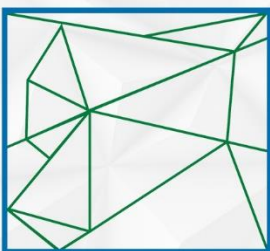


# Security Permits in Syria: The Enduring Tools of Oppression



سوريون  
من أجل  
الحقيقة  
والعدالة

Syrians  
For Truth  
& Justice



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## **Security Permits in Syria: The Enduring Tools of Oppression**

*The Syrian government has turned security permits into a systematic and targeted method to achieve its goals during the conflict, contradicting the “rule of law” and ignoring the “separation of powers” principles*

## Introduction

*Al-Muwafaqa al-Amniyeh* (security clearance, approval, or permit), *al-Diraseh al-Amniyeh* (security checkup), or *Khulasset al-Sijil al-Adli* (criminal register extract) refer to a special approval Syrian security services are empowered to grant to citizens. Citizens are obliged to obtain this approval to complete a wide range of transactions with the civil and administrative departments of the Syrian government (SG).

To decide whether to issue or deny a citizen the approval, one or several security branches run an investigation about that citizen. The final decision depends on the results of this investigation, which is mainly a search into the citizen's records the security services have in their archives.

Syrian authorities first enforced the approval measure after the Arab Socialist Ba'ath Party came into power in 1963. However, the authorities did not apply the measure extensively until after two major political instances—the *coup d'état* that brought Hafez al-Assad into office in 1970 and the constitution the SG enacted in 1973. The measure was further instilled by the SG's subsequent neglect of the principle of separation of powers, whereby the executive authority predominated, encroaching on the roles of the legislative and judicial authorities.

The executive authority expanded and established its hegemony during the 1980s conflict between the SG and the Muslim Brotherhood. Security approval became a prerequisite, casting a shadow over Syrian civil, social, and cultural life and governing various vital activities, including employment and travel.

Notably, the injustices the security services committed using this measure for decades are among the key factors that ignited the Syrian uprising in 2011. Over the first months of the uprising, Syrian President, Bashar al-Assad, admitted the approval-related grievances perpetrated against citizens. However, Syrians for Truth and Justice (STJ) had access to several documents and pieces of evidence, which demonstrate that al-Assad's recognition was merely an act of insulation and an attempt to contain the sweeping protests.

Additionally, the documents corroborate that, contrary to al-Assad's "reformative" discourse, the SG has been using an anti-reformist policy throughout the Syrian conflict. In June 2011, the SG circulated a list including all transactions bound by security approval and continued to update the list over the following years.

Today, the list looms large over all aspects of life in Syria, putting citizens at the mercy of security services regardless of the nature of their pursuits. Syrians must obtain security approval to buy, sell or rent an apartment, start and license a business, organize a concert, and get a passport or a graduation diploma, among many other activities.

In this report, STJ discusses the differences between the various types of security approval demanded in Syria and presents evidence of the SG's systematic and targeted use of the approval measure during the conflict, highlighting how the SG geared this measure towards its interests. To this end, STJ draws a timeline of decisions and circulars relevant to security approval, which the SG issued between 2011 and 2021. In addition to these circulars and decisions, STJ provides interviews with citizens, whose accounts prove the damage the approval is inflicting on Syrians' lives.

Most importantly, STJ investigates the constitutional texts grounding approval and the dilemma it induces, considering that the search for effective solutions must start with a discussion of the dilemma's constitutional underpinnings.

## Musician Jihad Akl Denied Access to Stage

In July 2022, the Directorate of Theaters and Music (DTM) of the Syrian Ministry of Culture announced a concert at Al-Hamra Theater in Damascus. The Brazil-based Syrian musician, Rabi' al-Baghdadi, was to lead the performance on 18 July with his band.

In the concert's Facebook [invite](#), the directorate also announced that, as "guest of honor," the theater will host the Lebanese-Palestinian musician Jihad Akl. However, Akl did not appear on stage that day because Syrian security services did not grant him approval on time.

Akl's absence became viral on social media, causing a divide among Syrian users—some justified the situation while others renounced the incident, blaming the Syrian Minister of Culture, Labana Mashouh.

In response to the controversy, the DTM Director, Imad Jalloul, made a statement to [al-Khabar Syria](#), TV and news website, on 22 July. Jalloul apologized to Akl. He also explained that the culture ministry was not in charge of the concert or inviting performers, and therefore it does not bear responsibility for the incident.

