

Statement

Delayed Justice: The Truth Must Be Uncovered and Justice Must Be Achieved for the Victims of the 1982 Hama Massacre

Legal Recommendations and Practical Steps to Take

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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 December 8, 2024, a bloody chapter in Syria's contemporary history came to a close with the fall of the Assad regime and the assumption of power by a transitional government, ushering in the beginning of a bright new phase, one hopefully aimed at establishing justice and the rule of law. However, Syria cannot build a stable future without confronting its past and ensuring justice for the former regime's victims, foremost among them the tens of thousands of residents of Hama who, in February 1982, suffered the most horrific single massacre in the country's modern history, in which men, women, civilians, fighters, elderly people, and children alike were killed indiscriminately in massive numbers.

For 43 years, the Hama massacre remained a taboo issue in Syria, with the Assad regime prohibiting any official investigation, accountability for the perpetrators, disclosure of the fate of thousands of forcibly disappeared persons, or even any acknowledgment of the suffering of survivors and the victims' families. This massacre, which claimed the lives of between 30,000 and 40,000 civilians, constituted a systematically and deliberately planned collective and premeditated crime perpetrated by the Assad regime.

Today, with the dawn of a new era in Syria, it is imperative for the new Syrian government to reopen this closed file as a fundamental step in achieving transitional justice, which can only be fully attained through ensuring accountability, reparation, the restoration of human rights, and official recognition of the massacre.

The Syrian Network for Human Rights (SNHR) issued the [first report](#) documenting aspects of the 1982 massacre to mark its 40th anniversary in 2022. Even after more than 40 years, the UN has never formally documented the massacre, nor has there been any international accountability for the perpetrators. It is utterly disheartening that the international community has ignored this heinous and historic massacre for so long, and blatantly failed to uphold the victims' and survivors' rights. This glaring historical omission must be corrected.

SNHR calls for putting an end to this shameful legacy of injustice left by the deposed Assad regime against Hama city and its inhabitants, as part of the process of building a state based on justice and the rule of law. In this context, the following comprehensive recommendations outline a set of practical, legal, and national measures whose implementation is essential to achieve justice for the victims of the 1982 Hama Massacre. The transitional government and Syrian civil society must work together to implement these measures in order to ensure that such crimes are never repeated in the future.

FIRST: A COMPREHENSIVE INVESTIGATION MUST BE LAUNCHED INTO THE 1982 HAMA MASSACRE

The Hama Massacre of 1982, which is one of the most atrocious mass crimes in Syrian history, was carried out systematically over the course of an entire month by the previous Syrian regime under Hafez Assad through his security and military forces. These forces committed acts of indiscriminate killing, enforced disappearance, and systematic destruction of the city. Despite the gravity of these crimes, no official investigation has been conducted, and no one has been held accountable, thereby reinforcing a culture of complete impunity and enabling the continuation of similar repressive policies in the following decades, up until the fall of the regime on December 8, 2024.

Several key reasons make the opening of an official investigation into the massacre an imperative necessity, including:

- 1. The systematic nature of the massacre:** The massacre was carried out as part of a widespread attack targeting civilians, in which the former regime's military and security forces employed brutal methods such as mass killings, enforced disappearances, torture, and large-scale destruction of residential neighborhoods. This classifies it as a crime against humanity that does not have a statute of limitations.
- 2. Ongoing violations:** The massacre included the destruction of infrastructure, the seizure of civilian property without compensation, the persecution of city residents, heightened security restrictions, and the deprivation of essential services. These actions constituted mass punishment and severe violations of international human rights and humanitarian law.
- 3. Thousands forcibly disappeared:**
 - Forty-three years since February 1982, the fate of approximately 17,000 people from Hama still remains unknown ever since they were detained by Assad regime forces and transferred to secret detention centers.
 - The deposed regime refused to provide any information regarding these 'disappeared' people's detention or fate, making this enforced disappearance an ongoing crime.
 - Reports from human rights organizations and testimonies from dozens of survivors and witnesses indicate the presence of undisclosed mass graves, necessitating the establishment of specialized investigative teams to locate these burial sites.
- 4. Destruction and looting of civilian property without compensation**
 - Large parts of Hama, particularly historic neighborhoods such as al-Kilaniya, al-Asida, and al-Zanbaqi, were completely destroyed in the regime's bombardment, with thousands of properties confiscated and repurposed into roads, parks, and government buildings without any compensation being paid to the rightful owners.
 - The previous regime seized victims' homes and businesses, awarding them to loyal security and military officers or converting them into public property, constituting a blatant violation of individual property rights.
 - This violation is a clear breach of Article 17 of the Universal Declaration of Human Rights, necessitating efforts to restore these rights as part of transitional justice.

