Widespread Looting by Syrian and Iranian Regime Forces in and Around Idlib Threatens the Return of the Displaced People and Sows Religious Hatred

Looting Documented in Nearly 30 Areas Since April 2019, Constituting a War Crime

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The Syrian Network for Human Rights (SNHR), founded in June 2011, is a non-governmental, independent group that is considered a primary source for the OHCHR on all death toll-related analyses in Syria.

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### I. More Than 98% of Syrian Citizens in Areas Outside Syrian Regime Control Flee When Syrian and Iranian Forces Advance Towards Them

We have noted that whenever Syrian Regime forces and Iranian militias, supported by Russian mercenaries (Wagner forces) and the Russian Air Force, advance towards civilian areas outside these forces’ control with the intention of storming them, more than 98 percent of the total population of these areas flee in terror of being subjected to reprisals by these forces; despite the severe winter cold and the absence of tents and basic necessities of life, residents have explained that they decide to flee, because the terrible difficulties and challenges that they will face as internally displaced persons (IDPs) or refugees are far less dangerous than falling into the clutches of the Syrian regime and its allies. We have documented savage reprisals being carried out by those forces against those who decided to remain in the areas brought under regime control; some of these brutal practices against civilians can be seen in video clips circulated on the Internet filmed by these forces as ‘souvenirs’ which show them carrying out sadistic, humiliating assaults and murder operations against some of the residents who stayed; this behavior is not limited to Idlib and the surrounding areas but it also includes other areas such as the Eastern Ghouta, Darayya, Khan Sheikhoum, and Morek, with these atrocities becoming commonplace since December 2019 and up to the current moment in all the cities and towns that these forces have
taken control of. As a result, hardly any of the residents of these cities and areas are willing to return to them after the Syrian and Iranian regime forces have taken control there, despite the traumatic experience of constant displacement lasting months and in many cases years; most of the cities and towns of the Eastern Ghouta, as well as Darayya in Damascus suburbs, are still ghost towns empty of their residents although Syrian Regime forces took control of them almost two years ago. This scenario is repeated in other villages, towns and cities across Syria, including Khan Sheikhoun city and Morek town in Idlib governorate, whose residents refuse to return despite regime forces taking control of both towns almost six months ago.

In this brief report, we outline the looting operations carried out by Syrian Regime forces, Iranian foreign militias, and local militias, who are effectively plundering and pillaging the possessions of those who fled in terror of their brutality. The documentation of these operations, is part of a broader documentation and report process that we have been working on for nearly nine months, with this phenomenon seen across Syria as Syrian Regime forces and militias and their Iranian militia counterparts pillage the contents of the homes of displaced people and refugees. The magnitude and severity of these crimes since April 2019 and even more systematically since December 2019 compelled us to issue this brief report on the phenomenon, with the Syrian Network for Human Rights’ (SNHR) team noting that these looting operations are not carried out in retaliation against specific individuals but to take revenge against entire communities.
Map showing the Syrian Regime forces’ advance in areas of northwest Syria between April and December 2019:
We faced a number of challenges while working on this report, the most notable of which was that none of the residents that we spoke with to obtain information remained in their homes in the areas where looting was documented, meaning that they and we find it extremely difficult and dangerous even to visit the areas now under regime control in order to verify the details of what’s happening there. We relied on the information we received from a number of homeowners, and owners of factories and shops who were able to tell us of the information they’d learnt, as well as relying on photos published by some journalists and media workers who the Syrian regime allowed to reach those areas, and on the photos and videos published by the Syrian regime’s soldiers and militias themselves.
Fadel Abdul Ghany, Chairman of the Syrian Network for Human Rights, says:

“The Syrian regime has issued hundreds of thousands of charges against activists who demanded political change in Syria, including the use of special courts such as the counter-terrorism court or the military or field court, with the aim of confiscating and controlling their property, and detained all those it managed to arrest, with most of them subsequently being classified as forcibly disappeared persons, greatly increasing the impossibility of their properties being restored to them or their families. In addition, the Syrian regime didn’t just carry out these crimes, but directed its forces to loot the contents of seized properties such as furniture and electronics before taking control of them, making any stability or return for the displaced impossible in light of the survival of the current regime, and further underscoring the need for political change towards democracy before any stability can be established.”

