

||| Syria – The Newly Created Position of “Sheikh/Head of the Judicial Directorate”: Entrenching Loyalties at the Expense of Judicial Independence



- The Position Of “Head Of The Judicial Directorate/Sheikh” Must Be Abolished As It Has No Legal Basis. Judicial Appointments And Promotions Should Be Tied Exclusively To Professional Criteria, Free From Patronage And Political Loyalties, And Individuals Without A Law Degree Must Be Barred From Holding Judicial Office. In Addition, The Salary System Should Be Reformed To Reflect Seniority And Experience, Thereby Safeguarding Judicial Independence And Restoring Public Confidence In The Judiciary

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1. Introduction

Following the collapse of the Syrian regime in December 2024, the country faced immense challenges in rebuilding state institutions, foremost among them the judiciary. As the cornerstone for delivering justice and safeguarding rights, the judiciary suffered deep distortions during the years of conflict and even in the period preceding 2011, whether in terms of independence, competence, or legitimacy. The downfall of the Assad regime was expected to provide an opportunity to establish a more impartial and independent judicial authority that would reflect the principles of transitional justice and good governance. However, realities on the ground -based on testimonies obtained by Syrians for Truth and Justice- revealed the emergence of hybrid judicial structures that imported many of their mechanisms from previous local experiences outside the formal framework, most notably the model of Hay'at Tahrir al-Sham (HTS) and the Salvation Government in Idlib.

In this context, a new position emerged: the “Head of the Judicial Directorate,” commonly referred to in both administrative and popular discourse as the “Sheikh.” Holders of this position exercise broad powers that surpass those of the Attorney General and court presidents, despite the fact that the role has no basis in [Syrian judicial law](#). Rather, it was established by a [decision](#) of the Ministry of Justice in February 2025, which abolished the legally recognized office of the “First Attorney General”. **This raises serious concerns, as the decree constitutes an overreach of executive authority and an unlawful creation of a new judicial structure.**

This development led to legal confusion and institutional contradictions, as administrative and professional decisions concerning judges became tied to the will of individuals appointed outside the traditional judicial track, some of whom hold neither a law degree nor prior experience in the judiciary.

Such a phenomenon raises serious concerns about the future of the judiciary in post-Assad Syria, and whether it can be rebuilt on the foundations of independence, impartiality, and competence, or whether it will remain captive to factional, religious, and Islamist ideological loyalties. Moreover, the newly created position affects not only judges themselves, but also directly impacts the rights of litigants to appear before an independent, impartial, and specialized judiciary, as guaranteed under Article 43 of the [Constitutional Declaration](#).

Building on these concerns, Syrians for Truth and Justice (STJ) prepared this report, which offers an in-depth analysis of the phenomenon of the “Head of the Judicial Directorate/Sheikh,” examining its structure, origins, appointment mechanisms, granted powers, and its impact on judicial independence.

For the purposes of this report, STJ carried out five in-depth online interviews with judges who were actively serving in the judiciary across several Syrian governorates. Informed consent was secured after explaining the voluntary nature of participation and the intended use of the information provided, including its inclusion in this publication. All participants requested anonymity out of concern for potential reprisals against themselves or their families. Accordingly, pseudonyms have been used to refer to those whose testimonies are cited.

The report is structured around six main pillars: the emergence of the “Head of the Judicial Directorate/Sheikh” and the mechanisms of appointment; the requirement of patronage (“tazkiya”) for judicial entry; the functions and powers of the “Sheikh”; the symbolic dimension of the position; the structural problems associated with it; and finally, the issue of defected judges and the reintegration of individuals previously accused of corruption. The report also outlines the relevant international standards on judicial independence and impartiality.

In conclusion, the report puts forward a set of practical recommendations aimed at rectifying this trajectory, restoring the primacy of law and judicial institutions, and ensuring that the Syrian judiciary remains a neutral and independent body, free from political or ideological influence.

