



Above the
Judiciary and
State
Institutions:
The Powers of
the Syrian
Security
Services



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In Syria, security services and their affiliated branches have always maintained a strong hold over public institutions and the judiciary. However, their grip tightened further after the Arab Socialist Ba'ath Party seized power in 1963. Consequently, these agencies, in addition to the Syrian regular army, became the main tools for the sustenance of the regime.

After former President Hafez al-Assad carried out the 1970 *coup d'état*, his regime restructured the security services and altered their compositions, triggering lingering intra-competition within the security establishment. These services meddled in each other's affairs and trespassed on each other's specialties. By inducing rivalry, the ruling regime ensured that none of these security services had the power to even consider a *coup d'état* or a revolt against al-Assad. These services include the Military Intelligence Directorate, known as the Military Security Service, the Air Force Intelligence Directorate, known as the Air Force Intelligence, the General Intelligence Directorate, known as State Security Service, and the Political Security Directorate, known as the Political Security.

Simultaneously, the regime reengineered army divisions, making sure they were aligned with its political and sectarian stances, even in terms of the areas they hailed from. This gave rise to staunch formations, such as the Republican Guard and the 4th Division, formerly known as the Defense Companies.¹

While the army was neutralized—confined to the military sphere and inoculated with figures whose loyalty was solely preserved to the only man of the State — the security services started to use their growing powers to intervene in the lives of Syrians, public and private, down to the minutest details. Security services made their mark after they ensured that no State institution or authority, including the judiciary, would be able to hold them accountable, especially since after the regime enforced several laws that prevented claimants from initiating criminal proceedings against security services for whatever violations they perpetrated while carrying out their duties.

The status of the security establishment remained fairly the same after Bashar al-Assad came into office in June 2000, even though Syrian citizens were encouraged to believe that the situation of human rights in the country would improve. Syrians were left with this impression following al-Assad's inaugural address, which highlighted the importance of “creative minds” and the desperate need for “constructive criticism”, “transparency”, and “democracy”.² However, al-Assad's government did not invest any efforts to materialize the promises or hopes invoked by the speech.³

¹ Scholar James T. Quinlivan writes that to guarantee that the ruling family is “coup-proof,” the Syrian government has created “multiple internal security agencies with overlapping jurisdiction that constantly monitor the loyalty of the military and one another with independent paths of communication to critical leaders.” This system ensures that the agencies are competitive instead of cooperative, each attempting to ingratiate themselves with the president, better ensuring that he maintains control of the system. James T. Quinlivan, “Coup-Proofing: Its Practice and Consequences in the Middle East”, 24 INTERNATIONAL SECURITY 2 131-165 (1999).

For further information, see: “Walls Have Ears: Analysis of Classified Syrian Security Sector Documents”, SJAC, April 2019, <file:///C:/Users/Jian/Downloads/Walls-Have-Ears-English.pdf>

² “President Bashar al-Assad: inaugural address”, al-bab.com, <https://al-bab.com/documents-section/president-bashar-al-assad-inaugural-address>

³ “A Wasted Decade: Human Rights in Syria during Bashar al-Asad's First Ten Years in Power,” HRW, 16 July 2010 (Last visited: 26 September 2022). <https://www.hrw.org/report/2010/07/16/wasted-decade/human-rights-syria-during-bashar-al-asads-first-ten-years-power>

The State's failure to deeply establish criticism, transparency, and democracy helped to trigger the 2011 Syrian uprising, which joined the Arab Spring protests that swept the region.

Given this history, Syrians for Truth and Justice (STJ) probes into the nature and scope of the powers ascribed to security services, which stretch beyond impunity to interfering in, supervising, and even directing the operations of State institutions and authorities, including the judiciary. The excessive encroachment by the security sector is mainly represented by the security approvals several of the services impose on important daily transactions in Syria.

To this end, the report builds on pro-security Syrian laws and circulars and the testimonies obtained from citizens, who were victims of the security services' interferences in State matters.

Hegemony Over State Institutions

Services across the security spectrum continue to pose daily challenges to State institutions and law enforcement agents, heedless of their status under the law, which protects them from interface or hegemony and ensures their independence.

