

Community Perspectives on Transitional Justice in Syria: Local Voices for Inclusive Processes

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About the Syrian Dialogue Center:

A Syrian civil society organization for studies and thought, aiming to revive and activate dialogue on issues of concern to the Syrian people. It also seeks to consolidate relations and activate cooperation and coordination among Syrians through the production and dissemination of knowledge and capacity building in scientific fields.^١

Watad Center for Training and Studies:

A non-political, independent humanitarian organization that works to raise awareness and develop cadres in Syrian civil institutions and society through innovative training programs to achieve the desired societal change in Syria and prepare research and policies to present them to decision-makers and stakeholders.^٢

For more information, please visit the Syrian Dialogue Center website.[Internet](#).¹

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About the study:

This report is the result of cooperation between the Syrian Dialogue Center and the Watad Center on the transitional justice track, and as one of the outputs of the Watad Center project implemented in the areas of northern Aleppo and Qamishli with support from the Expertise France. It is a project that aims to enhance societal understanding of the concept of justice through the effective participation of civil society in developing the features and mechanisms of transitional justice within the Syrian context.

introduction:

Over the decades since the Assad regime seized power in Syria, the people have been subjected to a long and systematic series of gross human rights violations, especially after the outbreak of the Syrian revolution in 2011. With the overthrow of the Assad regime and the start of the transitional phase, dealing with this great legacy has become one of the most pressing issues. Despite the complexities of the Syrian situation, such as the scale of violations, the state of extreme polarization and societal division, many peoples have succeeded in achieving a transition to a better future through the implementation of transitional justice mechanisms.

While it is important to consider these diverse human experiences, whether in Eastern Europe and Latin America since the 1980s, through to the African and Asian experiences, and then the Arab experiences before the Arab Spring revolutions in Morocco or after them, as in Tunisia and Libya, and to draw lessons and inspiration from them, transitional justice, as a complex and intricate concept, is primarily linked to the national context and national ownership. Therefore, developing a Syrian approach becomes one of the most important requirements for establishing effective transitional justice processes.

Indeed, significant preparatory efforts have been made over the years through Syrian projects, studies, and civil efforts on how to implement transitional justice in Syria. However, the rapid changes in the highly fluid Syrian context, and the fact that transitional justice is linked in one aspect to the nature of political transformation, available resources, and national and international circumstances, require, today, after the start of the transitional phase, efforts to build Syrian consensus—as much as possible. While the need to implement transitional justice in Syria is widely agreed upon among various forces, and enjoys international legitimacy derived from the principles of international law, this consensus remains limited to a consensus on the general idea. The details of the system and the means of its implementation remain a subject that requires in-depth dialogue and the building of common understandings among various parties, including victims, their families, activists, and various academic and legal experts.

This begins with defining the appropriate philosophy for the Syrian approach, then proceeds to prioritize, define the mechanisms, limits, and levels of implementation, etc. Conversely, given the fluidity surrounding the transitional justice landscape, Syria faces a host of complex practical challenges.

Based on the above, this report seeks to answer a main question: What is the vision of Syrians, both men and women, for the approach to transitional justice in Syria?? Including answers to four main questions:

- How does the concept of transitional justice manifest itself among a group of Syrians?
- What are the challenges facing transitional justice in Syria?
- What are the legal rules required to implement transitional justice in Syria?
- What are the roles required and hoped for from Syrian civil society in transitional justice processes?

The importance of this study lies in its attempt to present the vision of a group of Syrian men and women on how to achieve transitional justice by engaging with a set of fundamental questions. This contributes to the possibility of formulating a national approach based on the crystallization of a Syrian consensus, grounded in consultation and dialogue among various actors, including victims and their families, civil society, and legal and academic expertise. In addition, the study provides a foundation of knowledge that can be built upon in future research, advocacy efforts, and public policymaking related to transitional justice processes in Syria.

Hence, the study does not aim to expand conceptually and theoretically on the issues of transitional justice, its concepts and manifestations in various literatures, or to explore different experiences and understand their national contexts and the extent of their ability to achieve the requirements of settling the painful past and creating a break with it, but rather to integrate these visions into a research framework that helps understand the structural challenges facing the path of justice in Syria, and at the same time to enhance the required national consultations, albeit informally, through what the study reflects of the views of the Syrians themselves regarding transitional justice, in a way based on pluralism and active participation.

Methodologically, this study primarily relied on the Participatory Research Methodology, by directly and actively involving beneficiaries and stakeholders in all stages of the research process³. It also made use of the comparative method whenever necessary⁴.

³ Bergold, J., & Thomas, "[Participatory Research Methods: A Methodological Approach in Motion](#)," Forum: Qualitative Social Research (FQS), S. (2012).

⁴ See: Youssef Baytich, [The Comparative Approach in the Humanities as an Alternative to the Experimental Method](#), Research Journal, Volume 7, Issue 1, 2022.

The research drew upon two main types of sources:

- **Primary sources:** Which relied on two types of tools; the first through the implementation of five focused dialogue workshops that were carried out physically in both the city of Azaz in Aleppo Governorate and the city of Qamishli in Hasaka Governorate during the months of July and August of 2025, with the participation of: 76 people in a balanced manner between the sexes (Table No. 1), while the second tool was through a group of interviews that amounted to the implementation of 8 semi-structured interviews.⁵The interviews generally lasted between 40-50 minutes, and notes were recorded by the interviewer.(Table No. 2).

This dual methodology enabled the combination of collective and individual dimensions, allowing for a deeper analysis of the disparities in perceptions of transitional justice mechanisms in Syria. Given the qualitative methodology of the paper and the fact that data collection was limited to specific regions, with no broad participation based on the diversity of the Syrian population, the findings cannot be generalized. However, they represent the views and perceptions of a large sample of community stakeholders.

- **Secondary sources:** Which includes exploring various studies, articles and press reports, both Arab and foreign.

⁵ Semi-structured interviews are defined as those in which the researcher designs the main questions before the interview, while allowing the respondent the opportunity to deviate from the broad outlines of the questions during the interview.

See: Asmaa Al-Rumaidhi, Wadha Al-Daihani, Fatima Al-Azmi, Types of Interviews in Qualitative Research, published in Interviews in Qualitative Research, Supervised and Edited by: Dr. Ghazi Onaizan Al-Rashidi, Al-Falah Library for Publishing and Distribution, Kuwait, First Edition, 2019, p. 72 ff.

