



# Towards a Community Rooted Transitional Justice in Syria

TDA  
2026

**Policy Paper**  
Day After Organization



**Analytical vision of the outcomes of dialogue sessions organized by TDA to support democratic transition in Syria across Syrian territories on transitional justice questions**

اليوم التالي  
لدعم الانتقال الديمقراطي في سوريا



THE DAY AFTER  
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**2026**

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# Executive Summary

This paper aims to translate field research findings and comparative analysis into practical policy recommendations for building a Syrian transitional justice system based on community participation, transparency, and respect for local specificities, in line with international standards.

The vision is based on the principle that transitional justice is not merely a judicial track, but a national project to rebuild trust among Syrians and repair the relationship between the state and society after decades of oppression and division.

## ■ Problem Statement and Context

- In its transitional phase, Syria faces a complex legacy of violations, divisions, and regional discrimination, coupled with weak trust in institutions and an absence of effective mechanisms for accountability or reparation.
- Field discussions conducted across several Syrian governorates demonstrated that the absence of justice is not solely linked to the lack of law, but to a severed connection between the victim and the institution, alongside a collective sense of marginalization and stigma.

”

**In this context, designing a transitional justice model consistent with Syrian specificities is a prerequisite for establishing sustainable civil peace.**

# General Objectives



01

Establishing a national transitional justice system based on the principles of participation, non-discrimination, and the right to the truth.

02

Empowering local communities and victims to contribute to the design and implementation of justice policies.

03

Rebuilding trust by holding human rights violators accountable and providing material and moral reparations.

04

Consolidating guarantees of non-repetition through the reform of judicial, security, military, and administrative institutions.

# Main Pillars of the Proposed Policy

## A. Institutional Framework

- **The National Transitional Justice Commission:** A legally independent body comprising judges, experts, and elected representatives of victims and civil society, responsible for drafting public policy and monitoring implementation.
- **Governorate Committees:** Elected sub-entities representing affected persons in the field to achieve connected decentralization.
- **The National Commission for the Missing:** An independent judicial-investigative body with a unified registry and identification and exhumation protocols, featuring mandatory participation from victim family associations.

## B. Accountability and Judicial Justice

- Establishing specialized judicial circuits for war crimes and gross violations.
- Protecting witnesses and whistleblowers through independent security and legal units.
- **Activating mechanisms for criminal accountability and reparation:** confiscating the assets of convicted individuals and channeling them toward compensation and reconstruction funds.

## C. Reparation and Recognition

- Adopting multi-level reparation programs including individual compensation, community development, and symbolic memorialization (monuments, museums, national days of remembrance).
- Abolishing previous discriminatory policies (security screenings, administrative deprivation, nepotism).
- Allocating psychological and social support programs for victims and their families.

## **D.** Participation and Representation

- Representative quotas for traditionally underrepresented affected groups (women, persons with disabilities, families of missing persons, youth) within transitional justice institutions.
- Activating grassroots representation channels through family associations, truth tents, and community dialogue forums.

## **E.** Institutional Reform and Guarantees of Non-Repetition

- A comprehensive review of the structure of the judiciary, security, army, and public administration to ensure independence and accountability.
- Training judges and members of the security and military forces on International Humanitarian Law and human rights.
- Integrating transitional justice values into educational curricula and national media.

## Potential Risks

**01**

Politicization of justice by conflict parties or central elites.

**02**

Weak political will within state institutions to hold themselves accountable to justice.

**03**

Social and sectarian polarization that may threaten the legitimacy of the process.

**04**

Absence of legal protection for witnesses and victims limiting effective participation.

# Practical Recommendations

01

Issuing a Syrian transitional justice law that includes clear provisions on representation, witness protection, and reparations.

02

Developing a multi-stage national plan for transitional justice executed against a measurable and actionable timeline.

03

Creating a national fund for reparations and social reconstruction with government and international funding, supervised by the National Commission.

04

Launching a national communication campaign to promote community awareness of transitional justice as a national project, not a retaliatory one.

05

Engaging relevant national and international non-governmental organizations as supporting technical partners without compromising national ownership of the process.

# Conclusion



Building successful Syrian transitional justice requires combining the recognition of truth, legal accountability, institutional reform, and community reconciliation within a participatory model that balances international standards with local experience.

Transitional justice here is not only the end of the conflict, but the beginning of a new national contract based on the respect for the human being as the primary objective and the ultimate guarantor of any sustainable peace.



# Methodology

This paper is the product of an extensive participatory process centered on community consultations conducted over several weeks across Syrian governorates and provinces.

This approach was driven by the understanding that Syrian provinces are not only socially and economically distinct, but have also undergone different experiences over the past years and decades, particularly since 2011, having fallen under the control of various forces. Accordingly, 16 dialogue sessions were held in: Idlib, Aleppo, Afrin, al-Hasakah, Raqqa, Deir Ezzor, Lattakia, Jableh, Tartus, Hama, Salamiyah, Homs, Damascus, Damascus Suburbs, and Daraa. More than 300 individuals from diverse social, professional, and political backgrounds participated, including male and female survivors of detention, displaced persons (currently and formerly), families of missing persons, judges, lawyers, activists, academics, and representatives of local organizations, in addition to youth groups, women, and representatives of rural and urban local communities. These consultations provided insight into diverse perspectives concerning the priorities of transitional justice, its temporal scope, mechanisms of accountability and reparation, and the relationship between historical memory and institutional reform. Thus, this paper does not represent the singular view of an expert, but rather synthesizes a dialogue that brought together broad spectra of Syrian society who expressed their fears, perceptions, and recollections, as well as their aspirations for feasible justice.



Participants

**+300**



Dialogue Sessions

**16**



Geographic Areas

**15**

# Introduction - The Conceptual Framework of Transitional Justice

Transitional justice was not born as a full-fledged idea; it rose from the ashes of two centuries of tragic experiences. In the aftermath of the two World Wars, justice was based on the logic of victors' justice, which turned courts into political tools for revenge against the defeated. Later, "blanket amnesties" emerged in authoritarian regimes to obscure crimes under the pretext of stability.

Between these two failures, a third vision emerged in the 1970s: justice is neither revenge nor oblivion, but an act of recognition, accountability, and reform. The experience took root in Latin America (Argentina, Chile, and Guatemala) and reached a pivotal milestone in South Africa in 1994 with the "Truth for Amnesty" model, which transformed justice from a retaliatory process into a major moral compromise between the past and the future. Since then, justice is no longer measured by the number of trials, but by a society's ability to courageously confront its past.

The essence of transitional justice lies in redefining justice itself: shifting from a retributive justice to one that safeguards, and from a state that prosecutes individuals to a society that collectively holds itself accountable. It is a moral project that restores a society's ability to achieve cohesion after division, transforming collective pain into conscious awareness.

The UN Secretary General defined transitional justice as "the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation."<sup>1</sup> This concept later evolved into a broader framework rooted in the human rights obligations of states. It has expanded beyond the narrow scope of criminal prosecution to encompass diverse mechanisms that reinforce justice paths, such as victim reparation and guarantees of non-repetition.

1- Transitional Justice: A Strategic Tool for People, Prevention and Peace – Guidance Note of the Secretary-General. United Nations. 2023. New York p2

## First - Objectives of Transitional Justice

*We can identify five core objectives that transitional justice seeks to achieve:<sup>2</sup>*

**Truth:** The right to know, not as a political demand, but as a human and legal right enshrined in international conventions. Every victim has the right to know what happened, who was responsible, and why. Truth is not merely a document; it is an act of recognition that repairs the broken relationship between the people and the state.

**Accountability:** Subjecting those who committed grave crimes to fair judicial proceedings. Transitional justice does not mean impunity, but it also does not reduce justice to revenge. It is an accountability that restores society's trust in the law.

**Reparations:** This is the most profound humanitarian dimension of the process. Reparations are not limited to financial compensation but include official apologies, comprehensive rehabilitation, symbolic memorialization, and the guarantee of a dignified life for victims and their families.

**Institutional Reform:** The reconstruction of state institutions, particularly the security, military, judicial, and administrative sectors to ensure they serve the citizens rather than act as instruments against them. In this sense, institutional reform is the structural prerequisite for a guarantee of non-repetition.

**Reconciliation:** This is not about arbitrary forgiveness, but the outcome of accomplished justice. Reconciliation that precedes justice is a fallacy; whereas reconciliation that follows justice brings stability.

It is essential to note that these five objectives are not successive stages but an interconnected process; they serve as the sides of a single square. Transitional justice collapses if one side is achieved while others are neglected: truth without accountability becomes mere historiography, accountability without reparation descends into mere punishment, and reform without reconciliation produces a tense state.<sup>3</sup>

1- United Nations Human Rights Council. (2023). International legal standards underpinning the pillars of transitional justice (A/HRC/54/24). Geneva: Office of the High Commissioner for Human Rights – p. 4 et seq.

2-United Nations, Report of the Secretary-General, "The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies," UN Doc. S/2004/616, 23 August 2004.

## Second - International and National Legal Pillars of Transitional Justice

Transitional justice is grounded in the frameworks of International Humanitarian Law (IHL) and International Human Rights Law (IHRL), which impose specific obligations upon states. Most notably:

### 01 Non-Impunity:

A fundamental principle of the Rome Statute (1998) of the International Criminal Court, which obliges states to hold perpetrators of war crimes and crimes against humanity accountable.

### 02 The Right to the Truth:

Affirmed by the UN Human Rights Council in 2005 as both an individual and collective right.<sup>4</sup>

### 03 The Right to Reparation:

Enshrined in the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation (2005).<sup>5</sup>

### 04 Guarantees of Non-Repitition:

A legal obligation requiring the state to reform its security and judicial institutions to ensure that violations do not recur.

**Accordingly, transitional justice is no longer just a moral or political choice, but a binding international legal duty and a tool for meeting state obligations in the field of human rights.**



4- United Nations Commission on Human Rights, Resolution 2005/66: Right to the Truth, adopted on 20 April 2005.

5- United Nations General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Resolution 60/147, 16 December 2005.

**At the national level, the Syrian transitional justice framework is grounded in the provisions of the Syrian Constitutional Declaration and the presidential decrees issued pursuant to it:**

**01**

**The Syrian Constitutional Declaration of 2025:** Article 49 of the Syrian Constitutional Declaration, issued on March 13, 2025, stipulates the establishment of a 'Commission for Achieving Transitional Justice.' This commission is mandated to adopt effective, consultative, and victim-centered mechanisms to determine pathways for accountability, the right to the truth, and the redress of victims and survivors, in addition to honoring the memory of martyrs. Furthermore, Article 48 of the same Declaration obliges the state to lay the necessary ground for achieving transitional justice through a series of foundational measures. These include the repeal of all exceptional laws that harmed the Syrian people and violated human rights. It further requires the annulment of unjust verdicts issued by the Counter-Terrorism Court, which was used to oppress the Syrian people, including the restitution of confiscated properties. Additionally, it mandates the abolition of exceptional security procedures concerning civil and real estate documentation that were employed by the defunct regime to oppress the Syrian people.

**02**

**Decree No. 20 of 2025:** Pursuant to the provisions of the Constitutional Declaration, the "National Commission for Transitional Justice" was established by Decree No. 20 on May 17, 2025. Driven by the necessity of achieving transitional justice as a fundamental pillar for the rule of law, ensuring victims' rights and realizing comprehensive national reconciliation, this independent body was constituted. The Commission enjoys full legal personality and financial and administrative autonomy, exercising its mandate across all Syrian territories. Its primary functions include uncovering the truth regarding gross violations committed by the defunct regime, holding those responsible accountable in coordination with relevant authorities, providing reparations for victims, and consolidating the principles of non-repetition and national reconciliation. Furthermore, the decree mandated the appointment of a president to the commission, tasked with forming a working group and drafting the internal bylaws within 30 days of the announcement.

03

**Decree No. 149 of 2025:** Subsequently, by Decree No. 149 issued on August 28, 2025, the Board of the National Commission for Transitional Justice was constituted. The Decree defined the Board's composition, consisting of 13 members, including its President and Vice-President.

04

**Establishment of the National Commission for Missing Persons and the Forcibly Disappeared:** On May 17, 2025, the President of the Republic issued Decree No. 19 of 2025, establishing the "National Commission for Missing Persons" as an independent body dedicated to uncovering the fate of missing and forcibly disappeared persons throughout the country. The Decree stipulates that the commission shall undertake the tasks of searching and investigating cases of disappearance, establishing a national database, and providing legal and humanitarian support to the families of the missing, as part of national efforts to address this humanitarian file. Under the Decree, the commission enjoys legal personality and financial and administrative independence, exercising its mandate across all Syrian territories.

## Third - Conceptualization within the Syrian Context

*Analysis of the discussions within Syrian communities -the focus of this study- reveals several fundamental and local pillars of transitional justice:*

01

**Justice as a state obligation, not an authority initiative:**

Across nearly all Syrian sessions, a consistent stance emerged: justice is not a favor granted by the ruler, but a binding obligation of the state toward its victims. In multiple areas, participants echoed statements such as: “It is the state’s obligation to open the files and reveal the truth... justice is not a bonus,” and “The Commission must be insulated from politics and administer the law justly.” Furthermore, “The law must prevail over everyone, not only over the weak.”

This understanding shifts transitional justice from the political sphere into the realm of law and rights. People do not seek a reconciliation commission or emotional settlements; rather, they demand a state that enforces the law as a constitutional duty rather than a political choice. At this juncture, public consciousness transcends academic rights-based discourse, moving toward an awareness of the community's legal sovereignty: it asserts that the people are the rightful owners of justice, while the state serves merely as the executor of that right.

