

# Damascus court sentences Bashar, Maher al-Assad, and Atef Najib to death

🕒 Published: 2026/08/11 7:20 PM | 🔄 Updated: 2026/08/11 8:37 PM



— The Fourth Criminal Court in Damascus issues its verdict in the case concerning crimes committed against the Syrian people - SANA

**Damascus, Aug. 11 (SANA)** The Fourth Criminal Court in Damascus, presided over by Judge Fakhr al-Din al-Aryan, on Tuesday issued its verdict in the case filed against Atef Najib and a number of fugitives, sentencing Bashar al-Assad, Maher al-Assad and Atef Najib to death, along with five other fugitives, after convicting them of murder, torture, unlawful deprivation of liberty, crimes against humanity and war crimes.

The court also dropped the public prosecution against defendant Mohammad Ayman Ayoush following his death.

The verdict was delivered during the ninth hearing in the case, which concerns crimes committed against the Syrian people. The session was attended by Public Prosecutor Judge Hassan al-Turba, Chairman of the National Commission for Transitional Justice Abdul Basit Abdul Latif and several members of the commission, representatives of international legal and humanitarian organizations, and relatives of victims.

Judge al-Aryan said the court unanimously concluded the trial and issued Decision No. 1 of 2026 in Case No. 1 of 2026, comprising 396 pages. The decision will later be published on the Ministry of Justice's official website after removing the names of protected witnesses.

## **Historical and legal context**

The court's decision addressed the historical and political context preceding the events covered by the case, including the establishment of the ousted regime following Hafiz al-Assad's 1970 coup and decades of authoritarian rule, Bashar al-Assad assumed power in 2000, continuing systemic repression through security agencies and the 4th Armored Division, commanded by Maher al-Assad.

The court said the events underlying the case began with the popular movement in Daraa in early 2011, following calls for reform and the arrest and torture of schoolchildren after they wrote anti-government slogans on school walls.

According to the court, witnesses who were minors at the time testified that they had been subjected to beatings, torture, electric shocks, suspension and nail removal, while Atef Najib personally interrogated some of them and insulted their families.

The court said a March 18, 2011 demonstration calling for the release of the detained children was met with live fire, killing Mahmoud al-Jawabreh and Hossam Ayyash.

It further said security forces subsequently stormed the Omari Mosque in Daraa during March 22-23, 2011, using tear gas and live ammunition, resulting in deaths and injuries. The court also said ambulances were fired upon and wounded people were detained, with some subsequently dying, including physician Ali Ghassab al-Mahamid.

The decision also addressed the subsequent mobilization of residents from surrounding villages in a coordinated security operation against peaceful protesters, resulting in scores of deaths and injuries.

## **Court affirms national jurisdiction over international crimes**

The court examined the principle of complementarity between national and international justice, stating that international law recognizes national courts as having primary jurisdiction over international crimes, while international courts serve a complementary rather than substitute role.

It also ruled that statutes of limitation and amnesties do not apply to the international crimes covered by the case and that immunities do not apply to those crimes.

The court further examined the legal basis for trials in absentia under Article 322 and subsequent provisions of Syria's Code of Criminal Procedure, stating that all requirements for a valid trial in absentia had been fulfilled.

In defining crimes against humanity, the court adopted the definition contained in Article 7 of the Rome Statute. It also adopted the established international criminal law standard for determining the existence of a non-international armed conflict, stating that the conflict in Syria became a non-international armed conflict in mid-July 2012.

### **Court distinguishes charges against defendants**

The court said that the acts attributed to Atef Najib occurred between February and April 2011, before the start of the non-international armed conflict, and therefore constituted crimes against humanity and national crimes.

As for the remaining fugitives, including fugitive Bashar al-Assad, the court said their proven acts extended beyond mid-July 2012 and therefore constituted war crimes in a non-international armed conflict, in addition to crimes against humanity and national crimes.

The court also held fugitive Bashar al-Assad responsible for what it described as a joint criminal project, saying that, as president throughout the period covered by the case, he exercised the authorities provided for under the Constitution and directed state institutions.

The court said his contribution went beyond a failure to exercise oversight, describing him as the principal decision-maker who established policies, announced them and used state institutions to implement them while shielding those responsible from accountability.

### **Court details responsibility of Atef Najib**

The court said Atef Najib's responsibility stemmed from his leadership of the Political Security Branch in Daraa beginning in 2007, his membership in the provincial security committee, his involvement in its meetings, and his role in detaining and torturing minors.

It said Najib personally interrogated detainees, subjected them to abuse, requested military support from Damascus and was present during security operations in Daraa.

The court also attributed to him orders to open fire, responsibility for dozens of deaths and injuries, the presence of snipers and armed personnel on the roof of the Political Security Branch building under his authority, and the detention of wounded people after ambulances were stopped.

### **Evidence and witness protection**

The court said its decision was based on public prosecution witnesses, statements by civil claimants, official documents, medical reports, audio and visual material presented during hearings, and documented international reports.

Judge al-Aryan said witness testimonies were mutually corroborative and converged on specific events, dates and locations.

The court said it also heard defense witnesses and provided protection to them, applying measures intended to safeguard the lives and physical integrity of victims and witnesses and preserve evidence.

Protected witnesses testified using numbers without their identities being disclosed to the public, a measure the court described as a national judicial precedent within the transitional justice process and one consistent with international judicial practice.

