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Syrian Arab Republic

Submission to the Human Rights Committee (CCPR) in Advance of its Adoption of the List of Issues on Syria in its 137th Session (27 February to 24 March 2023)

Submitted on 29 December 2022

Joint submission by:

1. Lawyers and Doctors for Human Rights (LDHR)
2. Syrian Legal Development Programme (SLDP)
3. Free Syrian Lawyers Association (FSLA)
4. The Coalition of Families of Persons kidnapped by ISIS (MASSAR)
5. Ta'afi Initiative
6. The Syrian Women's Network (Shams)
7. Syrians for Truth and Justice (STJ)
8. Hurras Network
9. The Day After (TDA)
10. Release Me
11. Justice for Life organization (JFL)
12. Urnammu for justice and human rights
13. Syrian Center for Policy Research
14. Access Center for Human Rights (ACHR)
15. The Caesar Families Association (CFA)
16. The Center for Civil Society and Democracy (CCSD)
17. The White Helmets
18. Association Baytna pour le Soutien de la Société Civile
19. Families for Freedom

Articles (7) and (10) of the ICCPR

1. In the last reporting cycle of Syria in 2005, the committee showed deep concerns about the continuing reports on torture and ill-treatment in the country. The committee recommended that Syria "should take firm measures to stop the use of incommunicado detention and eradicate all forms of torture and cruel, inhuman or degrading treatment or punishment by law enforcement officials, and ensure prompt, thorough, and impartial investigations by an independent mechanism into all allegations of torture and ill-treatment, prosecute and punish perpetrators, and provide effective remedies and rehabilitation to the victims."¹ However, Syrian men, women, and children continue to be ill-treated and tortured in government-run detention facilities across the country. The State has shown no effort to hold perpetrators responsible or to provide effective remedies to the victims.

Cases of Torture and Inhuman Treatment in Detention

2. Since the last reporting cycle, and more systematically since March 2011, thousands of Syrian men, women and children were arbitrarily arrested. Cases documented by Lawyers and Doctors for Human Rights (LDHR) indicate that detainees were often not informed of the reason for their arrest. Women were often detained for their male relatives' real or perceived association with opposition groups, to put pressure on them, or for their male relatives' defection from military service.² Some were arrested along with other relatives or their minor children. Many were physically assaulted during the arrest.
3. Since the outbreak of demonstrations in early 2011, the reports of the Independent International Commission of Inquiry on the Syrian Arab Republic (Col) have demonstrated a consistent pattern of torture and other violations, primarily committed by government forces.³ Numerous international and Syrian civil society organisations have documented many cases of torture by government officials. To date, LDHR has documented around 500 cases of torture and/or sexual violence in government-run detention facilities across Syria and issued expert medical reports

¹ Human Rights Committee, Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant: Concluding Observations of the Human Rights Committee, Syrian Arab Republic, 9 August 2005, Un Doc CCPR/CO/84/SYR, Para 9.

² For more information on the arbitrary arrest of women, based on 100 arrests between 2009 and 2017, please refer to LDHR's report *Lacking Legal Basis: An Analysis of Arbitrary Arrest and Detention of Women in Syria*, May 2021, available at: <https://ldhrights.org/en/?p=6460>.

³ UNGA, Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic (February 2022), UN Doc A/HRC/49/77, para 42-43.

examining the physical and psychological consequences of such violations in accordance with the Istanbul Protocol.⁴

4. Patients documented by LDHR's medical experts reported being subjected to conditions of detention amounting to cruel and inhumane treatment. They were held in unhygienic overcrowded cells, some in solitary confinement for prolonged periods of time, lacking light and air/ventilation, or in extreme darkness, lacking sanitation, exposed to extreme temperatures or extreme noise, and given insufficient and/or contaminated food and/or water, and were kept without access to appropriate medical care.⁵
5. Detainees, including children,⁶ were systematically mistreated and tortured. Religious or sexual insults, slapping, kicking, threats and humiliation were commonplace. Detainees were subjected to horrendous forms of physical and psychological torture, including sleep deprivation; beating on the head, the mouth and the ears; whipping; beating with plumbing pipes; beating the soles of the feet (or "falaqa"); stabbing; suspension from the wrists (or "shabah"); squeezing into a tire so that their head and knees were forced together (or "doulab"); and other torture techniques like the "flying carpet" (where a person is tied to a wooden board that can be folded, moving the feet towards the head) and the "German chair" (where a person is laid underneath a chair with their back pulled upwards on the back of the chair and their hands tied behind the chair back). They were put in stress positions or had their movement constrained during prolonged periods of time. They were burned with cigarettes, heated objects or hot food; electrocuted and asphyxiated. Some had their fingernails pulled out. Others reported that salt was put on their wounds to increase their suffering. Detainees were also threatened with torture. Several reported witnessing torture and sexual violence or even death under torture or killing of other detainees. Some were forced to torture other detainees. A few were forced to ingest medication or other substances. A few forcibly received pills or injections of painkillers that can have addictive effects.
6. Men and women were often subjected to rape and other forms of sexual violence.⁷ They reported being subjected to partial or complete forced nudity, sometimes for the entire duration of their