Mostly outside the safety of the law, the security services issue written or verbal instructions and orders that undermine the independence of these institutions or hamper their activities. Today, in Syria, a wide range of vital operations, which directly affect the lives of citizens, require security approval.

Birth Registration

The 2021 [Civil Status Law No. 13](#), amending the 2007 Decree No. 26, establishes that citizens can apply to register civil status events, including births, occurring within the territory of the State by submitting documents proving the event to any civil registry center. The center is mandated to register the event at once.

Few exceptions pertain to birth registrations. Civil registry centers cannot register births that pass the one-year mark or persons before they reach the age of 18 without a police report, exempting from this the births, as well as deaths, corroborated by a final court ruling.

Notably, Law No. 13 did not assign security services any birth registration-related tasks, direct or indirect. The law only binds registration to reports issued by the police department in a given city, whereby the child is one year old or is under 18. Even in this case, the law leaves off the required report should applicants present a final court ruling, corroborating a child's birth and lineage.

However, STJ verified that security services sometimes intervene in civil registration operations, including births. The services conditioned registration with security approvals.

Security approval was a massive challenge to Shirwan Mamo, a Syrian Kurd, STJ interviewed in Northeastern Syria on 15 February 2022.

Mamo registered his daughter with the registry of the Autonomous Administration, but it took him five years to register her with the center of the Syrian government (SG). The little girl was born in 2017, in Ayn al-Arab/ Kobani, within the administrative borders of Aleppo province.

However, because Ayn al-Arab/ Kobani is outside the control of the SG, all the governmental institutions were relocated to Aleppo.

Upon applying with the Aleppo Civil Affairs Directorate, Mamo was asked to provide approval from security services to initiate the birth registration. It was not until 2022 that the services granted him the approval and he was able to finally register his daughter.

Travel Bans and Cancellations

Travel is another domain where security services exert their powers without legal reference through security approval measures. Even though there is no supportive legislative text, security services continue to violate several human rights entitled to Syrian citizens, including personal freedom and freedom of movement through travel restrictions. These restrictions include arbitrary travel bans and cancellations.

Arbitrariness also applies to lifting imposed bans, which is highly dependent on the involved service's mood and demands.

A lawyer STJ met with stressed both the haphazard and temperamental nature of the travel restrictions. The lawyer narrated that she was surprised that she was banned from traveling abroad. She learned that it was imposed by a security service, which also refused to remove the ban despite her repeated attempts. The lawyer recounted:

“In 2019, I was a volunteer with a civil team concerned with women and child affairs in southern Syria. I was a legal consultant and trainer. I held activities aimed at the eradication of legal illiteracy among women. I occasionally took up cases but mainly provided legal advice to battered women and worked to spread awareness about discriminatory laws, which warrant violence against women. . . Later, while I was carrying out a personal administrative proceeding, which required security approval, I found out that I was banned from traveling by a security decision from one of the security services. Due to the ban, I was denied further security approvals, which currently govern almost all administrative processes. Therefore, I have not been able to grant anyone or be granted a notary-initiated power of attorney, carry out any sale, purchase, or rent transactions, or initiate proceedings to obtain administrative authorizations. Worse still, I cannot leave Syria without the written approval of the competent security branch. This continues to hamper my civil and personal life, as well as my career. Notably, I share this dilemma with a large number of Syrian women and men.”

Inquiring into the reasons underlying the ban, the lawyer obtained a permit from the Military Intelligence Service to visit the Damascus-based security branch concerned with her case:

“In Mid-June 2019, I traveled to Damascus early in the morning. I stood at the branches' entrance at 8:15 am. I left my personal belongings with my friend outside and went into the building. I passed through the branch's high walls, which completely separated its facilities from the world outside . . . Half an hour passed before they let me into the space dedicated to the interrogations branch. I was asked to sit on a bench in a long, narrow, and cold corridor. I was prohibited from talking to anyone or asking questions. Time crawled by and I kept counting numbers to keep track of the time I spent seated there.

Other people came in and sat next to me. They had check-ups, proceedings, or authorizations, in which the branch intervened or was nosy about. Of course, we were not allowed to talk or ask questions, all of us. I spent nearly three hours sitting there, according to my calculations. I asked about my turn, and a soldier replied: 'You will be in soon. Go to your place and do not talk.' Half an hour later, I was taken for interrogation."

