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Syria's Transition: An Analysis of Selected Decisions and Decrees Issued in 2025



The Partners Recommend Restoring The Legislative Function To A Genuinely Representative Parliament, Strengthening The Principle Of Separation Of Powers, Ensuring Judicial Independence, And Consolidating A Culture Of The Rule Of Law In Which All Individuals And Entities Are Subject To Accountability, While Rejecting The Entrenched Culture Of Impunity

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Syrians For Truth & Justice

Syria Justice and Accountability Centre

CEASEFIRE centre for civilian rights

Syria's Transition: An Analysis of Selected Decisions and Decrees Issued in 2025

The partners recommend restoring the legislative function to a genuinely representative parliament, strengthening the principle of separation of powers, ensuring judicial independence, and consolidating a culture of the rule of law in which all individuals and entities are subject to accountability, while rejecting the entrenched culture of impunity

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1. Executive Summary

This joint paper by **Syrians for Truth and Justice**, **Justice for Life**, and the **Syria Justice and Accountability Centre** examines a set of key decisions and decrees issued during the first year of Syria's transitional phase, specifically throughout 2025. It demonstrates how these measures have contributed to expanding the powers of the executive authority at the expense of legislative and judicial frameworks.

The analysis reveals that a number of these measures were adopted outside the scope of legally defined competencies, or without a proper legal basis, or through mechanisms reflecting misuse or abuse of authority. This has, in turn, undermined the principles of the rule of law and the separation of powers.

The selected examples further show that executive bodies—represented by the Presidency and ministerial authorities—have established new entities, amended existing laws, managed public assets, and restructured the judiciary without adhering to the legislative or oversight processes stipulated in the Constitutional Declaration and applicable laws. In several instances, decisions were issued without adequate legal reasoning and replaced established accountability mechanisms with vague administrative justifications, such as references to "requirements of the public interest."

These patterns point to a structural trajectory that renders the transitional phase vulnerable to the reproduction of exclusionary and authoritarian practices in new forms, thereby limiting prospects for building legitimate institutions capable of protecting rights and entrenching justice. In line with transitional justice standards—particularly those emphasizing acknowledgment of harm, guarantees of non-recurrence, and reparation—this joint paper calls for urgent institutional reforms. These include ensuring respect for the limits of legal mandates, restoring the legislative function to its constitutional position, strengthening oversight over executive authority and judicial appointments, and subjecting financial and development institutions to transparent accountability mechanisms.

2. Introduction

More than a year after the fall of the Assad regime, and following the conclusion of the "Deterrence of Aggression" battle, Syria entered a transitional phase marked by heightened expectations for rebuilding state institutions on new foundations that safeguard rights. This was followed by the Victory Conference convened by the Military Operations Administration on 29 January 2024, which brought together leaders of armed factions and resulted in the appointment of Ahmad al-Sharaa as Interim President of the Republic.

Subsequently, the National Dialogue Conference was held on 25 February 2025 with the aim of laying the groundwork for the next phase. However, it sparked widespread criticism from the outset, both in terms of its format and substance. This was followed by the issuance of the Constitutional Declaration, which established the legal framework governing authority and governance during the transitional period. Nevertheless, it too raised serious concerns regarding its legitimacy, content, and its actual capacity to meet the aspirations of Syrians, particularly in light of the near-absolute powers granted to the President and its lack of inclusivity and adequate representation of Syria's diverse societal components.[1]

Throughout 2025, there was extensive legislative and regulatory activity, including the issuance of laws, decrees, decisions, and administrative instructions affecting multiple aspects of public life, alongside a restructuring of state institutions. However, a review of these legal instruments reveals a fundamental structural flaw in the legal process. Several measures were issued in disregard of constitutional constraints, exceeded the legally defined powers of the respective authorities, or directly contradicted existing laws that were supposed to remain in force until duly amended through the competent legislative process, as stipulated in the Constitutional Declaration.

This paper seeks to highlight a number of illustrative examples that reflect such legal inconsistencies or deviations. These examples are not exhaustive but are intended to demonstrate the structural deficiencies characterizing the legal process during the transitional phase. They were selected based on their nature and their direct impact on the distribution of powers among state authorities, as well as their clear infringement of fundamental constitutional and legal principles.

The examples are organized in a sequence reflecting both the hierarchy and institutional nature of the violations: beginning with decisions that directly affect state symbols and constitutional legitimacy, followed by decrees and decisions issued by the Presidency as the highest executive authority, and concluding with ministerial decisions that embody the executive extension of these violations within the administrative structure. This progression aims to underscore the systemic nature of these breaches and to illustrate how deficiencies at the central level permeate various layers of decision-making.

Identifying these issues is intended to reinforce the need for a comprehensive review of the existing legal framework and for corrective measures in the decision-making process. Such reforms are essential to ensuring respect for the rule of law and

[1] For further information on the National Conference and the Constitutional Declaration, as well as the concerns related to their legitimacy and content, see the report by Syrians for Truth and Justice, *The Constitutional Declaration in Syria: Exceptional Powers for the Transitional President and the Risks of Entrenching Authoritarian Rule Hindering the Transition to Democracy*, 9 July 2025.

constitutional authority, and to laying the groundwork for a more coherent, stable, and just transitional phase.

3. Change of the State Emblem and Its Adoption without a Legal Basis

On 3 July 2025, the transitional authorities announced the launch of the new visual identity of Syria, introducing the "Syrian Golden Eagle" as the country's new emblem. This was presented in a ceremonial context during which the Interim President of the Republic stated that the emblem symbolizes that "Syria does not accept fragmentation or division… and is one unified state." This step was undertaken without the issuance of a law by the People's Assembly or any legislative provision formally adopting the emblem or defining its legal parameters and scope. The absence of the People's Assembly at that stage does not alter this conclusion, as the Constitutional Declaration did not transfer legislative authority or the power to adopt state symbols to the executive branch in the event of a legislative vacuum. Rather, it confined such authority to a legislative instrument, rendering the adoption of the emblem outside any legislative process devoid of constitutional basis.

This measure clearly contravenes Article 5 of the Constitutional Declaration, which stipulates that "the State's emblem and national anthem shall be determined by law," as well as Article 30, which confines the authority to propose, enact, or amend laws to the People's Assembly. Accordingly, adopting the State emblem through declaratory or ceremonial means—absent a law enacted by the People's Assembly—constitutes an encroachment upon an exclusive legislative competence and an overstepping of the limits of executive authority.

National symbols—including the emblem and the national anthem—form part of the overarching constitutional compact that underpins the State and reflects its legal and political identity. As such, they may only be modified through a representative legislative process that reflects broad societal and political consensus, rather than through symbolic gestures or unilateral decisions. The announcement of the new emblem in this manner therefore violates the principle of constitutional legality, stripping the national symbol of its consensual and unifying character and transforming it into an authoritative measure that derives its force not from the will of the people, but from a unilateral administrative act.

