



Report to the Human Rights Committee in Relation to the Fourth Periodic Review of Syria

Submitting Organisation

Free Syrian Lawyers Association (FSLA)

FSLA is a Syrian non-governmental civil society organization created in 2012 and granted a license by the Turkish government in 2016. FSLA is headquartered in Gaziantep and operates three locations around Turkey and offices in Erbil and Lebanon. The FSLA's mandate is to address issues of law and human rights. The FSLA's numerous activities aim to raise awareness and legal knowledge in all areas of Syrian society. This is done to lawfully and humanely empower civil society to lay the groundwork for community development and establish a state of law and justice. The Free Syrian Lawyers Association seeks enduring justice and peace through its activities and programs.

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Introduction

This paper provides responses to the Syrian government's responses concerning the list of issues pertinent to its fourth periodic report. The paper does not cover all the issues raised by the committee. Instead, it addresses the following thematic areas:

- Legal and Constitutional Framework
- Enforced disappearances
- Freedom, personal security, and treatment of persons deprived of their liberty
- Right to privacy, freedom of movement and internally displaced persons
- Freedom of expression

The lack of discussion on the remaining issues raised by the Committee in this paper should not be construed as suggesting that the Syrian Government has fulfilled its obligations under the Covenant. The emphasis on particular issues in this report is primarily attributed to capacity constraints and alignment with the scope of work of the reporting organizations.

1- Response to paragraph 1 – legal and constitutional framework, Article (2)

This paragraph discusses the constitutional and legislative frameworks mentioned in the Syrian government's response.

A - The Supreme Constitutional Court, established by Law No. 7 of 2014.¹

1. The Supreme Constitutional Court is an independent judicial body comprised of 11 members, including a head, appointed by the President of the Republic through a decree for a term of 4 years, renewable from the date of taking the constitutional oath. It is tasked with overseeing the constitutionality of laws, legislative decrees, regulations, and rules and providing an opinion at the request of the President of the Republic regarding the constitutionality of draft laws, legislative decrees, and the legality of draft decrees.
2. The Constitutional Court has been stripped of the authority to autonomously review the constitutionality of laws enacted by the People's Assembly (Parliament) or decrees issued by the President of the Republic. Instead, its jurisdiction is restricted to cases initiated upon the request of the President of the Republic or five members of the People's Assembly. The law does not specify whether its opinion is binding on the President of the Republic or the People's Assembly. In addition, the court supervises the election of the President of the Republic, organizes the related procedures, and adjudicates appeals concerning the validity of the election of the President and members of the People's Assembly. It also has the authority to prosecute the President of the Republic in cases of high treason. Ironically, the

(1) <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=4226>



charge of high treason does not exist in the Syrian Penal Code, and there is no explicit definition of it. Therefore, it is technically impossible to prosecute the President of the Republic. Under the 1950 Constitution, the Supreme Court was empowered to try the President of the Republic also for high treason, violation of the Constitution, and ordinary crimes.

3. Individuals, associations, unions and parties do not have direct access to the Constitutional Court. They could challenge the constitutionality of a law only if they were parties to an ongoing lawsuit before the judiciary. If a party to a lawsuit raises the issue of the law's unconstitutionality before the Court of First Instance and the court deems the plea serious and valid, it must halt the proceedings and refer the case to the Constitutional Court for an opinion on the constitutionality of the law in question. Thus, the decision to refer the plea to the Constitutional Court remains at the discretion of the court.
4. Despite lawyers raising the issue of the unconstitutionality of specific laws during trials before the ordinary judiciary and the current Terrorism Court, the Constitutional Court has remained inactive. Numerous pieces of legislation, laws, and legal texts issued by the government contradict both the Constitution and Syria's obligations under international law, such as the Anti-Terrorism Law, the Judicial Authority Law, the Law on the Work of Trade Unions, the Law on the Management and Investment of Confiscated Funds, and provisions granting immunity to state officials. Yet, the Court has not issued any legal opinions regarding their constitutionality.
5. The Syrian government has fortified its executive authority against any form of penetration by controlling the legislative and executive branches. As the head of the executive, the President of the Republic has thus ensured that the executive dominates both the legislative and judicial branches, exerting control over all aspects of life in Syria. This dominance has rendered the Constitutional Court unable to exercise its authority, which is contrary to the Constitution and international human rights law and constitutes a violation of the Syrian government's obligations under the Covenant.

B- Termination of the Military Field Courts

6. The Syrian government issued a decree to terminate the operation of military field courts on 3/9/2023 through Legislative Decree No. 32 of 2023.² This decree cannot be viewed in isolation from international demands urging the Syrian government to disclose the numbers of detainees in prisons and secret detention centres. Such calls intensified after the decision of the United Nations General Assembly on 29/6/2023 to establish an independent institution dedicated to missing persons in the Syrian Arab Republic.³ Notably, one of the demands of this institution is access to records of detainees held by military field courts. Consequently, the Syrian government abolished these courts and mandated that all cases previously under their jurisdiction be transferred to the military judiciary for prosecution in accordance with the provisions of the Penal Code and the Military Procedures Code outlined in Legislative Decree No. 61 of 1950 and its amendments.
7. Despite more than three months passing, the FSLA has documented cases of detainees who have been sentenced to life imprisonment since 2012, with no progress in their files. It

(2) <https://www.sana.sy/?p=1958668>

(3) <https://fsla.org/archives/2955>



appears almost certain that this lack of progress is due to deliberate deception by the Syrian government in the drafting of the legislative decree. This decree failed to specify the fate of previous provisions and whether they would be reviewed in accordance with the Military Penal Code or if the cancellation would only apply to new cases. The intention behind the decree seems to be evading accountability for thousands of civilian detainees who were subjected to executions based on judgments from a court that failed to meet any of the conditions for a fair trial according to international human rights standards. The Syrian government may deliberately erase their names from records and, under this cancellation, transfer files from the Field Court to military courts.

