

Syria: Death Penalty as a Tool of Political Repression and Elimination of Opponents



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- This publication was funded by **Legal Action Worldwide**. Its contents are the sole responsibility of Syrians for Truth and Justice and do not necessarily reflect the views of **Legal Action Worldwide**.

1. Introduction:

This paper comes on the occasion of the World Day Against the Death Penalty, which is celebrated annually on 10 October, as part of global efforts to highlight the risks and negative effects of the death penalty.

Syrians for Truth and Justice (SJT) presents this paper as part of the World Coalition Against the Death Penalty (WCADP), and out of its belief in the importance of shedding light on the violations associated with the death penalty in Syria. Despite international movements to abolish or limit this penalty, Syria continues to use the death penalty on a large scale, especially since the popular movement begun in 2011, as the Syrian government uses the death penalty as a tool for repression and elimination of opponents, especially through “legalizing the practice” and creating exceptional courts to issue this penalty.

The death penalty in Syria is based on several legal texts. However, it is mainly embodied in [the Syrian Penal Code No. 148 issued in 1949](#), which stipulates the death penalty for some “crimes against the State’s security” that are vaguely worded and open to more than one interpretation, such as “**plotting intrigues and scheming with a foreign country,**” “**plotting intrigues and scheming with the enemy,**” “**bearing arms against Syria in the ranks of the enemy,**” “**inciting civil war and sectarian strife,**” and “**espionage for the benefit of a hostile country.**”¹

In addition to imposing this penalty against perpetrators of some serious crimes, such as arson or vandalism of public property, if these acts result in the death of one or more persons, and premeditated murder, facilitation of a felony, or if it occurs against one of the assets and branches.² Although [Anti-Terrorism Law No. 19 of 2012](#) has repealed the articles in the Penal Code related to terrorism, it has maintained the death penalty for anyone who commits a “**terrorist act**” or threatens the government with a “**terrorist act,**” and has expanded the scope of crimes subject to the death penalty.³

The application of these laws in practice shows a widespread distortion of the concept of arbitrary execution and its political exploitation to justify the elimination of political opponents and strengthen the power of the ruling authority.

Human Rights Watch [reports](#) confirm that these legal texts are used as a cover to carry out the death penalty against political detainees in Syria, on fabricated and vague charges such as “conspiracy against the State”, where criminal charges are adapted according to the political situation, rather than adhering to internationally recognized judicial standards.

[The Independent International Commission of Inquiry on the Syrian Arab Republic](#) also indicates that targeting opponents with the death penalty is not limited to those who bear arms, rather extends to journalists, human rights activists, and even civilians suspected of involvement in anti-government activities.

¹ Syrian General Penal Code No. 148 of 1949, Articles No. 263, 264, 265, 298, 272, 273, 274 in reference to Article No. 247 and Articles No. 298, 299, 300 in reference to Article No. 247.

² Syrian General Penal Code No. 148 of 1949. Articles 579 to 585.

³ Anti-Terrorism Law No. 19 of 2012, Articles 5 and 6.

2. The government's exploitation, domination and politicization of the judiciary:

[The Syrian Constitution of 2012](#) stipulates that the judiciary is independent and that judges are independent and subject to no authority other than the law, and the President of the Republic guarantees this independence (Articles 132 and 134). However, in practice, this provision is not translated into reality.

The Constitution itself grants the President the presidency of the Supreme Judicial Council (Article 133). Also, the appointment, promotion and dismissal of judges are in practice the responsibility of the Executive Authority, which constitute of four members of the Supreme Judicial Council, including the President, with no constitutional guarantees for the immunity of judges, which contributes to the subordination of the judiciary to the Executive Authority, undermines the independency of the judiciary and turns it into a political tool in the hands of the government.⁴

This lack of independence is most evident in political trials, particularly in exceptional courts such as the former military tribunals and the current anti-terrorism court, which operate outside basic legal guarantees, such as the right to a legal consultation, a public trial, or the right to pursue an appeal.

In addition, the interference of the security and political services in the judiciary's work is considered part of a repressive system that uses the death penalty as a tool to intimidate opponents and silence any voice calling for change.

This is reflected in the lack of justice in the implementation of death sentences, where the rights of the accused to a fair trial are ignored, which reinforces the environment of impunity and creates a distrust in the Syrian judiciary as an independent and impartial body among the society.

Accordingly, over the years of the ongoing conflict, many international organizations, including [Amnesty International](#) and [Human Rights Watch](#), have condemned the Syrian regime's use of the death penalty as a tool of repression, and called on the International Community to take a stronger stance against these violations and demand an end to executions in Syria.

