

Mandates of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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(Please use this reference in your reply)

26 March 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 54/8, 54/14, 53/4 and 52/7.

In this connection, we would like to bring to your attention information we have received concerning **the efforts so far undertaken to develop and implement a transitional justice roadmap that will seek to ensure truth, justice, reparation, memorialization and guarantees of non-recurrence in Syria.**

We wish to recall the communications [SYR 2/2023](#), [SYR 3/2022](#), [SYR 5/2020](#) sent by Special Procedures' Mandate Holders to the previous Government urging for the design and implementation of transitional justice measures to address the gross violations of international human rights law and serious violations of international humanitarian law committed against civilians.

According to the information received:

After over five decades of brutality and repression, the Assad regime came to an end. Since the Syrian conflict started in March 2011, widespread and systematic human rights violations, including killings, torture and enforced disappearances, as well as other gross human rights violations, have been reported and documented by international human rights mechanisms. In September 2021, the UN High Commissioner for human rights indicated that it had compiled a list of 350,209 identified individuals killed in the conflict between March 2011 to March 2021.¹ Some subsequent reports from civil society actors stated that over 100,000 individuals have disappeared during the conflict. The Working Group on Enforced or Involuntary Disappearances, through its humanitarian mandate has registered 697 cases, which remain outstanding, however these figures do not reflect the reality on the ground (A/HRC/57/54, pg. 31). The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has also compiled a dossier for the proceedings before the International Court of Justice in which she documented 28 separate urgent actions and allegation letters since 2011, containing allegations of torture and ill-treatment against 117 named individuals

¹ [High Commissioner for Human Rights to the Human Rights Council: 350,209 Civilians Have Been Killed in the Syrian Conflict | OHCHR](#)

and thousands of unnamed victims of torture and other ill-treatment in multiple places of detention in Syria.² According to figures published by the UNHCR in December 2024, more than 14 million Syrians have been forced to flee their homes in search of safety.³ These violations have left millions of Syrian victims and families in urgent need of justice, truth, reparations, and guarantees of non-recurrence.

With the fall of the Assad regime, survivors and their families are now hoping to finally obtain truth and justice. The Independent International Commission of Inquiry on the Syrian Arab Republic (hereafter: “the Commission”) has many times called on all parties to the conflict “to conduct independent, impartial and credible investigations into incidents entailing civilian casualties in which their forces are implicated to ensure that those responsible for violations are held accountable and to ensure non-repetition and to make their findings public.”⁴ In 2021, the Commission noted however that it “consistently found that Syrian national courts are not an effective mechanism through which to pursue justice [...] To date, there have been no developments towards lifting the immunity of security and intelligence forces who continue to enjoy immunity.”⁵ In practice, the failure of the former Government to hold perpetrators to account has led to a culture of impunity that has spread to all parts of the conflict, with allegations of widespread arbitrary detention, enforced disappearance, torture and killings in all parts of Syria. On 25 February 2025, the Interim President Mr. Al Sharaa emphasized⁶ as priorities, the pursuit of those who perpetrated crimes against the Syrians as well as the creation of a commission for transitional justice. The outcomes of the national dialogue include achieving transitional justice by holding accountable those responsible for crimes and violations, reforming the judicial system, and enacting the necessary legislation and appropriate mechanisms to ensure the achievement of justice and the restoration of rights. As the Special Envoy of the Secretary-General for Syria affirmed lately: “the success of Syria’s political transition is essential [...] At the cornerstone of this [...] is the need for all Syrians to be genuinely protected, and for all Syrians to be fully included in shaping the future”.⁷

In the past few weeks, some steps have been taken by the caretaker authorities to ensure the political transition. On 25 February 2025, about 600 individuals from across Syria gathered in the context of a National Dialogue Conference, convened by the caretaker authorities. On 13 March, a constitutional declaration was adopted. Article 49 of the Constitutional declaration reads: “A transitional justice commission shall be established, adopting effective, consultative, victim-centered mechanisms to determine avenues for accountability, the right to know the truth, and justice for victims and survivors, in addition to honoring martyrs”.

