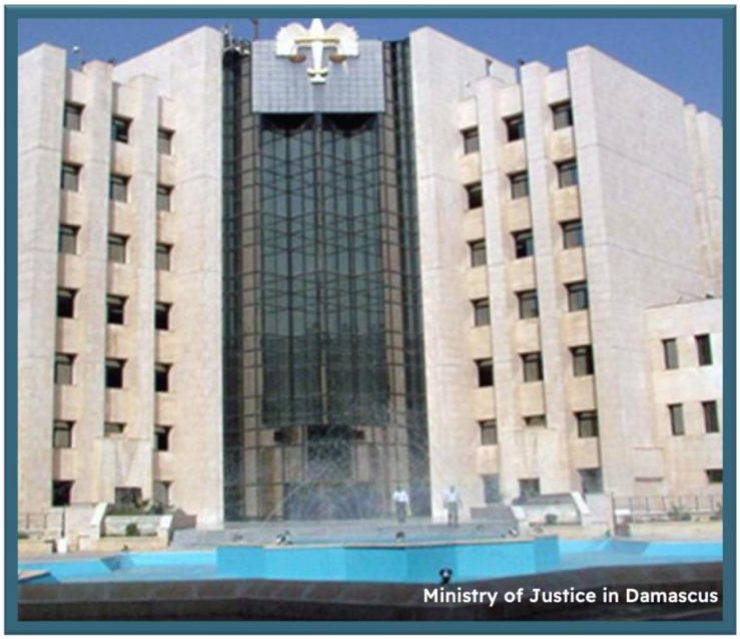
SNHR
الشبكة السورية لحقوق الإنسان
SYRIAN NETWORK FOR HUMAN RIGHTS

Statement

SNHR Calls for Expanding Participation in the Committees to Amend the Civil Procedure Code and the Evidence Law Formed by the Ministry of Justice in the Transitional Government

Unjustified Exclusion Threatens to Weaken Legal Reform and Undermine Community Trust

Thursday, May 22, 2025



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 Wednesday, April 23, 2025, the Ministry of Justice of the Syrian government issued Decisions No. (568/L) and (569/L), regarding the formation of two committees to amend both the Civil Procedure Code and the Evidence Law. SNHR noted that the two committees did not include representatives from the Syrian Bar Association, law professors at Syrian universities, or civil society organizations, despite the direct and essential connection these entities have to the implementation, teaching, and development of these laws.

The Importance of the Laws Being Amended

The Code of Civil Procedure and the Law of Evidence constitute two essential pillars of the Syrian civil judicial system. They directly impact individuals' rights to access the judiciary and receive fair and just trials. The Code of Civil Procedure is the law regulating the formal procedures to be followed before courts in civil and commercial cases. The law includes rules for filing lawsuits, notification procedures, exchanging pleadings, appeals, and issuing and enforcing judgments. It is considered the procedural framework for regulating the relationship between litigants and defining the duties and powers of judges in managing and hearing cases.

The law was issued pursuant to Legislative Decree No. 84 of 1953 and has undergone partial amendments over the past decades, most notably the amendments contained in Law No. 1 of 2016, which addressed some procedures related to notification and appeal. However, these amendments, which were implemented under the former Assad regime, were implemented in a closed-door manner, without the active participation of the legal community, nor were they subject to parliamentary oversight or public professional consultations. This limited their actual impact on improving the performance of the judicial system or addressing its accumulated structural problems.

Evidence law deals with the legal rules related to the methods and means of proving facts and rights before the judiciary. It regulates various means of proof such as testimony, documents, evidence, admission, inspection, and technical expertise. The law also determines what evidence is admissible or rejected and sets out the legal conditions that must be met, which fundamentally impacts

individuals' ability to prove their rights and defend their legal interests before the courts.

This law was issued pursuant to Legislative Decree No. 359 of 1947. Despite the antiquity of the law and the significant legal and technological transformations that have taken place, it has not been subject to any comprehensive amendments since that time.

The amendments made to it were limited to a few aspects, most notably the electronic evidence contained in Law No. 21 of 2014, which was also issued under the previous regime. The law lacked transparency or participation from professional or academic institutions, leading to a continued gap between the legal texts and the judicial reality.