2. The Emergence of the “Head of the Judicial Directorate/Sheikh” Position and the Mechanisms of Appointment

Judges interviewed for this report unanimously agreed that the position of “Head of the Judicial Directorate/Sheikh” is newly created and has no foundation in any Syrian law currently in force, as it is not mentioned in the Judicial Authority Law or in any other legislation. Rather, it was replicated from the experience of the “Sheikh” in northwestern Syria during the period of control by HTS and the Salvation Government, and was subsequently imposed on Syrian governorates after the fall of the regime through Ministry of Justice [Decision No. \(89-L\) of 2025](#), thereby becoming an administrative reality that supersedes both the Attorney General and court presidents.

The decree abolished the office of the First Attorney General and replaced it with the position of “Head of the Judicial Directorate.” This gave rise to fundamental legal challenges, as it represented an encroachment on the prerogatives of the legislature and the unlawful creation of a new judicial structure. Under the principle of legality, the Judicial Authority Law cannot be amended or repealed except through an equivalent law, not by ministerial decree. This report will address this issue in greater detail under the section on structural problems.

In this context, Judge Nadim, who serves at a court in Aleppo governorate, stated to STJ:

“The appointment of a Head of the Judicial Directorate represents the dismantling of the Judicial Authority Law. This position does not exist in the law, nor in any other legislation, and the law grants it no powers, since it does not exist in the first place.”

Another judge, Majed, from the judiciary in Homs explained that the position is not limited to the capital or major cities:

“This position exists in all Syrian governorates, not only in Damascus and Aleppo.”

Judges emphasized that appointments are made through non-transparent decisions based on allegiance and prior affiliation with HTS. The Head of the Judicial Directorate is primarily

selected from among religious jurists or individuals associated with HTS, some of whom do not even hold a law degree and lack any judicial experience¹. Judge Nadim explained:

“Sheikhs were appointed in every judicial district, so that they became the ultimate authority. Often, the appointee holds a degree in law or Islamic law, but has no judicial experience whatsoever... Many had previously worked in areas under the control of HTS in Idlib as lawyers or sharia judges.”

Judge Samer, who serves in a multi-judge court in Rural Damascus, added:

“In our court, the Head of the Judicial Directorate was not appointed by official decision... The Head of the Judicial Directorate is always someone close to the ruling authority, often from Idlib, and he is the one who nominates judges for judicial transfers and appointments, and who grants their leave.”

The influence of this newly created judicial structure has extended beyond the imposition of the “Head of the Judicial Directorate/Sheikh” position to also encompass the process of admitting new judges into the judiciary through an unlawful mechanism known as “tazkiya” (endorsement). This mechanism has been added as a de facto, though undeclared, requirement for participating in judicial appointment competitions, making it yet another tool for consolidating loyalties and excluding those deemed undesirable.

3. “Tazkiya” (Endorsement) as an Unlawful Requirement for Judicial Appointments

Testimonies documented by STJ revealed that the newly established judiciary did not stop at creating the position of “Sheikh” but went further by imposing the requirement of “tazkiya” (endorsement) on candidates seeking to enter the judiciary. This requirement has no basis in any legal text or binding regulation, yet it has been practically enforced as a mandatory criterion.

¹ Based on the testimonies, the report was able to identify several individuals who have held the position of “Head of the Judicial Directorate/Sheikh” in different governorates, namely:

- Damascus: Ali al-Maghribi (a former lawyer with ties to HTS), followed by Ahmad Hamada (who also serves as the First Sharia Judge).
- Aleppo: Ahmad Hilal, known as “Abu Jaber”, a former shari’ in “Jabhat al-Nusra” and a close associate of the current Minister of Justice. His original profession was in construction.
- Hama: Mohammad al-Na’san.

Sources also reported that:

- The Attorney General in Damascus had previously served as a judge for HTS in Idlib.
- The Attorney General in Rural Damascus was not an officially appointed judge, but rather a trainee lawyer who later worked in Idlib during the period of “Jabhat al-Nusra”’s control over the governorate. No official decree has been issued appointing him as a judge.

