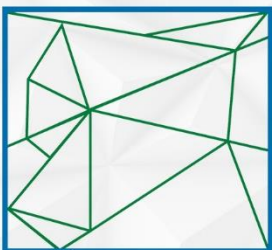


# Syria: Questions About the Capacity of Act 14 to Control the Spread of Arms Among “Legalized Armed Militias”



سوريون  
من أجل  
الحقيقة  
والعدالة  
Syrians  
For Truth  
& Justice



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## **Syria: Questions About the Capacity of Act 14 to Control the Spread of Arms Among “Legalized Armed Militias”**

*Act No. 14 of 2022 provides several amendments to articles in the Arms and Ammunitions Law issued with legislative decree No. 51 of 2001*

On 15 February 2022, Faisal Jammoul, a Syrian delegate, member of the National Security Committee, and the Syrian Parliament’s Constitutional Committee, gave a [live](#) interview on “Al Madina FM” about upcoming amendments to Syrian Arms and Ammunitions Law. During the interview, Jammoul confirmed that a draft of the law had been discussed in detail and would soon be proposed to the Syrian Parliament. He said: “The proposed amendment to the Arms and Ammunitions Law is in fact an amendment to Law No. 51 of 2001 and is an urgent response to mitigate the chaotic spread of arms around Syria.”

Jammoul claimed that the recent spread of weapons in Syria was due to people’s desire to protect themselves; however, the need for them has passed.

“People had significant reasons for acquiring weapons to defend their houses from terrorists, but today, after the Syrian Army has gained control of 80 percent of Syrian territories, action must be taken to disarm civilians using weapons illegally, indiscriminately, and without any supervision.”

He added that the state will likely confront obstacles during the disarmament process.

“There are several difficulties related to the mechanisms of implementing this law; yet all sides have an interest in eliminating the use of arms – both people and the government – especially given the current spread of unrest. The new amendments will charge those who break the law with severe penalties.”

Jammoul also noted that it was important to distinguish the use of arms by civilians and the use of arms for national defense:

“It is important to differentiate between civilians using arms and the use of arms for national defense, considering that national defense forces have certain bodies as references, like the Ministry of Defense. These bodies operate under special circumstances, given that we are still in a state of war and there are territories outside of the control of the Syrian government where terrorists operate. Consequently, we must keep groups such as the Ba’ath Brigade, the National Defense, and some community groups armed.”

On 28 February 2022, the amendments Jammoul discussed were approved by the Syrian Assembly of People during its session. On 27 March 2022, Syrian president Bashar Al Assad passed [Act No. 14](#), which include amendments to the Arms and Ammunitions Law issued with the legislative [Decree No 51 of 2001](#).

In this report, Syrians for Truth and Justice (STJ) analyzes Act No.14 and the amendments to the Arms and Ammunitions Law to determine what they do and what impact they may have.

## Amendments to the Arms and Ammunitions Act No. 14 of 2022

When Act. No.14 was published on the Syrian Assembly of People’s official website, the reasons provided for the new amendments were to “achieve the general and specific deterrence and control over arms misuse” and confirmed that the new act imposes severe fines and penalties against arms manufacture, as well as penalizes the crime of smuggling and possessing arms and ammunitions with up to 20 year prison sentences, as well as a fine of no less than three times the value of the arms and ammunitions seized. In addition, the website

noted that the law imposed stronger penalties for the unauthorized bearing and possession of weapons, military handguns and related ammunitions, hunting rifles, training weapons, and for hunting with firearms during hunting bans defined by the decision of the Minister of Agriculture and Agrarian Reform. The website also set a deadline for those with expired licenses to renew them.

One of the novelties of the law was increasing the annual fine of licensing personal weapons. This increased fine will likely make many people reluctant to declare the weapons in their possession; however, if they fail to declare them, they will be charged with even higher fines and potentially stronger charges outlined in the new act. The clear exceptions to these new rules are the armed militias affiliated with the Syrian Government. While they were not mentioned by name in the act, they were referred to in Jammoul’s radio interview.