² Position Paper of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to the International Court of Justice (Canada and the Netherlands v. Syrian Arab Republic), <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2024/12/report/auto-draft/20241217-srt-edwards-position-paper-icj-canada-netherlands-v-syria.pdf>

³ [Syria Refugee Crisis Explained](#)

⁴ A/HRC/51/45

⁵ A/HRC/46/54

⁶ See <https://sana.sy/?p=2193145>

⁷ [Statement Attributable to United Nations Special Envoy for Syria Mr. Geir O. Pedersen | OSES](#)

A comprehensive transitional justice roadmap that would be victim-centered, with effective participation of civil society, victims' and family members' organizations, and representation from all of Syrian society, to hold all those responsible for gross violations of international human rights law and serious violations of international humanitarian law to account, to unveil the truth for victims and society as a whole, and to provide reparations to victims and their families, has therefore still to be developed and implemented. All gross violations, which in many cases amount to international crimes, must be investigated, prosecuted and sanctioned with redress provided for the harm caused to ensure justice, foster reconciliation and embark on a path towards sustainable peace. In this context, we deeply worry about the distressing scale of violence that erupted in the Syria's coastal region the first days of March 2025, leaving hundreds killed, many of which were of summary executions, allegedly carried out on the basis of sectarian and/or political affiliations.⁸

The information we have received also suggests that despite some measures taken since 8 December 2024, additional actions are most specifically needed to secure, collect, and safeguard evidence of crimes, including documentation from mass grave sites and former Government records and preserve and archive information about detention facilities (both formal and informal) archives. Preserving evidence is all the more important at a time when military operations are still ongoing in some parts of Syria. As specific forensic and legal expertise will be required, cooperation with relevant national and international entities and mechanisms appears crucial. Evidence of past crimes will be paramount in future criminal trials and legal proceedings, and to conduct truth-seeking operations into atrocities committed in the past decades.

Lastly, the information received suggests that some Syrian human rights groups have so far only been partially involved in the discussions related to the national dialogue conference generally, and those related to transitional justice more specifically. In this respect, we welcome the work of the Independent Institution on Missing Persons in the Syrian Arab Republic adopts a victim-centered and participatory approach in its mandate, including in providing support to all victims, notably the families of those missing and survivors.

International law provides State authorities with the appropriate normative framework that serves to promote truth, justice and prevent the recurrence of crises and future human rights violations. As detailed in the below annex, international law requires that States investigate and punish gross human rights violations and serious violations of international humanitarian law, regardless of the areas where they were committed, the identity of the victim or that of the perpetrator, and to provide redress to all victims and/or their families. To that end, truth-seeking and accountability must be priorities. In relation to crimes committed in Syria, we underscore the need to preserve, secure and collect evidence, including from mass grave sites, detention facilities (formal and informal), and Government records and archives, which will be essential in providing the families of those killed and forcibly disappeared with answers regarding the fate and whereabouts of their relatives, as well as in supporting future

⁸ [Syria: Distressing scale of violence in coastal areas | OHCHR](#)

accountability mechanisms and legal proceedings.

Furthermore, we urge the caretaker authorities to review the detention of all individuals currently deprived of liberty in Syria, ensuring full respect for the rule of law and prompt procedures for any person pending trial to be able to challenge their deprivation of liberty. Their families must be promptly informed of their fate and whereabouts. Ending ongoing human rights violations is essential for achieving truth and justice and is a crucial step towards stability.

