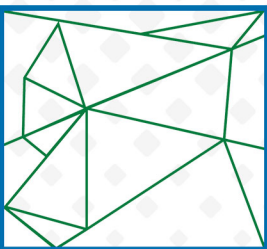


Bribery in Syria: An Old Phenomenon Reinforced by the Government's Failure to Combat it



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The huge increase in poverty rates, the spread of illegal economic activities, and the restrictions on media have made bribery common practice

On 10 August 2022, Sham FM TV [interviewed](#) the Syrian actor, Yazan al-Sayed, who disclosed the reasons behind the demolition of his restaurant in the Dummar area of Damascus in 2018. In order to issue a license for the restaurant and “get the needed approvals”, as he described it, al-Sayed paid 10 million Syrian Pounds (SYP) to two public officials: a woman who works at the municipality and a man who works at the Dummar Residential Complex of Professional Associations.

A few days later, on 13 August 2022, an official at the Damascus municipality [spoke](#) to Athr Press (which often aligns with the Syrian government), denying al-Sayed's allegations. The official stated that “the response to al-Sayed will be in the court”.

On 17 August 2022, al-Sayed was [interviewed](#) again by Sham FM TV, and told another story in which he denied his previous statement, and confirmed that he only paid the contractor. Al-Sayed then apologized to the head of the municipality and to Dummar Residential Complex of Professional Associations. This incident raised several questions among the Syrians about the reasons behind the changing of al-Sayed's statement, and the pressure he may have been subjected to. The incident also highlighted an issue Syrians are facing which has become a common practice: bribery.

Bribery in Syrian Legislation

Jurisprudence defines bribery as “an action based on an agreement of two individuals and a presence of two wills; the briber offers the bribe and the bribe-taker accepts it”.¹ According to jurisprudence, bribery takes place only if a public official “performs or refrain from performing a work of their position duties, or alleges it is part of their position duties. Law determines the duties of any public official who should not perform works other than those allowed by virtue of the law”.²

Similar to embezzlement, negligence, and obstruction of law enforcement, bribery is a breach of public duties.³ The Syrian legislation addresses the crime of bribery in [the General Penal Code No. 148 of 1949](#) and in the [Economic Penal Code No. 3 of 2013](#). Law provisions consider this crime a felony if the purpose of the bribe is to commit a deed punished by law, and a misdemeanor if the deed is not illegal.⁴ The original

¹ Syrian Cassation, misdemeanor 1395, decision no. 369, 06 June 1959, rule 675. Istanbuli, Adib (1990), *Explanation of Criminal Law*, Vol. I, (p. 499).

² Syrian Cassation, misdemeanor 1100, decision no. 1265, 27 November 1961, rule 671. Istanbuli, Adib (1990), *Explanation of Criminal Law*, Vol. I, (p. 497).

³ The General Penal Code addresses all the crimes related to breaching the public duties in Chapter 3 (Crimes against the public administration).

⁴ General Penal Code No. 148 of 1949 (Articles 341-342), and Economic Penal Code No. 3 of 2013 (Article 15).

offender of a bribery is the public official, while the briber is considered to be a partner. They both receive the same punishment.⁵

The Penal Code considers a public official any person assigned a public service, including public employees in the administrative and judicial sectors, officers of the civil and military branches, workers in the public administration, every person delegated to a public service (whether by election or appointment), and every person assigned to an official mission, such as experts.⁶

The United Nations Convention against Corruption

[The United Nations Convention against Corruption](#)⁷ criminalizes bribery of national public officials. Article 15 states that:

“Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offenses, when committed intentionally:

- a) The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;
- b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.”

Although Syria signed the Convention against Corruption on 09 December 2003, it did not ratify it⁸. Therefore, Syria is not legally bound to abide by the treaty, and accordingly, it did not take any serious steps to show its willingness to ensure the adoption of the necessary legislative and other measures to criminalize the aforementioned acts.

Syria and the Corruption Perceptions Index

In 2021, Syria ranked bottom in [the Global Corruption Perceptions Index of the Transparency International](#), with a score of 13 out of 100, and ranked 178 out of 180 countries. Moreover, [data issued by the Organized Crime and Corruption Reporting Project in 2021](#) revealed that Syrian President Bashar al-Assad is one of the five most

⁵ General Penal Code No. 148 of 1949 (Article 343).

⁶ General Penal Code No. 148 of 1949 (Article 340-341).

⁷ General Assembly, resolution 58/4 of 31 October 2003.

⁸ The United Nations Treaty Collections, available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-14&chapter=18

corrupt leaders in the world, in addition to Belarusian President Aleksandr Lukashenko and Turkish President Recep Tayyip Erdogan.