⁴ *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*

⁵ For more information on detention conditions, including violations of minimal standards of basic health, sanitation and hygiene of survivors detained between 2011 and 2017, please refer to LDHR's report *"Death Became a Daily Thing": The Deliberate and Systematic Failure to Provide for Health and Medical Care in Syrian Detention Centres*, August 2018, available at: <http://ldhrights.org/en/wp-content/uploads/2018/12/Death-Became-a-Daily-Thing.pdf>

⁶ For more specific information on the detention and mistreatment of children detained between 2011 and 2016 by the Syrian authorities, please refer to LDHR's report *No Silent Witnesses: Violations Against Children in Syrian Detention Centers*, December 2019, available at: <http://ldhrights.org/en/wp-content/uploads/2019/12/NO-SILENT-WITNESSES.pdf>

⁷ For more information on male sexual violence (survivors detained between 2011 and 2017), please refer to LDHR's report *"The Soul Has Died": Typology, Patterns, Prevalence and the Devastating Impact of Sexual Violence Against Men and Boys in Syrian Detention*, March 2019, available at: <http://ldhrights.org/en/wp-content/uploads/2019/03/The-Soul-Has-Died-Male-Sexual-Violence-Report-English-for-release-copy.pdf>; For

detention. Tying the penis with a string to forbid the detainees from urinating, after forcing them to ingest large quantities of water, was one of the torture techniques commonly used against men, in addition to the beating and electrocution of the genitals, often meant to affect their reproductive capacity. In some cases, men and women were forced to strip and perform sexual gestures or acts in front of the jailors or other detainees. Rape in detention was commonplace, sometimes resulting in pregnancy. A few detainees were repeatedly subjected to various forms of sexual violence, including repeated rape by the same jailors or group of jailors, in conditions that amount to sexual slavery.⁸ Many witnessed sexual violence committed against other detainees. The vast majority were threatened with rape or other forms of sexual violence, or the rape of their female relatives.

7. Months or years after their release, ex-detainees still suffer from physical and psychological impacts, including reproductive and sexual health consequences, as well as important social and economic consequences.⁹

The New Syrian Anti-Torture Law Does Not Prevent Torture or Ensure Accountability for Victims

8. Syria indicated in its national report to the Human Rights Committee that the Syrian constitution and national law criminalise torture and ill-treatment of persons during interrogations and the use of force and violence against detainees by law enforcement officials. Moreover, on 29 March 2022, Syria issued a new anti-torture law No.16/2022, which defines torture, criminalises it, and increases its punishment.¹⁰
9. However, Syrian domestic law does not ensure effective accountability and justice for victims and survivors for the following reasons, which will be explained below:

information on female survivors of torture and sexual violence committed in detention between 2011 and 2016, refer to LDHR's report *Voices From the Dark, Torture and Sexual Violence Against Women in Assad's Detention Centres*, July 2017, available at: <http://ldhrights.org/en/wp-content/uploads/2017/07/Voices-from-the-Dark.pdf>; and *"The Whole World Has Let Me Down": Understanding What Syrian Women Face During And After Detention* (detained between 2009 and 2017), May 2021, available at:

<https://drive.google.com/file/d/1JBgc1UDtzKfqj65QKpMXI0TFjxly8qXO/view>

⁸ For examples of cases of sexual slavery in detention, please refer to LDHR's report *Dying a Thousand Times A Day: Sexual Slavery in Syrian Detention*, June 2022, available at: <https://ldhrights.org/en/wp-content/uploads/2022/06/DYING-A-THOUSAND-TIMES-A-DAY-Eng.pdf>

⁹ For some examples of the impacts of torture and inhumane detention conditions on Syrian women, refer to *"The Whole World Has Let Me Down": Understanding What Syrian Women Face During And After Detention* (detained between 2009 and 2017), May 2021, available at:

<https://drive.google.com/file/d/1JBgc1UDtzKfqj65QKpMXI0TFjxly8qXO/view>

¹⁰ Law No. 16 of 2022, art 1,2.

- A. The law does not criminalise all forms of ill-treatment known to take place in detention centres in Syria;
- B. The law does not guarantee justice and comprehensive reparation for the victims;
- C. The new anti-torture law, like any new aggravated criminal law, will not apply retroactively to acts that occurred before the date of its issuance;
- D. The law does not put an end to the impunity provided to members of the military, internal security forces and general intelligence.