02

**Justice as a right of victims, not a bargaining chip:**

Emerging from over half a century of tyranny and fourteen years of war, Syrian society views justice as an uncompromising personal and collective right.

Participants in the dialogue sessions emphasized that uncovering the fate of the disappeared constitutes an absolute, non-negotiable right; it is the very core of justice and the dignity of mothers and families who have lost their loved ones. Furthermore, it was stressed that justice is neither a luxury nor a secondary demand; rather, it is the essential foundation for building civil peace and restoring trust among the people.

This realization reflects a radical shift in public consciousness: justice is no longer a 'political pardon' granted by the government, but a 'civil right' owned by the victim and no politician has the authority to waive it. These positions signal the emergence of a new legal culture within the Syrian public consciousness, positioning transitional justice as a foundational pillar of any future social contract, rather than a negotiable item in a political agreement.

02

**The value-based dimension of justice in Syrian public consciousness:**

The Syrian societal vision stands out for taking justice back to its moral origins, transcending its purely legalistic framework. Having lost faith in legal texts over decades of tyranny, where laws were wielded as instruments of oppression, Syrians today articulate justice through the language of 'conscience, dignity, equality, integrity, and transparency.'

Participants expressed a profound yearning for an impartial and independent judiciary, where adjudication is guided by conscience and equity rather than fear or allegiance. They emphasized that rebuilding trust in judicial institutions begins with the judge who 'adjudicates with justice, free from any executive pressure or influence.'

These simple phrases encapsulate a massive epistemic shift: in Syria, the law is no longer the yardstick for justice; rather, justice has become the standard for the law. This is the essence of modern transitional justice philosophy: reconstructing the bond between morality and legitimacy, which had been entirely severed by the former regime.

## Fourth - The specificity of Syrian society's understanding of justice

Syrian societal dialogues reveal localized specificities in the understanding and expectations of transitional justice. These specificities reflect the nature of oppression and suffering endured by each community over decades.

The local discussions unveil a mosaic of experiences and consciousness; every Syrian area possesses its own history of injustice and its own definition of justice, yet they all converge into a single stream.

## **In the East (Raqqa, al-Hasakah, Deir Ezzor):**

Justice is perceived as a liberation from structural marginalization. Participants spoke of 'civic dignity,' addressing discrimination in employment and travel, as well as the deprivation of official documentation. They expressed a profound sense of disenfranchisement and social stigma that must be dismantled through a justice system that restores dignity and ensures equal opportunities for all groups. In Deir Ezzor, for instance, it was emphasized that justice begins with uncovering the truth regarding mass graves and the disappeared, alongside holding accountable the leadership — both local and international — involved in violations.

Furthermore, their conception of justice is directly linked to collective reparations and reconstruction following the widespread devastation of the area. Residents maintain that any peace or reconciliation is meaningless unless justice is built upon rigorous accountability and the restitution of rights. It was also proposed that educational reform would serve as a fundamental gateway to this justice, as previous curricula entrenched division rather than fostering respect for diversity.

Consequently, justice goes beyond its legal definition to become a project for rectifying the relationship between the centre and the periphery, ensuring a just distribution of opportunities and resources across political, economic, and cultural levels.

## **In the Coast (Latakia, Tartus, Jableh):**

The discourse of impartiality and memory is profoundly present. This community has endured a painful paradox: being part of the regime's ecosystem while losing its sons to the war. Consequently, justice is viewed as a guarantee for transparency and redress, rather than an instrument of vengeance.

Participants called for a justice that applies the law to all without retribution or unconditional amnesties, emphasizing that the objective is not revenge, but fair accountability that preserves the dignity of both the victim and society while enshrining the principle of equality before the law.

In Jableh, for instance, discussions focused on justice as a right for all based on equality, equal opportunities, and the impartial application of the law. Justice was also linked to truth-seeking and fair accountability that restores dignity to victims and provides psychological and moral reparations. Ultimately, justice is presented as an essential moral and legal value for rebuilding trust between society and the state.

## **In the North (Idlib, Afrin):**

In regions characterized by the multiplicity of factions and violations, justice is synonymous with neutrality and balanced accountability.

As one participant in Afrin stated: 'Hold the top criminals from all sides accountable —Abu Amsha and others— then let's talk about justice.'<sup>6</sup> Consequently, justice in this context is not merely a legal demand; it is a means to cleanse society of warlords.

## **In Major Cities**

### **Damascus, Aleppo, Hama, Homs, Daraa and Salamiyah:**

The focus on institutional reform and restoring the prestige of the judiciary is evident. In Damascus, a defected judge stated: 'We need a Supreme Judicial Council that unifies legal references and prevents politicization.' Meanwhile, in Hama, it was noted that 'the law must be above everyone.'<sup>7</sup>

Consequently, cities that suffered from 'bureaucratic tyranny' more than military chaos perceive justice through the lens of judicial independence. In contrast, cities that endured the turmoil of war view justice through the lenses of impartiality and oversight. Thus, it becomes clear that justice in Syria is polyphonic yet unified in its objective: the restoration of dignity through an impartial legal system.

6- A dialogue session organized by 'The Day After Association (TDA) to Support Democratic Transition in Syria' with Syrian community actors in Afrin, held on August 28, 2025.

7- A dialogue session organized by 'The Day After Association (TDA) to Support Democratic Transition in Syria' with Syrian community actors in Damascus, held on August 25, 2025.

## Fifth - The impact of war and division on justice consciousness

The Syrian war has produced more than just physical destruction; it has caused an epistemic destruction of the concepts of 'State' and 'Right.' People have emerged from an experience where the law was wielded as a tool of oppression and justice was exploited as a mechanism for extortion. Consequently, they now entrust transitional justice with the responsibility of reconstructing the lost meaning of the State.

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The war has yielded civil and sectarian divisions that have deepened societal wounds, causing the concept of justice among certain groups to coalesce with a desire for revenge or a perceived 'restoration of dignity.' However, the majority of participants, as the testimonies demonstrate, have transcended this logic in favor of a broader national vision.

This vision posits that justice is the path to reconciliation, rather than its byproduct, and that the objective is not to divide the people, but to start a new chapter based on clear and equal rights for all.

In other words, Syrian society has learned from its bloody catastrophe that justice is not built upon blood, but upon truth and balance. Consequently, the most defining feature of this Syrian vision is that it views transitional justice not merely as an end to the past, but as the beginning of a new national contract.

A recurring theme across various discussions was the call for justice to serve as a means of rebuilding the concept of the 'national community' after social bonds were torn apart by the war. Participants maintained that genuine justice is that which restores social cohesion rather than deepens wounds; they viewed it as the primary prerequisite for the return of refugees and the restoration of trust, asserting that security is not achieved through promises, but through a lived equitable sense of citizenship and equality.

These simple statements demonstrate an advanced vision that justice is not merely a reckoning of the past, but founding a national identity built upon the principle of shared dignity. There can be no national unity without justice, no peace without truth, and no state without accountability.

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Thus, in the Syrian consciousness, transitional justice is transformed from a mere 'judicial procedure' into a comprehensive national project aimed at rebuilding trust between the state and society, and between one citizen and their countrymen.

Consequently, through the analysis of field discussions, it can be argued that Syrians are undergoing a radical cultural shift in their conceptualization of justice. In a society ruled by a 'security state' for decades, justice was defined as 'obedience to the regime'; today, however, it is defined as 'the human right to dignity, accountability, and participation.'

# 1

## Section I

### Transitional Justice Mechanisms within the Syrian Societal Vision

This section addresses the essence of the Syrian societal vision regarding transitional justice mechanisms, as it emerged during field discussions across various governorates.

Participants viewed transitional justice not as a rigid legal process, but as an interconnected system of accountability, truth-seeking, reparations, and institutional building. This system aims to restore the relationship between the state and society after decades of violations.

**The testimonies demonstrate that these four mechanisms are not isolated; rather, they are complementary and integrated:**

Accountability without truth-seeking yields revenge rather than justice, and truth-seeking without reparations leaves the wound wide open. Furthermore, providing reparations without institutional reform and guarantees of non-repetition merely reproduces the root causes of violence once again.



**In this light, this section serves as an entry point for understanding how Syrians have redefined justice based on their own unique experience. It explores how they have expressed their need for a justice that redresses victims, confronts perpetrators, and restores trust in the state as a protector of rights, rather than an instrument of oppression.**

## First - The Syrian Societal Vision on Addressing Criminal Accountability

Criminal accountability is a fundamental pillar of transitional justice that goes beyond the binary of 'prosecution or amnesty' toward a judicial system aimed at revealing the truth, redressing victims, deterring perpetrators, and building trust in the law. The United Nations underscores its inclusion within the 'full range' of transitional justice, alongside truth-seeking, reparations, and institutional reform.

This accountability relies on various mechanisms (national, hybrid, and international courts) as well as universal jurisdiction, and objectives centered on recognizing victims, consolidating the rule of law, and preventing recurrence.

The Rome Statute (1998), the UN Secretary-General's report (S/2004/616), and the Updated Set of Principles to Combat Impunity (2005) constitute the primary legal reference, emphasizing the duty to investigate, prosecute, and the non-applicability of statutory limitations.<sup>9</sup>

International precedents have demonstrated a diversity of models: the Special Court for Sierra Leone,<sup>9</sup> which embodied the principle of hybrid justice; Argentina, which repealed amnesty laws and retried the 'Dirty War' prosecutions; and Peru, which prosecuted President Fujimori. Furthermore, Syrian precedents have emerged in Germany, where the German judiciary sentenced officer Anwar Raslan to life imprisonment for systematic torture.

This marked the first ruling worldwide in the Syrian context to invoke the principle of universal jurisdiction, demonstrating that justice is attainable even beyond national borders.

8- Universal Jurisdiction: A Legal Principle in the Fight Against Impunity, Office of the United Nations High Commissioner for Human Rights (OHCHR), Geneva, 2010, p. 5 et seq.

9- Huyse, Luc, and Mark Salter (Eds.). Traditional Justice and Reconciliation After Violent Conflict: Learning from African Experiences. Stockholm: International Institute for Democracy and Electoral Assistance (IDEA), 2008. (Arabic Translation: International IDEA, 2017), p. 129.

# 1- The Syrian Societal Vision of the Concept of “Criminal Accountability”

*One of the most prominent common denominators across all areas is the awareness of hierarchical criminal responsibility.*

**In Idlib, for instance, participants explicitly state:**



**“Justice begins with the head of the regime and those who issued the orders, not the rank-and-file perpetrators. Accountability must extend to the pilot who carried out the bombing, those who ordered it, those who financed it, and those who incited it.”<sup>10</sup>**

This sequence demonstrates that participants deconstruct the concept of crime into layers of action, incitement, and financing. It reflects an understanding of the relationship between the 'direct perpetrator,' the 'commander,' the 'inciter,' and the 'beneficiary.' This aligns with the concept of liability in International Humanitarian Law and International Criminal Law, which holds that political and military leaders are liable for crimes committed by their subordinates if they knew of them or turned a blind eye.

**In Afrin, this logic has been politicized within the local context:**



**“We want to clean our internal house first... putting militia leaders in the North on trial... then looking into the crimes of ISIS and the SDF.”<sup>11</sup>**

This statement reveals a dual politicization of accountability: on the one hand, a demand to hold opposition figures implicated in violations accountable, and on the other, expanding the scope of justice to include all parties — including the SDF and opposition factions — not just the regime.

10- Focus Group Discussion with Syrian Societal Actors in Idlib, Organized by 'The Day After (TDA) Association for Supporting Democratic Transition in Syria', August 14, 2025.

11- Focus Group Discussion with Syrian Societal Actors in Afrin, Organized by 'The Day After (TDA) Association for Supporting Democratic Transition in Syria', August 28, 2025.

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In Deir Ezzor, it was argued that criminal accountability is the primary pillar of justice because it is directly linked to identifying those responsible for massacres, mass graves, and the disappeared. Accountability here is understood as the genuine prosecution of leadership and key perpetrators, rather than mere formalistic measures. It also serves as an entry point for collective reparations; without it, the region cannot restore its trust in the state or begin the recovery process.

Participants emphasized that the aspired justice is not a victors' justice, but a comprehensive justice for all, based on equality in accountability and non-selectivity. Focusing investigations on one party while overlooking violations committed by others would produce a flawed justice that undermines trust rather than restoring it.

**In almost all areas, there was a categorical rejection of the concept of one-sided accountability.**



**In Tartus, one participant stated:** “All involved parties must be held accountable without exception... whether within the regime, the opposition, or local forces.”<sup>12</sup>

Similarly, participants emphasized that justice cannot be achieved if it is limited to a single faction; rather, it must encompass all those who committed crimes, regardless of their political or military affiliation, to ensure equality before the law and consolidate trust in the transitional justice process. In Jableh, residents view accountability as a tool for restoring rights, uncovering the truth, and enhancing confidence in the judiciary, while asserting that accountability only becomes just if it is depoliticized, independent, and ensures equality for all.

This consensus reflects a nuanced understanding of the principle of comprehensive accountability, a cornerstone of modern transitional justice: no impunity, and no discrimination based on identity or affiliation.

12- Focus Group Discussion with Syrian Societal Actors in Latakia, Organized by 'The Day After (TDA) Association for Supporting Democratic Transition in Syria', August 19, 2025.