4. Decree No. 114 of 2025: Amendment of the Investment Law beyond Legislative Competence

On 24 June 2025, the Interim President of the Republic issued Decree No. 114, amending the provisions of Investment Law No. 18 of 2021 and its amendments.

According to the decree, these changes aim to improve the investment environment and attract additional domestic and foreign investment.

However, this decree raises a fundamental constitutional issue. The applicable Constitutional Declaration confines the authority to propose, enact, and amend laws to the People's Assembly, as the legislative body entrusted with the function of producing binding general legal norms. The absence of the People's Assembly does not justify the exercise by the executive authority of a legislative competence that has not been explicitly transferred to it under the Constitutional Declaration. Accordingly, amending an existing law through a decree issued by the executive authority constitutes an overreach of jurisdiction and an encroachment upon legislative competence, as the President, under the Constitutional Declaration, is not vested with the authority to enact or amend legislation.

This results in a conflation of roles between the executive and legislative branches, undermining the principle of separation of powers, which is designed to distribute authority in order to prevent the monopolization of public decision-making and safeguard legality. It also opens the door for the executive authority to create and alter legal rules without oversight or political accountability, thereby eroding the function of the legislative body and weakening the legal system grounded in the constitutional hierarchy of law-making.

5. Institutions and Funds Affiliated with the Presidency: Expansion of Executive Authority Beyond Oversight Mechanisms

During the period covered by this report, a number of economic and development entities were established by presidential decrees. While all were granted legal personality and financial and administrative independence, they were placed under the direct authority of the Presidency of the Republic. This includes Decree No. 113, which established the "Sovereign Fund" to manage and invest underutilized state assets, with its periodic reports submitted exclusively to the Presidency. Similarly, the "Development Fund" was created by Decree No. 112 to contribute to financing infrastructure and reconstruction efforts, and was likewise placed under the Presidency. In the broader economic sphere, the "Supreme Council for Economic Development" was established by Decree No. 115, chaired by the President of the Republic, to oversee economic planning and investment. At the educational level, Decree No. 148 established the "Higher Council for Education," also chaired by the President. In the border and customs sector, Decree No. 244 created the "General Authority for Border Crossings and Customs," granting it regulatory authority over import and export activities and placing it under the Presidency.

Within the same trajectory, the Syrian Arab Airlines Corporation was re-designated as the Civil Aviation Authority and directly affiliated with the Presidency. This measure is of particular significance, given that the original entity was established by Law No. 25 of 1961. Accordingly, any alteration of its legal status or institutional affiliation should have been effected through a law or legislative decree, rather than an executive decision—especially where such change results in transferring a strategic sector to the direct supervision of the President.

These measures reflect a continuing trend of assigning executive functions—relating to economic management, investment, education, and finance—to entities established by decree and either chaired by or directly affiliated with the President of the Republic. This is despite the fact that the Constitutional Declaration, while granting the President broad exceptional powers, does not vest the Presidency with the authority to head sector-specific bodies or administer specialized portfolios. Moreover, the establishment of entities with financial or investment mandates outside existing ministerial frameworks, and their placement under an authority not subject to parliamentary oversight, effectively transfers powers related to the planning and implementation of public policies from accountable state institutions to supra-ministerial bodies lacking legislative scrutiny.

In other words, the transfer of responsibilities relating to the management of public assets, financing, economic planning, and educational oversight to entities solely affiliated with the Presidency—absent independent legislative or judicial accountability mechanisms—constitutes an expansion of executive authority at the expense of competent institutions. It also creates an institutional architecture that is inconsistent with the requirements of parliamentary oversight as derived from the Constitutional Declaration. This model does not merely reassign competences; it alters their institutional locus, such that decisions with significant economic and financial impact are issued by entities subordinate to the President, rather than forming part of an administrative system subject to public accountability—particularly in light of the absence of any mechanism in the Constitutional Declaration to hold the Interim President accountable in cases of error or abuse of power.

It should further be noted that granting such entities legal personality through presidential decrees is inconsistent with Article 54 of the Syrian Civil Code, which explicitly provides that legal personality may only be conferred by law, not by decree.

6. Decree No. 20 of 2025: Establishment of the "Transitional Justice" and "Missing Persons" Bodies Outside the Legislative Mandate

On 17 May 2025, Decree No. 20 was issued establishing the "National Authority for Transitional Justice" as the commission responsible for "uncover the truth about the

grave violations," "ensuring accountability and holding perpetrators responsible," "providing reparation," and "consolidating guarantees of non-recurrence and national reconciliation." The decree granted the commission legal personality and financial and administrative independence, and appointed its chairperson, positioning it as the institutional framework for transitional justice in the country.

Despite the declared positive objectives of the commission, the decree raises fundamental legal concerns relating to competence and the principle of separation of powers. The commission was established by executive decree rather than by legislation enacted by the legislative authority, thereby subjecting it to the will of the executive that created it, instead of constituting an independent body operating under parliamentary and judicial oversight. Consequently, the process of transitional justice—by its nature a function with judicial and foundational dimensions—is incorporated into the executive structure rather than being designed as an impartial and independent mechanism.

Furthermore, the commission's mandate, as defined in the decree, is limited to violations committed by the "former regime," excluding violations perpetrated during the transitional period or by other actors. This limitation undermines its comprehensiveness and transforms it into a selective mechanism rather than a unified national framework for victims, in contravention of Article 10 of the Constitutional Declaration, which affirms the principle of equality of citizens in rights and obligations.

In addition, granting the commission legal personality and administrative independence through a decree—rather than by law—raises a further legal issue and constitutes a violation of Article 54 of the Syrian Civil Code, which explicitly stipulates that legal personality may only be conferred by law, not by decree.

The same applies to the "National Authority for Missing Persons," established in the same manner and on the same date by Decree No. 19 of 2025, which was likewise granted legal personality by presidential decision. This reflects the reproduction of a single institutional model: entities entrusted with sensitive mandates, yet lacking a legislative basis and independent oversight.

7. Decisions Establishing Investigation Committees: Parallel Investigative Tracks Outside Judicial Competence

On 9 March 2025, the Interim President delivered a speech announcing the formation of a national committee to investigate and fact-find into the events that took place on the Syrian coast on 6 March 2025. The committee comprised seven members, including a former military and security figure, with several members affiliated either with the Salvation Government linked to Hay'at Tahrir al-Sham in northwest Syria prior to assuming power, or with the Syrian Interim Government affiliated with the Syrian

National Coalition and supported by Turkey—at the expense of the limited number of independent figures included in the committee.

