with high-profile merchants in northern Syria, who can influence the governor's decisions. However, the whole [project] is approved in advance by the other Turkish authorities and the local council is a tool to implement the orders it receives. All the orders are oral."

One of the interviewed sources recounted that the ACLC issued 1000 allocation papers in Jabal al-Ahlam, only 400 were granted to civilians, entitling those civilians to ownership over the blocks constructed by al-Sham Humanitarian Foundation. The remaining 600 allocation papers covered blocks designated for fighters within al-Hamza/al-Hamzat Division and the Levant Front/al-Jabha al-Shamiya.

Currently, the ACLC refuses to grant civilians permits or "allocation papers" in Jabal Ahlam and demands that they ask the Turkish governor to make them direct exceptions, a measure that some civilians described as "impossible." One of the people, who obtained a piece of land in Jabal al-Ahlam, commented on the difficulties of retrieving an allocation paper. He recounted:

"We got a plot of land through the Islamic Movement of the Free Men of the Levant/Harakat Ahrar al-Sham al-Islamiyya, and the local council serviced the area and established a water network. We purchased a water line [subscribed to the water service] from the council and installed a water meter. However, the council refused to grant us allocation papers and asked us to get exceptions from the governor."

The witness added:

"My neighbors and I need this allocation paper to access construction aids offered by the IHH, which we need to start the construction of houses. However, the council is denying us the paper, even though they gave us the water meters and despite the fact that we were already designated plots of land and had built the fences! Some of my acquaintances have begun construction work at their own expense, without aid from any entity. They did not wait for the paper."

One of the sources STJ interviewed said that during a meeting with the Legal Office of the ACLC, the office explicitly refused to grant any documents that entail ownership over the plots of land, or even the designation of these plots. The source cited one of the office's employees:

"This issue is outright illegal. This land is communal and is not assigned for housing. We issued the permits under the governor's pressure."

One of the project's beneficiaries is an Imam, who obtained a piece of land, constructed a house, and moved in. He told STJ that the Turkish governor sped up the construction and the services in the area to encourage people to relocate to it. He added:

"The governor ordered charities and relief organizations to build schools. He also ordered the education institutions to start hiring teachers and begin school activities. Additionally, the [Turkiye Diyanet Foundation](#) issued directives to organizations to start building mosques and assign an *imam*, *khatib* (prayer leader), and a *muazzin* (the person who raises a call to prayer) for every mosque. Moreover, the Afrin Electricity Corporation laid the groundwork to extend power lines to the area, while the Civil Police commissioned patrols to the area to prevent thefts of construction materials, which are extensively available."





Notably, the project's timeline and rapid progress are both indicators of the extent of the role the ruling powers have been playing. The project started in early 2021 and construction work was still underway when this report was being prepared in late April 2022. Between these two intervals, 1000 families had already settled in the built housing units and the area was provided with a full range of services. The project achieved large-scale development over the course of a single year. The magnitude of the project indicates that it would not have materialized, had it not been approved by decision-makers and *de facto* authorities, particularly services, including electricity, water, and education. Services of this type are directly linked to Turkish entities, where decisions are fundamentally in charge of a direct Turkish manager/director.

The Role of the Factions and Armed Groups

The investigations STJ carried out into the project revealed that nine factions are involved in the construction of permanent housing for fighters and their families in Jabal al-Ahlam. Additionally, STJ discovered that each faction obtained between 60 and 240 plots of land, 400 m² each and that the ACLC issued 600 allocation papers to al-Hamza/al-Hamzat Division and the Levant Front/al-Jabha al-Shamiya. Below, STJ provides the number of blocks, plots of land for construction, designated to each faction, as well as the number of beneficiaries:

1. Army of Islam/Jaysh al-Islam: The number of beneficiary families amounted to approximately 150. Of these families, 60 hail from Dumair area in Rif Dimashq, while the rest came from Duma and other areas across Rif Dimashq.
2. The Sultan Murad Division: STJ could not obtain information as to the exact number of families who received blocks through the division. However, the collected information indicates that the majority of the recipient families hail from rural Homs.
3. The Malek Shah Division: STJ could not obtain information as to the exact number of families who received blocks through the division. However, the collected information indicates that the majority of the recipient families hail from rural Homs.
4. Tajammu Ahrar al-Sharqiya/Gathering of Free Men of the East: STJ could not obtain information as to the exact number of families who received blocks through the division. However, the collected information indicates that most of the recipient families hail from Deir ez-Zor.
5. The Eastern Army/Jaysh al-Sharqiya: STJ could not obtain information as to the exact number of families who received blocks through the division. However, the collected information indicates that most of the recipient families hail from Deir ez-Zor.
6. Al-Hamza/al-Hamzat Division: STJ could not obtain information as to the exact number of families who received blocks through the division. However, the collected information indicates that most of the recipient families hail from Aleppo.
7. Suleiman Shah Brigade (also known as al-Amshat): STJ could not obtain information as to the exact number of families who received blocks through the division. However, the collected information indicates that most of the recipient families hail from western Qalamoun, in Rif Dimashq, and rural Hama.
8. The 9th Division: STJ could not obtain information as to the exact number of families who received blocks through the division. However, the collected information indicates that most of the recipient families hail from rural Hama.
9. The Levant Front/al-Jabha al-Shamiya: STJ could not obtain information as to the exact number of families who received blocks through the division. However, the collected information indicates that the majority of the recipient families hail from Aleppo city and its countryside.





Additionally, STJ learned that these factions, except for the Suleiman Shah Brigade (also known as al-Amshat), provide various forms of support to the fighters granted plots of land in Jabal al-Ahlam. For instance, the factions directed people with whom they maintain close relations to raise funds from personalities in [Kuwait](#), who are specifically Arab. The collected funds will sponsor the project, construction of a mosque or a school, or digging wells and paving roads. Furthermore, the factions prompted other people to contact relief organizations and charities to speed up the provision of monthly food baskets and construction aid.

A source close to the Army of Islam/Jaysh al-Islam told STJ that each faction depends on raising funds from local communities or countries, particularly the Gulf countries, to construct houses on the areas they are allocated. The source added that each of the factions has people who work within local relief organizations and charities, who persuade these organizations to support the project and particularly the beneficiaries of the factions they are affiliated with, whether through funds, construction materials, or even monthly food shares. Commenting on the support the Army of Islam/Jaysh al-Islam has provided to beneficiaries in Jabal al-Ahlam, the source said:

“The commander of the Levant Front/al-Jabha al-Shamiya showed us the [project’s] map and told us to choose the block we wished as a construction site. However, as a faction, we refused the offer because we had already constructed a housing village in Sousan area, near al-Bab city. At the time of the project, we obtained full sponsorship for the entire project from Kuwait. However, there is a small group of individuals who wanted to live in Jabal al-Ahlam. For that reason, we helped them with utilities and collected funds to build a mosque, and a school, and dig water wells. However, we did not help them construct the houses, because they refused to live in the houses constructed in Sousa.”

For his part, a commander within the Suleiman Shah Brigade (also known as al-Amshat), told STJ that Abu Amsha, commander of the brigade, refused to provide any aid to the fighters who wanted to live in Jabal al-Ahlam. The commander recounted:

“Abu Amsha refused to provide these fighters with any form of help, even though they asked him to play the intermediary and talk to [relief] organizations to put them on aid. He was clear and told them: ‘I offered you built and furnished houses in Shaykh al-Hadid, which have been fully serviced, and you decided to leave. So, it is up to you to take care of your affairs.’”

Notably, the Shaykh al-Hadid-based houses Abu Amsha referred to belong to the Kurdish residents, who are the original population in the area. The brigade seized and repurposed these houses and expelled their owners.

The Role of Local and International Organizations

Information collected by STJ indicates that several international and local organizations are deeply involved in the project, notably the Turkish IHH, which facilitates activities of settling fighters and their families in Jabal al-Ahlam, and across Afrin. The IHH provided fighters and their families with construction aid and helped them continue build their houses. Other organizations, including [Onsur](#) and al-Sham Humanitarian Foundation, also contributed to settlement activities in various ways. Some organizations supplied the families of the fighters with monthly food shares; others built utilities, such as mosques and schools, or presented services such as pavement of roads, to help these fighters easily move into Jabal al-Ahlam.





These organizations were acting upon orders from the Turkish governor, who held several meetings with them, while he directed the ACLC to enable their work.