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Notably, in several sessions — particularly in Afrin and Idlib — participants expanded the concept of responsibility to include those who financed or profited from violations.<sup>13</sup>

Consequently, 'figures of corruption and merchants who supported militias' were included among prosecutorial priorities. This reflects a shift from a traditional understanding of crime as a physical act to a structural one that views the war economy as an integral part of the system of violations, asserting that justice remains incomplete without dismantling these networks.

This local Syrian understanding intersects with international experiences, such as those in Sierra Leone, Liberia, and Rwanda,<sup>14</sup> where businesspeople who supported war crimes were prosecuted.<sup>15</sup>

Field discussions revealed a sharp decline in public trust in the judiciary due to decades of politicization and subordination.

This has pushed popular demands toward strict criteria for judicial appointments; participants emphasized that judges must possess courage, integrity, neutrality, and expertise.

They insisted that they must be appointments on the basis of competence rather than political loyalty, to ensure judicial independence and restore the status of justice as an inclusive institution.

13- Focus Group Discussion with Syrian Societal Actors in Idlib, Organized by 'The Day After (TDA) Association for Supporting Democratic Transition in Syria', August 14, 2025.

14- Huyse, Luc, and Mark Salter (Eds.). *Traditional Justice and Reconciliation After Violent Conflict: Learning from African Experiences*. Stockholm: International Institute for Democracy and Electoral Assistance (IDEA), 2008. (Arabic Translation: International IDEA, 2017), p. 25 et seq.

15- Carranza, Ruben. *Transitional Justice and Asset Recovery: How Transitional Justice Can Fight Corruption*. International Center for Transitional Justice (ICTJ), August 2020, p. 21.

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The discussion regarding judges was not limited to personal ethics but extended to the 'institutional engineering' of the justice system.

Local discussions highlighted the importance of establishing professional and community oversight committees to monitor judicial performance, requiring periodic financial disclosures to prevent bribery, and ensuring fair wages for judges to reduce corruption.

Furthermore, participants emphasized the need for specialized training for judges in International Humanitarian Law, the inclusion of women in the judiciary to enhance gender representation, and the establishment of judicial panels or multi-judge benches instead of single-judge courts to reduce potential bias.

These proposals reveal an awareness that justice is not built on individuals, but on a system.

A key pillar of trust identified was that trials must be public and documented. In Raqqa, for instance, a recommendation was made to create "electronic channels or platforms to broadcast trial proceedings."

In Homs, the role of independent media was highlighted to cover judicial sessions and provide periodic reports to the public.

Meanwhile, participants in Aleppo stressed the importance of "protecting witnesses and ensuring their safety" as a prerequisite for any judicial process.

This link between media and justice reflects a collective awareness that accountability is not only legal but also symbolic, asserting that invisible justice does not build trust.

## 2- Defining the Mechanism of Prosecutions and Penalties

Participants unanimously agreed that courts must have national roots in order to ensure the sovereignty of justice and restore public trust, emphasizing that their presence within the local environment is a prerequisite for their effectiveness.

Furthermore, it was proposed that national independence does not contradict international oversight; rather, such oversight may enhance it by ensuring impartiality and transparency during the early stages of building the new judicial system. In Salamiyah, for instance, it was proposed that trial mechanisms must be legal and public, founded on judicial independence and the impartiality of judges.

Penalties are to be determined according to the degree of responsibility and the role of each perpetrator, without generalization or revenge. There was a rejection of establishing special or exceptional courts, asserting that justice must be practiced within a professional and open judicial framework.

This 'hybrid' approach is not a rejection of national sovereignty; rather, it is understood as a professional safeguard mechanism to compensate for the limited local expertise.

**“ In Damascus, it was noted:** “We may need international committees or external judges, but within a national system that is not subject to guardianship.”

This vision reflects a balance between national ownership and international oversight, restoring trust without compromising the sovereignty of the process.

## TDA

A recurring complaint across several dialogue sessions was the multiplicity of courts and the inconsistency of rulings, which undermines public trust in the judiciary. Consequently, participants called for the establishment of a Supreme Judicial Council to unify the legal framework and prevent conflict among Sharia (religious), civil, and military courts.

In Raqqa, some proposed the issuance of a special law for transitional trials to define jurisdictions and regulate the relationship between the civil and military courts and fact-finding committees.<sup>16</sup>

This advanced institutional vision stems from the Syrian experience with the politicization of the judiciary over the past decades, during which it was utilized as a tool of authority rather than a balance for justice.

Community discussions across the governorates also focused on defining the function of penalties within transitional justice: are they for retribution and deterrence, or for reform and reparation?

In Damascus, the most intense debate centered on the death penalty, where participants were divided into three distinct perspectives: one group rejected capital punishment entirely, arguing that it “fuels revenge and reproduces violence,” and maintaining that life imprisonment is more consistent with the goal of civil peace. A second group partially accepted it, strictly limiting its application to senior leaders and those who ordered mass killings or the use of chemical weapons. A third group adopted a pragmatic stance, arguing that “justice is not measured by severity but by purpose,” and that capital punishment should only be employed if it serves reconciliation and prevents vendettas, rather than the opposite.<sup>17</sup>

Conversely, in Idlib and other governorates, reformatory punitive alternatives emerged that link deterrence to reparation. Participants proposed confiscating the assets of those convicted and allocating them to compensate victims and rebuild homes—an approach that shifts justice from the sphere of revenge to a productive compensatory system that recovers stolen resources and redirects them to society.

16- A dialogue session organized by 'The Day After (TDA) – Supporting Democratic Transition in Syria,' with Syrian community actors in Raqqa on September 2, 2025.

17- A dialogue session organized by 'The Day After (TDA) – Supporting Democratic Transition in Syria,' with Syrian community actors in Damascus on August 25, 2025.

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This perspective aligned with views from other governorates that called for hybrid alternatives, including community service and fines directed toward compensation funds, emphasizing that “penalties are not determined by anger, but by their suitability for the objectives of transitional justice.”

Ultimately, public sentiment leans toward restricting the death penalty, if retained at all, to the narrowest legal limits, while expanding the scope of compensatory penalties that combine retribution with equity. Here, the penalty does not merely end the crime; it transforms it into a resource for justice that restores trust and closes the cycles of vendetta.

In this sense, the shift from retribution to reformative alternatives becomes an indicator of societal maturity within the new Syrian consciousness of justice: a penalty that restores dignity, recovers what was stolen, and serves civil peace instead of igniting new vendettas.

The Syrian societal vision of accountability aligns, in most of its pillars, with international standards.<sup>18</sup> Discussions emphasized the comprehensiveness of accountability and the rejection of victors' justice, insisting on holding all parties accountable without discrimination, in accordance with the principle of equality before the law. Furthermore, an advanced awareness of the hierarchy of responsibility emerged, focusing on political and military leadership—paralleling the principle of 'command responsibility' in international law. Participants called for national courts under international oversight to ensure impartiality, similar to the hybrid models in Sierra Leone and Cambodia, alongside public hearings and witness protection to consolidate trust.

The concept of punishment was further expanded to include reparation and compensation through the confiscation of convicted individuals' assets for the benefit of victims, while judicial reform and the unification of legal authority were considered prerequisites for building independent justice institutions.

Despite this significant intersection, there remains a need for a more precise codification of modes of responsibility, the abolition of the death penalty, and the integration of a gender-sensitive approach to ensure that Syrian justice aligns with international standards.

18- See: Rule-of-Law Tools for Post-Conflict States: International Judiciaries – Office of the United Nations High Commissioner for Human Rights – Geneva – 2008. p. 1 et seq.

## Second – Syrian Societal Vision of Dealing with Truth-Seeking Issues

Truth-seeking is a central pillar of transitional justice, along with accountability, reparations, and institutional reform, and is a legal and moral right of victims and society to know what happened and who was responsible for it, with the aim of preventing recurrence. This right has been recognized by the United Nations in its resolutions (2005/66 and 9/11 of 2008) and the updated Principles against Impunity, as well as in the Convention on Enforced Disappearances (2006), as an individual and collective right that does not lapse by statutory limitations.

OHCHR defines this right as identifying perpetrators, knowing the fate of the victims, and the circumstances of the violation, which restores the meaning of the relationship between the state and the citizen. International experiences such as those in Colombia, Morocco, Peru, South Africa and Sierra Leone<sup>19</sup> have shown that truth commissions are established as official independent bodies to investigate violations and make recommendations for reform, and that they can work in parallel with the courts, as in Sierra Leone.

UN standards for the success of these commissions are measured by independence and impartiality, participation of victims and civil society, witness protection, and the transparent dissemination of results. The UN guide concludes that uncovering the truth is not only a documentation of the past, but a national path to rebuild trust and free memory from political use. Where truth is unveiled, recovery starts. While where truth is concealed, violence erupts anew.<sup>20</sup>

19- Huyse, Luc, and Mark Salter (Eds.). *Traditional Justice and Reconciliation After Violent Conflict: Learning from African Experiences*. Stockholm: International Institute for Democracy and Electoral Assistance (IDEA), 2008. (Arabic Translation: International IDEA, 2017), p. 128.

20- United Nations, Office of the High Commissioner for Human Rights. (2023). *Guidance Note of the Secretary-General: Transitional Justice – A Strategic Tool for People, Prevention and Peace*.

## 1-Syrian societal vision of the 'truth-telling' concept:

In the Syrian context, after the fall of the regime in December 2024, the issue of "truth" emerged as a public right and a condition for trust, as people lost faith in everything that was official, and the truth became the property of individual memory rather than a national narrative.

Societal demands for a national path to truth have surpassed demands for traditional commissions of inquiry. Community discussions in Syria reveal that the societal vision does not separate truth-seeking and accountability, but considers them two sides of the same coin.

Revealing the truth is a condition for accountability, and no prosecutions can occur without genuine documentation, as was reported in Raqqa and Aleppo.

Truth is a partial substitute for accountability when the latter is impossible, as mentioned in Tartus and Salmiyah, while some viewed truth as a means of reconciliation, as many, in Damascus, Tartus and Latakia, saw that confession and sincere apology open the door to societal forgiveness, which is similar to "restorative justice" in South Africa, which expresses a shift in consciousness from punitive justice to moral justice, where the confession itself becomes part of the punishment.

Discussions in all areas indicate that the concept of truth for Syrians goes beyond factual knowledge (who did what and where?) to a deeper understanding based on three interconnected dimensions:

01

**Truth as a right for victims:** In other words, every victim or their families have the right to know the fate of the missing and detained, and to acknowledge the injustice they have suffered. In Damascus, one participant said, “We need to acknowledge all violations from all sides, because the truth is the beginning of any reconciliation.”<sup>21</sup> In al-Hasakah, women's testimonies focused on knowing the fate of detainees and forcibly disappeared, considering that “the failure to reveal the truth is a continuation of the violation itself.”<sup>22</sup>

02

**Truth as a prerequisite for building political trust:** In other words, trust in the transitional authority depends on its transparency in exposing past and current crimes, as the participants expressed their fear of a repeat of the practices of forced disappearance and information blackout that prevailed in the past. They stressed that any attempt to hide the facts or obliterate evidence will undermine the credibility of the transitional period and prevent building trust between the state and society.

03

**Truth as a foundation for collective memory and non-repetition:** Participants in Aleppo, Tartus and Damascus called for a “national archive” of violations and documentation for later generations. Documentation was also demanded to serve as a lesson.

21- A dialogue session organized by 'The Day After Association (TDA) to Support Democratic Transition in Syria' with Syrian community actors in Damascus, held on August 25, 2025.

22- A dialogue session organized by 'The Day After Association (TDA) to Support Democratic Transition in Syria' with Syrian community actors in al-Hasakah, held on August 31, 2025.

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Participants also agreed that unveiling the truth cannot be left exclusively in the hands of the state. In Damascus, one participant said, “The national commission for transitional justice was formed by the authority that was a party to the conflict, how then can we believe in its outcomes?”<sup>23</sup> It was also strongly demanded that independent fact-finding committees be formed comprising representatives of civil society organizations, victim associations, and legal experts to ensure their independence and credibility. Participants maintained that true justice cannot be imposed from the top down but must be built on community initiatives that reflect the collective conscience and seek to unveil the truth without subservience to any political authority.


The most frequently proposed option is the formation of an independent national fact-finding committee with the participation of the United Nations or international experts, but within a Syrian-defined mandate, similar to the South African commission. A number of participants called for the establishment of a UN-led independent fact-finding committee whose mission would include past and present crimes, stressing that this commission should have real powers that allow it to summon and hold officials accountable in a public and transparent manner.

Participants also stressed that victims are not merely witnesses to what happened, but essential partners in the making and narration of truth. Truth is not only written about them in official reports, but also told in their voices and lived experiences, as every site of displacement and every story of loss is a living testimony to the collective memory that must be at the heart of transitional justice. In doing so, this concept transforms the victim from a passive object into an actor in the production of memory, and brings the Syrian experience closer to the model of the “tents of truth” in Rwanda<sup>24</sup> and East Timor.

23- A dialogue session organized by 'The Day After (TDA) to Support Democratic Transition in Syria' with Syrian community actors in Damascus, held on August 25, 2025.

24- See Rwandan experience in Huyse, Luc, and Mark Salter (Eds.), *Traditional Justice and Reconciliation After Violent Conflict: Learning from African Experiences* – *ibid.*

## 2-Truth-telling tools and mechanisms as proposed in discussions:




**Documentation and institutional memory:**

Multiple demands were made for the creation of a unified national archive to document abuses. It would collect and digitally record individual testimonies before they are lost over time. It was also proposed that universities and academic institutions be involved in building an accurate database of victims. These calls converge in a vision that considers uncovering the truth not to be limited to legal investigations, but a national documentation project in which all social strata participate: victims, the media, academics, human rights organizations, and civil society organizations, in order to ensure a collective memory that preserves the truth and prevents repetition.