A. The Insufficient and Ineffective Regulatory Framework of Torture and Ill-Treatment in Syrian Law

10. Before issuing the new anti-torture law in Syria, the Syrian government referred to two provisions in its national legislation that criminalise torture (both are still in force): Article 116 of the [Military Penal Code](#) (MPC) promulgated by Legislative Decree 61 of 1950, and Article 391 of the [General Penal Code](#) (GPC) No.148 of 1949.¹¹ However, these articles do not explicitly criminalise torture and ill-treatment.
11. Article 116 of [MPC](#) does not criminalise acts of torture in general but is limited to "acts of hardship or threat" that the soldiers perform against their commanders or higher-rank officers or the soldiers assigned to protect them. Therefore, the limited scope of this provision renders it insufficient to criminalise torture and/or provide redress to the victims, particularly those detained in the context of the current conflict and who, as indicated in the previous section, continue to be subjected to various forms of torture while in detention.
12. Article 391 of [GPC](#) states that "whoever commits forms of hardship that is not permitted by law against a person, to obtain a confession about a crime or information about it, shall be punished by jail from three months to three years. If the acts of hardship against someone result in illness or injury, the minimum punishment is jail for one year". The meaning of "hardship" is not specified. Moreover, the text suggests that there are forms of hardship "permitted by law" to obtain a confession.
13. Additionally, the acts referred to in Article 391 are considered misdemeanours, not felonies.¹² The Syrian government stated that the punishment stipulated in Article 391 relates to torture that "does not leave the victim with any injuries", while the law provides for an increased penalty if the torture results in permanent disability or bodily harm.¹³ This shows that the Syrian authorities neither consider the act of torture as a serious crime nor recognise the psycho-social and other types of harm resulting from it.
14. The definition of torture in the new anti-torture [Law No. 16 of 2022](#) is almost identical to the definition of torture contained in the Convention Against Torture (CAT). However, the new law includes acts committed by non-State actors. It is noteworthy that the minimum penalty threshold

¹¹ Human Rights Committee, Fourth periodic report submitted by the Syrian Arab Republic under article 40 of the Covenant, due in 2009, 30 May 2022, UN Doc CCPR/C/SYR/4, para 38.

¹² The perpetrator according to article 391 is liable to jail, and the penalty of jail in Syrian Penal Code is a misdemeanour penalty, see article 39 of Syrian Penal Code No.148 1949.

¹³ Committee against Torture, Consideration of reports submitted by states parties under Article 19 of the Convention, Comments of the Syrian Arab Republic and follow-up responses to the concluding observations of the Committee against Torture (CAT/C/SYR/CO/1) (2011), UN Doc CAT/C/SYR/CO/1/Add.1, para 6.

for acts of torture committed by non-State actors is higher than the one imposed on State officials perpetrating the same actions.¹⁴ This goes against the logic of law and justice. It is normal for law enforcement officials to bear a higher responsibility than individuals to ensure that they do not abuse their power. Accordingly, their punishment for the actions they commit in abusing their power should be greater or at least equal.

15. Furthermore, the new law does not explicitly criminalise ill-treatment, which contravenes the obligation under Article 16 of CAT. Ill-treatment committed by State agents does not fall under the framework of the new law if it does not result in severe physical or mental pain or suffering (i.e. torture). The law defines torture as "every act or omission that results in severe pain or suffering, whether physical or mental, inflicted on a person". In the absence of a clear definition of "severe pain and suffering", it would be easy for perpetrators to commit many forms of ill-treatment under the pretext that they did not reach the threshold of severe pain and suffering, therefore keeping ill-treatment unpunished.
16. Since the act of ill-treatment should be explicitly criminalised, arguing that ill-treatment is covered under Article 391 of the [GPC](#) is incorrect. The term "hardship" in this Article is unclear and does not refer precisely to the prohibition of ill-treatment. It also maintains a margin of discretion by limiting the prohibited forms of hardship to those not permitted by law. Additionally, the Article specifies this prohibition in the context of obtaining a confession about a crime or information about it. Therefore, any acts of ill-treatment that are not necessarily related to interrogations could be permitted. This ambiguity in Article 391 might also be exploited by authorities to turn around what constitutes "hardship" and therefore justify their acts.
17. It should be noted that the Prison System Law No. 1222 of 1929 prohibits all prison guards from using force against detainees, calling them derogatory nicknames, or addressing them with obscene foul language.¹⁵ However, a comprehensive and explicit definition and referral to ill-treatment are lacking in this law, and the practice has clearly proved that it is not optimally applied in security centres.¹⁶ Moreover, the published laws regulating the internal security forces or the military do not contain texts that explicitly prohibit ill-treatment, and this contravenes Syria's obligation to absolutely prohibit such acts and punish them with penalties commensurate with their gravity.¹⁷

¹⁴ Law No. 16 of 2022, art 2 (b,c).

¹⁵ Prison System Law No. 1222 of 1929, art 30.

¹⁶ OHCHR, Open wounds: torture and ill-treatment in Syria, May 2014, available at: <https://www.ohchr.org/en/stories/2014/05/open-wounds-torture-and-ill-treatment-syria>; HRC, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic, Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic, March 2018, UN Doc A/HRC/37/CRP.3, para 27-50; Amnesty International, 'It Breaks the Human: Torture, Disease and Death in Syria's Prisons' (2016) MDE 24/4508/2016.

