



Temporary Revolution Judiciary and Prison Conditions in the Liberated Areas of Syria

Findings and Recommendations

- East Gouta (Suburbs) Model -

VDC - Violation Documentation Centre in Syria

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Judiciary institution as a whole in Syria was and still one of most corrupted institutions in Syria with the lack of independence and integrity and violating the principles of human rights, both in terms of the laws governing it, and operational instructions associated with it and the lack of accountability for the perpetrators of these violations because of the dominance of the executive authority over the judicial authority and the control of the security bodies over its decisions, until it became as one of the security arms to the Syrian regime used to suppress the people in arbitrarily detention, torture, ill-treatment and unfair sentences.

And by extension to the above, the prison foundation and detention is considered the other of the worst regarding administrative cadre that supervise the foundation in terms of professional efficiency, or its legal experience, which is reflected on the treatment of prisoners and the violation of their rights, and on the other hand, places of detention are not better because of the lack of adequate health conditions of the prisoners. The case that makes the sentence - originally imposed arbitrarily, in cases of political detention or opinion prisoners - as revenge in every sense of the word.

In the liberated areas of Syria, which got rid of the regime detention places, secret prisons and farcical trials, it was necessary to find temporary alternatives to maintain security in one hand, and secure the functioning of the lives of citizens on the other. This was not an easy task because of the conditions that prevailed in the liberated areas of siege and daily shelling and displacement of most scientific and academic expertise.

While noting the tireless efforts of a number of civil and military formations to fill the absence of state institutions in some areas, it is characterized by a lack of experience in general, making its sentences closer to achieving the "popular justice" than to legal justice, and it collides with a number of obstacles that we tried to highlight them in a special and detailed report which is not intended for publication, aims to draw a closer picture to the reality for the human rights and legal expertise to encourage and enable them to assist present formations to overcome the possible drawbacks, including helping and encouraging these formations to adhere to the principles of human rights in general, and the protection of the principle of justice in the exercise of the judiciary authority and punishment for offenders under these exceptional circumstances.



This report is based on the personal views and direct meetings with the officials who responsible of supervision of these " judicial formations " and with some of the prisoners, and on inspecting places of detention, through field visits by a number of colleagues in the **VDC** in some liberated cities and towns in **East Gouta** (Suburbs).

It should be noted that the report includes both judicial and punitive formations, due to the non-distinction between them on the ground so that you cannot inspect each side separately in an accurate way.

The **VDC** team also noted that the facts and the cases documented in this report do not apply to the situation of prisoners of the system, which is often dealt with, through prisons and bodies of the military battalions.

VDC thanks those who contributed to the completion of this report via large cooperation, reflecting their belief in the need to strengthen the principle of transparency, stressing that justice is a fundamental goal to them, and unequivocally stopping a history of practices of the Syrian regime, which refused for decades to carry out any inspective visits to its prisons and detention centers by human rights organizations, and we are concerned for some supervisors of the judicial and penal formations rejected to allow **VDC** activists to visit their centers to have a closer look at their work.

In order to keep the security and protection of these formations supervisors, we only publish the results and recommendations of the report, while copies of it will delivered to the directly concerned people

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The findings:

1- Human rights violations:

- 1-1- Beating to all prisoners mainly flagellation "Falaqa", including prisoned women and children.
- 1-2- Placing the minors with adults in prisons, this exposes them to additional violations like harassment and rape.
- 1-3- Investigators issue sentences mixing between their job as investigators and the work of the bodies supposed to carry the task of the judiciary.
- 1-4- Not telling the prisoners of their fate or their sentences.
- 1-5- Interference in personal issues that formations are not supposed to do so because they were established to meet the exceptional circumstances to tackle like moral issues and the like, what places those formations as the guardian of society unjustly.

2- Positives:

- 2-1- **VDC** team noted that most models of formations that have been met do not adopt specific ideologies, but managed by people who work faithfully and to the goal of achieving justice. Many of them have accepted criticism and try to improve their legal situation.
- 2-2 – It is clearly notable that there is a general belief among members and supervisors of these formations in the idea of justice, but they have mixed it with wrong traditional concepts that justify torture and other practices, what requires the work to change these concepts of persons in charge.

3- Cons:

- 3-1- The lack of law expertise, whether judges or lawyers. Most of the detention centers, prisons and judicial bodies visited by **VDC** team so far undertaken by no-n-law expertise, and those who are not experienced in it. This is due to semi lack of Jurists



3-2- and expertise who have left the country, where all supervisors we met expressed their wish to have the expertise to manage things.

3-3- The lack of regulations lists of the legal rules being applied, what leads to chaos and different sentences and improvisations from one place to another, where they rely only the rules of Islamic Sharia.