**Truth public hearings:**

Participants in more than one area (Damascus, Salamiyah, Tartus) proposed holding public hearings in which victims and survivors would tell their testimonies to the public, similar to the South African Truth Commission. Participants also stressed that true peace cannot begin unless the truth is heard from the victims themselves, as honest words are the first step towards collective healing. It was also stressed that people need a safe space where they can express their suffering and experiences instead of being silenced again.



**Right to access information:**


In Idlib, Raqqa and Daraa, a link was made between truth-telling and the right to information, especially about detainees and missing persons, stating that “justice begins with knowing where they took the detainees from and where they went.” Thus, truth-telling here is not a symbolic matter but an administrative and legal process that includes opening official records, and enabling families to access past criminal and security documents.



**Media and transparency:**

Participants stressed that independent media is a key pillar in the process of truth-telling, through public coverage of hearings and transparent publication of their findings. They believed that making hearings public would make the process credible, because people would not be convinced of change unless they saw for themselves that the truth was being told and made public in front of everyone.

### 3-Community's concerns and challenges:

  
**Concern about  
revictimization:**

Many participants were concerned that interrogating victims or repeating testimonies may 'revive the pain'. It was repeatedly stated that 'every time we talk about it, we re-live the tragedy'. This led some participants to demand psychological support in parallel with truth hearing sessions and 'safe listening programs' under specialized supervision.

  
**Fear of  
selectivity or  
politicization:**

Participants warned of the danger of selectivity in handling violations or directing truth commissions for political purposes, stressing that limiting the investigation to the crimes of one side or turning the commissions into tools of the new authority would render the process meaningless. These attitudes highlighted a heightened awareness that partial truth does not build trust, and may even be worse than lying because it entrenches injustice in a new guise.

Lack of trust in institutions: It was unanimously agreed that existing state institutions were neither morally nor professionally qualified to lead the process of uncovering the truth, as those who were involved in abuses could not manage truth and accountability commissions. It was also pointed out that the previous regime had destroyed trust, while the current authorities have not yet been able to prove their credibility, making the urgent need for independent bodies that are transparently managed and subject to broad societal oversight.

  
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## 4-Practical proposals made in discussions in the Syrian context:

*Comparing the sessions in different areas, a societal roadmap of the Syrian truth pathway may be elicited:*

- Establishing an independent national truth commission comprising honest former judges, human rights experts, victim associations, and civil society and that operates in complete transparency.
- Launching a national memory program in cooperation with universities and civil society organizations to collect testimonies, documents and a digital archive.
- Public hearings are broadcast on the media, where victims and perpetrators participate, and whose minutes are documented in a national record.
- Including a 'national memory' class in the curricula to enshrine a common narrative of what happened and prevent denial of crimes.
- Victim and witness protection through special laws and psychological support centres
- Media participation to ensure transparency and prevent manipulation of outcomes
- Factoring the gender dimension by engaging female survivors and their organizations in truth commissions.

## Third – Syrian Societal Vision of Reparation Issues

Reparations are the most fundamental humanitarian pillar of transitional justice, going beyond financial compensation to restore victims' dignity and repair the relationship between the state and society after conflict. In accordance with the Basic Principles of the United Nations (A/RES/60/147), reparation includes compensation, restitution, rehabilitation and guarantees of non-recurrence.<sup>25</sup>

The UN OHCHR (2008) stresses that effective reparations programs are based on a holistic approach that is designed with the participation of victims and that takes into consideration gender disparities in line with the Nairobi Declaration (2007), which called for 'transformative reparation' to address the roots of discrimination.

Colombia, South Africa, Morocco, Peru and Sierra Leone have embodied integrated models that combine individual and collective reparation, material and symbolic compensation. These experiences show that the success of reparation depends on its complementarity with truth, accountability and reform, and on a transparent national administration that transforms pain into a collective commitment to redress and reconciliation.

In the Syrian context, reparations emerge as the most prominent pathway in societal discussions, as it constitutes a direct daily demand of victims who have lost loved ones, property, and safety.

25- United Nations, Office of the High Commissioner for Human Rights. (2023). Guidance Note of the Secretary-General: Transitional Justice – A Strategic Tool for People, Prevention and Peace. New York & Geneva: United Nations.P12.

# 1-Syrian societal vision of the 'reparations' concept:

Analyzing the discussions in all the areas where dialogue sessions were held, which covered most governorates, it can be said that the Syrian society has developed a complex concept of reparations that goes beyond the legal scope to the social, psychological, and political.

## a. Reparations as restoration of dignity:

Participants stressed that reparations cannot be measured by money alone. Rather, reparation is fulfilled primarily when victims are recognized and are given their due status and the dignity they were stripped of.

## b. Reparations as restoring trust in the state:

A number of participants pointed out that people who have lost their homes and livelihoods will not trust a new era unless they feel real compensation that restores their sense of security and belonging. Compensation here is not only a financial issue, but a parameter for the state's honesty in turning the page on the past and ushering in a different era based on justice and responsibility.

## c. Reparations as symbolic justice:

One participant expressed a conviction that it is not material reparations that are most important, but public acknowledgment of the injustice that has occurred, because the word of truth proclaimed to everyone represents a form of symbolic justice that restores victims' dignity and gives them a sense of redress.

**Societal consciousness thus links between reparations and three levels of redress: acknowledgment, compensation and dignity.**

## 2- Types of damages as described by participants:

*Classifications of harm varied from material, moral, psychological and social, with growing awareness of the importance of including all those types in reparations.*

### **Material damages:**

including destruction of homes, loss of property and loss of livelihoods.

In Idlib and Afrin, participants focused on the importance of reconstruction and compensating for looted property.

### **Moral and psychological damages:**

Male and female survivors in Damascus and Salamiyah talked about their need for psychological support and social reintegration.

### **Social damages:**

Many participants highlighted social stigmatization which detainees and their families have been exposed to, demanding mechanisms to reintegrate them into society.

### **Gender damages (women and female survivors):**

In Hasakeh and Raqqa, women emphasized the peculiarity of harm inflicted on them as female survivors, widows or single heads of household.

## 3-Reparations tools and mechanisms proposed in discussions

### 01 Financial compensation and property restitution : <sup>26</sup>

In Idlib and Raqqa, demands were made for the return of looted property and the establishment of an independent national compensation fund managed by an independent body. In Afrin, participants called for the confiscation of the funds of those found guilty of war crimes and allocating them for reconstruction.

### 02 Symbolic reparations:

Participants believed that reparations must be embodied in a set of symbolic and community initiatives, including official recognition of all categories of victims, public national apology, as well as the establishment of memorials and museums that preserve collective memory. Ideas were also put forward to commemorate mothers who had lost their children, and it was suggested that a national day should be dedicated to honoring civilian victims from all sides, as a step towards reconciliation and the restoration of public dignity.

### 03 Psychosocial Reparation:

Participants called for the implementation of collective psychological support programs targeting survivors of detention and families of martyrs and missing persons, as an essential step in the path of social recovery. Proposals were also made to prioritize survivors and widows in employment, education and housing, translating the principle of social justice into concrete actions that restore confidence and hope in life.

### 04 Community Reparation:

The idea of collective compensation for war-affected communities through the implementation of development projects, including the construction of schools and hospitals, and the rehabilitation of roads and infrastructure, was strongly proposed. It was also stressed that the restoration of basic services to destroyed villages is an integral part of the process of reparation, as it brings life back to communities and transforms justice from a symbolic concept to a tangible developmental act.

26- Lisa Magarrell, *Reparations in Theory and Practice*, ICTJ. New York. 2007. P2 et seq.

## 4- Who implements reparations?

There was an agreement that the transitional government holds the primary responsibility for leading the reparations process as the legal heir of the commitments of the former state. Nonetheless, participants stressed that it was important to implement reparation programs through independent and transparent commissions to ensure impartiality and credibility. It was also strongly proposed that civil society organizations and victim associations be involved in planning and implementation to promote participatory justice and curb bureaucracy.

It was also pointed out that sources of funding must be diversified by allowing for contributions from businessmen and international institutions in supporting reparation funds, provided that this is done within a clear framework of transparency and accountability.

## 5- Parameters of fair reparations as proposed in discussions:

- 01** **Transparency and equality:** Participants stressed that justice would lose its meaning if some of those affected are compensated while excluding others. They explained that absence of equity in reparations would only accentuate the sense of injustice.
- 02** **Prioritization based on need and degree of damage:** Many participants agreed that priority must be given to the most affected and most vulnerable, such as families of martyrs, former detainees, persons with disabilities, in addition to survivors of sexual violence and women heads of households.
- 03** **Prior recognition of violation before financial compensation:** Some participants maintained that a formal apology and acknowledgement of wrong doing constitute the core of moral justice and that financial compensation loses its value if it is not preceded by acknowledgement of responsibility.
- 04** **Balancing individual and collective reparations:** Some interlocutors pointed out that restricting reparations to individuals does not serve justice in areas whose social and material structures have been completely destroyed. They emphasized it was important to combine individual personal compensation and reconstruction of affected communities.
- 05** **Financial sustainability and equitable resources:** It was stressed that it was important to ensure constant and independent funding for reparation processes by establishing a national fund that is funded by recovered corruption assets and contributions of international donors to ensure continuity and equity over time.



These parameters reflect some mature understanding of the idea of reparations as a comprehensive moral and societal process rather than a limited financial compensation.

## 6-Challenges and concerns expressed by participants:

### 01 Limited economic resources:

Many participants doubted the transitional government's ability to secure the necessary funding for compensation programs, saying the fragile economic situation may strip the process of its essence.

### 02 Selectivity and politicization:

Some clear concerns emerged that reparations may be used as a discriminatory tool or political bonus so that compensations are given to a specific category of victims that are politically acceptable, excluding others. Participants stressed that the process must be inclusive and non-discriminatory.

### 03 Political and media exploitation:

Some participants expressed concern that reparations would become a tool for propaganda or a media show instead of being a serious institutional pathway emphasizing the need for transparent and organized mechanisms.

### 04 Re-traumatization of victims:

Some interlocutors pointed out that repeating the testimonies and meetings with committees without the appropriate psychological support could make victims re-experience their traumas.

These concerns indicate the participants' profound awareness that reparations are not merely a financial or administrative question but a sensitive issue that requires societal trust and an approach that is considerate to human dignity and prevents any exploitation or discrimination.

The Syrian societal vision shows a remarkable maturity in understanding transitional justice, moving from demands for "individual compensation" to the concept of inclusive redress. It is noteworthy that most views see reparation as a means of rebuilding the social contract between the State and society. If previous repression has broken trust, redress can repair it. Here, reparations are not a "financial settlement" but a redefinition of the relationship between the state and its citizens on the basis of dignity and rights.

## Fourth – Syrian societal vision of dealing with institution building and guarantees of non-repetition

Building institutions and ensuring non-repetition is considered the deepest structural pillar of transitional justice, as it aims to transform the lessons of the past into lasting reform that prevents the recurrence of violations. The United Nations defines these guarantees as a set of policies for rebuilding security, justice, and administrative institutions on professional and rights-based foundations subject to civilian oversight.

The UN Basic Principles (A/RES/60/147) and the Secretary-General's 2004 report affirm that institutional reform is the material condition for non-repetition, while the Office of the High Commissioner recommends mechanisms such as vetting, security sector reform (SSR), judicial independence, and the review of laws restricting freedoms. The experiences of Bosnia, Guatemala, and Tunisia demonstrate that reform fails without genuine political will, and that building accountable institutions that have integrity is the most credible guarantee of non-repetition of tragedy and for consolidating civil peace.

The Syrian experience following the fall of the regime in December 2024 has produced several exceptional challenges, including the collapse of trust in institutions, the persistence of areas outside the control of the transitional government, and overlapping powers between civilian and military authorities. Therefore, the community vision that crystallized in the governorate sessions goes beyond “reconstruction” in the technical sense to redefine the relationship between the state and society.

In nearly all sessions, participants agreed that the roots of the Syrian tragedy lie not only in security repression, but also in the absence of independent institutions and the dominance of autocracy—reflecting an awareness that transitional justice is not merely about accountability, but a political process for rebuilding state institutions on the foundations of transparency and accountability.

# 1- The Syrian Community Vision of the Concept of “Institution-Building and Guarantees of Non-repetition”:

## 01

**From the Police State to the Civil State:** Participants' remarks in the sessions unanimously emphasized the necessity of ending the dominance of security agencies over public life, and redefining their role within the framework of law and civil accountability. Participants expressed their aspiration for a state in which a citizen is not arrested for their opinion, and for a public administration governed by law rather than by fear of security grip. There was also a clear emphasis that security and police must be subject to civilian and institutional oversight, rather than remaining an authority above the state.

This position reflects a collective awareness that guaranteeing the non-repetition of violations begins with breaking the historical loop between political authority and security agencies, through building a system subject to parliamentary oversight and societal accountability.

## 02

**Judicial Independence as a Pillar of Justice:** In various discussions, the judiciary was regarded as the last refuge of fairness and the fundamental pillar of any genuine transitional justice, as imbalance therein would mean the collapse of justice as a whole. Participants stressed the necessity for judges to enjoy complete independence from politics and any authority influence. The need to monitor judges' performance and hold them accountable was also raised to ensure the integrity of the judicial institution and its genuine independence.

