

Mandate of the Special Rapporteur on the independence of judges and lawyers

Ref.: AL SYR 5/2026

(Please use this reference in your reply)

27 July 2026

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolution 62/12.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning **the legal and institutional framework governing the judiciary in Syria, including the appointment of judges, the composition and operation of the Supreme Judicial Council and of the Supreme Constitutional Court, the autonomy of the Bar, and other structural elements that may affect the independence of judicial actors and the administration of justice.**

In this communication, I do not seek to provide an exhaustive assessment of the Syrian judicial system as a whole, but rather to address specific aspects falling within the scope of the mandate entrusted to me by the Human Rights Council, particularly those that relate to safeguards ensuring judicial independence, protection of judges and lawyers, and the separation of powers.

I wish to recall that concerns regarding the structure of the judiciary in Syria, its independence and the right to the guarantees of fair trial were previously raised by this mandate on 24 October 2022 in communication [AL SYR 4/2022](#).

According to the information received:

Appointment of judges and disciplinary measures

Article 43(1) of the 2025 Constitutional Declaration establishes that the judiciary is independent and that judges are subject only to the law. According to article 71 of the Judicial Authority Law (No. 98/1961), judges shall be appointed by a decree signed by the Minister of Justice, based on a decision of the Supreme Judicial Council. Article 72 of the same law sets out criteria relating to legal qualification and seniority: *“The Supreme Judicial Council may decide to appoint directly to judicial positions from among law degree holders: (a) Judges of the Council of State, technical staff in the State Litigation Department, and current and former faculty members of the Faculty of Law, at the grade equivalent to their previous or current positions. (b) Lawyers who have actually practiced the legal profession: 1- For a period of eight years in the fifth category and below. 2- For a period of six years in the sixth category and below. 3- For a period of four years in the seventh category. (c) Lawyers who have actually practiced the legal profession: 1- For a period of no less than twelve years in the category of Court of Appeal counselors or their equivalents and below. 2- These appointments may not exceed one-fourth of the vacant*

positions in any year if there are no judges eligible for promotion to the aforementioned positions.”.

However, according to the information received, senior judges are selected, dismissed, or retained arbitrarily by the executive authority in the absence of clear, transparent and publicly available criteria, and without adequate mechanisms for evaluation or objection. Further, reports suggest that those newly appointed require endorsement (“tazkiya”), placing loyalty above legal requisites. Some judges previously dismissed for corruption were allegedly reinstated on the basis that they had been “defectors” to the Assad regime, while other judges who had left their posts during the conflict and sought to return to judicial service were reportedly not reintegrated. Some judges appointed during the Assad regime were allegedly retained in their positions and now occupy senior posts, including as presidents of courts of appeal. Newly appointed judges are reportedly appointed without meeting requirements of legal competence or judicial experience and, in some cases, without having graduated from a faculty of law. It is further reported that there is no clear criteria to appoint judges to senior judicial positions, for instance judges with lesser seniority have at times been appointed to these positions over more senior colleagues without transparent evaluation procedures or publicly available merit-based criteria.

The Supreme Judicial Council

The Supreme Judicial Council supervises the judiciary in Syria. Article 43(2) of the 2025 Constitutional Declaration provides that the Council shall ensure the proper functioning of the judiciary and the respect of judicial independence.

Under article 65 of the Judicial Authority Law, the Council is composed of the President of the Republic, the President of the Court of Cassation, the two most senior Vice-Presidents of the Court of Cassation, the Deputy Minister of Justice, the Attorney General and the Head of the Judicial Inspection Department. It is chaired by the President of the Republic (article 65 of the Judicial Authority Law). Notably, positions in the Council are entirely *ex officio*, and many of those who sit on the Council have executive positions. It is reported that the Council lacks financial and administrative independence.

Article 67 of the Judicial Authority Law grants the Supreme Judicial Council the most significant authority over the judiciary. The Council issues decisions regarding the appointment, promotion, discipline and dismissal of judges. Such decisions must be based on a proposal from the Minister of Justice, the Chairperson of the Supreme Judicial Council (i.e. the President of the Republic), or three of its members. The article further entrusts the Council with supervising the independence of the judiciary. In addition, the Council is responsible for proposing draft legislation relating to the judiciary, judicial immunity, and the regulations governing judicial appointment, promotion, transfer, discipline, dismissal, and the determination of judicial seniority. The information reports that these powers, combined with the fact that four of the seven positions on the Council are held by members of the executive branch, allegedly foster perceptions that career advancement depends on political allegiance or personal affiliation rather than competence and integrity. Through its disciplinary

authority, the Supreme Judicial Council has allegedly in many cases been used as an instrument of punitive transfers, as a conduit for unwritten instructions, and as a body lacking impartiality in disciplinary proceedings and judicial inspections.

