

Statement

SNHR Welcomes the ICJ's Order to Indicate Provisional Measures on the Syrian Regime

We Condemn the Votes by Russia's ICJ Vice President and China's ICJ Judge Against Provisional Measures that Call for Ending Torture in Syria



Friday 17 November 2023

The Syrian Network for Human Rights (SNHR), founded in June 2011, is a non-governmental, independent group that is considered a primary source for the OHCHR on all death toll-related analyzes in Syria.

On Thursday, November 16, 2023, [The Hague-based International Court of Justice \(ICJ\)](#) delivered its verdict on the request made by Canada and The Netherlands to indicate provisional measures on the Syrian regime in the case brought by the two countries against the Syrian regime 'concerning the Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment' (Canada and the Netherlands v. Syrian Arab Republic).

By the effect of this binding order, the ICJ indicated the following provisional measures on the Syrian regime (taken ad verbatim from the court document):

1. The Syrian Arab Republic shall, in accordance with its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, take all measures within its power to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment and ensure that its officials, as well as any organizations or persons which may be subject to its control, direction or influence, do not commit any acts of torture or other acts of cruel, inhuman or degrading treatment or punishment;
2. The Syrian Arab Republic shall take effective measures to prevent the destruction and ensure the preservation of any evidence related to allegations of acts within the scope of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The provisional measures stated above were officially indicated with a majority of 13 votes, with two votes against by Russia's Kirill Gevorgian, who holds the position of ICJ Vice President, and China's Judge Xue Hanqin.

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On Tuesday, October 10, 2023, the ICJ held the first public hearing session on the case on the [Application of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment](#), brought by Canada and the Netherlands as State Parties to the Convention, against the Syrian regime. At the request of the two countries; the session focused on imposing what are known as provisional measures on the Syrian regime to compel it to immediately cease torture against potential victims, while the trial of the Syrian regime for the alleged violation of the Convention Against Torture proceeds.

According to the [court session's transcript](#), the case draws upon a number of UN sources, as well as on data provided by the Syrian Network for Human Rights (SNHR), which was cited as a source 14 times, while the Independent International Commission of Inquiry on the Syrian Arab Republic (COI) was cited 24 times. On October 11, we released [a statement](#) outlining the key developments emerging from the case.

Canada and The Netherlands established the Court's jurisdiction on the grounds of Article 36, paragraph 1, of the Statute of the Court and on Article 30, paragraph 1, of the Convention against Torture, where both Applicants (i.e., Canada and the Netherlands) and Syria are members of the Convention.

The case also follows Article 41 of the Statute of the Court and Articles 73, 74 and 75 of the Rules of Court "to preserve and protect the rights owed to them under the Convention against Torture, which Syria continues to violate, and protect the lives and physical and mental integrity of individuals within Syria who are currently, or are at risk of, being subjected to torture and other cruel, inhuman or degrading treatment or punishment". In that regard, Canada and The Netherlands requested the indication of eight provisional measures as we mentioned in our previous statement.

On October 10, 2023, SNHR released a report entitled, ['The Syrian Regime is Accused of Killing 15,051 Individuals, Including 190 Children and 94 Women, Under Torture in Its Detention Centers Since March 2011, While Nearly 136,000 Remain Forcibly Disappeared,'](#) in which the group noted that the case brought by Canada and The Netherlands against the Syrian Regime before the ICJ is a serious step on the path of accountability.

As SNHR's database attests, of the people arrested by the Syrian regime between March 2011 and August 2023, no fewer than **135,638 individuals**, including 3,693 children and 8,478 women (adult females) are still in detention. Of this total, **96,103 individuals**, including 2,327 children and 5,739 women (adult females) are classified as forcibly disappeared persons, with all of those detained being subjected to one or multiple forms of torture.

SNHR has also documented **83 methods of torture** used by the Syrian regime in its detention centers.

Despite having ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2004, the Syrian regime has failed to uphold its obligations under the Convention. On the contrary, the regime has practiced torture of the most heinous and monstrous varieties, as shown by the data included in this report, both at the level of perpetration and through passing local laws that only nominally criminalize torture in a limited, wholly superficial way, while affording impunity to those involved in perpetrating torture.

Furthermore, the Syrian regime inflicts torture in a systematic and widespread manner, violating the right to life, which constitutes a blatant breach of international human rights law. It has been repeatedly proven that the Syrian regime leadership has full knowledge of these practices, and is fully aware that these inhumane detention conditions lead inevitably to detainees' deaths. The Syrian regime has deliberately allowed and carried out such practices through a decision-making chain whose hierarchy extends directly from the President of the Republic downwards; answering directly to him are the ministers of defense and interior and the National Security Bureau, and their affiliated security apparatuses.

SNHR condemns, in the strongest possible terms, the choice made by the two judges named above to vote against this order. We find it deplorable and absurd that ICJ judges who are supposedly independent would vote against an order that provides for ending torture and preserving evidence.

In this context, it should be noted that Russia and China have provided the Syrian regime with unlimited support and cover by using their veto powers at the UN Security Council, as well as on other international platforms, such as voting against resolutions proposed at the UN General Assembly and the UN Human Rights Council. The two countries have shamelessly and openly sided with a regime implicated in perpetrating war crimes and crimes against humanity, which only emboldened the Syrian regime to commit more and more torture, killings, and displacement.

SNHR welcomes the ICJ's order to indicate provisional measures on the Syrian regime to put an end to torture in its detention centers and to preserve evidence. SNHR also underscores that it is vitally important that this verdict is properly implemented, as we must remind the international community that there are over **135,638 individuals**, including 3,693 children and 8,478 women (adult female), who are still enduring arbitrary arrest, enforced disappearance, and torture in regime detention centers. We believe in the significance of this trial as an effective and true step on the long overdue path of accountability, the lack of which has enabled the Syrian regime act with impunity for 13 years.



SYRIAN NETWORK
FOR HUMAN RIGHTS



info@snhr.org
www.snhr.org

No justice without accountability

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