

SNHR

الشبكة السورية لحقوق الإنسان
SYRIAN NETWORK FOR HUMAN RIGHTS

The Syrian Network for Human Rights'

— Methodology —

for Monitoring and
Observing Trials in the
Context of Transitional
Justice



www.snhr.org



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 analyses in Syria.

Contents:

First: The General Framework and Systematic Monitoring of Trials (A Legal Assessment).....	1
Second: The Objectives of the Trial Monitoring and Observation Process.....	2
Third: The Analytical and Legal Framework of the Monitoring Function	2
Fourth: The Operational Framework of the Trial Monitoring Process	7
Fifth: The International Significance of the Syrian Network for Human Rights' Reports	10



FIRST: THE GENERAL FRAMEWORK AND SYSTEMATIC MONITORING OF TRIALS (A LEGAL ASSESSMENT)

The systematic monitoring of trials is considered one of the core functions adopted by the Syrian Network for Human Rights (SNHR) within its documentation and human-rights work, and it aims to assess the extent to which national judicial proceedings conform to the fair-trial standards set out in international human rights law and international humanitarian law, within the context of transitional justice in Syria.

This function is built on a comprehensive understanding of the role of the judiciary during the phases of political transition, whereby the role of trials isn't confined to the procedural or punitive dimension, but rather extends to encompass the guarantees of accountability, the strengthening of the rule of law, and the consolidation of the trust of victims and society in the justice system.

Among the cases subject to monitoring is the trial of Atef Najib, which began on 26 April 2026 before the Fourth Criminal Court in Damascus, and which represents the first trial of a former official of the Assad regime on Syrian territory, and constitutes a historic turning point in the path of national accountability. The significance of these legal proceedings goes beyond the person of the accused, since it is expected that they will establish a precedent for subsequent trials against figures of the regime, that they will test the credibility and competence of the judiciary in the post-Assad phase, and that they will determine Syria's place within the international accountability system.

Within this framework, the SNHR works to monitor the course of trials related to gross human rights violations, including crimes against humanity and war crimes, with a focus on analyzing judicial proceedings according to objective, verifiable criteria. As for the SNHR, the systematic monitoring of these trials and the publication of periodic reports about them to the public both constitute a professional commitment that stems from the organization's mission, its legal expertise, and its comparative advantage as a leading documenter of violations in Syria since 2011.

This methodology aims to clarify the legal framework, the professional standards, the operational procedures, the verification mechanisms, and the assessment indicators adopted by the SNHR, in a way that guarantees the degrees of accuracy, impartiality, and independence in monitoring the trials connected to gross human rights violations and international crimes in Syria.

Within this framework also falls the monitoring of trials of particular significance in the current Syrian context, as indicators of the development of the national justice system and the extent of its capacity to deal with gross violations in accordance with the relevant international standards, without this constituting a pre-judgment of the judicial outcomes or a final assessment of the verdicts.

SECOND: THE OBJECTIVES OF THE TRIAL MONITORING AND OBSERVATION PROCESS

The trial monitoring process conducted by the SNHR aims to achieve a set of integrated strategic objectives at the human-rights, legal, and analytical levels, as follows:

- Assessing the extent to which judicial proceedings comply with the international fair-trial standards set out in international human rights law and international humanitarian law.
- Documenting the judicial proceedings connected to gross violations, including crimes against humanity and war crimes.
- Strengthening the right to know and public transparency by making available accurate, documented information about the course of justice.
- Supporting the right of victims and their relatives to access the judicial information relevant to their cases.
- Identifying the legal and procedural loopholes in the national judicial system, especially in the context of transitional justice.
- Monitoring patterns of selective or discriminatory accountability, and analyzing their effects on the rule of law.
- Contributing to building an independent historical and legal record that can be relied upon in future justice processes.
- Providing evidence-based reform recommendations to strengthen the independence of the judiciary and fair-trial guarantees.

THIRD: THE ANALYTICAL AND LEGAL FRAMEWORK OF THE MONITORING FUNCTION

This analysis is built on the declared facts and the available information, without constituting a judgment on the validity of the judicial proceedings or their final outcomes.

