

Assad's Speech Laws Are Putting Syria's Security and Reconstruction at Risk

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Brief Analysis

With Assad-era laws increasingly triggered by private complaints and enforced unevenly, U.S. officials can no longer relegate these issues to secondary tracks or assume that core administration objectives will remain unaffected.

Although Syria's transitional government is not recreating Bashar al-Assad's police state, old cybercrime and media laws are being selectively enforced against critics while most sectarian incitement goes untouched. This is more than a free speech problem. In a post-authoritarian, post-conflict state, legitimacy depends on whether coercive power is constrained by law and applied evenly. When private grievances can trigger arrest while more dangerous speech is ignored, it poses a threat to core U.S. interests, since uneven enforcement can weaken the institutions needed to prevent renewed conflict, integrate minorities, and support reconstruction.

The government has taken some positive steps on this front, such as releasing certain detainees (albeit under pressure), issuing a Justice Ministry circular to restrain police, and tolerating many critics who publish legal takedowns—all impossible under Assad. Yet state authorities have been steadily detaining other critics under laws they spent a decade opposing, often spurred by private complaints rather than any centralized censorship directives.

To be sure, legitimate speech enforcement will be necessary in the new Syria for years to come. Both the March 2025 coastal killing spree and the July 2025 Suwayda massacres were preceded by online incitement campaigns, showing how sectarian hate speech can quickly morph into an actionable target list. The problem is that the current architecture approaches this enforcement need with seemingly arbitrary displays of power.

In May, a Washington Institute assessment concluded that Damascus was heading [\(<https://www.washingtoninstitute.org/policy-analysis/syrias-new-government-appointments-more-continuity-change>\)](https://www.washingtoninstitute.org/policy-analysis/syrias-new-government-appointments-more-continuity-change) in the right direction on press freedom, but that benchmark focused on accredited journalists. The past three months have tested whether other Syrians can criticize officials, businessmen, and reconstruction

spending without risking a summons. The answer so far is no, and if this trend holds, it will complicate the progress that U.S. sanctions relief was meant to make possible.

The Inherited Architecture

Over the years, the Assad regime issued several legal instruments to help foreclose attempted political openings and criminalize citizen journalists and activists:

- **Decree 50** (https://www.hrw.org/legacy/backgrounders/mena/syria/syria_memo.htm) **(2001)**: In response to the wave of public political debate that followed the death of President Hafiz al-Assad, his son's successor regime issued new press laws criminalizing "false information" and forcing all publications to apply for licenses at the prime minister's discretion.
- **Decree 26** (<https://www.aymennaltamimi.com/p/controversy-over-restrictions-issued>) **(February 2011)**: Issued weeks before the uprising that preceded the civil war, this decree sought to regulate internet communication as "Arab Spring" protests unfolded in Tunisia and Egypt. Article 21 bars sites from posting unauthorized documents or content stirring sectarian hatred.
- **Decree 108** (<https://www.aymennaltamimi.com/p/controversy-over-restrictions-issued>) **(August 2011)**: This media law targeted the revolution's coordination committees. Article 12 bans content harming "national unity," "national security," or "the symbols of the state." Together with Decree 26, it created "text writer" and "speech owner" liability, extending responsibility to any citizen who posts any content deemed to fit the banned content categories.
- **Legislative Decree 17** (<https://english.enabbaladi.net/archives/2026/06/hassan-akkad-faces-legal-battle-over-donation-campaign/>) **(2012)**, expanded by **Law 20** (<https://www.aymennaltamimi.com/p/controversy-over-restrictions-issued>) **(March 2022)**: Articles 24-25 of this "cybercrime" law made online defamation an imprisonable offense, with heavier sentences for speech against officials. The 2022 expansion added social media comments and "fake news" deemed harmful to "the state's status."

