



# SLDP

Syrian Legal Development Programme  
البرنامج السوري للتطوير القانوني

## Call for input: Special Rapporteur on torture

Identifying, Documenting, Investigating and Prosecuting Crimes of Sexual Torture Committed during War and Armed Conflicts, and Rehabilitation for Victims and Survivors

29/04/2024

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## Introduction

1. Sexual torture has been widely employed during the Syrian conflict, especially within detention centres operated by the Syrian government and its affiliated forces and militias. Reports of sexual torture, including instances of rape and other forms of sexual violence against men, boys, women, and girls, have been documented by numerous sources and organisations, underscoring the systematic nature of these violations.
2. In January 2022, the Koblenz Higher Regional Court in Germany sentenced the head of the interrogation division at Syria's General Intelligence (known as the Al-Khatib Branch) to life imprisonment. He was found guilty of crimes against humanity, including, among others, murder, torture, serious unlawful detention, rape and sexual assault.<sup>1</sup> The court concluded that the crimes were not committed randomly or in isolation. Instead, they were part of a Systematic strategy carried out by the Syrian Government to suppress the Syrian population.<sup>2</sup>
3. In 2012, the Committee against Torture raised serious concerns regarding massive human rights violations that “took place in a context of total and absolute impunity” as the Syrian authorities have not undertaken prompt, thorough and impartial investigations in these cases.<sup>3</sup> According to the Committee, the violations included, among others, the widespread use of torture and cruel and inhuman treatment of detainees; the habitual use of torture and cruel and inhuman treatment as a tool, which appears to be deliberate and part of the State’s policy, to intimidate and terrorise civilian population; cruel, inhuman or degrading conditions of detention; and sexual violence committed by public officers, including against male detainees and children.<sup>4</sup>

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<sup>1</sup> Koblenz Higher Regional Court, Life imprisonment due to crimes committed against humanity and murder – sentencing of a suspected member of the Syrian secret service (17 January 2022) (Available at: <https://olgko.justiz.rlp.de/presse-aktuelles/detail/life-imprisonment-due-to-crimes-committed-against-humanity-and-murder-sentencing-of-a-suspected-member-of-the-syrian-secret-service>).

<sup>2</sup> Ibid.

<sup>3</sup> Committee against Torture, Concluding Observation, C/SYR/CO/1/Add.2, June 2012, para 1-3, available at <https://digitallibrary.un.org/record/731371?ln=en> (Access on 26 April 2024)

<sup>4</sup> Ibid., Para 20.



4. Since the uprising in 2011 and the subsequent armed conflict, the Independent International Commission of Inquiry on the Syrian Arab Republic (COI) has extensively and consistently documented the use of torture by the Syrian Government, including sexual torture such as rape and other forms of sexual violence in the context of systematic and widespread detentions.<sup>5</sup> According to a report released by the COI on March 8, 2018, sexual and gender-based violence against women, girls, men, and boys in Syria has been persistent since 2011.<sup>6</sup> The COI documented instances of rape against women and girls in 20 government political and military intelligence branches, while the rape of men and boys was documented in 15 branches.<sup>7</sup> Though considerably less common than rape by Government forces and associated militias, incidents of sexual torture rape by members of armed groups were also documented.<sup>8</sup>
  
5. A report by the COI issued in February 2023 confirmed that torture, including sexual torture such as rape and other forms of sexual violence, continued to persist nationwide with ineffective national legislation that failed to adequately criminalise such violations.<sup>9</sup> This has left victims and survivors without any reparations for their suffering and constitutes an impediment to accountability efforts. In its report on torture issued in 2023, the COI explicitly referred to the systematic failure of Syrian institutions to investigate allegations of torture, enforced disappearance and deaths inside prisons and during interrogations.<sup>10</sup>
  
6. In detention, women and girls endure invasive and humiliating searches and rape, sometimes gang-raped, while male detainees are often subjected to rape with objects and genital mutilation. Sexual violence is used to coerce confessions, extract information, punish, and terrorise opposition communities. Rapes and other forms of sexual violence carried out by government forces and associated militias formed part of a widespread and systematic attack directed against a civilian population and amount

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<sup>5</sup> The Independent International Commission of Inquiry on the Syrian (Herein after COI), “Detention in the Syrian Arab Republic: a Way Forward”, para. 3 available at: [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/AWayForward\\_DetentionInSyria.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/AWayForward_DetentionInSyria.pdf).

