

Syrian government prisoner release – placation or PR?

Situation report

May 2022

Introduction

The largest detainee release since the start of the Syrian conflict is currently taking place in government-held areas. Hundreds of detainees have already been released since 30 April with many more scheduled to be released until 15 June. Detainees are being released in groups and transported to their respective governorate buildings where they are handed over to their families following a small ceremony. The majority of released detainees so far come from Damascus, Rural Damascus, Dar‘a, Aleppo, and Deir-ez-Zor and were [sentenced](#) to between three to eight years in prison on average.

While the release process may seem structured at this time, it was particularly chaotic in the beginning. Dozens of detainees were suddenly released following the declaration of an amnesty on 30 April without either informing their families or transporting them to their respective homes or cities. The disorderly release put people into a frenzy with rumors floating around of possible release locations and lists of detainees included in the amnesty surfacing on social media. The government later vehemently denied their legitimacy. This prompted hundreds of citizens to gather and wait for several days in public squares where they hoped their detained relatives would be released. Large gatherings could be seen in several locations in Damascus city, particularly under the President’s bridge, among other locations with people waiting for their newly released relatives to show up. People expressed their [discontent](#) with the government’s vague approach in the release process, asking if their detained relatives will be released so they know if they have to wait.



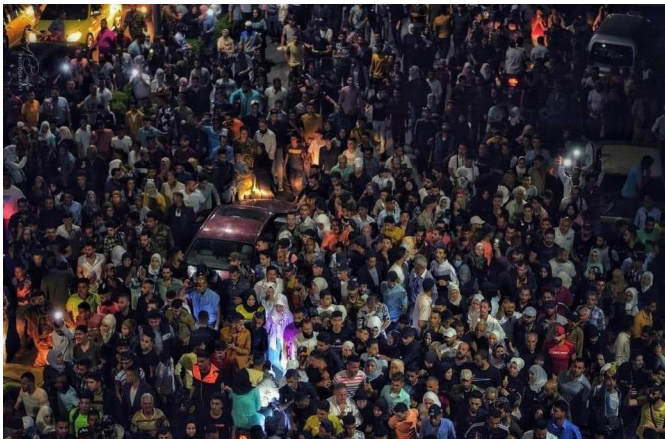
Ceremony for the release of 43 detainees in the Aleppo governorate building on 6 May (Source: [Baath Party - Qunietra branch](#))

However, the large gatherings, which went on for four days in several governorates, started to concern the government.

On 4 May, the Syrian Ministry of Justice issued a statement which said it understood “the families’ desire to meet their loved ones who are included in the amnesty” but that there was no need to gather and wait.

The ministry later added that “those included in the amnesty will be released individually after the legal measures are taken and won’t be transported to the locations where the gatherings are taking place.”

On the same day, counterterrorism court judge, Zahra Bishmani, stated that the court



Hundreds of people gathered under the president’s bridge in Damascus city awaiting the release of their loved ones (Source: [NorsForStudies](#)).

“is working on implementing the amnesty’s clauses urgently,” adding that the detainees are released outside the prison immediately and are not gathered in any other location.

Nevertheless, the statements failed to appease the families gathering in Damascus city, leading the civilian and military police, backed up by State Security to forcibly [disperse](#) them with local sources reporting tear gas being used in some instances. Security forces also threatened those gathered, telling them “to go home so they won’t follow those they are waiting for.”

Detainee release follows Decree 7/2022

The detainee releases followed legislative [decree 7/2022](#) issued by President Bashar al-Assad on 30 April which granted a general amnesty for Syrian citizens tried for conducting terrorist acts prior to the date of issuance as per the counterterrorism law 19/2012 and the penal code 148/1949 and its amendments.

Table 1: List of the terrorism acts [included](#) under decree 7/2022

Terrorist acts included under decree 7/2022
Conspiracy to commit an act of terror
Set up or administer a terrorist organization
Join a terrorist organization
Forcing an individual to join a terrorist organization
Funding acts of terror
Giving or receiving training on the use of methods with the intention of committing acts of terror
Manufacturing, possessing, stealing, or embezzling explosives or weapons with the intention of using them for an act of terror
Threatening the government with an act of terror
Committing an acts of terror
Promoting acts of terror (spreading pamphlets, administering or using a website, etc)
Withholding information about terrorist crimes

However, the amnesty reportedly [excludes](#) acts of terror which led to the death of a person and foreign fighters who fought against the government. Additionally, the amnesty does not affect personal lawsuits filed against individuals included in the amnesty and they may still be tried in civilian courts.