The Legal Significance of Trial Monitoring

Trial monitoring is, by its nature, a practical exercise of the right to a fair and public trial under Article 14 of the International Covenant on Civil and Political Rights, since the public's right to access the proceedings, and to subject them to independent scrutiny, constitutes a structural guarantee against judicial arbitrariness. A monitoring program built on the framework adopted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) assesses whether the Fourth Criminal Court meets the minimum guarantees of competence, independence, and impartiality; whether the accused is informed promptly, and in a language they understand, of all the charges and in sufficient detail to enable them to prepare their defense; whether the principle of equality of arms is preserved between the prosecution and the defense; and whether the presumption of innocence is applied throughout the proceedings.

One of the most prominent legal weaknesses in the Najib case is of a structural character, for Syrian criminal law doesn't classify crimes against humanity, war crimes, or genocide as independent crimes. Therefore, public prosecutors rely on ordinary national crimes, particularly murder and assault, to prosecute conduct that, under the Rome Statute or customary international law, is conduct of an entirely different legal characterization. This creates a risk that lies in the judicial narrowing of the scope of the crimes, and the omission from the historical record of the coordinated, large-scale, and contextual elements necessary to establish patterns of responsibility, such as joint criminal enterprise or command responsibility. The monitors of the SNHR, who hold legal qualifications and training in international law, have the capacity to identify the shortcomings of the national legal classifications in capturing the full spectrum of the crime, and to document these loopholes in a way that serves the Syrian judiciary and the international legal bodies alike.

The SNHR's monitoring should, in addition, assess the legal soundness of the court's establishment under the 2025 Constitutional Declaration, whether its jurisdictions are properly defined and applied in practice, and whether the absence of an explicit legal basis for the categories of atrocity crimes might generate grounds for appeal that could lead to the collapse of significant trials.

Accountability and Documentation

The SNHR serves as a primary source for OHCHR with respect to the analyses of the death toll in Syria since 2011, and it has established one of the most comprehensive electronic databases of the records of detainees, the missing, and victims. This pre-existing infrastructure grants the SNHR a capacity to perform functions in trial monitoring that go beyond mere passive follow-up. The monitors can compare the testimonies presented in court with the cases documented in SNHR's databases, which contributes to identifying corroborating evidence, uncovering contradictions, or pointing to the absence of cases that the court should have considered and didn't.

The periodic public reports contribute to preserving the judicial record in an easily accessible manner. In transitional contexts, where institutional memory is fragile, and the courts' archives may be susceptible to interference or loss, the independent documentation issued by civil society organizations functions as an external archival layer. The rule-of-law tools of OHCHR in post-conflict states acknowledge this function explicitly, since the monitoring process produces evidence-based recommendations for systematic improvements, and establishes a documented record through which compliance can be measured over time. And if the SNHR's reports are issued periodically, so that they cover every stage of the substantive hearings, then they will constitute a continually renewed historical record that neither the court itself, nor any single governmental body, can control or amend retroactively.

No less important than that is the function of pattern identification, for individual trials offer only a limited factual picture, whereas a monitoring program covering multiple proceedings over a period of time can identify the systematic patterns: whether certain categories of perpetrators are consistently tried while other categories are not; whether certain types of evidence, such as testimonies compared with documents, are systematically prioritized; whether certain categories of victims receive inferior procedural treatment; and whether the charges repeatedly diminish command responsibility. These patterns do not emerge analytically from within a single case, but they become clear through longitudinal reporting that is comprehensive across cases, and this is precisely the type of analysis that the SNHR is structurally positioned to carry out.

Protection Against Selective Accountability

In any transitional environment, the institutions established by the successor authority carry a latent structural risk that lies in exploiting accountability to gain political legitimacy, rather than pursuing it as a principled legal obligation.

The independent monitoring conducted by the SNHR provides an external reference through which the scope and consistency of the prosecutions can be assessed. The question posed doesn't lie in whether Najib deserves to be tried, since the evidence of his command responsibility for the Daraa repression campaign is well documented, and the US Department of the Treasury imposed sanctions on him for human rights violations as far back as April 2011, but rather in whether the judicial proceedings are applied according to consistent legal standards, regardless of the armed faction, the security apparatus, or the period of rule concerned. So if the trials are confined to former regime officials, while similar violations committed by other parties don't receive any judicial attention, then this selectivity in itself constitutes a defect in the rule of law, and the monitoring reports issued by the SNHR are the appropriate means to record this defect publicly and analytically.