The lawyer narrated how the investigation proceeded and highlighted the arbitrary charges laid down against her:

"They asked me about my name, address, education, and job, everything personal and non-personal. Then, I faced a flood of charges, including dealing with 'organizations abroad', receiving 'external funding', working with 'unlicensed organizations,' attending 'unlicensed and illegal meetings and assemblies,' and 'inciting the amendment of laws.' Fortunately, my answers were concise, strong, and legal, despite the fear inside me, which was triggered by the terrifying place and the long wait. Following the extensive interrogation, which continued for about an hour, the detective understood that most of the charges I faced were baseless. He ignorantly built the charges on the malicious reports I was subject to, and which he had before him. After the interrogation ended, the detective lectured me about love and loyalty to the homeland. He tried to persuade me into helping them get rid of those who he called unpatriotic and report to them if I heard any news of interest. After a long argument, they accepted to get the director of the branch to sign the interrogation report early. I left the branch as if reborn. However, I am still banned from traveling."

In a typical State, one governed by the rule of law, the lawyer would have had the chance to resort to court to oblige the security to lift the travel ban, especially since she is well-informed about the laws governing the powers of each entity involved in her case. However, this scenario is unlikely in Syria, because the judiciary has no power over the security sector.

Therefore, in addition to undermining the independence of the judiciary and its role, security services have breached due procedures by interrogating the lawyer. The branch violated Article 78 (a) of [Law No. 30 of 2010 regulating the Legal Profession](#). The article states that: "It is not permissible to investigate a lawyer while he is conducting his work, or to investigate his office space, or to arrest him, or to interrogate him until after the chairman of the branch committee has been informed in order that he may be present himself or may send those members of the committee whom he empowers, or those teaching lawyers whom he considers to be appropriate; a lawyer is not by these means deemed to have lost his legal right; this applies under penalty of the procedures being invalidated."

Maktumeen's Identification Certificates

In 1962, the SG carried out a special census in al-Hasakah province, stripping thousands of Syrian Kurds of their Syrian citizenship. The SG divided the stateless Kurds into two groups:

ajanib—foreigners, who are registered stateless Kurds, and *maktoumeen*—who are unregistered stateless Kurds.⁴

Pressed by the sweeping protests in 2011, Syrian president Bashar al-Assad issued Decree No. 49. The decree restored Syrian citizenship to the Kurds deprived of it during the census. However, the decree applied only to the *ajanib* category, excluding the *maktoumeen*.

Therefore, *maktoumeen* were left with no document to prove their legal presence but the identification certificate (IC), issued by the *mukhtar* (governor of a neighborhood, district or area). On top of all legal challenges, *maktoumeen* could only get access to the IC after obtaining security approval from concerned security services.

Notably, binding the IC to the approval hampers the lives of *maktoumeen* on several levels, because the certificate is the *maktoumeen*'s only evidence of existence outside Syria as well. In September 2021, STJ reached out to Farhad Hasso, a resident of Erbil/Hawler, in Iraqi Kurdistan.

Hasso recounted that he had to bring authorities in Kurdistan a certified IC to be granted legal residence in the region, or else he would be at the risk of deportation.

However, to certify the IC, Hasso had to obtain security approval, which he was denied despite his repeated efforts. He narrated:

“The *mukhtar* gave me an IC, but it was not certified. I had to obtain the approval of the Political Security Branch to be able to certify it. So, I filed an application with the Political Security branch in al-Hasakah in September 2021. I also bribed the branch to persuade them to give me the needed approval. Unfortunately, this attempt failed as well.”

Hasso stressed that his wife and three children are also at risk of deportation. The children are stateless and lack an identification document because their father belongs to the *maktoumeen* category, which makes them *maktoumeen* themselves.

The children struggle in the throes of statelessness even though their mother is a Syrian citizen. The children remain deprived of Syrian citizenship because the Syrian Nationality Act No. 276 allows fathers to transmit their citizenship to their children while depriving mothers of this entitlement.

Encroachment on the Judiciary

The autonomy of the judiciary is established in international and local instruments.