In a similar context, on 31 July 2025, the Ministry of Justice issued Decision No. 1287 establishing a committee to investigate the "events in Suwayda." The committee included seven members, among them judges and lawyers who were not specialized in investigating grave violations. The decision tasked the committee with collecting testimonies, documenting abuses and violations, and submitting a final report within three months from the date of its establishment.

Despite the different issuing authorities (the Presidency and the Ministry of Justice), the establishment of both committees reflects a common pattern: assigning investigative functions to administrative committees affiliated with the executive authority, rather than to the competent judicial bodies provided for under the Code of Criminal Procedure and the Judicial Authority Law. Moreover, the formation of such committees should have been carried out through the Supreme Judicial Council, as the constitutionally mandated body responsible for organizing judicial functions, rather than through executive decisions that create parallel investigative tracks.

Additionally, neither decision established a clear legal framework granting the committees authority to access evidence or to classify violations in accordance with international standards, despite the fact that the Constitutional Declaration recognizes rights derived from international conventions as part of national legislation (Article 12).

Furthermore, there was no obligation to publish the findings of the investigations or to refer them to competent judicial or international bodies, thereby opening the door to the instrumentalization of such reports for political or procedural purposes, rather than serving as a basis for accountability.

Accordingly, the establishment of these committees constitutes a practical indicator of a broader trend toward creating parallel investigative mechanisms outside the judicial system, thereby limiting the effectiveness of fact-finding processes and undermining the possibility of producing legally meaningful outcomes capable of supporting accountability or reparation efforts.

8. Decree No. 16 of 2025: Lifting Precautionary Seizure Orders and the Institutional Response Gap

On 11 May 2025, the Interim President of the Republic issued Decree No. 16, providing for the annulment of all precautionary seizure orders issued between 2012 and 2024, which had been imposed by the Ministry of Finance based on security directives. The decree mandated the Ministry, in coordination with the Ministries of Interior and

Justice, to take the necessary implementing measures to lift such seizures and provided for its publication and entry into force.

In its general form, the decree falls within the efforts of the transitional authorities to address the legacy of grave violations committed by the former regime. Lifting precautionary seizure orders constitutes an important step toward remedying unjust financial and security policies that persisted for over a decade. However, the manner in which this issue is addressed reflects a continuation of the same institutional deficiencies that enabled these violations in the first place. The decree merely annuls the orders without acknowledging that the original imposition of such measures occurred outside judicial authority, nor does it recognize the harm suffered by affected rights-holders or provide a pathway for redress.

The decree further lacks clear, time-bound, and transparent implementation mechanisms subject to judicial oversight. Instead, it assigns responsibility for lifting the seizures to the executive authority itself—namely, the Ministry of Finance—in coordination with other bodies, without referring the matter to the judiciary, which is the competent authority to adjudicate decisions affecting private property rights. This results in an administrative handling of what is fundamentally a legal matter, in contravention of the principle of separation of powers and the right to an effective remedy.

Accordingly, although the decree was issued by a transitional authority, its approach remains formalistic and incomplete from a transitional justice perspective. It addresses the consequences of the violation without examining its root causes or ensuring non-recurrence, while denying affected individuals recognition of harm, access to justice, and the right to compensation—core elements for rebuilding trust in the rule of law.

9. Decision No. 53 of 2025: Establishment of the "General Secretariat for Political Affairs"

On 27 March 2025, the Minister of Foreign Affairs and Expatriates issued Decision No. 53, announcing the establishment of a new administrative body under the designation "General Secretariat for Political Affairs." The decision mandates the Secretariat with managing domestic political activity and provides for the reallocation of the assets of the dissolved Ba'ath Party and the National Progressive Front parties to its benefit. The decision justifies its issuance by reference to the "requirements of the supreme common interest."

This decision raises fundamental constitutional and legal concerns, beginning with an overreach of competence. The mandate of the Ministry of Foreign Affairs is defined by Decree No. 20 of 2016—applicable pursuant to Article 51 of the Constitutional Declaration—and is limited to managing external relations, overseeing the affairs of

Syrians abroad, and contributing to foreign policy. It does not extend to domestic political activity or the management of public assets resulting from the dissolution of political parties.

Moreover, the decision lacks a binding legislative basis. The establishment of an entity tasked with regulating political life or managing confiscated party assets requires a law enacted by the legislative authority or clearly defined judicial procedures, rather than an administrative decision issued by a minister lacking such competence.

The decision also implicitly authorizes the use of ministerial resources and public funds for domestic political purposes without transparency, in contradiction with principles governing public financial management, including those reflected in the United Nations Convention against Corruption, which emphasizes that public resources must be allocated based on clearly defined objectives and subject to effective oversight mechanisms.

Furthermore, the decision interferes with political life and public freedoms, as it suggests the reintroduction of forms of political guardianship over party activity under the guise of "organizing political activities." In a context where political party laws have not yet been established or effectively implemented, such "regulation" may, in practice, function as a mechanism of control, contrary to international standards on freedom of association and political pluralism.

These concerns are compounded by institutional and financial ambiguity. The decision fails to clarify the oversight mechanisms governing the Secretariat, its sources of funding, or the modalities for managing the assets transferred to it. The absence of such details is inconsistent with the State's obligations regarding financial transparency and good governance, and reflects a misuse of authority whereby legal norms are supplanted by discretionary assessments framed as serving the "common interest."

10. Decision No. 552 of 2025: Suspension of Mandatory Social Security Coverage without Legislative Basis

On 21 May 2025, the Ministry of Economy and Industry issued Decision No. 552, addressed to the Federation of Chambers of Commerce and Industry, permitting the issuance of commercial registration without requiring submission of documentation indicating the number of workers registered with the Social Security Institution. The decision was framed as a measure to facilitate procedures and encourage investment, as stated in the text signed by the Minister of Economy.

This decision constitutes a direct encroachment upon legislative authority. The obligation imposed on employers to register workers in the social security system is a statutory requirement established under Law No. 92 of 1959 on Social Security, which

remains in force. It may only be amended or suspended by a law enacted by the People's Assembly. Under the Constitutional Declaration, the Minister does not possess the authority to repeal or suspend the application of a legislative provision. Any administrative decision that undermines the effect of an applicable law therefore constitutes an overreach of competence and a violation of the principle of constitutional legality.

Moreover, the substance of the decision does not enhance protection; rather, it opens the door to the exploitation of workers by relieving employers of their obligation to provide mandatory social security coverage, which constitutes a core safeguard for wages, workplace injury protection, and old-age and disability benefits. In a transitional context characterized by weak oversight mechanisms, such a decision effectively amounts to a rights-depriving measure enacted through ministerial action rather than legislative authority, thereby increasing its severity.