Victims' Rights and Public Trust

The right of victims of gross human rights violations to obtain an effective remedy and to participate in criminal proceedings is built on the United Nations' Basic Principles and Guidelines on the Right to a Remedy and Reparation, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, and the framework of the Rome Statute on victim participation. The SNHR's monitoring should assess whether the fifty complainants who filed cases against Najib are able to give their testimonies in safe conditions, whether legal representation is available to them, and whether their dignity and security are preserved throughout the proceedings.

As for the families of the forcibly disappeared, a category that the SNHR has documented on a wide scale through sophisticated electronic programs tracking the cases since 2011, trial monitoring also performs an informational function. These families often lack the legal resources, the court records, or the linguistic capacity necessary to understand the judicial documents. The periodic reports issued by the SNHR, written in clear and accessible Arabic and English, constitute a channel for conveying information, which ensures that the stakeholders most connected to the proceedings aren't excluded from understanding them. And this is a contribution to the victims' right to know the truth about what happened to their relatives, a right recognized as part of the right to an effective remedy.

Public trust in the emerging justice institutions is fragile in post-conflict contexts, and it erodes quickly in the absence of transparency. The existence of independent and credible monitoring bodies, which publish their findings regularly, shows Syrian society that the proceedings are subject to external scrutiny, which constitutes a mechanism for accountability within the accountability process itself. The parallel participation of the SNHR, with the broader documentation base and the more comprehensive victim networks it possesses, would strengthen this function rather than duplicate it.

Trial Monitoring Within the Framework of the Transitional Justice System in Syria

The transitional justice framework in Syria is still incomplete. Two founding commissions were established by executive decrees in May 2025, and the National Commission for Transitional Justice defined a mandate encompassing truth, accountability, reparations, and non-recurrence, yet it affirmed in its founding report that the coordination mechanisms with the relevant governmental institutions are still undeveloped, and that the institution-building process is still ongoing. Therefore, the trials are being conducted before the transitional justice structure becomes fully effective, which signals the risk that the criminal proceedings will drain the political and institutional efforts at the expense of the complementary mechanisms, such as truth-seeking, the establishment of reparations mechanisms, institutional vetting, and guarantees of non-recurrence.

The monitoring reports issued by the SNHR can effectively counter this tendency by placing every development in the trial within the broader framework of transitional justice. The reports should not be confined to assessing procedural compliance alone, but must also address what these proceedings contribute to uncovering the truth, and what they omit from it: do the testimonies shed light on the chain of command? Which violations are subject to judicial investigation? Which violations remain outside the scope of the proceedings? And is the evidence presented in court systematically shared with the National Commission for Transitional Justice? The question of the full chain of command, including whether it is possible to try Bashar al-Assad and Maher al-Assad, who are being tried in absentia alongside Najib, in conformity with the international standards for in absentia trial proceedings, requires sustained analytical attention across the multiple reporting cycles.

The monitoring function also supports institutional reform. By identifying the procedural deficiencies, the legislative loopholes, including the absence of the codification of atrocity crimes, and the structural shortcoming in the independence of the judiciary in every report, the SNHR provides evidence-based recommendations for reforming the criminal proceedings, the judicial appointment processes, and the witness-protection frameworks, reforms that are essential preconditions for enabling the transitional justice mechanisms to operate credibly.

The Methodological Risks and Safeguards

The risks of monitoring trials without following a sufficiently rigorous methodology are serious. An organization that publishes findings pre-condemning the accused during the course of the proceedings violates the presumption of innocence, and risks delegitimizing the very proceedings it seeks to strengthen. Likewise, monitors who reveal the identities of witnesses, even unintentionally through describing testimonies with distinctive features, may expose individuals to reprisal in a country where the security structures are still partially in place. As for monitors who report unverified information, or conflate court testimonies with established facts, they undermine their analytical credibility, and open avenues for challenging the proceedings. And finally, monitors who are perceived as politically biased, whether toward the transitional government or toward the armed factions that committed their own violations, will lose the external credibility that justifies their function.

