Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; the Special Rapporteur on minority issues; the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Rapporteur on violence against women and girls, its causes and consequences

Ref.: AL SYR 6/2025
(Please use this reference in your reply)

26 August 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; Special Rapporteur on minority issues; Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 58/14, 51/8, 54/14, 53/4, 51/13, 52/5, 54/8 and 50/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received about Syria's plan to incorporate "foreign fighters" into the Syrian Army and the international obligation of the Syrian interim authorities to ensure accountability for alleged violations of international human rights law, international humanitarian law and international criminal law during the armed conflict in Syria against the former al-Assad Government from 2011 to 2024, and in the period since then. Similar issues arise in relation to accountability for Syrian nationals formerly associated with non-state armed groups who have since been incorporated into the Syrian Army.

According to information received:

In June 2025, it was reported that the Syrian interim authorities plan to incorporate over 3,500 "foreign fighters" into a new special forces unit, the 84th Syrian Army division, alongside Syrian nationals. These individuals travelled to Syria to participate in the conflict against the former al-Assad Government. Many of these individuals were associated with the Eastern Turkistan Islamic Movement (or Turkistan Islamic Party), a Uyghur militant group previously affiliated with al-Qaeda, particularly around Idlib and northwest Syria, while others were associated with Hayat Tahrir al-Sham, a group affiliated with Al Qaeda until 2016 and currently still listed under the United Nations Security Council's counter-terrorism sanctions. In addition, smaller numbers of foreign fighters were reportedly part of, among others, the Chechen groups Jaish al-Muhajireen wal-Ansar (Army of Emigrants and Supporters, which was aligned

with Islamic State) and Ajnad al-Kavkaz, the Balkan Battalion (composed of individuals from Europe and the Balkans), and the Al Qaeda-aligned Hurras al-Din (Guardians of Religion).

The decision to integrate foreign fighters reportedly followed an agreement with the United States, as a condition of U.S. sanctions relief. It is reported that screening and reintegration procedures would apply to them and others considered by the U.S. to be "jihadis", but no details have been published. It is thus unclear what, if any, vetting requirements are proposed for these individuals, the timeframe for their incorporation in the Syrian Army, the functions of the new 84th division and its command, control and training arrangements, or their current status.

It is understood that incorporating these foreign fighters is believed to be a means of avoiding their demobilization so as to ensure that they do not undermine security in Syria or the Syrian interim authorities. Some of them are based on the Syrian coast in Latakia, which is predominantly inhabited by Alawite communities. Some were reportedly involved in the sectarian killings in this area in March 2025 (see SYR 2/2025). The 84th division is headquartered in Latakia Governate and is to be deployed in northwestern Syria and the coastal mountains.

It is similarly unclear what, if any vetting processes to ensure accountability have been put in place for Syrian nationals who were previously associated with non-State armed groups during the armed conflict, including groups listed under the Security Council's counter-terrorism sanctions regime for Al Qaeda and its associates such as Hayat Tahrir al-Sham (formerly Al-Nusrah Front).Under an agreement of 25 December 2024, all armed factions, estimated to number over 60, would be integrated under the Ministry of Defense, a process that was largely completed in May 2025.

In May 2025, the Ministry of Defense issued a "Code of Military Conduct and Discipline" for members of the Syrian Army and Ministry personnel, which includes duties to protect civilians, obey lawful orders, adhere to "military and humanitarian standards when dealing with enemy combatants during military operations," protect property, not to mistreat prisoners, and treat all citizens with dignity and respect, "without any form of discrimination".

It is also reported that foreign fighters may be granted Syrian nationality if certain conditions are fulfilled (for example, marriage to a Syrian national or a minimum period of residency in the country).

While we do not prejudge the accuracy of these allegations, we are concerned that the plan appears to lack adequate vetting procedures to ensure that individuals who committed violations of international humanitarian law, international criminal law or international human rights during the armed conflicts in Syria since 2011 are (1) not incorporated into the Army, and (2) investigated and prosecuted under international standards on accountability and remedies, "disarmament, demobilization and reintegration" of fighters, and the "prosecution, rehabilitation and reintegration" of suspected foreign terrorist fighters. Similar concerns arise concerning relation to

personnel of the newly constituted Syrian Army who were previously associated with Hayat Tahrir al-Sham or other Syrian non-State armed groups in the armed conflict since 2011, including anyone involved in alleged violations in the period since the interim authorities assumed power, as in coastal regions (see SYR 2/2025).

We note that in SYR 1/2025, Special Procedures mandate holders previously raised the importance of "vetting office holders" for past violations as an important complement to prosecutions and other transitional justice mechanisms, since it can offer recognition to victims, foster civic trust, contribute to social integration or reconciliation and strengthen the rule of law. Effective vetting mechanisms constitute a powerful guarantee of non-recurrence of past gross human rights violations. The communication also noted risks of political manipulation in vetting during challenging transitions.