Despite their profound impact on individual rights and fair trial guarantees, these laws have been amended over the decades in a top-down manner, without genuine involvement from the legal and civil society community. This has negatively impacted their effectiveness and ability to keep pace with modern legal developments. Therefore, reviewing them in a transitional context requires a radically different approach based on the principles of effective participation, pluralism, and institutional oversight. Therefore, any amendment to these two laws should not be viewed as a technical or formal amendment, but rather as a fundamental issue directly related to achieving civil justice and strengthening the basic procedural and substantive guarantees related to the right to litigation and a fair trial.

The importance of partnership between unions, academics, and human rights civil society organizations in legislative amendments

SNHR believes that the exclusion of these actors within the legal and judicial structure from a legal amendment process of this magnitude violates the fundamental principles adopted in legal reform processes, which require the involvement of stakeholders from professional and academic bodies, as well as human rights civil society organizations, to ensure greater comprehensiveness of

the amendment process, its technical efficiency, and its alignment with the needs of practical application and societal acceptance.

The involvement of the Bar Association, civil society organizations, and academics specializing in civil law and evidence law not only represents added value from a technical perspective but is also a legislative necessity that contributes to enhancing confidence in mechanisms for developing and reforming laws and is consistent with relevant international standards, which emphasize the importance of involving legal actors when drafting or amending laws with broad impact.

SNHR affirms that the Bar Association represents a fundamental and integral professional actor within the justice system. It is the body responsible for defending

rights and plays an effective role in enforcing the law in courtrooms. Lawyers are also among the most prominent practitioners of procedural and evidentiary laws and have a thorough knowledge of the challenges of implementation and legislative shortcomings.

Academic institutions, particularly law schools, represent the knowledge base that enriches the legislative process and is capable of providing a critical, scholarly reading of legal texts and proposing alternatives consistent with comparative experience and international standards. Its presence on amendment committees ensures the preservation of the quality of legal drafting and methodological consistency and contributes to the development of stable and fair legal rules.

In the same vein, civil society human rights organizations play a pivotal role in the legal reform process, providing an independent voice that reflects the pulse of the legal and societal arena and providing oversight mechanisms that contribute to enhancing transparency and accountability. The participation of these organizations is essential to ensure that the amendments comply with international human rights standards and to enable victims and affected groups to directly submit their views and suggestions, thus strengthening the legitimacy of the new laws and increasing their chances of societal acceptance.

The exclusion of these three actors weakens the institutional foundations of the reform process, deprives the legislative amendment of one of its most important components: professional diversity and cognitive and societal integration, and

misses a significant opportunity to build broad legal and human rights consensus around the amended laws.

International standards related to the need to involve professional and community stakeholders in drafting legislation

Among the most prominent international standards that support the principle of legal and community partnership in legislative reform processes are:

United Nations Principles on the Role of Lawyers (Havana, 1990), which state that “Governments should, within the framework of their national legislation and practice, respect the Basic Principles on the Role of Lawyers.” Also, Principle 16 stated “Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.” These roles include their participation in the formulation of legal

policies, as an essential part of the justice system, and as partners in developing legislation and evaluating its impact.

Principle 23 of the same document also states that lawyers have the right to participate in public discussions concerning the law, the administration of justice, and the promotion and protection of human rights.

The report of the Special Rapporteur on the independence of judges and lawyers (A/HRC/44/47, 2020) makes clear that the independence of the legal profession requires its involvement in legal and legislative discussions,

The Basic Principles on the Independence of the Judiciary, adopted by the United Nations General Assembly in 1985 (Resolution 40/32), are linked to these standards by affirming that judicial independence cannot be separated from the general legal environment, which should be based on balanced legislation drafted with the active participation of experts and professionals to ensure its impartiality and effectiveness.

The United Nations Convention against Corruption (2003), which Syria ratified in 2006, emphasizes in its thirteenth article the importance of enhancing the participation of civil society and non-governmental organizations in promoting

transparency and accountability in public institutions, including legislative processes.

The Principles relating to the Status of National Institutions (The Paris Principles) also emphasize that policies and legislation relating to human rights, including the right to a fair trial, should be the subject of broad public consultation, including trade unions, universities and civil society organizations.