Notably, the supplies provided by these organizations, particularly IHH-presented construction aid, were all conditioned by the “allocation paper” issued by the ACLC. In its turn, the ACLC restricted access to the “allocation paper”, asking applicants to request direct exceptions from the Turkish governor. Indeed, the governor made 600 exceptions, which oblige the ACLC to issue the paper. All these exceptions were granted to fighters within al-Hamza/al-Hamzat Division and the Levant Front/al-Jabha al-Shamiya, while the governor refuses to make any exceptions for civilians, at least in the current phase. This made the factions’ fighters the only beneficiaries of the aid provided by the involved organizations. Commenting on the role of the organizations, a source said that some of these organizations are affiliated with certain factions and coordinate with them to provide their fighters and their families with aid, while denying it to other factions. This limited access to aid was intermediated by employees, within these organizations, who maintain close ties with the benefiting factions. A source, at an official-level within the Army of Islam/Jaysh al-Islam, told STJ about the nature of the aid the IHH provided and the means to access it. The source narrated:

“First of all, the organization requests that a person holds the allocation paper issued by the local council. If this condition is met, the organization provides construction aid, which consists of building materials worth between 800 and 1000 USD. These materials include 1000 bricks, half a ton of cement, 2 aluminum doors and windowpanes, a truck’s load of sand, and a two-truck load of gravel.”

The source added:

“Conditioning access to aid with the allocation paper, which the local council refuses to issue and which must be approved by the governor, is a dirty plan designed by the factions, notably the Levant Front/al-Jabha al-Shamiya. This is because the factions want their fighters to obtain aid first, and then be followed by other factions and civilians, particularly because not everyone can afford construction costs. The mere action of surrounding the plot of land with a fence costs up to 200 USD, which amounts to a fighter’s salary for several months.”

For his part, a civilian beneficiary, who was denied access to construction aid, told STJ:

“The organization’s activities are quite selective. For instance, there are factions that maintain close relations with the IHH, such as the al-Hamza/al-Hamzat Division, to the extent that quite a few of the organization’s Syrian employees are also close to the division. This is the reason why the [division] gets privileges. There is a local organization, which offers relief and medical aid, and constantly provides services to the area controlled by the same division. As for us, people coming from Rif Dimashq, we are deliberately neglected and the construction of our houses is delayed.”

The source added:

“To overcome the organizations’ selective tendencies, we, civilians within the same block, established voluntary groups, to construct each other’s houses without having to pay huge costs. We managed to save the construction workers’ fees because we did the building ourselves. We managed to collect the costs of the construction materials without help from organizations.”





On the contributions of the listed organizations, provided in the context of Jabal al-Ahlam project, an officer in a local organization narrated:

“The IHH provided construction materials, and it continues to do so. There is also a local organization, which provides monthly relief to the families of fighters within al-Hamza/al-Hamzat Division. The rest of the organizations serviced the area with public utilities and already finished their work with the project. The utilities included a mosque, a water well, and two Quran Teaching Institutes. For its part, al-Sham Humanitarian Foundation relocated an IDP camp to 400 houses it built. Onsur/Enser Organization has lately signed a housing construction protocol, which has not been put into effect yet.”

Legal Frame

Turkey as an Occupying Power

In the traditional legal sense, a territory is considered occupied only when it is actually placed under “the authority of a hostile army.”² Additionally, the determination of the existence of an occupation is not subject to reference or justification, including arguments of self-defense or the fight against terrorism, put forward by the occupying power because of the strict distinction between *jus ad bellum* and *jus in bello*.³ Similarly, determining the existence of a state of occupation is not subject to the actuality of a comprehensive military presence or direct and total military control but rather to the level of “effective control” that “reflects a notion developed over time in the legal discourse pertaining to occupation to describe the circumstances and conditions for determining the existence of a state of occupation.”⁴ There is a three-element test of the state of occupation, which can be applied to the Turkish authorities and their effective control over the Syrian territories addressed in this report—Turkish forces are present without the consent of the actual local government in place at the time of the invasion; Turkish forces exercise their authority over the area, and the [official] local sovereignty is unable to extend its authority over the area.⁵

Turkey as a Proxy Occupying Power

It is also well established that Turkey exercises proxy occupation through its “comprehensive” control over non-state armed actors in the relevant areas. Through these actors, Turkey practices effective indirect control over the areas as an occupying power, according to the conclusion ratified by the Legacy website of the International Criminal Tribunal for the former Yugoslavia in the Tadić case.⁶ It is also settled that foreign forces are no longer required to be physically present in the area to establish effective control for the occupying power over that area. Today, effective control can be exercised without a continuing military presence. Currently, the focus must be on the extent of power held by foreign forces rather than

² Art. 42, 1907 Hague Convention (IV) Respecting the Laws and Customs of War on Land and its Annex: Regulations Concerning the Laws and Customs on Land.