In the present context of security sector personnel, several key international standards apply to the potential integration of former fighters into the Syrian Army. Firstly, the Syrian interim authorities are required to investigate and punish serious violations of international human rights law, international humanitarian law, and international crimes, regardless of the identity of the victim or perpetrator, and to provide effective remedies (including reparation and rehabilitation) to all victims and/or their families (see Annex). This includes where the alleged perpetrators are or were associated with non-State armed groups such as the Eastern Turkistan Islamic Movement and Hayat Tahrir al-Sham, and irrespective of whether they are foreign or Syrian nationals.

We emphasize that crimes under international law, including war crimes, crimes against humanity, torture, and enforced disappearance, are not subject to any statute of limitations and must not be subject to amnesties or other measures that exempt perpetrators from criminal accountability. The obligation to investigate unlawful killings forms an integral part of the non-derogable right not to be arbitrarily deprived of life, as recognized under international human rights law. This obligation is also intrinsically linked to the right of victims and their families to truth, justice, and full reparation.

Secondly, the United Nations' Integrated Disarmament, Demobilization, and Reintegration Standards (IDRRS) require that former members of armed groups who enter formal employment in the security sector shall be vetted to assess their suitability for public employment (IDRRS 6.5). In particular, initial vetting must have a human rights focus to ensure that perpetrators of genocide, war crimes, crimes against humanity and/or gross human rights violations are excluded from the integration process and referred to the justice system (ibid). While post-conflict amnesties are encouraged by international humanitarian law in relation to mere participation in conflict, they must not be available for international crimes (IDRRS 2.11). Former combatants who committed such crimes or violations, including sexual and gender based violence, particularly against women and girls belonging to religious and ethnic minorities are not likely to inspire the trust of the population, while victims of abuse are unlikely to trust and rely on a public institution that hires individuals with serious integrity deficits, which would fundamentally impair the social contract (ibid).

Thirdly, where groups or individuals are listed under Security Council counter-terrorism sanctions, additional considerations apply (see also IDDRS 2.11, 4.25-4.26 and 6.20). Security Council resolutions require States to implement "prosecution, rehabilitation and reintegration" strategies for those suspected of terrorist acts, including "foreign terrorist fighters", and to undertake comprehensive risk assessments for these purposes (S/RES/2178 (2014); S/RES/2396 (2017); see also Madrid Guiding Principles), in full compliance with international human rights law and international humanitarian law. DDR processes should thus incorporate mechanisms to identify and disqualify persons who are reasonably believed to have committed a terrorist act, or who are identified as clearly associated with a Security Council-designated terrorist organization (IDDRS 2.11). While there is no binding international definition of terrorism, according to best practices and international standards, the focus of vetting for terrorism should be on acts that intentionally inflict death or serious injury on non-combatants, or hostage taking, for a terrorist purpose, thus corresponding largely to war crimes or crimes against humanity against civilians. Mere association with a group listed by the Security Council, such as Hayat Tahrir al-Sham, does not of itself constitute a terrorist offence, absent personal participation in terrorist acts as properly defined.

Fourthly, it is recommended that former members of non-state armed groups and other security forces who did not previously serve in Syrian armed forces and who pass the vetting requirements be required to participate in structured, comprehensive training programmes on international human rights law, international humanitarian law, and other relevant international legal instruments governing conduct in armed conflict. This measure is essential to ensure that all security actors, regardless of their institutional origin, are equipped with the necessary knowledge and understanding to operate in accordance with international legal standards—particularly given that such content is often absent from the training curricula of non- State armed groups. In this regard, we welcome the recent Code of Military Conduct and Discipline, and offer our technical assistance to ensure that it, and relevant training, are fully compliant with international human rights law and international humanitarian law.

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 indicate whether any procedures are in place for vetting individuals formerly associated with non-State armed groups for admission to the Syrian Army, including "foreign fighters" and Syrian nationals, to identify any individuals alleged to have committed violations of international human rights law, international humanitarian law and international criminal law, or terrorist acts against civilians as properly defined. If so, please explain the procedures in detail.

3. Please explain whether individuals identified as above are disqualified from recruitment to the Syrian Army and subject to investigation and submitted for prosecution in accordance with international law.

4. Please provide information about the reforms that have been taken or are being considered to initiate a comprehensive transitional justice process.

This communication and any response received from your Excellency's Government 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.

We stand ready to provide technical assistance on the matters raised in this letter.

Please be informed that a copy of this letter has been sent to the Government of the United States of America.

