



1.4. Judiciary

1.4.1. Judicial reforms

The March 2025 Constitutional Declaration asserts judicial independence but does not include specific safeguards to ensure it. Article 47 gives the president the authority to appoint all seven members of the Higher Constitutional Court without parliamentary or external oversight.[130](#) Critics of the decision have pointed out that the judiciary may be vulnerable to political interference and have limited capacity to hold the president accountable.[131](#) The Constitutional Declaration also elevated Islamic jurisprudence from ‘a main source’ of legislation, as stated in the 2012 Constitution, to ‘the primary source.’[132](#)

Government reforms included salary increases for judges,[133](#) the dismissal of judges who held political roles in the Arab Socialist Ba'ath Party and the People's Assembly (Parliament),[134](#) the abolishing of exceptional courts and nullification of their rulings,[135](#) the dissolution of the Counter-Terrorism Court,[136](#) the judicial investigation of judges linked to the Counter-Terrorism Court, and the establishment of a committee to review rulings of the former Counter-Terrorism Court.[137](#)

In early 2025, the transitional government’s Ministry of Justice established the controversial role of ‘Head of the Judicial Directorate’ (often referred to as the ‘*Sheikh*’) to oversee courts, surpassing the authority of previous Attorneys General. The decision has been criticised for encroaching on judicial independence, having no legal basis in older Syrian law, and being imposed via ministerial decision.[138](#) This governance model was previously used in northwestern Syria under HTS and the Salvation Government. According to judges, appointments to this role are non-transparent and often based on loyalty and prior affiliation with HTS. The position is typically held by religious jurists or individuals linked to HTS, some reportedly lacking formal legal education or judicial experience, and it exercises significant practical authority over the judiciary, including control over judges’ appointments, transfers, and leave. Appointments are now reportedly subject to approval (*tazkiya*) based on past loyalty rather than merit.[139](#) The UNCOI similarly noted reports of individuals without required legal qualifications reportedly being appointed as heads of courts.[140](#)

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