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Syria

Assad's Illusion of Amnesty

The amnesty decree passed by Bashar al-Assad on April 30, 2022, was hailed as unprecedented in terms of its comprehensiveness and robustness, and was widely perceived as proof that the Syrian regime was laying the foundation for a post-conflict phase. Numbers on the ground, however, show that this is far from being the case, and the situation in Syria remains bleak and arrests and detentions continue outside any legal or humanitarian principles.

**Muhsen AlMustafa** August 8, 2022

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On April 30, 2022, Syrian President Bashar al-Assad issued [Legislative Decree No. 7 of 2022](#) granting a general amnesty for “crimes of terrorism” committed by Syrian citizens, provided that these crimes have not resulted in deaths. The decree was hailed as unprecedented in terms of its comprehensiveness and robustness, and was widely circulated, particularly in Syria’s neighboring countries such as [Turkey](#) and [Lebanon](#). The shared perception was that the decree started the conversation on forgiveness

and the [safe return of refugees](#) and those who were displaced, and was proof that the Syrian regime “was laying the foundation for the post-conflict phase.”

A deceptive decree and subsequent disappointment

At first glance, this decree did seem to be laying the foundation for a post-conflict phase, especially given that it [grants amnesty](#) for all “terrorist crimes” included in the [General Penal Law](#) in Legislative Decree No. 148 of 1949, and its amendment [the Counter-Terrorism Law](#) No. 19 of 2012. Unlike the previous [23 amnesty decrees](#) since 2011, there were no exceptions to particular crimes. Besides, the decree included all Syrians both inside and outside the country, and did not include foreigners involved in the fighting against regime forces, to give the impression that the regime was fighting terrorism.

Immediately after the decree was issued, regime officials boasted it as “[opening a new chapter](#)” with the Syrians who had “lost their way,” in reference to those who have opposed the regime since 2011. Moreover, the decree was promoted by the regime’s official institutions, as the minister of justice announced in a statement the cancellation of all the search, arrest, and summons warrants based on the crimes covered by the amnesty decree. Besides, [the ministry of foreign affairs and expatriates](#) directed its embassies and diplomatic missions to receive those wishing to benefit from the amnesty decree, to check if their case was covered by it.

With the release of a number of detainees from the regime’s prisons—which have been described as [human slaughterhouses](#)—a large number of detainees’ relatives [gathered](#) under “the President’s Bridge” located between the districts of Baramkeh and Abu Rummaneh, in the center of Damascus, waiting to see whether their relatives were to be released. To their bitter disappointment, no more than 200 were freed in the first two days after the decree was issued.

A few days later, and only after photos and videos of the waiting families were circulated and disseminated by the regime to publicize the decree, security forces dispersed and threatened the crowd, giving family members the choice to either break the gathering or join their relatives in prison.

There are several issues with the decree itself. After a closer look at it, one finds that it deliberately excludes crimes included in the Military Penal and Criminal Procedure Code, which allows civilians to stand trial in military courts. This practice has been used by the regime for [decades](#) to oppress and [prosecute](#) its opponents. The Syrian regime’s judicial system is able to change the defendants’ criminal charges for that purpose.

Furthermore, the amnesty decree did not include any of the many political prisoners and prisoners of conscience whose fates remain unknown to this day, such as dentist and chess champion Rania Al-Abbasi, her husband, and their six children, or intellectual AbdulAziz Khayer, among many other people who have been forcibly disappeared. One has to bear in mind that Bashar al-Assad has always [refused to recognize](#) the existence of political prisoners.

Policy of opacity and extortion networks

The Syrian regime continues its old policy of not formally disclosing the lists of detainees or that of those who would be released under the new amnesty law. It is a practice that was also used in the 1980s, particularly in Hama, Idlib, Aleppo, and Damascus, which were hotbeds of opposition to the regime.

This “new” old policy includes not formally disclosing the numbers, names, or fates of detainees. Even for those who were killed under torture, when the regime did inform families of their relatives’ death, it simply handed them a document issued by [civil registry directorates](#) stating that the detainee had died of a heart attack or some chronic disease without reporting the place of burial. In other words, the regime also deprived families of the right to bury their loved ones in a proper way or according to their religious rituals.