Every applicant is now required to present a written “tazkiya” (endorsement) from a sitting judge affirming their “good conduct” and non-affiliation with the former regime.²

In this context, Nadim from Aleppo stated:

“Now anyone applying for the judicial competition must, in addition to the known conditions such as degree, age, Syrian nationality, and military service, obtain a tazkiya (endorsement) certificate from a judge. It has a specific form that must be filled out by the judge. Although this condition is not announced in the competition notice and is not listed among the requirements, the Ministry enforces it at the discretion of the Minister of Justice.”

Judge Samer from Rural Damascus confirmed the selective nature of this requirement:

“The so-called tazkiya (endorsement) for appointing new judges states that the applicant is of good conduct, has committed no crime, and was not a supporter of the former regime.”

Judge Majed from Homs pointed out that the requirement reflects the influence of those loyal to the current authorities, who have come to dominate the judiciary:

“The Supreme Judicial Council is made up of a group of judges from Idlib, who served at the Court of Cassation in Idlib during the days of the Salvation Government... Some of them do not even hold a law degree. Within the Council, there is only one judge with a law degree: Judge Mustafa al-Qasem.”

These accounts show that “tazkiya” (endorsement) has become a tool for imposing allegiances and an unlawful means of excluding anyone who does not conform to the new orientations of the Islamist transitional authorities in Damascus. It does not guarantee competence or integrity but rather establishes a system of institutional patronage and personal loyalties, leaving the future of the judiciary subject to a narrow network of individuals tied to power, far removed from professional or legal standards.

The imposition of a condition not stipulated in laws or official regulations undermines the principle of equality in access to public office and contravenes international standards, particularly Article 25 of the International Covenant on Civil and Political Rights (ICCPR), which guarantees all citizens equal rights to hold public positions, as well as Article 10 of the Syrian Constitutional Declaration, which affirms that “citizens are equal before the law in rights and duties, without discrimination among them on the basis of race, religion, gender, or lineage.”

² For reference to the tazkiya (endorsement) form, see the end of Annex I: “Application for Admission to the Higher Institute of Judiciary.”

4. Functions and Authorities of the “Sheikh”

The position of “Head of the Judicial Directorate/Sheikh” is not merely symbolic or ceremonial; it has become a practical authority controlling the judiciary, with powers exceeding those granted by law to the Attorney General or the Supreme Judicial Council. According to the five judicial officials interviewed, these powers now affect the very core of judicial, administrative, and professional work, placing judges in a position of subordination to an individual whose existence has no legislative basis.

One of the most significant aspects of these powers is direct control over judges’ career paths, including leave, appointments, and transfers. As a result, fundamental decisions in a judge’s professional life have become subject to the whims of the “Head of the Judicial Directorate/Sheikh.” At times, the Head of the Judicial Directorate even treats judges in a manner unworthy of their positions, undermining the principle of independence that the law is meant to safeguard. Judge Samer from Rural Damascus summarized this reality as follows:

“The Head of the Judicial Directorate, known as Abu Jaber, is not a legal professional. He treats judges arrogantly and, in a manner, unworthy of the judiciary, the judges, or the Ministry. He sometimes refuses to meet them, and he accepts or rejects their leave requests based on his personal mood. This led two judges to resign; both had been defectors who had returned to judicial service under [Decree No. 70](#).”

These powers extend beyond administrative matters to include direct influence over the fate of judges themselves, including recommending their referral to the Supreme Judicial Council for accountability or even dismissal. Thus, a judge’s future has become tied entirely to the satisfaction of the “Sheikh”, rather than to adherence to the law or professional competence. Judge Nadim from Aleppo explained:

“The Head of the Judicial Directorate is the one who controls judges’ futures, their leave, transfers, and promotions, and he can even recommend referring them to the Supreme Judicial Council for accountability or possible dismissal.”

The Sheikh’s influence is not limited to career decisions but also extends to benefits granted by the Ministry of Justice, such as official housing and cars. These privileges have become a form of implicit leverage used to consolidate personal loyalty and dependency. Judge Majed from Homs noted:

“It is the Head of the Judicial Directorate who decides which judge is entitled to be granted a Ministry of Justice residence, and likewise who may receive a car. These decisions are made arbitrarily and based solely on the Sheikh’s personal satisfaction with the judge in question. This compels judges to seek the Sheikh’s favor in order to obtain a house, a car, or both.”