**These demands are aligned with the international principles of guarantees of non-repetition, which affirm that judicial reform and independence are the cornerstone for reforming both the security and justice sectors.**

## 03

**Public Administration: Competence Instead of Loyalty:** The discussions in Damascus, Aleppo, Tartus, and Afrin revealed a wide rejection of the continuation of networks of loyalty and patronage that characterized the previous era. Therefore, what is required is reforming the civil service and rebuilding it on transparent professional foundations that ensure the selection, evaluation, and promotion of employees based on competence and integrity rather than political affiliation, making public office a tool for serving society rather than the regime.

## 04

**Representation and Participation in State Institutions:** The discussions reflected a deep desire to build national institutions that reflect Syrian diversity in its social, geographic, and sectarian dimensions, ensuring that the patterns of marginalization that fueled the conflict for decades are not repeated. Participants stressed it was essential that these institutions be inclusive of all components, not subject to sectarian or partisan quotas, while ensuring the representation of women, displaced persons, and other marginalized groups in transitional committees and bodies to embody the principle of inclusion and equal citizenship in the structure of the new state.

**This vision represents an advanced understanding of the state as an inclusive social contract, whose institutions are built on the principle of participation and equal citizenship, within a framework of transparency and public accountability. In this sense, the community vision for building new institutions is not limited to reshaping state structures but extends to establishing a culture of governance based on law, citizenship, and accountability, precluding the return of authoritarianism and opening a horizon for a just state that is representative of all Syrians.**

## 2- Guarantees of Non-Repetition in Syrian Society Perception:

The discussions reveal that Syrians do not view guarantees of non-repetition merely as legal procedures, but as an integrated system distributed across four interconnected levels: law, institutions, society, and culture.

### Legal and Constitutional Reform:

Legislative and constitutional reform emerged as a fundamental gateway to ensuring the non-repetition of violations, as demands were repeatedly made for the abolition of extraordinary laws and ad-hoc courts, and for drafting a new constitution that enshrines the rule of law and meaningful separation of powers. Participants affirmed that justice cannot flourish under emergency laws or stipulations that permit bypassing the judiciary, reflecting an awareness that transitional justice cannot be complete without dismantling the legal structure that legitimized authoritarianism and paved the way for violations over the past decades.

### Institutional Oversight:

Participants stressed the importance of establishing independent oversight bodies that monitor the performance of security, judicial, and public administration institutions, and work to combat corruption rather than colluding with it. The discussions affirmed that every institution should be subject to internal accountability that ensures the integrity of its work, alongside external societal oversight that enhances transparency and accountability. Thus, institutional oversight is presented as a two-way mechanism for regulating performance from within and ensuring observance of the law from without.

## **Accountability and Transparency:**

Participants cited transparency and accountability as two essential prerequisites for restoring public trust and building impartial institutions. Several proposals were put forward, most notably requiring officials to make financial disclosures, publishing the minutes of official body meetings, and allowing independent media to engage in oversight and accountability. This linkage between the right to information and accountability reflects an advanced understanding of the role of transparency as a preventive mechanism against corruption and tyranny, and as a guarantee of the integrity of public office in the transitional phase.

## **Civic Culture and Education:**

Participants affirmed that ensuring the non-repetition of violations begins at school, through educating a new generation that believes in law rather than the inviolability of individuals. This vision expands the concept of transitional justice to include rebuilding collective consciousness through educational curricula that entrench the values of citizenship, accountability, and participation, redefining the state as institutions subject to the law, not as an extension of a person or party.

It becomes clear from this community perception that Syrians link non-repetition to democratic transformation itself: reforming laws, regulating institutions, spreading transparency, and educating new generations in a culture of rights rather than fear.

### 3- Perceptions of Post-Conflict Institutions:

*The field discussions revealed a clear vision among Syrian women and men for the future of state institutions after the end of the conflict, based on the principle of rebuilding public authority on the foundations of law, accountability, and citizenship, rather than on fear and loyalty.*

**The Security Institution:** A vision was put forward to redefine the function of security agencies so that they are subject to civilian and parliamentary oversight, and restructured according to standards of competence and respect for human rights. The voice that resonated in most governorates focused on the necessity of separating security from politics and partisanship, and transforming it into an apparatus for protecting citizens rather than monitoring them. This is a vision that expresses a collective desire to restore trust in security by placing it in the service of society rather than authority.

**The Judicial Institution:** Participants unanimously agreed that judicial reform represents the essence of the coming transformation. Ideas were proposed for qualifying new judges and establishing specialized transitional courts to address cases of violations, to be later integrated into the general judicial system. They further stressed the necessity of public trials and guaranteeing the right of victims to engage in monitoring and accountability. With this vision, the judiciary is transformed into an actual institution of justice, ending the legacy of political subjugation and restoring trust in the rule of law.

**Public Administration and Civil Service:** Participants viewed the reform of public administration as a cornerstone for rebuilding the state, through adopting clear and transparent standards in appointment and promotion, and subjecting senior officials, including ministers and governors, to legal accountability. It follows that public office must be redefined as a national service based on competence and public interest, not as a tool of political influence.

**Oversight and Accountability Institutions:** The demand emerged for establishing an independent national body for integrity and combating corruption, possessing broad investigative powers and working in partnership with the media and civil society organizations. Participants also stressed the importance of enacting a law that guarantees the right of access to information as a foundation for public accountability. Thus, these proposals draw the contours of a new oversight system based on openness and societal participation, preventing the repetition of patterns of corruption that were among the causes of institutional collapse in the past.



**With this vision, the Syrian community's consciousness moves toward a state of democratic institutions governed by law, based on the balance between authority and responsibility, in an endeavor to establish a new social contract that restores trust between the state and its citizens.**

## 4- Challenges and Concerns:

*The discussions revealed a deep awareness among Syrians of the magnitude of difficulties that may obstruct the process of building post-conflict institutions, as the challenges lie not only in resources or laws, but in the mentality of authority and the legacy of past decades.*

### **01** The Legacy of Politicization and Security Allegiance:

Participants expressed their fear that the restructuring process would turn into a nominal change falling short of transforming the essence of institutional culture—that is, replacing individuals while maintaining the same security mentality. This concern reflects a growing awareness that genuine reform is not achieved by redistributing positions but by changing the way of thinking and patterns of behavior within institutions, so that they are based on the values of public service and accountability rather than loyalty and fear.

### **02** Financial and Administrative Corruption:

Corruption was deemed one of the most serious threats to the path of transitional justice because it undermines trust in new institutions before they actually take shape. Participants viewed corruption as a new form of violation, as it is no different from violence when decisions are bought off or justice is sold. When money corrupts the conscience of institutions, reform loses its meaning, and justice is emptied of its moral and social content.

### **03** Poor Cadres and Expertise:

Participants pointed out that war and displacement have caused the loss of most national competencies, making the rebuilding of administration and the judiciary a complex task that requires double the effort. They believed that the shortage of qualified cadres necessitates starting anew with building a modern administrative and legal apparatus, through launching comprehensive training and qualification programs that reconstruct national capacities on the foundations of integrity, competence, and professionalism, enabling them to lead institutional transformation in the transitional phase.

### **04** Overlapping Authorities in the Transitional Phase:

political and security forces in the transitional phase would lead to confusion in reform efforts and weaken nascent state institutions. This is a challenge that highlights the importance of unifying the legal and administrative references under a unified transitional authority that possesses legitimacy and the ability to impose public order.

These concerns collectively reflect a mature community awareness that building institutions after the conflict is not merely a matter of administrative engineering, but a battle against corruption, against the culture of authoritarianism, and for the birth of a new state with a new mindset.

In general, the Syrian community's vision regarding institution building and guarantees of non-repetition is a mature and realistic vision, linking institutional reform, accountability, transparency, and civic culture, and stipulating that the new state must be a state of law rather than a state of security, and a state providing services rather than inflicting humiliation. This is the essence of transitional justice in its broader transformative sense.



## Section II

# Syrian Society's Perception of Guarantees of Transitional Justice

The discussion of transitional justice in Syria is no longer a merely legal question. Rather, it has become part of the existential debate on the meaning of the state and citizenship after decades of systemic violence and absence of accountability. The form of justice which Syrians aspire for is not merely a set of trials and laws. Instead, it is a system of political, legal and ethical guarantees which ensure that what happened in the past would not recur and restore trust between the state and its citizens and between the social groups themselves.

Discussions in various areas have given rise to a collective understanding that justice cannot be served without guarantees which protect the independence of its institutions, integrity of its judges, and the representation of victims. The discussions have also shown that Syrians have learned from past experiences that texts alone are not enough unless they are accompanied by transparent mechanisms for monitoring and accountability.

Therefore, the societal vision affirms that the transitional justice pathway in Syria must be built on several interconnected pillars: clarity of temporal and thematic scope, establishment of independent institutions with specific legal mandate, selection of judges who have integrity and are trained on the international humanitarian law and the engagement of affected populations in decision making rather than at the margins.

These guarantees are not technical procedures but prerequisites for the legitimacy of justice itself. For any justice pathway would be meaningless if it fails to make people feel it protects them and gives them the right to participate and monitor. Therefore, building a comprehensive set of national guarantees constitutes a pivotal step to transform transitional justice from a mere slogan to a living practice that lays the foundation for a new social contract based on truth, accountability and reconciliation.

## First: Thematic and Temporal Framework of Transitional Justice Pathway

Participants did not discuss justice as a theoretical concept, but as a lived experience that summarizes years of pain and violations. In the course of their discussions, their vision of the type of crimes that must be included by the law, the temporal framework which determines when justice starts in Syria and when it could be said to have accomplished its moral and legal mandate, started to crystalize.

# 1- Syrian societal vision of crimes which must be included in the transitional justice law

Defining the scope of crimes in the transitional justice law constitutes a crucial step to identify the essence of justice and its societal sense as it focuses on gross violations rather than ordinary crimes. This definition is based on the international criminal law, especially the Rome Statute which defines three main categories: genocide, crimes against humanity and war crimes which are crimes that are not subject to the statute of limitations nor can they be included in amnesty. International treaties further include such crimes as torture, enforced disappearance, destruction of cultural property within the scope of justice. Some transitional laws include local crimes such as extrajudicial executions and rampant corruption for infringement of economic justice. Experiences in Peru, Sierra Leone and Colombia confirm that clearly defining crimes guarantees coherent and realistic justice provided that the principles of legitimacy, clarity and irreversibility are observed so that the law would become a meaningful tool for restoring victims' dignity and reinforcing accountability.<sup>27</sup>

Notably, in almost all areas, participants agreed on a dual principle: "No one is above justice, no one out of its reach." This phrase was echoed in close variations in Damascus, Aleppo, Idlib and Daraa reflecting clear civil maturity: society demands comprehensive justice for all parties and rejects selective or politicized justice. Remarkably, for example, community discussions in Daraa, where the revolution started and first victims fell, focused on the importance of justice and accountability for the later and recent violations which took place in the coastal area and Suweida regardless of any political disagreements reflecting the supremacy of victim solidarity and values of justice and equality above all.

Accordingly, identifying the included crimes must be based on the gravity of the act rather than the identity of the perpetrator and on the nature of the crime not its political motives.

The discussions reflect the diversity and large scope of the violations in the country with a clear understanding among participants that transitional justice must include all these categories without exception as they relate to the essence of human dignity and the right of Syrians to truth and accountability.

27- Universal jurisdiction: A legal principle invoked to combat impunity -



**Crimes against  
humanity and  
organized  
serious crimes:**

Participants considered crimes against humanity and organized serious crimes the most serious type of violation which the country witnessed. These include mass killing, extermination, systematic torture, arbitrary detention, enforced disappearance and the use of rape as a weapon in conflict.

It was also strongly proposed that transitional justice must include crimes of indiscriminate bombardment and use of proscribed weapons, especially chemical weapons, as crimes that impact humanity as a whole. The comments also highlighted the violations perpetrated by extremist organizations such as field executions, forced recruitment and sexual slavery, as they constitute a flagrant assault on human dignity.

According to international standards, these crimes are not subject to the statute of limitations or amnesty and they constitute the cornerstone of any serious national legislation on transitional justice.



**Crimes of torture  
and enforced  
disappearance:**

The issue of detainees and missing persons was one of the most prominent and painful issues discussed. Participants linked the accomplishment of justice to the right of families to know the fate of their children.

They considered the crime of enforced disappearance as a continuous crime for as long as the fate of the missing remained unknown. Demands were made to open former detention centres and mass graves and share the findings of investigations transparently.

Participants further called for constitutional safeguards against any form of arbitrary detention. In this sense, the issue of detention and torture became the most visible symbol of Syrian injustice and a pivotal question which no transitional justice pathway can ignore or downplay.



**War crimes and field violations of belligerents:**

Opinions varied based on the type of control in each governorate, but there was a clear unanimity that justice must include indiscriminate bombardment, targeting civilians, siege and forced displacement regardless of who the perpetrator was.

In their discussions, the participants discussed several forms of violations inflicted on civilians during the conflict including aerial bombardment, barrel bombs and the actions of armed factions and forced displacement and detention exercised by de-facto authorities.

Their remarks asserted that genuine justice must be inclusive and non-selective, recognizing all victims no matter the perpetrator because only justice that is fair for all is capable of restoring the national fabric and building trust in the future.



**Crimes of rape, sexual violence and gender-based violence:**

Women, and a substantial number of men, demanded that sexual violations be recognized as war crimes and part of systemic violence rather than individual cases or social 'scandals.' Female participants affirmed that female survivors are not as much seeking financial compensation as they need official recognition that what they were exposed to was a war crime not a source of shame. They warned that silence vis-à-vis these crimes constitutes a continuation of harm and obscures victims' suffering.

