

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; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Ref.: AL SYR 4/2025
(Please use this reference in your reply)

14 July 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; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism 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, 58/14 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the establishment of a National Commission on Transitional Justice and a National Commission on Missing Persons in Syria to address the gross violations of international human rights law and serious violations of international humanitarian law committed against civilians in Syria.

We wish to recall the communications [AL SYR 1/2025](#) sent on 26 March 2025 urging for decisive measures to develop and implement a transitional justice roadmap that will seek to ensure truth, justice, reparation, memorialization and guarantees of non-recurrence. We would welcome receiving a response to this communication at your earliest convenience.

According to the information received:

On 17 May 2025, the caretaker authorities announced the adoption of two presidential decrees establishing two new public bodies: a National Commission on Transitional Justice (decree No. 20) and a National Commission on Missing Persons (decree No. 19). The establishment of these commissions follows the adoption of the new Constitutional declaration from 13 March 2025, which stated that: "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".

Presidential decree No. 20 seeks to "reveal the truth about the grave violations caused by the former regime, hold those responsible accountable in coordination with the relevant authorities, redress the harm caused to the victims, and consolidate the principles of non-recurrence and national reconciliation."

According to presidential decree No. 19, the National Commission on Missing Persons is tasked with researching and revealing the fate of missing and forcibly disappeared persons, documenting cases, creating a national database, and providing legal and humanitarian support to their families.

Presidential decrees No. 20 and No. 19 specify that the chairperson of each new body will recruit the staff and design the internal regulations of each commission, respectively, within a maximum period of 30 days. It adds that the two commissions will enjoy legal personality and financial and administrative independence and exercise their duties throughout the Syrian territory.

While neither of the Presidential decrees explicitly include the participation of victims' and family members' organizations and civil society in the newly formed commissions, the chairperson of the new National Commission on Transitional Justice announced on 23 May 2025 that he would form "a working group consisting of representatives of victims, legal and human rights experts, forensic and criminal investigation specialists, and representatives of civil society organizations".

The adoption of presidential decrees No. 19 and 20, which seek to achieve truth and accountability, including with regard to missing and forcibly disappeared persons, are undoubtedly a significant step towards Syrian's transition towards peace and democracy. We reiterate the importance of developing a comprehensive transitional justice roadmap which would allow relevant bodies to investigate and punish gross violations of international human rights, humanitarian and criminal law, to hold all those responsible to account and to provide redress to all victims.

We acknowledge the severe atrocities committed by the former regime; however, we stress the need for the transitional justice process to promote accountability for all violations irrespective of who are the perpetrators, including for crimes committed by terrorist groups. This is essential to ensure that all victims and families of victims of crimes can obtain justice and reparations, and that the society can move forward together in a comprehensive truth and reconciliation process. Recovering from a legacy of oppression that has affected all segments of the Syrian people will be long and challenging. In this context, we recommend that the mandate of the Commission on Transitional Justice be clarified and expanded to ensure justice and redress for all victims and families of victims, and to recognize all relevant forms of harm, including victims of sexual and gender-based violence as well as terrorism as distinct categories of analysis during any transitional justice process. To achieve long-term peace and reconciliation, it is imperative that the transitional justice mechanisms foster non-discriminatory accountability and justice, regardless of the identity of the victim or that of the perpetrator, and irrespective of the areas where violations and abuses were committed.

We stress that limiting investigation into crimes only committed by the Assad regime will not allow to unveil truth about past atrocities, which will result in a selective and partial form of justice. Not only would this approach exclude and deny certain victims their rights to truth, justice and reparation, but it also raises grave concerns about risks of repetitions of past violations and impunity for certain perpetrators. A comprehensive, inclusive and non-discriminatory approach to transitional justice

process is necessary to break the cycle of violence and impunity, rebuild a new society that is rooted in equality, dignity and justice, and ensure sustainable peace.

To uphold the rule of law and achieve long-term peace, the newly established commissions will also need to work closely with relevant ministries and national bodies, including the National Committee for Investigation and Fact-Findings into the Events on the Syrian Coast that was established by Presidential Decree No. 3 in March 2025 to investigate the violations that took place earlier this year in the coastal areas. A holistic approach to addressing all human rights violations during the Assad regime and until the end of the transitional justice process is necessary to ensure that past violations will not happen again.

Given the scale of the gross violations committed and the technicalities and resources required to prosecute all alleged perpetrators, we reiterate the need to extend cooperation with all relevant international mechanisms and bodies, including the Special Rapporteurs and Working Groups signatories to this letter, as well as the Independent International Commission of Inquiry on the Syrian Arab Republic (CoI), the Independent Institution on Missing Persons in the Syrian Arab Republic (IIMP), International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 (IIIM), and the Office of the United Nations High Commissioner for Human Rights (OHCHR). We also strongly encourage steps to gain access to the Rome Statute establishing the International Criminal Court (ICC), with a declaration accepting the jurisdiction of the ICC retroactively (article 12.3) and cooperation with the Court.

In terms of focus, we also reiterate our recommendations for the commissions to promptly, independently, impartially and thoroughly document and investigate gross human rights violations including unlawful killings, torture and other inhumane acts and enforced disappearances, amongst others, and acts tantamount to, in line with international standards and the Constitutional Declaration. With regard to the alleged enforced disappearance, if confirmed, we recall that it would amount to violations of articles 6, 7, 9 and 16 of the ICCPR, read alone and in conjunction with article 2(3). Families of the missing and forcibly disappeared, who are considered under international law to also be victims of torture and/or cruel, inhuman or degrading treatment or punishment, have a right to know the fate and whereabouts of their loved ones, the circumstances surrounding the disappearances and the progress of the investigation, to recover bodies for burial and to obtain various forms of reparation and redress.