[The UN Commission of Inquiry on Syria](#) also called for independent and impartial investigations on violations committed by the Syrian government, including the implementation of mass executions.

⁴ For more information, see the report: "[Syria: The Interference of the Executive Branch in the Judiciary and its Impact on Safeguarding Democracy](#)." Syrians for Truth and Justice, 2 February 2024.

3. Military Tribunals and the Anti-Terrorism Court:

The Syrian government relies on a legal framework to implement the death penalty that goes beyond traditional criminal law to include a set of special laws, most notably [Anti-Terrorism Law No. 19 of 2012](#), which allows for terrorism charges to be brought against people for their peaceful opposition to the regime or their participation in civil activities.

A. Military Tribunals (Field Courts):

These courts were established as quick and secret channels for passing sentences without any guarantees of a fair trial, and have been a key tool in repressing activists [since their establishment in 1968](#), where they have been used as a means of intimidating opponents of the regime.

Since the 1980s, a large number of executions have been carried out, as stated by former Defense Minister General Mustafa Tlass in an [interview with the German newspaper Der Spiegel](#) in 2005, where he spoke about the bloody military attack on Hama in 1982, indicating that 150 death sentences were carried out weekly in Damascus alone at that time.

With the start of the movement in 2011, the military field court issued thousands of extrajudicial death sentences. [Amnesty International estimates](#) that between 5,000 and 13,000 people were executed between September 2011 and December 2015 in sham trials. The first of these executions began in Saydnaya military prison in September 2011. There is no evidence that the issuance and implementation of death sentences ended before [these courts were abolished in 2023](#).

The military field courts operated under the supervision of military officers rather than civilian judges, where defendants were often convicted based on confessions extracted under torture, without being given the right to defend themselves, to have a legal representative, or to have the opportunity to appeal or challenge their verdicts, as they were issued in a final manner.

Most executions are carried out secretly, and the victims' bodies are buried in mass graves without informing their families.⁵

These courts were officially abolished in September 2023 by [Legislative Decree No. 32](#). However, their profound impact on the Syrian judicial system and the continued use of similar mechanisms through the Anti-Terrorism Court reflect the Syrian government's continued use of this approach to exact reprisal on its political opponents.

B. Anti-Terrorism Court:

On 26 July 2012, Syrian President Bashar al-Assad issued [Law No. 22 of 2012](#), which established a court specializing in terrorism cases based on the [Anti-Terrorism Law No. 19 of 2012](#), as an alternative to the "Supreme State Security Court", which was abolished by [Decree No. 53 of 2011](#). The aforementioned Law made this court an exceptional entity that does not

⁵ For more information, see the report: "[Military Field Courts in Syria: 55 Years of Arbitrary Decisions](#)." Syrians for Truth and Justice. 13 October 2023.

follow the procedures of traditional Syrian courts stipulated in the [Code of Criminal Procedure No. 112 of 1950](#).

Article 7 of the Anti-Terrorism Law granted the court the freedom to bypass applicable legal procedures during all stages of prosecution and trial, while preserving only the right to defense. Since then, the Anti-Terrorism Court has become a means and tool to suppress political opponents. It relied on the aforementioned [Anti-Terrorism Law](#), which included vague terms that allowed the death penalty to be imposed on anyone who opposes the ruling authority and criticizes its repressive approach towards civilians, in addition to other severe verdicts stipulated in this law.

Its jurisdiction includes civilians and military personnel, noting that the rulings issued against defendants in absentia, especially those displaced outside the areas controlled by the Syrian government, are final and cannot be appealed, unless the convicted surrenders themselves voluntarily.

It is possible that most of those convicted in absentia are not aware of the verdict issued against them or that the case was initiated in the first place. Therefore, if one of them considered returning to areas controlled by the government and was arrested, he could not be considered to have surrendered himself voluntarily. If the sentence was death, it would be carried out without the right to object.

This indicates the extent of the government's disregard for the lives of Syrians, especially those opposing it.⁶ It also confirms, once again, that the main purpose of establishing the Anti-Terrorism Court is to silence opponents and stifle their voices.⁷

4. Pardon decrees, the Special Pardon Committee and its role in implementing the death sentence:

Over the past decade, pardon decrees in Syria have been part of the government's strategy to contain internal and international pressures, without leading to tangible changes on the ground. These decrees have contributed to enhancing the image of the Syrian government without protecting political detainees from enforced disappearance or execution.⁸

In line with this policy, Legislative Decree No. 108 was issued in 2022, which reconstituted the Special Pardon Committee in the Syrian Ministry of Justice to include five judges, appointed solely by the President, whose mission is to review requests for pardon related to death sentences.