C. Invocation of the provisions of the Covenant before national courts

8. The Syrian government stated in its report that international conventions ratified by Syria are considered part of domestic legislation. The approval of accession and ratification of international conventions is assumed not to conflict with domestic law initially. In the event of a conflict, the priority of the international convention shall be in accordance with the provisions of Article 25 of the Civil Code and Article 311 of the Code of Civil Procedure. Any treaty ratified by the Syrian Arab Republic becomes part of the Syrian legal system, and therefore its application to any case before the judiciary shall be in accordance with the legal rules governing the work of this authority according to the case before it. This assertion constitutes a legal fallacy and potential deception by the government.
9. Article 25 of the Civil Code pertains to conflicts of laws concerning jurisdictional matters based on location rather than the provisions outlined in human rights treaties.⁴ As for Article 311 of the Syrian Code of Civil Procedure No. 84 of 1959, this law was repealed in 2016 and replaced with Law No. 1 of 2016.⁵ Article 311, in the new law, is related to the implementation of arbitrators' judgments issued in a foreign country and the conditions for their implementation. If the Syrian government means the previous article in the old law, its number has become 313 in the new law. It is related to the implementation of foreign judgments, decisions and conflict-of-laws rules, not the status of the Covenant in the domestic legal system.
10. The Constitution delineates the powers related to the conclusion of treaties.⁶ According to Article 75, the authority to approve international treaties and agreements lies within the jurisdiction of the People's Assembly. For these treaties to come into effect, new legislation must be enacted, particularly if they pertain to matters concerning state security or involve concessions granted to foreign companies or institutions which implicate sovereignty rights. Treaties and agreements that entail expenses for the State treasury not accounted for in its budget fall under specific provisions. The Constitution, in Article 107, grants the President of the Republic the authority to both conclude and annul international treaties and agreements, subject to compliance with the Constitution and the principles of international law. Additionally, Article 128 assigns to the Council of Ministers the responsibility to enter into agreements and treaties in accordance with constitutional provisions. Thus, the Constitution

(4) <http://www.parliament.gov.sy/arabic/index.php?node=5556&cat=15810&>

(5) <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=15810&ref=tree&>

(6) https://ar.wikisource.org/wiki/%D8%AF%D8%B3%D8%AA%D9%88%D8%B1_%D8%B3%D9%88%D8%B1%D9%8A%D8%A7_2012



did not explicitly specify the hierarchy of treaties concerning national law in all its provisions.

11. The Syrian government adheres to a dual approach in the implementation of treaties and conventions ratified by Syria. Any implementation of treaty provisions necessitates the issuance of a law or decree as a legislative text, which is then applied before national courts. For instance, Article 53 stipulates that no one may be subjected to torture or degrading treatment, and the law specifies the punishment for those who commit such acts. There is indeed a lack of evidence to support Syria's assertion regarding the application of treaty provisions into national law. Despite Syria's ratification of the ICCPR in 1969, which includes which prevents torture, and its ratification of the Convention against Torture in 2004, the Law on the Criminalisation of Torture was only enacted in 2022 under Law No. 16 of 2022. This law criminalises torture. If the Syrian government's argument regarding the incorporation of treaty provisions into national law were true, the issuance of the torture law would not have been necessary. It is apparent that the provisions of the Convention or the Covenant were not effectively incorporated into national law until much later (after 18 years).⁷ Furthermore, it is worth noting that even though the law criminalises torture, it may not fully align with the basic conditions outlined in the Convention.

D- Amnesty Decrees

12. The Syrian government has stated in its report that it adopted an approach of reconciliation and settlements, issuing 22 amnesty decrees between 2011 and 2023. According to the government, these decrees have benefited a significant number of detainees, convicts, and fugitives. The FSLA has issued a legal memorandum to analyse Amnesty Decree No. 7 of 2022 and Amnesty Decree No. 36 of 2023.⁸ In doing so, it has refuted the legal loopholes that the Syrian government intended to include in these decrees.⁹ However, these perceived loopholes are considered insignificant in the eyes of Syrians who mourn for their homeland and their children
13. Legal analysis of Amnesty Decree No. 7 of 2022:¹⁰ The judgments for which amnesty was granted are rulings issued by the Terrorism Court, which are legally null and void. Therefore, the Syrian government is obligated to issue a decree annulling all judgments issued by these courts unconditionally and revoking all legal consequences resulting from these judgments, such as the confiscation of property of the convicted individuals, and provide rehabilitation and compensation for released detainees. All judgments rendered against them are deemed legally null and void. The duration of their detention under these provisions constitutes a violation of their personal freedom under Article 9(5) of the ICCPR.¹¹

(7) <https://pministry.gov.sy/contents/23172/%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%B1%D9%82%D9%85-/16/-%D9%84%D8%B9%D8%A7%D9%85-2022-%D8%A7%D9%84%D9%82%D8%A7%D8%B6%D9%8A-%D8%A8%D8%AA%D8%AC%D8%B1%D9%8A%D9%85-%D8%A7%D9%84%D8%AA%D8%B9%D8%B0%D9%8A%D8%A8>

(8) <http://www.parliament.gov.sy/arabic/index.php?node=5516&cat=22968&>

(9) <https://sana.sy/?p=2001954>

(10) <https://fsla.org/en/archives/3137>

(11): International Covenant on Civil and Political Rights <http://hrlibrary.umn.edu/arab/b003.html>



14. The amnesty decree omitted several crimes that were attributed to opponents and were not covered by the amnesty. Specifically, the decree excluded crimes related to foreign espionage and kidnapping. It is widely recognized that these charges are often fabricated to incriminate opponents, as the accused frequently sign their statements under duress, coercion, and torture. Consequently, this decree will not encompass many opponents, leaving numerous individuals outside the scope of its provisions.
15. The text of the decree contains an exception for acts that result in the death of a human being without specifying that these acts must directly lead to the killing of a human being. This ambiguity in the text creates a situation where any act could be attributed to the accused, even if it does not directly result in the killing of a human being. Thus, the accused could potentially fall outside the scope of the amnesty. Consequently, this ambiguity opens the door to potential financial extortion by security services and judicial authorities, who may manipulate the characterization of crimes to be covered by the pardon. The decree should explicitly state that the act must directly lead to the killing of a civilian human being who did not participate in hostilities. This would ensure that it is a comprehensive amnesty decree benefiting opponents and promoting national reconciliation across all opposition groups while preventing financial extortion by security services exploiting ambiguity in the legal text.
16. The Syrian government did not handle the issuance of lists of names of detainees released under Amnesty Decree No. 7 of 2022 transparently. Media outlets loyal to the Syrian government reported scenes that were later deleted, as they constituted incriminating evidence documenting the practice of violations.¹²
17. A significant number of people gathered in the squares of Damascus, eagerly awaiting the release of their families. They shared that their loved ones had been detained for periods ranging from 9 to 10 years, yet they remained unaware of the whereabouts of their detention. This serves as compelling evidence of the Syrian government's practice of enforced disappearance against its citizens. The absence of large numbers of individuals being released under the decree was notable. The disappointment was palpable on the faces of the families of the victims, who expressed a sense of hopelessness regarding the prospect of their loved ones' release. This underscores the grim reality that this homeland has transformed into a vast prison, with an entire population detained by the security authorities of the Syrian government.
18. Legal analysis of Amnesty Decree No. 36 of 2023:¹³ The examination of the decree shows it does not substantially differ from previous decrees issued by the Syrian government. It poses a significant risk to individuals who may consider surrendering themselves during the legal period granted by the decree to benefit from the amnesty. Even individuals detained under fabricated charges by the security services of the Syrian government, particularly those