Table (No. 1) shows information on the implemented dialogue sessions.

Number of posts	Number of participants	the date	Place	Duration	Main title	Session number
8	7	July 15	Azaz city	working day	Challenges and Priorities of Transitional Justice in Syria	First
9	6	July 25	Azaz city	working day	Transitional justice paths in Syria	Second
9	6	July 26	Azaz city	working day	The roles of civil society in the transitional justice	Third

					process in Syria	
6	9	2 August	Qamishli city	working day	Transition al justice in Syria	Fourth
7	9	August 7th and 9th	Azaz city	Two working days	Transition al Justice Working Group	Fifth

Table (No. 2) shows the conducted interviews and their coding.

The symbol	the date	Place	Sex	Respondent activity	The number
M.1	4/8/2025	Online	feminine	human rights activist	1
M.2	10/8/2025	Aleppo	male	lawyer	2
M.3	9/8/2025	Aleppo	feminine	Survivor	3
M.4	16/8/2025	Aleppo	feminine	a female lawyer	4
M.5	15/8/2025	Aleppo	male	Media activist	5
M.6	5/8/2025	Aleppo	feminine	Survivor	6
M.7	16/8/2025	Online	male	Master of Criminal Law	7
M.8	17/8/2025	Aleppo	male	Doctorate in Private Law	8

The study is divided into four main sections. The first section focuses on the conceptual meanings of transitional justice in Syria. The second section focuses on the challenges of transitional justice in Syria and the priorities for response. The third section focuses on the set of legal rules required to implement transitional justice in Syria, concluding with a focus on the roles of Syrian civil society.

First: Transitional justice and its philosophical approach from the perspective of the participants:

Although the concept of transitional justice has been widely discussed in various writings, describing it as a system applied in exceptional circumstances and at a specific time period, with the aim of enabling society to recover by boldly addressing the roots of violations and clearing away the legacy of the past in preparation for a transition to a more secure future, it is nevertheless a complex concept, as it is one of the complex concepts linked to numerous scientific fields, such as law, political and social sciences, and even economics.^٦ It is based on a comprehensive set of judicial and non-judicial mechanisms, and it is a relative concept affected by time, place, and the nature of the national experience, which makes it variable in its definition and applications.^٧

On the other hand, a deeper look at transitional justice provides a conclusion that it is more than a set of mechanisms; it is essentially a philosophical approach linked to collective thinking about how to confront the past and look to the future based on thinking about the meaning of the required justice, whether it is directed or should be focused on punishment or reconciliation on the foundations of tolerance and recognition.^٨ Or a mixture in varying proportions of the

⁶ Ruti G. Teitel, *Transitional Justice* (Oxford: Oxford University Press, 2000), 15.

⁷ For expansion see: Dr. Ahmed Qorbi and Nour Al-Abdullah, *Approach Syrian* Dialogue Center, 12/26/2024 Mustafa Zaghishi, *The Role of Good Governance in Embodying Transitional Justice*, PhD Thesis in Law, Specializing in Governance and Building the Institutional State, University of Batna 1, Hadj Lakhdar, 2019-2020, p. 41.

⁸ Mohammed Al-Sharqawi, [Transitional justice priorities: the rule of law or community security?](#) Al Jazeera Center for Studies, 2/23/2020.

above?⁹This thinking is required not only at the level of decision-makers and influencers, but also by a large number of actors, paving the way for a future that ensures that violations are not repeated.¹⁰

Moving on to the participants' vision of the concept of transitional justice and its implications in the Syrian case, the focus was on the broad meaning of transitional justice as it goes beyond judicial mechanisms and extends to other pillars that must be strongly present in the Syrian application, namely: accountability, reparation, truth-telling, and institutional reform.¹¹ while emphasizing the need for an integrated system of mechanisms that does not eliminate one mechanism at the expense of another.¹² There is a relative difference between those who believe that building an approach with solidly defined pillars is necessary, and those who believe that there should be a margin of flexibility and adaptation according to the developments of the long and arduous path.¹³ It must also be based on a clear foundation, which is the victim, as the one who has the right to recognition, justice and representation. This centrality cannot be merely formal or propagandistic, as it undermines the basis of the concept.¹⁴

Philosophically, there was clear agreement that transitional justice has societal and balanced philosophical foundations, focusing on the past, present, and future, and this balance must not be disturbed. At the same time, one of the crucial issues in building a philosophy of transitional

⁹Kinda Hawasli, [What forms of transitional justice do Syrians need?](#) Syrian Dialogue Center, 12/17/2024.

¹⁰ Mutua, I'm afraid. [A Critique of Rights in Transitional Justice: The African Experience](#). Buffalo Legal Studies Research Paper Series. Buffalo: SUNY Buffalo Law School, 2011.

¹¹ From the outcomes of the first and fourth dialogue workshops.

¹² This was a unanimous opinion in all individual interviews with different expressions,

¹³ From the interview with: M.1, dated: 8/4/2025.

¹⁴ From the outcomes of the first and third dialogue workshops.

justice was the issue of boldness in this confrontation, by focusing on revealing the truth and opening the door to confession and bearing responsibility, as a way to ensure non-repetition.¹⁵

On the other hand, there was a distinction between rejecting the application of transitional justice in a formal manner that is empty of content and results, and exploiting it as a process of revenge or the application of victor's justice. As for the question of the general approach, there was a clear tendency toward the necessity of building a hybrid approach that combines punitive and restorative logic, as a case that is compatible with the specificity of the Syrian context.¹⁶...which should be the basic guide in building a transitional justice approach, meaning not to tend to reject approaches from different experiences, while it is important to benefit from them.¹⁷ While there are those who believe that the standard lies in what satisfies the victims, whether in terms of accountability or reconciliation, and not a purely rational approach.¹⁸...and to prioritize the approach so that it focuses on accountability according to the extent of the violations committed in Syria.¹⁹ Even if mitigating factors are sought after the responsibilities are laid down.²⁰

The above indicates that the concept of transitional justice was clearly evident from the perspective of the participants as a comprehensive system based on accountability, redress, truth-telling, and institutional reform. It also has a balanced philosophy, requiring confronting the past, acknowledging violations, providing justice to victims in the present, and building a future that ensures non-recurrence. This philosophy emphasized the rejection of reducing it to the logic of revenge or victor's justice, and called for a hybrid approach stemming from the

¹⁵ From the outcomes of the fourth dialogue workshop.