<sup>6</sup> COI report, A/HRC/37/72/CRP.3, the summary.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> COI report, A/HRC/52/69, Para. 18.

<sup>10</sup> COI report, A/HRC/53/CRP.5, Para. 118.



to crimes against humanity; while acts committed after February 2012 may also constitute war crimes.<sup>11</sup>

7. In a special report on torture in Syria issued in July 2023 titled “No End in Sight: Torture and Ill-Treatment in the Syrian Arab Republic 2020-2023”, the COI confirmed the continuation of sexual torture against male and female detainees.<sup>12</sup> For instance, one detainee at the 'Palestine' branch described experiencing sexual abuse, including guards repeatedly inserting sticks or glass bottles into his anus as a method of torture and “to lose his honour”. Another detainee recalled witnessing guards at Balooni prison compelling younger detainees to rape older ones while recording the acts with their phones. Additionally, a detainee from Sednaya military prison explained that guards typically targeted newly arrived detainees, particularly younger men.<sup>13</sup>

8. In light of this, the present submission aims to contribute to the Special Rapporteur’s study on Identifying, Documenting, Investigating, and Prosecuting Crimes of Sexual Torture Committed during War and Armed Conflicts, as well as Rehabilitation for Victims and Survivors. It specifically addresses the challenges encountered in the Syrian context, providing insights into (I) the challenges, impediments, and obstacles to the effective identification, documentation, investigation, and prosecution of crimes of sexual torture and related ill-treatment, (II) the national regulatory framework, and (III) rehabilitation.

## **I. Challenges, impediments and obstacles to effective identification, documentation, investigation and prosecution of crimes of sexual torture and related ill-treatment.**

### **A- The Stigma Around Sexual Violence**

9. The stigma surrounding sexual violence and the subsequent underreporting pose significant obstacles to the effective identification, documentation, investigation and prosecution of crimes of sexual torture and related ill-treatment. While the COI has

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<sup>11</sup> Ibid.

<sup>12</sup> COI report, A/HRC/53/CRP.5, paras. 37-41.

<sup>13</sup> Ibid., para. 37.



consistently reported instances of rape and other forms of sexual violence against women, girls, men, and boys in detention, it noted challenges in documenting such violations, particularly the social and cultural stigma attached to such incidents.<sup>14</sup>

10. The reluctance of women to share their detention experiences is attributed to the significant stigma surrounding rape and sexual assault. This stigma is further exacerbated by the prevailing societal assumption that women in detention are invariably subjected to sexual violence. For instance, one woman recounted how her sister-in-law faced ostracism from her family upon her release after four years of detention in 2022. Forced to live on a remote farm to avoid discussing her detention experience, she was rejected by her brothers for bringing shame upon the family. Similarly, a child detained in 2022 reported facing scepticism when she claimed to have not experienced sexual assault while in custody.<sup>15</sup>
11. Similarly, male survivors are also reluctant to disclose their experiences, fearing it may compromise their perceived masculinity and adherence to traditional gender norms. In this sense, the COI has also highlighted that there is a significant underreporting of sexual violence among male detainees. However, documentary evidence, along with testimonies from various medical professionals who have evaluated and provided care to a large number of former detainees, points out that the majority of male detainees in Syrian Government facilities had experienced some form of sexual violence, including rape, sexual assault, or threats thereof, as well as genital mutilation, and some appeared to have contracted HIV and syphilis in prison.<sup>16</sup>
12. Moreover, both female and male survivors of sexual torture face various repercussions. For female survivors, these can include threats of divorce and ostracism from their families, and in more conservative regions, the risk of honour killings looms large. Meanwhile, male victims suffer physical and mental health challenges, such as depression, which are often exacerbated by their reluctance to disclose their experiences. Denial is a common hurdle for many survivors, male and female, hindering their access to available treatment and mental health services. In extreme

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<sup>14</sup> A/HRC/37/72/CRP.1, para. 5.