The Syrian Ministry of Justice later [announced](#) on 5 May that it had removed any all-points bulletins, arrest warrants, and calls for questioning for Syrian citizens both inside and outside Syria whom the government is pursuing for the abovementioned crimes with the exception of those who had led to the death of a person or continue to be part of a terrorist organization or affiliated with a foreign state.

Government officials highlight the amnesty's importance

Government officials praised Bashar al-Assad's latest amnesty, calling it historic, bold, and proof of the government's intention in moving towards a reconciliatory approach.

Syrian Minister of Justice, Ahmad al-Sayid, [told](#) pro-government media that the decree is "a comprehensive national reconciliation for all the citizens which have benefitted from this decree and their relatives." Al-Sayid added that "the decree came as a culmination of a reconciliatory approach adopted by the Syrian government through a series of reconciliation agreements conducted in many areas." Al-Sayid also considered it to be "a clear answer to all Syrian expats who ask if they can return without being questioned."

Moreover, head of the judicial experience office, judge Omar Bilal, [called](#) the amnesty a "historic decree because such a decree has never occurred in Syria's history," highlighting the importance of its inclusivity of those detained for terrorism-related charges.

Also, military court judge, Colonel Ahmad Tozan, [called](#) the decree a "bold turn in Syria's legal life" and the "opening of a page in Syria's future which removes people from the crimes which they have committed" and moves them to the path of learning and rebuilding the country.

Analysis

Despite the government's rhetoric regarding this new decree being an alleged means of reconciliation and a door for the detainees' reintegration into society, there may be other possible motivations behind Assad's amnesty.

Distraction from the Tadamon massacre videos

The amnesty was issued days after *The Guardian* [exposed](#) a massacre reportedly conducted by the Syrian government's Military Intelligence Directorate in Tadamon neighborhood, a frontline

with the opposition at the time. The video and images timestamped the incident on 16 April 2013 when the war was in full swing, showing the Military Intelligence fighters killing 41 civilians, piling them up in a mass grave, and then burning their corpses. The report and video circulated on social media in both the Arab and Western world spreading like wildfire as multiple media outlets began to report the findings.

Moreover, the US State Department commented on the massacre, [telling](#) media sources that “the United States remains committed to holding the Syrian regime accountable for the atrocities it has committed against its people.”

The report resulted in outrage reminding the public of many atrocities which the Syrian government reportedly committed in the last 11 years of conflict. Moreover, the video came at a time when the Syrian government has been attempting to [normalize](#) its relationship with both the Arab world and the international community. Indeed, the government has been making inroads in this regard in the past year, with Assad’s [visit](#) to the United Arab Emirates on 18 March, coinciding with the 11th anniversary of the Syrian conflict. It is thus possible that the publication of the article on the Tadamon Massacre threatened to set back the government’s hard work in the normalization process and tarnish its image once more.

An indication of the potential veracity of this motivation is the government’s spontaneous and disorderly release of prisoners only two days after the article’s publication, indicating that it had not been properly planned beforehand and was rushed.

Appease the local population

The amnesty also follows increasing financial burdens on Syrian citizens and increased instability. Prices have skyrocketed since the [subsidy removal](#) and the start of the Russian–Ukrainian [conflict](#)

Table 2: Food item prices in south Damascus between 14 February and 16 May (Source: HAT)

Item	February 14 (SYP)	May 16 (SYP)	% change
Subsidized bread	200	200	0
Private bakery bread	2500	3500	40
Bulgur (1 kg)	3600	6000	67
Short rice (1 kg)	3800	5500	45
Long rice (1 kg)	4200	9500	126
Tomatoes (1 kg)	2400	3800	58
Bananas (1 kg)	6000	6500	8
Sugar	3400	5000	47
Goat meat	22000	40000	82
Cow meat	19000	32000	68
Chicken meat	9000	11100	23
Cooking oil	9200	17000	85
Olive oil	14000	17500	25

in February, with some items increasing by 126% (shown in Table 2). Supply chain disruptions for essential items such as sunflower oil and flour from the Black Sea region, trader monopolization ahead of Ramadan, increasing cost of production, and the Syrian pound's depreciation have all contributed to the price increase, furthering the financial burden experienced by many limited income families.

Moreover, the increasing prices, coupled with insufficient wage increases, have significantly reduced affordability for basic food items by 13% (shown in Figure 1). Indeed, citizens [complained](#) to pro-government media that recent price increases have greatly increased their food insecurity, further reducing their ability to afford food. Also, shortages of subsidized bread have recently [exacerbated](#) in government-held areas. The government reportedly reduced public bakery flour allotments by 30% in April, leading to a reduction in supply, affecting citizens' ability to procure affordable bread.