¹⁶ From the interview with: M.1, previous source, interview with M.3, dated: 8/9/2025, interview with M.4, dated: 8/16/2025.

¹⁷ From the outcomes of the first and second dialogue workshops, from the interview with: M.8, on 8/17/2025.

¹⁸ From the interview with: M.2, dated: 8/10/2025.

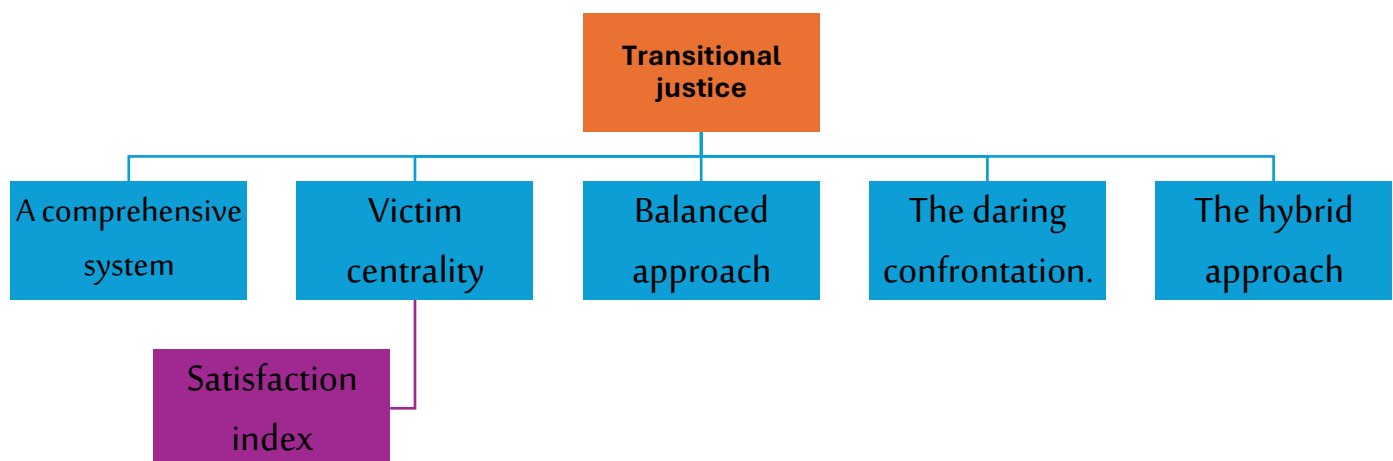
¹⁹ From the interview with: M.7, dated 8/16/2025.

²⁰ From the interview with: M.8, previous source.

Syrian national context, based on the participation of civil society as the guarantor of its credibility and the bearer of the victims' memories.

The above reveals a buildup in Syrian public awareness about transitional justice issues and the required approach in Syria. This makes building a balanced approach a viable process, avoiding calls for retribution on the one hand and calls for general amnesty and closing the past on the other, as two dangerous approaches to resolving the past and its violations. On the other hand, the collective way of thinking constitutes a societal tributary for constitutionalizing transitional justice in Syria through the Constitutional Declaration, which presented transitional justice on the basis of a set of integrated mechanisms based on consultation and the centrality of victims in answering the question of how? That is, the detailed implementation mechanisms.²¹

Figure 1 illustrates participants' perspectives on transitional justice and its philosophy in Syria.



²¹ Article 49 of the Constitutional Declaration states: "A transitional justice commission shall be established, adopting effective, consultative, victim-centered mechanisms to determine accountability, the right to know the truth, and justice for victims and survivors, in addition to honoring martyrs."

Second: Challenges of transitional justice in Syria and response priorities:

Many societies that have embarked on transitional phases after conflicts have witnessed multiple experiences of transitional justice, which came as a practical result of the struggle between theoretical visions and practical possibilities after each of them collided with different challenges, and thus, in terms of the outcome, they turned into different experiences, each of which has many positives and negatives, and it is usually difficult to measure their success or failure.²² In the Syrian case, a wide range of practical challenges emerges linked to the complex Syrian context, including sharp societal divisions resulting from the former regime's policies based on identity and sectarian incitement, and the widespread spread of hate speech in Syria.²³ Especially after the events on the coast and Sweida²⁴ ...and what appears to be a slowdown in the steps taken and a delay in building the comprehensive legal framework so far.²⁵ ...and the lack of trust in public institutions inherited from decades of tyranny, which makes mobilizing the public and its support for transitional justice processes an ongoing challenge. The legacy of fragile institutions also poses a circular dilemma, as the judiciary and ministries are mired in corruption and collapse. Furthermore, in the Syrian case, the problem of multiple control and the proliferation of weapons emerges in the shadow of nascent security institutions that are still in the process of being built, while the implementation of justice requires strong and impartial institutions.²⁶

²² Matteo Portiuncola, [Measuring results and monitoring progress in transitional justice processes](#) International Center for Transitional Justice, 01/25/2021.

²³ See: Ahmed Qorbi and Hanadi Hajjar, [Hate Speech in Syria: A Gradual Vision for Reform and Treatment](#) Syrian Dialogue Center, 20/7/2025.

²⁴ Amer Al-Mithqal, [A reading of the recent developments in Sweida, their repercussions, and expected scenarios](#). Syrian Dialogue Center, 7/22/2025.

²⁵ From the outcomes of the fourth dialogue workshop.

²⁶ This problem was present in the experiences of Libya and Yemen and led to the complete collapse of the transitional phase and justice efforts.

For more information, see: Nour Al-Abdullah, [Transitional justice in Arab experiences and what can be learned from them in the Syrian case](#) Syrian Dialogue Center, 4/21/2025.

In addition to the above, the issues of reparation and revealing the fate of missing persons constitute a major challenge as they are a sensitive humanitarian and symbolic bet, as figures reveal the existence of more than 157,000 documented forcibly disappeared persons to date, and the numbers are likely to be much higher.²⁷ In addition to the huge lists of victims and their families who are entitled to compensation.²⁸, which makes implementation a complex and slow process, as the experiences of South Africa, Peru and Sierra Leone have shown.