(12) : A video published by pro-Syrian government Sham FM Radio interviewing people after the issuance of Amnesty Decree No. 7 of 2022 https://fslagaziantep-my.sharepoint.com/:v/g/person/ammar_izddin_fsla_org/EcrtE2y7HCVNsHsC7clPFQ0BzC0fp-Kpo5wgBQpoAj-00g?nav=eyJyZWZlcnJhbEluZm8iOmsicmVmZXJyYWxBChAiOjJPbmVEcmI2ZUZvckJ1c2luZXNzIiwicmVmZXJyYWxBChBQbGF0Zm9ybSI6IldlYiIsInJlZmVycmFsTW9kZSI6InZpZXciLCJyZWZlcnJhbFZpZXciOiJNeUZpbGVzTGlua0NvcHkifX0&e=00qKxi

(13) <https://fsla.org/en/archives/3137>



associated with the opposition, will not benefit from the decree. This means a considerable number of detainees in Syrian government prisons will not be released under this decree.

19. Also, it is essential to make a clear distinction between civilians and military personnel in assessing the amnesty provisions. For civilians, crimes against the external security of the state serve as the legal mechanism employed by the Syrian government and its security services to levy charges against opposition Syrians. The decree incorporates Articles 285-286, which pertain to offences such as weakening national sentiment, inciting racial or sectarian discord, or undermining the nation's morale during wartime. The decree did not encompass other crimes for which refugees and displaced persons outside the control of Syrian government areas are accused. Notably, it omitted Article 287, which pertains to any Syrian disseminating abroad news that undermines the prestige of the state and its financial status, as well as Article 288, which addresses engagement in political or social associations of an international nature or involvement in organizations accused by security branches. Furthermore, Article 291, targeting attempts to change the state's constitution through illicit means, and Article 292, addressing efforts to expropriate the state's sovereignty over part of Syrian territory, were also excluded.
20. Furthermore, the security branches utilize pre-prepared sets of charges such as the crime of espionage, involvement with foreign espionage, and illegal connections with adversaries to levy charges, whether against dissidents abroad or detainees in Syrian government prisons. This analysis is evidenced by the fact that the decree, which is a legal farce, did not exclude Article 269 of Amnesty, which pertains to acts of treason involving a country with which Syria has a treaty of alliance or an international agreement.¹⁴
21. For military personnel, their situation mirrored that of Syrian civilians. While the amnesty decree provided exemption from crimes related to internal and external escape, it excluded offences carrying the death penalty, such as orchestrating conspiracies and defecting to the enemy, as detailed in Article 103. Additionally, treason and collaboration with the enemy during peacetime were not covered. Article 155 pertains to military cooperation with the enemy during wartime, while Article 156 addresses failure to report such crimes despite prior knowledge. Articles 157 to 160 encompass spying for the enemy, recruitment for their benefit, and other acts deemed treasonous.
22. Notably, the Syrian government classifies armed opposition factions in liberated areas as rebels, and Turkey is considered a hostile state. Consequently, military personnel who have not enlisted and have fled to areas beyond government control or to Turkey may face prosecution under these articles and are ineligible for amnesty. This exclusion persists due to the judiciary's alignment with security services and its lack of independence and impartiality, allowing for the manipulation of criminal charges, including those related to collaboration with the enemy. Dissidents who have joined or established such factions are not covered by the amnesty decree, and they remain subject to articles of the Military Penal Code that prescribe the death penalty for certain offences. Furthermore, since the law empowers the investigating judge or the court to alter the criminal characterization, allowing for the escalation or reduction of sentences, military personnel are vulnerable to judicial discretion influenced by confessions obtained under duress by security services.

(14) <http://www.parliament.gov.sy/arabic/index.php?node=55151&cat=12278>



23. The crime of kidnapping has been a significant concern. Kidnapping is often one of the charges directed by security branches against detainees. Although the Syrian government included kidnapping in the amnesty decree, it only addressed it in Article 1. The decree mandated that the kidnapped person must be safely handed over within 10 days of the decree's issuance. However, this presents an insurmountable challenge as detainees charged with kidnapping may not even be aware of the identity of the alleged victim. This charge is frequently coerced by security services to extract confessions from detainees. Consequently, it is unrealistic for a detainee, already imprisoned by the Syrian government, to comply with the requirement of safely releasing a person they may not even know has been allegedly kidnapped.
24. The amnesty decree excluded terrorist crimes as outlined in Anti-Terrorism Law No. 19 of 2012 (15). It did, however, include Article 305 of the Penal Code, which addresses conspiracy and terrorism-related offences. A similar approach was taken in Decree No. 7 of 2022, which specified that acts resulting in the death of a human being are excluded from the amnesty. However, the provision stipulates that such acts must directly lead to the killing of a human being. This ambiguity in the text implies that any act attributed to the accused, even if it does not directly result in the killing of a human being, may not be covered by the amnesty.
25. The decree notably excluded the Cybercrime Law, which has been used to fabricate accusations against opponents and critics. The law uses vague language that does not clearly define the elements of crimes it covers, allowing for a loose interpretation of its articles. Under this law, penalties and penalties range from 3 to 15 years of imprisonment for crimes against the Constitution (Article 27) and for undermining the financial status of the state (Article 29).

E- Civil Status Law No. (13) of 2021.