SECOND: OBJECTIVES OF THE INVESTIGATION

The investigation must be comprehensive, fair, and transparent, achieving the following objectives:

1. Identify the individuals and entities responsible for the massacre

- Conduct extensive investigations into high-ranking political, military, and security leaders who may have played a role in issuing orders for the Hama Massacre, including those who were in decision-making positions at the time.
- Hold accountable all individuals who participated in mass killings, torture, arrests, and enforced disappearances, with precise documentation of their roles in order to establish their involvement, whether by issuing orders or directly executing them.
- Investigate the role of military units involved in the field operations, including well-known units such as the Defense Companies, the 47th Brigade, Special Forces, and various regime intelligence agencies that may have been involved in planning or executing the massacre.

2. Document all crimes and violations

- Collect material and archival evidence proving the former regime's responsibility for the massacre, including photos, videos, documents, and weapons used, as well as any other relevant materials.
- Conduct formal interviews with survivors and victims' families to document their testimonies accurately and systematically, contributing to the historical record and the pursuit of justice.
- Examine security and military documents left by the previous regime that may contain official orders, reports, or records indicating the planning or direct execution of the massacre.

3. Uncover mass graves and ensure the dignified reburial of victims:

- Form forensic investigation teams to locate mass graves in and around Hama city.
- Exhume human remains using modern scientific methods and conduct DNA analysis to match them with the families of the victims.
- Ensure victims' remains are returned to their families and laid to rest in a manner that respects their human dignity.
- Officially document all mass grave sites in a public report available to both Syrian and international audiences.

THIRD: FORM A NATIONAL INVESTIGATIVE COMMISSION AND HOLD THOSE INVOLVED TO ACCOUNT UNDER SYRIAN AND INTERNATIONAL LAWS

1. Establish an independent national investigative commission

The new government must form an independent national investigative commission consisting of judges, legal experts, representatives of human rights organizations, and victims' family members. This commission will be responsible for:

- Documenting crimes.
- Collecting evidence and summoning witnesses.
- Analyzing security and military documents related to the massacre.
- Presenting its findings to the competent judicial authorities, along with clear recommendations regarding criminal prosecutions, compensation, and reparation to ensure justice and redress for the victims.
- Establishing a national database containing the names of victims, missing persons, and survivors.

2. Hold individuals and entities legally and criminally responsible

- The 1982 Hama Massacre was an organized and systematic attack targeting civilians, for which those senior political, military, and security leaders involved remain directly criminally responsible.
- The list of those involved includes all those who issued orders, planned the massacre, carried it out, or covered up for the perpetrators, **including Hafez Assad, Rifaat Assad, Mustafa Tlass, Adnan Assad**, and senior leaders of the Assad regime's security and military agencies.
- The principle of '**command responsibility**,' which holds military and civilian leaders accountable for crimes committed by their subordinates if they were aware of them and failed to take measures to prevent them, applies to these individuals.

3. 3. The national judiciary and cooperation with international bodies

- Achieving effective justice requires the engagement of **the new Syrian judiciary** in transparent investigations that ensure trials comply with international standards of fair trials.
- This necessitates cooperation with UN human rights agencies, such as **the Office of the UN High Commissioner for Human Rights (OHCHR) and the Human Rights Council**, in order to benefit from the necessary technical and legal expertise to ensure the integrity of investigations and judicial procedures.

FOURTH: DISCLOSE THE FATE OF THE MISSING, RESTORE RIGHTS, AND ENSURE REPARATION

Transitional justice is not limited to holding those responsible for crimes accountable but also extends to reparation and victim compensation through truth-seeking, property restitution, and compensating affected families. The 1982 Hama Massacre was a systematic crime that targeted the city's population, their properties, and their cultural identity, with its effects lasting for decades. Thus, any genuine national reconciliation process cannot be achieved without rectifying this historical injustice.

On disclosing the fate of the missing persons

1. Establish a national agency to search for the missing and reveal their places of detention or execution

- The transitional government must establish an **independent national agency** to search for the missing, including legal experts, forensic specialists, human rights activists, and representatives of victims' families.
- This agency must have broad powers, including:
- Being given access to the security and military records of the former regime.
- Being empowered to search for mass graves and conduct DNA analyses on remains to identify victims.
- Being empowered to interview survivors and former officials who may have information about the disappeared.
- The agency should work in coordination with the **International Committee of the Red Cross (ICRC)** and the **United Nations International Commission on Missing Persons (ICMP)** to ensure the use of advanced forensic techniques in analyzing remains.