Even more concerning is that the “Sheikh” has become a participant in interviews with new judges, where these interviews have turned into tools for pressure, humiliation, and sometimes

coercing judges into acting as informants against their colleagues. Judge Majed described one such practice:

“Currently, interviews are being conducted with judges in Rural Damascus. The interview consists of two or three legal questions, followed by a request that the judge provide the names of five corrupt judges. Those conducting the interview are the Head of Judicial Inspection, the Attorney General, and the Head of the Judicial Directorate. The interview is recorded, meaning that judges are being forced into the role of informants.”

These practices were not limited to newly appointed judges; Judge Nadim confirmed that the Head of the Judicial Directorate in Aleppo himself resorted to surveillance through court staff:

“One court employee in Aleppo told me that the Sheikh, Abu Jaber, explicitly asked him to spy on the judges and report who visited them, their relationships, and even what was said among them.”

In addition, the “Sheikh” exercises authority over judges despite lacking any legal expertise. He reprimands judges and holds them accountable for the number of cases decided, without understanding the differences between simple and complex cases. Judge Nadim explained:

“He interferes directly in judges’ work, even reprimanding them at times and asking why the number of resolved cases is low compared to the monthly inflow. Yet he has no understanding of the cases, or which can be resolved easily, and which require lengthy procedures and multiple sessions.”

Institutionally, the “Sheikh” has also effectively abolished previous judicial practices that allowed judges easy access to the Attorney General. Now, meeting with the Head of the Judicial Directorate requires a written request and an uncertain waiting period, reflecting a newly entrenched hierarchy. Judge Majed described this situation:

“The Head of the Judicial Directorate’s door is not open to judges. The Attorney General used to always receive judges and lawyers without barriers. But the Head of the Judicial Directorate in Aleppo, for example, refuses to meet judges directly. A judge seeking a meeting must submit a written request explaining the reason, and only after several days might the Sheikh agree to see him, or reject the request altogether.”

These testimonies show that the “Head of the Judicial Directorate/Sheikh” has become an unlawful supreme authority dominating judges’ professional and personal lives, exerting surveillance and security pressures on them, with no legislative foundation. This reality threatens not only the independence of individual judges, but also the independence of judiciary as an institution, turning the courts into instruments governed by loyalty and control rather than legal and institutional standards.

5. The Designation and Symbolic Significance of the “Sheikh”

In addition to its lack of legal foundation and the extensive powers it carries, the position of “Head of the Judicial Directorate” also bears significant symbolic weight through the attribution of the title “Sheikh.” This title has become widespread in daily interactions within the courts and among judges and litigants, overshadowing traditional legal titles such as “Judge” or “Counsel.” Judge Samer from Rural Damascus explained:

“The designation of the Head of the Judicial Directorate is ‘Sheikh,’ meaning that judges and court staff address him as Sheikh. Some citizens have even begun calling us Sheikh during hearings or when filing cases. Even some lawyers address me as Sheikh, and I cannot object because the title Sheikh has become dominant.”

Judge Mazen, currently serving in a multi-judge court in Hama, confirmed that this shift has become the norm rather than the exception:

“The term Sheikh is now more commonly used than the word Counsel. Although this was never formally imposed on people, staff, or judges, some judges themselves prefer the word Sheikh over Counsel as a way of flattering the ruling authority. When I tell someone that their file is with Counsel so-and-so, they ask me in surprise: who is this Counsel? So, I have to say Sheikh so-and-so.”

Judge Firas, serving in a multi-judge court in Damascus, added that the use of this title is not officially mandated but has spread due to fear and allegiance:

“As for the form of address, some call us Judge, Counsel, or Sheikh. There are no binding instructions in this regard. It varies from one person to another. But some judges have even grown beards to flatter the ruling authority, thinking that this might secure them higher positions or allow them to remain in the judiciary.”