II. Looting Is Carried Out in a Widespread Manner Before the Eyes of the Syrian Regime’s Army Leaders, and Is Legitimized as a Form of Material Compensation

It is inconceivable that such widespread looting could take place in isolation or without attracting the attention of the leaders of the Syrian army and Russian forces. Indeed, it seems that the monies made from this looting and pillaging of properties is essentially classified as unofficially forming part of the monthly income of the Syrian, Iranian and Russian regime forces; this willful selective blindness by the regime and its allies is why these crimes can be carried out in such a blatant manner, with their troops and militias literally stripping homes of everything, not only furniture and electrical goods but even windows and doors, sanitary fixtures and electrical wire. The vast majority of the Syrian regime’s army, from the most senior officers downwards are all very well aware of their forces’ looting operations, with the public sales of the stolen property taking place openly at ‘tafeesh’ markets established for this purpose in areas controlled by the Syrian regime and its Iranian and Russian allies, with large quantities of stolen furniture, electrical equipment, agricultural implements, and livestock for sale in these markets. Photos and video recordings broadcast by activists, whose authenticity we were able to verify, show members of the Syrian regime army and affiliated militias while they were collecting the stolen furniture and loading it into vans or lorries to sell it in the markets created for this purpose. Meanwhile, other photos taken in areas which factions of the Armed Opposition recently managed to regain control of showed stolen furniture and household items abandoned by the regime forces that had been gathered in the streets, ready to be loaded into trucks, vans or lorries.
Photo taken by an Agence France-Presse (AFP) photographer showing cargo trucks belonging to Syrian Regime forces loaded with civilian property from Ma‘aret al Numan in preparation for selling it.

Photo showing a member of Syrian Regime forces in a market for selling looted property in Aleppo Suburbs.
Since April 2019, the SNHR has documented that about 30 villages and towns in the northern suburbs of Hama, the southern suburbs of Idlib, and the western suburbs of Aleppo have been subjected to robberies and looting of property by Syrian Regime forces and affiliated Iranian militias. According to a number of families and local activists, these stolen goods and property are being sold in the markets of al Sqailbiya town in Hama suburbs. This is reminiscent of what we recorded previously in 2012 and 2013 when the Syrian regime’s militiamen opened similar markets to sell goods they’d looted there after taking control of the cities of Homs and Hama.

These looting operations, which are sometimes accompanied by the burning of the ransacked homes, show a strong desire on the regime’s part for revenge against all those who demanded political change and the removal of the regime and the government, with the regime being the primary cause of most of what happened to the Syrian state and people. Looting and burning of homes and property constitute another disincentive for the return of IDPs and refugees. Also, selling the dispossessed citizens’ property, burning their homes, spraying them with hateful sectarian abuse and graffiti, and numerous instances of Syrian regime forces using heavily abusive sectarian language in videos uploaded to social media all constitute incitement against the population who were displaced from their lands, and are sowing deep-seated resentment and grudges that the Syrian people will need many years to recover from, even after the removal of the current ruling authorities.

We note that other parties to the Syrian conflict have also carried out looting of areas they have taken control of, as with the forces of the Kurdish Democratic Union Party (Syrian Democratic Forces / PYD), extremist Islamist groups (ISIS and al Nusra), and factions of the Armed Opposition, although the scale of the looting carried out by the Syrian, Iranian and Russian regime forces remains by a long way the most widespread and systematic.

III. Regime Laws Legalize Regime Control over Seized and Looted Properties

The Syrian regime and its Russian ally are the main culprits in the destruction inflicted on residential buildings, vital facilities and infrastructure through indiscriminate bombardment with barrel bombs, missiles, artillery shells, and mortars. For example, the SNHR team responsible for monitoring incidents involving barrel bombs has documented the dropping of at least 82,000 barrel bombs by the Syrian regime’s helicopters and fixed- wing warplanes on various Syrian governorates, the collective equivalent of two nuclear bombs in terms of destructive impact.
The Syrian regime did not stop at looting the contents of houses and shops and burning a large number of them, but even began enacting legislations to assist it in ransacking and looting the ruins of the properties in the areas it had destroyed. In Syria, former president Hafez al Assad enacted a constitution in 1973 that gave him near-absolute powers, and his son Bashar al Assad enshrined its terms in the 2012 constitution, enabling the president to enact whatever he decrees, even if these rulings violate the most fundamental principles of human rights. Meanwhile the representatives in the People’s Assembly, the body supposedly representing the Syrian people, are in fact wholly selected by the regime’s security services. This being the case, this body failed to issue any request to remove the president and government even after they used chemical weapons and barrel bombs and arrested and killed hundreds of thousands of Syrians. On the contrary, it has justified these crimes and all others perpetrated by the regime.