Additionally, the draft Law on Transitional Justice, which was the subject of communication SYR 3/2026, provides that the Supreme Judicial Council shall select the judges who will head the Specialized Judicial Bodies dedicated to adjudicating crimes of the former regime. If adopted, this law would further expand the Council's authority over judicial appointments. This development reinforces the importance of ensuring that the composition and functioning of the Supreme Judicial Council complies with international standards on judicial independence and are protected from undue executive influence.

Reports that the Supreme Judicial Council is subject to the Executive, lacks financial and administrative independence and allegedly operates as a vehicle for punitive transfers or informal instructions raises very serious concerns regarding the independence of the institution. In light of the Council's composition, its extensive powers over judicial careers, and its reported lack of financial and administrative autonomy, the information received raises concerns that the Supreme Judicial Council may not function as an independent self-governing body of the judiciary, but rather as a mechanism through which the executive branch exercises influence over judicial decision-making and accountability.

The Supreme Constitutional Court

The Supreme Constitutional Court, governed by the 2012 Syrian Constitution and Law No. 7 of 2014, was dissolved by article 47 of the 2025 Constitutional Declaration. The latter establishes a new Supreme Constitutional Court, composed of seven members, all appointed by the President of the Republic. The same article provides that the working mechanisms and powers of the Supreme Constitutional Court shall be regulated by law. Such law has not yet been adopted. Therefore, there currently is no mechanism to challenge the constitutionality of a law. Furthermore, the appointment by the President of all members of the Supreme Constitutional Court means that this institution is of dubious independence.

The Head of Justice Sector

Ministry of Justice Decision No. 89-L established the position of "Head of the Justice Sector" or "Head of the Judicial Directorate," commonly referred to as "the Sheikh", mandated to administratively supervise the 11 courthouses at the governorate level. This position reportedly manages judicial affairs and intervenes in judicial transfers and disciplinary matters, and is appointed directly by the executive authority. It is alleged that this position has no basis in Judicial Authority Law No. 98 of 1961 and that the Minister of Justice lacks statutory authority to alter the structure of the judiciary or establish new judicial offices through ministerial decrees. The existence of an executive branch official who has the ability to directly impact the conditions of service and discipline of

judges is a grave threat to the independence of the judiciary. Further, it does not have constitutional or legislative grounding, undermining the rule of law.

Discipline and immunity of judges

According to article 108 of the Judicial Authority Law, disciplinary penalties for judges are imposed by the Supreme Judicial Council upon the proposal of the Minister of Justice or the Chairperson of the Supreme Judicial Council – i.e. the President of the Republic.

According to article 114 of the Judicial Authority Law, public prosecution of judges for criminal offences may only be initiated by the Attorney General, either with the permission of a committee composed of the President of the Court of Cassation and two senior advisors or upon the request of the Supreme Judicial Council when a crime is revealed during a disciplinary trial. However, as the Attorney General is appointed by the President, the Executive reportedly retains the ability to order the initiation of legal proceedings against judges.

Furthermore, the Judicial Inspection Department (JID), which is responsible for inspecting the work of trial judges, the prosecution and judicial departments, is composed of judges (article 11 of the Judicial Authority Law). The judges of the JID are attached to the Minister of Justice and the Chairperson of the Supreme Judicial Council – i.e. the President of the Republic – and JID members are accountable to both officials (article 12 of the Judicial Authority Law). Amongst its tasks, the JID shall review the independence of the judiciary from any external influence (article 14 of the Judicial Authority Law). The Minister of Justice and the Chairperson of the Supreme Judicial Council – i.e. the President of the Republic – can request the JID to conduct inspections (article 21 of the Judicial Authority Law). The JID can propose the suspension of a judge and referral to the Supreme Judicial Council (article 15 of the Judicial Authority Law). The ability of executive branch officials to directly inspect and refer judges to the Supreme Judicial Council is a threat to the independence of the judiciary.

While legal provisions formally guarantee judicial immunity and the protection of judges in the exercise of their profession, sources report that these safeguards remain largely ineffective in practice. Some judges have allegedly been arbitrarily dismissed, while others have been threatened or prosecuted on the basis of their professional or personal opinions. The information suggests that, since the political transition and change in governing authorities, some judges have been arrested and tortured following their judicial decisions. It also suggests some judges have been reportedly sanctioned for activity on social media, with disciplinary measures imposed outside fair trial guarantees.