26. The Syrian government's report highlighted the issuance of the new Civil Status Law. While we view it as a positive step forward, this law imposes restrictions on Syrian citizens, perpetuating an issue left unaddressed in the previous legislation when the new law was enacted. The root of the problem lies in the requirement for Syrian citizens whose relatives died due to military operations or bombings, i.e., deaths resulting from unnatural causes, to confirm the death through administrative means and obtain a death statement. Article 37 of the previous Civil Status Law Legislative Decree 26/2007 stipulated that obtaining a death certificate from the mayor was necessary to confirm the death as natural.¹⁶ Following the conflict in Syria, which resulted in thousands of civilian casualties due to military operations and bombings, the Syrian government retained the same article in the new Civil Status Law No. 13 of 2021,¹⁷ despite it being issued ten years after the conflict began. This deliberate

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<http://www.parliament.gov.sy/arabic/index.php?node=55151&nid=4306&First=0&Last=23&CurrentPage=0&mid=&refBack=>

(16): Civil Status Law promulgated by Legislative Decree No. 26 of 2007

<http://moia.gov.sy/portal/site/arabic/index.php?node=55444&cat=1833&>

(17): Civil Status Law No. 13 of 2021

<https://sana.sy/?p=1344988>



decision prevents mayors of areas, neighbourhoods, villages, or towns from issuing death certificates in the event of unnatural deaths¹⁸

27. This restriction has compelled many Syrians to bypass the administrative process and seek confirmation of their relatives' deaths through Sharia courts. They file lawsuits for death confirmation before a Sharia judge, obtaining a judicial ruling on the matter. This process includes compelling the Civil Registry to confirm the death and issue a death certificate for the deceased.¹⁹ Furthermore, instructions and decisions issued by the relevant authorities and security agencies have been implemented to prohibit mukhtars from issuing death certificates for individuals whose deaths occurred under abnormal circumstances from March 18, 2011, to the present date. Exceptions are made only for cases where the deceased were elderly or where there are witnesses to their deaths occurring under normal conditions.

F- Law on the Management and Investment of Seized Funds

28. Within the legislative framework, the Syrian government has enacted a law permitting the management and investment of funds seized by a court judgment.²⁰ The law has not been published in the official gazette or on government websites; it was only mentioned in the Syrian government's official news outlet, SANA. What is noteworthy in the law is the phrase "whether the judgment was issued before or after the entry into force of this law." This phrase raises controversy because legislation should not applied retroactively.

29. We conducted a legal analysis of what the Syrian government means by this phrase and why it implies that the law includes actions on previous seizures.²¹ We found that there was a legislative defect and illegal actions under which the seizure process was initially conducted, followed by the disposal of these funds. The Syrian government worked to assign the Ministry of Finance the tasks of implementing the confiscation measure for movable and immovable funds and gave the Ministry of Finance and its directorates in the governorates the process of managing and investing the seized funds. This led the Ministry of Finance to update the Directorate of Confiscated and Seized Funds in the Central Administration of the Ministry due to the large number of confiscations, especially with the existence of laws and legislations that allow confiscation.²² These include, the Terrorism Law, the Anti-Money Laundering and Combating the Financing of Terrorism Authority, and the Compulsory Service Law, all of which legislate the confiscation of funds. This authorization came under the Council of Ministers' communication of 2015 without the existence of a law or legislative decree authorizing it to do so.²³ This authorization came in violation of Law No. 252 of 1959, known as the State Property Law.²⁴ This law stipulates in Article 4 that the jurisdiction over

(18) : Death certificate: It is the document obtained by the average citizen from hospitals or mukhtars to prove the fact of death with the civil records Article 37

<http://moia.gov.sy/portal/site/arabic/index.php?node=55444&cat=1833&>

(19) : Death statement: It is the document that is granted to families and families from the civil registry departments proving the facts of death Article 37

<http://moia.gov.sy/portal/site/arabic/index.php?node=55444&cat=1833&>

(20) <https://sana.sy/?p=2009083>

(21) <https://fsla.org/archives/3163>

(22) <http://alikhbaria.net/index.php?d=100003&id=148362>

(23) http://www.pministry.gov.sy/contents/12428/img_20160704102224_download_pdf_file

(24) <https://lawyers-blog.online/blog/article/law-no-252-of-1959-b1894>



the real estate of state property and the power to manage and defend it is within the jurisdiction of the Agrarian Reform Foundation, with the exception of real estate properties under the jurisdiction of another ministry or institution under special laws. The Syrian government has not enacted any law granting authority over confiscated real estate properties to the Ministry of Finance.

30. As a result, the issuance of the Law on the Management and Investment of Confiscated Funds, recently promulgated by the Syrian government, is considered null and void because it was issued without the legal mandate to do so. To rectify this situation, the Syrian government formalized the process through legislation, incorporating the phrase "whether the judgment was issued before or after the entry into force of this law" into its text. The objective is to enhance the authority of the Ministry of Finance and the Council of Ministers in managing and investing confiscated movable and immovable property under judicial rulings, with the exception of land located outside the organizational charts, which will remain under the jurisdiction of the Ministry of Agriculture.
31. However, the law will likely serve to legitimise the seizure and disposal of funds under confiscation provisions that are inherently flawed, relying on judgments from courts that lack the hallmarks of a fair trial. For instance, the Terrorism Court, which issues such judgments, lacks legitimacy in its formation and the legality of its rulings. Moreover, it is not bound by the legal procedures mandated for fair trials. Article 7 of the Terrorism Court Law explicitly exempts the court from adhering to the principles and procedures outlined in the Code of Criminal Procedure. Judgments issued by the Terrorism Court in absentia cannot be subject to retrial upon the arrest of the convicted individual unless they surrender voluntarily.²⁵ Under this law, the property of those convicted in absentia can be disposed of and confiscated.
32. Legislative Decree No. 33 of 2005 on Anti Money Laundry Counter Financing Terrorism,²⁶ as amended by Legislative Decree No. 27 of 2011²⁷ and Legislative Decree No. 46 of 2013,²⁸ stipulated the possibility of imposing administrative precautionary seizure by the Ministry of Finance. Article 9 (e) of the law stipulated the criterion of (case of suspicion) in the person and before the issuance of a judicial ruling, which puts the detainee under the influence of the executive body and gives this body a tool to retaliate against the Syrian dissidents outside the judiciary and the means of blackmailing the persons whose assets are seized to remove their names from the list of "suspects" at the Anti-Money Laundering Authority and the Ministry of Finance in exchange for material benefits. Therefore, this seizure can be used as a tool to put pressure on the Syrians, especially since these procedures are conducted outside the framework of the competent judicial authorities. Opponents are often outside Syria or in areas outside the control of the Syrian government, which does not enable them to object to these decisions In front of the courts for their inability to reach the courts on time and within the legal periods granted to them, and their inability to appoint lawyers because of the requirement of prior security approval to approve power of attorneys, and administrative detention is one of the means of the Syrian government to legislate the seizure of Syrians' money and property.