The Syrian regime, through its absolute hegemony over all organs of the state, including the People’s Assembly, uses the People’s Assembly to enact laws that legitimate crime and give legal endorsement to theft and looting by authorizing them in the form of laws. In essence, these articles of legislation are merely executive tools to strip citizens of their homes and rights. The People’s Assembly in Syria can be considered an annex of the security services and one of its branches, as is also the case with the counterterrorism court. The state in Syria is completely governed through the regime’s security services.

The following are the most prominent of the relevant recent laws and decrees enacted by the People’s Assembly in Syria that is affiliated with the security services:

Law 63 of 2012 allows the confiscation of the property of “terrorists”; according to the regime’s definition, anyone who demands or supports changing the dynastic system of governance to a modern pluralistic democratic system can be classified as terrorist. The Ministry of Finance has seized the properties of hundreds of activists who participated in or supported the political uprising under the pretext of their having “supported terrorism”, transferring ownership of these properties to the government, with many of these properties then seized by individuals and militias within the Syrian regime, especially within the security services.

Legislative Decree 66 of 2012, aimed at regulating the destroyed areas, was limited to two zones in Damascus governorate, while Law No. 10, which appeared in 2018, covered all Syrian territory.

Legislative Decree 19 of 2015, allowed local boards of directors to establish holding companies. According to this law, the Damascus Cham Holding Company, managed by the Governor of Damascus, was established in 2016.
Legislative Decree 11 of 2016, aimed to stop any work in maintaining real estate ownership records closed due to the war in all Syrian territories.

Legislative Decree 12 of 2016 was nominally aimed at automating the cataloguing of real estate ownership records, but demanded large numbers of ownership and identification documents to prove ownership, deliberately ignoring the fact that many of these documents had been lost due to the destruction of houses by Syrian Regime warplanes.

Legislative Decree No. 3 of 2018, aimed at clearing the rubble of destroyed houses, making it almost impossible for the owners of these houses to prove ownership after ownership documents were ruined or destroyed by air strikes.

Law No. 10 of 2018, subsequently amended by Law No. 42 of 2018, aims to establish regulatory areas throughout Syria without specifying the nature of these regulatory areas, i.e. the Syrian regime can restructure any area it wants in Syria under the pretext of the existence of this law, including residential and commercial property.

All these decrees and laws intentionally ignore the main cause of the destruction, siege and displacement of the people. It is ludicrous, therefore, to treat the contents and details of these laws as though they were legitimate articles of legislation since they were issued by the party directly responsible for the violations of bombing the residential buildings, which constitute war crimes. The Syrian authorities will certainly pass laws that enable them to earn hundreds of millions of dollars through the theft and looting of land and property, and through reconstruction operations, having already begun by passing these barbaric laws.

The expropriation and theft of properties through enactment of legislation that fundamentally violates and disregards international human rights law and violates the most basic property ownership rights of Syrian citizens constitutes a major obstacle to the return of refugees and IDPs, amounting to enforced evictions and to an effort to manipulate demographics and social structures. The basic and only acceptable solution and response to the regime's criminal actions remains in the total popular rejection of these authoritarian, wholly unjust laws and the exposing of the practices and underhand behavior of the ruling authorities, and to emphasize that if these authorities continue to govern Syria, there will be no security and no return of refugees, in light of the continuing presence of such medieval practices and laws.
IV. The Regime's Crimes in Hama City and Towards Syria’s Kurds Are Blatant Examples of Its Property Thefts Before March 2011