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

Ben Saul
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Matthew Gillett
Vice-Chair on communications of the Working Group on Arbitrary Detention

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

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

Jovana Jezdimirovic Ranito
Chair-Rapporteur of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Nicolas Levrat
Special Rapporteur on minority issues

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

Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, and without prejudge to the accuracy of these allegations, we would like to draw the attention of the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

Definition of terrorism

Although no universal treaty generally defines "terrorism", States should ensure that counter-terrorism legislation is limited to criminalizing conduct which is properly and precisely defined on the basis of the international counter-terrorism instruments,[1] the General Assembly's Declaration on Measures to Eliminate International Terrorism (1994), and Security Council resolution 1566 (2004).[2] Based on these authoritative sources, the model definition of terrorism of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism[3] provides clear, best practice guidance.

Furthermore, the definition of terrorism under domestic legislation must be consistent with international law, including the principle of legal certainty enshrined in article 15 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by the Syrian Arab Republic on 21 April 1969, and article 11 of the Universal Declaration of Human Rights (UDHR), which requires that criminal laws be sufficiently precise and certain so that it is clear what behaviour constitutes a criminal offence. States must further ensure that counter-terrorism legislation is limited to criminalizing conduct that is genuinely terrorist in nature, based on the provisions of the international counter-terrorism instruments, Security Council resolution 1566 and the model definition of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/16/51, para. 28). Counter-terrorism laws must also be strictly guided by the principles of necessity, proportionality and non-discrimination.

Accountability and remedies for violations of international human rights law, international humanitarian law and international criminal law

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 ICCPR), 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. Additionally, in its general comment No. 31, the Human Rights Committee recalls the responsibility of State parties to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice or redress the harm caused by non- state actors (paras. 8 and 18). A failure to investigate violations of the Covenant and bring perpetrators of

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1 See https://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_en.xml.
2 A/RES/49/49, annex, para. 3.
3 A/HRC/16/51, para. 28.

such violations to justice could in and of itself give rise to a separate breach of the ICCPR (para. 15).

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 ICCPR establishes that States must adopt measures to ensure that persons whose rights or freedoms are violated have an effective remedy. In addition, article 7 guarantees the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

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 also underline that under customary international law, accountability for war crimes and crimes against humanity do not have a statute of limitation regarding the date of commission (see also Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity). This requirement to investigate and prosecute perpetrators also expands to "representative of the State authority and private individuals who, as principals or accomplices, participate in or who directly incite others to the commission of any of those crimes, or who conspire to commit them, irrespective of the degree of completion, and to representatives of the State authority who tolerate their commission." (article II).

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. In this regard, we make reference to articles 13 and 17 to 19 of the Declaration on the Protection of All Persons from Enforced Disappearance. Article 18.1 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".

Disarmament, demobilization and reintegration (DDR)

In this context, we recall relevant guidance on vetting and accountability in the context of security sector reform can be found in the following parts of the Integrated Disarmament, Demobilization and Reintegration Standards (IDRRS):[4]

- IDDRS 2.11 on The Legal Framework for UN DDR, which emphasizes compliance with international humanitarian and human rights law, and the need to exclude individuals responsible for serious violations through robust vetting mechanisms.

- IDDRS 4.3 on Demobilisation, which provides guidance on disbanding armed groups and reintegrating combatants, stressing the importance of screening to prevent perpetrators of gross violations from entering public

[4] https://www.unddr.org/the-iddrs/.

institutions.

- IDDRS 6.10 on DDR and Security Sector Reform, which highlights the need for coordinated DDR-SSR approaches that promote inclusive and accountable security institutions, with vetting to ensure individuals with serious human rights records are not integrated.

- IDRRS 6.20 DDR and Transitional Justice, which aligns DDR with transitional justice processes, affirming that DDR must not shield individuals from prosecution and should support victims' rights, truth-seeking, and non-recurrence.

Prosecution, rehabilitation and reintegration (PRR)

Guidance on PRR in the context of counter-terrorism is grounded in key Security Council resolutions and expert principles, which collectively emphasize the importance of rights-based, context-specific approaches that promote accountability and sustainable reintegration.

- S/RES/2178 (2014), which calls on Member States to develop strategies for the prosecution, rehabilitation, and reintegration of individuals involved in terrorism, particularly foreign terrorist fighters (FTFs). It emphasizes the importance of compliance with international human rights, humanitarian, and refugee law in all counter-terrorism measures.

- S/RES/2396 (2017), which builds on resolution 2178 by urging States to establish tailored approaches for the reintegration of returnees, including risk assessments, rehabilitation programs, and community-based reintegration efforts. It also highlights the need for gender- and age-sensitive responses.

- Madrid Guiding Principles and their 2018 Addendum (S/2018/1177), which provide operational guidance for implementing PRR strategies, including the use of evidence-based risk assessments, multi-disciplinary rehabilitation programs, and post-release monitoring. The Addendum reinforces the importance of upholding due process and ensuring that PRR measures do not contribute to arbitrary detention or collective punishment.

These instruments underscore that PRR efforts must be designed to prevent recidivism, uphold legal safeguards, and support the reintegration of individuals in a manner consistent with international law and human rights standards.