(25) <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=15740&ref=tree&>

(26) <http://www.parliament.gov.sy/arabic/index.php?node=5585&cat=16053>

(27) <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=4478&ref=tree&>

(28) <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=4257&ref=tree&>



33. Procedures based on direct execution seizure without a judicial ruling were established following the amendment of the Military Service Law. The Syrian government enacted Law 39 of 2019, amending the Military Service Law outlined in Legislative Decree No. 30 of 2007 and its subsequent amendments concerning the military service exemption fee. This 29 amendment stipulated that executive seizure of movable and immovable property shall be imposed on individuals who fail to pay the loss of service allowance within the specified period. It's worth noting that the original text of the Military Service Law, as promulgated by Legislative Decree No. 30 of 2007,³⁰ defined the exemption fee as "financial compensation akin to civil compensation paid by the payer to the public treasury in cases where they exceed the age of 42 years and fail to perform compulsory military service for reasons other than the exemptions or postponements outlined in the Military Service Law." The military service exemption fee is set at eight thousand dollars or its equivalent in Syrian pounds, as determined by the official price bulletin issued by the Central Bank of Syria on the date of payment, in accordance with Legislative Decree No. 33 of 2014. Additionally, this decree imposes a penalty of imprisonment for a year and an annual fine for delayed payment.³¹ The allowance amount is collected in accordance with the provisions outlined in the Public Funds Collection Law. Under Law 35 of 2017, an amendment was introduced granting any person who is due for military draft and aged 43 a three-month window to settle their loss of service allowance before the imposition of precautionary seizure on their property.³² This decision is made by the Minister of Finance. However, the penalty of imprisonment and financial fine remains applicable if the person fails to pay within the specified period. The process for implementing executive seizure involves recruitment divisions in the governorates submitting a list of violating due-for-military-draft persons aged over 42 to the Exemption and Exemption Fee Payment Department in the Ministry of Defense. Subsequently, a dossier is prepared and sent to the Public Prosecution in the Military Judiciary and the Tax and Fees Authority in the Ministry of Finance to execute direct executive seizure on the taxpayer's property and funds, both movable and immovable, in accordance with the Law on the Collection of Public Funds. Such action constitutes a clear violation of the rules for the execution of an executive seizure, which must be effected by a final judicial decision.
34. To emphasize the legal analysis and link it to the practical practices of the Syrian government, it is worth mentioning a recent report issued by Syria TV entitled "With documents... 750,000 Syrians are threatened with losing their property in Syria" The Syrian government has published lists of names of Syrians against whom the Minister of Finance has issued rulings of "precautionary seizure" of movable and immovable assets. According to the decisions, the reason for the seizure is the involvement of those whose funds were seized in the "current events in the country." These decisions were based on decrees, laws, and documents issued by the "General Intelligence Directorate." The precautionary seizure decisions are so comprehensive that they even include the children and wives of those concerned retroactively. Often, they included people who died under various circumstances

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<http://www.pministry.gov.sy/contents/15576/%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86-39-%D8%A7%D9%84%D9%85%D8%AA%D8%B6%D9%85%D9%86-%D8%AA%D8%B9%D8%AF%D9%8A%D9%84-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%AE%D8%AF%D9%85%D8%A9-%D8%A7%D9%84%D8%B9%D9%84%D9%85-%D8%A7>

(30) <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=4921&>

(31) <http://mofaex.gov.sy/ar/news40/%D8%A7%D9%84%D9%85%D8%B1%D8%B3%D9%88%D9%85-%D8%A7%D9%84%D8%AA%D8%B4%D8%B1%D9%8A%D8%B9%D9%8A-%D8%B1%D9%82%D9%85-33-%D9%84%D8%B9%D8%A7%D9%85-2014-%D8%A7%D9%84%D9%82%D8%A7%D8%B6%D9%8A-%D8%A8%D8%AA%D8%B9%D8%AF%D9%8A%D9%84-%D8%A8%25>

(32) <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=18681&ref=tree&>



during the early years of the conflict. Some of these decisions were "arbitrary," affecting individuals who had no activities against the Syrian regime but had family ties with others who were symbols of the movement. According to the lists, the number of entities authorised to issue decisions or recommendations for precautionary seizure exceeded 162, including: "the ministries, the Fourth Division, the Baath Party, customs, the National Union of Syrian Students," and dozens of security branches affiliated with the Intelligence Division, along with other institutions of the Syrian regime. All these entities have the authority to send detention letters to the security agencies, which study them and turn them into recommendations, subsequently sent to the "National Security Office."

2. Response to paragraph 12, enforced disappearances (articles 2, 3, 6, 7, 9 and 16)

35. Despite the large number of victims of enforced disappearance in Syria, the Syrian government has not addressed this issue, either through legislative measures or in practice, by taking steps to prevent enforced disappearances. The government continues to argue that Legislative Decree No. 20 of 2013,³³ on the crime of kidnapping and Articles 555-556 of the Syrian Penal Code related to the penalty of deprivation of liberty,³⁴ fulfils the conditions required for the crime of enforced disappearance under international law. This is a legal fallacy when comparing the crime of kidnapping in Syrian law with enforced disappearance in international criminal law. It is clear that there is an incompatibility between the elements of the two crimes.
36. The Syrian law allows members of the judicial police or authorized persons to detain individuals for a period of 60 days in accordance with Decree 55 of 2011,³⁵ with the consent of the Public Prosecutor. If the period of detention exceeds the legal limit of 60 days, Syrian law considers this act a misdemeanour rather than one of the most serious crimes, as per Article 358 of the Penal Code, which prescribes imprisonment from one to three years if proven. Even if the victims or their families want to pursue this misdemeanour, they face obstacles related to the availability of effective and independent remedies, the immunity of state agencies, and fear of reprisals.
37. The Ministry of Justice in the Syrian government issued Circular 22 of 2022, requiring the Sharia judges to request the competent criminal security branch to communicate with other security branches to ascertain whether they possess any information about the individual whose death is to be confirmed or to obtain security clearance to proceed with the confirmation process. The Circular also requires the involvement of the Public Prosecution in the lawsuits concerning confirming the death of missing persons. According to Syrian law, the fact of death can usually be proven and recorded through administrative procedures.³⁶ However, the Shari'a Court has jurisdiction to hear cases regarding the proof of the fact of death (Code of Procedure No. 1 of 2016, Article 486).³⁷ This occurs when administrative procedures are not available due to reasons such as a lack of documentation or the inability to