Local sources reported that the bread shortages are becoming more acute as flour allotments continue to decrease, leading bakeries to completely shut down. Indeed, public bakeries in Yalda and Babella townships closed down on 11 May due to insufficient flour, increasing pressure on the neighboring Beit Sahn public bakery that has not been able to meet the growing demand.

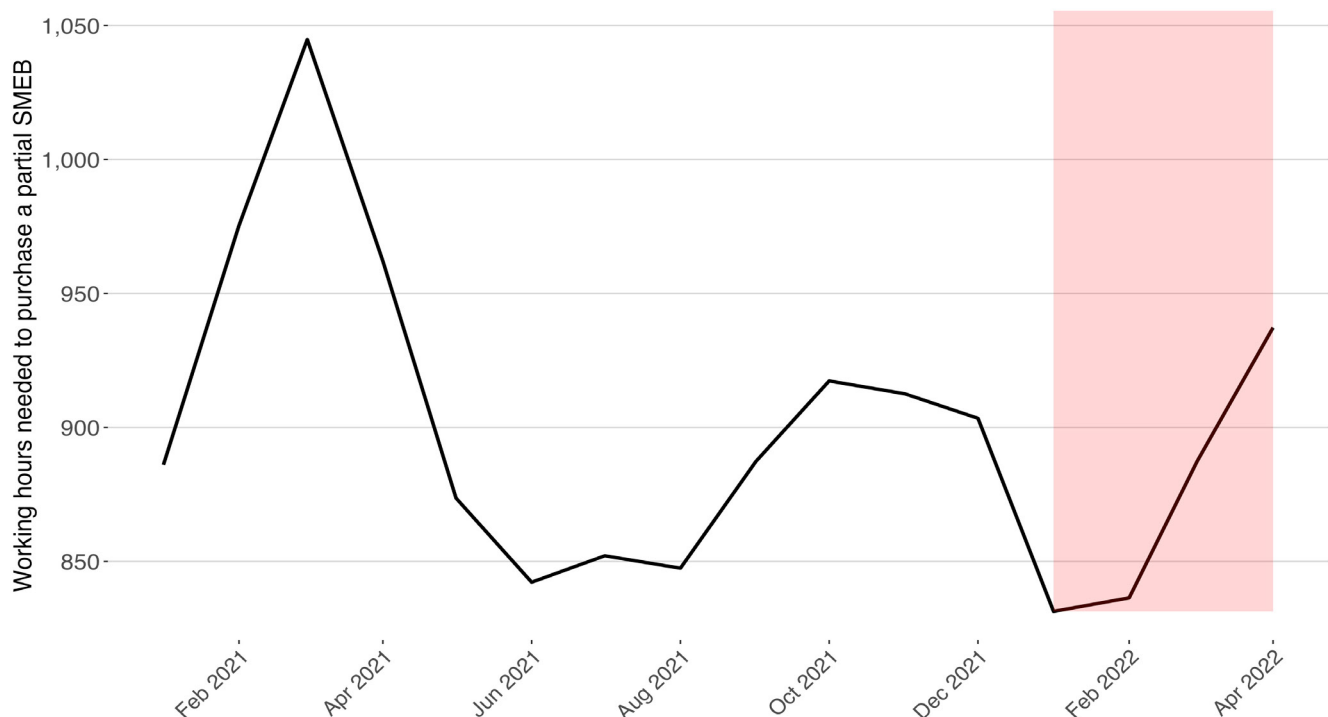


Figure 1: Number of working hours required to purchase a partial SMEB item in Syrian government areas

(Source: WFP).

The increasing unavailability of bread, considered to be the most affordable food item, has made Syrian citizens increasingly disgruntled. It is possible that the government's latest amnesty is an attempt to placate the increasingly frustrated population considering that the release of detainees is a main grievance which many Syrian families have and has yet to be properly addressed by the Syrian government.

Appease the international community

The amnesty has also come at a time when the Russian–Ukrainian conflict is ongoing, with the subsequent reduction in Russian economic support for the Syrian government translating into increased economic and financial strain. The Syrian pound's depreciation was exacerbated on 28 February after certain Russian banks were hit with punitive [sanctions](#) and removed from SWIFT,¹ crippling the Syrian government's ability to use its accounts there to trade in foreign currency. Indeed, the pound has depreciated approximately 9% since the start of the conflict. Also, Russian economic assistance has seemingly scaled back too as the Russian government [dedicates](#) more of its resources to both military operations and economic resilience in the face of mounting sanctions. Indeed, media sources reported that Russia has been increasingly [unable](#) to afford to supply wheat to the Syrian government.