Approval of non-judicial bodies in judicial decision-making

Sources report systematic interference by the executive authority– and in some cases by religious authorities or *de facto* local authorities – in judicial decision-making. Public prosecutors are reportedly unable to issue decisions or initiate prosecutions without prior approval from non-judicial bodies. In certain

regions, the head of the executive authority also allegedly acts as the head of the judiciary. These appear to amount to plain interferences in the independence of the judiciary.

The Bar

Under Law No. 30 of 2010 on the Regulation of the Legal Profession, the Bar's governing bodies are in principle elected by lawyers, including the Syndicate Council and Branch Councils. However, according to information received, instead of being elected, Bar councils have been appointed by the transitional authorities. While these appointments are reported to be temporary measures linked to transitional legal constraints, the continued appointment of governing bodies may weaken professional representation and confidence in the Bar's independence.

Sources further report that the relationship between the Ministry of Justice and bar associations is not governed by a sufficiently institutionalized legal framework. While the Bar reportedly participates in legislative committees and maintains channels of communication with the Ministry of Justice, such participation is said to depend largely on consultation and informal cooperation based on personal relationships or ad hoc consensus rather than on binding institutional framework ensuring the Bar's independent and continuous involvement in matters affecting the administration of justice and the legal profession.

Information received also points to concerns regarding the absence of explicit legal guarantees protecting professional unions, which may create opportunities for external influence over the formation of governing councils, the orientation of professional policies, and the Bar's public policies on sensitive issues relating to judicial independence and defence rights.

It is further reported that key decisions affecting the profession, including proposals for legislative reform, are not always the subject of sufficiently broad consultation with local branches and rank-and-file lawyers. Strengthening participation in Bar governance and ensuring representative decision-making are important elements in restoring confidence in professional institutions and safeguarding their independence.

At the same time, information received indicates that the Bar has undertaken initiatives aimed at strengthening professional standards, including proposals for reform of the legal profession law, the establishment of a training program for lawyer qualification, and engagement with public authorities to ensure the professional immunity of lawyers and to advocate for stronger protections against interference with lawyers in the exercise of their professional functions. However, sources note that many of these protections continue to rely on administrative practice and circulars rather than on durable legislative guarantees and effective accountability mechanisms.

Effective judicial oversight

Article 18(2) of the Constitutional Declaration provides that “Except in the case of a flagrante delicto, no person may be arrested, detained or have his freedom restricted except by a judicial decision.” However, according to the information received, no effective judicial remedy equivalent to *habeas corpus* exists to enable courts to exercise oversight over deprivation of liberty. The prolongation of pre-trial detention is reportedly routine, while lawyers allegedly face persistent obstacles in accessing clients, and encounter structural and hierarchical barriers when raising procedural violations.

Without prejudging the accuracy of the allegations received, I would like to express my serious concern regarding the information indicating that judicial appointments, disciplinary processes, and the organisation of the justice sector in Syria may lack the safeguards required to ensure an independent and impartial judiciary. If confirmed, these allegations would point to structural deficiencies incompatible with international standards governing the independence of judges, the protection of lawyers, and the right to a fair trial. I would like to recall that the Syrian Arab Republic acceded to the International Covenant on Civil and Political Rights (ICCPR) on 21 April 1969. Further, article 12(1) of the Constitutional Declaration affirms the State’s intent to protect the human rights of those in Syria, and article 12(2) integrates those “rights and freedoms stipulated in international human rights treaties, charters and agreements.”

The right to a fair trial, as provided for in article 10 of the Universal Declaration of Human Rights and article 14 of the ICCPR, emphasizes the right to a competent, independent and impartial tribunal as one of the fundamental guarantees of due process. International standards on the independence of the judiciary make clear that the requirement of independence relates in particular to the procedures and qualifications governing the appointment of judges, as well as to guarantees concerning their security of tenure. The rights to equality before courts and tribunals, to a fair trial, and to effective remedies are key elements of the protection of human rights and serve as essential procedural safeguards of the rule of law.