¹⁷ The Internal Security Forces Service Law ([Legislative Decree No.1 of 2012](#)) does not prohibit ill-treatment whatsoever even in section 12 of the (obligations, prohibitions, and punishments) of the Security Forces. Similarly,

B. The Absence of Human Rights-Compliant Investigations and Prosecutions

18. Fulfilling the right to redress for victims of torture and ill-treatment requires States parties to comply with two obligations, procedural and substantive.¹⁸ However, Syria fails to comply with these obligations as Syrian law does not ensure that investigations and prosecutions are accessible for victims, nor does it provide victims with full and comprehensive reparation. Especially that victims may fear reprisals resulting from their complaints.

B.1 The Procedural Obligation to Redress Victims

Immunity of perpetrators

19. Syria indicated in its periodic report that the alleged perpetrators of torture and ill-treatment are not immune from prosecutions. The government presented tables of very few numbers of police officers who have been prosecuted between 2016 and 2020.¹⁹ Strikingly, the tables show the number of disciplinary penalties imposed on some officers.²⁰ However, it does not show any criminal liability resulting from prosecutions.
20. The new anti-torture law No. 16 of 2022 indicates that measures must be taken to guarantee the right to file complaints or report acts of torture, as well as to protect the complainant, witnesses, experts, and members of their families.²¹ However, if the acts of torture were committed by members of the army or the Military Intelligence Division and its branches,²² investigations and prosecutions will not be initiated except under a prosecution order issued by the Commander-in-

the Military Penal Code ([Legislative Decree No. 61 of 1950](#)) only prohibits the use of "severity or threat" against superiors and their guards but not against subordinates, according to article 116.

¹⁸ The CAT Committee emphasises that fulfilling the right to redress for victims of torture and ill-treatment requires States parties to the CAT to comply with two obligations, procedural and substantive. The procedural obligation requires the state to enact appropriate legislation and provide the means for submitting complaints through independent and impartial judicial bodies capable of determining the right to and awarding redress for victims, as well as providing victims with access to these bodies. The objective obligation is to ensure that victims receive full and effective redress and reparation, including compensation and the means for as full rehabilitation as possible. See, Committee against Torture, General Comment No.3 (2012), UNDoc CAT/C/GC/3, para5.

¹⁹ Human Rights Committee, Fourth periodic report submitted by the Syrian Arab Republic under article 40 of the Covenant, due in 2009, 30 May 2022, UN Doc CCPR/C/SYR/4, para 39,40.

²⁰ The disciplinary penalties in Syrian law range between delaying promotion and, in the most extreme cases, dismissal, see Legislative Decree No.1 of 2012, The Internal Security Forces Service Law, art 23 (1-b), 120.

²¹ Law No. 16 of 2022, art 7.

²² E.g., the Palestine Branch and Air Force Intelligence Service.

Chief of the Army and Armed Forces (the President himself) or the Chief of Staff, depending on the rank of the person to be prosecuted.²³

21. Therefore, the General Prosecution cannot act on its own or based on the complaint of the injured but exclusively under a prosecution order coming from the highest authorities. Even if such order is issued, the case will be within the jurisdiction of the military judiciary, affiliated with the Ministry of Defence.²⁴ It should be noted that military judges are appointed by a decree based on the nomination of the Commander-in-Chief of the Army and Armed Forces,²⁵ and can decide cases in which one of the parties is a military person, even if the other party is a civilian.²⁶
22. Similarly, if the perpetrator is a member of the police or the Internal Security Forces (ISF) and their branches,²⁷ the act does not automatically fall under the jurisdiction of the criminal court. Instead, the Police Disciplinary Court decides on it upon referral, except for the cases of *flagrante delicto* and economic crimes.²⁸ However, if the Police Disciplinary Court does not agree to refer the case to the criminal judiciary, it is not possible to initiate the criminal case, and the perpetrator's punishment is limited to disciplinary penalties that range between delaying promotion and, in the most extreme cases, dismissal.²⁹
23. In addition, the Police Disciplinary Court is not an independent judicial body. Rather, it is considered one of the organs of the executive authority. It is formed based on a decision of the Presidency of the Council of Ministers, and its judges are police officers appointed by a decree based on the proposal of the Minister of Interior.³⁰ In other words, a person subjected to torture by members of the military, its intelligence services or ISF would bring their case before courts composed by members of the same organs as the alleged perpetrators, raising questions on the integrity and independence of these courts.
24. Furthermore, Legislative Decree No. 14 of 1969 establishing the General Intelligence Department stipulates in Article 16 that it is not permissible to prosecute members of the General Intelligence for crimes they commit while carrying out the tasks entrusted to them, except with the approval

²³ Legislative Decree No. 61 of 1950, Military Penal Code, Article 53.

²⁴ Legislative Decree No. 61 of 1950, Military Penal Code, Article 50.