The court also noted that Atef Najib denied all charges and rejected the testimony against him, while showing no remorse or apology when confronted with victims during the proceedings. The court therefore said it found no discretionary grounds for mitigation and imposed the maximum applicable penalty.

### **Court orders compensation and preservation of victims' rights**

The court ruled that victims were entitled to reparations, describing redress as an essential component of transitional justice.

It ordered the convicted defendants to jointly and severally compensate the civil claimants whose claims were accepted, with compensation assessed according to the harm suffered by each claimant.

The court also preserved the rights of other victims, relatives of victims and missing persons who had not yet brought individual claims, allowing them to seek redress before the competent judicial authorities.

### **Verdicts**

The court sentenced fugitive Bashar al-Assad to death after convicting him of intentional murder, intentional murder of multiple people, intentional killing of children under 15, intentional killing accompanied by torture and brutality, and incitement to intentional murder on multiple occasions, classified by the court as crimes against humanity and war crimes.

It also convicted him of torture, torture resulting in death and unlawful deprivation of liberty on multiple occasions, likewise classified as crimes against humanity and war crimes.

Atef Najib was sentenced to death after being convicted of intentional murder, intentional killing of multiple people, intentional killing of children, intentional killing accompanied by torture and brutality, incitement to intentional murder on multiple occasions, torture resulting in death, unlawful deprivation of liberty and multiple counts of abduction, classified as crimes against humanity and national crimes.

The court separately convicted Najib of offenses including acts targeting civil war and sectarian fighting, embezzlement of public funds, money laundering, incitement of sectarian tensions, abuse of authority, breach of official duties and fraud. The custodial sentences were consolidated, with the death penalty imposed as the most severe sentence, while the fines were ordered to be enforced cumulatively.

### **Death sentences for six additional fugitives**

The court sentenced six additional fugitives — Fahd al-Freij, Maher al-Assad, Louay al-Ali, Qusay Mayhoub, Wafiq al-Nasser and Talal al-Aysami — to death after convicting them of intentional murder, intentional killing of multiple people, intentional killing accompanied by torture and brutality, incitement to intentional murder on multiple occasions, torture resulting in death, unlawful deprivation of liberty and multiple counts of abduction, which the court classified as crimes against humanity and war crimes.

The court also convicted Louay al-Ali, Qusay Mayhoub, Wafiq al-Nasser and Talal al-Aysami of intentional killing of children under 15 and acts aimed at inciting sectarian tensions and civil strife. The resulting sentences were consolidated, with the death penalty imposed as the most severe punishment.

The defendants were also convicted of offenses including incitement of sectarian tensions, abuse of authority and breach of official duties.

### **Warrants and international prosecution**

The court ordered that arrest warrants issued in absentia against all fugitives remain in force and be circulated to the competent authorities. It also ordered the relevant authorities to take the necessary measures for their international prosecution in accordance with legal procedures.

The court confirmed the provisional seizure of the defendants' movable and immovable property and converted it into an enforceable seizure. It further ordered the imposition of civil restrictions on the fugitives and the administration of their assets under the rules governing the property of absent persons.

The court preserved the right of the competent state authorities to seek public funds and public property and authorized the Public Prosecution to pursue other officials, participants and

partners not covered by the current proceedings and to open separate cases whenever sufficient evidence becomes available.

The court also ordered that witness-protection measures remain in force following the verdict, including the use of codes and pseudonyms, confidential preservation of witnesses' identities and a prohibition on publishing or circulating information that could reveal the identity or whereabouts of protected witnesses.

The convicted defendants were ordered to bear judicial fees and expenses. The verdict is subject to the applicable procedures for publication and appeal, with the ruling issued in the presence of the Public Prosecution, the claimant and Atef Najib, while it was issued in absentia against the remaining fugitives and may be annulled upon their arrest or surrender.

The first hearing in Atef Najib's trial was held on April 26 as part of a judicial process aimed at establishing the truth, securing justice for victims and holding those responsible accountable in accordance with judicial procedures.

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## **Justice minister: Syrian judiciary independent, rulings issued in people's name**

🕒 Published: 2026/08/11 5:37 PM | 🕒 Updated: 2026/08/11 5:37 PM



— Syrian Justice Minister Mazhar al-Wais — File Photo: SANA

**Damascus, Aug. 11 (SANA)** Minister of Justice Mazhar al-Wais said Tuesday that the rulings issued today against perpetrators of crimes committed under the deposed regime came following a series of judicial procedures and were issued in the name of the Syrian people.

In statements to Al-Ikhbariyah Syria, al-Wais said the rulings were issued in accordance with the Syrian Penal Code and international humanitarian law, as part of efforts to ensure justice for victims and prevent impunity.

He stressed that the Syrian judiciary is independent, noting that the Ministry of Justice has worked from the outset to reform the judicial institution and strengthen its ability to carry out its responsibilities.

Al-Wais said the Syrian people had chosen to build a new state based on justice, citizenship and the rule of law, calling on citizens to place their trust in state institutions and the national process launched following the overthrow of the ousted regime.

He also urged citizens to seek their rights through the competent institutions, stressing that the Ministry of Justice and the Supreme Judicial Council are responsible for removing obstacles, providing the judiciary with its needs and ensuring all requirements for the administration of justice.

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