All of the above prompts reflection on priorities that can be focused on during the implementation of transitional justice. Through the dialogue sessions, there were different priorities to focus on in light of the broad challenges, as follows:²⁹:

- **Acknowledging suffering and violations:** This includes the right to know the whole truth by knowing what happened, who is responsible and why, and the official recognition of all violations.³⁰ ...and building on that with extensive efforts to preserve the Syrian narrative from the perspective of the victims, including personal testimonies and collective stories.
- **Participation and representation:** By involving victims in decision-making: in transitional justice bodies, missing persons committees, constitutional and political reform processes, and empowering women and survivors of sexual violence: giving them a special place in the process to ensure its inclusiveness and fairness, and achieving community justice by ensuring access to justice for marginalized and particularly affected communities, especially in areas that have suffered widespread destruction.

²⁷ The outcome of arbitrary detention, [Syrian Network for Human Rights](#), official website, viewed on: 8/19/2025.

²⁸ From the outcomes of the first dialogue workshop.

²⁹ From the outcomes of the first and fourth dialogue workshops.

³⁰ Some added that the transitional government should also acknowledge and apologize for the violations for which it was responsible.

- **Accountability:** This is done through Prosecuting those responsible for violations in order to ensure that perpetrators do not escape or remain in positions of power or influence, with an emphasis on rejecting the culture of impunity and rejecting the idea of a blanket or general amnesty, even for lower-level criminals.³¹, with limited presence of the idea of partial and conditional amnesty.³², or alternatives to penalties³³.
- **Redress and material and moral compensation:** This is achieved through a combination of financial and material compensation for those affected by killing, torture, enforced disappearance, displacement, and property destruction. This includes the return of usurped property, the restoration of dignity through the issuance of official decisions that provide justice to victims and restore their social standing, the provision of psychological and health services to victims of torture and sexual violence, and the provision of sustainable healthcare benefits, including treatment and medication.
- **Guarantees of non-repetition:** Through education and awareness-raising efforts, spreading the culture of human rights and citizenship, teaching them in schools and universities, and strengthening civilian oversight by empowering civil society to monitor the implementation of transitional justice and reform processes.

The above opens the door to thinking about essential priorities that concern Syrians and enhance their confidence in the transitional justice process. At the forefront of these priorities is

³¹ In most discussions and interviews, proposals for amnesty were linked to impunity, while some added that amnesty violates the principles of criminal responsibility in international criminal law.

³² "It is not a suitable blanket option in the Syrian context. Conditional amnesty may be available for lesser-involved individuals, but it should not be generalized to include all perpetrators. Accountability must include perpetrators of serious crimes and violators of international law at all levels, with priority given to the most serious. A blanket amnesty policy could undermine victims' confidence and increase the chances of individual retaliation."

From an interview with: M.3, previous source.

³³ Limiting accountability to only major criminals' empty justice of its substance and creates a sense of injustice for hundreds of thousands of victims who suffered direct violations at the hands of middle- and lower-level perpetrators. Criminal law is based on individual responsibility, not symbolic responsibility. Therefore, every perpetrator of a serious violation must be held accountable, even if alternative penalties or judicial measures may be considered for some lower-level perpetrators.

From the interview with: M.8, previous source.

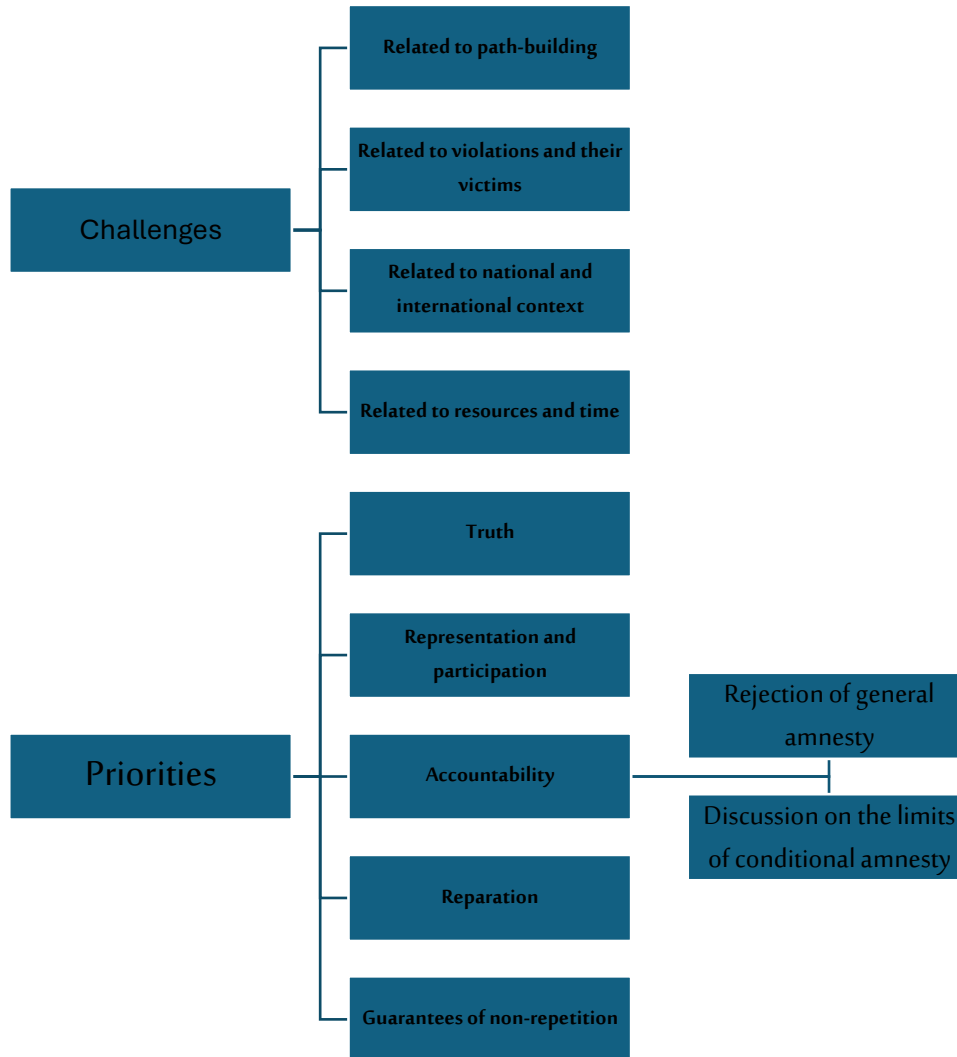
the importance of truth as the cornerstone of the transitional justice vision in Syria. This aligns with the human rights slogan "No peace without justice, and no justice or peace without truth." This builds on the importance of preserving the official narrative from the victims' perspective, while ensuring a special status for women and survivors of sexual violence, and empowering marginalized and affected communities to ensure the comprehensiveness of justice.

