



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)

The Court indicates provisional measures

THE HAGUE, 16 November 2023. The International Court of Justice today delivered its Order on the request for the indication of provisional measures made by Canada and the Kingdom of 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)*.

In its [Order](#), which has binding effect, the Court indicates the following provisional measures:

(1) By thirteen votes to two,

The Syrian Arab Republic shall, in accordance with its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, take all measures within its power to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment and ensure that its officials, as well as any organizations or persons which may be subject to its control, direction or influence, do not commit any acts of torture or other acts of cruel, inhuman or degrading treatment or punishment;

IN FAVOUR: *President* Donoghue; *Judges* Tomka, Abraham, Bennouna, Yusuf, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant;

AGAINST: *Vice-President* Gevorgian; *Judge* Xue;

(2) By thirteen votes to two,

The Syrian Arab Republic shall take effective measures to prevent the destruction and ensure the preservation of any evidence related to allegations of acts within the scope of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

IN FAVOUR: *President* Donoghue; *Judges* Tomka, Abraham, Bennouna, Yusuf, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant;

AGAINST: *Vice-President* Gevorgian; *Judge* Xue.

Vice-President GEVORGIAN appends a dissenting opinion to the Order of the Court; Judge XUE appends a declaration to the Order of the Court.

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, initially scheduled to open on 19 July 2023, were postponed following a request from Syria to that end. On 10 October 2023, oral arguments were presented by Canada and the Netherlands. The Syrian Arab Republic did not participate in these oral proceedings.

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

A summary of the Order appears in the document entitled “Summary 2023/6”, to which summaries of the declaration and opinion are annexed. This summary and the full text of the Order are available on the Court’s website under the heading [Cases](#).

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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