

# Syria: Penal Code Amendments End the Spaces Left for Freedom of Opinion and Expression



سوريون  
من أجل  
الحقيقة  
والعدالة  
Syrians  
For Truth  
& Justice



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## **Syria: Penal Code Amendments End the Spaces Left for Freedom of Opinion and Expression**

*Recent amendments of Syrian local legislations and laws grant  
the government extra means to prosecute critics and  
unprecedentedly squeeze spaces of freedoms of opinion and  
expression*

On March 28, 2022, the Syrian president, Bashar Al Assad, issued legislative decree No. [15 of 2022](#) stipulating new amendments to articles of [the Syrian Penal Code](#) issued with the legislative decree no 148 of 1949 and its following amendments.

Although amendments usually aim to explain and simplify, some of the recent amendments by the government further obscured some of the legal terms that were already ambiguous and whose purpose was already difficult to define by specialists and lawyers, in addition to increasing fines accompanied with many other penalties.

The new amendments created brand new charges that never existed in any of the Syrian legislations, which indicates a deliberate intention by the Syrian authorities to expand the scope of groups to be prosecuted under those new legislations, especially citizens with different opinions or those opposing to the narrative of the Syrian Government.

## Most Prominent Amendments of the Syrian Penal Code

### Change to Ordinary Criminal Penalties

The new law no 15 of 2022 made amendments of some legal terms of the “ordinary criminal penalties”, well-known to Syrian lawyers, such as the penalties of death, hard labor in perpetuity or for specified period, etc. Accordingly, we can understand the following:

The Old Law <i>Article 37 of the Syrian Penal Code issued with Legislative Decree No.148 of 1948</i>	The New Amendments <i>Article 1 of the Law No.15 of 2022</i>
Ordinary criminal penalties are: <ol style="list-style-type: none"><li>1. Penalty of Death (felony)</li><li>2. Hard labor in perpetuity (felony)</li><li>3. Life imprisonment</li><li>4. Hard labor for a term</li><li>5. Imprisonment for a term</li></ol>	Ordinary criminal penalties are: <ol style="list-style-type: none"><li>1. Penalty of Death (felony)</li><li>2. Life imprisonment (felony)</li><li>3. Life Detention</li><li>4. Imprisonment for a term</li><li>5. Detention for a term</li></ol>

With these amendments, it is harder now for people unspecialized in laws to differentiate between the concepts of “felony” and “misdemeanor”, adding more ambiguity to the law itself, and making it more difficult for common people to understand these laws and the included penalties that may affect them.

In addition, the terms “*Habs*” (imprisonment) and “*Sijn*” (prison) are used interchangeably by Syrians unspecialized in laws which both have a common meaning, per the Syrian Penal Code, of “depriving people from their freedom because of acts that constate criminal offenses”, creating clear uncertainty in understanding criminal legislations for wide groups of Syrians.

### What is the Difference Between the Penalties for “Hard Labor” and “Imprisonment”?

The “hard labor” penalty, whether in perpetuity or for a term, is a criminal penalty that impedes freedom, i.e., the perpetrator must do works requiring physical effort based on their sex and age, such as digging roads, extending railway, stone quarrying, crushing, and transporting.

Notably, Law No. 15 did come not up with real amendments or change regarding the “hard labor” penalty because this penalty, whether in perpetuity or for a term, was already not applied. Prisons in Syria were not well prepared to force people sentenced with this penalty to work, as hard labor requires guarding prisoners and special security procedures that may be exhausting for prison management and other security bodies. Fortunately, sentenced people were not coerced to labor because the aim of the penalty is reformation, to deter the criminal from doing such crimes in the future and rehabilitate them to be positive members in community, and not humiliation or retaliation. Still, some prisons made sentenced people to do errands in the prison such as cleaning.

It is well known for Syrian lawyers that there were two types of hard labor penalty before amending it with Law No. 15 of 2022:

1. *Hard labor in perpetuity*: which are imposed lifelong, with exception of early release in case of gaining amnesty or proven rehabilitation after 20 years of imprisonment.
2. *Hard labor for a term*: which lasts from three to fifteen years.