³ ICRC (2017), *Commentary on the Second Geneva Convention: Convention (II) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces at Sea* [hereinafter ICRC Commentary on GC 2017], §322.

⁴ Ibid. §323.

⁵ Ibid. §326.

⁶ ICTY, Tadić Trial Judgment, 1997, §584.





exclusively on how this power is exercised.⁷ While Turkey maintains a continued military presence and/or *de facto* control over the land directly or indirectly through its comprehensive control over military factions and other civil entities active in the region, Turkey remains subject to its international obligations under the law of occupation.

Turkey's Responsibility for its Actions and Those of its Proxies as an Occupying Power

This reality, which is reinforced by numerous human rights and UN reports,⁸ brings Turkey as an occupying power face to face with the full range of its legal obligations towards the occupied territories and their residents. This applies to Turkey's both direct and indirect practices through its "proxies" of armed factions and other entities. These obligations are enshrined in the operative rules of international law of occupation, as well as in the provisions of the Responsibility of States for Internationally Wrongful Acts, especially Article 8. The article states that: "The conduct of a person or group of persons shall be considered an act of a State under international law if the person or group of persons is in fact acting on the instructions of, or under the direction or control of, that State in carrying out the conduct." The conduct of such acts remains attributable to the State, even in cases where instructions are ignored.⁹ In other words, the occupying power, by virtue of its control over these groups, is not exempt from the violations of international law these groups commit, not even on the pretext of not having given these groups orders to perpetrate such violations, or orders not to perpetrate these violations.

Now that the Turkish State, as an occupying power, has been established as responsible for the occupied territories and their populations, and can be held liable for the actions of both civilian and military individuals and entities who are under its comprehensive control, there is no need to press the same argument for these individuals and groups' violations of their legal obligations, because these violations are legally attributed to the occupying state. Therefore, the following sections of the report will address the legal duties of Turkey as an occupying power and its responsibility towards activities that may amount to violations.

Abuse of the Occupying Power's Right to Benefit from Public Properties

Article 55 of the Regulations Concerning the Laws and Customs of War on Land— annexed to the Hague Convention with Respect to the Laws and Customs of War on Land (hereinafter the Hague Regulations)— states that: "The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties and administer them in accordance with the rules of usufruct." However, this administrative role should not be approached in isolation from several rules and other restrictions. For instance, if the occupier can grant privileges that exploit the right to the use of immovable public property, this privilege must not exceed the duration of the military

⁷ ICRC (2017), *Commentary on the Second Geneva Convention: Convention (II) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces at Sea* [hereinafter ICRC Commentary on GC 2017], §331.

⁸ See, for example, Amnesty International (2018), "Syria: Turkey must stop serious violations by allied groups and its own forces in Afrin" (last accessed 4 May 2022) <https://www.amnesty.org/en/latest/news/2018/08/syria-turkey-must-stop-serious-violations-by-allied-groups-and-its-own-forces-in-afrin/>

⁹ United Nations, Report of the International Law Commission, UN Doc. No. A/56/10, at 48.





occupation,¹⁰ because occupation must fundamentally be considered a temporary state and must not turn into a sustained *de facto* state.

In this context, the issuance of the *warqat/Awraq al-Takhssiss* (allocation paper/papers), the privileges the paper permits relating to construction and housing activities over public properties, and the long-term effects of these privileges, exceed the rules governing the occupation's fixed-term benefit from the properties. Moreover, this mechanism and how it is framed today and in the future on the level of domestic law, and as a result of the reality of the sustainability of this use, violates the essence of Article 43 of the Hague Regulations. The article obliges the occupying power to respect existing national laws except in cases of extreme necessity. This is pursuant to the first paragraph of the article that obliges the occupying power to exercise its authority in the interest of the occupied territory and its population, which are protected under the international law regulating occupation.

Violating Occupation Laws Regarding Legal and Field Procedures

In addition, the occupying power is obligated not to take any field or legal measures that aggravate the suffering or worsen the condition of the local population, and any field or legal changes must be aimed at enhancing the local population's access to the protection accorded to them in line with the provisions of international law.¹¹ Because the Turkish occupying power and its proxies use these measures to achieve benefit for certain individuals and groups that are not local residents of the occupied area, these measures cannot be justified as being proportionate with the essence of Article 43 of The Hague Regulations and Article 47 of the Geneva Convention (IV). Restricting the benefit from the public property of the occupied area to a specific category only, which naturally represents the proxies of the occupying power, may amount to the crime of looting since this use of the property does not publicly benefit the local population.