²⁵ Legislative Decree No. 61 of 1950, Military Penal Code, Articles 34, 35, and 39.

²⁶ Legislative Decree No. 61 of 1950, Military Penal Code, art 50. To read more about the military judiciary in Syria see, Fallacies not Facts: A critical legal study of the national report submitted by the Syrian Arab Republic in the third cycle of the universal periodic review in 2022, The Syrian Legal Development Programme (SLDP) in coordination with We Exist Alliance (2022), p 20-22. Available [here](#).

²⁷ E, g., the Political Security Division, Criminal Security and the Prison Administration.

²⁸ Legislative Decree No.1 of 2012, The Internal Security Forces Service Law, art 23 (1-a).

²⁹ Legislative Decree No.1 of 2012, The Internal Security Forces Service Law, art 23 (1-b), 120.

³⁰ Legislative Decree No.1 of 2012, The Internal Security Forces Service Law, art 23 (1,2).

of their superiors.³¹ Practically, this would be very difficult, as the prosecution of agents may lead to the prosecution of their superiors if they are suspected of being involved in the crime, by commission or omission.

Statute of limitations

25. According to the rule of non-retroactivity of criminalisation and punishment except for what is best for the accused, the new anti-torture law will only apply to acts committed after its entry into force. As for acts of torture that were committed before 29 March 2022, the old law will apply, including Article 391 of the [GPC](#). This undermines the interests of victims because committing "hardship" acts is a misdemeanour with a lenient penalty.³² Consequently, the right to prosecute these acts may be forfeited by the statute of limitations after the lapse of three years from the date on which the act was committed if no prosecutions were initiated.³³ As long as the prosecutions against State agents are restricted, the victims of torture and ill-treatment will lose the right to prosecute and claim compensation for acts of torture committed against them if the statute of limitations period has expired.

Amnesties

26. Moreover, between 2011 and 2022, the Syrian authorities issued several amnesty laws for misdemeanors, except for those excluded by a special provision in the law. It is worth noting that the crime of torture that the government referred to under Article 391 of [GPC](#), which is a misdemeanour, is not excluded from eight amnesty laws.³⁴ In other words, the crime of torture in Syria has been pardoned by eight amnesty laws in the past decade prior to the issuance of the new anti-torture law.

³¹ Article 30 of Legislative Decree 14/1969 states that "This law shall not be published and goes into effect on the day of issuance." However, you can find the analysis of the decree in: "Alternative Report to the Syrian Government's Initial Report on Measures taken to Fulfil its Commitments under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", Damascus Center for Human Rights Studies, available online at https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/SYR/INT_CAT_NGO_SYR_48_10106_E.pdf Page 5-6.

³² The penalty of jail in Syrian law is a misdemeanour penalty, see Syrian Penal Code No.148 1949, Art 39.

³³ Syrian Code of Criminal Procedure No. 112 of 1950, art 437, 438.

³⁴ See amnesty decrees [No.34 of 2011, Art 1,2](#); [No.61 of 2011, Art 1,2](#); [No.71 of 2012 Art 6,13](#); [No. 23 of 2013](#), Art 10, 15; [No.22 of 2014](#), Art 12, 18; [No.20 of 2019](#), Art 10, 14; [No. 6 of 2020](#), Art 10, 13; [No.13 of 2021](#), Art 2, 17.

B.2 The Substantive Obligation to Redress Victims

Lack of restitution, compensation, satisfaction, rehabilitation or guarantees of non-recurrence

27. As for the substantive obligation to ensure that victims receive comprehensive reparation, the new anti-torture law indicates that the person who has been subjected to an act of torture should receive appropriate compensation for the material and moral damage and losses incurred by them.³⁵ According to the [GPC](#), the civil aspects that a criminal judge can rule on are restitution, compensation for breakdown and damage, confiscation, publishing the verdict, and bearing the expenses.³⁶
28. Regarding the obligation of restitution, the [GPC](#) stipulates in Article 130 that restitution constitutes the return to the situation before the crime occurred. The criminal judges must also rule on this independently, whenever possible.³⁷ However, neither the text nor the courts' practice refer to addressing the structural causes of the violations.³⁸ It is unclear how individuals can return to their life situation before the violation, if root causes are not addressed and individuals can suffer from the same violations once again.
29. As for compensation, it should be noted that it is only possible to claim compensation before ordinary criminal or civil courts. In contrast, the military judiciary and the Police Disciplinary Court in Syria do not rule on compensation. In such cases, the injured person must file a civil lawsuit before the competent civil court. As the plaintiff bears the burden of proof,³⁹ if the plaintiff obtains a criminal judgement against the defendant, they can invoke it as an official document before the civil judge to award compensation. If the defendant is not criminally convicted, the plaintiff must prove before the civil judge the harm inflicted on them by the defendant to obtain compensation. This will be very difficult if there are no criminal verdicts or official documents, such as official medical reports or witnesses.
30. Regarding the obligation to ensure satisfaction, this measure is reduced in Syrian law to publishing the verdict only as a form of acknowledgement of the responsibility of the perpetrators. This, for sure, requires the existence of a criminal verdict against them. Accordingly, the legal obstacles of investigating and prosecuting the military personnel and members of the General Intelligence and limiting the trial of the ISF to a disciplinary court limit the possibility of obtaining a verdict against

³⁵ Law No. 16 of 2022, art 5.