(33) <http://www.parliament.gov.sy/arabic/index.php?node=55151&cat=4278>

(34) <http://www.parliament.gov.sy/arabic/index.php?node=55151&cat=12278>

(35) <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=4443&ref=tree>

(36) <https://fsla.org/en/archives/2515>

(37) : Code of Procedure Law 1 of 2016

<http://www.parliament.gov.sy/arabic/index.php?node=201&nid=15810&ref=tree&>



access administrative channels or if the cause of death is abnormal according to the provisions of Article 37 of the Civil Status Law. In such cases, the next of kin must petition the court for a judgment to establish the fact of death. This is also applicable when a person is missing for a period of four years during wartime, as outlined in Articles 201 to 205 of the Personal Status Law.³⁸ In such instances, relatives must establish the fact of the missing person's death to proceed with matters such as inheritance or other pending issues. The need for a security clearance for the judge to confirm the fact of death contradicts the principles of judicial independence and impartiality as required by the ICCPR.

38. What's striking about the circular is that it indirectly implies the responsibility of the security branches for the crimes of enforced disappearance. In principle, any detainee must appear before the competent judge within 24 hours. After the issuance of Decree 55/2011,³⁹ individuals accused of state security crimes may be detained pending trial for up to 60 days with the permission of the Public Prosecutor. However, the new circular indicates that the Public Prosecution may not possess this information. Therefore, information is obtained by communicating with security branches that allegedly forcibly disappeared the victim.
39. In light of the aforementioned procedures and the interference of the security services in approving the issuance of death certificates, along with the adherence of Sharia judges to this approval, the Syrian government and its security services deliberately distort facts, particularly in cases involving detainees and forcibly disappeared persons who died under torture in government prisons. This will deprive thousands of Syrian families of fair legal recourse. It could obscure facts surrounding numerous human rights violations perpetrated by the Syrian government and military and security services, constructing a narrative that contradicts the truth, all while exploiting the Syrians' desperate need to confirm the death of their relatives to pursue legal matters. Of utmost concern are cases where state elements themselves are implicated in the death, such as in hostilities or where the deceased belongs to the opposition. In such cases, given the known Syrian context, it is anticipated that the security branches may either withhold the permit as a form of reprisal against the family of the deceased individual or manipulate the cause of death to evade the state's responsibility for the incident and conceal evidence. Hence, the victim's family is likely to feel compelled to accept the narratives provided by the security branches regarding the justification of death in order to proceed with the security clearance process. This will certainly jeopardise any efforts towards accountability in the future. Moreover, the introduction of this newly required security clearance could also create opportunities for extorting the families of the deceased, who may be coerced into providing bribes in exchange for obtaining the clearance.

3. Response to paragraph 14.15, freedom, personal security, and treatment of persons deprived of their liberty (articles 9 and 10)

40. The security and intelligence services of the Syrian government persist in their practice of arbitrary detention and enforced disappearance. The FSAL has documented cases of arrests involving returnees from the Al-Rukban camp by the Syrian intelligence services. One such case involves Mouayad and his son Abdulaziz Al-Obaid, who were internally displaced

(38) : Syrian Personal Status Law No. 59 of 1953

<http://parliament.gov.sy/arabic/index.php?node=201&nid=11333&ref=tree&>

(39) : Legislative Decree 55 of 2011 Amending the Code of Criminal Procedure

<http://www.parliament.gov.sy/arabic/index.php?node=201&nid=4443&ref=tree>



persons and residents of the Al-Rukban camp. They left the camp following a reconciliation settlement with the Syrian government under the supervision of Russia. However, on May 2, 2021, a patrol affiliated with the Military Security Branch arrested them, and their fate remains unknown.⁴⁰

41. The Working Group on Arbitrary Detention (WGAD) issued Resolution No. 42/2023, adopting an opinion regarding the detention of Mouayad and his son Abdulaziz Al-Obaid. The WGAD determined that the deprivation of liberty of Mouayad and Abdulaziz Al-Obaid contradicts articles 2, 7, 8, 9, 10, and 19 of the Universal Declaration of Human Rights, as well as articles 2, 9, 14, 19, and 26 of the International Covenant on Civil and Political Rights.⁴¹
42. The Syrian government's response to the WGAD on 24/7/202 did not provide any information about Mouayad and Abdulaziz, their whereabouts, and the judicial authority before which they were tried. Instead, its response focused on explaining general legislation and laws related to arrest and trial, as well as procedures for foreign terrorists, despite the detainees being Syrians.⁴²
43. This case serves as an illustration of the thousands of Syrians detained by intelligence services and that the Syrian government has not taken any concrete measures to prevent the arrest of returnees by the security services. It underscores that these services hold the highest authority in Syria, operating above the law and disregarding judicial decisions. They have the power to arrest individuals without a judicial warrant and can refuse to release detainees even after a court orders their release. Intelligence services may fabricate charges, coerce confessions for crimes punishable by death, or even carry out executions outside the legal framework. The Syrian government's official channels responsible for communication with bodies like the Human Rights Council are unaware of the detainees' whereabouts. Prisons and branches run by intelligence services are secretive and operate independently of the judicial system, with any inquiry about detainees strictly prohibited. This is evident in the Syrian government's response, which refrained from disclosing any information regarding the detainees in this case.

4. Response to paragraph 17, the right to privacy, freedom of movement and internally displaced persons (articles 3, 9, 12, 17, 24, 26 and 27)

44. The requirement of "security clearance" is a fundamental tool used by the Syrian government to exert control over Syrians, impacting every aspect of their daily lives. The Syrian government heavily relies on security services to monitor both opposition and loyal citizens, creating an atmosphere of terror. By linking Syrians' lives to security clearance, the role of state institutions is marginalized, rendering them ineffective and contributing to the proliferation of corruption

(40) <https://fsla.org/archives/3108>

(41) <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session97/a-hrc-wgad-42-2023-syria-aev.docx>

(42) https://fslagaziantep-my.sharepoint.com/:b:/g/personal/ammar_izddin_fsla_org/ET8CaBizcWVAhVMNczgZOXkBYhYAIJLPBUFSfw96Hg06fyw?e=djopzd