Constitutional, legal and policy reforms to build a robust, fair, impartial and independent judiciary should be a priority for achieving accountability. In the past decades, the security and judicial institutions in the country have been weaponized to target politicians, journalists and human rights defenders. In the absence of a national normative framework that complies with international law, a new model constitution that guarantees the dignity and rights of all and comprehends accountability for human rights violations should be designed as a matter of priority. In this regard, we take note of the adoption of a constitutional declaration, which notably guarantees social, political and economic rights for women, freedom of expression and freedom of the press, to be in force for a five-year transitional period. We appreciate that article 49 provides for the establishment of a transitional justice body to “determine avenues for accountability, the right to know the truth, and justice for victims and survivors”. We also note with satisfaction that article 49 mandates the transitional justice body to use “effective, consultative, and victim-centered mechanisms” to fulfill its mission. We stress that establishing a truth-seeking mechanism and building an impartial and independent judiciary that can try all alleged perpetrators of gross human rights violations, in line with international human rights law requirements, especially guarantees of a fair trial, is of paramount importance. In this respect, we would like to emphasize the important accountability work of the Independent International Commission of Inquiry on the Syrian Arab Republic (CoI) and of the truth-seeking role of the Independent Institution on Missing Persons (IIMP) in the Syrian Arab Republic as well as the Office of the High Commissioner for Human Rights (OHCHR). The creation of the IIMP is key to contributing to the right of families to know what happened to their loved ones and alleviate their anguish and suffering, which is a fundamental condition for supporting Syrian society as a whole towards justice, reconciliation, and lasting peace. Furthermore, we wish to emphasize the need for the caretaker authorities to work with all the above actors and all other relevant international and national actors.

We would also like to recall that international human rights law impedes the use of amnesties, immunities and statutes of limitations for offences that reach the threshold of international crimes. The defense of superior orders is also unavailable against international crimes.

As the caretaker authorities seek accountability for gross human rights violations committed by all alleged perpetrators, we recall that the use of the death penalty is fundamentally at odd with the right to life and the right to live free from torture or cruel, inhuman or degrading treatment or punishment. In effect, there is growing consensus for universal abolition of the death penalty.

While national criminal courts have competence over criminal proceedings, given the scale of the gross violations committed and the technicalities and resources

required to prosecute all alleged perpetrators, accessing the Rome Statute establishing the International Criminal Court (ICC), as well as submitting a declaration accepting the jurisdiction of the ICC retroactively (article 12.3), would be another important step to achieve justice for the most egregious crimes.

We also recommend that the caretaker authorities ratify the International Convention for the Protection of All Persons from Enforced Disappearance without delay and to accept the competence of the Committee on Enforced Disappearances under articles 31 and 32 of the Convention to receive and consider individual and inter-State communications.

We would also suggest the caretaker authorities and the international community hold national consultations to consider, among various options, that a hybrid or mixed court, in which both national and international judges, lawyers and prosecutors play a role may be a good example for Syria to adopt, not least as such hybrid or mixed courts have – in other countries emerging from war or military dictatorships – successfully led to domestic legislative reforms, have enhanced local capacity, and placed judicial outcomes in the hands of society – which all help to future-proof society against human rights violations and impunity.⁹ Such a hybrid or mixed court, which would be a specialized court, not an exceptional court, could operate in parallel to any ICC investigations given the scale of the violations and the limits on the ICC to only investigate and prosecute the most high level offenders.

The prompt and thorough documentation and investigation of gross human rights violations is an obligation under international law and a crucial guarantee of non-recurrence. Investigations must be performed in line with international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), the Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2022 edition) and the Guiding Principles for the Search for Disappeared Persons. Investigations must seek to identify victims and determine the causes of their deaths, identify possible perpetrators and collect available forensic evidence.

Upholding the international obligation to ensure truth, justice, reparation, memorialization, and guarantees of non-recurrence requires not only accountability for perpetrators but also remedies for victims. According to international standards, reparation should aim at comprehensively addressing the multiple consequences and effects of the harm suffered by the victims and should include measures in the areas of restitution, compensation, rehabilitation and satisfaction, as well as the full and meaningful participation of the victims in the establishment and implementation of such measures (See [A/69/518](#), paras 48-51). As measures of satisfaction, commemorations and tributes, which seek to transmit memory concerning violations of human rights, is another means to prevent the recurrence of violations.

Further, vetting office holders for past violations is an important complement to prosecutions. As with other transitional justice measures, when implemented as a part of a comprehensive transitional justice policy, vetting can offer recognition to victims, foster civic trust, contribute to social integration or reconciliation and strengthen the

⁹ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/52/30, para. 16.

rule of law. In light of the recent developments in Syria's coastal region, all those found responsible for violations must be held to account, regardless of their affiliation. As the previous Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence noted, however, there are also possible severe challenges faced by vetting in transitions. Vetting can, for instance, be manipulated for ongoing political purposes, rather than establishing accountability for past violations and preventing future ones. Hence, vetting should aim primarily at removing those individuals who are suspected of having committed the most serious violations and at ensuring at least minimum levels of integrity of the personnel concerned.