For his part, musician al-Baghdadi claimed responsibility for the inconvenience during an [interview](#) with the State-run *Radio Damascus* on 21 July. However, al-Baghdadi and the radio host justified the situation, stressing that he is an "expatriate" and "is unfamiliar with the country's law".

Addressing the measures ahead of the concert, al-Baghdadi said he applied for security approval through the Syrian Artists Syndicate nearly ten days before the event. He stressed that approval took longer than expected and was late due to the holidays. He added that approval was not out yet when Akl arrived in Damascus and that all his efforts to resolve the situation failed.

In his turn, Akl [discussed](#) the incident with *The New Arab* newspaper on 24 July. He emphasized that he does not hold the culture ministry responsible for the problem. He added that what happened was a matter of official measures, which had nothing to do with him personally, but rather with "the laws of the country, which must be respected."<sup>1</sup>

Even though the culture ministry was fast to clarify the situation, it was mainly attempting to dodge blame. In support of the ministry, the media projected the failure on the concert organizer, the "expatriate, who is unfamiliar with the country's laws".<sup>2</sup> Additionally, the SG used media to convey reassuring messages to Arab artists, who are always welcome in Damascus.

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<sup>1</sup> Akl also appeared on "Shu el-'essa" (What's the Story) show, hosted by Rabi'a al-Zayat.

Morjan. (2022, September 23). *Jihad Akl: "I was so heartbroken that I could not perform at the al- Al-Hamra Theater in Damascus, and that's why"* [Video]. YouTube. <https://www.youtube.com/watch?v=icA4cvnrTMY>

<sup>2</sup> Radio Damascus. (2022, September 21). *To Huna Dimashq Program: Musician Rabi' al-Baghdadi* (in Arabic) [Video]. Facebook. <https://www.facebook.com/watch/?v=284426630553545>

However, both the ministry and media avoided the problem at the heart of the incident, security approval. The issue fell from the media talk, even though approval is the mechanism with which the SG enforces the power of the intelligence services, grounding it in the neglect of the principle of separation of powers enshrined in the Syrian constitution.<sup>3</sup>

Affiliates of or close to the SG, media outlets legitimize the neglect using the war narrative, highlighting that “The country has been engaged in a war against terrorism and a universal conspiracy since 2011.” For the media, the war is a sufficient justification for the excessive powers the SG continues to grant to its military and security agencies.

Notably, the concert controversy is only a mild experience under the persistent challenge security approval poses. It serves as a keyhole into the long history of injustice, which pushed Syrians in various provinces to the streets in 2011 to protest the practices and hegemony of security services.

## Pre-2011 Approvals

Before 2011, citizens suffered the hampering effects of two types of security approvals: *Khulasset al-Sijil al-Adli* (criminal register extract) and *al-Diraseh al-Amniyeh* (security checkup).

### The Criminal Register Extract

To obtain the extract, also known as *ghayer mahkoum* or *la hukm a’leh* (clean record), citizens have to file an application with one of the Syrian criminal security branches.<sup>4</sup>

When wanted to security services, the citizen has to “refer to the relative court or draft center to settle their legal status and obtain a *waraqat kaf baheth* (cancellation of arrest order) from the agency that ordered the arrest, which in turn dully writes off their name on the police search lists.”<sup>5</sup>

Before 2011, citizens had to obtain the extract to carry out several proceedings, including personal status ones, such as intended marriage applications. The extract also was a precondition for applying for jobs, obtaining passports, and driving or professional licenses.

Notably, even though this report cites the extract within the context of security oppression, STJ distinguishes the differences between the regular use of the document and its abuse for authoritarian ends. The extract remains necessary under certain sensitive conditions. On the one hand, citizens must present the extract upon running for elections, regardless of their type or level, or upon applying for jobs, including teaching and other positions in public departments. Within this perspective, applicants must be able to prove they are not subject to

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<sup>3</sup> “Above the Judiciary and State Institutions: The Powers of the Syrian Security Services”, STJ, 7 October 2022 (Last visited: 29 November 2022). <https://stj-sy.org/en/above-the-judiciary-and-state-institutions-the-powers-of-the-syrian-security-services/>

<sup>4</sup> The official website of the Syrian Ministry of Interior: Criminal Security Department Transactions: Criminal Register Extract and Clean Record (29 November 2022). <http://www.syriamoi.gov.sy/portal/site/arabic/index.php?node=55444&cat=68&>

<sup>5</sup> Ibid.

a final court ruling, which convicts them of embezzlement, fraud, or rape, that they have been cleared of the offense ascribed to them, or that they have been duly rehabilitated.

