

Submission to the UN Special Rapporteur on violence against women on the Criminalization of Rape in the Syrian Arab Republic

The Syrian Initiative to Combat Sexual and Gender-based Violence (Syrian Initiative) is a locally driven project supported by and hosted at American University Washington College of Law. Formed in collaboration with three Syrian civil society organizations, it aims to challenge misconceptions and societal stigma that silence people who have experienced sexual and gender-based violence (SGBV) and exacerbate their suffering. It envisions a Syrian society in which survivors of SGBV are supported and able to speak out without fear of reprisal. To this end, the Syrian Initiative has built a coalition of SGBV service providers, Syrian and international legal experts, lawyers and civil society activists working towards enhancing access to justice for people affected by SGBV. This report was prepared in collaboration with Start Point, a nonprofit organization established in 2015 in Sweden to advocate for justice and support victims who suffered human rights abuses in Syria, and the Free Syrian Lawyers Association, an apolitical nonprofit organization established in 2011 working to reform the Syrian justice system by laying a foundation for a transition to rule of law and improving human rights protection.

The Syrian Initiative and Start Point are pleased to submit this report on the criminalization and prosecution of rape in Syria to the UN Special Rapporteur on violence against women. The data and analysis presented in this report were produced by the Syrian Initiative's Strategic Litigation Team in collaboration with Start Point. A team of expert Syrian lawyers and human rights activists studied local legal provisions including the Syrian Penal and Criminal Procedure Codes, gathered data, and reviewed cases and jurisprudence from the Syrian Cassation Court. Translation was performed by bilingual legal experts and supported by native English-speaking attorneys at the Syrian Initiative. This report focuses only on the legal provisions and does not include data or statistics on current prosecutions of rape in Syria.

Contact Information :

Deyaa Alwrishdi
Director, The Syrian Initiative to Combat SGBV
American University Washington College of Law
deyaa@wcl.american.edu

Patrick Shaffer
Assistant Director, The Syrian Initiative to Combat SGBV
American University Washington College of Law
dshaffer@wcl.american.edu

Amélie Beauchemin
Executive Director, Start Point
amelie@start-point.org

Silja Aebersold
Legal Advisor, Free Syrian Lawyers Association
silja.aebersold@crlgg.org

Definition and scope of criminal law provisions

Syria has been engulfed in conflict for nearly nine years and some parts of the territory are no longer under government control. This has resulted in pluralistic legal landscapes and the emergence of ad hoc judicial institutions. This report focuses on provisions of Syrian law officially promulgated by the State, as applied in areas where the government retains territorial control.

- 1. Please provide information on criminal law provision/s on rape (or analogous forms of serious sexual violence for those jurisdictions that do not have a rape classification) by providing full translated transcripts of the relevant articles of the Criminal code and the Criminal procedure code.**

The Syrian Penal Code addresses rape in articles 489 to 492. Articles 493 to 496 cover other forms of sexual violence (under “acts of obscenity”) that do not fall under the definition of rape in articles 489 and 490. Articles 497 to 499 outline aggravating circumstances, with article 499 specifically addressing abuse of power by a civil servant. Article 508, as amended by Legislative Decree No. 1 of 2011, provides mitigating circumstances if the perpetrator enters into a valid marriage contract with the victim. Full translations of the relevant articles of the Syrian Penal Code are provided in Annex 1, below.

- 2. Based on the wording of those provisions, is the provided definition of rape:**
 - a. Gender specific, covering women only: YES**
 - b. Gender neutral, covering all persons: NO**

Provisions of the Syrian Penal Code use neutral genderless nouns (such as “spouse”) and pronouns to designate the victim of rape. However, jurisprudence has established that rape can only be committed against a woman. This was explicitly stated by the Court of Cassation in a decision distinguishing rape from other forms of sexual violence (“acts of obscenity”).