The penalty of imprisonment, categorized as a misdemeanor penalty per the former penal law no 148 of 1949, has three types,

1. *Imprisonment with work*: which lasts from ten days to three years.
2. *Simple imprisonment*: confinement in certain places other than prisons where other prisons are kept, without work unless the prisoner ask to, from ten days to three years.
3. *Preventive imprisonment*: much lighter punishment for those who make offences in places other than those where perpetrators of felonies and misdemeanors are kept, without work, from ten days to three years.

Unfortunately, article 45 of the penal code remains almost the same even after the new amendment. Only the phrase “hard labor” was deleted, “sentenced persons must do works based on their sex and age, inside or outside prison”, which may be interpreted as free work as a form of punishment. The article should have included Syrian laws that regulate such work in terms of hours and remuneration, per article 71 and other “Standard Minimum Rules for the Treatment of Prisoners” issued in “First United Nations Congress on the Prevention of Crime and the Treatment of Offenders” in 1955 and endorsed by the “Economic and Social Council” in 1977.

## Increasing Financial Penalties to Raise More Funds from Syrians

The new law No. 15 of 2022 increased manifold the minimum and maximum limits of all types of fines (preventive, misdemeanor, or felony) accompanying penalties.

It is believed that one of the reasons that pushed the Syrian government to increase fines to millions in the recent amendments is the depreciations of the Syrian pound and its purchasing power, that caused, as a result, lack in financial resources and incomes. The same reason explains why the Syria government passed strict financial regulations to fill the gaps in finance and economy.

Articles 3,4 and 5 of law No. 15 of 2022 stipulated the following:

Former Law	New Amendments
<i>Legislative Decree No. 1 of 2011 that forms an amendment to the penal code issued with the Legislative Decree No. 148 of 1949</i>	<i>New amendments, Law No. 15 of 2022</i>
1. Amending the minimum of the preventive fines to 500 SYP and the maximum to 2000 SYP. (Article No. 2)	1. Amending the minimum of the preventive fines to 25 thousand SYP and the maximum to 100 thousand SYP in the Syrian Penal Code and all other legislations. (Article No. 3)
2. Amending the minimum of the misdemeanor fines to 2000 SYP and the maximum to 10000 SYP. (Article No. 3)	2. Amending the minimum of the misdemeanor fines to 100 thousand SYP and the maximum to 500 thousand SYP in the Syrian Penal Code and all other legislations. (Article No. 4)
3. Amending the minimum of the felony fines to 10000 SYP and the maximum to 200000 SYP. (Article No. 4)	3. Amending the minimum of the felony fines to 10000 SYP and the maximum to 200000 SYP in the Syrian Penal Code and all other legislations. (Article No. 5)

## The Additions of New Terms with Broad Interpretations

Law no 15 of 2022 replaced the phrase, “undermining the national identity” (article 285 of the penal code) with the phrase, “weakening national sentiment”. Likely, the phrase, “undermining the status of the state” (article 287 of the penal code) was substituted with, “undermining the financial standing of the state”. Therefore, these vague amendments increased uncertainty and widened the scope for the Syrian government to prosecute any person with different point of views.

Former Law	New Amendments
<i>Article 285, the Syrian Penal Code issued with the legislative Decree No. 148 of 1948 prescribes:</i>	<i>Article 10, Law 15 of 2022 prescribes:</i>
A penalty of detention for a term for anyone who, in time of war or the expected onset of a war, makes propaganda with the aim of undermining the national identity or stirring up racial or inter-confessional strife	A penalty of detention for a term for anyone who, in time of war or the expected onset of a war, makes propaganda with the aim of weakening national sentiment or stirring up racial or inter-confessional strife



Former Law	New Amendments
<p><i>Article 287, the Syrian Penal Code issued with the legislative Decree No. 148 of 1948 prescribes:</i></p> <p>A penalty of imprisonment of not less than six months and a fine from one hundred and five hundred SYP for any Syrian who spreads false or exaggerated news that can affect the image of the state or its financial standing.</p>	<p><i>Article 12, Law 15 of 2022 prescribes:</i></p> <ol style="list-style-type: none"> <li>1. A penalty of imprisonment of not less than six months for any Syrian who is aware and spreads false or exaggerated news that can affect the image of the state or its standing.</li> <li>2. Any Syrian who spreads news that enhances the image of a hostile state to undermine the status of the Syrian state shall be liable for the same penalty.</li> </ol>

Noticeably, this amendment has a semantic and technical indication (widened scope of meaning) by replacing the crime of “weakening national sentiments” with “undermining the national identity”, knowing that the verb “undermine” covers widely broader meanings that the verb “weaken.”

