

SYRIA – 2010 YEAR-IN-REVIEW*

A. HONOR KILLING

On July 1, 2009, the Syrian President signed into law Legislative Decree No. 37, thereby repealing Article 548 of the Penal Code commonly referred to as honor killing¹.

Previously, the law carried a maximum sentence of one year in prison and no minimum.² Article 548.1 substituted the sentencing requirement with a minimum of two years in prison. The new law mandates a reduced sentence of no less than two years if the crime, murder or assault, was unintentional and was committed during the victim's commission of adultery or illegitimate sexual act.³ The new law is recognizing the heat of passion defense to the crime and seems to be moving away from the broad exemption that was certain to justify honor killing crimes.⁴

Muhamad Habash, a member of the People's Council, stated that the law is a step in the right direction, however, justifications for honor killing should be abolished.⁵ He added that sentences for adultery crimes should be increased to eliminate any excuse for honor crimes.⁶

In 2008, leading to this new enactment, the first National Assembly on Honor Crimes was

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¹ Legislative Decree No. 37 of 2009, available at http://www.damascusbar.org/arabic/law_lib1/law_index.htm.

² Syrian Ministry of Justice, <http://www.moj.gov.sy/node/151>.

³ *See id.*

⁴ Syrian Penal Code, Article No. 192 allows the judge to excuse or reduce the prison sentence in crimes motivated by "honor." Katherine Zoepf, *A Dishonorable Affair*, N.Y. TIMES, Sept. 23, 2007, <http://www.nytimes.com/2007/09/23/magazine/23wwln-syria-t.html?emc=eta1> (the killing of a raped victim, Zahra, by her brother was ruled an honor crime, which started a heated debate in Syria leading to the repeal of Article 548).

⁵ *See* Syrian Ministry of Justice, *supra* note 1.

⁶ *See id.*

held.⁷ Its final recommendation was for equally tough sentencing of men and woman for adultery crimes, the dissemination of Fatwa prohibiting such crimes, and for sentencing perpetrators to at least 15 years in prison.⁸ According to the government, 38 such crimes of 533 were honor crimes in 2007.⁹

B. REGULATING THE LEGAL PROFESSION

The Syrian President issued Law No. 30, amending the regulations governing the legal profession on July 11, 2010.¹⁰ The new law included the amendment of about 29 of the 114 Articles in Legal Profession Regulation Law No. 39 of 1981.¹¹

The most significant change was the amendment in Article 57¹², in which a lawyer is now “has the right”¹³ to appear on behalf of his client before all courts, judicial departments, administrative department, police department, and any department initiating a penal or administrative investigation of the client.¹⁴

The change marks a step towards providing greater guarantees to Syrians being investigated under the law. The presence of a legal counsel during an investigation will safeguard the process and the rights of the client from official’s abuse or overreach.¹⁵

⁷ *See id.*

⁸ *See id.*

⁹ *See id.*

¹⁰ Legal Profession Regulation Law No. 30 of 2010, available at <http://www.moj.gov.sy>.

¹¹ Legal Profession Regulation Law No. 39 of 1981, available at http://www.damascusbar.org/arabic/dbar/law_sys/org_sys.htm.

¹² Law No. 30, *supra* note 9.

¹³ *See id.*

¹⁴ *See id.*

¹⁵ Posting by Michael Nahas, Attorney at Law, All 4 Syria, <http://all4syria.info/content/view/29243/85/>.

C. INVESTMENTS

In an effort to attract foreign direct investments, Syria enacted Legislative Decree No. 81 of 2010, which was signed on September 30, 2010.¹⁶ The law establishes the Syrian Investment Company.¹⁷ The company is a state-owned with initial capital objective of five billion SP (about USD 105). The company will be issuing 10 million shares at the price of 500 SP each to raise its capital and will allow foreign investors to own shares.¹⁸

This announcement of the new law came shortly after a visit to Paris by the Deputy Prime Minister of Economic Affairs, Abdullah Al Dardari, aiming at soliciting increased foreign investment in the country.¹⁹ The investment company is the first step towards an economic reform that will transform the country's financial market, government procurements and other financial institutions within an attractive legal structure.²⁰ The company will be responsible for creating and developing investment projects and joint ventures in Syria and abroad, according to the Decree.²¹

¹⁶ See <http://www.damascusbar.org/arabic/index.php>

¹⁷ See *id.*

¹⁸ See *id.*

¹⁹ See *Dardari Seeks Major Increase in Foreign Investment*, SYRIA TODAY, Nov. 2010, Issue No. 66, <http://www.syria-today.com/index.php/business-news/business-news/12264-dardari-seeks-major-increase-in-foreign-investment>

²⁰ See *id.*

²¹ See Syrian Arab News Agency, *President Al-Assad Issues Decree on Establishing the Syrian Investment Company*, Oct 2, 2010, <http://sana.sy/eng/21/2010/10/02/pr-310734.htm>.