Furthermore, according to [the Global Corruption Perceptions Index for 2010](#), i.e. before the Syrian conflict, Syria's evaluation scored 25 out of 100, and ranked 127 out of 180 countries. This indicates that corruption in Syria is not recent and did not appear as a result of the conflict. Rather, corruption and nepotism, in addition to the suppression of freedoms, were one of the reasons behind the protests which took place across the country in 2011.

The Impact of Bribery on Human Rights

According to [the Office of the High Commissioner for Human Rights OHCHR](#), "Corruption can have a devastating impact on the availability, quality and accessibility of human rights-related goods and services. Moreover, it undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately the State itself". As Syria is witnessing an unprecedented deterioration in economic conditions,⁹ bribery and corruption are widespread in most aspects of life in the cities under the control of the Syrian government. This phenomenon has grown during the conflict and was practiced in parallel with illegal military and economic activities by all conflict parties, especially the Syrian government. Paying and receiving bribes has become a daily part of life in Syria.

This situation applies to most aspects of life, as the spread of bribery in Syria opened the door for military and security parties to engage in illegal economic activities. Smuggling, arms and drug trade, human trafficking, extortion of detainees and their families¹⁰, and extortion in exchange for protection,¹¹ are all linked to paying bribes and exchanging benefits between these parties.

⁹ A report of the Syria Economic Monitor of the World Bank states: "Conflict, displacement, and the collapse of economic activities have all contributed to the decline in household welfare. Extreme poverty has consistently risen since the onset of the conflict, reflecting deteriorating livelihood opportunities and the progressive depletion of household coping capacity. In non-monetary terms, access to shelter, health, education, water, and sanitation have all worsened dramatically since the conflict began. With a severely degraded health care system following the decade-long war, Corona Virus Disease 2019 (COVID-19) has only exacerbated the vulnerable situations". Available at: <https://www.albankaldawli.org/ar/country/syria/publication/syria-economic-monitor-spring-2022-lost-generation-of-syrians>

¹⁰ A survey conducted by the Syrian Association for Citizens Dignity in 2020 shows that 72% of families of detainees paid or were asked to pay money to know where their beloved ones are. Available at: <https://syacd.org/normalisation-of-horror/>

¹¹ The Economist: *Bashar al-Assad is hollowing out Syria's ravaged state*. Published on 16 June 2022. Available at:

<https://www.economist.com/middle-east-and-africa/2022/06/16/bashar-al-assad-is-hollowing-out-syrias-ravaged-state>

The report of the Secretary General of the United Nations, published on 02 August 2022 regarding missing people in Syria,¹² indicates the negative impact of bribery on the file of missing people and their families— who often suffer from poor economic conditions in the first place. Moreover, several lawyers confirmed to STJ that signing the release of a detainee by a judge costs between 3 and 8 million (SYP). The bribe varies according to the charges, bearing in mind that there are no guarantees that a release shall actually happen.

The negative effects of bribery extend to all aspects of life in Syria. In 2021, the crisis of issuing/renewing passports in various Syrian governorate led to a boom in the brokerage market and the prevalence of bribery and blackmail.¹³ Additionally, as some public jobs are considered an avenue to achieve illegitimate profit,¹⁴ obtaining these positions often depends on personal connections and bribery payments, which violates the principle of equal employment opportunity.

Bribery within the Syrian army has also increased during the years of conflict. Military personnel must pay money or provide gifts and services in exchange for getting a vacation¹⁵, postponing their recruitment, or even just avoiding abuse.¹⁶ Under Russian pressure¹⁷, an “Anti-Corruption Committee in the Army” was established in 2017; however, the committee itself faced accusations of corruption and was used as a means to settle personal disputes among military officials.¹⁸

As for the health sector, the spread of COVID-19 has exacerbated the phenomenon of paying bribes in exchange for medical services. Local media reported that many

¹² Report of the Secretary-General of the United Nations at the 76th session A/76/890. Agenda item 74(c). *The missing in the Syrian Arab Republic* (p.19). Published on 02 August 2022. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/447/69/pdf/N2244769.pdf?OpenElement>

¹³ Enab Baladi News. *Passport crisis in Damascus continues despite promises*. Published on 23 May 2022. Available at: <https://www.enabbaladi.net/archives/575312>

¹⁴ Syria TV. *How does a public employee live in Syria with 100,000 SYP?* Published on 30 August 2022. Available at: <https://www.syria.tv/180919>

¹⁵ Daraj Media. *Bribes, asylum and sexual abuse in exchange for evading military service in Syria*. Published on 13 April 2021. Available at: <https://daraj.com/70138/>

¹⁶ Action Group for Palestinians of Syria. *A member of the Palestine Liberation Army refused to pay a bribe and was arrested on charges of disobeying military orders*. Published on 21 August 2021. Available at: <https://www.actionpal.org.uk/ar/post/15909>

