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1.2. Judiciary

The Constitutional Declaration asserts judicial independence but does not include specific safeguards to ensure it. Article 47 permits the president to appoint all seven members of the Higher Constitutional Court without parliamentary or external oversight. Human Rights Watch assessed that, in the absence of mechanisms to guarantee judicial independence or establish an independent body for overseeing judicial appointments, promotions, discipline, and removals, the judiciary's ability to hold the president accountable may be constrained.33

According to the authorities, the criminal security apparatus is still being reactivated, and the judiciary requires additional time to function effectively in addressing the situations of Syrians deprived of civil rights by the former government.34 According to a Global Protection Cluster (GPC)35 report, in areas under the interim government's control there is reportedly limited access to legal representation for detainees and courts were either partially or not functioning, limiting the access to effective remedies. At the same time, the source assessed that weak governance, lack of fully functional courts, and the ongoing security vacuum have driven a rise in criminal activity and left civilians with 'no access to justice'.36 As of late May 2025, Syria Justice and Accountability Centre (SJAC) reported that, in areas under the interim government's control, only family and civil courts were operating.37

○ (a) Judicial reforms and transitional justice process

The interim government announced the dissolution of the Counter-Terrorism Courts and has referred 87 of its judges for investigation.38 Decision No. 120, issued on 28 January 2025, ordered the dismissal of several judges previously affiliated with the Arab Socialist Ba'ath Party or who held seats in the People's Assembly.39 Further dismissals of judges were reported in January, including of 20 judges who served under the Assad government. There was no further information provided.40 Meanwhile, the Ministry of Justice set a deadline in April for defected judges during the Assad regime to

apply for reinstatement in a move reportedly aimed at reintegrating experienced legal professionals. The applicants must undergo an investigation and sign a formal pledge of political neutrality.41 In June, a presidential decree was issued reinstating judges who defected during the Assad regime.42

As of April, no transitional justice process had begun43 and no judicial rulings have been issued concerning the accountability of former Assad regime leaders who were either arrested or reached settlement agreements.44 As of April, authorities had yet to fulfil the promise to publish 'List No. 1', which was expected to name senior figures responsible for torture and abuses against the Syrian people.45 Hundreds of officers of the former Assad government remained free46 while some prominent figures managed to reach a settlement with the authorities, most notably Talal Makhlouf, former commander of the regime's Republican Guard, who remains under EU sanctions for his role in crimes against civilians. Meanwhile, the MoI continued to announce arrests of individuals implicated in human rights violations, including those involved in the Tadamon massacre and Major General Atef Najib, former head of Political Security in Dar'a.47 For further information on the treatment of former soldiers and security personnel of the Assad regime by the interim government see section 2.1.1(a).

In May, the government announced the establishment of two government bodies tasked with investigating crimes committed during the Assad rule, compensating victims, and locating thousands of missing individuals: the National Commission on Transitional Justice and the National Commission on Missing Persons in Syria.48 Human Rights Watch assessed that the Transitional Justice Commission's mandate limits its scope to crimes committed by the Assad government, excluding victims of abuses by non-state actors and being unclear on the role of victims in the commission's work.49

○ (b) Housing, land, and property issues

SJAC identified three main categories issues related to property encountered in Syria: individuals returning to find their homes de facto occupied by former regime officials; cases where properties were not only taken de facto but also had their ownership legally transferred to a third party; and situations where armed groups affiliated with

the current government have confiscated certain properties, claiming they belonged to former government officials.[50]

Issues surrounding housing, land, and property (HLP) rights such as disputes, lack of property records and destruction remained unaddressed by the current authorities.[51] Local authorities admitted to Refugees International that they lack a clear mechanism to resolve HLP disputes, leaving both returnees and current occupants in legal uncertainty.[52] In May, al-Sharaa issued a decree annulling precautionary asset seizure orders imposed on Syrians between 2012 and 2024[53] which according to the Ministry of Finance affected 91 000 Syrians. The decree will be implemented by the Ministry of Finance in cooperation with the MoI.[54]

Following the fall of the Assad government, informal 'dispute resolution committees' emerged in Damascus and other cities to primarily address property disputes but also financial and social disputes such as marriage and divorce. Operating from mosques and rooted in local customs, these community-led bodies aim to provide quick, amicable resolutions outside the formal court system, which was assessed as largely ineffective. While praised for restoring trust and avoiding legal costs, the committees lack legal authority, face resource constraints, and are vulnerable to local political pressure, raising concerns about their neutrality and enforceability. Researchers at Syrians for Truth and Justice (STJ) noted that these committees operate without any formal legal basis or administrative mandate, having emerged organically from within local communities. Their decisions are not legally binding due to the lack of executive authority and only gain legal standing if formally adopted through recognised judicial procedures, an uncertainty that can lead to further disputes if parties fail to comply.[55]

○ (c) Detention and death penalty

Upon taking control, the interim government released thousands of detainees from detention facilities.[56] The GPC noted that, apart from Assad-era political prisoners, the interim government also freed individuals without due process or oversight.[57]

Following Assad's ousting, an Amnesty International researcher reported that detention centres and prisons were left largely unprotected, with many official records looted, destroyed, or taken by civilians, journalists, or fleeing personnel. In some instances, security forces reportedly burned documents before abandoning the sites, while armed groups and newly released detainees also contributed to the destruction. These documents may have contained critical information on the structure of Syria's security and intelligence apparatus, identities of alleged perpetrators of international crimes, and records on detainees and their fates.58 The Independent International Commission of Inquiry on the Syrian Arab Republic (UNCOI) noted that, in its mission to Syria in mid-December 2024, it found that documents and evidence from state institutions such as detention centres and military facilities 'may deliberately have been removed, burned or otherwise destroyed'. It further noted improvements made by the authorities in early January to secure and preserve evidence.59

The GPC reported that, while torture practices in prisons have 'largely ceased', poor detention conditions persist, with overcrowded and unsanitary makeshift facilities replacing looted or abandoned Assad-era prisons. Limited humanitarian access, absent independent monitoring, and destroyed records further obstruct justice efforts, weaken detainee protections, and threaten long-term stability.60

According to an Amnesty International report covering 2024, Syria retained the death penalty and continued to use it, although credible minimum figures on its application were unavailable.61 No information on the retention or use of the death penalty by the interim government was available.

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  The former Syrian regime enacted a series of laws and legislative decrees concerning property rights that impacted Syrians both inside and outside the country. These measures included the confiscation of movable and immovable property belonging to political opponents or individuals perceived as supporting the opposition, under accusations of supporting so-called “terrorism.” Enab Baladi, Presidential decree cancels precautionary asset seizure on Syrians, 12 May 2025, url

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