These accounts indicate that the title “Sheikh” has become a symbol of higher authority, blurring the boundaries between religious and judicial reference points. Judges who were once referred to as “Counsel” are now categorized under the notion of “Sheikh-hood,” reshaping how they are perceived in society and undermining the principle of impartiality.

The shift has gone beyond titles to encompass outward appearance itself. More concerning is that this symbolism has been accompanied by outward displays of religiosity, such as growing beards to project closeness to the ruling authority. Judge Mazen described this trend:

“Most judges have grown beards to appear closer to the ruling authority... This is disgusting, a blatant act of sycophancy. And these same people will change their appearance and behavior according to the whims of whoever holds power if the balance shifts.”

These testimonies show that the spread of the title “Sheikh” within the judiciary is no longer a mere linguistic or formal matter, but rather a sign of a deeper cultural shift within the institution, where legal authority is being supplanted by religiously derived titles and symbols. This

transformation affects judges’ relationship with society and litigants, and reshapes the judiciary into a body deriving legitimacy from religious symbolism rather than from the law.

6. Structural Challenges Posed by the “Sheikh” Position

The five judicial officials interviewed for this report all agreed that the position of “Head of the Judicial Directorate/Sheikh” lacks legal legitimacy, as it is not provided for in any law.

Since the Judicial Authority Law explicitly stipulates the office of the “First Attorney General”, it cannot be abolished or amended except by a new law issued by the legislative authority. By contrast, the position of “Head of the Judicial Directorate” does not exist in any legislative text in force, which renders the ministerial decision an encroachment on the powers of the legislature and a violation of the principle of the hierarchy of legal norms. According to this principle, a law can only be repealed by another law, and a judicial office can only be created through clear and publicly enacted legislation.

The creation of the “Head of the Judicial Directorate” in this way means that all powers exercised by its holders lack legal foundation, and that their decisions are void for having been issued by an entity without proper legal standing. Moreover, this measure opens the door to stripping the judiciary of the institutional safeguards enshrined in Syrian laws, entrenching a state of legislative disorder that undermines legal stability and the rights of litigants alike. Judge Nadim from Aleppo highlighted this risk:

“There is no decree or decision formally appointing Heads of the Judicial Directorate or Sheikhs. Therefore, any decision they issue is null and void, since it comes from an entity with no legal authority.”

Judge Nadim also noted that the Head of the Judicial Directorate in Aleppo himself came from a non-legal background:

“A man named Abu Jaber, real name Ahmad H., was appointed. His original profession was construction work... then he became a shari’ within al-Nusra, and he is now the Head of the Judicial Directorate in Aleppo.”

More broadly, judges criticized the weak qualifications of many individuals holding senior judicial positions, including the President of the Court of Cassation, who lack law degrees and have no formal judicial career path, instead coming from religious or unrelated professional backgrounds. Judge Samer from Rural Damascus stated:

“The President of the Court of Cassation, Anas S., does not hold a law degree, but he served as a sharia judge in Idlib during the Nusra era... some say he holds a degree in Sharia.”

This contradicts [the Judicial Authority Law No. 98 of 1961](#) and its amendments, particularly Article 76, which is presumed to remain in effect pursuant to Article 51 of the Syrian Constitutional Declaration, as no law has been issued amending or repealing it.

Another recurring criticism concerned salaries and judicial seniority. Salaries were linked to positions rather than years of service or experience, creating sharp disparity between newly appointed judges and those with decades of service.³ Judge Majed from Homs explained:

“Some judges have been appointed as advisors in courts even though they are more senior than the chamber president... Yet the president’s salary is higher than that of the advisor despite the latter’s seniority. This creates incentives for judges to flatter the Minister of Justice or the Head of the Judicial Directorate in hopes of securing a higher-paying position.”

Judge Firas from Damascus exposed contradictions within the salary structure itself:

“The base salary of any judge, regardless of rank, is 250 dollars... the difference between judges lies in the nature of work and judicial allowances, meaning by position rather than seniority. This is strange: a newly appointed investigative judge may earn 800 dollars, while a judge with over 15 years of experience earns only 650 dollars.”