Today, the breadth of these still-extant laws is enabling private complaints and fragmented enforcement bodies to trigger criminal processes without consistent standards. Article 13 of the post-Assad Constitutional Declaration guarantees freedom of opinion, expression, and the press, but Article 23 permits limiting those rights for public order, public safety, and public morals, while Article 51 keeps all preexisting legislation in force until amended or repealed. On June 21, the Justice Ministry invoked [this structure \(https://syria-report.com/five-day-arrest-of-activist-demanding-transparency-in-reconstruction-fundraisers-pushes-accountability-limits/\)](https://syria-report.com/five-day-arrest-of-activist-demanding-transparency-in-reconstruction-fundraisers-pushes-accountability-limits/) directly, stating that the declaration cancels certain "exceptional laws" but that "existing legislation"—a category the ministry did not define, but which prosecutors have treated as covering the decrees and statutes above—will continue to apply. The new parliament is now seated, so repealing decrees and moving defamation cases to civil courts would be the fastest route to fix the uneven enforcement problems.

How the New Government Has Applied These Laws

Since December, the enforcement pattern has shifted from punishing Assad loyalists to selectively targeting government critics. Meanwhile, sectarian incitement has gone largely uncharged, including a high-profile incident in Latakia in which a former member of the defunct Sunni Islamist group Hayat Tahrir al-Sham (HTS) [publicly praised \(https://x.com/ajaltamimi/status/2072044379233992842\)](https://x.com/ajaltamimi/status/2072044379233992842) the 2014 Camp Speicher massacre in Iraq, in which the Islamic State (IS) killed hundreds of unarmed Shia cadets.

Most of those arrested this year have been activists or ordinary citizens, not journalists. Since January, nearly every governorate has seen [protests \(https://www.washingtoninstitute.org/policy-analysis/syrias-protest-wave-\)](https://www.washingtoninstitute.org/policy-analysis/syrias-protest-wave-)

governance-stress-test over issues like living costs, indiscriminate detentions, and union interference. The protesters generally hail from the government's Sunni Arab base, so the crackdown is not sectarian-focused in terms of who is swept up.

Policing the defeated (Nov-Dec 2025). Most initial prosecutions targeted pro-Assad expression, such as the two men arrested in al-Bab on December 11 for displaying regime symbols on Liberation Day. Within days, however, enforcement shifted to individuals who disrespected the new authorities (e.g., an Aleppo man **arrested** (<https://x.com/syrianmoi/status/2002474061214191702>) for mocking a traffic officer), with the Interior Ministry warning citizens against “undermining the prestige of the law.” Several detentions from this period remain unresolved:

- Shamis Mahfouz (Dec 5): An international law scholar who was **taken** (<https://aljumhuriya.net/en/2026/07/31/disappearing-hope/>) by men from the Damascus security facility known as the Arnous Center. He was charged with “conspiring against state security” and his archives were confiscated. He remains detained at Investigation Branch 202.
- Bilal Abdul Kareem (Dec 22): An American Islamist media activist who was **arrested** (<https://aljumhuriya.net/en/2026/07/31/disappearing-hope/>) after criticizing Syria's admission to the Global Coalition Against IS and interviewing al-Qaeda-aligned ideologue Hani al-Sibai. He remains in detention eight months later but has not been charged.
- Murad Mahli (Dec 27): The director of the Jarabulus Media Office, a local press organization, was **taken** (<https://aljumhuriya.net/en/2026/07/31/disappearing-hope/>) from his home by operatives who smashed his surveillance cameras. He has been held without charges or legal representation ever since.

Administrative consolidation (Mar-Apr 2026). On March 25, the Information Ministry **barred** (<https://x.com/VeSyria/status/2036838240376799703>) three **unlicensed** (<https://x.com/AlekhbariahSY/status/2036823166094364920>) outlets—Hashtag, Jusoor News, and al-Dalil—and **warned** (<https://x.com/VeSyria/status/2036871834352623634>) the public that dealing with them carried legal exposure. Yet the criteria and timelines for obtaining licenses and appealing decisions remain unpublished. Days earlier, the Interior Ministry arrested some of its own personnel in Suwayda for insulting religious symbols.

Protest wave meets the statute book (June). On June 2, Yasser Abbas and Ibrahim Sheikh al-Shabab were **detained** (<https://syria-report.com/five-day-arrest-of-activist-demanding-transparency-in-reconstruction-fundraisers-pushes-accountability-limits/>) after a complaint by the Damascus governor. They had been peacefully protesting the expropriation of lands (including their own) for luxury redevelopments like “Marota City”—a process that began under the Assad regime and has continued under the new government. They were later released under pressure, with charges retained and a September trial set.