<sup>15</sup> A/HRC/53/CRP.5, para. 40.

<sup>16</sup> Ibid., para. 38.



cases, female survivors may experience suicidal thoughts, tragically leading some to take their own lives.<sup>17</sup> This decreases survivors' willingness to reveal the sexual violence they have endured. It frequently requires months or even years for survivors to feel prepared to discuss their experiences; if they ever do, they are often blamed for the incidents and for bringing shame to their families.<sup>18</sup>

## **B- Lack of Access to Syria**

13. Access to Syria poses a significant challenge to effectively identifying, documenting, investigating, and prosecuting crimes of sexual torture and related ill-treatment. Since 2011, the Syrian government has been consistently denying access to human rights organisations and UN bodies working on human rights documentation, including the COI and OHCH. As such, investigation and documentation of human rights violations face limitations due to this denial.<sup>19</sup> Most reports addressing human rights violations, including sexual torture, heavily rely on interviews with survivors who have fled Syria and sought refuge in other countries. The COI explicitly highlighted in a 2018 report on sexual and gender-based violence that additional challenges in documenting such sexual torture violations stem from the decreased number of refugees able to leave Syria, leading to limited access to potential survivors of sexual and gender-based violence.<sup>20</sup>

14. Furthermore, evidence and testimonies collected by human rights organisations and the COI throughout the conflict, and even prior to its outbreak, have confirmed the existence of secret detention centres operated by the Syrian Security apparatus outside the scope of the law.<sup>21</sup> The majority of severe human rights violations, including torture and sexual torture, have been documented to occur in these detention centres. Therefore, the Syrian government's denial of their existence and refusal to grant access to independent investigators and human rights organisations exacerbate the challenge

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<sup>17</sup> Ibid., para. 6.

<sup>18</sup> Ibid.

<sup>19</sup> COI, A/HRC/54/58, Para. 3; OHCHR, *"We did not fear death but the life there"*, (February 2024), paras. 10-13.

<sup>20</sup> COI, A/HRC/37/72/CRP.1, para. 5.

<sup>21</sup> COI, A/HRC/53/CRP.5.



of documenting violations taking place in these centres and consequently identifying victims and prosecuting perpetrators.

## C- Refugees' lack of access to support services and judiciary

15. Access to information, support services, and the judiciary for refugees has been one of the obstacles and challenges to documenting and identifying victims of sexual torture, particularly concerning men and boys. As mentioned earlier, due to limited access to Syria and the locations where most incidents of sexual torture occurred, documentation efforts heavily relied on interviews with survivors who have fled Syria and sought refuge in other countries. However, insufficient efforts have been made to provide support services to refugees in neighbouring countries which negatively affects the effective identification and documentation of sexual torture victims. Specifically, in the case of male survivors, accessing rapid and safe support that is both confidential and survivor-centred has not been adequately developed.

16. Moreover, the lack of acknowledgement or attention to sexual torture against men and boys by humanitarian actors working with Syrian refugees has also been mentioned as one of the core roots of the issue.<sup>22</sup> An early survey done in 2012 showed that refugees interviewed in Lebanon did not have access to support services in relation to sexual torture and sexual violence.<sup>23</sup> This is simply because support for sexual violence-related services is either extremely limited or non-existent. According to UNHCR, this is not a structural way of functioning from humanitarian organisations but still confirms that sexual violence support services: “are indeed gendered: they are oriented towards and utilised by women and girls”.<sup>24</sup> UNHCR explains this by providing an example of a care centre for refugees named “women’s listening centre”, which could result in men excluding themselves from such services. In the same way, an NGO working in Turkey with Syrian refugees stated that the exclusion is actually unintentional, as it is a

<sup>22</sup> All Survivors Project, ‘Destroyed from within’ Sexual violence against men and boys in Syria and Turkey” (September 6, 2018), p. 32.