Above all, the new law used the phrase “spread of despair and vulnerability among people of society” (article 11, law 15 of 2022) instead of “weakening the national moral” (article no 286, former penal code), to include much more acts by Syrians, raising questions about such acts. Can we consider, for example, discussions about the dire economic conditions in Syrian Government areas a factor that “spreads vulnerability in society”? or can we think that jokes about the inability of the Syrian Government to repel Israeli attacks on Syrian territories “enhance the image of a hostile state” (article 12, paragraph 2)?

Accordingly, these amendments further restrict freedom of expression, reflecting the tendency of the Syrian government to silence people and suppress this hardly existing right/freedom.

Furthermore, it must be understood that these amendments go in line with the recent [cybercrime law](#) that supports the government’s policy in shrinking spaces of freedom and tracking citizens using local legislations and [mistril circulars](#). Specifically, it targets those citizens who are upset with the performance of executive authorities as it relates to their abilities to meet their basic needs, but as their access to water, power, and fuel.

The Syrian legislator thus expanded the concept of “the state financial standing” and imposed penalties of anyone who undermines, in any way, the status of the state, whether the financial, social, cultural, historical, or other.

Most importantly, the phrases used by the legislator to level accusations of acts that undermine the standing of the state are vague and ambiguous. Who can interpret the exact meaning of “undermining the standing of the state”? Every crime needs a proven criminal intention so how can we interpret that one who “criticizes, opposes or spreads news” has the intention to undermine the standing of the state? This contradicts the simplest principles of criminal procedures, especially that the above-mentioned accusations are liable to criminal penalties that can deprive innocent people from their freedom.

Moreover, the criminal procedures and charging decisions in most countries must define an unmistakable criminal act. Can discussions about high prices and dire living conditions therefore be seen as a way of undermining the state's financial standing?

## The Creation of New Accusations and New Crimes

The new law introduced and added crimes that did not exist before, for example, the penalty of imprisonment of not less than a year for any Syrian who wrote or made a speech calling up to tear away or cede part of the Syrian territories. (Article 13, paragraph 15, law no 15 of 2022).

Former Law	New Amendments
<p><i>Article 292, the Syrian Penal Code issued with the legislative decree No. 148 of 1948 prescribes:</i></p> <ol style="list-style-type: none"> <li>1. A penalty of detention for a term for anyone who tries to tear away part of the Syrian territories.</li> <li>2. <b>A penalty of life detention if the perpetrator uses to violence.</b></li> </ol>	<p><i>Article 13, Law 15 of 2022 prescribes:</i></p> <ol style="list-style-type: none"> <li>1. A penalty of detention for a term for anyone who tries to tear away part of the Syrian territories.</li> <li>2. A penalty of life detention if the perpetrator uses to violence.</li> <li>3. A penalty of imprisonment of not less than a year for any Syrian who wrote or made a speech calling up to tear away or cede part of the Syrian territories.</li> </ol>

As for the crime of “inciting contempt of national customs”, Article 362 of the former penal code prescribed a penalty for officials, ministers of religion and members of the teaching staff of public or private educational institutions if they incite contempt of the national customs or the laws of the state; while the amendment removed the crime of “inciting contempt of national customs” and only left “inciting contempt of the laws of the state” with penalty if done by anyone of the above mentioned groups. Notably, the crime was already broad and vague as there are no standards that can define “national customs.”