Accordingly, Decision No. 552 does not merely represent a formal breach of jurisdictional rules; it constitutes executive interference in the substance of the social contract governing labor rights, transforming the policy objective of "facilitating investment" into a vehicle for undermining social protection and weakening the State's welfare obligations as part of its legal commitments toward its citizens.

11. Mass Dismissal Campaign of 2025: Violations of Public Employment Law and Employee Safeguards

Following the fall of the regime on 8 December 2024, the transitional authorities initiated a wide-scale campaign of mass dismissals within the public sector. These dismissals were carried out through multiple mechanisms: non-renewal of annual contracts; termination of employment contracts or immediate dismissal without prior notice or stated reasons; and placing employees on paid leave followed by retroactive termination of service. These measures affected various ministries and public institutions, including the energy, water, telecommunications, and local administration sectors, as well as ministries such as Justice, Health, and Agriculture.

These mass dismissal decisions constitute violations of Basic Law No. 50 of 2004 governing public employees, which requires that administrative termination be based on specific grounds related to job performance or disciplinary accountability, and that such cases be addressed through competent disciplinary boards, with guarantees for the employee's right to defense and judicial appeal. However, the dismissals carried out following the fall of the regime were implemented through general and unreasoned decisions, often without written notification, investigative committees, or review mechanisms. From a procedural standpoint, they therefore amount to administrative

acts that are legally defective, lacking essential elements such as cause and competence, and consequently incapable of producing valid legal effects.

Furthermore, the dismissal of a number of employees based on presumed prior political affiliation, without individualized assessment, violates the provisions of the Constitutional Declaration relating to equality before the law and non-discrimination. The scale and speed of these dismissals also indicate a structural transformation occurring outside the legal framework, effectively resulting in the depletion of public administration personnel, undermining the principle of continuity of public service, and impairing the delivery of services to the public. This is in addition to infringing upon employees' rights to social security and pension entitlements.

From an institutional perspective, the use by the executive authority of broad dismissal measures without due disciplinary procedures or judicial oversight establishes a dangerous precedent in the relationship between the administration and individuals, whereby public employment is transformed from a protected legal status into a precarious position subject to termination at the discretion of the authorities.

12. Circular No. 10 of 2025: Formal Protection of the Right of Defence and Substantive Restriction on Lawyers' Presence

On 8 October 2025, the Ministry of Interior issued Circular No. 10,[2] affirming respect for citizens' rights and guaranteeing lawyers' ability to represent their clients. The circular also called for lawyers to be treated "in a respectful manner" and for cooperation with them in defence-related procedures. However, Article 3 of the circular introduced a substantive restriction, allowing the lawyer to attend the recording of the client's statement only as a passive observer, without the ability to intervene in the course of the investigation, and permitting the continuation of investigative proceedings in the absence of the lawyer.

Despite the positive language adopted by the circular regarding the role of legal counsel, this restriction effectively deprives the right of defence of its substantive content. It contradicts Article 57 of Law No. 30 of 2010 regulating the legal profession, which guarantees lawyers the right to appear before all judicial, investigative, and administrative bodies and to perform their duties in a manner that enables them to effectively defend their clients.

This restriction is also inconsistent with international fair trial standards, which consider the presence and active participation of a lawyer during interrogation to be a fundamental safeguard against abuse. Any investigation conducted without enabling

[2] Issued under reference No. 10/ص/ش/ق, as stated in the original document.

the lawyer to intervene or provide legal advice constitutes a violation of the right of defence, rather than a mere procedural irregularity.

Both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights affirm the fundamental nature of the right to defence and the right to be represented by legal counsel. In addition, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment guarantees the right of every detained person to communicate and consult with a lawyer effectively, at an appropriate time, without delay, without censorship, and in full confidentiality (Principle 18).

Rather than strengthening the role of defence, the circular establishes a procedural framework that reduces the lawyer to an observer rather than an active participant, while granting investigative authorities the ability to proceed with interrogations without legal oversight. This effectively renders the proclaimed protections merely formal and inconsistent with the explicit constitutional and legal guarantees of the right to litigation and legal representation at all stages of investigation.

13. Decision Appointing the President of the Court of Cassation in Violation of Judicial Eligibility Requirements

In January 2025, a decision was issued appointing Sheikh Anas Mansour Suleiman as President of the Court of Cassation in Syria. Suleiman holds a degree in Islamic jurisprudence from the University of Damascus (2010) and served during the years of the conflict in judicial positions within several Sharia-based courts, including as President of the Court of Appeal affiliated with the Ministry of Justice of the Salvation Government (linked to Hay'at Tahrir al-Sham). The appointment was made despite his lack of a law degree and the professional experience required under the Judicial Authority Law for occupying senior judicial positions.

This appointment constitutes a clear violation of the eligibility requirements set out in Article 70 of the Judicial Authority Law of 1961, which stipulates that the President of the Court of Cassation must hold a law degree and possess specific judicial seniority and experience. Appointing an individual with a religious rather than legal academic background to the highest judicial office raises serious concerns regarding institutional legitimacy, judicial independence, and adherence to professional integrity standards.

The deficiency is not limited to this case alone; it was accompanied by a series of similar appointments reinforcing the same pattern. Ibrahim Shasho was appointed head of the Judicial Inspection Authority without holding the required legal qualification (a law degree), relying instead on a background in Islamic jurisprudence. Likewise, Abdul Razzaq al-Ka'adi was appointed President of the Council of State and granted the status of "judge," despite the requirement under the Council of State Law that its President be

selected from among its members or from among the Vice-Presidents of the Court of Cassation—conditions that were not met in his case. Similarly, Ibrahim al-Hassoun was appointed Dean of the Higher Institute of the Judiciary despite lacking a law degree and the requisite judicial rank.

Furthermore, Decision No. 89, issued on 29 January 2025, appointed a number of graduates of faculties of Islamic jurisprudence as heads of what was termed the "Judicial Administration" in several governorates, with the title "Sheikh" used in both public and administrative discourse—a designation not recognized under any applicable law. This reflects the reconstitution of judicial structures without any legal basis in the Judicial Authority Law and the appointment of individuals lacking the legal qualifications required by that law.

Taken together, these appointments constitute violations of applicable legal frameworks and reflect a concerning trend toward privileging political and religious affiliations over legal competence and professional standards. This undermines the principle of judicial independence, weakens public confidence in justice institutions, and transforms judicial appointments from a safeguard of legality into a tool for restructuring authority within the judiciary in a manner inconsistent with the rule of law.

14. Mass Dismissal of Judges and the Undermining of Judicial Independence

At the beginning of 2025, a series of key ministerial decisions were issued, reshaping the judicial body in Syria through the dismissal and forced retirement of dozens of judges. These measures relied primarily on the vague justification of "requirements of the public interest," in direct circumvention of the legal framework governing the powers of the Supreme Judicial Council.