In addition to the regime’s systematic policy of opacity, there are extensive networks of fraud and financial extortion led by high-level security officers, who receive large sums of money from families of detainees [to disclose their fate](#). These families are sometimes tricked into believing that these networks could release detainees from detention centers, using this amnesty decree or any other way. This extortion does not stop at those networks, as the regime has confiscated about [\\$1.5 billion](#) in assets from detainees since 2011.

The evidence of the illusion

In order to judge the effects of this amnesty decree, we have to examine the numbers. Two and a half months after its issuance, only [539 detainees](#) were released from the regime’s detention centers. Many of those were detained after 2018 from areas that had already fallen back into regime control, particularly around Rif Dimashq and Daraa. Generally speaking, however, it is difficult to access information on those who were released, as they and their families fear the regime’s retaliation if they are seen contacting human rights organizations.

Among the released detainees, [136 were released from the Sednaya Prison](#), some of whom were forcibly disappeared: 15 had been arrested in 2011 and 2012 when the

war first started, and 51 had been arrested in 2018. Meanwhile, the fate of most detainees in Syria's prisons—[about 132,000](#)—remains unknown. This leaves families trying to find answers: some search for their loved ones in the [Caesar photos](#)—leaked photographs of thousands of detainees murdered in detention—or follow the leaked [videos of the massacres carried out by the regime forces in the past 11 months](#), such as those in [Tadamon](#), [Baniyas](#), [Al-Qubeir](#), and [Houla](#).

Assad's amnesty decree did not halt arrests. After it was issued in April, the regime's security forces detained [57 individuals](#) in May, [67 in June](#), and [93 in July](#). Later, seven of those detainees were released.

Outside the law

The situation in Syria remains bleak and arrests and detentions continue outside any legal or humanitarian principles. The regime violates the constitution and its own laws by denying defendants legal representation or even the right to defend themselves. And confessions for most charges were extracted [under torture](#) and led to the murder of tens of thousands of detainees during or after investigation. These come in addition to the many deaths that resulted from the inhumane detainment conditions and the lack of healthcare in the regime's prisons.

Besides, [detentions](#) or summoning still await anyone who returns to the areas under the regime's control, despite the regime's propaganda that claims that they are included in the amnesty decree. In most cases, bribes are paid to investigators in the security branches to speed up the investigation of returnees and to release them.

Monopoly of amnesty

It is also necessary to remember that Bashar al-Assad [has the monopoly](#) on issuing Syria's amnesty decrees. The People's Assembly, which is the country's legislative authority, has not issued any amnesty law although granting amnesty falls under its authority. Indeed, [Article No. 75](#) of the 2012 constitution states that the People's Assembly is to approve general amnesties, while Article No. 108 states that "the President of the Republic grants special amnesty and has the right to restore dignity."

This decree cannot by any means lay the foundation for the post-conflict phase or help in the creation of a safe environment conducive to the return of refugees and displaced persons, as long as the fate of detainees and the forcibly disappeared remains unknown. Nor will it erase the crimes committed against the Syrian people. How can an executioner pardon his victim? How can the illusionist tell the truth?

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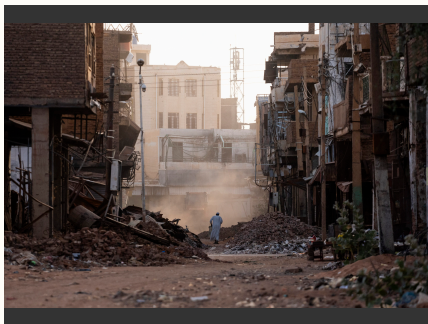
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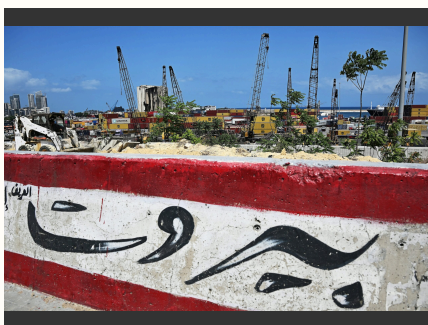
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