⁶ For more information, see the report: "[Case Study: The Laws and Mechanisms Underlying the Death Penalty in Syria](#)." Syrians for Truth and Justice, 31 October 2022.

⁷ "[Syria: Counterterrorism Court Used to Stifle Dissent](#)." Human Rights Watch, 25 June 2013.

⁸ The latest is [Legislative Decree No. \(27\) of 2024](#) issued on 22 September, which included a general pardon that covered some crimes such as desertion from compulsory military service and some minor crimes. However, it has failed to provide any solutions for the thousands of Syrians arbitrarily detained for their opposition to the regime or their participation in peaceful protests. Like previous decrees since 2011, this pardon excluded individuals convicted of crimes that allegedly constituted a "serious infringement on society and the State," which meant excluding most political detainees and activists who were tortured and convicted in unfair military tribunals. For other examples, see [Legislative Decree No. 7 of 2022](#) (ostensibly, this pardon appears to be more comprehensive and broader than others, but in practice it excluded those convicted under the General and Military Penal Code, the Cybercrime Law, and other laws), [Legislative Decree No. 13 of 2021](#) (issued at the height of the Syrian conflict, but did not include political detainees on a large scale), and [Legislative Decree No. 22 of 2014](#) (which excluded crimes related to countering terrorism).

This Committee does not have independent authority from the President,⁹ as its mission is to express an opinion and nothing more since the decision is made by the President. This means that the President retains the final decision on implementing or suspending sentences.

This strengthens the executive authority's control over the judiciary and makes it a tool for implementing verdicts in a more politicized manner, especially in cases of a political nature or those related to the opposition,¹⁰ in a manner that explicitly contradicts the [Basic Principles on the Independence of the Judiciary](#) adopted by the United Nations General Assembly in 1985, which affirmed that there should be no inappropriate or unjustified interference in judicial proceedings.

5. Violating the right to life and establishing a culture of revenge against opponents:

The death penalty violates the fundamental right to life, which is inalienable under international charters such as the International Covenant on Civil and Political Rights (ICCPR). Furthermore, the death penalty is a final punishment that cannot be reversed in the event of judicial errors, which means that the possibility of executing an innocent person, however small, makes its application morally unacceptable.

Numerous [studies](#) have shown that human justice systems are not infallible; flawed evidence, confessions extracted under torture, or misinterpretations of facts often lead to unfair convictions. In this case, the harm caused by the death penalty is irreparable.

The report of the [UN Special Rapporteur on extrajudicial, summary or arbitrary executions \(2016-2021\)](#) affirms that the right to life is a fundamental human right, and that extrajudicial or arbitrary executions violate this right, particularly in conflict situations such as Syria.

The Special Rapporteur noted that executions carried out by government actors or armed groups under the pretext of anti-terrorism or security measures, without fair trials or due process, constitute a clear violation of the right to life. This is a violation of international law, and the impunity with which these crimes are committed makes it more serious, as the state fails to investigate or hold accountable the perpetrators of these violations.

Additionally, the executions taking place in Syria are a flagrant violation of Article 6 of the [ICCPR](#), which Syria has ratified, as it protects the right to life and prohibits the death penalty except in the most serious crimes and after a fair trial.¹¹

The death penalty has not proven effective as a deterrent to crime, as [studies](#) show that countries that have abolished the death penalty have not witnessed a significant increase in crime rates. On the contrary, reforming criminal justice systems and focusing on crime prevention factors are more effective in reducing crime in the long run. In fact, [adopting the](#)

⁹ Syrian Code of Criminal Procedure, Article No. 454.

¹⁰ For more information, see the report: "[Syria: The President Enforces Death Sentences through a Formal Pardon Committee](#)." Syrians for Truth and Justice, 7 June 2022.

¹¹ In April 2023, in its [list of issues](#) in relation to [Syria's report](#) on its adherence to the International Covenant on Civil and Political Rights, the Human Rights Committee requested information on "the steps taken to amend current legislation so that the death penalty is only permissible for the most serious crimes, that it is never compulsory, and that pardon or commutation of sentence is available in all cases, regardless of the crime committed." The Committee also requested statistical information on the practice of the death penalty in Syria. In [its response](#) to this matter, the latter confirmed that it carries out the death penalty in the narrowest scope possible, and only imposes it in rare cases for the most serious crimes. However, it did not provide the statistical information requested (paragraph 36).

[death penalty as a punishment foment a culture of revenge and violence](#) rather than promoting a spirit of tolerance and rehabilitation.