On the other hand, the extract is prone to be a tool for blackmail and profiteering, especially in the absence of an independent judiciary. In Syria, the judicial system is subject to the executive authority and security-led exceptional courts, such as the Counter-Terrorism Court (CTC) and courts-martial.

## The Security Checkup

Unlike the extract, the checkup is subject to a special type of application. The citizen does not file the application to security services personally. Instead, the civil department, presiding over the transaction the citizen would like to run, initiates the application. For instance, if the citizen wishes to obtain a media outlet license, he/she has to present the application to the Ministry of Information. Afterward, the ministry follows up on the due procedures with the security services to get approval before granting the applicant a license.

For their part, security services run a background checkup of the applicant. To this end, the security services either summon the applicant to one of their branches or send a security officer to the neighborhood where he/she lives or works to investigate his/her status.

For additional insights on the checkup, STJ reached out to Nael N., from Homs province. N. tried to start a newspaper in Syria and narrated the measures he had to fulfill:

“In 2006, I decided to establish a newspaper that covers matters of interest to merchants and artisans in several areas across Rif Dimashq (Damascus Countryside) province. For funding, I intended to create an advertisement space to supplement whatever little profit I would have made from sales and reader subscriptions. I applied with all the necessary documents to the information ministry. The ministry employees told me that I would be subjected to a security checkup, which might take some time to be processed. Indeed, the checkup took nearly 11 months. During the evaluation, the Political Security summoned me to their headquarters three times. Later, I learned that the branch had also asked the head of the [Ba’ath] Party Division and other people from my village in the countryside of Homs about me. I was not harassed during my visits to the branch, but the [officers] extensively questioned me about all my acquaintances and their acquaintances, and also about the nature of ties I had with them. At the time, the detective was kind enough to advise me to suffice with an advertisement newspaper distributed free of charge to merchants in the region to avoid what he called: ‘the headache!’ Almost a year into the application, the ministry finally responded, saying that my application was denied for security reasons without further explanation. Of the very few details I learned later was that my uncle, who is on bad terms with my mother over inheritance issues, had given a false statement when the security service inquired about me in the village.”

Notably, the pre-2011 checkups did not only govern licenses for media and cultural enterprises. The SG also applied them to licenses and authorizations citizens sought to hold artistic, cultural, social, industrial, and commercial events. Additionally, security services ran similar checkups on citizens selling and buying property and lands in the border areas, particularly in Northeastern Syria, before warranting the transactions.<sup>6</sup>

The toll the approval measure has been taking on the lives of Syrians for decades was highlighted by President Bashar al-Assad himself. In his 20 June 2011 address, al-Assad said:<sup>7</sup> “Many issues were raised. For instance, there are unsolved accumulated issues dating back three decades since the confrontation with the Muslim Brotherhood. That was a black phase, and generations are still paying the price for that period, like being refused government employment, for example, or not being given security permissions. In other words, we held certain individuals responsible for the mistakes of other individuals—which is not right. We have started to solve these problems. . . We cannot continue living in the shadow of a dark phase in our history that happened three decades ago. These issues relate to the justice and injustice every citizen can associate with.”

## Post-2011 Approvals

Since 2011, the SG has been perpetuating "injustice" and using it to maintain unsolved "many issues," which the Syrian president mentions in his speech without saying what these issues are. Over the 11 years of conflict, the “permission” mechanism has become the SG’s tool for establishing dominance, often used to reshape the Syrian map. Today, security approvals govern issues starting with real estate and property transactions, commercial, industrial and service activities, and various personal status actions such as birth and death registration,<sup>8</sup> all the way to hosting a "some none-foe" performer in a concert. The SG, through security services, has compiled these transactions and many more into an ever-expanding list.

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<sup>6</sup> For further details, see: “Discriminatory Real Estate Policies Against Syrian Kurds”, STJ, 8 February 2021 (Last visited: 29 November 2022).

<https://stj-sy.org/en/discriminatory-real-estate-policies-against-syrian-kurds/>

The report mentions that “Several laws, legislative decrees, executive instructions and circulars have been issued over the past decades to regulate issues of ownership in Syria’s border areas.[1] Each of these legislations required Syrian citizens to obtain license/security clearance/permits if they wanted to purchase real estate in specified regions.”

The report adds that “The license/security clearance/permit is an approval granted by security authorities to a Syrian citizen to allow him/her own an estate in the areas covered by the mentioned legislation. This permit is totally different from the building permit that the municipalities grant to the owner or the contractor to allow him/her to construction.”