Accountability comes a central priority to prevent impunity by prosecuting those responsible for serious crimes and preventing them from remaining in power or positions of influence.

These key priorities revealed by the focus groups converge with most transitional justice experiences, but they are more comprehensive in their combination of accountability, reparation, and participation. For example, South Africa focused on uncovering the truth, but this uncovering was not balanced with accountability and trials, and did not reflect seriously on social justice, as class disparities between whites and blacks persisted. Similarly, Morocco succeeded in issues of compensation and reparation, but it presented only a partial truth, with no accountability mechanisms or accountability mechanisms. Likewise, despite the efforts made in Tunisia, especially at the textual level, the persistence of centers of influence and power, those who benefit from financial and political corruption, and the retreat from cleansing institutions and protecting public life have led to serious setbacks in the transitional justice process.³⁴.

³⁴ For expansion see: [Practical Applications of Transitional Justice: Lessons Learned from International Experiences](#) Syrian Dialogue Center, 11/2/2025 Nour Al-Abdullah, [Transitional justice in Arab experiences and what can be learned from them in the Syrian case](#), former reference.

Figure 2 illustrates the challenges and priorities of transitional justice.



Third: A set of legal rules for implementing transitional justice in Syria:

When moving from a general approach and a comprehensive understanding of the transitional justice system and its aims in its abstract or hoped-for form in the Syrian case, the need arises to define many aspects more precisely, for example, judicial jurisdiction and the definition of international crimes that constitute grave violations, etc., in order to form a background or input for the legal rules that must be issued by the legislator to become a legal framework for transitional justice in Syria, and to transfer the initial steps of the process to the field of actual implementation.

Officially, since the fall of the Assad regime, a set of legal texts related to transitional justice issues has been issued at various levels, foremost among them the Constitutional Declaration, and the three decrees that followed it, stipulating the establishment of structures related to transitional justice; namely, respectively: the Civil Peace Committee, the National Commission for Transitional Justice, and the National Commission for Missing Persons.³⁵ However, these legal texts came in the form of brief decrees and in the absence of the legislative authority, which is still in the process of being formed through the Supreme Elections Committee.³⁶ However, these measures taken and the texts put in place were not enough to convince many Syrians that the process had begun in Syria.³⁷ Or that the legal framework has begun to be integrated gradually.³⁸

Based on the above, it seems important to address a set of detailed questions that can be answered to establish a comprehensive legal framework for transitional justice, as follows:

1- Definition of victim required by the Transitional Justice Law:

While defining a victim as someone who has been subjected to harm or some form of injustice or assault is straightforward in the context of transitional justice, defining it in the context of transitional justice is more complex. This is because defining victims is directly linked to the process of redress, including reparations for harm. This entails costs, resources, and efforts required by states, which are often already facing challenges during the transitional phase. At

³⁵ See: [The Civil Peace Committee in Syria and the public's reaction to its conference: How do we resolve the ambiguities between justice and civil peace?](#) Syrian Dialogue Center, 6/13/2025.

³⁶ For more information, see: Nour Al-Abdullah, [Mechanisms for forming legislative authority in transitional stages and the question of the Syrian model](#) Syrian Dialogue Center, 3/7/2025.

³⁷ Most participants expressed that constitutionalizing transitional justice in Syria was a symbolic step without any implementation or clear mechanisms, with some exceptions, who praised it as a good step.

³⁸ "There are no steps at all regarding the transitional justice process, and what is happening is merely insufficient movements." From an interview with: M.2, previous source.

the same time, narrowing the definition deprives victims of rights that lie at the heart of the process of addressing the past and establishing a new future.

In various experiences, many approaches have emerged to define victims. For example, Tunisia, in its law establishing transitional justice, has adopted a broad standard that includes everyone who has suffered harm, whether a natural or legal person, an individual, or a group, and also includes the victims' families.³⁹ Similarly, Colombia has adopted a broad definition of victimhood, linking it to gross violations of human rights and international humanitarian law, regardless of its source, whether by a state such as Tunisia or another.⁴⁰ On the other hand, we find trends that have gone to a more narrow definition, which appeared in the South African experience, where the scope of victims included exclusively specific physical violations, not focusing on groups, but rather on individuals and their families.⁴¹ While older experiences, such as the Chilean experience, limited the definition of victim to individuals exposed to harm, excluding their families as indirect victims.⁴²

Moving on to what the participants envisioned regarding the definition of victim, there was a consensus on the principle of expansion, but the approaches were different, as some tended to limit the definition to a time frame from 1980 and to all direct or even indirect violations.⁴³ While some have tended to define the types of crimes as political, social, or economic, and as physical or moral harm.⁴⁴ Noting the lack of focus on legal or corporate persons in general, and a division between those who did not link the concept of victim to the

³⁹ See: Chapter 10 [From the Law on Establishing Transitional Justice in Tunisia No. 53 of 2013](#).

⁴⁰ [Colombian Congress. Victims and Land Restitution Law, Law 1448 of 2011](#). Official Gazette No. 48,096, June 10, 2011.

⁴¹ See: [Law No. 34 of 1995 on the Promotion of National Unity and Reconciliation](#).

⁴² [National Truth and Reconciliation Commission \(Rettig Commission\)](#). Report of the National Truth and Reconciliation Commission. Santiago, Chile: La Corporación / Andros Printers.

⁴³ From the outcomes of the second dialogue workshop.

⁴⁴ From the outcomes of the fourth dialogue workshop.

nature of the party committing the violations⁴⁵...and between those who made the victim those who were subjected to violations by the Assad regime, its apparatuses and its allies⁴⁶.