<sup>23</sup> CARE Jordan, ‘Syrian Refugees in Urban Jordan: Baseline Assessment of Community-Identified Vulnerabilities among Syrian Refugees Living in Irbid, Madaba, Mufraq, and Zarqa’ (April 2013)

<sup>24</sup> UNHCR, ‘Sexual Violence Against Men and Boys in the Syria Crisis “we keep it in our heart”’ (October 2017)





“specialised sector, [...] we do not have any male sexual or gender-based violence specialists”.<sup>25</sup>

17. Among the many other reasons found impeding the documentation and identification of victims is the limited amount of access to judiciary institutions outside of Syria. In the particular case of Turkey, there is a discrepancy between the legal framework and its application. Turkey’s legislative framework does offer legal protection for men and boys against sexual violence,<sup>26</sup> and the criminal code has gender-neutral language which would allow for claims on the ground of sexual torture, including rape and other forms of sexual violence. However, in practice, it is very difficult for Syrian refugees to make use of these laws, there is indeed an insensitive approach from the Turkish judiciary which does not take seriously the issue of sexual violence against men.<sup>27</sup> There is also an overall sentiment of distrust; which might also be aggravated by the anti-refugee atmosphere which has spread in the country, reinforced by the degradation of the rights of refugees in the country.<sup>28</sup>

18. These challenges result in creating a major gap in the identification and documentation of victims of sexual torture, leading to significant obstacles in prosecuting the perpetrators. To this day, identification and treatment of cases from refugees have failed, leaving the large majority of victims unnoticed and without appropriate remedies.

## D- Complicity of State Officials and Institutions in Sexual Torture

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<sup>25</sup> All Survivors Project, ‘Destroyed from within’ Sexual violence against men and boys in Syria and Turkey” (September 6, 2018), p. 32.

<sup>26</sup> Article 102 of the Criminal Code proscribes sexual assault and rape. Article 103 criminalises any sexual act against a child below the age of 15 and notes a) All kinds of sexual attempt against children who are under the age of fifteen or against those attained the age of fifteen but lack the ability to understand the legal consequences of such act, b) Sexual behaviours committed against other children by force, threat, fraud or another reason affecting the willpower. Article 104 criminalises consensual sex with a child between the ages of 15 and 18 years although imposes a lesser punishment than Article 103 (two to 10 years’ imprisonment versus two years’ to life imprisonment respectively). English version of the Criminal Code available at <https://www.legal-tools.org/doc/737dff/pdf/>

<sup>27</sup> All Survivors Project, ‘Destroyed from within’ Sexual violence against men and boys in Syria and Turkey” (September 6, 2018), p. 8.

<sup>28</sup> Human Rights Watch, ‘Turkey: Hundreds of Refugees Deported to Syria’ (October 24, 2022) <<https://www.hrw.org/news/2022/10/24/turkey-hundreds-refugees-deported-syria>>



19. As mentioned above, in the Koblenz trial, which pertains to a detention centre run by Syrian intelligence, the court determined that the crimes were part of a systematic strategy carried out by the Syrian Government to suppress the Syrian population. State officials and entities, theoretically responsible for protecting the Syrian people against such violations, are found to be complicit in them. Reports by the COI and other human rights NGOs monitoring the situation in Syria consistently confirm the involvement of state officials and institutions in gross human rights violations, including sexual torture.
20. For instance, the COI's report on torture, issued in 2023 and based on 254 interviews conducted by the COI, sheds light on the widespread and systematic patterns of torture and ill-treatment in government detention centres. It outlines the violations occurring in the main intelligence directorates and military prisons, where such abuses are frequently reported. These include Military Intelligence, Air Force Intelligence, Political Security, the General Intelligence Directorate, as well as the Police Criminal Security Department and Military Prisons in Sednaya and Al-Balouni in Homs.<sup>29</sup> The COI has noted a continuation of the process of coordination between state institutions in the commission and concealment of torture and deaths in detention.<sup>30</sup> In this context, the complicity of state institutions and officials in the commission of sexual torture constitutes a significant obstacle to the investigation and prosecution of such crimes as well as the identification of victims.