The Court defined the crime of rape as a vaginal sexual intercourse with a woman without her consent. It defined acts of obscenity as any act contrary to decency, committed by any person, in a way that causes shame or harm to another person in their dignity and virtue. The Court then stated that the difference between the crime of rape and acts of obscenity is that rape can only occur from a man against a women, while acts of obscenity can occur from any person to another, regardless of their sex (Syrian Court of Cassation - General Assembly - Decision 236 - Volume 229 - 18/4/1951).

- c. **Based on the lack of consent of victim: YES**
- d. **Based on the use of force or threat: YES**
- e. **Some combination of the above: YES**

Article 489 of the Syrian Penal Code explicitly states that rape is committed by “violence or threats to coerce someone (...) to have sexual intercourse,” and article 490 defines rape as sexual intercourse with a person “who cannot resist because of a physical or psychological deficiency or because some form of deceit was used against them.”

- f. **Does it cover only vaginal rape? YES**
- g. **Does it cover all forms of penetration? NO**

The word “sexual intercourse” used in articles 489 to 492 was interpreted by the courts to mean vaginal intercourse with a woman. This only includes penetration of the penis in the vagina of the victim. All other forms of penetration will be qualified as acts against decency, a distinct crime under Syrian law (see, e.g., Syrian Court of Cassation - General Assembly - Decision 236 - Volume 229 - 18/4/1951).

- h. **Is marital rape in this provision explicitly included? NO**
- i. **Is the law silent on marital rape? YES**
- j. **Is marital rape covered in the general provisions or by legal precedent even if it is not explicitly included? NO**
- k. **Is marital rape excluded in the provisions, or is marital rape not considered as a crime? YES**

Marital rape is explicitly excluded from the provisions on rape. Articles 489 and 490 state that rape can be committed by the perpetrator against any person “other than their spouse.”

- 3. **Are there any provisions excluding criminalization of the perpetrator if the victim and alleged perpetrator live together in a sexual relationship/have a sexual relationship/had a sexual relationship? If so, please submit it. NO**

There is no provision excluding criminalization of the perpetrator if the victim and the perpetrator are involved in any relationship other than marriage. Rape is excluded if the victim and the perpetrator are married (see above).

4. What is the legal age for sexual consent?

The legal age of sexual consent is fifteen years of age (article 491).

5. Are there provisions that differentiate for sexual activity between peers? If so, please provide them. NO

There is no provision that specifically differentiate for sexual activity between peers.

6. Provide information on criminal sanctions prescribed and length/duration of such criminal sanctions for criminalized forms of rape.

Penalties for rape vary between nine years of hard labor in prison to thirty-one years of hard labor depending on the aggravating circumstances (see translated transcripts of relevant provisions in Annex 1).

7. What does the legislation in your country provide in terms of reparation to the victim of rape and/or sexual violence after conviction of the perpetrator?

There is no specific legislation providing reparation for the victim of rape or sexual violence. However, article 138 of the Syrian Criminal Procedure Code provides that the perpetrator of a crime that caused harm to others, whether material or moral, must compensate the victim, even if the perpetrator benefited from an exemption or mitigation of criminal responsibility (such as mistake of law or fact, duress, state of necessity or minority for instance).

Aggravating and mitigating circumstances

8. Does the law foresee aggravating circumstances when sentencing rape cases? If so, what are they? YES

Articles 489 and 497 to 498 state the following aggravating circumstances:

- The age of the victim: if the victim was under fifteen, the sentence is increased to a minimum of twenty-one years of hard labor (article 489).
- Type of relationship: if the perpetrator was an ascendant of the victim, a person exercising authority over the victim, a civil servant or the head of an office in which the

victim is employed (and they abused their authority or the privileges of their position), the sentence can be increased by one third to one half of the original sentence (article 497, referring to article 492 and 247).