Hence, discussions called for founding special mechanisms to investigate these crimes and guarantee the protection of witnesses and female survivors. This was a reflection of some advanced awareness that transitional justice cannot be male-dominated and must integrate gender justice in its core to be inclusive and fair.



**Economic crimes and plundering of public funds:**

In the discussions, it was pointed out that corruption is one of the most prominent causes of violations and their persistence. The participants believed that what destroyed the country was not only armed violence, but also corruption that wreaked havoc in state institutions and legitimized the systematic looting of people's rights. Corruption was seen as the civilian face of crime, because it turned power into a means of exploitation rather than public service.

Accordingly, the participants demanded that the transitional justice law include major corruption crimes, war financing, and the seizure of public and private property, stressing that true justice is not complete without addressing the economic aspect of violations, because institutional corruption has destroyed trust and the social contract between the state and society.



**Crimes of Forced Displacement and Demographic Change:**

The issues of forced displacement and redistribution of property have been raised as one of the most sensitive issues in the transitional justice process. Participants believed that these practices were not just accidental byproducts of the war but systematic policies aimed at reshaping the demographic and social fabric of society. They therefore stressed the need to include them among the priorities of any national transitional justice framework, as complex violations that affect the right to property, identity and belonging, and require comprehensive legal and humanitarian remedy.



**Environmental  
and  
humanitarian  
crimes related to  
siege and  
starvation:**

Participants considered the siege to be a form of slow killing, as people died not only from bullets, but from hunger and lack of medicine. The crimes of destruction of infrastructure and vital resources were discussed as systematic policies of collective punishment against the civilian population. According to international humanitarian law, these acts are considered grave violations of the right to a dignified life and fall within the concept of “starvation as a method of war,” which makes them crimes that require accountability and ending impunity.



**Crimes of  
sectarian and  
ethni  
discrimination:**

It was strongly demanded that identity-based abuses be included in transitional justice, as one of the most profound and serious forms of violence. Participants stressed that justice must be served to all victims without distinction on national, sectarian or religious grounds, and that those killed or targeted because of their affiliation should be recognized equally as a victim. These positions reflect a growing awareness that sectarian and ethnic violence is the ideological root of the Syrian conflict, and that transitional justice cannot be completed unless the remnants of this legacy are dismantled and the values of equality and inclusive citizenship are entrenched.



**Violations  
against  
children:**

The discussions also tackled the phenomenon of child recruitment and child exploitation in combat and forced labor, as many children were denied their right to education only to find themselves part of the cycle of violence before grasping its meaning. The inclusion of these crimes in the proposed law constitutes an essential step towards protecting the new generation from the reproduction of violence and ensuring that the children of yesterday who suffered from war do not become perpetrators tomorrow but active citizens in peacebuilding.

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These classifications indicate that the Syrian community's perception offers a comprehensive vision of justice, which goes beyond retribution from perpetrators to redefining the meaning of crime and justice, as the cornerstones of rebuilding the state and society.

The issue of crimes excluded from amnesty or settlements was also raised in the discussions, and it was clear that the participants agreed to reject a blanket amnesty. But they distinguish between different levels of crime:



In this sense, the Syrian discussion of 'conditional amnesty' constitutes the local formula of the international tradeoff 'truth for amnesty' which was implemented in South Africa. Syrians insist that truth must be a prerequisite for any amnesty.

These discussions also acknowledged the difficulties to be expected, both due to the challenges of comprehensive documentation resulting from the destruction of records and loss of evidence. Or the overlap of political and military crimes complicates the separation thereof. There is also the political and international pressure to restrict accountability in order to maintain stability. In addition, there is a fear that the law will be used to liquidate opponents instead of serving justice. Participants therefore called for the establishment of an independent national legal committee that would prepare an accurate list of the crimes covered based on criteria of objectivity and transparency.

Ultimately, Syrian society, as demonstrated in the field sessions, does not demand symbolic or political justice. Rather, it demands comprehensive legal and moral justice that redefines the very concept of crime. In its view, the crimes that should be covered by the transitional justice law are not only those that used weapons, but also those that have given rise to violence: corruption, discrimination, oppression, and impunity.

## 2-Syrian societal vision of the temporal framework of the transitional justice law:

The temporal framework of transitional justice constitutes a sovereign decision that determines the boundaries of national memory and legal liability, which cannot be measured by years but by the gravity of violations. According to the 2004 UN report and the updated principles for combating impunity (2005), justice is a transition that is not temporally restricted and includes grave crimes that are not subject to amnesty or statute of limitations. International experiences show a variety of approaches: South Africa identified a short temporal framework (1960-1994) while Morocco, Argentina and Colombia chose broader temporal frameworks to include the historical roots of violations. It is recommended to identify the starting point at the moment the system of oppression was established and the end at the moment when new justice institutions emerge, subject to adjustment as necessary.

The broader the scope is so as to include the structural causes, the more credible and sustainable justice would be. The timeline would then become a legal memory for the nation to prevent repetition of the tragedy.<sup>28</sup>

Defining the temporal framework of transitional justice constitutes one of the thorniest and most complicated issues in Syria, as it not only hinge upon temporal determinants but also the very concept of justice per se: is it a restoration of a forgotten era or a practical remedy for the era of the present conflict? In this debate, Syrians did not disagree on the imperative of justice, but they discussed where that memory could start, and where it could stabilize.

28- Universal Jurisdiction: A Legal Principle in the Fight Against Impunity, Office of the United Nations High Commissioner for Human Rights (OHCHR), Geneva, 2010, p14.

## 1- Beginning of the transitional justice pathway:

*Identifying a starting point for the transitional justice pathway was not a merely temporal question but a test of the memory of Syrians and their ability to confront the past. The field discussions revealed three main approaches that reflect a profound dialectic relation between the moral dimension of justice and the realistic considerations for its implementation, and the desire to reach a formula that combines both.*

**First approach:**



### **Starting the justice pathway at the pre-1970s era:**

It was clear that the discussion of the starting point of the transitional justice pathway required more clarification, as Syrians did not restrict the roots of tyranny to 2011 or even the 1970s. Rather, many believed the actual foundational moment to go as far back as 1958, i.e. the era of unity with Egypt and the accompanying drastic changes to the structure of the state. During that period, policies of nationalization and agricultural reformation, which participants in several governorates considered to be a systemic assault on properties. Furthermore, some new prisons and new methods of torture started to appear, ultimately becoming the kernel of the security structures that followed. The roots of the problem in Syria, namely the elimination of political plurality and the security control over vital junctures, may be linked to this point in Syria's history. In this view, the Baath coup of 1963 did not usher in tyranny, but inherited its primary structures and reinforced its mechanisms; the year 1970 was not the turning point in the emergence of oppression, but the culmination of a pathway that had started years earlier.

**Second approach:****justice extending historically from the 1970s to the present:**

The idea of extending transitional justice to the pre-2011 stages was proposed in several discussions, starting in the 1970s, i.e. from the moment the security system was established which turned repression into state policy. Participants stressed that violations did not begin with the outbreak of the revolution, but had their roots in the preceding decades, when torture became a systematic practice and enforced disappearances became part of the administration of governance. Some suggested dividing the course of justice into time periods that reflect the transformations of the state and society—from the time of establishing authoritarianism, to the time of succession in rule, to the time of transition.

This approach is based on a conviction that justice is not merely a remedy for the events of war but an ethical position vis-à-vis the national memory because Syrian history cannot be reduced to a 10-year conflict but must be understood within a broader and deeper context where violence constituted an established structure before it erupted on a wide scale.

This approach is based on a clear legal principle that entails that grave crimes against humanity are not subject to the statute of limitations as enshrined in international conventions such as the Convention on the Non-Applicability of Statutory Limitations to War Crimes (1968) and the UN basic principles on the right to remedy (2005). Hence, people favoring this approach believed that confining the scope to the post-2011 era would reproduce past silence and instill absence of accountability for decades of oppression.

The participants pointed out the need for the transitional justice process to include the victims of previous eras, including the events of the 1980s, the prison massacres, and the unrest that preceded the outbreak of the revolution, considering these violations as the “seeds of the disaster” that later exploded. They asserted that the lack of accountability in the past paved the way for the recurrence of crimes in the present, and that delayed accountability, even if it came decades later, remains a moral and political condition to break the cycle of impunity and ensure non-repetition.

## Thus, this approach offers two justifications for the extension of the temporal scope of justice:

**Logical:** as recent violations are an extension of an older system that may only be dismantled by going back to the roots

**Moral:** as partial justice would divide victims and create a distinction between those who were killed in the past and those who have suffered in the present

This approach is aligned with some experiences in countries like Morocco, where the equity and reconciliation commission's mandate covered violations extending for decades, in recognition that transitional justice was not only about revolutions but a remedy for the structural legacy of violence.<sup>29</sup>

### Third approach:



#### **era-specific justice (2011-2024 as a practical starting point):**

On the other hand, many participants offered what they deemed a more realistic and feasible vision; namely, that accountability must start in 2011, i.e. since the eruption of the revolution and the ensuing large-scale war. They deemed this to be the period in which evidence, victims and witnesses are available so as to enable genuine prosecutions. It was mentioned in several discussions that it would be more appropriate to “start in 2011, not because what happened earlier was not injustice, but because after 2011, evidence, documentation, and living witnesses have been available.” In Aleppo, this approach was described as ‘starting with prioritized periods’, i.e. focusing justice efforts primarily on the bloodiest and most documented period while opening the door later for addressing older issues depending on institutional and national capacities to manage such huge files.

29- Transitional Justice in Morocco – ICTJ- New York. 2009. P 24 et seq.

**Justifications for this approach were based on practical imperatives that are no less significant than the above ethical justifications:**

**First,** judicial and security institutions in the transitional period do not possess the ability to tackle thousands of cases that extend decades back, and focusing on one era would give the process some credibility and preliminary stability.

**Second,** living victims and families of missing persons in recent years need immediate measures to regain their trust in justice, as waiting for comprehensive justice in the long run may make them lose hope again.

**Third,** expanding the time scope without rigorous implementation tools may cause a legal and political paralysis, as what happened in some Latin experiences, where all the files were opened at the same time without the institutional structure that could accommodate them.

One participant with judicial experience said transitional justice must follow incremental steps, clarifying that it cannot address four or more decades of injustice all at once. In his view, accountability is an accumulative process that requires time planning and political wisdom that balances between demands for redress and imperatives of national stability.

This approach intersects with what international literature calls incremental transitional justice, which is based on the principle that complete justice is built on stages of partial justice in a way that allows for the temporal jurisdiction to gradually expand as the institutions mature and resources become available.

#### Fourth approach:



#### provisional integration of ethical and practical considerations:

The debate between the two approaches was not confrontational. Rather, it was a pursuit of balance. In most governorates, intermediary positions combining both approaches emerged whereby justice would start practically as of 2011 as a climax but the legal mandate would still be open to cover further into the past.

This model, which could be called 'successive justice', would propose that transitional institutions undertake remedying the most recent crimes first before looking into older violations within a long-term incremental plan.

One participant explained this balance in interesting terms, saying justice was not restricted by time but needed a realistic starting point which can be built upon. This attitude reflects a mature understanding of transitional justice as a cumulative process which starts from what is feasible without forgoing principles. This vision is consistent with international standards, which encourage flexibility in chronological order, provided that the right to accountability and truth continues to hold and is not subject to statutory limitations.

While it is important to take a deep historical reading of the trajectory of authoritarianism in Syria, it will be necessary to distinguish between understanding the roots of authoritarianism as a condition for institutional reform and ensuring non-repetition, and the practical scope of accountability that cannot, realistically and legally, be extended indefinitely. Therefore, the reference to 1958 becomes important because that moment is linked in Syrian memory to the beginning of a troubled relationship between state and citizen. The jurisdiction of the transitional commission, however, remains limited by the state's capabilities and its ability to manage large and complex files. This clarification is all the more valuable as returning to that stage would also include sensitive issues, such as those raised in al-Hasakah concerning land property violations in the northeast of the country, which justifies including this phase in the context of memory and reform, not necessarily in the context of prosecution. With this approach, the debate about the beginning becomes more nuanced: justice needs to be aware of the roots of the extended past, but it practically begins at the stage when institutions can effectively address it.

## 2- The end of the transitional justice path-

Just as in the discussion of the start point, views on the end of the pathway, i.e. when it could be said that transitional justice has fulfilled its objectives, also varied. Notably, though, most views rejected the idea of 'historic' time-restricted end favoring what was referred to in more than one discussion as 'functional end', i.e. measured by fulfilment of purpose rather than passage of years.

**First approach:**



**Functional end, conditional upon fulfilment of purpose:**

*In this approach, the participants linked the end of the pathway to the fulfilment of four interconnected objectives:*

**First,** closing the files of serious crimes of a systematic nature, such as mass killing, torture and enforced disappearance.

**Second,** completing reparations, both collective and individual, so their impact is visible.

**Third,** enforcing institutional reform which guarantees the independence of the judiciary and impartiality of security agencies.

**Fourth,** completing the national truth report and making it publicly available in an open national archive.

One participant summarized the core idea saying, that the law must not stop with the end of a time period, but with the actual fulfilment of justice. This is a vision that reflects a profound understanding that rights are not forgone by the passage of time and that genuine justice is measured by redressing victims, not by the passage of years.

This approach is clearly consistent with international standards for transitional justice and resolutions of the human rights council regarding the right to truth, which considers the fulfilment of justice a continuous process that can only end with the removal of the structural causes which gave rise to violations. Thus, the end is more associated with institutional transformation and societal consciousness than with time. Justice is not a question of calendar but outcome.