In the past several years, several mandate-holders conveyed deep concerns to the former Government regarding the need to address the gross violations of international human rights law and serious breaches of international humanitarian law committed against civilians as well as violations of the laws of war. We would like to reiterate that, while not solely a peacemaking tool, transitional justice is critical to break cycles of violence, including so-called revenge justice, ensure accountability, reduce the risks of future violations and foster sustainable peace and development, for a just and inclusive future in Syria. Transitional justice also fosters social cohesion, strengthens nation-building, enhances local and national ownership and inclusivity, brings collective memorialization of past violations and supports healing and reconciliation. On the other hand, the absence of such measures, with victims at the center, raises grave concerns about impunity, marginalization and the potential for renewed violence. We encourage the caretaker authorities to look into relevant [thematic reports](#) produced by mandate-holders that provide further guidance on strategies, policies and measures to address gross human rights violations and serious violations of international humanitarian law, in particular:

- [A/HRC/48/60](#) Accountability: Prosecuting and punishing gross violations of human rights and serious violations of international humanitarian law in the context of transitional justice processes
- [A/HRC/30/42](#) Guarantees on non-recurrence/ Annex: Set of general recommendations for truth commissions and archives
- [A/69/518](#) Reparations for gross human rights violations and serious violations of international humanitarian law
- [A/HRC/34/62](#) Participation of victims in transitional justice measures
- [A/75/174](#) The gender perspective in transitional justice processes
- [A/HRC/52/30](#) Good practices in national criminalization, investigation, prosecution and sentencing for offences of torture
- [A/79/181](#) Investigating, prosecuting and preventing wartime sexual torture, and providing rehabilitation to victims and survivors

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information about the reforms that have been taken or are being considered to initiate a comprehensive transitional justice process.
3. Please provide information about practical measures envisaged for ensuring that all allegations of grave breaches of international humanitarian law and of gross violations of international human rights law, including unlawful killings, enforced disappearances and torture and other ill-treatment are investigated in conformity with international standards, including the Minnesota Protocol and the Istanbul Protocol. Please provide information about the work of the commission of inquiry established recently to investigate the violations that took place in the coastal areas. Please indicate how this new commission will cooperate with the OHCHR and the Independent International Commission of Inquiry on the Syrian Arab Republic.
4. Please provide information about measures taken or envisaged to ensure criminal accountability for all past gross human rights violations, regardless of the areas where they were committed, the identity of the victim or that of the perpetrator, in compliance with international norms and standards. In particular, please provide information about the legal framework being considered to try alleged perpetrators of gross human rights violations, in line with international standards. Please also indicate the measures being considered to ensure the security and physical and psychological well-being of victims, witnesses and civil society representatives who will participate in these proceedings.
5. Please provide detailed information about measures taken or envisaged by the caretaker authorities to cease ongoing human rights violations, including arbitrary detention, death in custody, torture and other forms of ill-treatment, and extrajudicial killings in different parts of Syria, and to bring those proved responsible to justice.
6. Please provide detailed information on the measures undertaken to preserve evidence of crimes, documents, archives, etc., as well as protect burial sites, that may be instrumental in establishing the truth on past violations.
7. Please indicate how the authorities have extended cooperation with the Independent Institution on Missing Persons in the Syrian Arab Republic and what measures have been put in place to search for the disappeared and unveil their fate and whereabouts and to bring perpetrators to justice.

8. Please indicate how the authorities have extended cooperation with the OHCHR, the IIMP and the Independent International Commission of Inquiry on the Syrian Arab Republic and what measures have been put in place to support criminal accountability.
9. Please provide information about the measures being considered to provide adequate reparation to victims and their families in line with international law standards.
10. Please provide information about the measures taken or being considered to remove from office all those who have committed gross human rights violations.
11. Please indicate how you intend to ensure victims, including women, families of victims, and civil society representatives participate safely, meaningfully and effectively in the transitional justice process.
12. Please indicate how the international community, including UN international human rights mechanisms, can contribute to your efforts to achieving truth, justice, reparation and guarantees of non-recurrence. In particular, please indicate what measures are being taken to ensure that transitional justice efforts address all crimes, all perpetrators, and all victims.