He also highlighted inconsistencies between judges’ allowances and those of lower-ranking staff.⁴

“The judicial allowance for a sharia judge is 175 dollars, while the notary public’s allowance is 225 dollars... Is it possible that an employee working under the direction of a sharia judge earns more than his superior?”

The problems extend beyond salary distribution to the currency of payment itself, as salaries are pegged to the U.S. dollar instead of the Syrian pound. This reflects a loss of confidence in the national currency and the absence of a stable economic vision, raising questions about the sustainability and sources of judicial funding, as well as the impact on financial sovereignty and judicial independence.

In addition, serious violations of the principle of legal hierarchy have emerged, whereby binding laws were annulled or amended by ministerial instructions not published officially. Judge Majed from Homs cited a clear example:

“The Judicial Stamp Law⁵ was annulled through executive instructions issued by the Ministers of Finance and Justice. This violates the law and the principle of legal hierarchy, since a law can only be repealed by another law.”

³ For reference to the salary tables, see Annex II.

⁴ For reference to Decree No. 140 of 2025 on allowances for judges and staff, as well as its implementing instructions, see Annex III.

⁵ [Law No. 32 of 2014](#), which established a joint fund for trial judges, public prosecutors, judges of the Council of State, military judges, and members of the Supreme Constitutional Court, and which repealed the previous law governing this matter, Law No. 21 of 2016.

Judge Firas confirmed that revenues from the judicial stamp were redirected to the general treasury in violation of the law:

“The Ministry of Justice, in cooperation with the Ministry of Finance, allocated judicial stamp revenues to the general treasury through executive instructions. This is highly problematic because instructions are far weaker than laws.”

These gaps reveal that the problem is not limited to the existence of the “Sheikh” position, but extends to the erosion of professional standards, the disruption of the salary system, and the undermining of the legal framework itself through unpublished executive directives. The result is a judiciary managed not by law, but by loyalty, consolidating dependency and eroding public trust in the judicial system.

7. Defected Judges and the Recycling of Judges Accused of Corruption

Alongside the creation of the “Head of the Judicial Directorate/Sheikh” position and the problems associated with it, another profound challenge emerged regarding the treatment of defected judges on the one hand, and the reintegration of judges previously accused of corruption on the other. This issue became a primary source of frustration for the judges interviewed, as it directly undermines principles of integrity and justice.

Judge Firas from Damascus revealed cases in which judges who had been previously dismissed for corruption or misconduct were reinstated into the judiciary after the fall of the regime, under the pretext of being “defectors”:

“I was surprised to see the return of some judges under [Decree No. 70](#), even though they were not defectors but had been dismissed for corruption and abuse of office... Yet they submitted their names for reinstatement, claiming to be defectors. One such example is Judge Samer M., who faced many corruption charges during his time in Zabadani.”

He added:

“It is an insult to judges who genuinely defected from the regime to have their names listed alongside those of corrupt judges.”

Judge Samer from Rural Damascus highlighted another legal inconsistency: the absence of decrees annulling the dismissal orders issued by the former regime against judges who had served in opposition-controlled areas or in Turkish-supported courts, leaving their legal status unresolved:

“The regime had issued dismissal decrees against judges in northern Syria, in areas such as Afrin, al-Bab, and Ras al-Ayn, where they had been appointed by the Turkish coordinator... No decree has been issued to annul those dismissal orders or to reinstate them. As a result, they are not legally considered judges at present, and the rulings they issue are void.”

Judge Samer further elaborated:

“If Assad’s dismissal decrees are considered null and void because they were issued by a president who had lost legitimacy, then why was Decree No. 70, issued on 4 June 2025, necessary to reinstate defected judges who had not served in northern courts? This decree implicitly recognizes the previous dismissal decrees, since it reinstated certain judges to their positions. So why is the same logic not applied to those who had served in Turkish-controlled areas?”

He continued:

“The decree reinstating defected judges included names of individuals who had nothing to do with the revolution but had been dismissed for corruption and remained in Syria. Adding their names alongside genuine defectors undermined the credibility of the entire process.”