I wish to recall the recommendations contained in my report on principles for judicial appointments (A/HRC/62/43), in which I emphasized that international law requires that judicial selection and appointment procedures should be governed by a clear legal framework and conducted through transparent, merit-based processes founded upon objective and pre-established criteria that assess candidates’ integrity, training, ability and professional competence. Safeguards must exist to ensure that appointment procedures are transparent and independent in practice, and that decisions are not influenced by considerations unrelated to these objective criteria. I am concerned of the reported lack of publication of objective evaluation criteria for appointing judges by the Executive. I am further concerned that civil society organizations, bar associations, academic institutions and other independent professional bodies reportedly do not participate in judicial appointment processes, including appointments to the Supreme Constitutional Court. Taken together, these allegations suggest that judicial appointments are not governed by objective, transparent and verifiable criteria, and that the executive authority retains decisive

influence over senior judicial positions, thereby undermining safeguards intended to protect judicial independence and merit-based career progression.

I am also concerned by information suggesting that the Supreme Constitutional Court members may not benefit from adequate safeguards against removal or pressure, as they are all appointed by the President of the Republic. The reported absence of any operative legal framework regulating the powers and procedures of the Supreme Constitutional Court, and the resulting lack of any mechanism for constitutional review, is alarming in light of the role of constitutional courts as guarantors of the supremacy of the Constitution, the separation of powers, and the protection of fundamental rights. Without such a mechanism, individuals are deprived of an essential avenue for challenging the legality of laws and executive acts that may affect their rights under the Covenant. Further, possible overreach by the executive branch is not reviewable by a body that would otherwise be able to ensure the constitutionality of its actions.

Equally troubling are reports indicating interference by non-judicial bodies – including executive, religious or de facto local authorities – in prosecutorial and judicial decision-making. The alleged requirement that prosecutors obtain prior approval from non-judicial actors before initiating proceedings would contravene international principles requiring prosecutors to act independently, impartially and free from improper influences. The concentration of administrative supervisory authority over courts in the Head of Justice Sector, a position appointed by and accountable to the Executive, raises concerns regarding direct executive control over judicial administration and judicial careers. Reports that judges must provide an endorsement by a sitting judge are deeply concerning, as they suggest that loyalty is an unwritten requirement for judicial appointment.

I am further concerned by reports that guarantees of judicial immunity are not effectively implemented in practice, and that some judges have been subjected to dismissal, prosecution, arrest or torture in apparent connection with their professional activities or personal opinions. Such acts, if confirmed, would be inconsistent with the obligation to protect judges from retaliation or intimidation arising from the exercise of their functions.

These structural and regulatory gaps could undermine the independence and impartiality of the judiciary, as it may lead to the perception that while in office, a judge's decisions could be impacted by considerations of how their rulings might influence potential future appointments or employment opportunities. Taken together, these dynamics could have effects on the right to a fair trial and due process guarantees.

With respect to the Bar, the reported absence of institutional guarantees to protect the independence of lawyers and their professional associations raises concerns in light of the Basic Principles on the Role of Lawyers, which require that lawyers be able to perform their professional functions without intimidation, interference, harassment or undue restrictions, and that bar associations be self-governing bodies able to exercise their functions without external pressure.

Finally, the reported absence of effective judicial remedies to challenge deprivation of liberty, combined with obstacles faced by lawyers in accessing clients and raising procedural violations, raises serious concerns regarding Syria's compliance

with article 9 and 14 of the ICCPR, including the rights to challenge the lawfulness of detention, to access legal counsel, and to enjoy minimum guarantees in criminal proceedings.

Taken together, these elements point to systemic risks affecting the independence of the judiciary, the autonomy of the Bar, and the protection of the right to fair trial. Such conditions may generate a chilling effect, discouraging qualified candidates from applying for judicial office, undermining the ability of judges and prosecutors to perform their duties free from fear of reprisal, and depriving lawyers of their ability to autonomously govern their role in protecting the right to a fair trial for all.

In connection with the above alleged facts and concerns, I would like to draw the attention of your Excellency's Government to the international human rights instruments and standards annexed to this communication, which elaborate the applicable obligations concerning the independence of the judiciary, the protection of lawyers, and the guarantees of fair trial and due process.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information or comments you may have regarding the allegations outlined above.
2. Please provide information on the measures in place to guarantee that judicial appointments, promotions and dismissals are conducted on the basis of clear, transparent and objective criteria, and free from undue influence by the executive or other non-judicial bodies.
3. Please explain the measures taken to ensure the institutional, administrative and financial independence of the Supreme Judicial Council and the Supreme Constitutional Court, and to guarantee that their members are protected from improper influence or removal.
4. Please provide information on the mechanisms in place to protect judges and lawyers from retaliation, intimidation, disciplinary action or legal proceedings in connection with the legitimate exercise of their professional functions or their expression of professional opinions.
5. Please indicate the measures taken to ensure effective judicial oversight of deprivation of liberty, including the availability of prompt judicial review, access to counsel, and the ability of lawyers to raise procedural violations without obstruction or reprisals.
6. Please provide information on steps taken to ensure that prosecutors are able to carry out their professional duties independently and without external interference, and to prevent non-judicial bodies from influencing judicial and prosecutorial decision-making.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

I would like to recall that the Syrian Arab Republic acceded to the International Covenant on Civil and Political Rights (ICCPR) on 21 April 1969.