¹⁷ Almodon Newspaper. *Alawites protest corruption in the Army's Anti-Corruption Committee*. Published on 21 June 2019. Available at: <https://bit.ly/3wYFpSX>

¹⁸ Asharq al-Awsat Newspaper. *Russian intervention to curb corruption in the Syrian army*. Published on 16 January 2019. Available at: <https://bit.ly/2TUNqCF>

citizens paid bribes to public laboratories in order to get negative results of polymerase chain reaction (PCR) tests¹⁹ or to avoid quarantine.²⁰

Addressing the Phenomenon of Bribery by the Syrian Government

Tyranny is an ideal environment for corruption, including bribery, to flourish. Repression, restrictions on freedom of media and expression, and the lack of transparency, disrupt effective accountability mechanisms, and facilitate impunity for the corrupt. Over the past five decades, the Syrian government has practiced suppression, restricted the media and the role of civil society, and punished anyone who tried to expose corruption or talk about public officials receiving bribes. This played a major role in the outbreak of protests in various Syrian regions in 2011, especially as it coincided with the spread of social networks in Syria and the concept of “citizen journalism”, which offered a new and complex perspective in the media.

Even after eleven years of conflict, discussing corruption is faced with denial, intimidation, and detention — if such discussions occur outside government propaganda. The Syrian government created the “lawful” tool it needs to criminalize those who criticize public officials by establishing the Cybercrime Combating Branch of the Ministry of Interior, and issuing the Law of Network Communication against Cybercrime [Legislative Decree No. 17 of 2012](#), and [Law No. 20 of 2022](#) on cybercrime.²¹ In April 2021, the aforementioned branch issued a list of twenty social media accounts and pages,²² considering them “suspicious, fake and dangerous due to their association with weakening the will of the nation”. All these accounts and pages were discussing corruption in Syria.

Moreover, the Syrian government uses laws and anti-corruption campaigns to achieve its own goals and objectives. In June 2017, Syrian President Bashar al-Assad launched the [Administrative Reform Project](#) which aims to redress the imbalance, measure the satisfaction of citizens and employees, and combat corruption. At the end of 2019, the official Syrian media circulated stories about precautionary seizures and decisions to confiscate the movable and immovable properties of a number of

¹⁹ Baladi News. *In Syria, bribery changes the result of a corona test from positive to negative*. Published on 20 December 2020. Available at: <https://bit.ly/3Bpmx2p>

²⁰ Harmoon Center for Contemporary Studies. *The policy of the Assad regime in managing the Corona crisis*. Published on 12 April 2020. Available at: <https://bit.ly/3RhvaQQ>

²¹ Syrians for Truth and Justice. *Syria: Cybercrime Law is an Additional Tool for Suppressing Freedom of Expression*. Published on 14 July 2022. Available at: <https://bit.ly/3D03zR8>

²² Facebook page of the Arab Socialist Ba'ath Party, Tishreen University Branch, the 2nd division. A copy of the decision published on 28 July 2022. Available at: <https://bit.ly/3wXwlyY>

senior Syrian businessmen loyal to the government, announcing the beginning of a new phase called “fighting corruption”.²³ However, these actions lacked transparency.

Furthermore, since 2019 [a draft law on financial disclosure](#) has been discussed in order to combat illegitimate gain by obliging those in charge of public services to disclose their property. Despite repeated promises of the Ministry of Administrative Development, the law was not issued.²⁴

Additionally, [Legislative Decree No. 60 of 1977](#), on the formation of the Investigation Committee of Illicit Gain, was enforced for a period of six months, during which no real efforts were made to implement it,²⁵ and it was later forgotten.

It seemed that the purpose behind these decisions was limited to intimidating some officials.

In light of the government performance, in addition to the huge rise in the poverty rate, the spread of illegal economic activities, the restrictions on the media, and the violation of the right to freedom of opinion and expression, it seems clear that bribery and corruption in Syria will not be a short-lived phenomenon limited to only some sectors, but a system which will continue to affect all aspects of life in the country until it is addressed.

²³ Enab Baladi News. *What is behind the fight against corruption in Syria?* Published on 05 January 2020. Available at: <https://www.enabbaladi.net/archives/353479>

²⁴ Snack Syrian. *The expectations of administrative development are disappointed, the law of “Where did you get this from” is not issued.* Published on 16 February 2020. Available at: <https://snacksyrian.com/?p=120439>

²⁵ Syrian Economy News. *From the Investigation Committee of Illicit Gain to dealing with corruption softly.. when fear becomes the ally of the corrupt.* Published on 11 November 2018. Available at: <https://bit.ly/3eipFUI>



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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