Legal Conclusions

Based on the above, the Syrian Network for Human Rights believes that limiting the involvement of professional and academic bodies and human rights civil society organizations in amending basic procedural laws, such as the Code of Civil Procedure and the Code of Evidence, not only contradicts modern approaches to legal reform, but also constitutes a fundamental violation of international obligations previously ratified by the Syrian state, particularly Article 14 of the International Covenant on Civil and Political Rights (ICCPR), which Syria ratified in 1969. This Article stipulates that legal procedures must be guaranteed through clear, fair laws formulated according to

participatory standards that ensure justice for all. Also, Article 13 of the United Nations Convention against Corruption, ratified by Syria in 2006, stipulates the "promotion of community participation and transparency in public decision-making, including the formulation of public policies and legislation," and Article 15/1/b of the International Covenant on Economic, Social and Cultural Rights, ratified by Syria in 1969, which stipulates the need to respect the freedom of scientific research and academic activity.

The network emphasizes that respect for international standards in this context is not a matter of formality or procedure, but rather a fundamental condition for strengthening the rule of law and building an effective and impartial justice system based on the trust of the legal and human rights community and citizens alike.

Based on its extensive experience in monitoring and evaluating the legislative process in Syria, and its published legal reports and analyses in this area, SNHR

believes that effective legislative reform cannot be achieved without the genuine and comprehensive participation of all components of the legal and civil society, particularly professional unions, academic institutions, and human rights civil society organizations. Strengthening this participation aims not only to improve the quality of legal texts, but also to build a judicial environment that enjoys legitimacy, credibility, and legislative stability.

Ignoring a significant portion of the legal and civil society, and relying solely on a closed administrative approach, perpetuates the centralization of decision-making and deprives legislative amendments of their legitimacy and societal acceptability. Building an independent and impartial justice system begins with engaging all stakeholders and recognizing the role of trade unions, academic institutions, and civil society organizations. Any legal reform process must be built on the foundations of participation and diversity, not isolation and exclusivity.

SNHR also emphasizes that legal and legislative reform cannot be undertaken without parliamentary oversight and accountability. It believes that any substantive amendments to laws should subsequently be presented to the upcoming Syrian People's Assembly, as it is the legislative authority empowered to approve and publicly discuss laws, in accordance with the principles of transparency and democratic participation.

Accordingly, SNHR calls on the Ministry of Justice to review the mechanism for forming legal committees responsible for the amendments, in a manner consistent with the principles of institutional reform and participatory justice and reflecting the state's commitment to developing the justice system according to sound professional and institutional foundations.

Syrian Arab Republic
Ministry of Justice

الجمهورية العربية السورية
وزارة العدل

الرقم: ٦٩٤٥

القرار رقم (٥٦٩ / ل)

وزير العدل

- بناءً على أحكام قانون السلطة القضائية الصادر بالمرسوم التشريعي رقم/٩٨/تاريخ ١٩٦١/١١/١٥.
- وعلى أحكام قانون الموظفين الأساسي رقم (١٥) تاريخ ١٩٤٥/١/١٠ وتعديلاته
- وعلى أحكام القانون الأساسي للعاملين في الدولة رقم /٥٠/ تاريخ ٢٠٠٤/١٢/٦.
- وعلى جلسة مجلس القضاء الأعلى رقم (٧) المنعقدة بتاريخ ٢٠٢٥/٤/١٤
- وعلى مقتضيات المصلحة العامة.

يُقرر ما يلي:

المادة ١ – تشكل لجنة من السادة الآتية أسماؤهم:

١– القاضي أنس منصور سليمان	رئيس محكمة النقض	رئيساً
٢– القاضي محمد حاج حسن	نائب رئيس محكمة النقض	عضواً
٣– القاضي محمد جمال الخطيب	رئيس الغرفة العقارية (ب) في محكمة النقض	عضواً
٤– القاضي عمار العاني	رئيس الغرفة العقارية (أ) في محكمة النقض	عضواً
٥– القاضي طه منصور	رئيس غرفة المخاصمة العادية في محكمة النقض	عضواً
٦– القاضي محمود عاشور	رئيس الغرفة الجنحية الثانية في محكمة النقض	عضواً
٧– القاضي سمير الرواس	رئيس القسم المدني في إدارة التشريع	عضواً
٨– سلوى محمد	رئيس ديوان إدارة التشريع	مقرراً

المادة ٢– مهمة اللجنة إعادة النظر في قانون أصول المحاكمات المدنية رقم (١) لعام ٢٠١٦، بعد الاطلاع على أعمال لجنة القرار رقم (٢٦٧٨/ل) تاريخ ٢٠٢٣/١١/٢، واقتراح التعديلات اللازمة مع مراعاة الإعلان الدستوري الصادر بتاريخ ٢٠٢٥/٣/١٣ ومبادئ حقوق الإنسان، وتبسيط الإجراءات، واستخدام تقانة المعلومات بما يخدم عملية التقاضي.