The independence of the judiciary is an essential requirement for human rights protection. In this regard, paragraph 1 of article 14(1) of the ICCPR establishes the requirements of independence and impartiality of the judiciary. In its general comment 32 (2007) on article 14, the Human Rights Committee emphasized that the right to equality before courts and tribunals serves as a procedural means to safeguard the rule of law and is “an absolute right that is not subject to any exception.” (CCPR/C/GC/32, para. 2). Article 14 requires States to adopt appropriate measures guaranteeing the independence of the judiciary, protecting judges from any form of political influence in their decision making through the constitution or adoption of laws establishing clear procedures and objective criteria for the appointment, remuneration, tenure, promotion, suspension and dismissal of the members of the judiciary and disciplinary sanctions taken against them. The requirement of independence “refers, in particular, to the procedure and qualifications for the appointment of judges, and guarantees relating to their security of tenure until a mandatory retirement age or the expiry of their term of office, where such exist, the conditions governing promotion, transfer, suspension and cessation of their functions, and the actual independence of the judiciary from political interference by the executive branch and legislature” (para. 19).

The requirement of independence encompasses both institutional independence and individual independence. The notion of institutional independence of the judiciary is articulated in the second sentence of principle 1 of the United Nations Basic Principles on the Independence of the Judiciary, adopted by the United Nations in 1990, which affirms the duty of all institutions to respect and observe judicial independence. This implies that the judiciary must be independent from the other branches of the State, namely the executive and the legislature, which, like all other State institutions, have a duty to respect and comply with judicial decisions and rulings. Moreover, article 14 provides for the principle of equality before competent, independent and impartial courts and tribunals. The Human Rights Committee has clearly stated that “[a] situation where the functions and competencies of the judiciary and the executive are not clearly distinguishable or where the latter is able to control or direct the former is incompatible with the notion of an independent tribunal” (para. 19). Fair trial guarantees can never be subject to derogatory measures that would circumvent the protection of non-derogable rights (para. 6).

The principle of the independence of the judiciary has also been enshrined in the Basic Principles on the Independence of the Judiciary (“Basic Principles”), adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.

The Basic Principles establish that the independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country.

Principle 1 provides that it is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.

Principle 2 states that the judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.

Principle 4 states that there shall not be any inappropriate or unwarranted interference with the judicial process, nor shall judicial decisions by the courts be subject to revision. This principle is without prejudice to judicial review or to mitigation or commutation by competent authorities of sentences imposed by the judiciary, in accordance with the law.

Principle 10 affirms that any method of judicial selection shall safeguard against judicial appointments for improper motives. In the selection of judges there shall be no discrimination against a person on the grounds of race, colour, sex, religion, political or other opinion, national or social origin, property, birth or status, except that a requirement, that a candidate for judicial office must be a national of the country concerned, shall not be considered discriminatory.

Human Rights Council resolution A/HRC/RES/23/6, paragraph 5, explicitly condemns all acts of violence, intimidation or reprisal against judges, prosecutors and lawyers, and recalls the obligation of States to respect their integrity and to protect them, together with their families and professional associates, against all forms of violence, threats, retaliation, intimidation and harassment resulting from the discharge of their functions, and to investigate and prosecute such acts. The Council has further emphasized that failures to protect the independence of justice actors may have far-reaching consequences for the rule of law, public confidence in the justice system, and the effective enjoyment of human rights.

Finally, regarding the independence of the legal profession and alleged interference with the Bar, I would like to refer to the Basic Principles on the Role of Lawyers. These Principles affirm that lawyers must be able to perform their professional functions without intimidation, hindrance, harassment or improper interference (principle 16), and that professional associations of lawyers shall be self-governing bodies responsible for protecting the integrity and independence of the legal profession (principles 24 and 25). Any external interference in the formation, leadership, or functioning of bar associations would be contrary to these standards.