

SACD

Analysys

April 2019

Law 10: Assad's last bet to
achieve permanent
demographic change in Syria

Law 10: Assad's last bet to achieve permanent demographic change in Syria

By Mustafa Al Kasem

After a difficult and perilous journey, my children entered a new home in a strange country, still not being able to reconcile with leaving their homeland. They could not accept that they were forced to abandon their home, school, relatives, their childhood friends, and even their language! When I suggested that they should start learning the new language, they looked at me in astonishment: Will we stay here for a long time? Won't we go back home?

I did not tell them that our national army, which broke into our homes after relentlessly bombarding our area with all kinds of weapons, looted all the houses before setting them on fire. We shared this fate more than half of Syria's people who fled their homes during the eight-year war. More than six million Syrians were expelled abroad and another seven million are internally displaced.

In the years that followed, this army and its local and foreign militias prevented the return of the displaced people, threatened them with death, detained, tortured and killed those who dared to return. And as if this was not enough of a deterrent, Assad's regime turned to law as a weapon against the displaced. His government issued numerous laws aimed at preventing the return of the displaced people and refugees, most infamous among the being the law No. 10 of 2018.

Under the guise of reconstruction of areas destroyed in the war, the Law 10 essentially strips the huge majority of the displaced persons of ownership due to administrative and legal obstacles it imposes in the process of "re-organizing" the status of the properties that they own.

I followed the international criticisms of Law 10 and noted that much of it did not consider the context in which Assad's authorities issue their laws and regulations. The essence of such laws is about the kind of Syria Assad wants to see once the bloodshed is stopped.

April 2019

Law 10: Assad's last bet to achieve permanent demographic change in Syria

Assad has made a huge gamble in dealing with the uprising of the Syrian people. His strategy included releasing religious fundamentalists who were serving long prison sentences. In this effort he collaborated with both Iran and Iraqi Prime Minister Nuri al-Maliki - who in turn released fundamentalists from Iraqi jails. They jointly planned a new phase in the conflict – a decisive war with the "takfirist" groups to whose creation Assad directly contributed. The narrative of a "legitimate government fighting Islamist terrorists" allowed Assad to regain some of the international sympathy and support, which in turn allowed Iran and Russia to implement a Grozny model of scorched earth policy against the people who rose up against Assad's regime.

In his gamble, Assad did not hesitate to go against international laws. He used heavy artillery and aerial bombardment, barrel-bombs and even chemical weapons to target and displace the majority of people and come closer to achieving what he later called "the most homogeneous society" – a purely Nazi expression.

To succeed in his plan to prevent the vast majority of the displaced Syrians from returning, Assad issued the Law 10.

This legislation has been designed so that the main obstacle to return the lies in its power to strip the displaced of the property/lands to which they could return. Even if they still possess the ownership documents of their property, the Law 10 ensures that they cannot renovate or rebuild in areas designated for "re-organization". Basically, the prohibitive nature of the law ensures that Syrians are prevented from the reconstruction or restoration of their homes unless a permission is given by the competent authorities. The same competent authorities which have issued a decree to "re-organize" the region which annuls the right of the rightful owners to sell, buy, mortgage, obtain construction and restoration permits.

The implementation of the law begins with the issuance of a new regulatory area covering one or more previous regulatory areas. In the next stage, the owners must submit their objections, supposedly within a month as the Law 10 promulgates, and later it was amended to one year through the legislative Decree No. 42 of 2018. However, the owner must first dare to appear before the competent authorities and obtain security approvals, or send a relative to undertake this adventure. Leaving aside that approaching the security services to obtain such approvals entails a real risk to the life of the owner, the fact is that in most of the areas from which people have been displaced return is not allowed, and that most people have no relatives there who could act on their behalf.

SACD | Analysis

April 2019

Law 10: Assad's last bet to achieve permanent demographic change in Syria

Property owners whose hopes are focused on "once again having a peaceful life in Syria" will likely discover that their property has been lost, or has dramatically shrunk and that they cannot reclaim it. They will find out that the situation in Syria has changed drastically in favour of the regime and its supporters and that under such a discriminatory legal framework the return of a huge number of Syrians is near impossible.

In Syria under Assad, the task of laws and regulations is no longer to organize society, but to sabotage it. The regime is based on a corrupt argument of his own making - "corruption is a life system." If the vast majority of the displaced is to have a chance of return, this legislative framework will have to change. Assad has made his bet on it, the question is whether the powers interested in seeing refugees return will fall for it.

Mustafa Al Kasem is a former judge from Homs. He is a member of the Board of Trustees of the Syrian Association for Citizens' Dignity @syrianacd.



Syrian Association for
CITIZENS' DIGNITY

SACD is a civil rights popular movement established by Syrians for Syrians. It works to promote, protect and secure the rights of displaced Syrians.

✉ info@syacd.org
f [SYrianACD](#)