Demographic Change Indicators

Even though there is no legal or judicial precedent addressing the concept of "settlements" and "settlement activities" outside the scope of the transfer of the population of the occupying power to the occupied territories, some practices in other contexts may intersect with the facts presented in this report. During its occupation of East Timor, Indonesia carried out [organized transfer and resettlement operations of Indonesian citizens in East Timor](#), which Indonesian authorities considered a part of Indonesia. Even though there was no international recognition of Indonesia's hypothetical relation with East Timor, this phenomenon was not justly addressed from the standpoint of the international law of occupation. A very similar approach to the case of Afrin in general and Jabal al-Ahlam, in particular, can be identified in the practices of the Ba'ath Party in Iraq and Syria against the Kurds and other minorities over the past decades, with the difference being that the authorities committing acts of displacement, replacement and demographic change were not an occupation authority as is the case examined in the report. The case of Jabal al-Ahlam cannot be addressed in isolation from previous practices that intimidated and displaced the indigenous population.¹² The imposition of a new

¹⁰ Yoram Dinstein (Ed.), *Israel Yearbook on Human Rights*, Volume 13 (1983), pp. 52-89.

¹¹ ICRC (1958), *Commentary on the Fourth Geneva Convention: Convention (IV) relative to the Protection of Civilian Persons in Time of War* [hereinafter ICRC Commentary on GC 1958], p. 274.

¹² See, for instance, HRW (1993), "GENOCIDE IN IRAQ: The Anfal Campaign Against the Kurds" (last accessed 4 May 2022) <https://www.hrw.org/reports/1993/iraqanfal/#Table%20of>





demographic *fait accompli* in the area through allocation procedures coupled with past and/or continuing practices of displacement may amount to the crime of the forcible transfer of population under Article 7(1)(d) of the Rome Statute. Such attempts to permanently change the ethnic composition of an area were described as a violation of international law by the United Nations Committee on the Elimination of Racial Discrimination, in a 1995 decision relating to Bosnia and Herzegovina. The decision said that: “any attempt to change or to uphold a changed demographic composition of an area against the will of the original inhabitants, by whatever means, is a violation of international law.”¹³

In this context, the International Court of Justice established that construction-related practices of the occupying power, as well as measures accompanying or prior to construction, which force the local population out of their areas, inherently entail demographic changes of the composition of occupied territories.¹⁴ Additionally, the international law regulating occupation did not cover the forcible transfer of the population within the territory of a certain State and only dealt with the transfer of the population of the occupying State to the occupied territories;¹⁵ however, Turkey's responsibility as an occupying power goes beyond the literal provisions under this branch of international law. Therefore, Turkey remains legally responsible as an occupying power *per se*, and as a power in charge of the practices of those whom it exercises comprehensive control over inside Syria. This dual responsibility is established in the provisions of international humanitarian law, including the law of occupation, international human rights law, and international criminal law as applicable.

Neutrality and Diversion of Humanitarian Relief

The distribution of “allocation papers” which provide the right to use public property to limited groups among the population is in violation of Article 60 of the Geneva Convention (IV). The article prohibits the occupying power from diverting relief from the purpose for which it is intended, “except in cases of urgent necessity.” The International Committee of the Red Cross (ICRC) emphasizes that in no case may relief consignments be diverted for the benefit of the forces, administrative personnel, or even the civilian population of the occupying power. These consignments must be retained wholly and exclusively for the population of the occupied territories.¹⁶ Compared to the facts in this report, Turkey, as the occupying power, bears the responsibility for diverting relief through some humanitarian entities to benefit its allied forces. Additionally, the occupying power and associated humanitarian organizations are also responsible for violating the neutrality requirements which govern the distribution of humanitarian relief, at odds with Article 61 of the Geneva Convention (IV). The article also requires that if the occupying power should delegate relief distribution, this duty must be assigned to a humanitarian, neutral, and impartial party.

Duties of Local Councils

See also an extensive STJ report on demographic change operations in northeastern Syria led by successive Syrian government. STJ (2020), [Deprivation of Existence: The Use of Disguised Legalization as a Policy to Seize Property by Successive Governments of Syria](#), (last accessed 4 May 2022).

¹³ U.N. Committee on the Elimination of Racial Discrimination, Decision 2 (47) of August 17 1995, on the situation in Bosnia and Herzegovina, U.N. Doc. A/50/18/1995, para. 26.

¹⁴ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion*, I. C.J. Reports 2004, p. 136, §122 & 133.