This communication and any response received will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We appreciate the effort of the caretaker authorities to conduct a transition into the Syrian State and the engagement with international actors. We are fully aware of the protracted human rights challenges that will have to be addressed. We stand ready to provide you with any technical assistance, including in collaboration with OHCHR, in relation to issues covered in this communication, including support to design a rights-based, inclusive, efficient and thorough transitional justice process strategy, with victims at the center and the participation of the society as a whole. A comprehensive transitional justice process – combining truth-seeking, justice, reparations, and institutional reforms – is necessary to address past and ongoing atrocities, and bring justice for victims and their families and ensure sustainable peace.

Please accept, Excellency, the assurances of our highest consideration.

Bernard Duhaime
Special Rapporteur on the promotion of truth, justice, reparation and guarantees of
non-recurrence

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, and without prejudice to the accuracy of these allegations, we would like to draw the attention of the relevant international norms and standards.

We would first like to underscore the obligation to investigate and punish gross human rights violations and to provide redress to victims. Article 2 of the Covenant on Civil and Political Rights (ICCPR), acceded to by the Syrian Arab Republic on 21 April 1969, establishes that States must adopt measures to ensure that persons whose rights or freedoms are violated have an effective remedy. Article 6 (1) of the ICCPR guarantees the right of every individual to life and security and provides that these rights shall be protected by law and that no one shall be arbitrarily deprived of his or her life. In addition, article 7 guarantees the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

We would first like to underscore the obligation to investigate and punish gross human rights violations and to provide redress to victims. Article 2 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by the Syrian Arab Republic on 21 April 1969, establishes that States must adopt measures to ensure that persons whose rights or freedoms are violated have an effective remedy. Article 6 (1) of the ICCPR guarantees the right of every individual to life and security and provides that these rights shall be protected by law and that no one shall be arbitrarily deprived of his or her life. In addition, article 7 guarantees the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

With regard to the alleged enforced disappearance, if confirmed, it would amount to violations of articles 6, 7, 9 and 16 of the ICCPR, read alone and in conjunction with article 2(3). Moreover, it would entail a violation of article 7, read alone and in conjunction with article 2(3) of the ICCPR with regard to the relatives of the disappeared person. In this respect, we also make reference to general comment No. 36 (2018) on article 6 of the ICCPR, which states, inter alia, that extreme forms of arbitrary detention that are themselves life-threatening, in particular enforced disappearances, violate the right to personal liberty and personal security and are incompatible with the right to life (para. 57), and that enforced disappearance constitutes a unique and integrated series of acts and omissions representing a grave threat to life, and States parties must take adequate measures to prevent the enforced disappearance of individuals and conduct an effective and speedy inquiry to establish the fate and whereabouts of persons who may have been subject to enforced disappearance. (para. 58).

Human Rights Council resolution 12/11 on Human rights and transitional justice reaffirmed the responsibility of States to prosecute perpetrators of gross violations of human rights and serious violations of international humanitarian law constituting crimes under international law, with a view to ending impunity (paragraph 7). The Human Rights Committee, in its general comment No. 31, have also emphasized the obligation of States to investigate and punish serious human rights violations, such as torture, extrajudicial killings and enforced disappearances. Failure

to investigate and prosecute such violations is in itself a breach of the norms of human rights treaties (paragraph 18). Failure to investigate and prosecute such violations is in itself a breach of the norms of human rights treaties. Impunity for such violations can be an important element contributing to the recurrence of violations.

In particular, we would like to stress the duty of States to investigate, prosecute, and punish all violations of the right to life. In line with the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Prevention and Investigation Principles), in particular principle 9, there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. This principle was reiterated by the Human Rights Council in Resolution 17/5 on the “Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions” (OP 4). The Council added that this includes the obligation “to identify and bring to justice those responsible ... to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and prevent the recurrence of such executions.”