The main amendment to law No.51 of 2001 are longer sentences and higher fines for those who are found to possess unauthorized weapons, with the maximum sentence and fine for an offense stipulated as:

“A penalty of 15 to 20 years’ imprisonment and a fine of no less than 3 and not exceeding 10 times the value of the arms and ammunition seized shall be incurred (doubling) from

- a. Any person who manufactures military handguns, hunting rifles, training weapons or any other military arms or ammunition,
- b. Any person who smuggles or attempts to smuggle weapons or ammunition for the purpose of trafficking,
- c. Any person who is in possession of arms or ammunition being aware that they have been smuggled for the purpose of trafficking,
- d. Any accomplice or accessory shall be liable to the same penalty as the principal perpetrator.

Notably, Act No. 14 has stronger penalties for anyone who bears or possesses military arms than law No. 51 of 2001 (Article 40) which then stipulated the penalty of imprisonment from five to fifteen years.

Thus, the new act has increased the minimum period of imprisonment from 5 to 15 years and the maximum period from 15 to 20 years.

The new amendments also almost doubled the financial fines imposed on violators without dropping the penalty of imprisonment (Article 4), which means that people who hold individual weapons for self-protection will be subject to additional fines and imprisonment as stipulated in the act:

- a. Any person who bears or possesses a military weapon not eligible for licensing under the provisions of Legislative Decree No. 51 of 2001 and its amendments shall be liable to 7 to 10 years of imprisonment and a fine of 2,000,000 to 3,000,000 Syrian pounds.
- b. Any person who bears or possesses ammunition of a military weapon not eligible for licensing under the provisions of Legislative Decree No. 51 of 2001 and its amendments shall be liable to 2 to 3 years of imprisonment and a fine of 1,000,000 to 2,000,000 Syrian pounds.
- c. Any person who bears or possesses without a permit a military handgun shall be liable to 3 to 6 years’ imprisonment and a fine of 500,000 to 1,000,000 Syrian pounds.



## What is the Arms and Ammunition Law No. 51 of 2001?

On 24 September 2001, the Syrian president passed legislative decree [No. 51 of 2001](#) about the possession of arms. The decree imposed high fees on persons requesting licenses for weapons and regulated the process of bearing and possessing military arms and ammunitions, in addition to exclusive control of the public sector of import, export, transport and distribution of arms and ammunitions (Article 3).

The decree contained 55 detailed articles about arms and ammunitions manufacturing, importing, exporting, trading, transport, and repair, and about bearing and possessing arms and ammunition, granting the minister of internal affairs or his representative the responsibility of issuing licenses for weapons, ammunition, hunting rifles, and fireworks.

In April 29, 2002, [Decree No. 23 of 2002](#) was issued with amendments to some articles of Decree No. 51, such as **increasing the number of licensed weapons for one person**, allowing the possession of two hunting rifles instead of one, and **decreasing fees** required for licensing that were very high and difficult for those who had to possess weapons for self-protection due to the location of their homes and places of work.

## The Legal Character of Law No. 51 and its Amendments

Law No.51 and its amendments have both punishing and regulatory features. It contains articles with penalties for anyone who bears, possesses, or trades arms and ammunitions without a license, whether these weapons are military, unmilitary or prohibited according to Syrian Criminal Code No. 148 of 1949 (Articles 312 – 318).

On the regulatory side, the law controls the bearing and possessing of weapons and ammunitions and clearly references the parties authorized to manufacture, import, export, transport, and distribute arms and ammunitions, as well as bodies authorized to issue licenses and set the conditions for possessing weapons, including the permitted quantity and type. Unlike the Syrian Criminal Code, this decree criminalized some cases of bearing and possessing arms.

It is noteworthy that Decree 51 of 2001 and its amendments form a special act and accordingly have priority over the Syrian Criminal Code, unless the penalties in the latter are stronger than those stipulated by the former, following article 39 of the decree.

## Problems with the Syrian Arms and Ammunition Law

Act No. 14 of 2022 is still limited to the arms and ammunitions definition set by Decree 51 of 2001. Decree 51 of 2001 defined arms as:

- a) all types of military handguns and their spare parts
- b) smoothbore hunting rifles and their spare parts
- c) training weapons including smoothbore firearms less than 9 mm and pressure shooting weapons and their spare parts, and
- d) antique weapons not intended for use.

