

POLICY BRIEF

Manipulating National Trauma: The Assad Regime's Wartime Instrumentalisation of Presidential Amnesties

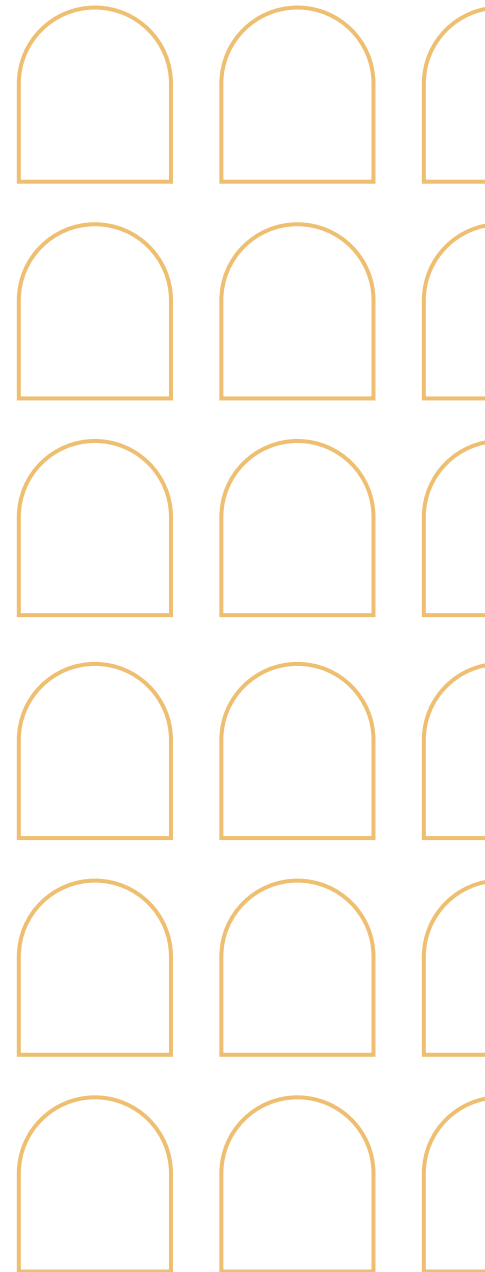
Abstract

This policy brief explores the Assad regime's use of amnesties during the Syrian conflict. The purpose of these calculated acts is multifaceted and varies according to prevailing political and security interests linked to the trajectory of the conflict. Amnesties serve a role within the enduring system of repression and exploitation of civilians that has supported the regime's survival for decades. For multiple reasons, the regime can resort to offering an 'amnesty' at will without having to fear political or security repercussions.

Author

Pieter Both

Pieter Both is a Research Assistant on the Wartime and Post-Conflict in Syria (WPCS) project. Pieter has five years of experience as a researcher on Syria for European government bodies. His research interests include non-state armed groups, civilian agency and human rights in Syria. He holds a master's degree in conflict studies and human rights from Utrecht University, the Netherlands.



Issue 2021/47
October 2021

**Wartime and Post-Conflict
in Syria Project**

**WPCS is a project of the
Middle East Directions
Programme (MED), part of
the Robert Schuman
Centre, EUI.**

Introduction

Over the last decade, a vast number of people have circulated through the Syrian regime's extensive network of detention facilities. Tens of thousands have been summarily executed or killed through torture and other ill-treatment in detention.¹ An estimated 86,000 Syrians remain forcibly disappeared by the regime.² Individuals who have made it out typically either bribed their way out, served their sentences or were included in an amnesty. President Bashar al-Assad's repeated use of 'amnesty,' a term that connotes mercy and mass release from prison, raises the question why his deeply repressive regime bothers to grant amnesties at all. Does it reflect Assad's desire to be seen as magnanimous,³ or does the regime have other more salient motives beyond 'benevolence'?

This policy brief examines the purposes of presidential amnesty decrees issued since 2011 for the Assad regime by analysing their nature and impact. It is based on publicly available information and interviews with human rights activists and former detainees. While acknowledging that the regime's opaque decision-making makes it impossible to definitively answer what rationale drove specific amnesties, the policy brief demonstrates that their purpose is multifaceted and varies according to prevailing political and security interests in the dynamic context of the conflict. Amnesties also invariably serve the repression and corruption that has supported the regime's survival for five decades.