In general, it can be considered that the general features focus on the violation, whether direct or indirect, material or moral, and the trend towards expanding the concept to include not only individuals and the families of victims, and viewing the victim in isolation from the source of the violations, i.e. in a non-exclusionary manner, meaning that none of the victims are excluded. In contrast, it can be noted that there is a lack of focus on groups, legal persons, and the most vulnerable special categories.

Table (No. 3) shows the general perspective of the participants' definition of victim.

The most absent features	Most present features	Category
Restriction to specific violations	Direct and indirect	Nature of the violation
The most vulnerable groups	All victims	Comprehensiveness standard
Groups and legal persons	Individuals and families	Level
specific time frame	open	Scope

2- The most appropriate judicial options for accountability in the Syrian case:

Trials are often viewed as the essence of justice, and this is true in the Syrian case, given the widespread human rights violations it has witnessed. With the accumulation of international

⁴⁵ From an interview with: M.2, previous source. From an interview with: M.7, previous source.

⁴⁶ From an interview with: M.1, previous source. From an interview with: M.4, previous source.

experience and the development of international criminal law, several potential judicial paths emerge before Syrian society to hold those responsible for these crimes accountable. These paths usually focus on the most serious crimes that can be considered gross violations of human rights, such as war crimes and crimes against humanity. These options generally involve four main patterns, each with its own pros and cons.⁴⁷

One of the first options is the international criminal courts, either by referring the Syrian file to them or by establishing a special court by international decision, similar to other experiences, as happened in the experiences of the International Criminal Court for Yugoslavia in 1993 and Rwanda in 1994.⁴⁸ In contrast to the international option, the national option stands out, which is the original option in judicial accountability, as it achieves the principle of national sovereignty, as happened in the case of Bangladesh and Iraq in special courts or through specialized judicial circuits.⁴⁹ Various experiences also present the idea of establishing mixed courts that combine local and international judges within a legal framework that balances international standards and national specificities. Finally, with the development of national criminal laws in many countries to include the most serious crimes, the option of universal jurisdiction for the courts of some countries has emerged.

Moving on to participants' perceptions of criminal trial options, the differences in attitudes became more evident in the definition of victims. The basic options can be summarized as follows:

⁴⁷ For expansion see: Dr. Ahmed Qorbi and Nour Al-Abdullah, [Preliminary Report: Transitional Justice and the Importance of Maturing the Syrian Approach](#), former reference

⁴⁸ For more information, see: Muhammad Harbaliya, [Special Criminal Courts for the Prosecution of International Crimes: The Answer to the Most Appropriate Option for Syria](#) Syrian Dialogue Center, 17/1/2025.

⁴⁹ To expand on the distinction between the Special Court and the Specialized Chambers, see: Ahmed Qorbi, [Is the formation of special courts to prosecute the crimes of the Assad regime consistent with the Constitutional Declaration?](#) Syrian Dialogue Center, 4/22/2025.

- **National courts as a priority:** Whether through a special national criminal court, or in parallel between a special supreme court and specialized judicial circuits in the governorates⁵⁰.
- **The option of mixed courts as a priority:** This is to combine international experience and local legitimacy.⁵¹ Because the national judiciary is weak and unqualified⁵², and is not trustworthy in its current status.⁵³ With the possibility of detailing the conditions for establishing the mixed court so that it turns into a national court in terms of the outcome.⁵⁴.
- **Combining a national judiciary and a mixed court:** This is to benefit from the national judiciary in terms of speeding up completion and providing resources, and the mixed court to avoid the weakness of the judiciary.⁵⁵.

The above reveals the existence of a division in judicial options, represented primarily between the national option with its two models and the mixed judicial option with a tendency to be subject to conditions that, in terms of the outcome, refer it to a national judicial form, with the predominance of a negative view in principle of the reality of the Syrian judiciary and its competence, with a notable general absence of a trend towards the option of international courts, whether the permanent International Criminal Court or the model of special courts. Perhaps this expresses a negative view of international justice

⁵⁰ From the outcomes of the second dialogue workshop and the Transitional Justice Working Group meeting, from an interview with: M.4, previous source.

⁵¹ From an interview with: M.1, previous source, From an interview with: M.5, previous source.

⁵² From an interview with: M.3, previous source.

⁵³ From an interview with: M.6, dated: 8/5/2025.

⁵⁴ "During negotiations with the United Nations on the terms for establishing the hybrid court, the government can set the conditions it deems appropriate, such as a hybrid court with a national majority, headquartered in Syrian territory, within the national judicial system, and specifying a time period after which it will transform into a purely national court, in a model similar to the war crimes court in Bosnia and Herzegovina.

From an interview with: M.7, previous source.

⁵⁵ From an interview with: M.2, previous source.

institutions on the one hand and a keenness to be close to the context and establish a strong national judicial institution in the future.

3- The temporal and subject-matter jurisdiction required of the transitional justice commission:

As previously mentioned, two primary truth commissions were established in Syria: Transitional Justice Commission and the National Commission for Missing Persons, pursuant to two successive decrees, Nos. 19 and 20 of 2025. However, the establishment of these commissions through brief decrees does not replace the existence of clear legal rules that address numerous issues, the most prominent of which, in various experiences, are usually the issues of temporal and substantive jurisdiction.

In terms of temporal jurisdiction, that is, jurisdiction in terms of time, experiences show a diversity of orientations between experiences that tend to specify a short temporal jurisdiction and others that tend to specify long time periods that reach several decades ago, as in the experiences of Tunisia or South Africa. This is a process that is primarily linked to the national context and the circumstances of the transition. However, it is important to note that there are consequences for each option. With the tendency to make the time period shorter, the work becomes easier and more accomplished, but at the same time it does not delve into the roots of the violations.⁵⁶ In contrast, longer periods of time face challenges in accessing evidence and many practical complications, but they produce more in-depth and comprehensive results. As for the subject matter jurisdiction, that is, the types of violations that truth commissions are competent to consider, it may be comprehensive or limited to some serious violations. On the

⁵⁶For example, Argentina's experience set a time period between 1976 and 1983, the period of the "dirty war," or the rule of the military junta. South Africa's experience set a long period of time from the date of the first major protests in 1960 until 1994.

other hand, the subject matter jurisdiction may be precisely defined, or it may be based on a broad and interpretable standard.⁵⁷

Moving on to the participants' points of view, the orientations generally differed regarding both the temporal and substantive mandate required in Syria, as follows:

A- In terms of time:

- The trend towards gradual time specializations in three stages: from 1980 to 2000, that is, the period of the rule of the father Assad regime, and then two stages: before and after the revolution.⁵⁸
- Moving towards a deep and broad temporal jurisdiction in order to provide justice to all victims, while acknowledging the difficulties that exist in doing so.⁵⁹
- Moving towards a short and direct timeframe: i.e. the period of the Syrian revolution or since 2000, i.e. the son's inheritance of power, in order to ensure achievement and avoid distraction.⁶⁰

B- In the subject matter jurisdiction:

- Moving towards a broad definition of subject-matter jurisdiction without an exclusive enumeration of what is related to gross violations of human rights in general.⁶¹

⁵⁷ In Chile, the preamble to the decree establishing it limited the violations to enforced disappearance, arbitrary detention, torture leading to death, extrajudicial executions, and abductions for political purposes. In Sierra Leone, the Commission dealt with violations of human rights and international humanitarian law, a broad subject matter encompassing all rights. In Peru, the focus was on violations of civil and political rights, but in practice, these issues were intertwined with economic and cultural violations during the hearings and testimony-taking, which led the final report to address these issues in its recommendations.

See: Nour Al-Abdullah, [Rules Governing Truth Commissions in Different Experiences: Towards an Effective Syrian Justice Commission](#) Syrian Dialogue Center, 6/25/2025.

⁵⁸ From the outcomes of the second dialogue workshop and the Transitional Justice Working Group meeting.

⁵⁹ From the outcomes of the second dialogue workshop, from an interview with: M.1, M.2, and M.7, previous source.

⁶⁰ From an interview with: M.3, M.4, and M.6, previous source.

⁶¹ From the outcomes of the second dialogue workshop and the Transitional Justice Working Group meeting, from an interview with: M.3, previous source.

- The trend is towards limiting crimes and serious violations exclusively, even if that is a broad list such as murder, torture, etc.⁶².

The above reveals a divergence of opinions and perceptions regarding temporal and substantive jurisdictions, with awareness of the pros and cons of each option. However, it can be said that the general trend is toward expansion in terms of time and subject matter, with a desire to provide justice to all victims. Regarding accountability and crimes, there is a focus on war crimes and crimes against humanity, while there appears to be a lesser focus on economic violations and crimes.

4- Powers required to be possessed by the Transitional Justice Commission:

Transitional justice bodies possess a set of powers that enable them to implement their mandates and achieve the goals and objectives of their establishment. Although the powers vary greatly between different experiences, there is no dispute that the powers they possess are an indicator of their strength and potential impact. The general feature revealed by the process of exploring experiences is the existence of a continuous expansion of the commission's powers, the most prominent of which are: a set of basic powers such as hearing witnesses, requesting documents, requesting visits... all the way to exceptional powers such as granting conditional amnesty and settlements.⁶³

Moving on to the powers required for the success of the transitional justice bodies in Syria, opinions generally agreed on a set of powers that could be considered essential powers for the justice body, namely: investigation, collecting evidence, documentation, revealing the facts, summoning and protecting witnesses, summoning those involved, and referral to the judiciary.⁶⁴ While some opinions tended to add expanded powers, namely: issuing binding

⁶² From an interview with: M.1, previous source, From an interview with: M.4, previous source, From an interview with: M.7, previous source.

⁶³ Nour Al-Abdullah, [Rules Governing Truth Commissions in Different Experiences: Towards an Effective Syrian Justice Commission](#), former reference.

⁶⁴ That was the position in most interviews and sessions.

recommendations, and carrying out symbolic accountability.^{٦٥} and have the power to arrest, seize assets, and implement support and rehabilitation programs for victims.^{٦٦}

5- How can transitional justice structures be governed?

Governance has many definitions depending on the perspective from which it is based and focusing on its relevant aspects in the fields of politics, law, society, and public administration. It can be expressed through one of the World Bank's definitions, which defined it as the traditions and institutions by which power is exercised in a country. This includes the process of selecting, monitoring, and replacing the government, the government's ability to effectively formulate and implement sound policies, and the respect of citizens and the state for the institutions that govern economic and social interactions.⁶⁷

Focusing on transitional justice, its structures in Syria, as in any other experience, mean we are faced with a massive, official public body that carries out extensive activities, interacts with the public in various ways, and maintains a large administrative army of employees. Therefore, it is important to discuss issues of management, direction, and oversight within it, and how it can be governed. This will constitute a fundamental guarantee for its success in carrying out its missions and avoiding potential corruption, randomness, poor planning of tasks, or weak effectiveness and efficiency.

Moving on to the participants' points of view, the visions presented varied, and can be summarized in three main directions:

⁶⁵ From an interview with: M.1, previous source, From an interview with: M.5, previous source.

⁶⁶ From the outcomes of the second dialogue workshop.

⁶⁷ World Bank. Worldwide Governance Indicators: Methodology and Resources. Washington, DC: World Bank.

- Focusing on a set of governance standards and indicators, most notably the legal framework, responsibilities, and policies, and the presence of advisory councils to ensure participation and community oversight of their work.⁶⁸.
- Focusing on issues of neutrality and integrity through complete independence from various political parties, and activating internal oversight and community oversight.⁶⁹.
- Focus on official oversight, whether from the legislative or judicial authority.⁷⁰.

Fourth: The roles of Syrian civil society in implementing transitional justice in Syria:

In general, it can be said that the importance of civil society is increasing with its various components, including non-governmental organizations (NGOs).⁷¹ As a result of its growing role in various aspects, including comprehensive sustainable development in peacetime.⁷² and the provision of public services, reconstruction and peacebuilding in countries experiencing or emerging from conflict.⁷³ Perhaps the roles of civil society have taken various forms in

⁶⁸ From the outcomes of the second, third and fourth dialogue workshops.

⁶⁹ From the outcomes of the Transitional Justice Working Group meeting, from an interview with: M.5, previous source, from an interview with: M.8, previous source.

⁷⁰ From an interview with: M.2, previous source, From an interview with: M.4, previous source.

⁷¹ He knows **civil society** It is a broad list of entities such as non-governmental and non-profit organizations, civil and charitable associations, non-profit support networks, social movements and clubs, unions and syndicates, forums and associations, political parties, and others. **As for non-governmental organizations** It is defined as: a sector of non-profit civil society organizations independent of both the government and the business sector, whose mission is focused on promoting the public interest and serving the public good, rather than making a profit, such as human rights, educational, relief, and humanitarian organizations.