- The number of perpetrators: if two or more persons committed the rape (at the same time or consecutively) the sentence can be increased by one third to one half of the original sentence (article 498, referring to article 247).
- The consequence of the criminal act: if the victim contracts a venereal disease, or any other disease, or suffers harm resulting in an incapability of more than ten days, or if the victim was a female and lost her virginity after the rape, the sentence can be increased by one third to one half of the original sentence (article 498, referring to article 247). If the rape leads to the unintended death of the victim, the sentence is increased to fifteen years (article 498).

a. Is rape by more than one perpetrator an aggravating circumstance? YES

Article 498 provides that the commission of a rape by “two or more persons” is an aggravating circumstance.

b. Is rape of a particularly vulnerable individual an aggravating circumstance, or the imbalance of power between alleged perpetrator and victims? (for example, doctor/patient; teacher/student; age difference) YES

The particular vulnerability of the victim is not an aggravating circumstance. Article 490 defines the rape of a person suffering from a physical or psychological deficiency as a separate offense for which the penalty is nine years of hard labor (rape defined in article 489 is punished with fifteen years of hard labor). Nevertheless, some of the aggravating circumstances outlined above take into consideration the vulnerability of minors (article 491) and the authority or position of power of the perpetrator over the victim (article 496 and article 499).

c. Is rape by spouse or intimate partner an aggravating circumstance? NO

Rape by spouse or intimate partner is no an aggravating circumstance. On the contrary, Syrian law does not recognize marital rape (see above).

9. Does the law foresee mitigating circumstances for the purposes of punishment? YES

Yes, according to article 508, a valid marriage contract between the victim and the perpetrator is a mitigating circumstance for the crime of rape that will reduce the sentence imposed to two years imprisonment.

10. Is reconciliation between the victim and the perpetrator allowed as part of a legal response? If so, at what stage and what are the consequences? YES

Yes, but only if the reconciliation takes the form of a valid marriage (the consequence is a sentence reduction, see above). A valid marriage contract will reduce the sentence imposed to two years imprisonment. Article 508 does not indicate at which stage this reconciliation can occur.

11. Is there any provision in the criminal code that allows for the non-prosecution of the perpetrator? NO

a. if the perpetrator marries the victim of rape? NO

b. if the perpetrator loses his “socially dangerous” character or reconciles with the victim? NO

Article 508 does not allow for the non-prosecution of the perpetrator of felony crimes of sexual violence, and therefore non-prosecution is not possible when the perpetrator committed rape (according to article 489 and 490, rape is punished by at least nine years of hard labor and therefore amounts to a felony under Syrian law). A valid marriage can only lead to a reduction of the sentence for two years.

The second part of article 508 allows for the suspension of legal action against the perpetrators of misdemeanor crimes of sexual violence.

Prosecution

12. Is rape reported to the police prosecuted ex officio (public prosecution)? YES

The public prosecutor can initiate ex officio prosecutions for sexual crimes in general, as empowered by article 15(2) of the Syrian Code of Criminal Procedure, which vests the public prosecutor the right to prosecute crimes in general on behalf of the state. Sexual crimes are mostly categorized as felonies, which warrant a public prosecutor to initiate an ex officio prosecution after receiving information about an incident.

Article 1 of the Syrian Code of Criminal Procedure states that the public prosecutor initiates all prosecutions on behalf of the state, and prosecutions cannot be initiated without the involvement

of the public prosecutor's office, unless provided by law. The public prosecutor is obligated to initiate ex officio prosecution on behalf of the state if the victim submits an ex parte complaint as provided by law.

13. Is rape reported to the police prosecuted ex parte (private prosecution)?

A victim is able to assume the status of a plaintiff at any stage of a prosecution first initiated by a public prosecutor.

14. Are plea bargain or "friendly settlement" of a case allowed in cases of rape of women? NO

15. Are plea bargain or "friendly settlement" of a case allowed in cases of rape of children? NO

The Syrian legal system does not recognize plea bargains, no matter the crime.

16. Please provide information on the statute of limitations for prosecuting rape.

There is no specific provision on the statute of limitations for prosecuting rape and the general provisions of Syrian criminal law on statute of limitations therefore applies. According to article 437 of the Syrian Criminal Procedure Code, proceedings can be initiated within ten years of the date the felony was committed. If an investigation or proceeding was initiated but no judgement issued, the ten-year period starts running on the day of the last action taken on the case.

