

Position Paper Issued by a Number of Syrian Civil Society Organizations and Victims' Associations

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On the Third Anniversary of the Launch of the Joint Dutch-Canadian Initiative to Hold Syria Accountable Before the International Court of Justice for Violating the Convention Against Torture

Introduction:

The Syrian civil society organizations and victims' associations signing this statement extend their appreciation and gratitude to the governments of the Netherlands and Canada for their historic initiative to bring the Syrian state before the International Court of Justice to hold it accountable for its systematic violations of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to ensure their cessation and non-repetition.

This legal step represents a fundamental pillar in the Syrian people's long journey toward justice and the guarantee of non-repetition. In this context, we present our vision and our joint position on the reality and future of this pivotal issue.

Historical Background of the Dutch-Canadian Initiative:

This legal and humanitarian initiative began with an official statement from the Kingdom of the Netherlands in September 2020, in which it announced its intention to take action against Syria for its flagrant violations of its obligations as a signatory to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In March 2021, Canada officially joined the Netherlands in this effort to begin a phase of formal negotiations and correspondence with the former Syrian regime under Article 30 of the Convention Against Torture, which affirms the right and responsibility of all States Parties to the Convention to seek to suppress and prevent torture, and to ensure accountability for acts of torture committed by another State Party through litigation before the International Court of Justice. It also reflects the collective international commitment to the absolute prohibition of torture and highlights the common interest of States in ensuring compliance with the Convention's provisions.

After exhausting all avenues of negotiation and arbitration, the two States formally filed a joint application to bring a case against the Syrian Arab Republic before the International Court of Justice in June 2023, in accordance with their obligations as States Parties to the relevant Convention, including a request for provisional and urgent measures to protect victims and detainees. In November 2023, the International Court of Justice issued a historic order imposing legally binding provisional measures, in which it required the Syrian state to take all measures

to prevent acts of torture, prevent the destruction of evidence related to such acts, and ensure the preservation of any such evidence.

On June 26, 2025, the anniversary of the entry into force of the Convention Against Torture, the Syrian Transitional Government welcomed the tireless efforts of the Netherlands and Canada before the International Court of Justice and reaffirmed its deep commitment to ending the legacy of torture.

Current Status of the Issue:

The fall of the Assad regime on December 8, 2024, marked a decisive historical turning point in the trajectory of the Syrian state, as it brought down the authoritarian structure that had legitimized systematic torture and shielded its perpetrators for decades. This radical transformation now places the transitional government before a historic responsibility and an unprecedented opportunity to build a state based on the rule of law and equal citizenship. Upon assuming power, the transitional government became bound by the provisional measures issued by the court. Following the submission of their legal briefs by Canada and the Netherlands on June 3, 2025, Syrian authorities are now required to submit their official legal response and position on the allegations via a “counter-brief” before the deadline set for October 2026. This step represents the first test of the transitional authority’s legal position before the international judiciary.

In this context, the order for provisional measures remains in effect throughout the proceedings and remains legally binding on Syria with regard to all acts of torture falling within the scope of the Convention Against Torture. This order obligates the Syrian state to take all necessary measures to prevent torture, prevent further violations, and preserve evidence and documents related to acts of torture committed under its authority in compliance with the order on provisional measures. These obligations remain incumbent upon the Syrian state regardless of changes in governments or political authorities. In this context, the current transitional government has a significant opportunity to make a genuine break with the practice of torture in Syria by complying with the provisional measures, cooperating with international justice and accountability mechanisms, and adopting a stance consistent with the provisions of international law and international justice obligations.

The organizations signing this paper believe that the transitional government has a genuine opportunity to turn a new page in Syria’s history, beginning with the complete dismantling of the security apparatus, the torture system, and the culture of torture in prisons, closing secret prisons, and fully cooperating with international judicial mechanisms to establish a new memory for the Syrian state in which it acknowledges violations, enshrines the principle of non-repetition, and prevents impunity. This phase presents a crucial opportunity for Syrian organizations and partner states to enable the Syrian state and the transitional government to commit to these measures by maintaining independent monitoring, providing technical and legal support, and documenting violations.