<sup>7</sup> “Speech by President Bashar al-Assad at Damascus University, 20 June 2011”, al-Bab, [https://al-bab.com/albab-orig/albab/arab/docs/syria/bashar\\_assad\\_speech\\_110620.htm](https://al-bab.com/albab-orig/albab/arab/docs/syria/bashar_assad_speech_110620.htm)

<sup>8</sup> “Above the Judiciary and State Institutions: The Powers of the Syrian Security Services”, STJ, 7 October 2022 (Last visited: 29 November 2022). <https://stj-sy.org/en/above-the-judiciary-and-state-institutions-the-powers-of-the-syrian-security-services/>

“Southern Syria: Thousands of Survivors Fail to Register their Dead Relatives”, STJ, 21 May 2020 (Last visited: 29 November 2022).

<https://stj-sy.org/en/southern-syria-thousands-of-survivors-fail-to-register-their-dead-relatives/>

## List of Transactions Conditional upon Security Approval

In August 2015, Syrian netizens shared an image of a circular issued by the General Director of the Directorate of Real Estate Interests, Abdul Karim Idris. That circular, dated August 12 and numbered 463/V, included a list of “cases that require prior security approval.”

Notably, the purpose of the circular was not to announce the creation of the list but to declare the new item it included, “transactions of real estate sell and houses or shops transfer in both zoned and non-zoned areas.”



Image (1)- Circular No. 463 issued by the Ministry of Local Administration on 12 August 2015.



In addition to highlighting the newly listed transaction, the 2015 circular cites a previous circular dated 8 June 2011—issued only 11 days before the above-mentioned speech of President al-Assad. The 2011 circular contains the initial list of “cases that require prior security approval,” which expanded over the years through a series of similar circulars. On this matter, the 2015 circular says: “Subsequent to our circular numbered 1355/F and dated 8 June 2011, which contains the cases requiring prior security approval, and following related circulars, a new case is added as also requiring prior approval. That is the case of selling real estate or transferring the ownership of /houses-shops/in areas (zoned and non-zoned). This circular is to be noted and acted upon.”

Between 2011 and 2015, the list underwent several alterations, with items either added or brought under exceptions (delisted). Even though list-related circulars and decisions are rarely leaked, the interviews STJ carried out indicate that the list continued to expand, covering almost all the indispensable transactions in Syria. The approval measure applies to renting houses, licensing shops, starting tourist, industrial, and commercial businesses, obtaining general and special powers of attorney, and even graduation diplomas.

In October 2022, STJ reached out to Salwa M., who narrated the obstacles she suffered while trying to rent a house in Latakia city:

“In 2013, I was a first-year student at the Faculty of Civil Engineering at Tishreen University in Latakia. Because I joined the university from another province and the dorms were inadequate and unbearable, my friend and I decided to rent a house in a close-by neighborhood. We found a suitable flat, and the owner asked us to certify the lease at the municipality. When we applied for the certification, we were shocked that we had to obtain security approval first. I explained the situation to the municipality employee. I told him that I had to move into the flat urgently because the courses at the faculty had already started, and I had attended none yet, stressing that delay would cost me the year. However, all my attempts at convincing him were to no avail. Nearly 40 days after I returned to my province, the flat owner called me and said that he managed to expedite the approval process with help from his nephew, who is an officer in one of the security branches.”

### Delisted Transactions

On 12 September 2018, the back-then Syrian Minister of Justice, Hisham al-Shaar, issued a permanent order providing for the transactions exempted from the security approval condition. These include powers of attorney for processing matters related to marriage, divorce, limitation of succession, and birth registration.

Additionally, the order lifted the security permit condition on administrative powers of attorney military conscripts grant to agents to carry out several official proceedings on their behalf. These activities include visiting draft centers and other official departments to settle their status, obtain or renew their passports, get them other official documents and pay their military exemption fee.