## II. Obstacles to Investigation and Prosecution in the National Regulatory and Legislative Framework

21. The Syrian national legal framework poses a significant obstacle to the investigation and prosecution of sexual violence and related forms of cruel, inhuman, or degrading treatment or punishment (ill-treatment). Despite the introduction of a new Anti-Torture Law, No. 16 of 2022, this legislation remains insufficient in addressing torture and ill-treatment as required by the CAT. Additionally, it does not explicitly define sexual torture.<sup>31</sup> Moreover, state agents responsible have persistently evaded justice,

<sup>29</sup> Ibid., para. 118.

<sup>30</sup> Ibid., see also A/HRC/31/CRP.1, part VI.A.

<sup>31</sup> Law No.16 of 29 March 2022, Anti-Torture Law, available in Arabic at: <https://www.pministry.gov.sy/contents/22932/القانون-الأسدي-يصدر-قانوناً-لتجريم-التعذيب> ; for an in-depth legal analysis



benefiting from structural and legislative immunity that impede impartial and independent investigations and prosecutions.

## A- Inadequacy of the Syrian Legislation to Address Sexual Torture

22. The Syrian legislation, particularly the General Penal Code and the Military Penal Code and Procedures, do not specifically address torture, including sexual torture. These laws lacked a precise definition of torture that aligns with Article 1 of the CAT. Before the enactment of the new anti-torture law, Syrian authorities purportedly referred to provisions in these laws, such as Article 391 of the Penal Code and Article 116 of the Military Penal Code and Procedures, as the legal basis to criminalise torture. However, these articles fail to provide a clear definition of torture in line with international standards, raising concerns about the adequacy of the legal framework to investigate and prosecute torture, including sexual torture.
23. Article 391 does not define torture and ill-treatment as required by international law. Its vague language does not clearly delineate the elements of the offence. Moreover, the categorisation of the offence by this article as a misdemeanour, with lenient penalties of up to three years imprisonment, does not align with the gravity of the crimes and hinders victims' access to justice. Similarly, Article 116 is limited to “acts of hardship or threat” committed by military personnel against their superiors or other designated personnel, falling short of addressing torture comprehensively. In addition to the shortcomings in addressing torture and ill-treatment and providing redress, the statute of limitations outlined in Articles 437 and 438 of the Syrian Criminal Procedural Law poses another challenge to investigation and prosecution. This limitation sets a three-year period from the date of the misdemeanour's commission for prosecution, applying to both public and personal interest cases.
24. Despite Syrian authorities consistently claiming in their national reports to the Universal Periodic Review (UPR) that existing domestic legislation sufficiently criminalises torture, the Anti-Torture Law was introduced. On the surface, this law may

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of the Anti-Torture Law, SLDP & Diakonia report *"No Justice for Torture in Syria: A Victim Rights-Based Analysis of the 2022 Anti-Torture Law"* (November 2023), available at: <https://sldp.ngo/en/blog/1551>.



seem to align with the CAT as it provides a comprehensive definition of torture similar to that of the CAT and imposes harsher penalties for perpetrators. The new law explicitly criminalises acts of torture committed by state officials, as well as by individuals and non-state actors (Article 8). Additionally, the law aggravates punishment to the death penalty if the victim experiences rape or other acts of obscenity during torture (Article 8), though it does not explicitly define sexual torture and related forms of cruel, inhuman, or degrading treatment or punishment. Also, the new law generally provides for the ability of victims and survivors to file complaints about torture and seek reparations and their right to be protected from reprisals.