According to the sources, these practices created a sense of injustice among defected judges who had risked their positions and lives to oppose the regime, only to now find themselves treated on par with judges proven to have been corrupt. Rather than reinforcing integrity, the decrees contributed to recycling unqualified individuals, thereby eroding both public trust in justice in Syria as a whole and the confidence of honest judges in their institution. As noted earlier, these practices even led two defected judges –who had returned to judicial service under Decree No. 70– to resign in protest.

8. Violation of International Standards on Judicial Independence and Impartiality

In addition to contravening certain Syrian laws in force –most notably the Judicial Authority Law and the Syrian Constitutional Declaration issued in March 2025– the practices described in this report also violate several relevant international instruments. The appointment of individuals to high judicial positions based on loyalty to the authorities directly contravenes the principles of independence and impartiality, as enshrined in Article 10 of the “[Universal Declaration of Human Rights](#)” (1948) and Article 14 of the “[International Covenant on Civil and Political Rights](#)” (1966), as well as in the “[United Nations Basic Principles on the Independence of the Judiciary](#).” These principles stress the obligation of states to guarantee judicial independence and the duty of all governmental and other institutions to respect and observe that independence.

Appointing individuals to judicial positions without the necessary legal qualifications, particularly without a law degree, constitutes a clear violation of the principles of competence and specialization established in international instruments. Article 8 of the Universal Declaration of Human Rights affirms the right of every person to an effective remedy by competent national tribunals, while the International Covenant on Civil and Political Rights requires that cases be heard by competent courts. Accordingly, courts staffed by unqualified individuals holding judicial office cannot be considered competent. Moreover, the United Nations Basic Principles on the Independence of the Judiciary emphasize this requirement,

stipulating that people selected for judicial office shall be individuals of integrity and ability with appropriate training or qualifications in law.

Furthermore, the interference of the Minister of Justice in judicial appointments, the alteration of laws governing judicial affairs, and the creation of judicial positions not provided for in the Judicial Authority Law, along with the appointment of individuals lacking even the minimum requirements under applicable laws, constitute unlawful interference in judicial affairs and an erosion of the rule of law, the separation of powers, and judicial independence. Similarly, the annulment of the Judicial Stamp Law through joint executive instructions issued with the Minister of Finance represents a breach of legal hierarchy. The [Special Rapporteur on the Independence of Judges and Lawyers](#) has stressed that the rule of law requires an independent judiciary; if judges are not independent, they may face difficulty in applying the law equally to powerful political actors or in upholding fundamental democratic rights in the face of governmental pressure.

In this regard, the Human Rights Committee⁶ has affirmed that the requirement of competence, independence, and impartiality of the judiciary –under Article 14 of the International Covenant on Civil and Political Rights— is an absolute right that admits no exceptions. The requirement of judicial independence, in particular, refers to the procedures for the appointment of judges, their qualifications, and guarantees of their tenure until reaching the mandatory retirement age or the end of their fixed term, where applicable. Any situation in which the functions and powers of the judicial and executive branches are not clearly distinguished, or in which the executive branch is able to dominate or direct the judiciary, is incompatible with the principle of judicial independence. It is essential that judges be protected from conflicts of interest and from intimidation.

9. Conclusion and Summary

This report concludes that the position of “Head of the Judicial Directorate,” also referred to as the “Sheikh,” is a newly created office with no foundation in the Syrian Judicial Authority Law. It was replicated from the experiences of HTS and the Salvation Government in Idlib and was subsequently imposed on the governorates following the fall of the regime in December 2024.

This position has come to exercise powers exceeding those of the Attorney General and court presidents, including authority over leave requests, judicial transfers, and assignments, as well as deciding on the allocation of material benefits such as housing and cars. It also plays a role in judicial interviews, which have involved practices of surveillance and even compelling judges to act as informants.

In addition, the newly established judiciary imposed the unlawful condition of “tazkiya” (endorsement) as a criterion for entry into the judiciary and for career advancement, thereby prioritizing loyalty and prior affiliations over competence and professional experience.

