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The Syrian Regime Signals Legal and Military Shifts to the World

Since mid-2021, the Syrian regime has introduced a set of new policies targeting a number of vital sectors. These policies can be mostly observed in the legal and legislative sector, as well as with new appointments in the security and military fields—Syria's most thriving branch ever since 2011. These changes, which have been kickstarted after the latest presidential elections in May 2021 and the formation of a new government in August, have been part of the regime's new push to end its international isolation.



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Syria's most thriving branch ever since 2011. These changes, which have been kickstarted after the latest [presidential elections](#) in May 2021 and the formation of [a new government](#) in August, have been part of the regime's new push to end its international isolation, while military operations were reduced to the minimum.

—Legislative changes

The new laws introduced over the last year represent the regime's attempts to get closer to the appearance of [a modern state](#). It aims to facilitate a comeback to the international community by addressing matters it had ignored in the past years.

Changes in legislations are listed chronologically as follows:

The Child Protection Act, [Law No. \(21\) of 2021](#), issued in August, is the first of its kind in Syria. This law, according to the regime, aims to promote the state's role—in both public and private institutions—in protecting children, providing care, and ensuring scientific, cultural, psychological, and social rehabilitation of all children.

By introducing this law, the regime tried to portray itself as the protector of children and their rights. According to this text, children are granted the right to education, and any child under 15 is prohibited from working. The law bans the use of children in media or publicity in a way that infringes their privacy. Additionally, children are not to be affiliated with political parties. The legal age for marriage is also fixed at 18.

The law outlaws recruiting or involving children in armed conflicts and any other related activities. In both criminal and civil terms, children cannot be held responsible for committing criminal acts; instead, they are considered victims in the eyes of this law. Children must also be protected from trafficking.

According to the law, the Syrian state has the duty to ensure necessary measures to grant children all their rights. However, there is a great disparity between statements made by the regime and the reality on the ground. A United Nations [report](#) states that in 2021, 46 children had been recruited and taken advantage of by pro-government militias. In addition, in 2021 as well, there were 48 recorded cases of children imprisoned by government forces, and 301 killed by Syrian government forces in opposition-held areas. This is without counting the [22,941 children](#) killed by regime forces between 2011 and March 2022. Moreover, 6,358 children are still detained or forcibly disappeared in regime prisons.

The presidential decree abolishing the position of Grand Mufti of the Republic: In November 2021, Bashar al-Assad issued [Legislative Decree No. \(28\)](#) to strengthen the Council of Islamic Jurisprudence and expand its competencies. The decree amended articles of [Law No. \(31\) of 2018](#) which regulated the work of the ministry of religious

endowments and abolished the positions of Grand Mufti of the Republic and the governorates' local muftis.

With this decree, the [Grand Mufti's role](#) is no longer the purview of one person. It has instead become the duty of the Council on Islamic Jurisprudence, headed by the minister of religious endowments and composed of 44 members representing all Muslim sects and the country's Christian communities.

This decree is undoubtedly a shift in the regime's religious policy and deprives Sunnis from a mufti position, implicitly annulling their majority. "[This shift](#) does not suggest that Assad's regime is giving up its harsh centralized grip or embarking on a new secular approach. The regime is rather adapting to challenges generated by the Syrian revolution. It is trying to keep up with a transforming religious elite and its relation with the general public. What can be observed here is an attempt by the regime to tackle the crisis in a different way."

This decree incorporates members of the Shia community to the jurisprudence domain, a step signaling closer ties to Iran. With this decree, Iran has been ensured a formal access to the Syrian religious sphere.

Anti-Torture Act: [Law No. \(16\) of 2022](#) was passed in March and criminalizes torture in few articles and brief details. Sentences for those found guilty of torture range from three years of imprisonment up to the death penalty. Life sentence is applied in cases involving torture against a child or a person with a disability, or when causing permanent impairment to the victim.

This law has no precedence in Syria, which marks a change, at least in theory. Nonetheless, it contains important gaps and its exact application remains unclear. For instance, members of the armed forces who are accused of torture are not mentioned by the law. Resting on their impunity, it is prohibited to [file a lawsuit](#) against them without the permission of the armed forces's general command. The same applies to members of agencies such as General Intelligence, as well as the [Political Security Unit and the Internal Security Forces](#)—both linked to the Ministry of Interior. Similarly, members of the [Customs Department](#), an organ of the Ministry of Finance, enjoy the same level of impunity.

In addition, the law does not specify any regulatory frameworks: it falls short of naming entities and spaces that will be scrutinized. For instance, it does not cover prisons, where ten thousand prisoners were, and still are, tortured.

It is no coincidence that this law has been issued after the [Caesar Report was released](#), documenting systematic torture and killings inside regime-run prisons. [At](#)

least 14,449 detainees—including 174 children and 74 women—were documented to have gotten murdered by the Syrian regime forces in prisons between 2011 and March 2022, with no legal consequences.