1. Amnesties in Context

Presidential amnesties for detainees were already a semi-regular feature of Assad family rule before the beginning of the Syrian uprising in March 2011. Although the Syrian constitution authorises the

People's Council to grant amnesties,⁴ the Presidency has monopolised the practice, issuing amnesty laws through legislative decrees. In the 1990s, Hafez al-Assad released thousands of political prisoners, including Muslim Brothers. Detainee releases ordered by Bashar al-Assad during his first decade in power were seen by observers as efforts to improve his image abroad. The release of some prominent political prisoners, such as Riad al-Turk in 2002, after the heavily criticised suppression of the brief 'Damascus Spring' appeared to be "an attempt by the Syrian authorities to ease international pressures on their human rights record."⁵ Releases were also used during negotiations with the EU on the Association Agreement, signed in 2009, after European diplomats questioned Syria's human rights record.⁶

From March 2011, facing unprecedented challenges, Assad resorted to amnesties with increased frequency. Ten years later, he has signed off 17 general amnesty decrees, presented as a "core element of domestic policy" in wartime.⁷ These have been partial rather than blanket amnesties as they retroactively nullified previously established legal liability only for a varying selection of crimes, or specifically for army desertion or evasion of military service. The letter of the decrees reveals little about the intentions behind them, but set chronologically against different phases of the conflict they reveal diverse patterns of usage.

1.1 Deploying Carrot and Stick to Quell the Uprising

Between March and June 2011, a series of three amnesties by decree, together with at least one reported ad-hoc prisoner release in March and an amnesty announcement by the Interior Ministry in May, were half-hearted conciliatory acts used in combination with a brutal crackdown on protesters. During this time, Assad spoke about the importance

1 Independent International Commission of Inquiry on the Syrian Arab Republic (COI), "A Decade of Arbitrary Detention and Imprisonment," 11 March 2021, <https://bit.ly/3EljJTk>

2 Syrian Network for Human Rights (SNHR), "The Tenth Annual Report on Enforced Disappearance in Syria," 30 August 2021, <https://bit.ly/3l60UMe>

3 Yassin al-Haj Saleh articulated a detainee's feeling about being 'pardoned': "You are not out of jail because this is your right, but because the merciful fatherly president has deigned to pardon you." Yassin al-Haj Saleh, "The Greater Jail: The Politics of Prison in Syria," *al-Jumhuriya*, 19 February 2021, <https://bit.ly/3z3tNwo>

4 2012 Constitution of the Syrian Arab Republic, Article 75, Paragraph 7, <https://bit.ly/3A3QxNd>

5 The Syria Report, "Riad al-Turk is Free," 1 December 2002, <https://bit.ly/3A4Ofxm>

6 Carsten Wieland, *Syria: A Decade of Lost Chances: Repression and Revolution from Damascus Spring to Arab Spring*, United States 2012.

7 The Syria Report, "Interview of Bashar al-Assad by Russia 24 TV Channel on March 05, 2020," 11 March 2020, <https://bit.ly/3p1D9rc>

of “showing forgiveness” for those who had been “misled and misguided.”⁸

The first formal amnesty came on 7 March 2011, just before the first protests, as the regime anticipated the spread of Arab Spring unrest to Syria. It covered people convicted of minor crimes and prisoners over 70. On paper, the 31 May amnesty, presented by Assad as the most comprehensive to date, included “political crimes.” Syria’s Permanent Mission in Geneva claimed that a total of 10,433 people were released pursuant to this amnesty and the one following on 20 June.⁹ Amnesty International later reported that among those freed were prisoners of conscience and detained protesters, but that the vast majority of them remained behind bars.¹⁰