17. Are there provisions allowing a child who was the victim of rape and to report it after reaching adulthood?

18. Are there mandatory requirements for proof of rape, such a medical evidence or the need for witnesses?

19. Are there rape shield provisions aimed at preventing judges and defense lawyers from exposing a woman's sexual history during trial?

20. Are there procedural criminal law provisions aimed to avoid re-victimizations during the prosecution and court hearings?

The Syrian Initiative does not have information regarding questions 17 to 20.

War and/or conflict

21. Is rape criminalized as a war crime or crime against humanity? NO

22. Is there a statute of limitations for prosecuting rape in war or in conflict contexts?

NO

23. Is there explicit provisions excluding statutes of limitation for rape committed during war and armed conflict? NO

24. Has the Rome Statute of the International Criminal Court (ICC) been ratified? NO

Syria has not ratified the Statute of the International Criminal Court and the Syrian Penal Code does not criminalize rape as a war crime or crime against humanity. There is no explicit provision in the Syrian Penal Code excluding statutes of limitation for rape committed during war and armed conflict.

Data

25. Please provide data on the number of cases of rape that were reported, prosecuted and sanctioned, for the past two to five years.

There is no existing public information on the number of cases of rape reported, prosecuted, and sanctioned in Syria for the past two to five years.

Other

26. Please explain any particular and additional barriers to the reporting and prosecution of rape and to the accountability of perpetrators in your legal and social context not covered by the above.

Sexual and gender-based violence, including rape, is not a new phenomenon in Syria and was present prior to 2011, but the ongoing conflict has dramatically increased the prevalence of SGBV. Numerous factors in Syrian society and law combined have created an environment full of gender disparities that are now obstacles to the reporting and prosecution of rape, and to the accountability of perpetrators. Identifying these factors and how they interplay requires a complex and thorough analysis, but some key barriers to the prosecution of rape in Syria are briefly summarized below :

- Strong societal stigma. Women who have experienced rape, or another kind of sexual violence, face strong societal stigma.
- Prolonged legal procedures and a lack of judicial independence.
- Socioeconomic circumstances prevent women in some communities from accessing services.
- Conflict and lack of accountability. There is a legacy of a lack of accountability in Syria, which has exacerbated during the conflict, with warring parties use of SGBV and rape to

dehumanize the Syrian population and retaliate against dissenters. Credible reports indicate extensive use of SGVB in detention facilities and during ground operations by government forces and other militias.

These factors have been detailed in a thorough report of the Syrian Initiative on the Realities of SGBV. The full report can be found [here](#).

Annex 1 - Translated Transcripts of the Syrian Penal Code Provisions on Rape and Analogous Forms of Sexual Violence

Article 489

- 1) Any person who uses violence or threats to coerce someone, other than their spouse, to have sexual intercourse shall be sentenced to at least fifteen years of hard labour.
- 2) The punishment shall not be less than twenty-one years of hard labour if the victim was under fifteen years of age.

Article 490

Any person who has sexual intercourse with a person, other than their spouse, who cannot resist because of a physical or psychological deficiency or because some form of deceit was used against them shall be sentenced to hard labor for nine years.

Article 491

- 1) Any person who has sexual intercourse with a minor who has not completed fifteen years of age shall be sentenced to hard labor for nine years.¹
- 2) The sentence shall not be less than fifteen years if the child has not completed twelve years of age.

Article 492

- 1) Any sexual intercourse with a minor who has completed fifteen years but not completed eighteen years, perpetrated by a legitimate or illegitimate ascendant², by an ascendant through marriage, by any person exercising a legal or actual authority on the minor or by the servant of these persons, shall be sentenced to hard labor for nine years.
- 2) The same penalty shall be imposed if the perpetrator is a civil servant or a cleric, or if the perpetrator is the head of an office in which the victim is employed and the head of office abused their authority or the privileges of their position to commit the crime.