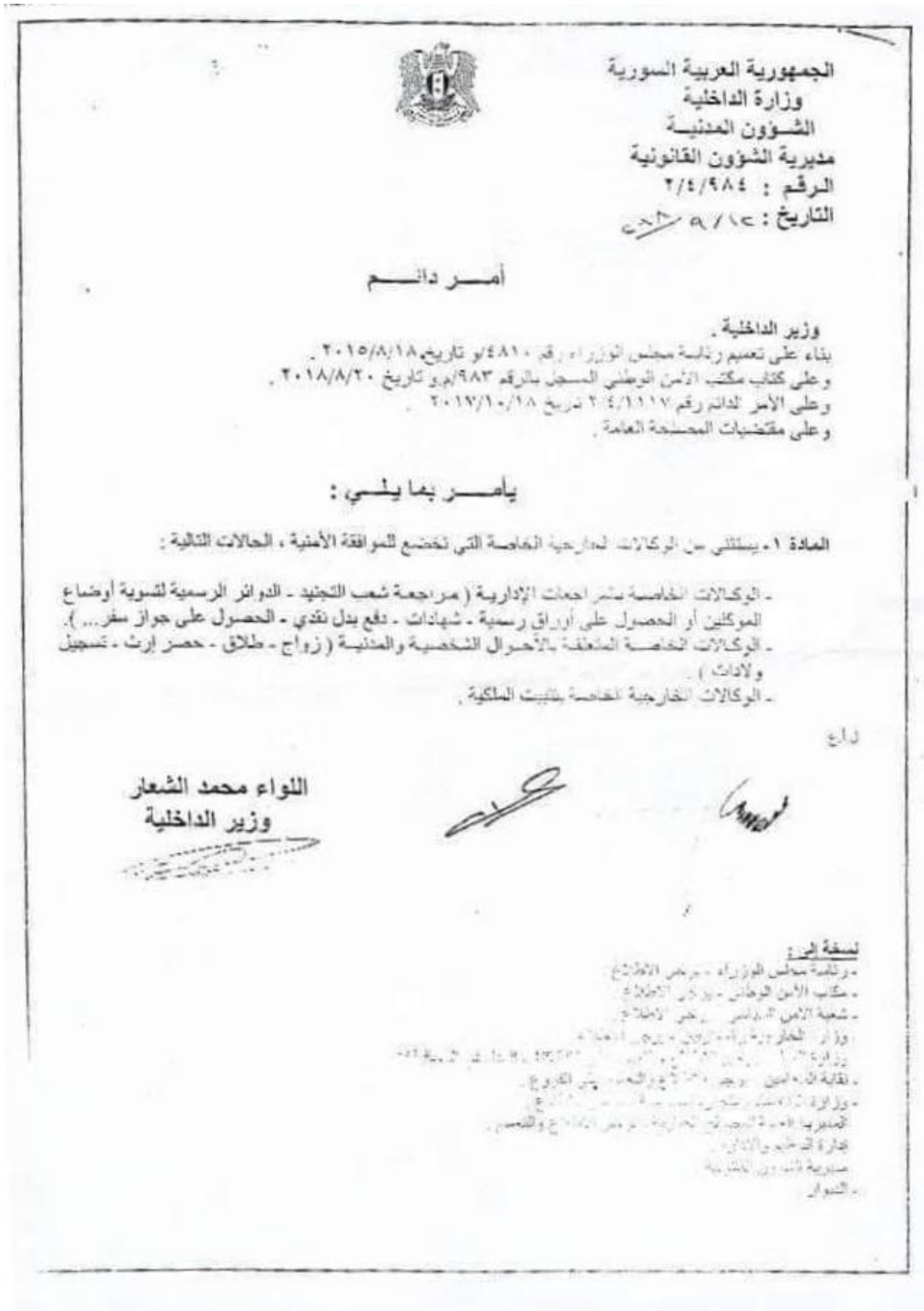


Image (2)- Permeant order issued by the Ministry of Interior on 12 September 2018.

Syrian media outlets, both pro- and anti-SG, circulated a copy of the order, which cites several related circulars issued in the same year, as well as over 2015 and 2017. The order, therefore, reinforced the approval measure even though its main purpose was to define items delisted from “cases requiring prior security approval.”

In their comment on the order, SG-ran media outlets said that the SG opted for these exemptions from the approval to alleviate the suffering of citizens and facilitate several

proceedings.<sup>9</sup> However, these outlets did not address the fact that the exemptions were used for governmental censorship. By lifting the approval prerequisite previously imposed on personal status affairs, the SG would manage to keep tabs on marriage, divorce, birth, and inheritance-related events registered abroad. Additionally, with delisting passports and draft exemption fees, the SG would replenish its treasury with the US dollar.

Notably, several other circulars the SG issued between 2013 and 2022 corroborate that exemptions from the security approval prerequisite are either formal or directed toward pumping foreign currency into the State treasury.

In early 2019, the Minister of Interior issued a circular on security approvals governing property rentals.<sup>10</sup> Previously, citizens had to apply personally to the Police Department to obtain the permits. Following the circular, citizens had to apply with the Administrative Unit concerned with the property or the Citizen Service Center, which would refer the application to the relevant Police Department. With this, the circular did not exempt rental agreements from the approval prerequisite but only amended the formal application mechanism.