For instance, on 8 January 2025, the Minister of Justice issued Decision No. 40, terminating the assignments of 14 judges across several governorates. In the same context, eight judges were referred to retirement under Decision No. 43 dated 15 January 2025, followed by the dismissal of 43 additional judges under Decision No. 194 dated 12 February 2025. Furthermore, Decision No. 120, issued on 28 January 2025, provided for the dismissal of a number of judges who had held positions in the Arab Socialist Ba'ath Party or the People's Assembly. All these decisions were formulated using the same phrase—"based on the requirements of the public interest"—without any legal reasoning, justification, or disciplinary procedures.

This sequence of decisions demonstrates a pattern of broad and unregulated reliance on the concept of "public interest" as a substitute for constitutional and oversight safeguards governing the administration of the judiciary. Rather than adhering to the

Syrian Judicial Authority Law and resorting to the Supreme Judicial Council, disciplinary investigations, or reasoned decisions, the Ministry of Justice exercised powers not vested in it, constituting an overreach of competence and a lack of legal legitimacy.

These successive decisions represent a serious breach of the principles of legality and separation of powers, effectively transforming judicial appointment and dismissal into executive tools. This has led, in practice, to the transformation of the judiciary from an institution protected by legal safeguards into a body that can be reconstituted through unreviewable administrative will. Such a precedent creates a dangerous framework whereby judges may be dismissed or disciplined by the executive authority in the future without any role for the judiciary or the Supreme Judicial Council, thereby undermining judicial independence and subjecting it to executive control.

15. Decision No. 12 of 2025: Exceeding the Competence of the Court of Cassation and Introducing Religious Jurisprudence into Private Financial Relations

The plenary seven-member chamber of the Court of Cassation issued Decision No. 12, prohibiting Syrian courts of all levels from awarding legal interest or any equivalent compensation in civil disputes between individuals. The decision relied on Article 3 of the Constitutional Declaration, which provides that Islamic jurisprudence is "the principal source of legislation."

This decision constitutes a direct overreach of the Court of Cassation's powers. As a judicial body, the Court does not possess the authority to repeal, amend, or suspend the application of laws; its role is limited to interpreting and applying them. Judicial interpretation cannot substitute for legislation, nor can it exclude the application of provisions explicitly stipulated in the Syrian Civil Code regulating legal interest, as well as in commercial, banking, and investment laws that permit interest-based transactions.

Reliance on Article 3 of the Constitutional Declaration, if properly grounded, would require substantive legislative amendments enacted by the competent authority—namely, the People's Assembly—rather than judicial decisions that suspend the application of existing legal provisions. Moreover, the Constitutional Declaration itself affirms the continued applicability of existing legislation until formally amended, rendering Decision No. 12 inconsistent with the very constitutional framework it invokes, and lacking legitimacy from the perspective of the distribution of powers among state authorities.

Accordingly, the decision reflects a departure from the judicial function of interpreting legal texts toward effectively rewriting or suspending them. This undermines the

principle of legality and raises serious concerns regarding judicial neutrality and independence from ideological or religious considerations not anchored in legislation.

16. Recommendations

The cases presented demonstrate that the transitional authority has not confined itself to administering state affairs, but has exercised legislative and regulatory powers outside constitutional frameworks. This has weakened the principle of separation of powers and curtailed parliamentary and judicial oversight over decision-making. As such, the transitional moment—which was expected to serve as an opportunity to rectify the legacy of the previous period—has instead been marked by practices that risk reproducing aspects of that legacy in new forms, thereby undermining the substance of the transition and limiting the ability of institutions to establish legitimacy and protect rights.

Accordingly, the partners recommend that the transitional authorities:

- **Respect constitutional limits of competence:** Restore functions of a legislative nature, including the amendment of laws and the establishment of regulatory bodies, to the People's Assembly as the constitutionally mandated authority.
- **Subject entities affiliated with the Presidency to public oversight:** Require the submission of periodic financial and administrative reports to the People's Assembly and independent oversight bodies, and ensure their publication to guarantee accountability and transparency.
- **Conduct constitutional review of decrees with legislative effect:** Establish a temporary or judicial mechanism to assess the legality of decrees that have amended existing laws or transferred legislative powers to the executive authority, and annul those that violate the Constitution and applicable laws.
- **Strengthen judicial independence:** Halt dismissal and appointment procedures conducted outside the Supreme Judicial Council; ensure that judicial violations are addressed exclusively through the competent disciplinary framework; insulate the judiciary from executive influence; and reinforce the principle of separation of powers.
- **Restore sectoral functions to competent institutions:** Assign responsibility for education, development, customs, investment, and civil aviation to ministries and bodies subject to legislative oversight, rather than linking them to supra-ministerial structures.
- **Establish and regulate bodies with general mandates through legislative and oversight processes:** Ensure that the creation of bodies with judicial or investigative mandates—including the National Authority for Transitional Justice, the National Authority for Missing Persons, and any similar future entities—is carried out by law defining their mandate, powers, and accountability

mechanisms, rather than through executive decisions, in a manner that strengthens their independence and ensures legislative and judicial oversight.

- **Adopt a transparent framework for public financial management:** Establish clear rules governing sovereign and development funds, including investment objectives and decision-making processes, subject to independent financial oversight.
- **Promote constitutional culture within public administration:** Implement training programs for officials on the rule of law, separation of powers, limits of authority, and standards of accountability and procedural legality.
- **Enable civil society participation in oversight of public authority:** Activate the role of professional associations and human rights organizations in monitoring legal policies and decrees with institutional impact, and ensure that civil society organizations can exercise their oversight role effectively and without undue restrictions.

17. Annexes: Copies of Selected Decrees, Circulars, and Decisions Referenced in the Report



Syrian Arab Republic
Ministry of Justice

الجمهورية العربية السورية
وزارة العدل

قرار رقم / ١٢٨٧ / ل

وزير العدل

بناء على:

- أحكام قانون السلطة القضائية الصادر بالمرسوم التشريعي رقم ٩٨ لعام ١٩٦١ وتعديلاته.
- أحكام القرار الرئاسي رقم ٩ لعام ٢٠٢٥ م.
- توجيهات رئاسة الجمهورية بالالتزام بكشف الحقيقة وسرعة المساءلة.
- مقتضيات المصلحة الوطنية.

يقرر ما يلي:

مادة ١-تشكيل لجنة للتحقيق في أحداث السويداء الأخيرة، مؤلفة من السادة التالية أسماؤهم:

- القاضي حاتم الدسان.
- القاضي حسان محمد الحموي.
- القاضي ميسون حمود الطويل.
- القاضي جمال الأشتر.
- السيد محي الدين هرموش.
- المحامي طارق الكردي.
- المحامي عمار عز الدين.