Content creator Hassan Akkad, a BAFTA winner twice detained by the Assad regime, was **arrested** (<https://english.enabbaladi.net/archives/2026/06/damascus-judiciary-explains-hassan-akkad-arrest/>) the same month. Previously, he created “Give Us the Money You Owe,” a **video series** (<https://syriaintransition.com/en/home/archive/issue-37/follow-the-money>) naming figures and firms who pledged donations at televised reconstruction fundraisers and **tracking** (<https://x.com/damascusv011/status/2063154225798877695>) who had not paid. Two officials paid after he named them, while the prominent Hamsho business family has yet to come up with its pledge. In February, Akkad used Muhammad Hamsho as an example in a video explaining “transactional justice.” A former front man for Bashar al-Assad's brother Maher, Hamsho gained infamy for becoming the so-called “rubble king” and stripping iron from neighborhoods destroyed during the war. This January, he **settled** (<https://syriaintransition.com/en/home/archive/issue-37/follow-the-money>) with the Committee to Combat

Illicit Gains, reportedly surrendering some \$800 million in assets for the right to continue operating freely on undisclosed terms. He remains under U.S. and European Union sanctions.

The troubling sequence of Akkad's detention illustrates the scope of the problem. After pro-government media figure Musa al-Omar filed a complaint alleging insult and defamation against Akkad on June 3, the activist was told by the Information Ministry to stop publishing. On June 17, he was taken from a Damascus cafe by plainclothes officers who did not present a warrant at the time. On June 21, he was released when Omar withdrew his complaint, though two lawsuits filed by Hamsho companies or affiliates remained active. In response to outcry over the incident, the Justice Ministry announced review committees and issued Circular 26 restricting police referral, pretrial detention, and search notices in defamation complaints. At the same time, however, the Information Ministry added "rumors that harm the national economy" to its list of prohibited types of speech (<https://x.com/SyMOIGov/status/2070222639520440650>).

In contrast, Homs media personality Omar al-Talawi engaged in patently dangerous online incitement on June 30 when he posted (<https://x.com/GregoryPWaters/status/2072003424112316918>) that eleven Alawite neighborhoods should be "removed from the map." Yet no government action was taken against him.

Normalization (July–present). By midsummer, the arrests had become routine:

- Bakkar Hamidi (Jul 12): Military police reportedly (<https://en.majalla.com/node/332029/opinion/syria-cannot-counter-incitement-opaque-and-selective-arrests>) took him for incitement against Alawite and Murshidi towns, though he was never charged.
- Hamza Abbas (Aug 3): The journalist was held (<https://www.enabbaladi.net/819429/>) for hours after he posted a WhatsApp message about Sawt al-Sham radio losing its headquarters to Agriculture Minister Basel Hafez al-Suwaidan.
- Toni Daniel (Aug 5): General Security forces seized (<https://syrianobserver.com/syrian-actors/after-criticising-corruption-toni-daniel-arrested-in-lattakia.html>) this opposition figure outside the Engineers Syndicate in Latakia without a judicial order after he criticized local corruption during a television appearance. He was released the next day following a social media campaign.
- Abu Faris al-Hariri (Aug 20): The activist was summoned (https://x.com/Daraa24_24/status/2090558115787800582) to the security division in Izraa over a Facebook post on nepotism.

These incidents exposed the limits of Circular 26 without openly defying it—Hamidi was detained by military police, Daniel was seized on the street, and Hariri was summoned by a security division rather than a prosecutor. They also reinforced three sobering facts: that private complaints by well-connected individuals are driving many cases; that many releases tend to be determined by public response rather than law; and that Justice Ministry safeguards can be bypassed by other branches.

U.S. Policy Recommendations

All of the above issues need to be addressed in U.S. security and reconstruction discussions, not treated as a separate human rights track. Washington's objectives in Syria will be directly affected by how well the new government is able to channel grievances through institutions, apply laws predictably across communities, and give minorities confidence in state protection. Selective enforcement undermines all of these benchmarks. It teaches minorities that protection is conditional and they should retain their own means of security; it teaches protesters that expressing grievances carries legal risk; and it teaches well-connected actors that access can substitute for law. In a post-conflict state, those dynamics erode institutional legitimacy, increase the risk of renewed communal

violence, and make outside investors more wary of backing reconstruction. They also undercut the progress that months of U.S. sanctions relief, diplomatic reopenings, and counter-IS cooperation are meant to build.