2. Compel the government to disclose security records related to the massacre

- Issue an **official governmental decree** requiring all security institutions to disclose archives containing lists of all those detained or 'disappeared' during the period of the massacre.
- Establish a **legal mechanism** that allows victims' families to access these records to determine the fate of their relatives.
- Compel **former security officials** to testify about the locations of mass graves and secret detention centers.

3. Grant the families of the missing the right to material and moral compensation

- Issue official death certificates for confirmed deceased individuals, allowing their families to exercise their legal rights, such as inheritance and compensation.
- Provide financial and moral compensation to the victims' families, including:
- **Financial compensation** for the economic damage resulting from the loss of the primary breadwinner.
- **Psychological and social support** for the victims' families, especially mothers and children who have endured decades of suffering due to the disappearance of their loved ones.
- **Prioritizing the victims' families in compensation and resettlement programs** as part of reconstruction projects.

On restoring confiscated properties and reconstruction

During the 1982 Hama Massacre, the regime's crimes were not limited to killings and enforced disappearances but also included the **destruction of entire residential neighborhoods, looting of homes and shops, and arbitrary confiscation of properties.** Some neighborhoods, such as al-Kilaniya, al-Asida, and al-Zanbaqi were completely demolished and turned into streets, parks, and government buildings without any compensation being paid to their owners.

1. Return all confiscated properties or compensating the owners financially

- Establish a national committee for the restitution of confiscated properties, responsible for:
 - Conducting a comprehensive survey of properties confiscated since 1982.
 - Returning real estate and properties to their original owners or their legal heirs.
 - Providing fair compensation to those whose homes were destroyed and cannot be restored.
- Annul all confiscation decisions issued without a fair legal basis, which the former regime exploited to punish the city's residents.

2. Repeal illegal confiscation decisions that turned civilian homes into government property

- Review all decisions that transferred private properties to government ownership or public projects, ensuring that they are returned to their rightful owners, or provide the rightful owners with financial compensation based on the properties' current market value.
- Hold those who benefited from these confiscations accountable, including former officials who seized properties unlawfully.
- Establish a transparent grievance mechanism that allows rights holders to file official complaints to reclaim their properties.

3. Develop a national plan to rebuild destroyed neighborhoods, particularly historical areas

- Launch a national project to rebuild affected neighborhoods, prioritizing the return of original residents to their areas.
- Preserve the historical and cultural identity of Hama by restoring destroyed landmarks, such as old markets, mosques, churches, and heritage neighborhoods.
- Allocate a government budget to support affected families in rebuilding their homes through:
 - Affordable loans.
 - Technical support.
 - Legal facilitation.
- Establish a national compensation fund for reconstruction, funded by:
 - Frozen assets of former regime officials involved in the massacre.
 - International support and grants from the UN and the World Bank for reconstruction projects.
 - Revenues from confiscated illicit assets of corrupt former regime members.

FIFTH: ADDITIONAL RECOMMENDATIONS FOR OFFICIAL GOVERNMENT MEASURES TO COMMEMORATE THE MASSACRE AND ENSURE NON-RECURRENCE

Official recognition of the massacre and its clear condemnation

1. The transitional government should issue an official statement recognizing the Hama Massacre as a crime against humanity and affirming the new state's commitment to achieving justice.
2. Declare **February 2 as a national day of remembrance** for the massacre, dedicated to honoring the victims, the missing, and the survivors, and ensuring that this crime remains in the national memory.
3. Erect a **memorial to the massacre victims in Hama city**, including the names of the civilians who were killed or forcibly disappeared during the 1982 military campaign.
4. **Include the massacre in educational curricula** to ensure future generations are aware of the terrible atrocities that occurred and prevent their recurrence.
5. Support **human rights documentation programs** in partnership with local and international organizations to record the testimonies of survivors and victims' families and preserve them in a national archive.

Ensuring non-recurrence of massacres through political, legal, and security reforms

1. Reform security and military institutions to prevent their use in suppressing civilians' freedoms in the future, and establish **independent oversight mechanisms** to prevent further abuses.
2. Enact laws that ensure:
 - Prohibition of using the military and security forces against civilians.
 - Criminalization of mass killings and enforced disappearances.
 - Removal of immunity from the perpetrators of crimes.
3. Integrate transitional justice principles and human rights education into school curricula to ensure that future generations understand the gravity of mass crimes and prevent the resurgence of authoritarian rulers.



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No justice without accountability

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