**Second approach:****Symbolic end linked to memory and the national truth report:**

On the other hand, some participants believed that transitional justice may reach its end when the final truth report is completed and its findings are made public, so it turns from an official document to a shared national memory.

One participant pointed out that justice is genuinely served when facts are transparently revealed, and people know what has happened because knowing the truth constitutes of, and by itself, one form of remedy and moral reparation for victims and society.

This perception is based on the assumption that the essence of transitional justice is not punishment itself, but the collective recognition of what happened. When the truth is available, and victims are rehabilitated through archiving and memory, society can turn a new page.

This approach is in line with the international experiences in South Africa, Chile and Morocco, where the issuance of the final report of the Truth Commission was considered the official closing point of the transitional period, with the continuation of the reform and reparations processes within the ordinary rather than the exceptional state.

**Third approach:****Justice as an open-ended, ongoing pathway:**

In addition to those two positions, many participants refused the idea of a firm 'end' altogether. In Idlib and Lattakia, for example, one detention survivor said



**As long as there is one missing person whose fate is unknown, justice cannot be fully served.**



This perception reflects a deep understanding of the principle of the right to know as a permanent right that is not subject to statutory limitations. This principle is enshrined in modern international conventions, as the United Nations has considered it a continuous obligation on the state even after prosecutions are completed. In this sense, instead of being a provisional program, transitional justice turns into a national culture of right and responsibility, measured not by years but by the extent to which the values of justice are entrenched in the consciousness of people and their institutions.

The discussions revealed that there was frequent confusion between the duration of the mandate of the Transitional Justice Commission and its temporal jurisdiction, which necessitated careful clarification during the discussions.

A number of participants pointed to the continuation of violations affecting property and civil security in Suweida and the coast after December 8, 2024, which raised a pivotal question: should the Commission's mandate include these subsequent incidents or should its jurisdiction be limited to previous violations? The prevailing view was that the duration of the commission's work is an organizational and administrative matter determined by law and measured in years, while its temporal jurisdiction is determined by the type of violations rather than the date of their occurrence, as long as they are serious crimes or of a systematic nature that require accountability or documentation.

According to this view, the end of the process is not measured by the end of the Commission's mandate, and subsequent violations are not excluded simply because they occurred after the political transition, but are included in the Commission's mandate if they meet the criteria of gravity and relevance to the context of the conflict.

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Thus, the path remains open to all that affects the rights of individuals. After the end of the Commission's mandate, the state takes over addressing any new violations within its ordinary judicial system, not an exceptional one.

The above discussions show that Syrians do not disagree on the necessity of justice, but on its timing and form.

Those who favored extending justice way into the past sought comprehensive redress that would restore balance. Those who favored starting in 2011 aspired to feasible and swift justice. Those who rejected pre-defined deadlines wanted justice to persist as a living institutional conscience.

Compared to international standards, the emerging Syrian approach proves to be totally consistent with the contemporary UN understanding of transitional justice as an open incremental process that starts with awareness of violations and ends only when the very state institutions are transformed into permanent guarantors of rights.

In this sense, transitional justice in Syria cannot be defined by specific years because it is not a time-restricted function.

Rather, it is a long-term societal transformation process that starts with 2011 as a pivotal juncture and extends in terms of memory and institutions way before and after. It ends only when justice becomes a daily system of life, not an exceptional program and when Syrians no longer refer to justice as 'transitional' because they experience it as a permanent reality.

## Second- Transitional Justice Institutions

Transitional justice institutions constitute the organizational pillar for transitioning from authoritarianism to a state of law. They link truth, accountability, reparation and institutional reform within an integrated system. According to the UN Report (S/2004/616) and the updated principles for combating impunity (2005), these institutions are built on independence, national ownership and community participation. The models vary between special or hybrid tribunals, truth and reconciliation committees, reparation commissions, lustration committees and national memory institutions. Experiences in South Africa, Morocco, Colombia and Tunisia show that their success depends on the clarity of their mandate, complementarity, transparency and sustainability. These institutions not only undertake accountability but also rebuild the state's legitimacy and transform justice from a political slogan to a community culture that guarantees non-repetition.

When the idea of establishing a 'national transitional justice commission' was raised in community discussions, it was not regarded as a new bureaucratic apparatus; rather as a bridge between society and the new state. In almost all areas, participants linked the idea of the commission to the historical loss of trust in the judiciary and authorities in general. This was expressed in Idlib when a participant explicitly said "We don't want a nominal committee, we want a commission with real powers working for the people, not the government." This was also echoed in Raqqa where one lawyer said "We want clear institutions, a specialized court, real commission, a compensation fund, all under the transitional justice law." These remarks show that Syrians do not want a 'token' commission. Rather, they want a commission that has the legitimacy and capacity, i.e. one that is "both an actor and observer." This understanding is aligned with the philosophy of transitional justice in international experiences where the higher justice commission is deemed as the overarching structure that coordinates the four pathways: truth, accountability, reparation and institutional reform.

## 1- Legitimacy, mandate and independence:

Community discussions stressed that legitimacy in the transitional period does not emanate from political propaganda, but rather from the founding law, which reflects the spirit of the new era. Participants rejected relying on old laws, which they deemed to be contaminated with the legacy of the previous authority, stressing the necessity of issuing a dedicated transitional justice law that defines crimes, claim mechanisms and ensures public and transparent trials. It was also proposed that legal transitional courts be established, instead of field courts, to prosecute the high officials first in the name of justice rather than vengeance so as to restore trust in institutions and embody the divorce with past practices.

This view, which was repeated in more than one governorate indicates a clear understanding of the importance of legal regulation of the process so that justice is not subject to the will of the executive branch. This is totally consistent with the UN principles for combating impunity, which stress the importance of founding transitional justice mechanisms according to a dedicated law that defines its mandate, powers and obligations.

The demand for judicial independence was repeated in the discussions as a cornerstone for any genuine justice. Participants expressed distrust in judiciary, which is affiliated with the executive branch, asserting that people would not believe courts that are affiliated with the government unless independent and public judicial commissions are established under the supervision of a true high judicial council. They further stressed that justice must stand at equal distance from all parties, so it is not the judiciary of the regime nor of the revolution, but the judiciary of the homeland and the law.

This public awareness of independence is not a theoretical legal concept, but a political and moral demand at the same time. Therefore, participants demanded changing the way the high judicial council is formed so as to establish an independent high judicial council that oversees the appointment of judges and follows up on prosecutions. They repeatedly stressed that the national commission for transitional justice must enjoy financial and administrative independence away from any political or military authority.

## Establishing a national commission for missing and forcibly disappeared persons:

This particular theme appears to be the Syrian step closest to international standards. The national commission for missing persons was established as an explicit transition from the narrowly defined security approach to this issue to being a humanitarian-legal issue that is central to transitional justice. On 17 May 2025, the president of the republic, Ahmed al-Sharaa, issued decree no 19 of 2025 establishing the “National Commission for Missing Persons” as an independent commission that undertakes uncovering the fate of missing and forcibly disappeared persons in various parts of the country. The decree stipulated that the NCMP would undertake searching and investigating cases of disappearance, establish a national database, and provide legal and humanitarian support for families of missing persons within the framework of efforts aimed at addressing this humanitarian issue.

According to the decree, NCMP enjoys the legal personality and financial and administrative independence and undertakes its mandate nationwide.

This pathway, if fulfilled, would put Syria on track with other advanced models in Argentina, Bosnia and Chile in terms of tackling the issue of missing persons. This is complemented by the establishment of a specialized committee within the Ministry of Labor and Social Affairs to follow up on the fate of children of detainees and forcibly disappeared persons.

This Syrian approach accurately follows the example of international experiences which have adopted the model of ‘mandate-defined independent institutions’ such as the Truth Commission in Morocco<sup>30</sup> and the National Truth and Reconciliation Commission in Guatemala, where independence was based on transparency and balanced relations with the state rather than on complete separation.

30- Transitional Justice in Morocco -ICTJ- New York. 2009. P25.

## 2- Competence and representation:

Discussion went beyond legitimacy and independence to stress significant expertise. In Raqqa, for example, one academician stressed that members of the commission must have both legal and social knowledge. He said



**Those who work in transitional justice must be acquainted with the law but also understand the Syrian society, diversity, memory, religion and customs.**

One of the most prominent demands in Syrian community discussions was the representation of afflicted groups within the transitional justice commission itself. Participants demanded that victims and families of the missing and women be engaged in decision-making. They stressed that those who suffer are the most equipped to express their suffering and devise solutions. Women emphasized that their presence within the commission was not a symbolic matter, but an essential condition for reparation because they are the most experienced in the meaning of pain and deprivation. Another proposal was the establishment of 'shadow committees' to represent victims and present their reports to the commission to ensure genuine community participation that goes beyond token representation to actual partnership in the design and implementation of the justice pathway.

All this reflects an advanced understanding that transitional justice requires a combination of technical know-how and humanitarian competence. This is also stressed by UN studies that describe the work of transitional justice commissions as a 'field where law, politics and society intersect'. This approach is also consistent with the philosophy of transitional justice as stipulated by the UN in 2012, where the participation of victims in the design and implementation of transitional justice mechanisms was stressed as "a pivotal requirement to ensure non-repetition."

### 3- Transparency and accountability:

Being public and transparent was one of the most commonly agreed demands in all community discussions, as this was deemed a crucial prerequisite for the restoration of trust in the transitional justice pathway. Participants stressed that prosecutions must be public with media coverage because closed justice would reproduce suspicion and doubt. The concept of being public was used in a broad sense to include not only information sharing but a complete culture of accountability, which includes funding, appointment mechanisms, investigation stages and decision making.

It was also proposed to establish a media body alongside the judicial one to explain the rulings for the public, with the aim of transforming justice into a process of societal communication rather than a closed path within institutions. Some of the proposals expanded to include the issuance of quarterly bulletins of the decisions of the Commission and the reparation fund, making information on major issues publicly available with clear legal controls so that transparency becomes a permanent institutional practice rather than a temporary slogan. These approaches are fully in line with UN standards of fair trial and the right to know, and they align with the South African model, where hearings were televised, establishing a unified national narrative about truth and accountability.

All in all, Syrian community discussions indicate that the idea of 'transitional justice commission' was not an imported technicality in the consciousness of Syrians, but the product of a long-standing experience with the absence of justice. It is a commission whose work people want to be visible: with legal rather than political legitimacy, independence in funding and appointment, transparent in its operation, representative of victims, women and society at large, and founded on legal and humanitarian values that are rooted in Syrian memory.

## Third: Transitional Justice Judges

Transitional justice judges are the cornerstone of restoring trust between the state and society after periods of conflict. For they not only apply the law but also repair the moral meaning of justice. In its report (S/2004/616), the United Nations affirms that judges are “the primary institutional guarantee of human rights” and that their independence is a prerequisite for the success of transitional justice. Their selection criteria are based on

integrity

impartiality

experience in  
international  
law

gender  
diversity

and  
financial  
independence

The experiences of South Africa, Sierra Leone, and Colombia have provided successful examples of judges who have combined competence and moral conscience, and have transformed the judiciary into a pillar of reconciliation. The transitional judge prosecutes the past to establish a more just future and rebuilds the rule of law on a foundation of trust and accountability.

Field discussions in all governorates indicate that the judicial issue in Syria is not a passing professional crisis, but a deep institutional defect that infringes on the essence of justice as a social value, not just the institution.

Participants openly expressed a critical view of the judiciary over the past decades, as it was perceived as a tool in the hands of the authorities to humiliate citizens rather than a way to do them justice. They pointed out that the judge feared the influence of the security agencies more than the law or their own conscience, which caused justice to lose its meaning and regard in public perception.

## TDA

This awareness has shifted from a critique of performance to a call for re-establishment. The participants called for the establishment of a new judiciary that is “paramount and not affiliated with anyone,” with permanent pathways for training, oversight, and accountability, so that judicial reform becomes a condition for transitional justice rather than a result thereof.

A moral vision emerged in the course of discussions by virtue of which the judiciary was regarded as a matter of conscience rather than a tool of allegiance.

Participants expressed their aspiration for a judiciary that rules by justice rather than by affiliation, and stands as an arbitrator between the state and society rather than as an executive arm of authority. On the other hand, institutional proposals emerged calling for the separation of powers and the establishment of a supreme judicial council to supervise appointment and accountability, in order to ensure balancing the independence of the judiciary and the need for oversight.

One participant summed up this idea in an expressive way: “We want a judiciary that holds to account, not one that is held to account.” These statements made across governorates reveal a collective realization that judicial legitimacy is not restored by political statements or administrative reshuffles, but by rebuilding the very structure of independence: independence in appointment, accountability, funding, and professional protection.

Independence in this context is not rhetorical; it is rather a comprehensive system of governance whose impact can be seen in the courtroom, on TV, and in periodical reports published to the public.

# 1- Selection Criteria:

Determining the criteria for selecting judges in transitional justice is a dividing point between a past tainted by loyalties and a future based on public trust. Syrians, as field discussions show, are no longer looking for formal competence or higher degrees as much as they are looking for judges who represent the collective conscience, capable of ruling in the name of justice rather than authority.

In their testimonies, new criteria emerge redefining a 'judge' as an ethical symbol with independence and professionalism and transforming justice from a legal text to a social practice which embodies the values which the country has been denied for decades.