Penal Code: In March 2022, [Law No. \(15\)](#) was passed, introducing amendments to the Syrian Penal Code. The new law eliminates permanent and temporary hard labor penalties, stipulated in all other legislations, and replaces them with prison time or a life sentence. Another amendment raises the fines for crimes, ranging between 25,000 to 6 million Syrian pounds (\$25 – \$1,185), depending on the nature of crime.

The new law also modified Articles 285 and 286 of the Penal Code, punishing those who “infringe the national identity or provoke racial and sectarian strife” with temporary imprisonment. The same applies for anyone who disseminates “fake or exaggerated news to create a sense of despair or insecurity within the society.” Syrians who call for dividing or conceding sovereign territories—in any written or verbal form—face at least one year of imprisonment.

The Syrian regime has repeatedly resorted to both articles, particularly Article 285 which criminalizes those who “weaken national sentiment.” These articles have become the fundamental legal basis for bringing charges against protestors who have taken part in the revolutionary movement since 2011. All of those incarcerated by the Syrian regime face outright arbitrary charges. Every time an amnesty decree is issued, these two provisions were incorporated while other articles were excluded.

Cybercrime Law: The Cybercrime [Law No. \(20\) of 2022](#) was passed in April and was presented as an alternative to the 2012 [law combating cybercrimes](#). The new law raised the number of penal offenses from nine to 21.

The law mainly [expands privacy-related crimes](#) and extends prison terms. The 2022 law raises the amount of financial penalties, taking into consideration the depreciation of the Syrian currency. For example, in cases of unauthorized access or use of data, the 2012 law stipulated a sentence of 3 months to 2 years, which turned into 1 to 3 years with the new law. Equally, fines were raised from 100,000 – 500,000 Syrian pounds (\$20 – \$100) to 700,000 – 1 million Syrian pounds (\$140 – \$200). In addition, the law added more penal offenses to crimes related to the constitution and undermining the state’s prestige or financial situation.

After passing the law, the Ministry of Interior started restructuring and rebuilding the Cybercrime Combating Branch Unit and [announced](#) that a number of people were detained on various charges under the 2022 law.

The way the law has been applied in Syria is alarming. The regime has used it as an additional tool to silence Syrians who live in regime-controlled areas and to prosecute those who fled. In other words, the regime has succeeded in re-legitimizing the state of emergency in a new and implicit fashion.

Amnesty Decrees: In January 2022, Assad issued Legislative [Decree No. \(3\)](#), granting a general amnesty for those who have deserted, whether volunteers or those who were completing their compulsory military service. For those who deserted domestically, they must turn themselves in within three months, and those abroad must surrender themselves in four months, at the latest.

This decree was meant to facilitate [new security settlements](#) in the regions of Raqqa, Deir Ezzor, Aleppo, and the Damascus countryside, so that the regime can benefit from those who had previously defected from the army and have them return to service. At the same time, the regime wanted to send a message to military rebels abroad, especially those in Turkey, following the closure of a camp in the Turkish province of Hatay.

In April 2022, Assad passed [Legislative Decree No. \(7\)](#), which grants general amnesty for “terrorism-related crimes” that did not cause any death, as stipulated in the [Counter-terrorism Law](#) and the [Penal Code and its amendments](#). At the beginning, the decree drew regional and international attention, however, loopholes were soon detected, which allowed the regime to carry on with the criminal policy it had been pursuing against the Syrian people since 2011.

Since 2011, there have been 23 amnesty decrees, and yet, there are still about [132,000 detainees](#) inside the regime prisons. Only [539 prisoners](#) were released after the latest amnesty decree, all the while [300 individuals](#) were arrested by regime forces between May and August 2022—28 of whom were later set free.

The Assad regime has been using these new legislations to put an end to its isolation imposed by the international community since 2011. The Syrian regime had depended on Russia in the past to break its isolation in the international scene, but it can no longer do so, as Russia has become even more isolated than Syria following its war in Ukraine. The legislative efforts observed in the past year have been issued alongside other noteworthy appointments and changes in the military and security fields.

The new era of appointments

There have been some notable changes in some of the appointments in the military and security fields. On April 28, 2022, Assad appointed [Major General Ali Mahmoud Abbas](#), a Sunni from the Damascus countryside, as the new Minister of Defense. His

predecessor was Ali Abdullah Ayoub, an Alawite who has occupied this position since early 2018.

Two days after this announcement, Assad appointed on April 30 artillery officer [Major General Abdul Karim Ibrahim](#), an Alawi from Tartous, as Chief of General Staff of the Army and Armed Forces. This position had been [left vacant](#) for four years, since early 2018, and was mandated by the Russian operations center in Damascus. Giving this post back to a Syrian official was viewed as the Syrian regime reclaiming the office away from Russia, busy with its war in Ukraine.

These new appointments were controversially received and analyzed. Indeed, they mark a change from previous military hierarchical traditions in Syria: in the past, these top positions were filled by officers with higher ranks—Lieutenant Generals, [not Major Generals](#). The newly-appointed officials were not among the oldest officers with this rank, and this once again was at odds with the military hierarchical order, applied in the Syrian army. It was only after their appointment that both Abbas and Ibrahim were promoted to the rank of Lieutenant General. The number of Lieutenant Generals in the army does not exceed 25, when there are thousands of Major Generals. Yet, being promoted to the rank of Major General is considered a source of pride and reflects close connections with the regime. The decisive criterion for promotion is primarily determined by the degree of loyalty to the leadership, irrespective of professional performance.