In practice, the March 26 release from Sednaya prison and the May and June amnesties favoured Islamists. They may have simultaneously been belated measures to placate protesters and a devious attempt to poison the opposition with extremism. Among those released were Sednaya’s most radical prisoners: Salafi-jihadists, who immediately joined the budding insurgency and would help establish and lead dominant rebel groups, such as Jabhat al-Nusra, Ahrar al-Sham and Jaysh al-Islam.¹¹ With some hindsight, many analysts judged that this was a regime strategy to subvert an overwhelmingly peaceful uprising.¹² According to a defected intelligence office, “[this] was a specific, deliberate plan and it was easy to carry out.”¹³ The regime indeed wanted to eliminate the civil opposition and from the 1980s had both jailed and released Islamists when it served its interests.¹⁴ It had also nurtured and manipulated jihad, positioning itself as the alternative to chaos and extremism.¹⁵

1.2 Temporising under Pressure

The next amnesties, in November 2011 and January 2012, were granted as the regime was paying lip service to the Arab League’s peace plan, which included the release of political prisoners.¹⁶ Damascus accepted the plan on 2 November 2011 and agreed to a revised version on 12 December, allegedly under pressure from Russia. As the momentum towards war grew, the regime took advantage of the plan to buy time and better its military position. The January decree included a range of crimes committed since March 2011. The government claimed that 3,569 were released, while the Arab League observers in the country at the time reported that they had been able to confirm the release of 1,669 individuals¹⁷ – even this number is questionable given how flawed their mission was and how the regime restricted and misdirected them.¹⁸ These figures were well below the tens of thousands who had reportedly been detained during the first ten months of the uprising

1.3 Marking National Events

Later on, as was common in earlier decades, amnesties were also granted on occasions of national importance or holidays, such as Eid al-Adha (October 2012) and Syria’s national day (April 2013). At a time when regime forces were giving up significant territory to armed rebellion, amnesties exhibited the regime’s sovereignty. The decrees, which pro-regime media hailed as examples of Assad’s benevolent rule, also served to prop up the cult of personality revolving around the president.

The two foremost national events in Assad’s view,

8 The Syria Report, “Speech of Syrian President Bashar al-Assad at Damascus University on June 20, 2011,” 21 June 2011, <https://bit.ly/3DEfaCb>

9 The Office of the High Commissioner for Human Rights (OHCHR), “Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in the Syrian Arab Republic,” 15 September 2011, <https://bit.ly/3nyGFIA>

10 Amnesty International, “Amnesty International Annual Report 2012,” May 2012, <https://bit.ly/3aqc3Bg>

11 Richard Spencer, “Four Jihadists, One Prison: All Released by Assad and All Now Dead,” *The Telegraph*, 11 May 2016, <https://bit.ly/3tSKzxi>

12 Reinoud Leenders, “Repression is not a ‘Stupid’ Thing,” in Michael Kerr and Craig Larkin (eds), *The Alawis of Syria*, London 2015.

13 Phil Sands et al., “Assad Regime Set Free Extremists from Prison to Fire Up Trouble during Peaceful Uprising,” *The National*, 21 January 2014, <https://bit.ly/3Dlb6XE>

14 Carsten Wieland, “Alawis in the Syrian Opposition,” in Kerr and Larkin, *The Alawis of Syria*.

15 Peter R. Neumann, “Suspects into Collaborators,” *London Review of Books*, 3 April 2014, <https://bit.ly/3FuMVrr>

16 The plan also contained army withdrawal, dialogue with the opposition and an observer mission to Syria to monitor compliance. Christopher Phillips, *The Battle for Syria: International Rivalry in the New Middle East*, 2020.

17 OHCHR, “Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in the Syrian Arab Republic,” 22 February 2012, <https://bit.ly/3B5fcCp>

18 Phillips, *The Battle for Syria*.

the presidential elections of 2014 and 2021, were also accompanied by amnesties, although under strongly different circumstances. The June 2014 election took place at a time when the rebellion was raging and the regime's survival seemed far less secure than it does now. The amnesty issued shortly after Assad's election 'victory' was meant to project power and sovereignty. It covered numerous crimes, including some charged by the feared Military Field Courts and the Counterterrorism Court.¹⁹ State media claimed 2,445 people were released, yet a well-informed lawyer in Damascus said the confirmed number did not exceed 1,300 individuals, including "regular criminal detainees."²⁰ The May 2021 election was held as the war had shifted in favour of the regime and fighting had wound down, but amid accelerated economic collapse. Among the beneficiaries of the amnesty that preceded it were more than 400 'loyalist' civil servants, judges, lawyers and journalists detained earlier this year in a crackdown on social media dissent – a release meant as a gesture towards the social base of the regime ahead of the election.²¹