³⁶ Syrian Penal Code No.148 (1949),art 129.

³⁷ Syrian Penal Code No.148 (1949),art130 (1,2).

³⁸ Committee against Torture, General Comment No.3 (2012), UN Doc CAT/C/GC/3, para 8.

³⁹ Amal Sharba, Evidentiary Law, publications of AL-Sham Private University (2019-2020), ch3, p 27.

them. As for the rest of the aspects of satisfaction as detailed by the Committee,⁴⁰ such as memorialisation, revealing the whereabouts of the victims and their remains, offering public apologies, and other measures, these are not observed at all in Syrian law.

31. Additionally, the new anti-torture law does not address rehabilitation, nor does Syrian law in general. As for Syria's strategic plans, which the government presented in the last UPR session, the Syrian government indicated the existence of care and assistance plans for victims of physical, sexual and gender-based violence and victims of trafficking of women and children.⁴¹ In addition, there are plans for rehabilitation programs for child soldiers and protection programs for the "wounded and the families of the martyrs".⁴² However, no plan to rehabilitate torture and ill-treatment victims was addressed.
32. Finally, the State must provide guarantees of non-recurrence.⁴³ However, the above-mentioned analysis shows Syrian law and courts does not refer to addressing the structural causes of the violations, making them likely to reoccur. Moreover, the prosecuting suspects of torture may succeed in Syria only if the perpetrators are non-State actors. In the case of State actors, prosecutions are obstructed by immunity provisions, and the courts lack independence and impartiality, let alone the eight amnesty laws that pardoned perpetrators in the last decade. Therefore, not only perpetrators are enjoying impunity, but the victims are left without any guarantee of non-repetition.

The submitting organizations recommend the Committee to ask the Syrian Arab Republic the following questions:

1. Will Syria criminalise ill-treatment explicitly, prosecute its perpetrators, impose punishments commensurate with its gravity, and provide effective remedy to the victims? If so, when and how?

⁴⁰ Committee against Torture, General Comment No.3 (2012), UN Doc CAT/C/GC/3, para 16.

⁴¹ Annexes to the national report of the Syrian Arab Republic to third cycle of the Universal Periodic review, Annex 9: Proposal to prepare a national plan to implement programs in line with Security Council Resolution No. 1325, p 32 *et seq*; Annex 10: The National Program to Support Women in the Syrian Arab Republic (2018), Chapter 7. Available at:

https://lib.ohchr.org/HRBodies/UPR/Documents/Session40/SY/A_HRC_WG.6_WG.6_40_SYR_1_Syrian%20Arab%20Republic_Annexes_AE.pdf.

⁴² Annexes to the national report of the Syrian Arab Republic to third cycle of the Universal Periodic review, Annex 3: The National Development Program for Syria in the Post-War, p 200; Annex 14: The National Plan for Dealing with Child Victims of Recruitment. Available at:

https://lib.ohchr.org/HRBodies/UPR/Documents/Session40/SY/A_HRC_WG.6_WG.6_40_SYR_1_Syrian%20Arab%20Republic_Annexes_AE.pdf.

⁴³ Committee against Torture, General Comment No.3 (2012), UN Doc CAT/C/GC/3, para 18.

2. Is Syria able to provide specific details on the procedures for prosecuting suspects of torture and ill-treatment committed by (1) military personnel, (2) members of the Interior Security Forces, and (3) members of the General Intelligence, especially when those acts are committed against civilians?
3. Are there any previous or current investigations or prosecutions against the aforementioned State agents for acts of torture and ill-treatment? If so, how many investigations and how many prosecutions cases; what are their outcomes; on what legal grounds; and what remedies have been provided to the victims?
4. What types of reparations are available in Syrian law to the victims of torture and ill-treatment committed by military personnel, the Interior Security Forces, and members of the General Intelligence?
5. What are the specific procedures in Syrian law for obtaining reparations for victims of torture and ill-treatment committed by military personnel, the Interior Security Forces, and members of the General Intelligence?
6. What are the reasons for granting each of the eight amnesties for the misdemeanor of torture under Article 391 of the General Penal Code, and what is the number of beneficiaries of these amnesties?
7. Can Syria explain why the new Anti-Torture Law No.16/2022 imposes a more severe punishment for acts of torture committed by non-State actors than for the ones committed by State officials for the same actions?
8. How will the Syrian judiciary effectively deal with acts of torture committed in Syria before the enactment of the new law 16/2022, taking into consideration that the act of torture was a misdemeanour under Article 391 of the General Penal Code and subject to a short-term statute of limitations?