Article 493

- 1) Any person who uses violence or threats to coerce someone to engage in an act of obscenity shall be sentenced to at least twelve years of hard labor.
- 2) The punishment shall not be less than eighteen years of hard labor if the victim has not completed fifteen years of age.

Article 494

¹ The translation is literal, and it is intended to mean someone that is under the age of 15.

² The word ascendant here refers strictly to parents, grand-parents, great-grand-parents, etc.

Any person who resorts to a form of deceit, or abuses the victim's physical or mental impairment to perform on them an act against decency or force them to commit an act of obscenity shall be sentenced to a maximum of fifteen years of hard labor.

Article 495

1) Any person who commits an act of obscenity against a minor who has not completed fifteen years of age., or forces the minor to commit such an act shall be sentenced to nine years of hard labor.

2) The sentence shall be no less than twelve years if the child has not completed twelve years of age.

Article 496

Any of the persons described by article 492, who commits an act of obscenity against a minor between the age fifteen and eighteen, or forces the minor to commit such an act shall be sentenced to a maximum of fifteen years of hard labor.

Article 497

The penalties prescribed in Articles 489 to 491 and 493 to 495 shall be increased as indicated in Article 247 if the perpetrator is one of the described in Article 492.

Article 247:

When the law does not specify the effect of an aggravating circumstance, the sentence will be increased as follows:

- A sentence of life hard labor shall become a death penalty
- Any temporary sentence shall be increased from one third to one half of the original sentence.
- The fine shall be doubled.

Article 498

1) The penalties prescribed for felonies in this chapter shall be increased in accordance with the provisions of Article 247:

- If committed by two or more persons, who participated in overcoming the resistance of the victim, or abused them consecutively.
- If the victim contracts a venereal disease or any other disease or suffers harm resulting in an incapability of more than ten days or, if the female victim was a virgin and her virginity was removed.

2) If one of the aforementioned felonies leads to the death of the victim, and the perpetrator did not intend that result, they shall be sentenced to at least fifteen years.

Article 499

- 1) Any civil servant who solicits favors³ from the wife of a prisoner or an inmate, or any person in their custody, or solicits favors from a female relative of that person shall be sentenced from nine month to three years imprisonment.
- 2) The same penalty shall be imposed on a civil servant who solicits favors from the wife or female relative of a person involved in a pending case, in which the civil servant or their superior are assigned to adjudicate
- 3) The penalty shall be doubled if the perpetrator succeeds in their efforts with one of the women mentioned above.

Article 508 *(as amended by Legislative Decree No. 1 of 2011)*

- 1) If a valid marriage is concluded between the perpetrator of one of the felonies stipulated in this chapter and the victim, the perpetrator shall benefit from the mitigating circumstances prescribed in Article 241, provided that the sentence is not less than two years imprisonment. The perpetrator shall be retried if the marriage lasted for less than five years because the perpetrator divorced the women without a legitimate cause or a court issued a divorce judgment in the victim's favour. The period of the sentence already served shall be considered.
- 2) If a valid marriage is concluded between the perpetrator of one of the misdemeanours stipulated in this chapter and the victim, any legal action will be suspended; if a judgment was issued in the case, execution of penalty shall be suspended. Legal action shall resume and the sentence executed if the marriage lasted for less than three years because the perpetrator divorced the women without a legitimate cause or a court issued a divorce judgment in the victim's favour. The period of the sentence already served shall be considered.

Article 241

- 1) When the law provides for a mitigating circumstance :
 - For a felony punishable by death, life hard labor, or life imprisonment, the sentence becomes at least one year of imprisonment.
 - For any other felony, the sentence becomes a sentence between six months and two years.
 - For a misdemeanor, the sentence shall not exceed six month imprisonment and can be converted to the penalty for an infraction.
 - For infractions, the judge can reduce the penalty to half the infraction fine.
- 2) A person who benefits from mitigating circumstances may still be subject to disciplinary measures, except for isolation, even if it was included in the sentence prescribed by law.