Concerns regarding the persistence of torture and a climate of impunity, and the need to strengthen preventive measures and accountability:

While there is optimism regarding the historic opportunity available to the transitional government to utilize provisional measures and the judicial process to adopt a different approach to crimes of torture and its international obligations, civil society organizations and victims’ associations view with grave concern the ongoing reports and testimonies confirming the persistence of torture and ill-treatment within some government and non-government detention centers and prisons even after the fall of the Assad regime, as well as the destruction or neglect of evidence of systematic torture that occurred under the previous regime. The persistence of these crimes, regardless of the party or controlling force behind them, is a dangerous indicator of the deep-rooted culture of impunity and the mindset of the former security apparatus.

Furthermore, the continuing need for clarity and transparency in the current transitional justice processes and investigation and accountability mechanisms—particularly those related to alleged settlements with figures from the former regime or those implicated in violations in the coastal region (Sahel) and Suwayda—raises legitimate

concerns among victims and civil society regarding the effectiveness and comprehensiveness of these efforts, especially in light of the controversy surrounding the discriminatory nature of certain provisions of Decree No. 20 of 2025 establishing the Transitional Justice Commission, and the participation of individuals previously linked to grave violations within state institutions, which could undermine confidence in the independence and impartiality of accountability processes. Furthermore, the multitude of parties implicated in committing grave violations, including torture and other serious human rights violations, necessitates the adoption of a comprehensive and non-discriminatory approach to transitional justice that ensures accountability for all perpetrators without exception, regardless of their affiliations or current positions.

We affirm that the continuation of these violations in Syria today must not be tolerated, and we call on the transitional government to take immediate and decisive measures to put an end to torture once and for all, and to hold those involved publicly accountable, in order to demonstrate its effective break with torture and its legacy.

The legal significance of this case in ensuring full compliance with the obligations of the Convention, achieving effective reform, genuine accountability, and guarantees of non-repetition:

The organizations signing this paper believe that this case holds exceptional importance that goes beyond its symbolic dimension, particularly at this stage of the political transition in Syria. The significance of these proceedings lies not only in addressing past violations, but also in their potential role in helping to shape the future legal and institutional framework of the Syrian state, strengthening safeguards against recurrence, and achieving a genuine break with the legacy of systematic torture and impunity.

This case has indeed demonstrated the practical impact that international legal accountability processes can have on domestic legal and political dynamics. In this context, the international legal pressure resulting from these proceedings directly contributed to pushing the former Syrian regime to issue Law No. 16 of 2022 criminalizing torture. Although this law remained on paper and was not effectively implemented, it constituted an important legislative recognition of the existence of the crime of torture under Syrian law.

As the Syrian Arab Republic has been a State Party to the Convention Against Torture since 2004, it remains legally bound by all obligations arising from the Convention, regardless of changes in governments or political authorities. These obligations include preventing torture through the adoption of legislative, administrative, judicial, and other effective measures (Article 2), the effective investigation of violations, whether based on complaints or on its own initiative (Articles 12 and 13), the prosecution of those responsible, and the guarantee of the victims' right to full redress (Article 14), without any form of discrimination against its citizens or regarding acts of torture committed on its territory.

In this context, the provisional measures take on particular importance within advocacy and accountability efforts, given the immediate obligations they impose on the Syrian state to prevent torture, halt violations, and preserve related evidence. They also constitute a fundamental tool for strengthening international oversight of the Syrian authorities' compliance with the Convention Against Torture.

The undersigned organizations emphasize that effective and sustained compliance with the Convention Against Torture and the order for provisional measures is not limited to ending torture practices and holding those responsible to account, but also requires comprehensive institutional reform of the system that allowed these violations to occur and persist. This includes restructuring security and law enforcement agencies to ensure they are subject to oversight and accountability, strengthening the independence of the judiciary and the public prosecution, ensuring effective judicial oversight of arrest and detention, guaranteeing access to lawyers and fair trials, subjecting all places of detention to independent and regular oversight, and combating the culture of torture prevalent among many state employees working in the security and judicial sectors. Without these structural reforms, guarantees of non-repetition will remain incomplete, and the risk of a return to torture and ill-treatment will persist, no matter how significant individual accountability efforts may be.

Recommendations:

Syrian organizations and associations of victims' and survivors' families affirm a well-established legal principle: the provisional measures issued by the International Court of Justice are legal obligations incumbent upon the "Syrian State" as a continuing legal entity. Consequently, these measures are binding on the transitional government and on any entity currently or in the future holding power and managing the country's institutions. These obligations do not lapse with a change of regime and must be implemented immediately to ensure the safety of citizens and preserve evidence.