¹⁵ Art. 49, GC IV.

¹⁶ ICRC (1958), *Commentary on the Fourth Geneva Convention: Convention (VI) relative to the Protection of Civilian Persons in Time of War* [hereinafter ICRC Commentary on GC 1958], p. 324.





The practices carried out and decisions made by local councils, including the issuance of the “allocation papers” granted to SNA-affiliated fighters, their families, and even civilians from other regions, are illegal, especially if they involve abuses of the private or public properties of others. Furthermore, because the councils are not legal, they are not entitled to legitimize the appropriation of State property, according to the *Nemo Dat* rule— “one cannot give what they do not have.” Moreover, the local councils perpetrated the practices based on verbal orders from the Turkish government (the Turkish governor), according to information STJ obtained from witnesses. These orders do not bestow legal status on the councils’ actions because the Turkish government does not have the legal right to dispose of the property of another country unless there is a bilateral agreement between Turkey and the other country. In the case subject to study in this report, such an agreement does not exist because Turkey is an occupying country and, accordingly, international laws regulating the rights and duties of the occupying power do not give Turkey the right to dispose of the property of the occupied country. The occupying power has the right to necessary administration only during the temporary occupation period, and over which the occupier does not acquire sovereignty over the occupied land.¹⁷

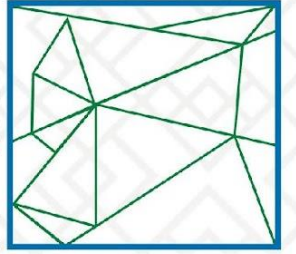
Furthermore, the practices of the local councils are carried out in violation of the Syrian laws in force. The Syrian Civil Code No. 84 of 1949 grants the person who initiates construction work on or cultivates the property of others the “right to property acquisition by accession”, provided that the building or cultivation is worth greater than the value of the property on which construction work was initiated, and also provided that the person involved is carrying out the construction work or the cultivation in good faith; that is, he/she believes that he/she owns the property when those actions were pursued. Pertaining to the case under study, STJ believes that all those who were allocated properties (plots of land) across Afrin do not meet the good faith condition, because they are people displaced from various areas throughout Syria, including Homs and Rif Dimashq, among others. Because they come from different areas, the recipients of these plots certainly know that the properties they were allocated do not belong to them, nor to the local council that granted them the allocation papers. Most importantly, “the right to acquisition by accession” does not apply to properties registered in the Cadaster, or those owned by the State. Therefore, none of the persons allocated properties may claim any right to the real estate given to them, regardless of the time they possessed or occupied the property (Articles 925 and 926 Civil Code).

In addition, the Syrian penal laws consider trespassing on public property a crime punishable by law. Article 724 of the General Penal Code No. 148 of 1949 levels a prison sentence of up to six months against anyone who usurps a portion of state-owned properties, whether they are [labeled](#) as *metrouke murfaka* (community property), *metrouke mehmiye* (public property), or *Khalie Mubaha* (unowned). Moreover, the Law for Removal of Building Violations issued by Legislative Decree No. 40 of 2012, which replaced Legislative Decree No. 59 of 2008, stipulates that the illegally built structures must be demolished at the violator’s expense, with a fine of 2,000 to 10,000 Syrian Pounds (SYP) per square meter on whoever is proven responsible for the violation, in addition to imprisonment from three months to a year if the illegal construction encroached on public or private State property (Article 2).

This report is one in a series, with which STJ will shed light on the illegal housing villages built in Afrin and various other areas across Syria.

¹⁷ ICRC, [“Occupation and international humanitarian law: questions and answers”](#) (last accessed 4 May 2022).





About Us:

Syrians for Truth and Justice (STJ) is a nonprofit, nongovernmental organization monitoring human rights violations in Syria. Founded in 2015, STJ has been based in France since 2019.

STJ is an impartial and independent Syrian human rights organization operating across Syria. Our network of field researchers monitor and report human rights violations occurring on the ground in Syria, while our international team of human rights experts, lawyers, and journalists gather evidence, examine emerging patterns of violations, and analyze how violations break domestic Syrian and international law.

We are committed to documenting violations of human rights committed by all parties in the Syrian conflict and elevating the voices of all Syrians victimized by human rights violations, regardless of their ethnicity, religion, political affiliation, class, and/or gender. Our commitment to human rights monitoring is founded on the idea that professional human rights documentation meeting international standards is the first step to uncovering the truth and achieving justice in Syria.



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