Former Law	New Amendments
<p><i>Article 362, paragraph 1, the Syrian Penal Code issued with the legislative Decree No. 148 of 1948 prescribes:</i></p> <ol style="list-style-type: none"> <li>1. Any official who incites contempt for national customs or the laws of the State or who commends acts incompatible with those laws or customs shall be liable to a penalty of detention for a term of one month to one year and a fine from 25 to 100 SYP.</li> <li>2. This provision shall also apply to ministers of religion and members of the teaching staff of public or private educational institutions</li> </ol>	<p><i>Article 14, Law 15 of 2022 prescribes:</i></p> <ol style="list-style-type: none"> <li>1. Any official who incites contempt for the laws of the State or who commends acts incompatible with those laws shall be liable to a penalty of detention for a term of one month to one year and a fine from 100000 to 500000 SYP.</li> </ol>

Accordingly, we can infer that the used phrases in the recent amendments are already broad and put residents in government areas under the rule of executive authority. Such legislations are likely to open the area for corruption and bribery for all of those in charge of law enforcement such as the members of the security and police services, judges, and court officials because they can be interpreted at the whim of the person in charge of the case without supervision or reference to a specific regulation.

On the other hand, these vague phrases contradict the guidance document for legislative drafting issued by the prime minister in a decision on [May 2019](#) that mentioned in many places the need for clarity in legislator drafting and avoidance of terms that causes uncertainty and ambiguity, clearly stating it in its second chapter :“Every legal statement must be accurately adjusted to avoid uncertainty and mistakes in laws execution and interpretation.”

It is most likely that the crime of calls “to tear away part of the Syrian territories” is a ready accusation for leaders of the self-administration in north-east Syria, for example, in relation to their speeches about decentralization. Also, arrest warrants or judgments in absentia may be issued against them to extort them for political or financial concessions.

## **Stricter Penalties for Carjackings**

The amendments in Law No. 15 of 2022 imposed stricter penalties for carjackings by inserting the penalty of imprisonment (felony) for not less than five years for anyone who steals a car and increased the accompanying fine from three to six million SYP.

Also, stricter penalties were imposed for anyone who steals a regular car license plate or uses a stolen regular car license plate, of imprisonment with work (misdemeanor) of one to three years with a fine from one hundred to five thousand Syrian pounds whereas the penalty was one or two year-imprisonment with a fine from two to four thousand SYP.

The fine was also increased for anyone who uses a mean of transport without intending to steal it up to three to five million Syrian pounds, in addition to the imprisonment for a term penalty (felony). However, if the perpetrator returns the mean of transport within three days without any damage, the penalty is decreased to imprisonment with work from one to three years (misdemeanor) with a fine from one hundred to five hundred thousand SYP.

### **General observations:**

New carjacking crimes were introduced and added to article 625, which are repeated in the penal code, which are:

1. A penalty of imprisonment for a term from three to seven years and a fine from one to three million SYP (felony) for anyone who steals the contents of a car by dislocating, breaking, using manufactured keys or special tools.
2. A penalty of imprisonment for a term with work for not less than a year and a fine from a hundred to five hundred thousand SYP (misdemeanor).
3. A penalty of imprisonment with work for not less than a year and a fine from a hundred to five hundred thousand SYP for anyone who steals a motorbike (misdemeanor).



## **The New Amendments Correspond to Recent Cybercrime Laws**

Notably, the recent amendments of the penal code come in the same context of the recent cybercrime law [no 20 of 2022](#). It is thought that one of the reasons for passing such laws is the recently increasing rate and intensity of criticism against the Syrian government, ministers and officials on social media and in daily discussions of Syrians about the poor living conditions and inability of the government to meet their basic needs such as access to power, water and even bread in its areas of control.

Moreover, passing this law in Syria most likely creates a risk for anyone expressing their opinion. Thus, the Syrian government is sending a clear message to Syrians that anyone who criticizes the government “state” and officials during this stage will be liable to prosecution.

This law forms a restriction of the freedom of expression and contradicts article 42 of the enforced Syrian constitution of 2022 stating that, “freedom of expression is protected by the law and every citizen has the right to freely and openly express his views whether in writing, orally or by all other means of expression”.

It also contradicts the right to freedom of expression stated in article 19 of the international declaration of human rights, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers,” and with article 19 of the International Covenant on Civil and Political Rights of 1966, “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”



## 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)