45. Before the onset of the conflict in Syria, the Syrian government imposed a security clearance for every action or endeavour a Syrian citizen contemplated. Whether obtaining a professional license, gaining admission to universities or institutes, establishing housing cooperatives, licensing civil society organizations, securing employment, or engaging in import and export activities, all required a security clearance. This extensive list underscores the pervasive reach of security controls in various aspects of daily life. Following the eruption of conflict in Syria, the government intentionally escalated the demand for security approvals, leveraging them to constrain and exploit Syrians both financially and morally. This tactic served to bolster the authority of security forces, reminding Syrians that their fate and financial resources were under the control of these entities. Numerous circulars were issued to enforce these security clearance requirements, encompassing a wide range of activities.
46. On August 4, 2015, the Syrian government issued Decision No. 4554, directing the Ministry of Local Administration to issue a circular stipulating that real estate transactions such as sales, leases, and vacating of houses and shops would henceforth require prior security clearance from the relevant authorities. This decision imposed additional burdens on citizens and restricted their freedom to manage their property as they saw fit. In 2017, Decision 689 required individuals seeking to execute internal or external power of attorney operations for real estate disposal to obtain security approval.
47. Ministry of Justice Circular 16, dated July 9, 2019, related to external powers of attorney and the requirement for security clearances associated with them. Circulars related to the sale and purchase of cars and vehicles, the sale and purchase of real estate under previous sale contracts, the receipt of pensions, and the amendment of corporate contracts should also be mentioned. Security clearance is now required to regulate banking powers of attorney, particularly for dealing with public and private banks to withdraw funds and renew ATM cards.⁴³
48. Circular 30, dated September 15, 2021, issued by the Ministry of Justice, mandates "security clearance" for individuals seeking to obtain legal powers of attorney for absent or missing persons. This requirement imposes an additional bureaucratic hurdle and enhances governmental control over legal proceedings involving absent or missing individuals.⁴³ This restricted the families of the absentee and the missing to dispose of their families' money.
49. Circular 22, issued on 10/8/2022, postulates the referral of death confirmation lawsuits to security authorities to obtain a security clearance. This restriction undermines Syrian citizens' rights to confirm the death of their relatives, obtain a death certificate, and proceed with legal procedures to obtain an inheritance inventory for the deceased.
50. The Syrian government, represented by the Council of Ministers, issued Circular 3039/1 on 6/3/2024, amending the conditions of the security permit related to real estate matters.⁴⁴ The text of the circular included a reference to the National Security Office's letter No. 954/3 submitted on 29/2/2023. The FSLA issued a legal memorandum legally analyzing this

(43): Russia Today website <https://ar.rt.com/r782>

(44) <https://marota.news/2024/03/15/%d8%aa%d9%88%d8%b6%d9%8a%d8%ad-%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%b9%d9%86%d8%af-%d8%a8%d9%8a%d8%b9 %d8%a7%d9%84%d8%b9%d9%82%d8%a7%d8%b1%d8%a7%d8%aa/>



amendment and concluded that while it sees this amendment as a positive step, it falls short of meeting the aspirations of Syrians. It views it as a form of media propaganda by the Syrian government, intended to convey a message to the international community that it is making efforts to improve the human rights situation in Syria.⁴⁵ If the Syrian government genuinely aims to enhance human rights in Syria, it should abolish the requirement for a security clearance altogether rather than just adjusting the conditions for obtaining it. This requirement violates the right to property, contravenes the Syrian Constitution, undermines fundamental human rights and freedoms, and breaches the provisions of ICCPR. It effectively discriminates against political opponents and reflects an implicit acknowledgement by the Syrian government of the executive branch's dominance over the judiciary and the legislature.

5. Response to paragraphs 22 and 23, freedom of expression (articles 19 and 20)

A- Cybercrime Law

51. The Syrian government passed Law No. 20 of 2022 on regulating online communication and combating cybercrime.⁴⁶ The new law will likely serve as a mechanism for the Syrian government to enforce compliance with its policies by restricting free speech and curbing dissent in virtual spaces. The new law introduces legal articles not previously included in the Penal Code, thereby expanding legal liability and imposing stricter penalties.⁴⁷ These include Article 27, addressing crimes against the Constitution, and Article 28, which pertains to undermining the prestige of the state. Additionally, Article 29, concerning undermining the financial status of the state, is another addition not covered in the recent amendment to the Penal Code but explicitly mentioned in Anti-Cybercrime Law 77. The penalties for crimes outlined in Articles 26, 27, and 28 have been heightened, with punishments now ranging from 3 to 15 years of imprisonment. Additionally, fines for these offences range from 5,000,000 to 15,000,000 Syrian pounds.
52. The Law includes provisions for increased penalties if the crime is committed against a public entity. Moreover, it increases penalties for certain offences that have become more prevalent through electronic means, such as defamation, electronic libel, indecency or modesty crimes, and offences related to narcotic drugs and psychotropic substances. The law significantly increases penalties, with imprisonment ranging from one month to fifteen years for various offences. Additionally, financial fines have been increased, now ranging from one hundred thousand Syrian pounds to twenty-five million Syrian pounds.
53. The most concerning aspect is that the law is vague in its wording, as the Syrian legislator did not clearly define the actions that would constitute undermining the prestige of the state or jeopardising national unity, leaving prosecution open to interpretation. The law also includes phrases such as undermining confidence in national currency, illegally changing the constitution, or attempting to expropriate Syrian territory. Thus, it grants broad discretion to

(45) <https://fsla.org/archives/3108>

(46) <https://moct.gov.sy/news-0015>

(47) <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=22937&RID=-1&Last=10457&First=0&CurrentPage=1&VId=-1&Mode=&Service=-1&Loc1=&Key1=&SDate=&EDate=&Year=&Country=&Num=&Dep=-1&>



security services to interpret the text, enabling them to prosecute critics of the Syrian government and stifle dissent. The law fails to differentiate between public freedoms, the right to express opinions and publication rights. Instead, its articles are formulated in general, flexible, and preconceived terms, which can be readily manipulated to fabricate charges against anyone who criticises or opposes the government. Accordingly, the law serves as a tool to silence dissenting voices on social media platforms. It allows any security or judicial authority or body the right to arrest and detention.

54. Moreover, Article 40 of the law grants the Public Prosecution discretionary power to initiate a public lawsuit for any of the offences outlined in Articles 27, 28, and 29 of the Law. This provision, combined with the vague interpretation of these articles, makes them a tool for fabricating accusations against opponents and critics. As such, the law effectively stifles Syrians and impedes the enjoyment of their rights under the ICCPR.