Also in 2019, in March, the Minister of Justice issued a circular lifting the security approval prerequisite conditioning “special powers of attorney governing transactions with public banks, including settlement contracts and payment of loan installments in whole or in part.”<sup>11</sup> The cancellation of the prerequisite responded to the demands of “public and private banks”, which for years complained about “difficulties at collecting overdue debts.”<sup>12</sup> Notably, this cancellation proves that the SG is willing to suspend the approval measure only when the transaction involved serves its purposes, financial or else, while overlooking the crippling effects the approvals have on almost all aspects of the citizens’ lives.

## The List Expanded

On 16 September 2021, the Ministry of Justice issued [Circular No. 30](#), which mandates the “necessary security approvals” as an essential and prior condition for initiating powers of attorney for missing and absent persons, similar to general and special powers of attorney.

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<sup>9</sup> “Lifting Approval Conditioning Powers of Attorney Related to Marriage, Divorce, Property Ownership Registration, and Passports” (in Arabic), *al-Watan*, 21 October 2018 (Last visited: 29 November 2022). <https://alwatan.sy/archives/170780>

<sup>10</sup> “New Interior Circular on Security Approval” (in Arabic), *Snack Syrian*, 28 January 2019. <https://snacksyrian.com/%D8%AA%D8%B9%D9%85%D9%8A%D9%85-%D8%AC%D8%AF%D9%8A%D8%AF-%D9%84%D9%84%D8%AF%D8%A7%D8%AE%D9%84%D9%8A%D8%A9-%D8%AD%D9%88%D9%84-%D8%A7%D9%84%D9%85%D9%88%D8%A7%D9%81%D9%82%D8%A7%D8%AA-%D8%A7%D9%84%D8%A3/>

<sup>11</sup> Circular 9, Syrian Bar, 28 January 2019. <http://syrianbar.org.sy/ar/page/%D8%AA%D8%B9%D9%85%D9%8A%D9%85-%D8%B1%D9%82%D9%85-9>

<sup>12</sup> “Bank Challenges: Collecting Overdue Debts Depends on the Crisis” (in Arabic), *al-Watan*, 17 July 2016. <https://alwatan.sy/archives/61841>