1.4 Recycling Military Service Decrees

Between 2012 and 2021, most amnesty decrees either focused solely on army deserters and draft-evaders or included provisions regarding military service. At first, they were aimed at (re-)enlisting as many men as possible into the depleted armed forces. The July 2015 amnesty, which followed momentous battlefield setbacks in Idlib and Palmyra, is a case in point: a day later, Assad admitted for the first time the manpower problem that his army faced and said he had granted the amnesty in the hope of getting "a few thousand" men back.²²

After the recapture by regime forces of large swathes of territory through a series of 'reconciliation agreements',²³ the regime tried to use the October

2018 and September 2019 decrees to show it was addressing international concerns regarding the safety of populations in recaptured areas and that of returning refugees who had not fulfilled service requirements.²⁴ The superficial removal of barriers to return for army deserters and young men who fled Syria to escape conscription was meant to signal that Syria was 'welcoming' returns. The 2019 amnesty was announced the day after Russia's Special Envoy to Syria and Deputy Foreign Minister visited Damascus. In his speech at the Russian-organised International Conference on Return of Refugees in Damascus in November 2020, Assad referred to amnesties as a way to facilitate the return of refugees.²⁵

Although propaganda played a role in every decree, 'amnesty' was specifically used to project a 'humane' side of the regime's treatment of rebels who surrendered. This was clearly the case of the July 2016 amnesty – which targeted rebels in Aleppo and was issued just as Russian- and Iranian-backed regime forces had encircled the city – and became a recurring element in the official narrative as the regime continued its military winning streak in 2017-2018. For instance, at the UN General Assembly in September 2017, then Foreign Minister Walid al-Mouallem stated that "the success of local reconciliations would not have been possible without the [...] numerous amnesty decrees issued by [Assad], which allowed everyone who had taken up arms to lay them down and resume their normal life."²⁶

The amnesties were therefore calculated measures with multifaceted and varying purposes, serving the regime's prevailing political and security interests in different phases of the conflict. Since 2018, amnesties have increasingly been international public relations exercises. In addition to the aforementioned decrees in 2018 and 2019, this

19 The Counterterrorism Court was established in 2012 and has been used to convict peaceful activists on charges of aiding terrorists. Human Rights Watch (HRW), "Syria: Counterterrorism Court Used to Stifle Dissent," 25 June 2013, <https://bit.ly/2YqOUvJ>

20 HRW, "Syria: Activists Not Released Despite Amnesty," 18 July 2014, <https://bit.ly/2Xq34za>

21 Suleiman al-Khalidi, "Syria Releases Hundreds of Social Media Critics Ahead of Election," *Reuters*, 11 May 2021, <https://reut.rs/3EaZzLD>

22 Aron Lund, "Falling Back, Fighting On: Assad Lays Out His Strategy," *Carnegie Middle East Center*, 27 July 2015, <https://bit.ly/3D166HI>

23 These local agreements in former rebel-held areas were essentially surrender deals, often imposed through the use of brutal siege tactics and followed by arrests and disappearances of surrendered fighters and civilians by regime forces, in violation of the terms of the agreements.

24 Syria Justice and Accountability Centre (SJAC), "Syria's Newest Decree: Amnesty or a Political Stunt?" 26 September 2019, <https://bit.ly/3AEF3jE>

25 SANA, "President al-Assad in a Speech at Opening of Int'l Conference on Return of Refugees," 11 November 2020, <https://bit.ly/2YQ8D8E>

26 SANA, "Al-Moallem at UN General Assembly: Syria is Marching Steadily Towards Rooting Out Terrorism," 23 September 2017, <https://bit.ly/2YdCXtd>

was also the case of the March 2020 amnesty, which one former detainee cynically referred to as the “Covid-19 amnesty” because it was not a real mass release to reduce prison overcrowding and curb the spread of the coronavirus (as other states did).²⁷ Given the current phase of mostly frozen conflict and undeniably growing momentum in the region and beyond for a normalisation or upgrade of diplomatic and security ties with Damascus, the inevitable next amnesty may well again be aimed at improving Assad’s image.

