

6.1. The State

COMMON ANALYSIS

Last update: February 2023

President Bashar al-Assad, who is also the leader of the ruling Baath Party, and Baath party leaders dominate all three branches of government as an authoritarian regime [[Actors](#), 2.1.2, p.14]. The president is elected for a seven-year mandate at a time in elections that are tightly controlled without any genuine opposing candidates [[Security 2019](#), 1.1, p. 11]. Assad has ruled Syria since he took over the presidency in 2000, following the rule of his father Hafez al-Assad who came into power in 1970. The last presidential elections were held in May 2021. Assad was re-elected for a fourth term as President of Syria in the May 2021 elections, the last presidential elections held in Syria, which were found to lack any form of credibility [[Security 2022](#), 1.2, p. 17; [Security 2021](#), 1.2, p. 15].

Syria's judicial system consists of civil, criminal, military, personal status courts, Counter-Terrorism Court, as well as a court of cassation, among others. [[Actors](#), 2.1.4, p. 15]

According to the International Legal Assistance Consortium, there have been little systematic or structural changes to the justice system in areas controlled by the GoS in recent years. Institutions of justice persistently fell 'far short' of meeting international standards of impartiality and independence, especially in the running of the 'exceptional courts' (the Counter-Terrorism Court and Military Field Courts). The justice system was described to be highly political and under the control of the Baath Party, the President and the security services. Prosecutors and judges were in practice required to belong to the ruling party despite the Constitution providing for an independent judiciary. Corruption and bribery continued diminishing the independence of the judiciary. Lawyers had to bribe court employees to ensure smooth processing of a case. It was uncommon to hold

officials accountable for corruption. Many trials in the Counter-Terrorism Court were allegedly rushed, did not follow legal procedures and had no possibility of appeal. [[Actors](#), 2.1.4, pp. 15-16]

In areas which had not been continuously under GoS control, such as Aleppo, Dar'a, Sweida and East Ghouta, efforts had been made to reinstall official state justice structures, but justice continued to remain largely absent. Sources noted the continued seizure of property through public auctions in areas retaken by GoS forces, with the majority of affected owners being displaced persons [[Security 2022](#), 1.4.1, p. 28]. Difficulties for women and LGBTIQ persons to access to justice have been reported [[Targeting 2022](#), 13.1, p. 108; [Targeting 2022](#), 14.1, 14.2, pp. 122-123]. See also [4.11.2. Violence against women and girls: overview](#) and [4.13. LGBTIQ persons](#).

The **Syrian Armed Forces** consist of the SAA, the Naval Forces, the Air Forces, Air Defence Forces the intelligence services and the NDF. Assad acts as the Supreme Commander of the SAA and the armed forces. All appointments of commanders, chiefs, directors and officers of all armed forces units are being carried out or approved by the President personally. In contrast to the situation before 2011, SAA leaders allegedly lack control over their divisions. Army divisions are said to be controlled by the government's intelligence services and to be under the authority of Iranian and Russian influence. The army is no longer considered a cohesive force, but rather a coalition of regular forces and allied militias. [[Security 2022](#), 1.4.1, pp. 25-26]

Syria's security apparatus, composed of four main intelligence branches formally coordinated by the National Security Bureau, is overseen by the President's office: Air Force Intelligence, Military Intelligence Department, General Intelligence Directorate, Political Security Directorate. Since the outbreak of the conflict, the regime has relied on the intelligence agencies to maintain control of the country and focus on opponents of the regime. The four main intelligence agencies were responsible for most arrests and detentions of persons perceived to oppose the government, including peaceful demonstrators, human rights activists, and political dissidents and their families. Those agencies operate outside the law. The intelligence agencies were also reported to be corrupt and to engage in extortion. [[Actors](#), 2.3.2, pp. 28-32]

The **police** force, formally under the control of the Ministry of the Interior, consists of four separate divisions: emergency police, traffic police, neighbourhood police and the riot police. Corruption was reportedly a widespread problem in the police forces. The police were reported to take part in arbitrary

home raids and arrest warrants were rarely issued. [[Actors](#), 2.3.3, p. 32]

There are various **pro-government militias**, both local and foreign, operating in Syria alongside the regular armed forces. Pro-government militias played a key role in the survival of Assad's government and have been involved in many military offensives and local security enforcement throughout the Syrian civil war. Pro-government militias are largely autonomous and free to exploit the population in areas they control. Violent clashes between pro-government militias for access to and control of territories, and for control of smuggling and extortion networks, have occurred throughout the conflict. Many have reportedly turned into a mafia known for stealing, looting, corruption, gun smuggling, drug smuggling, and committing violations against civilians. [[Actors](#), 2.3.4, pp. 32-37]

Since the beginning of the Syrian uprising in 2011, sources varyingly estimated that tens of thousands or even hundreds of thousands of people, including political activists, human rights defenders, journalists, humanitarian aid workers and lawyers have been arbitrarily detained and forcibly disappeared by the GoS [[Targeting 2022](#), 1.1.1, p. 18]. During the reporting period, GoS forces continued to arbitrarily detain people, with detention leading to torture, ill-treatment, and in some instances to death of detainees. In March 2022, the GoS passed an anti-torture law (Law No. 16 of 2022), that prohibits authority from ordering torture and makes evidence gathered through torture invalid. However, the law's effectiveness and intention has been questioned as legislation protecting employees of the State Security Department from prosecution remains in force and the law cannot be applied retroactively [[Security 2022](#), 1.4.1, p. 28].

When assessing the availability of State protection for individual applicants, [the implications of leaving Syria](#) should also be taken into account.

In general, the Government of Syria would not be considered an actor of protection meeting the criteria under [Article 7 QD](#).

See other topics concerning actors of protection:

- *The State*
- [Parties or organisations](#), including international organisations