25. Nevertheless, victims face a significant barrier to seeking justice and redress due to the immunity from prosecution enjoyed by state agents involved in serious human rights violations, including sexual torture (This is explained further below). Moreover, the law is totally silent on defining and criminalising ill-treatment. This could justify various forms of ill-treatment by claiming they do not meet the criteria for torture and hinder the ability to investigate and prosecute such crimes and recognise their victims before the law, impeding their access to remedy and justice. Furthermore, the new law, like any criminal legislation, does not apply retroactively to crimes committed before its enactment. Consequently, past crimes of torture will fall under the jurisdiction of Article 391 of the Penal Code, potentially resulting in impunity due to insufficiency of the law or the status of limitations.
26. Moreover, it is important to note instances of torture and sexual torture committed by either State agents or non-state actors during the Syrian conflict are often associated with the conflict and may constitute war crimes. The systematic and widespread use of torture in Syria may also amount to a crime against humanity. However, the new Anti-Torture Law addresses torture as isolated incidents rather than recognising it as a widespread and systematic policy, potentially constituting international crimes. Moreover, it is worth noting that Syria has yet to ratify the Rome Statute of the International Criminal Court, and its Penal Code does not designate torture and sexual violence, including rape and other forms of sexual violence, as war crimes or crimes against humanity. Also, the Syrian Penal Code lacks provisions exempting statutes of limitation for torture and sexual violence.



27. Most significantly, it is crucial to highlight that in practice, rape against men is not recognised in Syria, significantly affecting the prosecution of such crimes. The Syrian General Penal Code differentiates between rape and "acts of obscenity" as distinct offences. While rape is addressed in articles 489 to 492, articles 493 to 496 cover other forms of sexual violence categorised under "acts of obscenity" that do not align with the definition of rape. Although the articles addressing rape use gender-neutral language, the Cassation Court narrowly define rape as non-consensual vaginal intercourse perpetrated exclusively by a man against a woman. In contrast, acts of obscenity encompass any indecent behaviour causing shame or harm to another person's dignity and virtue, regardless of the perpetrator's gender, and may involve individuals of any sex committing such acts against another.<sup>32</sup>

## **B- Immunity Provisions Impede Investigation and Prosecution**

28. The issue of immunity in the Syrian legislation presents the most significant obstacle to the investigation and prosecution of serious human rights violations, including sexual torture. Syrian law grants immunity to various state entities and their members, hindering impartial and effective complaint mechanisms and investigations.

29. According to the Military Penal Code and Procedure, Legislative Decree 61 of 1950, Military and Military Intelligence members in Syria can only face prosecution upon approval from the Commander-in-Chief of the Army and Armed Forces (the President of the Republic) or the Chief of Staff, depending on their rank.<sup>33</sup> Even if approval is granted, trials occur before military courts, which are affiliated with the Ministry of Defence rather than the Ministry of Justice. These military courts are fully subject to executive authority and lack independence. Judges are appointed by decree based on the recommendation of the Commander-in-Chief of the Army and Armed Forces,<sup>34</sup> who also serves as the president of the republic and the head of the executive authority.<sup>35</sup> Similarly, According to Decree 14 of 1969, creating the State Security Authority (currently known as the General Intelligence Directorate), the General Intelligence

<sup>32</sup> Syrian Court of Cassation - General Assembly - Decision 236 - Volume 229 - 18/4/1951

<sup>33</sup> Legislative Decree No. 61 of 1950, Military Penal Code, Article 53.

<sup>34</sup> Legislative Decree No. 61 of 1950, Military Penal Code and Procedures, Articles 34, 35 and 39.

<sup>35</sup> Constitution of the Syrian Arab Republic, 26 February 2012, Art. 105. Available in English at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/91436/106031/F-931434246/constitution2.pdf>



Directorate's members enjoy immunity from prosecution unless the director approves prosecution, effectively preventing investigations and prosecutions.

30. Furthermore, the Internal Security Forces, comprising entities such as the Political Security Division, Criminal Security, and the Prison Administration, are shielded from prosecution unless the Police Disciplinary Court refers the case to the criminal judiciary.<sup>36</sup> If the Police Disciplinary Court refuses to make such a referral, initiating a criminal case becomes impossible. However, this court lacks independence as it operates within the executive branch, casting doubt on the integrity and impartiality of its proceedings. Established by a decision of the Presidency of the Council of Ministers, the Police Disciplinary Court appoints judges who are police officers proposed by the Minister of Interior.<sup>37</sup> Consequently, individuals accused of sexual torture may find themselves facing trial in courts whose composition and adjudication involve the very agencies implicated in the alleged acts of torture, thereby undermining the integrity and independence of these judicial processes. Also, the punishments before this court are limited to "disciplinary" penalties ranging between delaying promotion and, in extreme cases, dismissal.<sup>38</sup>