We would like to refer to Human Rights Committee’s general comment No. 36, which notes that “investigations into allegations of violations of article 6 must always be independent, impartial, prompt, thorough, effective, credible and transparent... Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations. An investigation into violations of the right to life should commence when appropriate *ex officio*” (CCPR/C/GC/36, para. 28).

In this regard, the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity establishes the duty of States to undertake prompt, thorough, independent and impartial investigations of violations of human rights and international humanitarian law and to ensure that those responsible for serious crimes under international law are prosecuted, tried and duly punished (principle 19). We recall that the full and effective exercise of the right to the truth provides a vital safeguard against the recurrence of violations (principle 5). Principle 2, in particular, establishes the inalienable right of all persons to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led to them.

We would also like to recall that international law sets limits on the adoption of amnesties insofar as they foster impunity and prevent States from complying with their international obligations to investigate and prosecute those responsible for gross human rights violations, as well as deny victims their right to truth, to access to justice and to request appropriate reparations. In particular, amnesties are incompatible with the obligation to prosecute crimes that represent serious human rights violations, such as torture, summary executions, enforced disappearances and genocide, among others. States have a due diligence responsibility to end impunity and hold accountable the perpetrators of such serious violations. Article 18.1 of the Declaration on the Protection of All Persons from Enforced Disappearance establishes that “Persons who have or are

alleged to have committed offences referred to in article 4, paragraph 1, above, shall not benefit from any special amnesty law or similar measures that might have the effect of exempting them from any criminal proceedings or sanction”.

We remind that the prohibition of torture is an *erga omnes* and *jus cogens* norm, and has a non-derogable character. It is prohibited in peacetime, in armed conflict and during other public emergencies and is without territorial limits. Lesser forms of cruel, inhuman or degrading treatment or punishment are prohibited under customary international law. The systematic or widespread practice of torture would constitute a crime against humanity, while torture, cruel treatment and outrages upon human dignity committed during armed conflict are war crimes. The Convention against Torture, of which Syria is a state party, specifies that there shall be no statutes of limitations, nor defences of orders of a superior or an authority. There are no immunities or amnesties for torture. Syria has obligations to take effective legislative, administrative, judicial or other measures to prevent torture and other ill-treatment (article 2). Syria also has obligations to prohibit (criminalize), investigate, prosecute or extradite, and punish offences of torture under the Convention against Torture (see articles 4-9). Witnesses and victims to crimes of torture are also entitled to protection against retaliation and retribution (article 12); and also compensation and rehabilitation (article 14). Syria also importantly has obligations to afford the greatest measures of mutual legal assistance (article 9) including in cases where Syrians are being held on charges under universal jurisdiction.

As part of the transitional period, the caretaker authorities are also reminded of their obligations to periodically review interrogation practices, detention rules and other standards (article 11), and also to educate and all relevant public authorities (article 10). We refer the authorities also to relevant international rules relating to the standards of treatment in prisons, most notably the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) and the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules). We also refer to the Special Rapporteur on torture’s report on current issues and good practices in prison management (A/55/52).

In relation to the crime of enforced disappearance, we further wish to remind that, according to article 1, para. 2, of the Declaration on the Protection of All Persons from Enforced Disappearance, the practice of the Working Group on enforced or involuntary disappearances as well as general comment No. 35 of the Human Rights Committee, enforced disappearances violate numerous substantive and procedural provisions of the ICCPR and constitute a particularly aggravated form of arbitrary detention. General comment No. 36 also highlights that “enforced disappearance constitutes a unique and integrated series of acts and omissions representing a grave threat to life. States parties must take adequate measures to prevent the enforced disappearance of individuals and conduct an effective and speedy inquiry to establish the fate and whereabouts of persons who may have been subject to enforced disappearance. States parties should also ensure that the enforced disappearance of persons is punished with appropriate criminal sanctions and introduce prompt and effective procedures for cases of disappearance to be investigated thoroughly by independent and impartial bodies that operate, as a rule, within the ordinary criminal justice system. They should bring to justice the perpetrators of such acts and omissions and ensure that victims of enforced disappearance and their relatives are informed about