The Methodological Safeguards Adopted by the SNHR in Practice:

- A clear distinction must be drawn between the monitoring function and the advocacy function. The monitoring reports must describe what was observed in court and analyze it legally, without calling for specific verdicts or outcomes.
- Strict protocols for the protection of sources. And the redaction or anonymization of witnesses' identities, including the identifying details contained in their testimonies, in all public reports. And when communication with victims' families is relevant to the monitoring, any information they provide must be subject to the standards of consent and confidentiality consistent with the SNHR's current methodology.
- Clear standards for accuracy and verification, distinguishing between what is reported as established, what is reported as alleged, and what remains in dispute. And the distinction between observation, that is, what happened in court, and legal analysis, that is, how the observed conduct relates to the applicable standards, and the SNHR's own institutional advocacy positions, must be clear in every report
- Legal impartiality with respect to the conviction of the accused must be maintained throughout the proceedings. The SNHR may report on the bringing of charges, on the court's having deemed that the acts constitute war crimes and crimes against humanity, and on the public prosecution's having presented specific evidence, without adopting these conclusions before the court issues its final judgment. So the organization's prior documentation of violations doesn't dispense with the judicial determination of individual criminal responsibility.

FOURTH: THE OPERATIONAL FRAMEWORK OF THE TRIAL MONITORING PROCESS

The operational framework represents the executive structure that transforms the legal and normative principles contained in this methodology into organized field-monitoring practices that are measurable and verifiable. This framework aims to ensure consistency in data collection, to standardize the documentation tools, and to enhance comparability between the different cases, in a way that allows for the production of long-term, evidence-based legal analysis.

This framework also constitutes an internal control system that links field monitoring, legal analysis, and editorial review, within an integrated workflow that guarantees the methodological independence of each stage.

1. Organizing the Monitoring Process

The SNHR adopts a flexible organizational structure for monitoring, based on a clear distribution of functions that ensures the separation between the field, analytical, and editorial tasks, and this includes:

- **The field-monitoring team:** handles direct attendance of the hearings and the documentation of the procedural facts as they happen, including documenting the procedural interactions between the court and the parties, monitoring the conduct of the judges, the prosecution, and the defense from a neutral procedural perspective, recording any preliminary indicators of procedural violations without a final legal interpretation, and the strict adherence to the principle of not influencing the course of the hearings.
- **The research-support team:** collects the legal and factual background of the cases and links it to the contexts of the previously documented violations.
- **The legal-analysis team:** handles the review of the facts from the perspective of international human rights law and international criminal law, with a focus on the soundness of the legal characterization and the production of a non-judicial legal reading.
- **The review-and-editing team:** ensures methodological consistency, linguistic accuracy, and the standardization of the reports' style before publication.

This structure operates in an integrated manner without overlap in powers, which guarantees the independence of the legal assessment from the initial documentation process.

2. The Scope of Monitoring

The scope of monitoring defines the limits of the monitors' analytical role, in a way that ensures a focus on the judicial proceedings without overstepping into judicial or investigative functions.

The monitoring program includes:

- The public hearings in all their procedural stages.
- The judicial decisions of procedural or substantive effect.
- The performance of the court and the conduct of the parties to the case within the hearing.
- The treatment of the accused in terms of the procedural guarantees.
- The treatment of victims and witnesses in terms of protection and dignity.
- The appeal decisions and the legal reasoning of the verdicts whenever available.
- The cases connected to international crimes and gross violations.
- The trials conducted in the presence of the accused and in absentia.

3. The Practical Monitoring Procedures

These procedures represent the daily executive framework for the monitors' work, and they are built on rigorous documentation standards that can be independently re-verified.

Attendance of the Hearings	Collecting Information
<u>The monitoring team seeks to attend the public hearings whenever that is possible:</u> • Priority for direct attendance whenever the security and legal conditions allow. • A commitment not to disrupt the course of the court or to influence its parties. • Respect for the entry rules adopted by the judicial authorities. <u>In the cases where direct attendance is not feasible, the SNHR relies on:</u> • The available judicial records. • The official statements. • Multiple reliable sources. • Audio or visual materials that are being verified.	<u>The monitors adopt standardized forms for recording:</u> • The identifying data of the hearing (the date, the place, the case number). • The composition of the court panel and the parties to the case. • The procedural course of the hearing step by step. • The motions submitted by the defense and the prosecution. • The court's decisions and their procedural bases. • A description of the conduct of the parties within the courtroom. • The presentation of evidence or the reference to it. • Any indicators of a breach of the fair-trial standards. It is required that the observations be descriptive and neutral before any level of legal analysis.