المادة ٣– تنجز اللجنة أعمالها خلال شهر من تاريخ تبلغها القرار وترفع تقريرها للوزير.

المادة ٤– تصرف تعويضات اللجنة من موازنة وزارة العدل لعام ٢٠٢٥.

المادة ٥– تستعين اللجنة بمن تراه مناسباً لإنجاز مهمتها.

المادة ٦– يلغى كل قرار مخالف.

المادة ٧– يُبلّغ هذا القرار من يلزم لتنفيذه.

دمشق في ١٤٤٦/١٠/٢٤هـ الموافق لـ٢٠٢٥/٤/٢٣

وزير العدل
الدكتور مظهر الويس

نسخة إلى:
- مكتب السيد الوزير
- [illegible]

Minister of Justice Decision No. 569/L regarding the formation of a committee to amend the Civil Procedure Code No. 1 of 2016

Ministry of Justice

وزارة العدل

الرقم:٦٩٤٣

القرار رقم (٥٦٨ / ل)

وزير العـدل

- بناءً على أحكام قانون السلطة القضائية الصادر بالمرسوم التشريعي رقم/٩٨/تاريخ ١٩٦١/١١/١٥.
- وعلى أحكام قانون الموظفين الأساسي رقم (١٥) تاريخ ١٩٤٥/١/١٠ وتعديلاته
- وعلى أحكام القانون الأساسي للعاملين في الدولة رقم /٥٠/ تاريخ ٢٠٠٤/١٢/٦.
- وعلى جلسة مجلس القضاء الأعلى رقم (٧) المنعقدة بتاريخ ٢٠٢٥/٤/١٤
- وعلى مقتضيات المصلحة العامة.

يُقرر ما يلي:

المادة ١ – تشكل لجنة من السادة الآتية أسماؤهم:

١- الدكتور القاضي إبراهيم شاشو	رئيس إدارة التفتيش القضائي	رئيساً
٢- القاضي محمد حاج حسن	نائب رئيس محكمة النقض	عضواً
٣- القاضي مصطفى الشبيب	نائب رئيس محكمة النقض	عضواً
٤- القاضي محمد جمال الخطيب	رئيس الغرفة العقارية (ب) في محكمة النقض	عضواً
٥- القاضي عمار العاني	رئيس الغرفة العقارية (أ) في محكمة النقض	عضواً
٦- القاضي طه منصور	رئيس غرفة المخاصمة العادية في محكمة النقض	عضواً
٧- القاضي خليل الغاوي	مستشار محكمة الاستئناف بإدلب	عضواً
٨- أحمد نجيب عبدالرحمن	مدير مكتب التفتيش القضائي	مقرراً

المادة ٢- مهمة اللجنة إعادة النظر في قانون البينات رقم (٣٥٩) لعام ١٩٤٧، بعد الاطلاع على أعمال اللجنة المشكلة سابقاً لذات الغاية، واقتراح التعديلات اللازمة مع مراعاة الإعلان الدستوري الصادر بتاريخ ٢٠٢٥/٣/١٣ ومبادئ حقوق الإنسان، وتبسيط الإجراءات، واستخدام تقانة المعلومات بما يخدم عملية التقاضي.

المادة ٣- تنجز اللجنة أعمالها خلال شهر من تاريخ تبلغها القرار وترفع تقريرها للوزير.

المادة ٤- تصرف تعويضات اللجنة من موازنة وزارة العدل لعام ٢٠٢٥.

المادة ٥- تستعين اللجنة بمن تراه مناسباً لإنجاز مهمتها.

المادة ٦- يلغى كل قرار مخالف.

المادة ٧- يُبلّغ هذا القرار من يلزم لتنفيذه.

دمشق في ١٤٤٦/١٠/٢٤هـ الموافق لـ٢٠٢٥/٤/٢٣

وزير العـدل

الدكتور مظهر الويس

نسخة إلى:
-مكتب
-رئيس إدارة التفتيش القضائي
-التنمية الإدارية

Minister of Justice Decision No. 568/L regarding the formation of a committee to amend Evidence Law No. 359 of 1947

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No justice without accountability