⁶ Paragraph 19 of the Human Rights Committee’s General Comment on Article 14 of the International Covenant on Civil and Political Rights.

Testimonies collected by STJ further revealed the reintegration of judges previously dismissed for corruption under the label of “defectors,” while genuinely defected judges who had sacrificed their positions during the revolution were sidelined.

Taken together, these practices undermine the principles of judicial independence and impartiality, tie salaries and promotions to loyalty rather than seniority and experience, and erode public trust in the judiciary as an institution.

The report recommends abolishing the position of “Head of the Judicial Directorate/Sheikh,” eliminating the requirement of “tazkiya” (endorsement), linking salaries to judicial seniority, ensuring the publication of all regulatory rules, and establishing a roadmap for rebuilding the Supreme Judicial Council in accordance with proper legal foundations.

10. Recommendations

Considering the testimonies and analysis presented in this report, it is evident that the position of “Head of the Judicial Directorate/Sheikh” and the practices associated with it have led to the erosion of the foundations of judicial independence and integrity. Accordingly, the report sets out several recommendations aimed at restoring legal legitimacy and ensuring the impartiality of the judiciary, summarized as follows:

- **Adherence to international treaties and instruments:** Ensure compliance with international covenants that affirm judicial independence and impartiality, and adopt legislation affirming that such treaties and instruments form an integral part of Syrian law.
- **Abolish the position of “Head of the Judicial Directorate/Sheikh”:** as a newly created office with no basis in the Judicial Authority Law, whose decisions are therefore legally null and void, and confine all powers to the bodies explicitly provided for by law.
- **Ensure the legality of judicial appointments:** halt all appointments made outside the established judicial track, and require, as an explicit condition, possession of a law degree, adherence to the hierarchical judicial career path, and the taking of the judicial oath before assuming any judicial function.
- **Respect for the hierarchy of legal norms:** Reaffirm that decisions of the Minister of Justice or executive instructions cannot abolish or create judicial positions stipulated by law, nor repeal or amend laws that remain in force, such as the Judicial Stamp Law.
- **Abolish the unlawful requirement of “tazkiya” (endorsement):** Prohibit the use of tazkiya (endorsement) as a condition for entry into, or promotion within, the judiciary. Replace it with transparent, merit-based criteria ensuring equal access to public office.
- **Restructure the salary system:** Reform the judicial pay scale so that it is based on seniority and qualifications rather than position alone.
- **Transparency of regulatory rules:** Require the Ministry of Justice to publish all executive instructions and regulatory decisions, while respecting the principle of legal hierarchy, under which only laws can repeal or amend laws.

- **Review of prior decisions:** Establish mechanisms for review or appeal of decisions issued by entities lacking legal authority (such as Heads of the Judicial Directorate or judges not formally appointed), in order to safeguard litigants' rights and uphold legal certainty.

Strengthening the independence of judicial inspection: Ensure that the Judicial Inspection Authority —legally mandated to oversee judges' performance and address complaints— is insulated from political influence, and prohibit the involvement of non-judges in judicial interviews or evaluations, in order to guarantee impartiality and transparency.

ABOUT STJ

Syrians for Truth and Justice (STJ) started as an idea in a co-founder's mind while attending the U.S. Middle-East Partnership Initiative's (MEPI) Leaders for Democracy Fellowship program (LDF) in 2015. The idea became a reality and flourished into an independent, non-profit, impartial, non-governmental human rights organization.

STJ's beginnings were more than humble; initially, it only reported stories of Syrians who experienced arbitrary arrest, enforced disappearance, or torture. Planted in fertile soil, the seed of this project grew into an established human rights organization licensed in the Middle East and the European Union. STJ today undertakes to detect and uncover violations of all types committed in all Syrian parts by the various parties to the conflict.

Convinced that Syria's diversity is a wealth, our researchers and volunteers serve with unfailing dedication to monitor, expose, and document human rights violations that continue unabated in Syria since 2011, regardless of the affiliation of the victims or perpetrators.