³ The arabic term is understood to encompass coercing, enticing, and seducing the victim for a sexual purpose or emotional engagement.

Syrian Penal Code Provisions on Rape and analogous forms of sexual violence (Arabic)

المادة 241

1 - عندما ينص القانون على عذر مخفف:

إذا كان الفعل جنائية توجب الإعدام أو الأشغال الشاقة المؤبدة أو الاعتقال المؤبد حولت العقوبة إلى الحبس سنة على الأقل.

وإذا كان الفعل يؤلف إحدى الجنايات الأخرى كان الحبس من ستة أشهر إلى سنتين.

وإذا كان الفعل جنحة فلا تتجاوز العقوبة ستة أشهر ويمكن تحويلها إلى عقوبة تكديرية.

وإذا كان الفعل مخالفة أمكن القاضي تخفيف العقوبة إلى نصف الغرامة التكميرية.

2- يمكن أن تنزل بالمستفيد من العذر المخفف ما كان يتعرض له من تدابير الاحتراز ما خلا العزلة لو كان قضي عليه بالعقوبة التي نص عليها القانون.

المادة 247

إذا لم يعين القانون مفعول سبب مشدد، أوجب السبب المذكور تشديد العقوبة على الوجه التالي: يبدل الإعدام من الأشغال الشاقة المؤبدة وتزداد كل عقوبة مؤقتة من الثلث إلى النصف وتضاعف الغرامة.

المادة 489

1 - من أكره غير زوجه بالعنف أو بالتهديد على الجماع عوقب بالأشغال الشاقة خمس عشرة سنة على الأقل.

2- ولا تنقص العقوبة عن إحدى وعشرين سنة إذا كان المعتدى عليه لم يتم الخامسة عشرة من عمره.

المادة 490 يعاقب بالأشغال الشاقة تسع سنوات من جامع شخصاً غير زوجه لا يستطيع المقاومة بسبب نقص جسدي أو نفسي أو بسبب ما استعمل نحوه من ضروب الخداع.

المادة 491

1- من جامع قاصراً «لم يتم الخامسة عشرة من عمره» عوقب بالأشغال الشاقة تسع سنوات.

2- ولا تنقص العقوبة عن خمس عشرة سنة إذا كان الولد لم يتم الثانية عشرة من عمره.

المادة 492

1- إذا جامع قاصراً متمماً الخامسة عشرة وغير متم الثامنة عشرة من عمره أحد أصوله شرعياً كان أو كان غير شرعي أو أحد أصهاره لجهة الأصول وكل شخص مارس عليه سلطة شرعية أو فعلية أو أحد خدم أولئك الأشخاص عوقب بالأشغال الشاقة تسع سنوات.

2- ويقضى بالعقوبة نفسها إذا كان المجرم موظفاً أو رجل دين أو كان مدير مكتب استخدام أو عاملاً فيه فارتكب الفعل مسيئاً استعمال السلطة أو التسهيلات التي يستمدّها من وظيفته.

المادة 493

1- من أكره آخر بالعنف أو بالتهديد على تحمل أو إجراء فعل مناف للحشمة عوقب بالأشغال الشاقة مدة لا تتقص عن اثنتي عشرة سنة.

2- ويكون الحد الأدنى للعقوبة ثماني عشرة سنة إذا كان المعتدى عليه لم يتم الخامسة عشرة من عمره.

المادة 494

يعاقب بالأشغال الشاقة حتى خمس عشرة سنة على الأكثر من لجأ إلى ضروب الحيلة أو استنقاذ من علة امرىء في جسده أو نفسه فارتكب به فعلاً منافياً للحشمة أو حمله على ارتكابه.

المادة 495

1- من ارتكب بقاصر لم يتم الخامسة عشرة من عمره فعلاً منافياً للحشمة أو حمله على ارتكابه عوقب بالأشغال الشاقة تسع سنوات.

2- ولا تنقص العقوبة عن اثنتي عشرة سنة إذا لم يتم الولد الثانية من عمره.