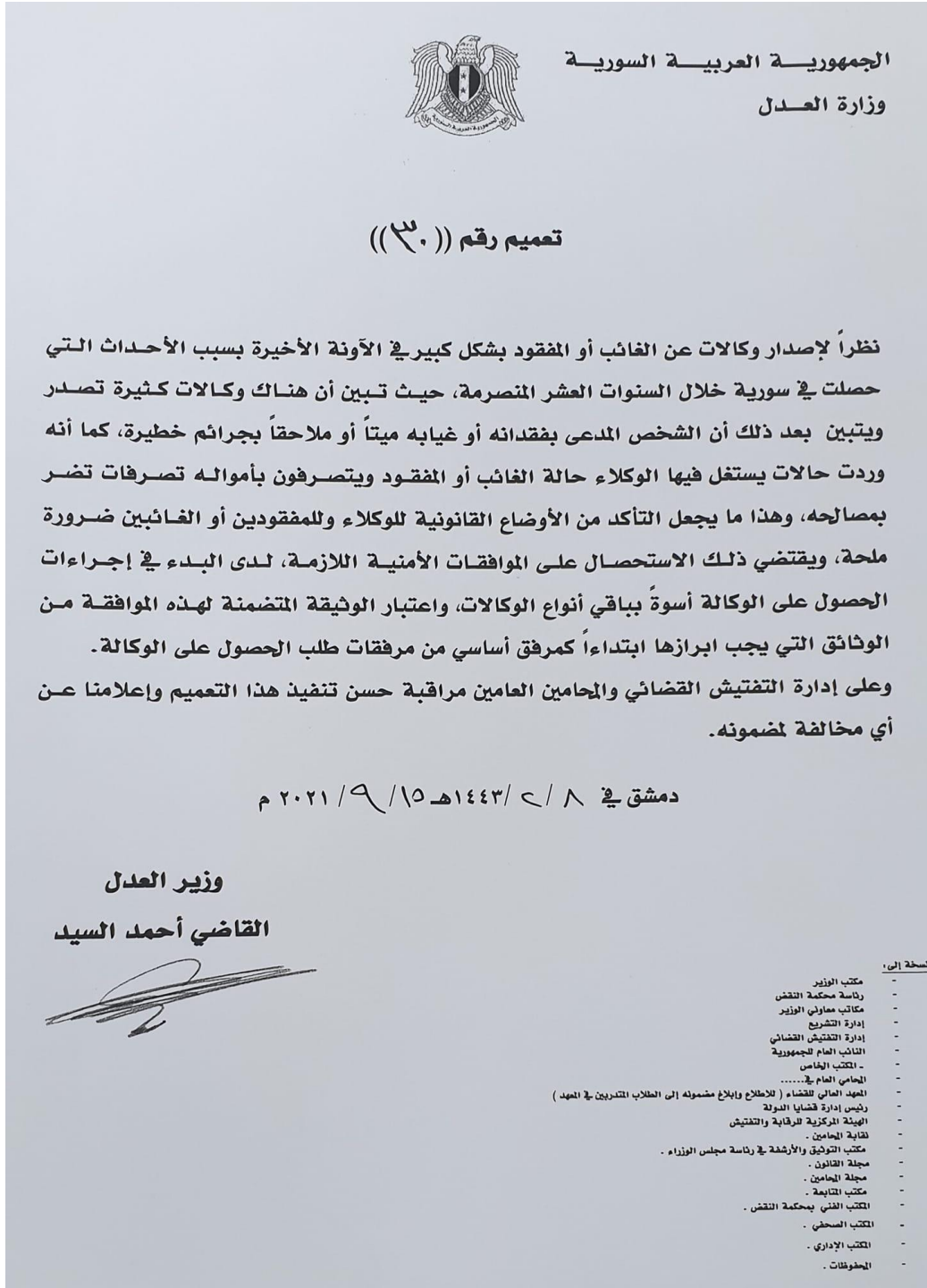


Image (3) - Circular No. (30) issued by the Ministry of Justice on 15 September 2021.

Investigating the impact of the circular, STJ published an extensive [report](#) on 22 October 2021. The report concluded that the circular poses dire implications for the families of missing and absent persons, particularly female members. STJ also discovered that the circular jeopardizes a variety of their human rights while it constitutes a blatant breach of Syrian law and the 2012 constitution.

## Constitutional Violations

The decades that followed the Ba'ath Party's seizure of power in Syria witnessed an overwhelming dominance of the executive authority, which established hegemony over the judicial and legislative entities. Several factors facilitated this hegemony, and they continue to sustain it.

While the Emergency Law, which remained in effect for nearly half a century, concentrated power in the grip of the President of the Republic, the authoritarian role the 1973 Constitution attributed to the Ba'ath Party as the "leading party of the state and society" functioned to expand his powers.<sup>13</sup> The president is simultaneously the Secretary-General of the Ba'ath Party and the Commander-in-Chief of the Army and Armed Forces.

Notably, this power dynamic remains unchanged even though the SG introduced several amendments to the [2012 Constitution](#), including the removal of Article 8 of the 1973 Constitution, which establishes the rule of the Ba'ath Party over the State and society. Other amendments are established in Articles 1 and 2, which respectively define the Syrian State as "democratic" and its system of governance as "republican."<sup>14</sup> Additionally, the 2012 constitution enshrines the principle of the separation of powers and in Article 50 provides that "The rule of law shall be the basis of governance in the State."<sup>15</sup>

However, the restrictions on powers these articles brought about were rendered ineffective by others. For instance, Article 133 of the 2012 Constitution grants the President of the Republic broad judicial and legislative powers.<sup>16</sup> The article states that: "The Supreme Judicial Council is headed by the President of the Republic; and the law states the way it shall be formed, its mandate and its rules of procedures."<sup>17</sup> Notably, these privileges are not limited to the President because he extends similar privileges to the Council of Ministers and the Council of Ministers, and all the way down to security services.

Within this perspective, the circulars and decisions governing the security approval measure constitute both an interpretation of the hegemony of the executive authority and its tool for keeping a tight grip over the judicial and legislative authorities and all aspects of life they preside over, including the affairs of the local and civil community.

Based on this, the security approval measure violates the provisions of Article 50 of the 2012 Constitution. This violation arises from the fact that the principle of the rule of law stipulates the application of the law primarily and prevents the executive authority from enforcing any measures that would impede the work of law.

For instance, the approval measure functions at odds with Article 825 of the Syrian Civil Code, issued by Legislative Decree No. 84 of 1949. In paragraphs 1 and 3, the article states that:

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<sup>13</sup> The 1973 Syrian Constitution, Article 8.