Addressing these problems now will be much easier than after they become institutionalized. And none of them require Washington to export American free speech standards—the narrower principle is that if the Syrian state feels compelled to restrict speech, it must do so under clear rules applied consistently. To bolster that principle, U.S. officials should push for the following measures:

Have Tom Barrack raise this issue as a stability concern. Currently, these issues are unlikely to be on the special envoy’s agenda because they are usually filed as a human rights concern. Yet given their potential effects on intercommunal violence and investor risk, they belong squarely in his security and reconstruction file. Washington should raise these troubling patterns privately, using its remaining leverage to get the point across if necessary (e.g., phased embassy reopening, residual sanctions authorities, investment facilitation).

Suspend now, legislate next. U.S. officials should privately remind Syria’s chief public prosecutor that he can fully suspend enforcement of all of these speech laws until the new parliament weighs in. They could also nudge the Justice Ministry about publishing the mandate and timeline of the review committees announced in June, since they have produced nothing so far. In addition, authorities should quietly be encouraged to:

- Repeal Decree 50’s discretionary licensing and “false information” provisions.
- Repeal Article 12 of Decree 108 and its “text writer” and “speech owner” liability.
- Repeal the “unauthorized documents” limb of Decree 26, Article 21.
- Repeal Articles 24 and 25 of Law 20, especially the enhanced penalties for targeting officials.
- Rescind the non-statutory prohibition on “rumors that harm the national economy.”
- Move defamation cases to civil courts, place higher burdens of proof on the authorities pursuing these cases, and allow defendants to plead truth and/or public interest as acceptable defenses.
- Reserve criminal liability for speech that meets a published incitement threshold based on intent, the speaker’s reach, and a real likelihood of violence against an identifiable group, weighed in context. Also require a prosecutor’s authorization before any security or military body can detain someone on this basis.

Treat this as an institutional capability gap, not just a political one. Circular 26 has been insufficient because branches operate outside it, and personnel lack relevant training. Repealing Law 20 would change little if the same branches make the same arrests under its replacement. European donors, Japan, and UN rule of law programs already fund police and prosecutorial training, case management, and detention monitoring in Syria; Washington should insist that this assistance be extended to speech-enforcement branches. At minimum, the government should be expected to create a public case register with charge status for detainees, establish an inspectorate to review warrantless arrests, and provide all detainees with access to legal counsel within twenty-four hours of arrest.

Emphasize symmetry, not quantity. As described above, a pro-government media figure’s complaint produced a case against Hassan Akkad in two days, while another media figure’s calls to erase Alawite neighborhoods produced nothing. The point is not more speech prosecutions, but one narrow threshold for genuine incitement regardless of speaker or target. Whenever authorities detain someone in such cases, they should publish the statute, posts, and alleged harm within a fixed period, then charge or release in short order.

Tie reconstruction facilitation to actual receipt of donor pledges. Pledges made at televised fundraisers are not tracked publicly, leaving citizen comparisons of promises and payments as the only accountability mechanism. That is what got Akkad arrested (<https://syriaintransition.com/en/home/archive/issue-37/follow-the-money>). If the government itself published fundraising totals—not to mention committee settlement terms with the likes of

Muhammad Hamsho—it would not need to issue problematic bans on “economic rumors.”

Give the U.S. Congress an oversight role. Congress should require State Department reporting alongside any further sanctions removal steps. These reports should note whether cases originated from private complaints, specify charge status, and differentiate which detentions resulted from criticism of officials, sectarian incitement, and terrorism charges.

Aaron Y. Zelin is the Gloria and Ken Levy Senior Fellow at The Washington Institute and author of The Age of Political Jihadism: A Study of Hayat Tahrir al-Sham (<https://www.washingtoninstitute.org/policy-analysis/age-political-jihadism-study-hayat-tahrir-al-sham>). ♦

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(/policy-analysis/25-years-after-911-nctc-directors-assess-progress-and-remaining-challenges)



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