



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and the Netherlands v. Syrian Arab Republic)

Request for the indication of provisional measures

Conclusion of the public hearing held on Tuesday 10 October 2023

THE HAGUE, 10 October 2023. The public hearing on the request for the indication of provisional measures submitted by Canada and the Netherlands in the case concerning *Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and the Netherlands v. Syrian Arab Republic)* was held today. Oral arguments were presented by Canada and the Netherlands. The Syrian Arab Republic did not participate in these oral proceedings.

The delegation of Canada and the Netherlands was led by HE Mr Alan H. Kessel, Assistant Deputy Minister, Legal Adviser, Global Affairs Canada, and Mr René J. M. Lefeber, Legal Adviser, Ministry of Foreign Affairs of the Kingdom of the Netherlands, as Agents.

The Court will now begin its deliberation.

The Court's decision will be delivered at a public sitting, the date of which will be announced in due course.

Requests of the Applicant Party

At the end of the hearing, HE Mr Alan H. Kessel made the following requests to the Court on behalf of Canada and the Netherlands:

“The Applicants, as States Parties to the Convention against Torture, respectfully request that the Court, as a matter of urgency, indicate the following provisional measures, which are directly linked to the rights that form the subject matter of the dispute, pending its determination of the case on the merits:

- a) Syria shall immediately take effective measures to cease and prevent all acts that amount to or contribute to torture and other cruel, inhuman or degrading treatment or punishment;
- b) In light of the greatly enhanced risk for detainees of being subjected to torture and other cruel, inhuman or degrading treatment or punishment, Syria shall immediately:
 - i. cease arbitrary detention, and release all persons who are arbitrarily or unlawfully detained;
 - ii. cease all forms of incommunicado detention;
 - iii. allow access to all of its official and unofficial places of detention by independent monitoring mechanisms and medical personnel, and allow contact and visitations between detainees and their families and legal counsel; and
 - iv. take urgent measures to improve the conditions of all of its official and unofficial detention facilities to ensure all detainees are treated with humanity and with respect for the inherent dignity of the human person in accordance with international standards;
- c) Syria shall not destroy or render inaccessible any evidence related to the Application, including, without limitation, by destroying or rendering inaccessible medical or other records of injuries sustained as a result of torture or other cruel, inhuman or degrading treatment or punishment or the remains of any person who was a victim of torture or other cruel, inhuman or degrading treatment or punishment;
- d) Syria shall safeguard any information concerning the cause of death of any detainee who died while in detention or while hospitalised, including forensic examination of the human remains and places of burial, as well as afford the next of kin of any person who died as a result of torture or other cruel, inhuman or degrading treatment or punishment, following arrest, hospitalisation or detention with a death certificate, stating the true cause of death;
- e) Syria shall disclose the location of the burial sites of persons who died as a result of torture or other cruel, inhuman or degrading treatment or punishment following arrest, hospitalisation or detention, to the next of kin;
- f) Syria shall not take any action, and shall ensure that no action is taken, which may aggravate or extend the existing dispute that is the subject of the Application, or render it more difficult to resolve;
- g) Syria shall provide a report to the Court on all measures taken to give effect to its Order for provisional measures, beginning no later than six months from its issuance and every six months thereafter pending the resolution of the dispute; and
- h) Syria shall take immediate actions to reduce the risk of torture being committed by its officials and other personnel, including by issuing instructions to ensure that detainees are treated in accordance with their human dignity, suspending all personnel suspected of having committed torture or other ill-treatment pending

investigation, lifting de facto immunity for those of its officials who commit torture, and ensuring that statements obtained under torture are not used as evidence in any proceedings.”

History of the proceedings

On 8 June 2023, Canada and the Kingdom of the Netherlands filed a joint Application instituting proceedings against the Syrian Arab Republic before the International Court of Justice, concerning alleged violations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the “Convention against Torture”).

In their Application, Canada and the Netherlands contend that “Syria has committed countless violations of international law, beginning at least in 2011, with its violent repression of civilian demonstrations, and continuing as the situation in Syria devolved into a protracted armed conflict”. According to the Applicants, “[t]hese violations include the use of torture and other cruel, inhuman or degrading treatment or punishment”.

Canada and the Netherlands seek to found the Court’s jurisdiction on Article 36, paragraph 1, of the Statute of the Court and on Article 30, paragraph 1, of the Convention against Torture, to which both Applicants and Syria are parties.

Together with the Application, Canada and the Netherlands filed a Request for the indication of provisional measures, pursuant to Article 41 of the Statute of the Court and Articles 73, 74 and 75 of the Rules of Court, “to preserve and protect the rights owed to them under the Convention against Torture, which Syria continues to violate, and protect the lives and physical and mental integrity of individuals within Syria who are currently, or are at risk of, being subjected to torture and other cruel, inhuman or degrading treatment or punishment”.

The hearings on the request for the indication of provisional measures were initially scheduled to open on 19 July 2023. They were postponed following a request from Syria to that end.

Earlier [press releases](#) relating to this case are available on the Court’s website.

Note: The Court’s press releases are prepared by its Registry for information purposes only and do not constitute official documents.

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

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