The act also defined ammunition as

- a) all types of military handguns ammunition
- b) all types of hunting rifles ammunitions

- c) training weapons ammunitions.

Decree No. 14 of 2022 expanded the list of arms and ammunition in amendments to article 40 of Decree No. 51:

A penalty of 15 to 20 years' imprisonment and a fine of not less than 3 and not exceeding 10 times the value of the arms and ammunition seized shall be incurred from

- a) anyone who manufactures military handguns, hunting rifles, training weapons, or any other military arms or their ammunition
- b) any person who smuggles or attempts to smuggle weapons or ammunition for the purpose of trafficking
- c) any person who is in possession of arms or ammunition being aware that they have been smuggled for the purpose of trafficking.

It may have been possible to write laws targeting the possession of military arms and ammunitions (not eligible for licensing) as a crime during this current period of instability, primarily medium and heavy arms which are carried by armed groups – including those affiliated with the Syrian government. However, this act had instead targeted arms that thousands of civilians may possess to defend themselves and their families during the ongoing conflict. Consequently, the Act will likely do little to achieve its main goal to control the unlegalized arms spread in Syria which is contributing to widespread chaos and security instability.

## Types of Crimes Under the Arms and Ammunitions Law

In principle, crimes are classified according to their severity. They are divided into “felonies”, “misdemeanors” and “offences”, taking into consideration the impact of the crime on the community. If the impact was severe and painful, the crime is considered a “felony”, while when the crime has less impact, it is called a “misdemeanor”. When the impact is mild, the crime is considered an “offence”. The Syrian legislator endorsed this criterion in article 178 of the General Penal Code: “A crime can be a felony, a misdemeanor or an offence as punishable with criminal, misdemeanor or coercive penalty.”

This paper sheds the light on the most common of these crimes. Readers can refer to Decree 41 and its amendments for all crimes mentioned within.

### Manufacturing Arms and Ammunition

The crime of manufacturing arms and ammunition refers to using raw materials or single parts to make a usable weapon. It does not matter if weapons are manufactured using the dismantled parts of used arms or newly created parts. Any actions which lead to the formation of a usable weapon is considered manufacturing. The government marks arms during production to track them and prevent their use by unauthorized bodies.

The second article of Decree 51 of 2001 prohibits for anyone, other than competent governmental authorities, to manufacture military handguns, hunting rifles, training weapons or any other military weapons and related ammunitions. Armed groups affiliated with the Syrian Government may continue to establish factories and centers to manufacture arms on Syrian territories.

The legislator imposed in the new act a penalty of 15 to 20 years' imprisonment and a fine of not less than 3 and not exceeding 10 times the value of the arms and ammunition seized for anyone who manufactures military handguns, hunting rifles, training weapons or any other military arms and ammunitions.

## Smuggling Arms and Ammunition for the Purpose of Trafficking

The crime of smuggling arms and ammunition for the purposes of trafficking refers to a person who either brings arms and ammunition from abroad, for example when they illegally transport weapons into Syrian territories without passing through tariff barriers, and when arms and ammunition enter state land, territorial waters, or airspace.

Trafficking means dealing with arms and ammunition for material or moral return by selling, buying, or exchange, or by removing arms and ammunition from Syria to other countries. This crime is not complete until arms and ammunition cross the state's borders. If the arms do not cross, it is considered an attempt before crossing (with a relatively reduced sentence compared with sentence of a perpetrator of a smuggling crime). Notably, the penalty imposed on smuggling is the same penalty for arms and ammunition manufacturing mentioned above.

It is key here that article (3/a) of the Arms and Ammunitions law of 2001 prohibited the private sector to export and import arms and ammunition, limiting this right to the public sector: “Only the public sector is allowed to import and export arms and ammunition.”

In practice, there are some registered or unregistered private security firms that escort vehicles (protection of commercial vehicles on public roads and highways), and thus private firms or militias affiliated with the Syrian Government, or active in its areas, are importing/receiving arms although they form private bodies unrelated to the public sector.