مادة ٢-تحدد مهام اللجنة بما يلي:

أولاً-كشف الظروف والملابسات التي أدت إلى الأحداث.
ثانياً-التحقيق في الاعتداءات والانتهاكات التي تعرض لها المواطنون.
ثالثاً-إحالة من يثبت مشاركته في الاعتداءات والانتهاكات إلى القضاء.

مادة ٣-ترفع اللجنة تقارير دورية بنتائج أعمالها، على أن يرد تقريرها النهائي خلال مدة لا تتجاوز ثلاثة أشهر من تاريخ تشكيلها، ولها أن تستعين بمن تراه مناسباً من الخبراء والمتخصصين والجهات المختصة.

مادة ٤-يبلغ هذا القرار من يلزم لتنفيذه ويعتبر نافذاً من تاريخ صدوره.

قرار صدر بتاريخ ٦ صفر ١٤٤٧هـ الموافق ٣١ تموز ٢٠٢٥ م

وزير العدل
الدكتور مظهر الويس

Figure 1: Copy of Decision No. 1287 of 2025 establishing a committee to investigate the "events in Suwayda."



رئاسة الجمهورية العربية السورية
Presidency of the Syrian Arab Republic

المرسوم رقم (١٦) لعام ٢٠٢٥

رئيس الجمهورية

بناءً على أحكام الإعلان الدستوري، ولا سيما المادة /٤٨/منه.

يرسم ما يلي:

المادة (١): تلغى كافة قرارات الحجز الاحتياطي وتعديلاتها الصادرة من عام ٢٠١٢ حتى العام ٢٠٢٤ الصادرة عن وزارة المالية بموجب توجيهات الأجهزة الأمنية والمستندة لأحكام المرسوم التشريعي رقم /٦٣/ لعام ٢٠١٢

المادة (٢): تكلف وزارة المالية بالتنسيق مع وزارتي الداخلية والعدل باتخاذ الإجراءات التنفيذية اللازمة لتسريع إجراءات رفع الحجز.

المادة (٣): يُنشر هذا المرسوم، ويُبلغ من يلزم لتنفيذه.

أحمد الشرع
رئيس الجمهورية العربية السورية

وزارة المالية - شعبة الوارد
١٤٩٤
١٦ آذار ٢٠٢٥

Figure 2: Copy of Decree No. 16 of 2025 providing for the annulment of all precautionary seizure orders issued between 2012 and 2024, which had been imposed by the Ministry of Finance based on security directives.



الجمهورية العربية السورية
وزارة الاقتصاد والصناعة
الإدارة العامة للتجارة الداخلية وحماية المستهلك
الرقم: ٥٥٢/م ت
التاريخ: ٢١/٥/٢٠٢٥

Syrian Arab Republic
Ministry of Economy and Industry

إلى اتحاد غرف التجارة السورية

إشارة إلى كتابكم ذوات الأرقام ٣/٤٦٢ تاريخ ٢٠٢٥/٥/١٤ المسجل لدينا بالرقم /٣٧٥٥/ تاريخ ٢٠٢٥/٥/١٨ ورقم ٣/٤٢٣ تاريخ ٢٠٢٥/٥/٧ المسجل لدينا بالرقم /٣٣٦٣/ تاريخ ٢٠٢٥/٥/٨ ورقم ٣/٣٦٢ تاريخ ٢٠٢٥/٤/٢٤ المسجل لدينا بالرقم /٦٩٧١/ تاريخ ٢٠٢٥/٤/٢٨ المتضمنة طلبكم بالموافقة على إصدار قرار يتم بموجبه إيقاف العمل / بشكل مؤقت/ بمضمون كل من الفقرة /هـ/ من المادة /٥/ من القانون رقم /٨/ لعام /٢٠٢٠/ والمادة /٧/ من هذا القانون بخصوص شرط تقديم الوثيقة التي تبين عدد العمال المسجلين في التأمينات الاجتماعية عند الانتساب للغرفة وعند التجديد، لما في ذلك من أهمية في تشجيع ودعم عودة التجار للانتساب والتسجيل في الغرف التجارية وتأطير عملهم تحت مظلة الغرف التجارية وبالتالي الحد من اقتصاد الظل وآثاره السلبية.

فإننا لا نرى مانعاً ضمن الظروف الحالية من التوقف عن طلب الوثيقة المنصوص عليها في الفقرة / هـ/ من المادة /٥/ من القانون المذكور أعلاه حتى نهاية العام الحالي فقط ريثما يتم العمل على تعديل القانون المذكور أعلاه وتشكيل لجنة مختصة من الوزارة تضم في عضويتها ممثلين عن اتحاد غرف التجارة وغرف التجارة والصناعة المشتركة في المحافظات للنظر في تعديل القانون رقم /٨/ لعام /٢٠٢٠/ وتعديلاته بما يتوافق مع التطورات الحالية التي تشهدها البلاد وفق الأصول.

شاكرين تعاونكم

وزير الاقتصاد والصناعة
الدكتور محمد عماد الشعار

صورة إلى:
- م. الاتصال والدعم التنفيذي / برهم الأطلاع.
- م. مكتب السيدة معاون الوزير لشؤون التجارة الداخلية/ برهم الأطلاع.
- م. الشركات/ د. السجل التجاري وغرف التجارة مع الأصل.
- الديوان

واردة اتحاد غرف التجارة السورية
الرقم 3/557
التاريخ 2025/05/21

Figure 3: Copy of Decision No. 552 of 2025 permitting the issuance of commercial registration without requiring submission of documentation indicating the number of workers registered with the Social Security Institution.

٣- إحاطة المحامي علماً بالتهم المنسوبة لموكله والسماح له بحضور جلسة ضبط إفادة موكله فقط وهذا الحضور يقتصر على الاستماع دون التدخل بمجريات التحقيق، مع التأكيد على استمرار التحقيقات دون أن تتوقف على حضور المحامي.

٤- تخصيص أماكن خاصة في وحدات وزارة الداخلية (كوة – نافذة ....) أو أحد العاملين فيها لإستقبال المحامين وتيسير معاملات موكليهم بموجب وكالة منظمة أصولاً وفق الإمكانيات المتاحة في كل وحدة.

- قادة الوحدات مسؤولون بالذات عن حسن التنفيذ تحت طائلة المساءلة المسلكية.

دمشق في:/ / /١٤٤٧ هـ الموافق لـ:/ ١٨ / ١٠ /٢٠٢٥م.