Chart 1: Timeline of Amnesties



Source: The author

2. Granting Amnesty: A Low-Risk Predatory Act

Beyond opportune use, there is also a routine dimension to the regime’s irregularly spaced but unfailingly repeated amnesties. There are fixed rationales behind the regime’s release of detainees, inextricably linked to the repression and corruption that have been two pillars of its ‘resilience.’ Buying loyalty from its security apparatus, coercing individuals and communities into obedience and reinforcing the barrier of fear became only more critical during the conflict

2.1 Decrees Designed to Exclude

The main beneficiaries of amnesties appear to have been prisoners found guilty of ordinary crimes, leading some oppositionists to claim that amnesties were a tool to set loose “thugs and gangs in order to create a social fabric of criminality to suppress society.”²⁸

The exclusion of political prisoners is partially inherent in detention and judiciary practices in Syria. Those arbitrarily arrested are usually held without charge for prolonged periods and detainees are often not made aware of the charges against them.²⁹ Many are detained not in central prisons but in branches of the intelligence agencies or unofficial detention centres. In the Syrian context, formal amnesties do not apply to individuals held without having been charged; the state denies having them in its custody. If and when taken to Military Field Courts or the Counterterrorism Court, they are typically charged with several accumulated offenses, such as supporting and financing ‘terrorism.’³⁰ The multiple accusations mean that even when an amnesty decree covers one of their alleged crimes other charges can block their release.³¹ Moreover, amnesty decrees typically exclude anyone detained following a civil claim. This is problematic because many arrests, particularly of individuals from former rebel-held areas who expected to be cleared after

27 Interview with a former detainee released under a presidential amnesty (name withheld for security reasons), 27 September 2021.

28 Saleh Malass et al., “Decrees for Detainees ... Without Including Them,” *Enab Baladi*, 3 April 2020, <https://bit.ly/3FeGjNJ>

29 Interview with a former detainee, 27 September 2021.

30 Law No. 22 of 25 July 2012 defines ‘terrorism’ as: “every act that aims at creating a state of panic among the people, destabilising public security and damaging the basic infrastructure of the country by using weapons, ammunition, explosives, [...] or any method fulfilling the same purposes.” The deliberately vague reference to “any method” ensures that virtually any act can be labelled a terrorist offense. HRW, “Syria: Counterterrorism Court Used to Stifle Dissent.”

31 Hadeel Al Rawabdeh, “Bashar al-Assad Issues General Amnesty Excluding Prisoners of Conscience: Who Benefits and Why Now?” *Syria Direct*, May 2021, <https://bit.ly/3tK0cH1>

signing ‘reconciliation agreements,’ have been based on (false) civil claims.³²

To many Syrians, amnesty decrees are difficult to interpret: their ambiguous provisions offer no transparency on who will be included. The offer of ‘amnesty’ is furthermore deceiving as it does not benefit those who do not satisfy certain preconditions such as paying fines or bribes. The military service amnesties for defectors and draft-evaders still required beneficiaries to complete their service after turning themselves in, a critical deterrent for many.

2.2 Arbitrary and Corrupt Implementation Practices

Over the past decade, relatively few of those who should have been eligible for amnesty have been documented as benefiting from these measures.³³ For such people, there is little reason to trust that the amnesty will be implemented consistently. Implementation rests in the hands of the security agencies in charge of detention facilities and the judiciary. Any prisoner release in a security branch requires the approval of the head of directorate of the agency in question.³⁴ Judges also appear to intervene to block the release of individuals. Following the 2014 post-election amnesty, a lawyer in Damascus alleged that judges had “sent the files of some detainees who ought to have been released back to the public prosecutor to change the charges to ones that would fall outside the scope of the amnesty.”³⁵

It is plausible that corruption has been a core motivation for amnesty decisions. There is an economic dimension to mass detention and forced disappearances in Syria.³⁶ This extortion racket feeds large amounts of cash directly into the repression apparatus and thereby helps keep the

system going.³⁷ Enforced disappearance – and the promise of release in particular – offers ample opportunity for security officers, court officials and lawyers to exploit detainees and their relatives. They are essentially forced to bribe these ‘intermediaries’ to secure visits to their loved ones in prison, to obtain their release or to get news about their fate or whereabouts.