Consequently, the organizations participating in this paper emphasize the necessity of continuing efforts to achieve the lawsuit's objective: ending torture practices, holding those responsible to account regardless of their status, and upholding the principles of no impunity and non-repetition.

To achieve the fundamental objectives of the Dutch/Canadian initiative, the organizations and associations signing this paper demand:

1. The Syrian Transitional Government:

- The Syrian state's full and unconditional respect for its obligations under the Convention;
- Take concrete (legislative, executive, and judicial) steps to ensure the genuine implementation of the provisions of the Convention Against Torture, and to strengthen safeguards against recurrence, including by reinforcing the independence of the judiciary and the public prosecutor's office, subjecting places of detention to independent and effective oversight, ensuring judicial oversight of arrest and detention, and reviewing the powers of security agencies in accordance with international human rights standards;
- Withdraw the reservation previously placed by the Syrian state on Article 20 of the Convention, and duly notify the UN Secretary-General of the withdrawal of the reservation and the recognition of the jurisdiction of the Committee Against Torture and the mechanism for submitting individual complaints to the Committee under Article 22, to ensure full alignment with international legal standards;
- Review the transitional justice process to ensure that transitional justice mechanisms cover all grave violations regardless of the identity of the perpetrators or the date of commission, in accordance with the principle of equality before the law and non-discrimination among victims, consistent with Syria's international obligations, and to fulfill the victims' hopes for revealing the fate of the missing and the establishment of truth, rehabilitation, and non-repetition;
- Provide an independent legal and judicial environment that criminalizes torture and ends the policy of impunity by repealing all decrees and decisions that have contributed to the legalization of torture;
- Ensure the monitoring of detention centers and prisons, and allow independent international and local organizations and committees (such as the International Committee of the Red Cross, United Nations committees and special rapporteurs, etc.) to have unconditional and regular access to all prisons and detention centers, and work toward ratifying and implementing the Optional Protocol to the Convention Against Torture (OPCAT) to ensure the establishment or strengthening of independent national mechanisms for the prevention of torture and regular monitoring of places of detention;
- Work closely with relevant UN mechanisms to uncover the truth, ensure accountability, and prevent recurrence;
- Since the issue of combating torture cannot be viewed in isolation from other issues such as arbitrary detention, enforced disappearance, and other violations closely linked to crimes of torture, similar (legislative, executive, and judicial) steps must also be taken regarding those violations to ensure the genuine and meaningful implementation of the provisions of the Convention Against Torture. In this regard, we call on the transitional government to accede to the International Convention for the Protection of All Persons from Enforced Disappearance;

- Calling on the transitional government to accede to the Rome Statute of the International Criminal Court, thereby strengthening the system of accountability for serious international crimes, including crimes of torture, and enabling the prosecution and accountability of those responsible, including individuals located outside Syria or who have fled the country, in accordance with the victims' rights to justice, redress, and an end to impunity.

2. Canada and the Netherlands:

- Ensure that the process results in Syria's full compliance with its international obligations, particularly the Convention Against Torture;
- Ensure that Syria's commitments are subject to technical monitoring and periodic reporting;
- Continue to consult with Syrian civil society to ensure the inclusion of the voices of the Syrian people and victims.

3. Other States Parties to the Convention:

- Ensure continuous monitoring and evaluation of Syria's compliance with the Convention Against Torture;
- Ensure Syria's compliance with the binding order on provisional measures issued by the International Court of Justice;
- Provide phased technical, legal, and institutional support, conditional on tangible progress, to the Syrian transitional authorities to enable them to fully comply with their obligations under the Convention Against Torture and the provisional measures issued by the International Court of Justice.

Conclusion:

We, the Syrian civil society organizations and associations of victims' and survivors' families, reiterate our appreciation for the Dutch-Canadian initiative and emphasize that the International Court of Justice process is a crucial pillar for building a new Syria—a Syria completely free of torture.

Signatory Organizations:

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| 1. Association of Detainees and Missing in Sednaya Prison | 10. Women Now for Development |
| 2. Justice for Life | 11. Families for Freedom |
| 3. Syria Justice and Accountability Centre | 12. Truth Tent |
| 4. Syrian Legal Development Programme | 13. Ta'afi Initiative |
| 5. Seen for civil peace | 14. Transformative Pathways |
| 6. Huquqyat | 15. The Syria Campaign |
| 7. The Day After | 16. Prisons Museum |
| 8. Syrians for Truth and Justice | 17. Bidayetna |
| 9. Synergy Association for Victims | 18. Dawlaty |