أنـــس خـطـاب
وزيـــر الـداخـلـيـة

- المرسل إليهم:



Syrian Arab Republic
Ministry of interior
Legal affairs Department

الجمهورية العربية السورية
وزارة الداخلية
إدارة الشؤون القانونية

الرقم :/١٠/\/ص.ش.ق

تعميم

انطلاقاً من واجب وزارة الداخلية في الحفاظ على حقوق المواطنين، ومن ضمنها حق الاستعانة بمحامٍ للدفاع عنهم، وتقديم الخدمات لهم بشكل لائق، وانسجاماً مع القوانين والأنظمة النافذة بهذا الشأن، وخاصةً ما يلي:

١- نظام خدمة الشرطة:

المادة /٨٧/: ((يجب على الشرطة أن تسلك في إجرائها هذه الخدمة سلوكاً أدبياً لطيفاً وألا يصدر منها أي فعل يعد أذىً أو إساءةً لاستعمال نفوذ الوظيفة)).

المادة/٢١٣/: ((كل فعل من الشرطة يعكر على الأهليين حريتهم الشخصية يعد إساءة استعمال نفوذ الوظيفة)).

٢- قانون تنظيم مهنة المحاماة رقم /٣٠/لعام ٢٠١٠م:

المادة/٥٧-أ/: ((للمحامي أن يسلك الطريق التي يراها ناجعة في الدفاع عن موكله، وله الحق بالحضور أمام جميع المحاكم والدوائر واللجان القضائية والإدارية وهيئات التحكيم ودوائر الشرطة وأقسامها وجميع الجهات التي تباشر تحقيقاً جزائياً أو إدارياً بمقتضى أحكام هذا القانون)).

يطلب إليكم ما يلي:

١- التحلي باللباقة في استقبال سائر المراجعين، والتعامل معهم بأدب وإحترام، ومعالجة الأمور التي يراجعون بشأنها بسرعة وموضوعية.

٢- استقبال المحامين ومعاملتهم معاملة لائقة، وقبول الوكالات النقابية التي تخولهم بمراجعة كافة الدوائر والمؤسسات والوزارات لتمثيل موكليهم واستخراج الأوراق والثبوتيات اللازمة لضمان حسن سير العمل، دون تكليفهم بتصديقها من أي جهة حكومية أخرى غير نقابة المحامين في الجمهورية العربية السورية.

Figure 4: Copy of Circular No. 10 of 2025 allowing the lawyer to attend the recording of the client's statement only as a passive observer, without intervention in the course of the investigation, while permitting the continuation of proceedings in the absence of the lawyer.



Syrian Arab Republic
Ministry of Justice

الجمهورية العربية السورية
وزارة العدل

القرار رقم (١٢٠/ل)

وزير العدل

-بناءً على أحكام قانون السلطة القضائية الصادر بالمرسوم التشريعي رقم/٩٨/تاريخ ١١/١٥/ ١٩٦١وتعديلاته.

-وعلى أحكام قانون الموظفين الأساسي رقم /١٣٥/ تاريخ ١٩٤٥/١/١٠ وتعديلاته.

-وعلى اجتماع مجلس القضاء الأعلى والقرار الصادر عنه برقم /٣/ تاريخ ٢٠٢٥/١/٢٣.

-وعلى مقتضيات المصلحة العامة

يُقرر ما يلي:

المادة ١- تنفذ عقوبة العزل التي فرضها مجلس القضاء الأعلى بموجب قراره رقم /٣/ في جلسته الدورية رقم /٣/ تاريخ ٢٠٢٥/١/٢٣ بحق القضاة الواردة أسماؤهم في الجدول المرفق والذين كانوا مندبين خارج ملاك وزارة العدل لشغل مناصب في حزب البعث العربي الاشتراكي و مجلس الشعب.

المادة ٢- تصفى حقوقهم وفق القوانين النافذة.

المادة ٣- يُبلّغ هذا القرار من يلزم لتنفيذه ويُعتبر نافذاً من تاريخ صدوره.

دمشق في ٢٨/رجب/١٤٤٦هـ الموافق لـ ٢٨ / ١/ ٢٠٢٥م

وزير العدل
القاضي شادي محمد الويسي

نسخة إلى:
- مكتب السيد الوزير
- مكتب السيد معاون الوزير
- إدارة التفتيش القضائي.
- السيد النائب العام لدى محكمة النقض
- السيد المحامي العام في.....
- المحفوظات
- الديوان العام.

Figure 5: Copy of Decision No. 120 of 2025 providing for the dismissal of a number of judges who had held positions in the Arab Socialist Ba'ath Party or the People's Assembly.



Syrian Arab Republic
Ministry of Justice

الجمهورية العربية السورية
وزارة العدل

الرقم: ٦٠١

القرار رقم (٤٣) ن

وزير العدل

- بناءً على أحكام قانون السلطة القضائية الصادر بالمرسوم التشريعي رقم/٩٨/ تاريخ ١٩٦١/١١/١٥ وتعديلاته.
- وعلى أحكام القانون الموظفين الأساسي رقم /١٣٥/ تاريخ ١٩٤٥/١/١٠ وتعديلاته.
- وعلى مقتضيات المصلحة العامة.

يقرر ما يلي:

مادة ١- يحال إلى التقاعد كل من السادة القضاة الآتية أسماؤهم وهم:

التسلسل	الرقم الذاتي	الاسم	الوظيفة	المرتبة و الدرجة
١	٤٢٠١٣	حمود عواد الشان	رئيس محكمة استئناف الجنح الأولى بمحافظة دير الزور	ممتازة - ثانية
٢	١٠٠٨٤١	حيدر حسن بكر	مستشار محكمة استئناف الجنح بمحافظة طرطوس	٠ - ٠
٣	٣٩٧٠٥	أحمد ياسين السويحة	محامي عام أول في النيابة العامة التمييزية	ممتازة - ثانية
٤	٣٩٧٦٨	نبيل هلال بوبو	رئيس محكمة الاستئناف الجمركية بمحافظة طرطوس	ممتازة - ثانية
٥	٣٩٧٤١	محمد زياد سامي ثنا	محامي عام أول في النيابة العامة التمييزية	ممتازة - ثانية
٦	١١٣٩٠٩١	سنان أحمد الخطيب	مستشار في محكمة النقض	ممتازة - ثانية
٧	٤١٠٩٩	أحمد علاوي سعود	نائب رئيس محكمة النقض	ممتازة - أولى
٨	٤٢٠٥١	عصام إسماعيل الحسن	نائب رئيس محكمة النقض	ممتازة - أولى

مادة ٢- ينفذ هذا القرار اعتباراً من تاريخه وتصفى حقوقهم وفقاً للقوانين النافذة.
مادة ٣- يبلغ هذا القرار من يلزم لتنفيذه.

دمشق في ١٤٤٦/٧/١٥هـ الموافق لـ ٢٠٢٥/١/١٥م

وزير العدل
القاضي شادي محمد الويسي

نسخة إلى:

Figure 6: Copy of Decision No. 43 of 2025 referring eight judges to retirement.