## Bearing and Possessing Arms and Ammunition

Decree 51 and its amendments categorize the crime of bearing and possessing arms and ammunitions as a misdemeanor if it has no intention to traffic, which makes the crime a felony. Bearing or possessing an unlicensed weapon, being aware of what it is, is enough for a charge.

Activists fear that the Syrian Government will use the accusation of bearing arms as justification to criminalize its opponents by framing and then detaining them. Another point of concern is that, for personal or political reasons, someone could frame an individual by secretly leaving a weapon in their house or car and reporting them to the government, potentially leading to their arrest. The likelihood that this law may be abused is worsened by the current fact that members of the Syrian intelligence have immunity from prosecution by Decree No.14 of 1969, and special courts continue to exist which are exempt from abiding to due process rules.

The defined penalty for the misdemeanor crime per the ongoing amendment under law No. 14 of 2022 is:

1. A penalty of two to three years' imprisonment and a fine of one to two million Syrian Pounds for anyone who bears or possesses a military arms' ammunition not eligible for license.
2. A penalty of three to six years' imprisonment and a fine of five hundred thousand to one million Syrian Pounds for anyone who bears or possesses an unlicensed military handgun ammunition.

3. A penalty of one to two years' imprisonment and a fine of one to five hundred thousand Syrian Pounds for anyone who bears or possesses an unlicensed hunting rifle or a military handgun ammunition.
4. A penalty of six months to one years' imprisonment and a fine of fifty to one hundred thousand Syrian Pounds for anyone who bears or possesses an unlicensed training weapon or bears it outside of specialized shooting centers (articles 4 and 5 of act no 14).

## Will the Amendments Stipulated in Act No. 14 of 2022 Help to Control and Remove Arms Spread in Areas Controlled by the Syrian Government?

With the beginning of the armed conflict between government and opposition forces, especially after the losses suffered by the Syrian Government of vast areas of control and the inability of the Syrian Regular Army to fight opposition forces, the Syrian Government recruited civilians in battalions and armed them to defend civil neighborhoods (national defense) and official governmental sites from opposition forces. The Syrian Regular Army would therefore have only one mission – fighting “terrorism” in other Syrian areas – while locals remained responsible for protecting themselves under the supervision of the Syrian authorities. The result was the chaotic and unprecedented spread of arms across Syria.

With the escalation of the military conflict, the deteriorating security situation, and the increase of kidnappings and lootings by groups of unknown military affiliation, the Syrian Government attempted to address the wave of insecurity by forming fighting battalions whose members were mostly civilians, retired commanders, or members of the Baath party. These groups, later called “Baath Battalions” or “Civil Defense Forces”, were affiliated with bodies and people affiliated with the Government and were responsible for supervising the distribution of arms and ammunition to government-affiliated groups.

After examining Decree No. 51 of 2001, including its stipulations and the amendments issued in Act. 14 of 2022, we found no mention of the arms used by the armed groups (militias) affiliated with the Syrian Government and other armed groups supported by the Syrian Government's allies. Therefore, the law is void of its core purpose, as most of the uncontrolled arms is possessed and controlled by military groups. Without addressing military groups, laws which stipulate more penalties and fines will only impact arms owned by civilians, mostly used for self-defense against the same militias who will continue to carry weapons unpenalized.

The real reason for the amendments of Law No. 14 is, in addition to reaping income through penalties, to bring down harsher punishments on armed opposition members – not the “mitigation of chaos of arms.”

Therefore, any attempt to control the chaos of arms with laws must include all types of arms not controlled by the state, with simultaneous work to create and activate executive institutions able to count numbers and types of arms and disarm civilians, groups, and newly created militias, with the support of the government, and limit the control of arms to legitimate state authorities – a state that is based on the power of law, that respects rights and freedoms, that honors the principle of the separation of powers, and that safeguards the independence of the judicial system.





## 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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[EDITOR@STJ-SY.ORG](mailto:EDITOR@STJ-SY.ORG)