With regard to the institutional setup of the commissions, we call on the two appointed chairpersons of each commission to identify and recruit staff transparently, including ensuring recruitment of women and descendants of those who disappeared. Staff should meet the highest standards of professionalism, integrity, expertise and independence. As such, attention should be paid to the recruitment of experts from different sectors of society.

Experts in law, including human rights and international humanitarian and criminal law, psychology, psychiatry, forensic sciences and the medical profession, gender and women's rights specialists, former investigators and prosecutors, would be

among those suited to cover investigative positions. Preferably experts should be experienced in applying the United Nations Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol, rev 2022), the United Nations Manual on the Effective Prevention and Investigation Extra-Legal, Arbitrary and Summary Executions (the Minnesota Protocol), the Mendez Principles on Effective Interviewing for Investigations and Information Gathering and the Berkeley Protocol on Digital Open Source Investigations. A specific budget should be allocated to ensure that recruited staff have opportunities to update their skill sets to those appropriate to the positions and receive regular updates.

While maintaining institutional independence, the two bodies should operate in a complementary, non-duplicative manner. Transparency and broad public outreach and suitable engagement with victims and survivors, families of victims and civil society, should guide their work.

In this context, we underscore once more the importance of giving victims, survivors and families of victims a central role in the design, objectives and implementation of the transitional justice process. They are among the key stakeholders in this endeavour. Survivors and families of victims also require sustained medical, psychosocial legal and economic support to be able to participate fully in transitional justice processes. Full and meaningful participation of civil society, victims' and family members' organizations, which have indeed laid the groundwork for a national justice and reconciliation process, is critical for the process to succeed, and more generally, for the future of a prosperous, inclusive Syria, free from any form of discrimination.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights and humanitarian 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 scope, working methods, resources, jurisdiction, appointment process and criteria for the members of the newly established National Commission on Transitional Justice and National Commission on Missing Persons.
3. Please provide information on how the National Commission on Transitional Justice and National Commission on Missing Persons plan to ensure cooperation with international mechanisms, including Special Procedures.
4. Please provide information on the capacity of these newly established mechanisms to carry out investigations into unlawful killings in

accordance with international standards, particularly the *Minnesota Protocol on the Investigation of Potentially Unlawful Death*.

5. Please provide responses to the various questions raised in our communication [AL SYR 1/2025](#) sent on 26 March 2025.

We reiterate our availability to provide you with any technical assistance, including in collaboration with OHCHR, in relation to the issues covered in this communication and our previous one from 26 March 2025. As the caretaker authorities embark into a process that will be critical for generations to come, we stand ready to support a comprehensive transitional justice process that looks into all gross human rights violations committed against Syrians without discrimination in the past decades, bring justice for victims and their families, and promotes stability and a lasting peace.

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.

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

Ben Saul

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

Alice Jill Edwards

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

Annex

Reference to international human rights and humanitarian law

In connection with the above alleged facts and concerns, and without prejudging the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards, which were also highlighted in our previous correspondence.

We 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, we recall that they would amount to violations of articles 6, 7, 9 and 16 of the ICCPR, read alone and in conjunction with article 2(3) and with regard to the relatives of those disappeared, it is a violation of articles 7 and 17, read alone and in conjunction with article 2(3). In addition under customary international humanitarian law, we wish to recall rules 89 and 112 to 117. We also recall the 2005 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, which elaborate further relevant standards.

Concerning the selection of members of the commissions, we would like to recall that the Updated set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102/add.1) stressed that commissions of inquiry, including truth commissions, must be established through procedures that ensure their independence, impartiality and competence and that they shall be constituted in accordance with criteria making clear to the public the competence and impartiality of their members, including expertise within their membership in the field of human rights and, if relevant, of humanitarian law. They shall also be constituted in accordance with conditions ensuring their independence. In determining membership to the commission, concerted efforts should be made to ensure adequate representation of women as well as of other appropriate groups whose members have been especially vulnerable to human rights violations (principle 7).

Similarly, the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 11, provide that members of independent commissions of inquiry shall be chosen for their recognized impartiality, competence and independence as individuals. In particular, they shall be independent of any institution, agency or person that may be the subject of the inquiry. The commission shall have the authority to obtain all information necessary to the inquiry and shall conduct the inquiry as provided for under these principles.

As noted by the Special Rapporteur on the promotion of truth, justice reparations and guarantees of non-recurrence, truth commissions derive their power to a large extent from the moral authority and competence of commissioners. Hence selecting suitable commissioners is a crucial factor in their good functioning (A/HRC/24/42, para. 53). The procedure needs to be transparent guaranteeing the independence, impartiality, expertise and legitimacy of the Commission.

Finally, we wish to highlight that the reports of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence address in detail the question of victims' participation in transitional justice processes (see our previous communication from 26 March 2025). The former Special Rapporteur has provided compelling examples of the indispensable contributions by victims to transitional justice measures, while calling upon State authorities to take appropriate measures to protect them as participation can involve security risks for victims, social risks, economic costs and risks of retraumatization, among others, which need to be properly addressed (see A/HRC/34/62 and also A/71/567).