المادة 496

كل شخص من الأشخاص الموصوفين في المادة 492 يرتكب بقاصر بين الخامسة عشرة والثامنة عشرة من عمره فعلاً منافياً للحشمة أو يحمله على ارتكابه يعاقب بالأشغال الشاقة مدة لا تزيد على خمس عشرة سنة.

المادة 497

ترفع العقوبات المنصوص عليها في المواد 489 إلى 491 و493 إلى 495 على النحو الذي ذكرته المادة 247 إذا كان المجرم أحد الأشخاص المشار إليهم في المادة 492.

المادة 498

1 - تشدد بمقتضى أحكام المادة 247 عقوبات الجنايات المنصوص عليها في هذا الفصل: إذا اقترفها شخصان أو أكثر اشتركوا في التغلب على مقاومة المعتدى عليه أو تعاقبوا على إجراء الفحش به. إذا أصيب المعتدى عليه بمرض زهري أو بأي مرض آخر أو أدى تسبب عنهما تعطيل تزيد مدته عن عشرة أيام أو كانت المعتدى عليها بكر فأزيلت بكارتها.

2- إذا أدت إحدى الجنايات السابق ذكرها إلى موت المعتدى عليها ولم يكن الفاعل قد أراد هذه النتيجة فلا تنقص العقوبة عن خمس عشرة سنة.

المادة 499

1- كل موظف راود عن نفسها زوجة سجين أو موقوف أو شخص خاضع لمراقبة سلطته أو راود إحدى قريبات ذلك الشخص عوقب بالحبس من تسعة أشهر إلى ثلاث سنوات.

2- وتنزل العقوبة نفسها بالموظف الذي راود عن نفسها زوجة أو قريبة شخص له قضية منوط فصلها به أو برؤسائه.

3 - تضاعف العقوبة إذا نال المجرم إربه من إحدى النساء المذكورات آنفاً.

المادة 508

1- إذ عقد زواج صحيح بين مرتكب إحدى الجنايات الواردة في هذا الفصل وبين المعتدى عليها يستفيد مرتكب الفعل من العذر المخفف وفق أحكام المادة /241/ على ألا تقل العقوبة عن الحبس سنتين.

ويعاد إلى محاكمة الفاعل إذا انتهى الزواج إما بطلاق المرأة دون سبب مشروع، أو بالطلاق المحكوم به لمصلحة المعتدى عليها قبل انقضاء خمس سنوات على الزواج، وتحسب المدة التي نفذها من العقوبة.

2- إذا عقد زواج صحيح بين مرتكب إحدى الجنح الواردة في هذا الفصل وبين المعتدى عليها أوقفت الملاحقة، وإذا حكم بالقضية علق تنفيذ العقوبة.

ويعاد إلى الملاحقة أو تنفيذ العقوبة إذا انتهى الزواج إما بطلاق المرأة دون سبب مشروع، أو بالطلاق المحكوم به لمصلحة المعتدى عليها قبل انقضاء ثلاث سنوات على الزواج. وتحتسب المدة التي نفذها من العقوبة.

Syrian Code of Criminal Procedure (Arabic)

المادة 1

- 1- تختص النيابة العامة باقامة دعوى الحق العام ومباشرتها ولا تقام من غيرها الا في الاحوال المبينة في القانون.
- 2- ومع ذلك تجبر النيابة العامة على إقامتها إذا أقام المضرور نفسه مدعيا شخصيا وفاقا للشرائط المعينة في القانون.
- 3- ولا يجوز تركها أو وقفها أو تعطيل سيرها إلا في الأحوال المبينة في القانون.

المادة 15

- 1 يرأقب النائب العام سير العدالة ويشرف على الدوائر القضائية والسجون ودور التوقيف وعلى تنفيذ القوانين ويمارس الادارة العدلية ويمثل السلطة التنفيذية لدى المحاكم والدوائر القضائية ويخابر وزير العدلية رأسا.
- 2- وهو الذي يحرك دعوى الحق العام وينفذ الأحكام الجزائية.