

Request to Continue the Proceedings Before the International Court of Justice: To the Governments of Canada and the Kingdom of the Netherlands

TYPE



POSITION PAPER

PUBLISHED

21 SEPTEMBER 2026

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A Position Paper by the Syrian Initiative for Fundamental Rights

SIFR, a coalition of ten Syrian civil society organizations, urges Canada and the Netherlands to continue the ICJ proceedings against Syria through a judgment on the merits, rather than suspending, discontinuing or settling the case on the basis of political transition or diplomatic assurances alone. A change of government does not extinguish Syria's treaty obligations, and the Court's Order of 16 November 2023 remains legally binding. As torture and ill-treatment remain a present risk and the preservation of evidence remains urgent, SIFR calls on both governments to continue the case, support independent monitoring, and consult meaningfully with victims and civil society.

Excellencies,

The Syrian Initiative for Fundamental Rights (SIFR) is an independent coalition of ten Syrian civil society organizations working on human rights, legal accountability, public policy, governance, and peacebuilding. We appreciate the leadership shown by Canada and the

Kingdom of the Netherlands in bringing the Syrian Arab Republic before the International Court of Justice (ICJ) for violations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. We respectfully urge your governments to continue the proceedings through a judgment on the merits and not to suspend, discontinue or settle the case on the basis of political transition or diplomatic assurances alone.

The proceedings concern the responsibility of the Syrian Arab Republic and are not limited to the conduct of the government that was in office when the case was filed. A change of government does not alter the State's identity or extinguish its treaty obligations. Syria remains a party to the Convention against Torture, and the Court's Order of 16 November 2023 remains legally binding. It requires Syria to take all measures within its power to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment, and to take effective measures to prevent the destruction and ensure the preservation of relevant evidence. The case remains pending. Under the Court's Order of 17 December 2024, Syria is required to file its Counter-Memorial by 5 October 2026.

The fall of the Assad government created an opportunity for institutional reform, but it did not resolve the dispute before the Court or remedy the violations already committed. A judgment on the merits would provide an authoritative determination of whether and how Syria breached the Convention, and of the legal consequences flowing from any breaches found. It would also clarify the obligations that remain binding on present and future authorities and strengthen the legal basis for prevention, effective investigation, accountability, redress and guarantees of non-repetition. Political commitments and domestic inquiries, however welcome, cannot substitute for an independent judicial determination of State responsibility.

Recent evidence confirms that these safeguards remain necessary. In March 2026, the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic reported that it had documented torture and ill-treatment in eighteen official detention facilities and twelve makeshift facilities during the period following 8 December 2024. Amnesty International reported warrantless arrests by government authorities, periods of incommunicado detention and denial of access to lawyers or judges and cited UN findings of torture during the March 2025 coastal violence. Human Rights Watch likewise reported arbitrary

detentions by the transitional authorities, alongside torture and ill-treatment in detention centers and prisons and deaths in custody. More detailed Syrian civil society documentation covering June 2025 to June 2026 recorded severe beatings, electric shocks, sexual violence, denial of medical care and deaths in custody across facilities operated by multiple actors.

The practices that gave rise to the ICJ proceedings have outlasted the government that committed them. Mohammad Ghamira, a 29-year-old former White Helmets volunteer with haemophilia, died following his detention at al-Haffeh Police Station in Latakia. According to the initial findings of the Interior Ministry's investigation, a police investigator slapped him on the neck during questioning although police personnel had been informed of his medical condition. Medical experts attributed his death to complications from a cerebral haemorrhage, and the investigator was referred to the public prosecution, while disciplinary investigations into other police personnel remained ongoing.

Moreover, the Syrian civil society report cited above also identified other deaths in custody requiring independent investigation. In August 2025, Abdulrahman Jaajoul died in custody at al-Kallaseh Police Station in Aleppo after being arrested on suspicion of stealing a motorcycle. According to a relative, the family saw signs of beating on his body; the same account cited a forensic medical report attributing his death to a severe blow to his genitalia. The following month, Atallah Saleh al-Fayyad was reportedly killed in Damascus as a result of torture by members of the patrol that arrested him. The Ministry of Interior announced that the patrol members had been detained and an investigation opened. According to the report, however, insufficient public information was available about the investigation's outcome, any judicial referral or judgment.

These and other documented cases point to recurring allegations of torture and ill-treatment in detention and to persistent gaps in transparent investigation and effective accountability. Although current abuses have not, to date, been documented on the same scale as under the Assad government, they show that torture and ill-treatment remain a present risk. Addressing that risk requires the effective implementation of binding obligations, independent monitoring and a credible legal and institutional response.

The preservation of former security archives, detention records and other evidence is equally urgent. The provisional measures provide a binding framework for that work and keep Syria's compliance subject to international judicial scrutiny.

For these reasons, SIFR calls on governments of Canada and the Kingdom of the Netherlands to:

- Continue the case before the ICJ through a judgment on the merits, without suspension or discontinuance;
- Continue documenting relevant developments and, where procedurally appropriate, place before the Court information concerning the preservation of evidence and Syria's compliance with the provisional measures and the Convention against Torture, including relevant developments since December 2024;
- Support independent technical monitoring of Syria's compliance and periodic public reporting on the measures taken;
- Urge Syria to accede to the Optional Protocol to the Convention against Torture, enabling visits by the Subcommittee on Prevention of Torture to places of detention, and to the International Convention for the Protection of All Persons from Enforced Disappearance; and
- Consult regularly and meaningfully with victims, families and civil society organizations, and ensure that any parallel negotiations neither delay nor prejudice the proceedings.

Continuing the case would support a credible transition by grounding reform in binding international law, preserving victims' rights and affirming that torture by any Syrian authority carries legal consequences.

Respectfully,

Syrian Initiative for Fundamental Rights