Unsurprisingly, amnesties are accompanied by increased financial extortion efforts.³⁸ Out of despair – even though “nobody believes in amnesties anymore” – families still pay to try to get their loved ones on the list for an amnesty.³⁹ Following the latest amnesty, in May 2021, the Syrian Network for Human Rights reported that it had documented at least 92 cases involving extortion of the families of detainees held in central prisons, with their relatives paying vast sums of money in exchange for promises to include their family members in the amnesty. It estimated the real number of extortions that took place to be far greater than it was able to document.⁴⁰

2.3 Control Through Re-Traumatisation: Release Amid Continued Repression

In the last decade, detention came to affect the Syrian population even more. As the COI reported, “given the extent of enforced disappearances in Syria, the issues of detainees represent a national trauma that will affect Syrian society for decades to come.” Being a potential factor deciding the fate of detained and missing individuals, every (rumoured) amnesty therefore has profound psychological effects on Syrians. As twelve human rights organisations stated following the June 2014 decree, “President Assad’s amnesty raised the hopes of many detainees and their families, only to dash them again as weeks passed by without any

32 Interview with Sara Kayyali, Syria Researcher at Human Rights Watch, 13 July 2021.

33 International Center for Transitional Justice, “Gone Without a Trace: Syria’s Detained, Abducted and Forcibly Disappeared,” May 2020, <https://bit.ly/2Xg2TE0>

34 COI, “A Decade of Arbitrary Detention and Imprisonment.”

35 HRW, “Syria: Activists Not Released Despite Amnesty.”

36 Sultan Jalabi, “Syria’s Lucrative Detainment Market: How Damascus Exploits Detainees’ Families for Money,” *Syria Untold*, 13 April 2021, <https://bit.ly/3BCSMc4>

37 Interview with Habib Nassar, Director of Policy and Research at Impunity Watch, 1 October 2021. The Association of Detainees and the Missing in Sednaya Prison (ADMSP) estimated that the regime made USD900 million over the past decade. ADMSP, “Forcibly Disappeared in Syrian Detention Centers,” December 2020, <https://bit.ly/2YCSkMx>

38 Syrian Association for Citizens’ Dignity, “Normalisation of Horror,” 9 August 2021, <https://bit.ly/3aqNCni>

39 Interview with Amina Khouliani, human rights activist and former detainee, 29 September 2021.

40 SNHR, “The Syrian Regime Has Released 81 Individuals Under Amnesty Decree No. 13 of May 2021 and Arrested Nearly 176 Since Its Issuance,” 15 July 2021, <https://bit.ly/3ixJeaG>

movement.”⁴¹ The possibility of release, however slim, heightens the pervasive sense of anguish, distress and uncertainty tens of thousands of families continue to suffer from.

As amnesties coincide in the collective memory with events of national importance, many detainees and their relatives anxiously anticipate a new presidential pardon. One female former detainee said life in detention was rife with rumours of amnesties: “I found out that many a rumour started with the women in detention. They would create the rumour that on Mother’s Day an amnesty would be issued. Even though I knew it was a lie, I tried to convince myself that there would be an amnesty. This helped us sleep. When nothing happened, we always waited for the next one.”⁴² Despite the victims’ intimate familiarity with the regime’s track record of false promises, their only choice is to keep hope alive.

There is also repression in release. The prospect of an amnesty may force detainees and their relatives to remain on good behaviour to not risk spoiling a potential early release.⁴³ The shock, furthermore, that is caused by periodically releasing almost unrecognisable, severely weakened and ill individuals is an intentional effect aimed at reinforcing the ‘barrier of fear’ for society at large. According to the Director of the Association of Detainees and the Missing in Sednaya Prison, “When former detainees are returned to their families, either alive or as bodies, there are physical marks of torture on their bodies. This sends a message to the community that if you engage in certain behaviours, the Syrian government will respond in a certain way.”⁴⁴