the outcome of the investigation and are provided with full reparation (para. 58).” We further refer to the General Comment from the Working Group on Enforced or Involuntary Disappearances regarding the Right to the Truth in Relation to Enforced Disappearances (A/HRC/16/48), which highlights that the right of the relatives to know the truth of the fate and whereabouts of the disappeared persons is an absolute right, not subject to any limitation or derogation. The State has the obligation to let any interested person know the concrete steps taken to clarify the fate and the whereabouts of the person. Such information must include the steps taken on the basis of the evidence provided by the relatives or other witnesses. The relatives of the victims should be closely associated with an investigation into a case of enforced disappearance.

Reference is also made to the Declaration on the Protection of All Persons from Enforced Disappearance, in particular article 17 which stipulates that these acts shall be considered a continuing offence as long as these facts remain unclarified. Article 13 outlines an obligation to conduct prompt, effective, independent and impartial investigations into alleged enforced disappearances and stipulates that steps shall be taken to ensure that all involved in the investigation, including the complainant, relatives, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal. Article 19 highlights that the victim promptly, thoroughly and impartially and his/her family shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. We are further drawing your attention to the Working Group’s report on Standards and public policies for an effective investigation of enforced disappearances (A/HRC/13/Add.3), which calls on states to adequately investigate any allegation of involvement, collusion or acquiescence of State authorities in acts, which may clarify the whereabouts and the fates of the disappeared persons but it is also the best way to effectively combat impunity and to realize the right to truth, for both the victims and society as a whole. In this regard, we recall the 2019 Guiding Principles for the Search for Disappeared Persons.

We would also like to refer to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions A/75/384, which notes that “Governments and parties to a conflict should ensure that mass graves are preserved and protected until, based on an inclusive consultative process, decisions have been made as to their treatment and management. Governments, parties to a conflict and/or international actors present in a country or region should provide a list of known locations of mass graves in the country and proactively search for additional sites, including those that may have been desecrated or further concealed. Safe and confidential processes for individuals to report the existence and location of mass graves should be provided (para. 62).” Furthermore, we urge you to implement the recommendations made in the report, particularly all measures necessary to locate, disclose, protect and preserve all mass gravesites and the development of legal frameworks governing the respectful and lawful management of mass graves. In this context, the Special Rapporteur stressed that “hiding, damaging or destroying mass graves is strictly prohibited, as is the criminalization of those seeking to uncover mass graves. Such acts would constitute a violation of the right of families and society to know the truth about the circumstances behind the existence of the mass graves, including executions and enforced disappearances or failure to protect (para. 88).”

The Special Rapporteur on the human rights of internally displaced persons has also highlighted that “Appropriate consultation and participation is needed in order for transitional justice approaches to take the views, needs and objectives of internally displaced persons fully into account. Ensuring that internally displaced persons are included at the outset in the design and planning, to the extent possible, and in the implementation of transitional justice measures directed towards them must be at the core of transitional justice processes. The enjoyment of human rights by internally displaced persons and progress towards durable solutions rest upon the fundamental principle that internally displaced persons have the right to be involved in decisions affecting them” and “The recognition that internally displaced persons have the right to participate fully in transitional justice mechanisms and peacebuilding processes must be reinforced, as must the responsibility of Governments to guarantee such participation in practice” (A/73/173 paras. 49 and 61).

Finally, as noted above, we reiterate that the mandate of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence has developed various thematic reports to support States’ efforts to adopting a comprehensive approach to address gross violations of human rights and serious violations of international humanitarian law and to prevent their recurrence, an approach that combines the elements of truth-seeking, justice initiatives, reparations, memorialization and guarantees of non-recurrence in a complementary and mutually reinforcing manner, which are worth highlighting (See in particular the reports highlighted above). Lingering perceptions of injustice, failure to recognize crimes committed and continued discrimination against communities are risk factors for further violence and atrocities. On the contrary, a comprehensive transitional justice policy can contribute to breaking cycles of impunity and marginalization and, thus, reduce the risks of recurrence and achieve sustainable peace.