3-4- The multiplicity of judicial authorities and prisons, and this is a problem you may encounter in any big city after liberation because of the multiplicity of the forces and weak civilian trends.

3-5- The lack of commitment by some armed formations and even those who are supporting judicial authority to the implementation of decisions if they are contrary to their wishes.

3-6- The lack of accountability for serious offenders working within these judicial or punitive formations by those responsible for these formations, especially in case different powers among these formations.

3-7- Lack of funding required to cover the expenses of work to organize these formations, or for prison expenses, it is dangerous to leave funding to specific bodies, which leads to the loss of these judicial independence. Dependency to those entities, which threatens the judicial process as a whole, and justice in particular.

3-8- - Judicial formations need to confer legitimacy to its work to a higher body recognized by the community, which is Sharia league or the Shura council in East Gouta model. The problem is that there is a conflict between the two bodies what causes dispute between the judiciary bodies of each party, therefore rejected by the of different parts of the society according to the loyalties and commitments.

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Recommendations:

- To political and civil bodies:

- Formation of a legal office for activist lawyers and judges who defected from the Syrian regime, to conceptualize the work of these formations as close as possible to justice, and to communicate with all the bodies that hold the task of the judiciary in Syria to facilitate the exchange of experience among them, and help in receiving their requirements, and to enable communication with local and international organizations for human rights. So as to ensure the best performance of the work of these bodies, and the consolidation of the idea of justice with the Syrians and respecting the rights and dignity of citizens as the most important requirements of the revolution, and to help to lay the foundations for building a state of law and institutions in the future.

- Develop legal regulations lists, jointly by specialist jurists for all formations, which holds the judicial process operating in Syria, including special laws or abridged (Penal Code – trial procedures - the system of prison and detention facilities) commensurate with the current conditions and try to convince those formations to adopt them formally, so as to achieve as far as possible from justice for detainees.

- It is absolutely necessary, to work hard on trying to provide financial support independent from any political, military or ideological body for those formations. To maintain its independency on one hand and to enhance its ability to ensure the continuation of their work, in order to enable them to ensure justice, whoever was the breach perpetrator. In addition to the need to secure the requirements of places of detention and to improve their conditions, and securing the needs of prisoners in the best possible way.

- Work on the separation of judicial formations and practically and administratively from any formation that could put the judiciary in a position of conflict and compromise its independency or gives some argument for refusing to comply to Judiciary and its decisions.



- To legal activists in local areas:

- Work and communicate with supervisors on these formations by all possible means, and advise them, including limits of improvisation and the disparity in sentences. And help to separate between the tasks of supervisors on the judicial process and who take the task of overseeing the prisons they have.

- work whenever possible to guide officials in these formations to the need for the participation of delegates from civilian bodies, local councils, and coordinations, or public figures in their areas, as observers or representatives of the local community, to strengthen the confidence in these formations in its decisions, and to promote the idea of Justice among the population in these areas.

- The initiative to organize awareness campaigns with the participation of civil bodies in all areas aiming to educating members of these formations and the rest of the citizens in the areas about the basic rights to them, as one of the most important reasons for which they started the Syrian Revolution, and not allowing anyone to bypassing or violation of these rights, and to lodge complaints against them, whether to these formations, or cooperation with civil bodies, and activists in their own areas to form a pressure group to prevent these violations.

- To organize training sessions and public debate with those formations on the principles of human rights, notably the right to a fair trial, the right of the accused in to have a lawyer or a specialist for his defense whenever possible, and the right to maintain the security and integrity in prison and forbidding torture .

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- To the members of judicial formations:

- Working with supervisors and guide them in Sharia bodies that undertake the task of the judiciary is to prevent arrests in cases that do not affect the issues of key public security that which cause a clear danger to the community, what lead bodies with no experience to deal wrongly with similar cases that cause harmful social effects, and generate cases of personal revenge, as a result of lack of confidence in these formations, or leave a general feeling of fear of them.

- The need to direct all these formations officials to take all caution measures in the trial of children and detaining them, with prevention of the trial of children under the age of fifteen and separate their places of detention from the rest of the prisoners, and to prevent torture.

- Take possible measures to ensure a fair trial for the detainees, and the participation of professionals in the judicial process, and the prevention of torture during interrogation or imprisonment, and punish the perpetrators of these violations.

- Cooperation whenever possible with formations that exercise works similar in other areas, and seek advice and specialists from them, and seek to unite themselves as much as possible within one judicial body to prevent the different judgments in similar cases, which undermines the trust of the citizens of these decisions.

- Cooperation with local councils to find a social service and penalties for prisoners as an alternative to detention, where the case can be dealt in this way.

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