Submitting Organisations



[Lawyers and Doctors for Human Rights \(LDHR\)](#)

LDHR is a human rights organisation that conducts expert medical documentation for legal proceedings relating to patients reporting torture, cruel and inhumane treatment and sexual violence, in accordance with the Istanbul Protocol. LDHR believes in the practical application of science and medicine as evidence to assist in the adjudication of criminal and human rights legal proceedings relating to atrocity crimes. Since 2016, LDHR has been primarily supporting investigation and prosecution of international crimes in Syria, pursued through the use of extra-territorial criminal jurisdiction in Europe and elsewhere. LDHR's medical experts can provide expert testimonies in judicial proceedings. LDHR's medical expert reports have also been used to compile factual human rights reports about different types of human rights violations against different groups of victims.



[The Syrian Legal Development Programme \(SLDP\)](#)

SLDP is a UK-based Syrian organisation established in 2013 in response to the Syrian conflict after realising the importance of addressing complex legal needs triggered by it. SLDP's scope of work embraces various services, projects and activities that are implemented either in Syria itself, neighbouring countries and other states that are involved or have a stake in the conflict. These services include but are not limited to legal consultations, training and workshops, policy recommendations, legal assessments and advocacy campaigns tailored specifically for Syrian NGOs and victims and families' groups to help them with their work on the ground and their documentation and legal advocacy efforts.



Free Syrian Lawyers Association
رابطة المحامين السوريين الأحرار

[Free Syrian Lawyers Association \(FSLA\)](#)

A Syrian non-governmental association, which was officially announced and registered in 2012 in Turkey. FSLA's main goals are to promote human rights and the rule of law in Syria, to achieve justice and peace, to document human rights violations, to contribute to preserving the rights of victims, and to verify and detect the perpetrators of violations in preparation for holding them accountable. The association also seeks to strengthen the alternative institutions that emerged during the Syrian uprising by providing them with the necessary legal and administrative expertise. It educates Syrian society about its civil and political rights to achieve transitional justice, support democratic change, and achieve sustainable peace in Syria.



[MASSAR - The Coalition of Families of Persons kidnapped by ISIS](#)

Massar (The Coalition of Families of Persons Kidnapped by ISIS) is an association of families of victims, established by a group of families of missing persons held by the Islamic State "ISIS". Our vision is the truth and justice for those kidnapped by ISIS and their families. We are working to reveal the fate and whereabouts of the abducted, missing and forcibly disappeared, and to bring those responsible for their abduction and disappearance to justice, to hold them accountable, also to try to mitigate the psychological, economic and social effects on the families of the victims.



[Ta'afi Initiative](#)

Ta'afi is a Syrian survivors' led, survivors' centred initiative that aims to support and protect victims of detention, torture, and enforced disappearance upon their release and settlement at a secure location, so that they may continue to peacefully support human rights change in Syria and pursue justice and accountability.



[The Syrian Women's Network / Shams](#)

An independent non-profit organization licensed in Turkey and Sweden. It works in the field of training and building women's capacities, defending their rights, empowerment, and advocacy. It aims to build a democratic society based on freedom, justice, gender equality, and women's access to decision-making positions by no less than 30% up to parity.



[Syrians for Truth and Justice STJ](#)

STJ envisions equal human rights for all Syrians; it documents human rights violations perpetrated against Syrians and in Syria and works towards justice and change. Since its establishment, STJ has had access to thousands of victims, documented hundreds of violations, and trained dozens of human rights activists. Its private database reflects this engagement and aims to contribute to the prospects for justice.



[Hurras Network for the Protection and Care of Syrian Children](#)

Hurras is the primary Syrian non-governmental organization specialising in child protection. Hurras Network is a member of the steering committee of the Child Protection Alliance and is part of several working groups of the UNOCHA Protection Cluster related to the Syrian conflict. The Hurras Network monitors and documents violations against children, which feeds into Hurras Network's urgent intervention case management. It provides capacity-building and raising awareness initiatives to Syrian communities to advance child protection concerning child recruitment, protection from child and early marriage, child labour and access to education, in addition to empowering society to guarantee equal opportunities for both boys and girls.



[The Day After TDA](#)

The Day After (TDA) is a Syrian non-profit organization that aims at a democratic, free, and just Syria with a system of government built by the Syrian people. TDA's mission is to lay the foundation for democratic transition and durable peace in Syria. We aim to do this by empowering Syrian civil society to influence, shape, and help bring about the above. TDA works with its partners - Syrian CSOs and international human rights organizations - to influence Syrian and non-Syrian stakeholders towards the political change described above and towards keeping transitional justice and accountability a high priority during any political transition work.