4. The Trial-Assessment Indicators

SNHR adopts a set of standard indicators to assess the quality and fairness of the judicial proceedings, and they are used as a tool of analysis, not as a substitute for judicial determination.

The Independence and Impartiality of the Court	The Defense Guarantees
• The independence of the judges. • The absence of political or security interferences. • The impartiality of the court toward the parties.	• The accused's right to a lawyer. • Adequate time and facilities to prepare the defense. • The right to access the case file. • The right to examine the witnesses.
The Publicity of the Proceedings	The Rights of Victims and Witnesses
• The possibility of attending the hearings without unjustified restrictions. • The transparency of the proceedings and the ease of access to the judicial information. • The publication of the verdicts and decisions.	• The provision of actual protection from reprisal or pressure. • Respect for dignity and privacy during the giving of testimony. • Ensuring legal representation when needed. • The provision of a safe procedural environment for giving testimony.
The Soundness of the Legal Characterization	The Right to Appeal
• The extent of the charges' conformity with international law. • The treatment of the patterns of command responsibility. • The handling of crimes against humanity and war crimes.	• The availability of judicial challenge. • The reasoning of the verdicts. • Respect for the procedural guarantees at the appeal stages.

FIFTH: THE INTERNATIONAL SIGNIFICANCE OF THE SYRIAN NETWORK FOR HUMAN RIGHTS' REPORTS

The SNHR is considered a primary source for the analyses of the death toll in Syria according to OHCHR. The monitoring reports SNHR issues regarding the national trials will perform a distinctive and complementary function within the structure of international accountability. The SNHR's reports, which document the evidence presented in the Damascus trials, the charges brought, and the remaining loopholes, will contribute to guiding the prosecution strategy and to preventing duplication or conflict with the national proceedings.

As for the United Nations bodies, including OHCHR, the Human Rights Council, and possibly the Security Council, the monitoring reports issued by the SNHR provide reliable, well-sourced assessments of Syria's compliance with its obligations under the International Covenant on Civil and Political Rights, the Convention against Torture, and the other instruments it has ratified. The diplomatic actors, when assessing the granting of legitimacy, funding, or technical assistance to the Syrian judicial institutions, rely specifically on this type of independent credibility assessment that can only be provided by an expert civil-society monitoring body with long experience. The Legal Digest of International Fair Trial Rights issued by the OSCE Office for Democratic Institutions and Human Rights provides a recognized benchmark against which the SNHR's assessments can be calibrated, in a way that ensures the reports are comprehensible to the local and international audiences alike.

This methodology forms the governing reference framework for the work of the SNHR in the field of monitoring the trials connected to gross human rights violations and international crimes in Syria. It isn't merely a descriptive document, but rather represents an integrated operational and normative system that defines how to move from field monitoring to substantive legal analysis, within an environment characterized by overlapping legal, political, and security complexities.

This methodology affirms that the function of independent judicial monitoring is a function complementary to the justice system, and not a substitute for it or an interference in its competences. It aims to strengthen transparency, support the rule of law, and document the course of transitional justice, in a way that guarantees the preservation of the historical record of the judicial proceedings, and enables victims and the public to access reliable information built on verification.

This methodology also reflects the SNHR's commitment to the international standards of human rights and international humanitarian law, and to the principles of independence, impartiality, accuracy, and confidentiality across the stages of the work, from the collection of information to publication.

This methodology remains a living document open to updating and development in accordance with the evolution of the judicial context in Syria, and with the accumulation of practical experience and the emergence of new requirements in the transitional justice environment, in a way that ensures the continuation of its alignment with the international professional and legal standards.

SNHR

SYRIAN NETWORK
FOR HUMAN RIGHTS



info@snhr.org
www.snhr.org