Fear also controls the lives of many of those released – being ‘amnestied’ does not guarantee any kind of protection. The security agencies are still capable of applying pressure and exerting control over

released detainees. One standard way is to keep them under intensive surveillance and summon them to return to the same detention facility for further interrogation. As the COI reported, “for many [released individuals], the palpable fear emanating from the prospect of being re-detained confined them to their homes, while others were unable to carry out basic civic activities owing to clearance procedures imposed by security services.”⁴⁵ This fear has led many to flee Syria. Experts have furthermore observed a pattern of security officers recording sexual violence in detention and using these videos “as a tool to pressure [former detainees] and keep them under their control.”⁴⁶ Finally, another obstacle to resuming normal life is arbitrary denial of passports and deprivation of former detainees’ civil rights.

There is evidence indicating that amnesties exacerbate repressive cycles of detention and killing. Releases take place as regime forces continue to arbitrarily detain and forcibly disappear Syrians across the country. Within weeks following an amnesty, the number of new arrests exceeds that of those known to have been released.⁴⁷ Less well-documented, but indicative of the deceptive way in which the regime pardons detainees, are arrest campaigns ahead of an impending amnesty. In 2014, activists told human rights organisations that the amnesty that summer “occurred weeks after an intensified campaign of arbitrary arrests, and that some of the persons arrested were subsequently released on the basis of the amnesty decree.”⁴⁸ Such claims have also followed later amnesties. Finally, Amnesty International has noted that “the number of people killed by hanging at Sednaya increased during the weeks prior to and after the presidential amnesties for detainees issued after September 2011 [at least until the June 2014 amnesty].”⁴⁹

41 HRW, “Syria: Activists Not Released Despite Amnesty.”

42 Interview with Amina Khouliani, 29 September 2021. See also Leen Farah, “Waiting for ‘Amnesty’,” *al-Jumhuriya*, 19 July 2019, <https://bit.ly/2Y19vC7>

43 Farah, “Waiting for ‘Amnesty’.”

44 SJAC, “New Report Sheds Light on Sednaya Detention,” 5 December 2019, <https://bit.ly/3oMYOmA>

45 COI, “A Decade of Arbitrary Detention and Imprisonment.”

46 Amnesty International, “‘You’re Going to Your Death’: Violations Against Syrian Refugees Returning to Syria,” 7 September 2021, <https://bit.ly/3AmOPsl>

47 SNHR, “The Syrian Regime Has Released 81 Individuals Under Amnesty Decree No. 13 of May 2021 and Arrested Nearly 176 Since Its Issuance.”

48 HRW, “Syria: Activists Not Released Despite Amnesty.”

49 Amnesty International, “Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison, Syria,” 7 February 2017, <https://bit.ly/39cGDh8>

For all these reasons – from a system built to crush dissent to calculated provisions in each amnesty decree, arbitrary and corrupt implementation practices and, finally, continued and pervasive security control – the regime can resort to this measure at will without having to fear political or security repercussions, allowing it to continue to manipulate the national trauma that it has created and deepened in its five decades of rule

Conclusion

In the Syrian context, presidential amnesties should be understood as a multifaceted tool of a repressive regime; they should never be mistaken for genuine concessions. With the military balance shifting in the regime's favour since 2015, subsequent amnesties have not become more inclusive: political prisoners – those still alive today – continue to languish in detention enduring unimaginable torture and subhuman conditions. Unlike how Assad has portrayed amnesties in terms of “tolerance” and “forgiveness,” his regime is not interested in true reconciliation but in survival. Mass violence remains central to that end.

Officially, the release of detainees remains a primary concern for the US, European countries, and the UN Special Envoy for Syria. In envoy Geir O. Pedersen's words, the detainee and missing persons file would “absolutely” have to be part of a “parallel and verifiable step-for-step process” to start building trust among parties to the political process,⁵⁰ adding that if this process is not verifiable “the possibility for this to go wrong is huge.” If it were ever to come to detainee releases being put on the negotiation table, whether in the framework of a political process or – more plausibly and as continues to be advocated by some – as a condition for sanctions relief or reconstruction aid, those bargaining with the regime should be wary of at least two things: first, the regime's experience in manipulating detainee releases to further its political and security interests, and second, the adverse effects such measures could potentially have in exacerbating deadly cycles of arbitrary arrests, enforced disappearances, torture and executions.