In this report, we have focused on violations of international human rights law carried out by the Syrian regime, and ‘legitimized’ by its own grossly unjust legislation. While we have focused on period since the outbreak of the popular uprising against the ruling family in Syria in March 2011, the regime is also responsible for innumerable cases of state plunder and theft of property, against entire cities, as happened after the events of Hama city in February 1982, including the systematic and massive looting and theft of homes, and the seizure of hundreds of properties belonging to the city’s residents who were indiscriminately accused of trying to overthrow the ruling regime of the previous Assad dictator by force. In addition, the Baath Party regime began practicing racial discrimination against the Kurds based on their ethnicity, denying citizenship to hundreds of thousands of them, with the 1962 census stripping nearly 300,000 Syrian Kurdish citizens of citizenship. This racial discrimination against Kurds continued throughout the 30-year reign of Hafez al Assad, as well as throughout the era of Assad’s son up until just after the popular uprising in March 2011, when the regime started granting some Kurds citizenship; tens of thousands of Kurds are still deprived of citizenship to date, however, with this decades-long denial of citizenship to Kurds preventing them from owning or transferring property since they are considered non-Syrians, and therefore according to Syrian law, have no right to own property in Syria.

V. Legal Conclusions and Recommendations

• Customary international law prohibits pillage according to Rule 52 ¹ and Rule 111², and international criminal law (Rome Statute of the International Criminal Court, Article 8-2 b-16³ and 8-2-e-5⁴). Looting does not need to be widespread or concerned solely with items of high economic value for this legislation to be invoked, but simply to have serious consequences for victims, and therefore amounts to a serious violation of international humanitarian law.

• According to what we were able to document, we believe that the pillage carried out by the Syrian regime with the support of its Iranian and Russian allies constitutes a war crime, as established by the statutes and judgments of the Nuremberg and Tokyo military Tribunals, as well as the Rome Statute of the International Criminal Court, with the looting associated with smashing up whatever could not be looted, then burning the houses.

• Through this widespread pillage, the Syrian regime, with clear support from its Iranian and Russian allies, has violated the Geneva Conventions, with the looting in a large number of areas taking the form of widespread destruction or seizure of property not justified by military necessity, and carried out unlawfully and wantonly (Article 50 of the Geneva Convention I, Article 51 of the Geneva Convention II, Article 130 of the Geneva Convention III, Article 147 of the Geneva Convention IV, and Article 4 of Protocol II).

Recommendations:
Independent International Commission of Inquiry (CoI):
Document the widespread looting by Syrian Regime forces in cooperation with Iranian militias. Issue a special report or statement condemning these operations and clarifying their risk to the return of IDPs and refugees.

High Commissioner for Human Rights:
• Expose the practices of the Syrian regime in this widespread looting and its destabilizing and detrimental impact in further undermining, damaging and causing antagonism and sectarian division in society, and submit a report to the Security Council and to the UN Special Envoy to Syria in this regard.

UN Special Envoy to Syria:
• Widespread looting should be stopped as a goodwill gesture by the parties involved in the Constitutional Committee, since any serious discussion of the constitution can take place only after war crimes cease.

5 CRC, the Geneva Convention I, Article 50 https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/9ac284404d38ed2bc1256311002af-d89/8de-472a1717e30af1c12563cd0051a2d8
The international community:
- After the Security Council completely failed to protect civilians and secure security and stability in Syria, this mission has clearly been transferred to those countries that care to prevent war crimes committed in accordance with their obligations under the Geneva Conventions and in particular the common Article 1 thereof, where they must ensure that states respect the Geneva Conventions, with the Syrian regime considered to be one of the most egregious violators of the Geneva Conventions and international law in the modern age.

The Russian regime:
- Stop supporting the Syrian regime, which has turned into an uncontrolled criminal mafiosi gang perpetrating widespread looting of the properties of Syrian citizens whom it has displaced.
- Stop terrorizing and displacing civilians by indiscriminate shelling of cities and towns in and around Idlib governorate, with this shelling being the main reason for the displacement of residents, enabling the Syrian regime to loot their properties.
- Compensate the people whose homes were destroyed by Russian bombing and whose remaining possessions were then stolen by the Syrian regime after displacing the population.
- Support a political process in which the current regime, which is involved in war crimes, plays no part.

The Syrian regime:
- The ruling authorities are supposed to provide protection and assistance to the IDPs, shielding them from looting and violence, in accordance with Principle 3 and Principle 21 of the United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons; therefore the Syrian regime must end its indiscriminate shelling, terrorizing and displacing of the population, stop the widespread looting carried out by its forces, and hold those responsible for these violations accountable through full prosecution.