<sup>14</sup> The 2012 Syrian Constitution, Article 1 and 2.

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/91436/106031/F-931434246/constitution2.pdf>

<sup>15</sup> Ibid.

<sup>16</sup> Authorities, Syrian E-Government Portal,

<https://egov.sy/cat/ar/91/0/%D8%A7%D9%84%D8%B3%D9%84%D8%B7%D8%A7%D8%AA.html>

<sup>17</sup> The 2012 Syrian Constitution, Article 133.

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/91436/106031/F-931434246/constitution2.pdf>

“Property rights are acquired and transferred by registering them in the Cadaster” and “Whoever acquires property by inheritance, expropriation, or a court ruling, owns it before its registration. However, the effect of this acquisition begins only after registration.” Additionally, the Code attributes an absolute evidentiary power on Cadastral documents as an official recognition of ownership. These rights are undermined by the 2015 Circular, which imposed the security approval on selling, purchasing, and transferring the ownership of houses and shops. Later, property rights were also derogated by Circular No. 30 of 2021, which imposed similar approvals on powers of attorney for missing and absent persons.

The approvals deny family members their right to dispose of the property of relatives whose fate remains unknown. Given the territories where these two circulars are enforced, the SG is likely using them systematically to reshape the demographic map of areas previously held by the Syrian armed opposition.

Additionally, the security approval measure represents a grave encroachment on the domain of the judicial authority, which purportedly shall remain independent and non-politicized. The measure violates Articles 132 and 134 of the 2012 Constitution, which respectively guarantee that “The judicial authority is independent; and the President of the Republic insures this independence assisted by the Supreme Judicial Council” and “Judges are independent and there is no authority over them except that of the law.”

Notably, the violations perpetrated under the security measure go beyond national provisions, breaching international ones as well. The measure violates the [Basic Principles on the Independence of the Judiciary](#), adopted by the General Assembly of the United Nations in 1985. These principles oblige the State to guarantee the independence of the judiciary and stress that it is the duty of all governmental and other institutions to respect and observe the independence of the judiciary. Moreover, the principles stress that the judiciary must decide on issues it presides over impartially, without any restrictions, improper influences, inducements, pressures, threats, or interferences.

Notably, these multilayered violations demonstrate the invalidity of the security approval measure and its misalignment with the Syrian domestic laws and constitution. Therefore, the measure turns the official media narrative—of state-run outlets, which insist on presenting the measure as “the laws of the country” while it witnesses “a war and conspiracy,” into an additional indicator that the SG is unwilling to reform its approach to essential and routine activities. On the contrary, the SG is likely adamant about resuming its systematic policy, under which the security approval measure is a manifestation of the excessive powers security officers and personnel enjoy. Security agents use the approval to either oppress or blackmail citizens, with officers arbitrarily denying some citizens the approval for malicious reports, or profiteering from the urgent needs of others, asking for bribes to greenlight the approval or speed up its issuance.

## Conclusion and Recommendations

Based on the above-discussed circulars and accounts of affected citizens, the Syrian security services continue to operate as a privileged authority, which is also autonomous from the legislative, executive, and judicial entities. The security services hold this status even though

their powers are neither established by the Syrian constitution nor framed by clear regulatory laws and legislation. For the most part, the activities and the powers of the security services are hinged on internal and unpublicized circulars.<sup>18</sup>

Under this condition, it is important to address the services' role and powers they enjoy. To this end, STJ offers a few key recommendations intended to support efforts seeking to turn Syria into a State of rights, law, and institutions:

1. Inscribing clear principles into the new constitution, which regulate both the work and jurisdiction of security services.
2. Turning the inscribed details into special laws that do not contradict the principles established in the constitution. 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, which subject security personnel, officers and members, to the authority of the law and the judiciary.
3. Repealing Legislative [Decree No. 14 of 1969](#), establishing the General Intelligence Department, being the frame that grants security services impunity from prosecution for the crimes they commit.<sup>19</sup>

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<sup>18</sup> "Above the Judiciary and State Institutions: The Powers of the Syrian Security Services", STJ, 7 October 2022 (Last visited: 29 November 2022). <https://stj-sy.org/en/above-the-judiciary-and-state-institutions-the-powers-of-the-syrian-security-services/>

<sup>19</sup> Article 16 of the decree states that: employees of the State Security Administration "shall not be judicially pursued for offenses they commit while carrying out their duties or specific tasks assigned to them without a warrant issued by the director authorizing legal action against them".



## 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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