B- A law establishing a new Ministry of Information

55. With the onset of the uprising in 2011, the Syrian government enacted Legislative Decree 108 of 2011, establishing the National Media Council.⁴⁸ It was affiliated with the Council of Ministers and tasked with regulating the media sector in accordance with the provisions of this law. Law 108 outlines the media's responsibilities, including issuing decisions to grant licenses and accreditations to various types of media, such as publications, audiovisual media, online media, and media services companies. Although the National Media Council is directly linked to the Council of Ministers and its decisions are controlled by the Prime Minister, the Syrian government issued Legislative Decree No. 23 of 2016, which abolished the National Media Council and transferred its tasks to the Ministry of Information.⁴⁹ This confirms the failure of the National Media Council to carry out the tasks entrusted to it in accordance with the law, since the Ministry of Information, prior to the abolition of the Council, has overtaken the Council's tasks, which made it lose its authority under the law, and turned it into something similar to the Advisory Committee without committing to its opinion. This reflects the mentality of the Syrian government, which is characteristic of all totalitarian regimes, not to allow the granting of even formal powers to some independent members of the Council to participate in decision-making in various aspects and sectors of media work. These legislative steps came in preparation for the adoption of a law, creating the new Ministry of Information, and then issuing a new media law.

56. These legislative steps were preparatory measures for the issuance of the law No. 19 of 2024 establishing the new Ministry of Information.⁵⁰ This ministry has been granted extensive

(48) <http://www.parliament.gov.sy/arabic/index.php?node=5578&cat=4387>

(49) <https://www.pministry.gov.sy/contents/12817/%C3%98%C2%A7%C3%99%E2%80%9E%C3%99%E2%80%A6%C3%98%C2%B1%C3%98%C2%B3%C3%99%CB%86%C3%99%E2%80%A6-%C3%98%C2%A7%C3%99%E2%80%9E%C3%98%C2%AA%C3%98%C2%B4%C3%98%C2%B1%C3%99%C5%A0%C3%98%C2%B9%C3%99%C5%A0-%C3%98%C2%B1%C3%259>

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https://sana.sy/?p=2075689&fbclid=IwZXh0bgNhZW0CMTAAR0quO9PP3bq3YQ_cdIt3_MDisTqb4LiyF0zXWQ6lqzpth16RIOe3f8InZM_aem_AfPMYD1ESb_VgOa9oPEwq0uuFaGzXkKK6Nkh5euM7C2XIOSTIMfJCWWU0GXiP-H3PUIdm07-SAVMYD2LRKodx9gm



powers to oversee all facets of the media sector, encompassing drama, digital media, and social media.

57. The initial step involved the establishment of a tripartite committee consisting of the Ministers of Information, Communications, and Tourism. This committee was tasked with reviewing the proposals put forth by the drafting committee responsible for formulating the media law. Notably, journalists or their representatives were not included in the drafting process of the law. Independent journalist highlighted this issue in an interview with Radio Sham FM, a media outlet aligned with the Syrian government, stating that "journalists in Syria are often victimised, the Ministry of Information lacks trust in journalists, and they receive inadequate support from trade union bodies to guarantee their access to information."⁵¹
58. The Syrian government's decision-making process lacks inclusivity, as it excludes stakeholders such as journalists and instead involves figures like the Minister of Tourism, who may not fully understand their role in drafting media laws. Similarly, the Minister of Communications, with a primarily technical role, may not contribute significantly to ensuring the rights of journalists and the public in the media sector. This exclusion of key stakeholders could result in a lack of transparency and a failure to adequately address the needs of journalists and the wider public in the media field.
59. Article 8 of the law provides for the establishment of the so-called National Drama Committee, which will be formed by a decision of the Minister and chaired by the appropriate assistant minister. The committee's members will be chosen from relevant authorities involved in drama, television production, documentaries, and television films in both the public sector and federations and unions. The committee is granted the role of supervising, supporting, and directing content in the service of national and developmental issues. This includes evaluating dramatic and documentary texts, authorising dramatic texts for production, and viewing, and granting permission for photographing artistic and dramatic works after verifying their textual authorisation for display and export. This provision tightens control over dramatic content, particularly in light of several series that have depicted heinous human rights violations by intelligence and security services, as well as corruption within the ruling authority and state institutions. The law aims to bring dramas under the control of the Drama Committee.
60. Under Article 12, the law grants extensive powers to the new ministry, enabling it to control all forms of media, including digital and social media. This provision also entails the withdrawal of certain powers from other institutions, such as the Journalists' Union, including the authority to issue identity documents to media professionals and other privileges traditionally granted to journalists.

Recommendations

1. The Syrian Government must amend the legislative deficiencies, inconsistencies, and legal irregularities evident in the aforementioned legislation. These flaws contribute to the perpetuation of human rights violations in Syria and fail to provide effective safeguards for the promotion and protection of human rights in accordance with the provisions of the International Covenant on Civil and Political Rights.

(51) <https://www.facebook.com/watch/?v=526200379112522>



2. The Syrian government must repeal the Law on the Management and Investment of Seized Funds.
3. The Syrian government must release official lists providing detailed information about the detainees who have been granted amnesty under Decree No. 7 of 2022 and Decree No. 36 of 2023. These lists should include information such as the judicial authority overseeing the detainee's trial, the charges filed against them, and the duration of their detention prior to being released under the amnesty.
4. The Syrian government must enact legislation to criminalise enforced disappearance as an autonomous crime in accordance with the UN Declaration on the Protection of All Persons from Enforced Disappearance.
5. The Syrian government must repeal all circulars on security clearance, including Circular 22 of 2022, which mandates security clearance for confirming the death of missing and absent persons.
6. The Syrian government must disclose the fate of detainees and forcibly disappeared individuals and individuals. This disclosure should include information regarding the number of detainees and forcibly disappeared individuals and disclosing information on detainees' causes of death.
7. The Syrian government must ensure remedies and reparations for the victims and their families and ensure they have access to justice.
8. In accordance with **paragraph 3** of the report, we call on the Syrian government to comply with the Opinion of the Working Group on Arbitrary Detention in all its provisions to disclose the fate of detainees Mouayad and his son Abdulaziz Al Obaid to ensure a full and independent investigation into the circumstances surrounding the arbitrary deprivation of liberty of Mouayad and Abdulaziz Al Obaid, and to take appropriate measures against those responsible for violating their rights.
9. The Syrian government must amend the Cybercrime Law and the Law on the Establishment of the New Ministry of Information to comply with human rights standards and guarantee the freedom of opinion and expression as guaranteed by the ICCPR.