Internationally, the [Basic Principles on the Independence of the Judiciary](#), which the United Nations General Assembly adopted in 1985, obliges States to guarantee the independence of the judiciary, enshrining it in the Constitution or the law of the country. The principles also stress that: “It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.”

⁴ For further details, see: “Syrian Citizenship Disappeared”, STJ, 15 September 2018 (Last visited: 26 September 2022). <https://stj-sy.org/en/745/>

Furthermore, the principles emphasize that: “The judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.”

Locally, the operative Syrian constitution of 2012,⁵ like its antecedents, prescribes that: “The judicial authority is independent; and the President of the Republic ensures this independence assisted by the Supreme Judicial Council.”

The constitution also emphasizes that: “Judges are independent and there is no authority over them except that of the law.”

At odds with international and local frames, successive Syrian governments have continued to undermine the principle of the separation of powers and the independence of the judiciary.

In a direct breach of these principles, the President of the Republic, who is the head of the executive authority, chairs the Supreme Judicial Council, represented by the Minister of Justice, who is also one of the pillars of the executive authority.

In addition to these administrative violations, the Syrian government also undercuts the powers of the judiciary by granting security services command over its affairs. The government has enforced several laws and issued a number of circulars that advocate intervention by the security services in judicial operations.

Laws

The SG has passed several laws that empower the security services, including Law No. 41 and its amendments. The law bans the creation, transfer, modification, or acquirement of any rights over real property, existing on a piece of land located in a border area without a prior license (security approval). Therefore, the law made the purchase, sale, mortgage, possession, and even the use of real property contingent on security approval.

This conditioning of property-related transactions is controversial because, in practice, the concerned service grants or denies the approval based mainly on the political status of the person requesting registration or disposing of the property.

Inquiring into the impact of security approval on property transactions, STJ reached out to two witnesses.

In February 2022, Zaid Salem from As-Suwayda province told STJ that he bought a piece of land owned by two brothers. When he applied to register the plot in his name, he was surprised that a seizure lien was placed on the property because one of the brothers was wanted for mandatory military service. The lien obliges the buyer to obtain security approval.

Salem had already filed a lawsuit to register the sales contract and was granted the desired court ruling. However, he could not execute the ruling because he was denied security approval. He narrated:

“I learned that the property I intended to purchase had a seizure lien because one of the owner brothers was wanted for the draft and the security services had his assets frozen

⁵ Articles 132 and 134 of the 2012 Syrian Constitution.

. . . After I obtained a court ruling corroborating the sales transaction, I visited the security services. There, officers, from the political and military security branches, ordered me not to apply for approval to transfer the ownership of the property again. They threatened to subject me to interrogation, and even arrest if I ever tried to obtain the approval again.”

Like Salem, Abdulwahid Omar had to obtain security approval from the Military Security branch to register a piece of land he purchased in the Ras Al-Ain/Serekaniye area. Omar was denied the approval, even though he succeeded to have one from the Political Security Branch after being them a bribe.

Omar narrated that an officer from the Military Security told his lawyer that they would not be able to issue him an approval because the plot he purchased is located in a currently occupied area. The officer added that the SG employees would not be able to conduct a field assessment of the land.

The witness highlighted that he knows of thousands of persons who faced the same difficulty, adding that these numerous experiences demonstrate how Kurds are denied the approvals necessary to establish ownership over property in the Jazira region.

Circulars

In addition to laws, the presidency of the Ministers Council, as an executive body, and the Minister of Justice, as a key executive official, have issued several circulars that make security approval a prerequisite, which guides the judiciary’s operations related to the citizen’s vital affairs. These circulars include [Circular No. 4554 of 4 August 2015](#), issued by the Presidency of the Council of Ministers. This circular addressed the Ministry of Local Administration, mandating security approval from competent authorities for real estate sales, rents, and transfer of ownership of homes and shops.

In 2018, the Ministry of Justice issued [Circular No. 82](#), obliging involved parties to obtain security approvals for internal and external powers of attorney, regulating the transfer of property ownership, and external and internal powers of attorney governing the foundation, participation, and withdrawal from a company.

Also issued by the Ministry of Justice, [Circular No. 14](#) of 21 February 2018 made the approval a prerequisite for sealing public auction sales, excluding only sales carried out in favor of public entities.