See: The Mental Image of Humanitarian Work in Syria after 2011, Challenges of Need and Lack of Resources, Syrian Dialogue Center, 1/2/2021, p. 3.

⁷² For further details on the role of NGOs in supporting sustainable development, see: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Note by the Secretary-General, United Nations, General Assembly, 74th session.

⁷³ Safaa Sherba and Musa Alaya, Challenges Facing Civil Society During the War in Syria, Governance and Peacebuilding Center, May 2020, p. 1.

numerous international experiences regarding transitional justice processes, especially the roles of victims' associations and their links in launching and sustaining the processes.⁷⁴

As for focusing on the legal roles in the Syrian case, civil society organizations have made a number of important efforts at the level of what can be considered early justice efforts, such as documentation efforts and prosecutions through universal jurisdiction, reaching networking efforts and forming alliances.⁷⁵ The expected role of organizations in the transitional phase is no less important than their role today in previous phases.

From the participants' perspective, the roles of civil society in general must be broad and effective. A set of different visions were presented regarding the limits and nature of these roles, as follows:

- Focus on the oversight role of civil society⁷⁶ This supports the governance of bodies and the achievement of the required path to accomplishments.⁷⁷ The necessity of the participation of civil society organizations, especially victims' associations, in transitional justice structures to achieve effective participation.⁷⁸, as well as detailed roles in reparations and institutional reform processes as an implementation partner.⁷⁹

⁷⁴ For more information, see: Lisa Ott and Natasha Heritage, *Associations of Families of the Disappeared and Missing: Lessons from Latin America and Beyond*, Swiss Peace Foundation, June 2020.

⁷⁵ Over the past years, many civil society organizations have worked together in networks to advocate for human rights issues, support victims, document violations, and prepare for transitional justice in Syria; these include, but are not limited to, the Transitional Justice Coordination Group (TJCG).

⁷⁶ From the outcomes of the fourth dialogue workshop.

⁷⁷ From an interview with: M.1, previous source, From an interview with: M.2, previous source, From an interview with: M.5.

⁷⁸ From an interview with: M.1, previous source, From an interview with: M.2, previous source, From an interview with: M.6.

⁷⁹ From the outcomes of the third dialogue workshop.

- Some proposals on the parallel role of civil society in producing knowledge, raising awareness, and issuing reports⁸⁰ and the role as a mediator between victims and bodies⁸¹.

Conclusion:

The concept of participatory approach, manifested in one form through public consultations, is a fundamental pillar in developing transitional justice approaches, given its sensitivity during sensitive transitional phases and its long-lasting impact on societies. This is also because the practice itself is an indicator of the authorities' awareness of the profound changes that transitional justice brings about in society and its future, which impact all citizens and future generations. This has been entrenched through international experiences, one after another. Its absence often leads to a loss of trust in transitional justice institutions and programs, turning them into formal tools that do not address the roots of the painful past. Transitional justice is not merely a process, but a multidimensional socio-political process that requires the involvement of victims, civil society, and marginalized groups in all stages of design and implementation. This participation should not, of course, be limited to "elites," but should include women, youth, and displaced persons to ensure non-exclusion, as emphasized by the United Nations.

Accordingly, given the absence of broad-based practical consultations, and their limitation in the Syrian case to limited, albeit qualitative, consultations despite the presence of a provision for consultations in the Constitutional Declaration, it seems important to expand the scope of collective thinking through individual and collective dialogues and discussions, through the

⁸⁰ From an interview with: M.5, previous source, From an interview with: M.7, previous source.

⁸¹ From the outcomes of the second and third dialogue workshops.

activities of Syrian civil society. This will contribute to making transitional justice a national project, not merely a top-down institutional engineering.

Through the sessions and interviews, the most important contents of which were reviewed in the previous paragraphs, a wide range of recommendations can be presented that express the viewpoints of a group of Syrians, as follows:

- ✓ The need to take into account Syria's specificities in terms of political and regional divisions, the nature and extent of violations, and the public's view of transitional justice.
- ✓ Achieving a balance between ambition, i.e. the comprehensiveness of justice and its goals, and realism, i.e. the possibility of implementation.
- ✓ Building a comprehensive approach to transitional justice based on a combination of tools and methods, which seeks to balance accountability and justice for victims on the one hand, and consideration of civil peace and societal reconciliation on the other.
- ✓ Treat with extreme caution the logic of amnesty, criminal and financial settlements, and the reintegration of perpetrators of crimes and individuals involved in inciting and supporting violations, as these processes reinforce individual revenge and the sense of failure or absence of transitional justice.
- ✓ Uncovering the full facts and determining the fate of missing persons is a fundamental pillar of the public's sense of resolution of past issues. Conversely, ambiguity and summary or formal procedures lead to public anger and a sense of propaganda operations.
- ✓ There is a relative ambiguity in the concept of victimhood, with a tendency toward a comprehensive approach to encompass the largest possible number of victims. Consequently, the general mood leans toward international logic in defining victimhood

and away from the exclusionary logic of a portion or categories of victims on political grounds.

- ✓ There are doubts about the competence, efficiency, and integrity of the Syrian judiciary. Therefore, moving toward national courts requires clear reform efforts and communicating this to Syrian society through various means, with a focus on training, qualifications, and simplifying procedures.
- ✓ Despite the practical challenges, it is possible to consider broad options for the temporal and subject-matter jurisdiction of the Transitional Justice Commission, albeit at gradual levels. This should be in response to the general tendency not to close any file or drop any violation from the Transitional Justice Department, thus achieving justice, even if symbolic, for the largest number of victims, revealing the truth about the largest number of violations, and helping to prevent their recurrence.
- ✓ Similarly, the broad powers of the Transitional Justice Commission appear to be conducive to the Commission's chances of success, as long as they do not interfere with the judicial dimension.
- ✓ The need to ensure clear governance standards and indicators for transitional justice structures, particularly oversight, participation, and transparency, and to clarify policies and procedures.
- ✓ Public institutions concerned with transitional justice must open up to partnerships with civil society and support its oversight roles. Concurrently, Syrian civil society must assume its responsibilities through lobbying, advocacy, and partnership in oversight and implementation.