Release Me

A non-profit civil organization, established in Syria in 2017, aims to advance and develop women's work to achieve women's access to decision-making positions at all levels. The organization works to rehabilitate survivors of detention, women survivors of physical, psychological, and sexual violence, and those affected by it and provides a range of psychological support programs for the children of these women. It also works on civil peace and community integration programs. The organization believes in the importance



Justice for Life organization JFL

The Justice for Life organization (JFL) is an independent, non-governmental, and non-profit Syrian organization concerned with strengthening and promoting the culture of human rights in Syria. The organization was a culmination of individual and collective efforts to defend human rights in their society, in addition to documentation of the human rights violations by the various parties to the conflict in the province since 2011. JFL acts so these violations and events don't go without fair accountability.



Urnammu for justice and human rights

Urnammu is a non-governmental nonprofit organization (NGO), which was established by a group of people who are defending human rights and their goal is to build up the human rights rules and the lordship of law by giving a hand to those whose rights have been violated, and considering that is have been already mentioned in all of the agreements and the international bonds and in the local laws, which will be by documenting and collecting the required information in order to apply international advocacy program and to keep on the prosecution for all of the violators.



The Syrian Center for Policy Research (SCPR)

The Syrian Center for Policy Research (SCPR) is an independent, non-governmental, and non-profit think tank; which undertakes public policy oriented research to bridge the gap between research and policy making process. SCPR aims to develop a participatory evidence-based policy dialogue to achieve policy alternatives that promote sustainable, inclusive, and human-centered development.



Access Center for Human Rights (ACHR)

Access Center for Human Rights ACHR is a non-profit and non-governmental human rights organization founded in Lebanon in 2017 and was re-established in France in 2020. It consists of a group of human rights defenders with experience in law and local and international advocacy. ACHR launched its activities in Lebanon due to its belief in supporting refugee rights, at a time of a rise in serious violations against them. ACHR is specialized in monitoring and documenting the refugees' human rights situation and publishes periodic publications with the aim of raising awareness and contributing to national and international advocacy efforts to ensure the refugees' rights in the countries of asylum until their voluntary, dignified, and safe return to their country of origin.



[Caesar Families Association \(CFA\)](#)

The Caesar Families Association (CFA) is a victim- led association that was established in Germany in 2019. CFA is formed of 55 members who have lost loved ones under torture in the Syrian regime's prisons and have recognized one or more of their relatives within the so-called "Caesar photos" (CPs). The families are based in many countries and are of different backgrounds and origins. The association's Managing Board consists of 5 families (3 female and 2 male). The Board's Chairwoman is Mrs. Mariam Alhallak. CFA aspires to contribute to the creation of a sustainable peace in Syria, based on justice, citizenship and human rights. CFA strives to stop the torture and killing of detainees, fight for their release, have their fate revealed, guarantee their rights and make sure that those who committed crimes against them will not go unpunished.



[The Center for Civil Society and Democracy \(CCSD\)](#)

The Center for Civil Society and Democracy (CCSD) is an independent, non-profit, non-governmental organization. CCSD has branches which support its work in the US, Turkey, and the Netherlands. CCSD seeks to build a stable and just society where peace and respect for human rights and fundamental freedoms prevail. Since being established in 2011, CCSD has worked to build a stronger, more pluralistic civil society by supporting organizations and individuals. CCSD does not endorse violence or aggression in any form or as a means of achieving its goals and objectives. We believe that dialogue and respect for diversity is the optimum way to realize the aspirations of those we work for and with. Accordingly, we consider that democracy is the only alternative to violence and is the best option for achieving justice, equality and freedom for all Syrian, no matter their gender or religious and ethnic affiliation.



[The White Helmets](#)

The White Helmets is a humanitarian volunteer-based NGO founded in 2014 and operating in Syria. While the organization originally focused on urban search and rescue in response to bombing, it has since expanded its scope of work to include early recover, medical care, UXO, etc. We are now a team of 2900 male and female volunteers working across all areas in the country we can access.



[Association Baytna pour le Soutien de la Société Civile](#)

Association Baytna pour le Soutien de la Société Civile is a non-profit/non-governmental organization works for an active Syrian civil society that fosters knowledge development; promotes active citizenship; practices democracy; defends, preserves, and channels citizens' rights and interests; and develops a common set of values for all. The organization helps empower Syrian civil society to achieve democratic transition by establishing neutral spaces, disseminating knowledge, awarding grants, promoting transparency, and advocacy.



[Families for Freedom](#)

We are Syrian families demanding freedom for all of the country's sons and daughters. Hundreds of thousands of Syrians are detained or disappeared, the majority of them at the hands of the Syrian regime. They are our peaceful sons and daughters, brothers and

sisters, husbands and wives. Our position is against enforced disappearance and arbitrary detention by the Syrian regime and all parties to the conflict. We want to mobilise the public to pressure all sides to comply with our demands. Our movement will not stop until every last Syrian is freed and found. We will continue to expand our movement to include every family with a detained or missing person, across religions, political beliefs or ethnicities. We have been intimidated and told not to speak out. But we will not be silenced. We are crying out to this unjust world that we want our loved ones back.