Citizens gather in front of the Beit Sahm public bakery to receive their bread rations (Source: Bybs)

In addition to reduced economic assistance and foreign currency trading, Russia has also been unable to back the Syrian government in the sphere of international politics. Russia has found itself increasingly sidelined and excluded, losing some of its ability to advocate for the government on the international stage. On 25 February, the Council of Europe [suspended](#) Russia's rights to representation in the Committee of Ministers and in the Parliamentary Assembly. The council later moved to [suspend](#) Russia's participation in the Council of Europe's Steering Committee on Anti-Discrimination, and Diversity and Inclusion (CDADI) on 3 March. Also, the UN General Assembly voted to [suspend](#) Russia's membership in the Human Rights Council on 6 April.

Moreover, the reduction in Russian support had been preceded by the international community's disappointment with the Syrian government's inaction. Indeed, UN special envoy to Syria, Geir

¹ SWIFT stands for the 'Society for Worldwide Interbank Financial Telecommunications', a messaging system that connects financial institutions globally, facilitating timely transactions.

Pedersen, has only wrought [disappointment](#) since no tangible progress has been made in the constitutional process in the past two years. Additionally, there is a lack of progress despite the indirect [acceptance](#) of the US, Russia, and other major actors of the ‘[phased approach](#)’ drafted by the Carter Center. The approach calls for the reciprocal steps to be taken by both the Syrian government and the international community to build trust.² The Syrian government’s inaction may have led this approach to be taken off the table.

The reduction in Russian economic support and its ability to be a political advocate on the international stage may have pushed the Syrian government into a whitewashing campaign to polish its image in an attempt to appease a frustrated international community to attract more foreign assistance. Indeed, prior to the amnesty the Syrian parliament issued law 16/2022, also known as the [anti-torture law](#), on 30 March which criminalizes the use of torture and considers evidence gathered through torture invalid.³

Moreover, the new law and the amnesty, which came one month later, came before the sixth annual Brussels donor conference on 10 May, (to which Russia was not [invited](#)); \$6.7 billion was donated to Syria and neighboring countries. President of the International Committee of the Red Cross, Peter Maurer, implied this possibility in an [interview](#) with France 24 following his [meeting](#) with Assad on 9 May.

Maurer said that Assad was “aware of the international environment and the troubles and pressures exerted on Syria.” Maurer later added that the amnesty can be considered as “an indirect answer to the pressures” which the government is facing and part of the competition for attention vis-a-vis other humanitarian crises happening.

Recent amnesty is another charade

Regardless of its intentions, the amnesty was [welcomed](#) by special envoy Pederson, who described it as an important and positive development adding that he will seek independent verification of the release processes during his upcoming visit to Damascus next month.

However, it is noteworthy that the initial positive reception by the special envoy came amid critical statements from monitoring organizations; for example, Human Rights Watch [described](#) the release process as chaotic and complicated with procedural barriers and Euro-med Monitor referred to it as “humiliating and haphazard”.

2 For example, the United States issues sanctions exemptions for reconstruction of vital infrastructure and is met with the Syrian government releasing political prisoners.

3 It is important to note that the anti-torture law has significant gaps. Amnesty International pointed out that the enacted anti-torture law is undermined by fundamental gaps; they [include](#) the failure to provide closure concerning past cases of ill-treatment, torture, and extrajudicial executions, the absence of a discussion pertaining to the compensation for survivors of torture and the families of the deceased, and the lack of clear institutional measures that aim to prevent future human rights violations within detention facilities.

Indeed, the amnesty did not turn out to be what Syrian citizens and the international community were hoping for, for several reasons. First, most released detainees were detained by the Syrian government four to eight years ago and were either criminals or individuals tried under penal code 148/1949 or soldiers who were jailed for military misconduct. Additionally, those who had been released after being tried under the counterterrorism law 19/2012 were actually detained for either participating in a protest, being in the vicinity of a protest, or suspected of being part of the opposition. Moreover, those who were released after being detained for ten years or more were neither health care workers, humanitarian aid workers, nor political activists.

Second, the release process was chaotic and disorderly at the beginning indicating the absence of proper planning beforehand; counterterrorism court judge Zahra Bishmani [stated](#) on 4 May, four days after the decree was issued, that the court is studying detainee files to determine their eligibility for release under the new amnesty.