50 Italian Institute for International Political Studies, “Dialogue with Geir O. Pedersen, UN Special Envoy for Syria,” 9 September 2021, <https://bit.ly/3lCchvu>

Middle East Directions

The MIDDLE EAST DIRECTIONS Programme, created in 2016, is part of the Robert Schuman Centre for Advanced Studies. It has the ambition to become an international reference point for research on the Middle East and North Africa Region, studying socio-political, economic and religious trends and transformations. The programme produces academic outputs such as working papers and e-books. It also liaises with policy makers with a wide range of policy briefs, policy report and analysis.

middleeastdirections.eu

Robert Schuman Centre for Advanced Studies

The Robert Schuman Centre for Advanced Studies (RSCAS), created in 1992 and directed by Professor Brigid Laffan, aims to develop interdisciplinary and comparative research on the major issues facing the process of European integration, European societies and Europe's place in 21st century global politics. The Centre is home to a large post-doctoral programme and hosts major research programmes, projects and data sets, in addition to a range of working groups and ad hoc initiatives. The research agenda is organised around a set of core themes and is continuously evolving, reflecting the changing agenda of European integration, the expanding membership of the European Union, developments in Europe's neighbourhood and the wider world.

www.eui/rsc

© European University Institute, 2021. All rights reserved. Licensed to the European Union under conditions.
Editorial matter and selection © Pieter Both, 2021

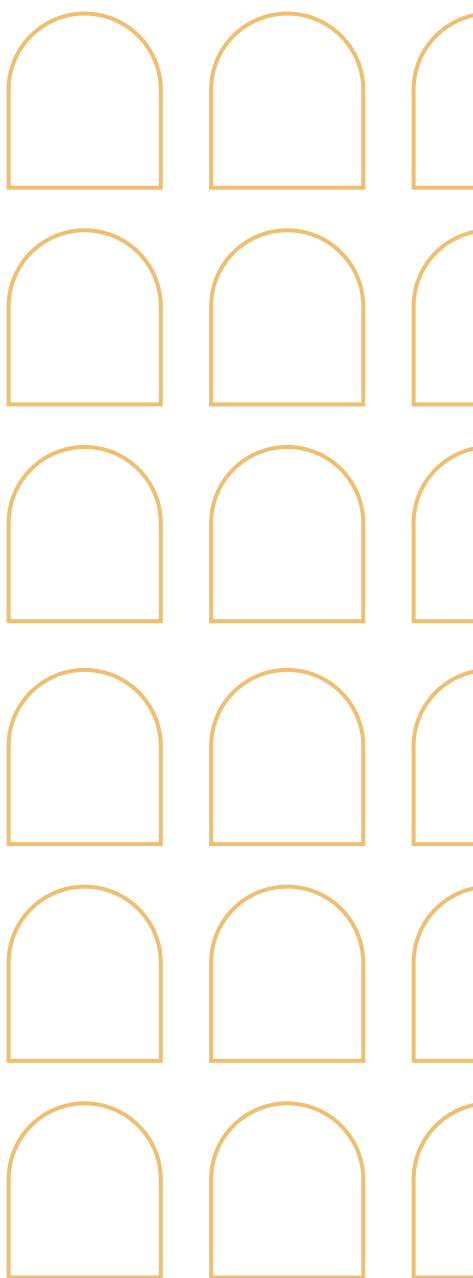
This work is licensed under the [Creative Commons Attribution 4.0 \(CC-BY 4.0\) International license](https://creativecommons.org/licenses/by/4.0/) which governs the terms of access and reuse for this work. If cited or quoted, reference should be made to the full name of the author(s), editor(s), the title, the series and number, the year and the publisher.

Views expressed in this publication reflect the opinion of individual authors and not those of the European University Institute.

Published by
European University Institute (EUI)
Via dei Roccettini 9, I-50014
San Domenico di Fiesole (FI)
Italy



This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of the author and do not necessarily reflect the views of the European Union.



doi:10.2870/36062
ISBN:978-92-9466-096-1
ISSN:2467-4540
QM-AX-21-047-EN-N