On 9 July 2019, the ministry issued [Circular No. 14](#), which mandated security approvals for external powers of attorney, addressing the sale and purchase of cars and other vehicles, sale and purchase of property by a prior contract, receiving pension salaries, amending company contracts, visiting public and private banks to withdraw money or renew a credit card, renting out property and fixed assets, terminating contracts and the destination of residential apartments with cooperative associations, investments in agricultural pieces of land and digging up artisan wells, resignation from public and private departments, donations, succession limitation, and settlement of succession, and investment in residential commercial facilities.

On 16 September 2021, the ministry issued yet another circular, [No. 13](#), making the security approval an essential prerequisite for initiating powers of attorney, representing missing and absent persons, a condition already applied to general and public powers of attorney.

Lacking Regulatory Laws

STJ's legal team searched private and open sources for legal texts underpinning the powers attributed to security services. The legal researchers discovered that no legal texts are entirely dedicated to security services, not even in the Hammurabi software. The software is a database sold to Syrian legal professionals, containing all laws, decrees, and circulars issued in Syria, categorized by the target body.

Entering the security legislative category, the legal researchers found no text specific to security services. The section listed laws pertaining to the Ministry of Interior which, while it has no operative relationship with security services, in practice and like other Syrian ministries, functions under the supervision of the security services.

In the absence of independent legal texts, the researchers located a few isolated articles in Legislative Decree No. 14 of 1969, establishing the General Intelligence Department, and Legislative Decree No. 549 of 1969, on the internal organization of the General Intelligence Department and the rules of service. Both these frames only prohibit the prosecution of security services.

Based on the search results, the researchers concluded that— whether designated laws do not exist altogether or are available but are not published or made open to the public or legal professionals—the legal dynamics underlying the activities and interventions of the security services aim to grant the services broad powers that do not adhere to the law. In turn, this creates an environment conducive to impunity.

Conclusion and Recommendations

The Syrian security services are claiming greater control over routine civil and administrative transactions by interfering in the operations of the judiciary and various administrations, relying mostly on the absence of regulatory laws and circulars that warrant their intervention, represented by imposing hard-to-obtain security approvals on numerous essential activities.

Based on the cited testimonies, the security services' intervention has a clear and direct impact on the lives of Syrian citizens and their rights, including birth registration, navigation, and property-related dealings.

Less immediate than the disruptions of daily, routine proceedings are the challenges that the increasing powers of the security services pose to the awaited political solution in Syria and efforts seeking to turn Syria into a State of rights, law, and institutions. Therefore, it is important to address the services' role and their dynamics to pave the path for this vision.

Listing all the measures needed to create the groundwork for a safe and neutral political environment goes beyond the scope of this reports; instead, STJ offers a few key recommends intended to support the reformation of the security services by breaking their control over Syrian institutions, particularly the judiciary:

- Inscribing clear principles into the new constitution, which do not leave room for multiple interpretations about the work and powers of security services. Then, turning the inscribed details into special laws that do not contradict the principles established in the constitution.
 - Enact legislation detailing the work of security services and preventing them from intervening in each other's competencies. Such legislation must be in line with human rights principles stipulated in international covenants and charters, in a manner that achieves the international standards mentioned in the [Code of Conduct for Law Enforcement Officials](#) approved by the United Nations General Assembly in Resolution No. 34 169 of 1979. Such legislation and laws regulating its work must be published and open to the public.
 - Repeal all legislation and circulars that grant security services immunity from prosecution for crimes they commit while performing their duties or in the course of carrying out their duties and subject them to the authority of the law and the judiciary.
 - Restructuring the security forces in a manner that guarantees their subjugation to a civilian authority, and removing all symbols and personalities cited in human rights reports for perpetrating war crimes and crimes against humanity.
 - Subjecting security personnel, members and officers, to intensive training courses in a manner that achieves the efficiency and professionalism necessary to properly perform the tasks required of them, and in a manner that takes into account full respect for human rights and fundamental freedoms enshrined in international covenants and charters.
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Our team of researchers and volunteers at Syrians for Truth and Justice are dedicated to uncovering human rights violations in Syria.

Believing that diversity has historically defined and benefitted the country, we work everyday to promote inclusivity and justice to ensure that all Syrians are represented, and their human rights secured.