Third, the lack of proper coordination between the different security and intelligence agencies has resulted in the arrest of those recently released. For example, Political Security raided the house of a former detainee from the Hourani family in Ein Terma three days after his release and [arrested](#) him. Another detainee was [arrested](#) at a government checkpoint in Sabkha in eastern Ar-Raqqa while on his way to Autonomous Administration areas. Also, a former detainee Ismail Srour was allegedly [arrested](#) by Military Intelligence shortly after being released in Kisweh in Rural Damascus governorate.

Fourth, local sources reported that government bureaucracy is also a hindrance. The release of the detainee requires the signature of the security branch which arrested them, the head of the security agency responsible for the arrest, the prison warden where he/she was held, and the president's signature after the eligibility of release is determined following the review process. Moreover, the amount of signatures required may vary depending on the detainee, the court they were tried under, and the location where they are being held. Additionally, local sources stated that the bureaucratic process leaves room for disruption by the signatories and other involved government employees, particularly if they are ideologically opposed to the release of some detainees who may be seen as responsible for the death of a friend or relative.

Fifth, the extortion of the families of detainees is also proving to be a hindrance. Local sources stated that extortion networks of lawyers, officers, and counterterrorism court employees have reached out to the families of detainees through brokers, usually a lawyer, asking them for bribes either to release them earlier, if they are eligible, or to include them among those to be released. Media sources [stated](#) that brokers have asked families for 100,000 SYP to have their detained loved ones released in the earlier groups. Moreover, local sources stated that brokers have asked for thousands of dollars, sometimes amounting up to \$15,000 in exchange for an unguaranteed release. Additionally, media sources [reported](#) that detainee releases from Adra central prison have recently been delayed until the detainee families pay the brokers the required bribe.

Conclusion

The amnesty was issued during a tumultuous period. It came two days after the release of the Tadamon massacre article which showed the atrocities conducted by the government's Military Intelligence Directorate in the neighborhood. Additionally, it came after Syrian government areas were subjected to increasing economic and financial strain following the Russian–Ukrainian conflict and the subsequent price hikes which followed. Moreover the amnesty happened within a period where Syrian government-held areas have been witnessing a reduction in sufficient Russian economic assistance as the country's resources are redirected to the conflict in addition to reduced ability to advocate for the Syrian government on the international stage. At a time when the world has been reminded of the government's reported atrocities, when the Syrian population has grown increasingly disgruntled, and when Russian support is becoming less reliable it is possible that the government issued the amnesty in an effort to whitewash its image, appease its citizens, and/or appease the international community in exchange for desperately needed financial benefits.

However, Decree 7/2022 may prove to be an insincere concession. It does not appear to be different from the other amnesties which the Syrian government has issued in the past decade. While the number of detainees released and the official inclusion of those tried under the counterterrorism court may be considered unprecedented, the majority of those released have either been criminals or soldiers arrested for misconduct while those who were tried under the counterterrorism court are few. The release process is unclear and the government has not officially released any statistics regarding the actual number of detainees that were and are planned to be released, potentially to conceal the actual number of detained individuals.⁴ In addition to being unclear the release process is fraught with different factors which may cause disruption and delay.

Moreover, noting the amnesty's faults, monitoring organizations share the position that the Syrian government's cooperation with and facilitation of international and independent monitoring efforts would be a crucial step to address and resolve human rights violations within both official and unofficial detention facilities. Such proposals remain far-fetched in light of the lack of accountability which characterizes nearly all of the Syrian government's institutions, particularly its security sector. Meanwhile, the majority of efforts towards greater accountability and justice have taken place, outside Syria, through the principle of [universal jurisdiction](#), which allows national courts to carry out independent investigations of crimes under international law and issue warrants that can be internationally enforced. Yet, the enforcement of such judicial decisions remains largely limited by major political hurdles, primarily as they entail a [challenge](#) to traditional notions of state sovereignty, not to mention the Syrian government's refusal in this case to cooperate with these efforts.

4 The SNHR [stated](#) that 476 detainees were released while approximately 132,000 are still detained.

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The Humanitarian Access Team (HAT) was established in Beirut in March 2015 in response to the collective challenges facing the remote humanitarian response in Syria. HAT's most important function is to collect and analyze disparate data and information. Since 2015, HAT analysis has provided a forward-looking template for international interventions in Syria, and facilitated an increasingly adaptive, integrated, and ultimately impactful international response to the conflict.