### III. Rehabilitation

31. Syria lacks specific legislation providing reparations for victims of torture and sexual violence, including rehabilitation. The new anti-torture law and Syrian law, in general, do not include provisions for rehabilitation. It provides that anyone subjected to torture shall receive compensation for the material and moral damage and losses they sustained.<sup>39</sup> As such, the scope of redress of the law is narrow and limits reparations to solely monetary compensation, excluding other forms such as restitution, compensation and satisfaction, right to the truth, rehabilitation, and guarantees of non-repetition. Beyond the text of the new anti-torture law, Syrian law may provide the opportunity for broader reparative measures. For instance, the criminal judge in Syria can rule over certain aspects of reparation. This includes restitution, damages compensation,

<sup>36</sup> Legislative Decree No.1 of 2012, The Internal Security Forces Service Law, Art. 23 (1-a).

<sup>37</sup> Ibid., Art 23 (1,2).

<sup>38</sup> Ibid., Art. 23 (1-b), 120.

<sup>39</sup> Law No. 16 of 2022, Art 5.



confiscation, verdict publishing, and expenses.<sup>40</sup> However, the scope and application of such forms of reparations still fall short of satisfying victims' rights to remedy and redress.<sup>41</sup>

32. During the third cycle of the Universal Periodic Review, Syrian authorities presented strategic plans that included care and assistance for female victims of physical, sexual, and gender-based violence, as well as victims of women and children trafficking.<sup>42</sup> The plans also outline rehabilitation programs for child soldiers and protection initiatives for families of soldiers killed or wounded in the conflict. However, there was no mention of rehabilitation programs for victims of torture and ill-treatment, including survivors of sexual torture, both male and female, from government detentions.<sup>43</sup> It is notable that even the care and assistance plans for female victims of physical, sexual, and gender-based violence explicitly state that these plans are particularly for those who survived in unsafe areas (areas outside government control). This selective approach to victimhood suggests that Syrian authorities prioritise providing assistance only to victims affiliated with the State.

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<sup>40</sup> Syrian Penal Code No.148 (1949), Art 129.

<sup>41</sup> SLDP & Diakonia report *"No Justice for Torture in Syria: A Victim Rights-Based Analysis of the 2022 Anti-Torture Law"* (November 2023), available at: <https://sldp.ngo/en/blog/1551>. By reflecting in depth on the scope and application of forms reparations under the Syrian legislation, this study concludes that the scope of reparations as stipulated by Syrian domestic law falls short of satisfying victims' rights to remedy and redress, as stipulated by the CAT.

<sup>42</sup> Annexes to the national report of the Syrian Arab Republic to the third cycle of the Universal Periodic Review, Annex 9: Proposal to prepare a national plan to implement programs in line with Security Council Resolution No. 1325, p 32 *et seq*; Annex 10: The National Program to Support Women in the Syrian Arab Republic (2018), Chapter 7. Available at: [https://lib.ohchr.org/HRBodies/UPR/Documents/Session40/SY/A\\_HRC\\_WG.6\\_WG.6\\_40\\_SYR\\_1\\_Syrian%20Arab%20Republic\\_Annexes\\_AE.pdf](https://lib.ohchr.org/HRBodies/UPR/Documents/Session40/SY/A_HRC_WG.6_WG.6_40_SYR_1_Syrian%20Arab%20Republic_Annexes_AE.pdf).

<sup>43</sup> *Ibid.*



# SLDP

Syrian Legal Development Programme  
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## About The Syrian Legal Development Programme (SLDP)

SLDP is a UK-based Syrian organisation established in 2013 in response to the Syrian conflict after realising the importance of addressing complex legal needs triggered by the conflict. SLDP's scope of work embraces various services, projects, and activities implemented in Syria, neighbouring countries, and other states involved or have a stake in the conflict. SLDP's work includes but is not limited to legal consultations, training and workshops, policy recommendations, legal assessments and advocacy campaigns explicitly tailored for Syrian NGOs, victims and families groups to help them with their work on the ground and their documentation and legal advocacy efforts.