The death penalty contradicts humanity that is supposed to be the cornerstone of any justice system. It also contradicts international human rights standards, as it causes great mental and physical suffering to those sentenced to death, as well as to their families. People awaiting execution go through a phase known as the “[death row phenomenon](#)”, where they are subjected to immense psychological pressure due to their waiting for the unknown and the stress associated with the execution of the sentence, which in itself is considered a form of torture.

According to [Amnesty International](#), the death penalty is the ultimate cruel and inhuman punishment, as it violates the fundamental right to life, and causes severe physical and mental suffering, both for those sentenced and their families, who live in a state of constant fear and waiting.

In Syria and other countries of conflict, the importance of abolishing the death penalty is more urgent for several reasons related to the special circumstances in those countries, where the death penalty is used as a political tool to suppress opponents and settle political scores under the pretext of countering terrorism.

In addition, executions are carried out after sham trials, often in absentia and without guarantees of a fair trial, which turns the penalty into a tool of intimidation and control, rather than achieving justice.

Furthermore, in countries of conflict such as Syria, the judiciary is often not independent and is under the control of the authorities or armed groups, meaning that those sentenced to death often do not have a fair opportunity to defend themselves.

In these contexts, executions are often arbitrary, and journalists, human rights activists, and even civilians are targeted. For example, mass executions, as [documented in Saydnaya prison](#), are part of the state’s strategy to suppress opposition and terrorize society.

6. Recommendations:

- A. **Complete abolition of the death penalty:** Syria must join the growing global trend towards complete abolition of the death penalty by amending its criminal laws and ensuring a moratorium on executions, especially for political and civil crimes where the death penalty is used as a tool of repression.

In the meantime, data on trials and death penalties should be published, and accurate information on those sentenced should be provided, to ensure that the penalty is not abused. Also, Syria must accede to the Second Optional Protocol of the ICCPR, aiming at the abolition of the death penalty.

- B. **Repeal the 2012 Anti-Terrorism Law and close the Anti-Terrorism Court:** The Anti-Terrorism Law of 2012, which is used as a political tool to target political opponents and civil activists on vague and ambiguous charges, must be repealed. Amendments to the articles of Penal Code, which are ambiguous and open to interpretation, should be made.

In addition, the Anti-Terrorism Court, which has consistently lacked guarantees for a fair trial and issued death sentences based on confessions extracted under torture, must be closed, and the cases pending before it must be referred to the regular judiciary, with the need to provide fair trial guarantees before these courts, allow public attendance at these trials, and constitutionally prohibit the establishment of any exceptional courts or committees that deprive the regular judiciary of its inherent jurisdiction.

- C. **Strengthening the independence of the judiciary and providing guarantees for a fair trial:** Syria must effectively guarantee the independence of the judiciary, free from any political or security influence.

It must apply the principle of separation of powers, and repeal any laws that contradict with the constitution or with international charters it has ratified. It must adhere to international standards for fair trial, including providing detainees with a full defense, prohibiting confessions extracted under torture, providing the right to appeal in death penalty cases, and reconstituting the Supreme Judicial Council so that the executive authority has no role in it.

- D. **Independent investigations into past violations:** Independent and impartial investigations must be conducted into all violations related to executions carried out since the beginning of the conflict in Syria, with a focus on military tribunals and the Anti-Terrorism Court. Those responsible for these violations must be brought to justice to guarantee that there is no impunity.
- E. **Cooperation with international organizations:** Syria must cooperate with international human rights organizations, such as the United Nations institutions and Amnesty International, to ensure adherence to international human rights standards, fair trials, and basic principles regarding the independence of the judiciary, and to benefit from its accumulated experience in the aforementioned areas to amend its legislation in accordance with those standards and principles.
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ABOUT STJ

Syrians for Truth and Justice (STJ) started as an idea in a co-founder's mind while attending the U.S. Middle-East Partnership Initiative's (MEPI) Leaders for Democracy Fellowship program (LDF) in 2015. The idea became a reality and flourished into an independent, non-profit, impartial, non-governmental human rights organization.

STJ's beginnings were more than humble; initially, it only reported stories of Syrians who experienced arbitrary arrest, enforced disappearance, or torture. Planted in fertile soil, the seed of this project grew into an established human rights organization licensed in the Middle East and the European Union. STJ today undertakes to detect and uncover violations of all types committed in all Syrian parts by the various parties to the conflict.

Convinced that Syria's diversity is a wealth, our researchers and volunteers serve with unflinching dedication to monitor, expose, and document human rights violations that continue unabated in Syria since 2011, regardless of the affiliation of the victims or perpetrators.