محكمة النقض

الصحيفة ١ — إعلام الحكم

رقم الأساس ٥٩ — رقم القرار ١٢ — لعام ٢٠٢٥

بسم الله الرّحمن الرّحيم
باسم الشعب العربي في سورية

الهيئة الحاكمة: الهيئة العامة السباعية لدى محكمة النقض المؤلفة من السادة القضاة:

أنس منصور السليمان	رئيس محكمة النقض رئيساً
محمد حاج حسن	مستشاراً
عمر شيخ الأرض	مستشاراً
محمد جمال الدين الخطيب	مستشاراً
خير الله غنوم	مستشاراً
طه منصور	مستشاراً
عمار العاني	مستشاراً

الجهة طالبة العدول

الغرفة المدنية الثالثة / ب/ لدى محكمة النقض و المؤلفة من السادة القضاة

محمود المعراوي رئيساً

حسين ابراهيم عضواً

رياض شحادة عضواً

بناءً على الطلب المقدم من الغرفة المذكورة و المؤرخ في ٢٠٢٥/١١/٣ و المتضمن اعتماد مبدأ قانوني حول الفائدة القانونية و التعويض الذي يأخذ معنى الفائدة باعتبار الفائدة و كل زيادة ربوية على المبالغ المحكوم بها هي من الربا المحرم بنصوص قطعية الثبوت قطعية الدلالة . وهي مخالفة للإعلان الدستوري الصادر بتاريخ ٢٠٢٥/٣/١٣ ونظراً لوجود تعارض بين نصوص المواد /٢٢٧/ و ما بعدها من القانون المدني و بين نص المادة /٣/ من الإعلان الدستوري

ومن حيث إن الدستور أسمى من القانون ونصوصُه أوْلى بالتطبيق لذلك جاءت الغرفة طالبة العدول تطلب : عرض الموضوع على الهيئة العامة السباعية لإقرار مبدأ يتضمن عدم تطبيق النصوص القانونية والاجتهادات القضائية المخالفة لأحكام الشريعة في مسائل الفوائد و التعويضات المترتبة على المبالغ و الديون المحكوم بها و التي تجري مجرى الفائدة.

النظر في الطلب

إن الهيئة العامة وبعد اطلاعها على طلب العدول المقدم من الغرفة المدنية الثالثة /ب/ لدى محكمة النقض وعلى النصوص القانونية وعلى الاجتهادات المتعلقة بطلب العدول.

ومن حيث إن الأصل إعمال المبادئ الدستورية باعتبارها هي الحاكمة على النصوص القانونية و المؤسِّسة لها ولا يجوز مخالفتها بأي وجه من الوجوه.



محكمة النقض
إعلام الحكم
الصحيفة ٢
رقم الأساس ٥٩ رقم القرار ١٢ لعام ٢٠٢٥

ومن حيث إن المادة /٣/ من الإعلان الدستوري النافذ في الجمهورية العربية السورية قد نصت على أنّ الفقه الإسلامي هو المصدر الرئيس للتشريع، فهو يعد من هذا الوجه قاعدة دستورية آمرة وملزمة لجميع سلطات الدولة بما فيها السلطة القضائية وتُرتب هذه المادة على القضاء أن يجعل من أحكام الفقه الإسلامي مرجعاً رئيساً في وضع النصوص وتفسيرها وتطبيقها.

ومن حيث إن الحكم بالفائدة يخالف نص المادة /٣/ من الإعلان الدستوري، ويخالف أحكام الشرع و الفقه الإسلامي و الذي تعتبر أحكامه من النظام العام وفق أحكام الإعلان الدستوري باعتبار أن نص المادة /٣/ من الإعلان الدستوري هو نص آمر ، وهي لا تستند أيضاً إلى سبب مشروع في ميزان العدالة.

ومن حيث إن المؤسسة القضائية منزهة عن الحكم بما هو غير مشروع.

ومن حيث إن ما سبق يقضي بوضع مبدأ عام يتوجب العمل به لدى كافة المحاكم.

لذلك

تقرر بالاتفاق

١ـ قبول الطلب المقدم من الغرفة المدنية الثالثة / ب/ لدى محكمة النقض.

٢ـ إقرار المبدأ الآتي:

ـ التوقف عن الحكم بين الأفراد بأي نص أو اجتهاد يقضي بالحكم بالفائدة القانونية أو بالتعويض الذي يجري مجرى الفائدة في الديون و المبالغ التي تحكم بها المحاكم في الجمهورية العربية السورية وعلى مختلف درجاتها وأنواعها.

٣ـ تعميم هذا المبدأ على جميع المحاكم للعمل به.

قراراً صدر في ١٤٤٧/٠٥/١٤ هـ الموافق لـ ٢٠٢٥/١١/٠٥ م

نسخ: سوسن اسكندر قوبل: سوسن تدقيق

المستشار عمار العاني | المستشار طه منصور | المستشار خير الله غنوم | المستشار محمد جمال الدين الخطيب | المستشار عمر شيخ الأرض | المستشار محمد حاج حسن | الرئيس أنس منصور السليمان

٢٦٩ ٢/٢

Figure 7: Copy of Decision No. 12 of 2025 prohibiting Syrian courts of all levels from awarding legal interest or any equivalent compensation in civil disputes between individuals, based on Article 3 of the Constitutional Declaration, which considers Islamic jurisprudence "the principal source of legislation."

ABOUT STJ

Syrians for Truth and Justice (STJ) started as an idea in a co-founder's mind while attending the U.S. Middle-East Partnership Initiative's (MEPI) Leaders for Democracy Fellowship program (LDF) in 2015. The idea became a reality and flourished into an independent, non-profit, impartial, non-governmental human rights organization.

ABOUT Ceasefire

The Ceasefire Centre for Civilian Rights aims to empower civilians in situations of armed conflict or prevailing insecurity to document violations of their rights; to seek justice and accountability for violations of civilian rights; and to develop the practice of civilian rights protection and raise public support for the promotion of civilian rights.

ABOUT SJAC

The Syria Justice and Accountability Centre (SJAC) is a Syrian human rights organization working for meaningful justice and accountability for Syria that holds perpetrators accountable and addresses grievances, leading to lasting peace. SJAC collects documentation of violations from all available sources, stores it in a secure database, catalogues it according to human rights standards, and analyzes it using legal expertise and big data methodologies.

ABOUT JFL

Justice for Life is non-governmental, non-profit Syrian Legal Organization focused on spreading and fostering human rights in Syria. The Organization was established in 2015 in the aim of defending human rights through enhancing its presence in local communities at cultural, social, and political levels. Justice for Life adopts an approach towards engaging all social segments in the long-term changing process.

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