There has been no violation to the [Military Service Law](#) with these appointments. The rule is that Major Generals decide by free choice who is to be promoted to Lieutenant General. The authority to assign senior posts lies in the hands of “the President of the Republic” and “is enforced by decree and informed by proposal from the Commander in Chief,” both positions held by Assad himself.

These appointments broke a set of military norms, partially because both the current Minister of Defense and Chief of General Staff had never led military operations within the framework of combat units, such as commanding divisions or corps. The Chief of Staff position had been traditionally controlled by someone specialized in ground forces or tanks, not artillery, as in the case of Lieutenant General Ibrahim. Moreover, choosing a Sunni defense minister disrupts—albeit on a limited scale—the [Alawi sect's](#) domination inside the military institution. [A study](#) published in 2020 indicated that the 40 most senior military and security officeholders in Syria were Alawis.

Minister of Defense Lieutenant General Ali Abbas served for a long period as a trainer at the Armored Corps College and the High Military Academy. He attended military training abroad, in Pakistan, Sweden, the Netherlands, and Great Britain. The most

noteworthy of these training programs was one on [reforming the security sector in post-conflict countries](#), which he attended in the United Kingdom in 2006.

A few days after these appointments, the Assad regime's tactic became clearer. Neither the Minister of Defense nor the Chief of Staff had been targeted by western sanctions, unlike their predecessors. They are not well known among Syrians, and have yet to be associated with war crimes. Furthermore, the military training courses in Western countries that the minister of defense had taken part to are not common among the military leadership, considering that most take part in military training in Russia and China.

As for the security sector, there have been some changes and promotions at the senior leadership levels in the country's security services. For instance, this March, a number of intelligence service officers were reassigned, and in early July 2022, others were promoted to higher ranks and positions.

Several security services leaders and officers have been cast aside, while others were promoted and are now the new faces of these agencies with more changes expected: there are speculations that the directors of the Military, Air Force, as well as General Intelligence services are to be replaced in the next few months. The head of the Political Security Division will probably be reassigned to command the General Intelligence Directorate.

Addressing the lower levels in the military hierarchy, Assad issued an [administrative order](#) ending the retention and recall of officers and reserve officer candidates enrolled in the compulsory military service. Enlisted officers and officer candidates, who are enrolled in compulsory service are to be demobilized, and non-commissioned officers and reserve personnel must not be retained or recalled anymore. The objective of these decisions is to encourage university graduates, such as doctors and engineers, to stay in their country. Ultimately, the regime seeks to decelerate the very costly waves of migration.

Cosmetic restructuring for the international community

Lately, the Syrian regime has passed an array of legislations to convey the message that it was adopting new policies in compliance with human rights. In the same vein, the regime has [organized training courses](#) on international humanitarian law for defense ministry officers. In parallel, government officials have made recurring announcements highlighting [Syria's role as a pioneer](#) in this field, by showcasing capacity-building and awareness-raising activities. The apparent discrepancy between those announcements and the latest policies, and what is really happening on the ground, is astounding. Some of the adopted laws are compatible with the international

standards on the surface but when examined closely, it becomes evident that they merely serve as cover-up for the regime's past and current actions.

In the military and security sector, the regime is trying to initiate a tactical restructuring of upper echelons of its leadership before gradually tackling the more junior levels in the chain of commands. The latest appointments put forward new officers, portrayed by the regime as devoid of guilt and untainted by the blood of the Syrian people. It is expected that, in the next few months, a series of changes will be carried out that will impact key positions in the military institution, and possibly laws, as the regime seeks to achieve more conformity with its actual policies.

The regime has embarked on restructuring the entire state over the post-war phase, despite the war not having ended yet. New policies will cover a larger spectrum of vital sectors. The Russian and Iranian allies are expected to be granted a share, their interests and goals will be taken into account in exchange for securing the continuation of their services to the regime.

Simultaneously, the regime aims to ease the pressure on two issues—refugees and sanctions—with the international community, and is hoping to benefit from setting the country on the path to reconstruction to help support its crumbling economy.

What the Assad regime has been showcasing this past year is that it wants to propose and lead cosmetic reforms, while excluding meaningful political change, expecting to be treated like a victor. The regime seems to be completely convinced that these policies will wipe away its years of destruction and bloodshed and will restore its image to the world. The regime would like the world forget that it used heavy and internationally-prohibited weapons, torture, blockade, and starvation against its own people.

The international community and concerned countries must assume the responsibility of holding the regime accountable to binding international resolutions and enforcing a political solution, which establishes civil peace and instates transitional justice. They have to be reminded that the fundamental dilemma in Syria is not a matter of laws or institutions. The dilemma lies inherently in the ruling regime, which manipulates the state for its self-interest.

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