## **A. Integrity and ethical record:**

Ethical considerations dominated debates related to the judiciary. It was demanded that judges must not be implicated in injustice, corruption, or politicized rulings, and that they rise above both financial temptations and partisan affiliations. The concept of integrity went beyond its narrow administrative meaning as "non-corruption" to become a value-based position against the system of tyranny itself. In the eyes of participants, an honest judge is not only the one who did not steal, but also the one whose conscience was not bought off in the market of loyalties. This reflects the transition of justice from a purely legal standard to a social and moral standard that links judicial legitimacy to conduct, behavior and attitude.

## **B. Independence from the security and political apparatus:**

Participants stressed that the true judge is the one who can issue fair sentences even against those in power, and that the judiciary should be above the security apparatus, not subject to them. This demand reflects a transition from the concept of individual independence of the judge to comprehensive institutional independence, which provides him with effective immunity from interference by the executive and security branches. A society that has long experienced the phenomenon of "judicial loyalty" has come to realize that justice can only be preserved if the judiciary becomes a controlling authority that protects the law, not a tool used to justify oppression.

## TDA

Remarkably, this perception is no different from the established international principle of “independence of the judiciary” enshrined in the International Covenant on Civil and Political Rights and judges’ code of conduct. It does, however, give it a particular social and national dimension as independence is seen more as a guarantee for non-repetition than a constitutional luxury.

### **C. Specialized competence and capacity to deal with international crimes:**

The idea of qualifying judges and providing them with specialized expertise in the fields of transitional justice and international humanitarian law has been strongly proposed, while emphasizing the need for them to overcome the old legal mentality that prevailed under the previous regime. This awareness reflects an advanced level of understanding that judicial reform is not limited to improving administrative performance, but also involves restructuring the legal mindset itself, in line with the unfamiliar nature of crimes that the transitional judiciary will deal with, such as crimes against humanity, forced displacement and systematic torture. Thus, building effective transitional justice requires knowledge and methodological adaptation that links national justice to international standards and prevents separating them.

This aligns with precedents in transitional justice in Colombia, Timor Leste and Sierra Leone, where judges were trained in the jurisprudence of international humanitarian law to ensure the validity of their rulings before the international community.

### **D. Diversity and geographic and gender representation:**

Explicit demands were made to ensure ‘diversity, representation and non-discrimination’. It was clearly stated that it was “necessary to observe geographic and gender diversity and give room for female judges from various areas.” It was also cited that some cases, especially those related to sexual violence, “can only be told to women.”

This position indicates a profound idea: representation is not a symbolic compliment but an enforcement mechanism for justice itself. The presence of female judges and judges from various areas and components would restore trust among marginalized communities and prevent justice from being monopolized by one group or category. This goes in harmony with the ‘Paris Principles’ concerned with the establishment of national human rights institutions and which stress the necessity of diversity to ensure inclusiveness and independence.

## **E. Financial independence and transparency:**

Discussions addressed a critical aspect of the guarantees of judicial independence, namely, financial transparency and dedication of independent resources. Participants stressed the need for judges' salaries to be sufficient to prevent bribery and ensure professional dignity, while subjecting them to periodic financial disclosure that enhances society's confidence in their integrity. Also raised a fundamental question was also raised on how to achieve true independence if a judge remained financially dependent on the executive authority or donors. Ultimately, the principle of transparent and independent funding of the judiciary was stressed to keep it away from any political or military influence, as a prerequisite for the impartiality and institutional independence of justice.

This view links between dignified livelihood and professional independence, which is consistent with principle 6 of the 'basic principles for judicial independence', which stresses the importance of giving judges financial security to preclude corruption and external influence.

Overall, the criteria put forward by Syrian participants in their community discussions not only describe technical specifications, but also paint a complex ethical and professional profile for an ideal transitional judge who is "honest in his conscience, independent in his decision, expert in international law, open in his representation, and financially secure with full transparency." These conditions, as one participant in Hama put it, are not a "luxury," but "the basis of trust," as he concluded: "People don't want a supernatural judge, they want a judge who is not intimidated or bought off."

Thus, what was proposed in various areas, despite the differences in dialects, formulates a single vision that justice will only be restored when judges become a public conscience that operates within the law rather than under it, and that transitional justice will fail if it starts with the same tools that destroyed Syrians' faith in justice.

It could be said that this vision is highly consistent with international standards while adding some special societal dimension.

In terms of independence, for example, the Syrian vision goes beyond independence of the judiciary from the executive branch, citing independence from 'social and security domination', which is a conceptual extension that goes beyond the South African and Moroccan models which focused only on the constitutional structure.

In terms of the standard of competence and international knowledge, the discussed proposals were consistent with the Colombian justice approach, in which judges were required to be acquainted with the international humanitarian law, with mandatory courses on the documentation of major crimes and witness protection.

As for diversity and representation, the participants' insistence on gender balance and geographic representation brings to mind the model of truth commission in Sierra Leone, which included female judges and men of religion from various areas to ensure an inclusive national narrative.

As for integrity and transparency, demands for financial disclosure and societal oversight parallel the "financial verification" system applied in some Eastern European countries after the democratization, and constitute a deterrent against the recurrence of structural corruption.

## 2-Judges of the previous era:

One of the most sensitive issues in the discussions was the question of the status of judges who served under the previous regime because of the tension between the demand for moral justice and the requirements of institutional continuity.

Arguments made in the governorates varied between absolute rejection and conditional acceptance, with a common effort to avoid falling into the cycle of “eradication” on the one hand and “recycling” on the other.

### a. Moral rejection approach:

In most governorates, participants expressed a decisive position that any transitional justice process cannot use the same tools that were implicated in injustice. Some recurrent statements included “There would be no justice if the same judges who inflicted injustice would prosecute,” and “Those who were tools for the regime cannot be witnesses or judges,” and “We want new people who have not followed instructions by the security.”

This rejection stems from a painful moral memory, which sees everyone who participated in the old judiciary as an extension of the system that used the judiciary as a cover for oppression. For many, justice cannot be exercised by hands tainted with tyranny, and any leniency in this regard is an insult to the victims of the past decades.

It must be noted that this position does not reflect revenge or a desire to exclude just on professional affiliation grounds, but it reflects a complete breakdown of institutional trust. In the popular consciousness, the judiciary was not a professional institution but “part of the political system,” so the return of any of its symbols without strict screening means that the crisis itself will continue in a new guise.

### **b. Conditional acceptance approach:**

In contrast to hardline calls for exclusion, a more balanced position has emerged calling for a distinction between judges who were actually implicated in abuses and those who have been forced to remain in their positions under pressure or threat. Participants stressed that justice is not achieved by generalization, but by objective vetting mechanisms, such as reviewing records and conducting personal interviews to identify those who acted based on professional conscience and those who became a tool of power. This approach reflects a mature understanding of the principle of individual accountability, which separates guilt from affiliation, and balances the demand for institutional lustration with ensuring the continuity of competencies.

This position believes that complete exclusion would produce a serious institutional vacuum. The judiciary cannot be built from scratch overnight, and genuine fairness lies in differentiating between those who exercised injustice and those who resisted it or were forced to resort to silence to avoid a crackdown.

### **c. Consensual solution approach:**

A consensual formula may be induced from the discussions as expressed by participants:

Categorical exclusion of all those who are proven to have participated in issuing politicized or extraordinary rulings, were implicated in grave corruption issues or who have held positions in the security courts (e.g. court of terrorism or field court). This procedure, though, is not retaliatory but a necessary moral lustration procedure to restore trust in the bench.

Individual vetting for those who served in the ordinary judicial system, with no indications of involvement. This vetting procedure is undertaken by an independent committee comprising honest judges, lawyers, human rights experts and civil society representatives, so their files are subject to minute professional and behavioral review involving personal interviews. The committee's decisions may be appealed.

Limited rehabilitation for those who were forced to cooperate with the regime or worked under direct threat, so they undergo mandatory training on international humanitarian law and human rights, and are put under probation until their eligibility is proven.

This formulation, which has been clearly put forward in several discussions, reflects a maturity in transitional thinking, as it seeks to dissociate institutional affiliation and criminal responsibility, and rejects collective measures that have turned justice in other experiences into an instrument of political retaliation.

This dialectic between rejection and acceptance reflects a struggle between memory and function. Victims want a comprehensive moral cleansing, while specialists are counting on a solid institutional building that will not collapse in the absence of experience. One participant expressed this balance in precise terms, summing up the essence of the dilemma, saying that the new justice system could not be built by the same judges who served under the previous regime, but it also could not begin in the total absence of judges. In his view, what is needed is a gradual reform that preserves those who have proven their integrity and rebuilds trust in the judiciary without falling into the chaos of exclusion or liquidation.

This approach is similar to that adopted in South Africa, Bosnia and Kosovo, where, instead of collective layoffs, the judicial record of all judges was examined on the basis of a rule: “no punishment without responsibility, no exemption without review.” It is also in line with the UN principles on vetting in post-conflict state institutions, which assert that “individual evidence-based vetting is the most effective way to ensure institutional reform without compromising stability.”

## Fourth – Representation of Stakeholders

The representation of stakeholders in transitional justice is considered a prerequisite for the legitimacy and credibility of the process, as participation here is not symbolic but rather a guarantee that justice is formulated “by the people and for the people.” The United Nations affirms that victims must be at the center of the process through effective and safe participation that takes into account gender and children who should be dealt with in a manner that takes into consideration the specificity of their situation in a sensitive way within the context of transitional justice, given their exposure to violations specific to them, such as deprivation of education or being subjected to forced recruitment, which requires the design of special programs for reparation and compensation that are appropriate for their situation and would ensure their ability to reintegrate into society.

Channels of representation include national consultations, public hearings, and special units for victim participation within truth commissions and courts. The experiences of South Africa, Morocco, and Colombia have demonstrated that expanding participation and enhancing the representation of women and minority groups grants justice a moral legitimacy and transforms pain into formal recognition. The more inclusive and independent the participation is, the more rigorous transitional justice becomes and the more capable it is of building lasting trust and reconciliation.

Syrian men and women did not speak of victims as the subject matter of justice, but as a pillar thereof. Participants expressed a firm conviction that justice cannot be administered “from the top,” but must begin “from the people”—from the mothers of the missing and from the survivors themselves. A proposal was put forward to establish geographic representation that allows for the election of credible and independent local representatives, so that justice becomes a social network rather than a centralized institution.

This shift from “representation by proxy” to “representation by trust” reflects a mature understanding of participatory justice, where legitimacy is built from the grassroots rather than the elite. Victims refuse to have someone speak for them; rather, they demand to be partners in decision-making, because if justice is not built by their hands, it will remain alien to them.

## 1-Representation of women and families of victims and missing persons:

The representation of stakeholders in the transitional justice pathway, namely women and families of victims and missing persons, is not a formal detail, but the decisive parameter that determines whether justice emanates from the people or is imposed upon them. In the discussions held across governorates, women, survivors, and families of the missing appeared to be the groups most aware of the concept of justice as a process of recognition and healing, not merely legal proceedings.

Women, especially in Lattakia, Raqqa, and Damascus, refused the reduction of their presence to the category of “victims,” and demanded an actual position within the institutions of justice themselves: female judges in transitional courts, female investigators in truth commissions, and female members of reparation councils.

This awareness redefines justice from within, because the absence of women from its institutions does not merely mean silencing the experience of gender-based violence, but the loss of the human dimension of justice itself. Women demanded recognition rather than privilege, and that their suffering be transformed into institutional awareness that links body to law and pain to memory, so that their inclusion becomes a condition for the credibility of transitional justice and not a symbolic addition to it.<sup>31</sup>

31- Astrid Jamar and Christine Bell, *Transitional Justice and Peace Negotiations from a Gender Perspective*, translated into Arabic. New York: UN Women, in cooperation with the Political Settlements Research Program at the University of Edinburgh, October 2018, p. 2 et seq.

The same applies to families of victims and missing persons, who emphasized in Raqqa, Hama, and Damascus their right to be partners in decision-making rather than mere witnesses to it.

Their representation does not mean repeating the story, but transforming memory into a moral authority that inspires decisions and regulates their course. It is worth noting that all of these people are not seeking consolation, but a position within the structure of justice itself, ensuring that the major files—missing persons, mass graves, compensations—are managed through the eyes of those who have lost, not through the eyes of those who manage.

Hence, their inclusion is not a matter of gratitude but the establishment of a continuous moral and political legitimacy, similar to what happened in Argentina and South Africa, where associations of victims' families became the conscience of justice and the guardian of its memory.<sup>32</sup>

The absence of these groups from justice institutions is, in essence, a negation of the meaning of justice, because those who have not been given the opportunity to tell the truth will never trust those who speak in their name.

32- See on the reality of the forcibly disappeared in Syria: *The Forcibly Disappeared in Syria and Their Families: A Guide in Darkness That Knows No Light*—“Dawlaty” Organization and “Women Now for Development.” Beirut—2021—p. 9 et seq.

## 2- Mechanisms of representation:

The mechanisms of representation formulated by male and female participants in various governorates reflect an advanced understanding of transitional justice as a process of continuous societal dialogue between the state and citizens, not a top-down structure managed from the top. The idea was repeatedly raised that it was necessary to build a three-tiered representation system that balanced the unity of national decision-making with the flexibility of local implementation: a higher national authority that defines general policy and ensures standards, elected governorate committees that represent victims in the field and monitor implementation, and periodic consultations that allow for the exchange of trust and accountability and feed decisions bottom-up.

The testimonies of participants reflect a practical tendency to build a participatory model in the administration of transitional justice, based on decentralization and community representation. It was proposed to set up local committees in every region, including representatives of the victims themselves, linked to a central authority that coordinates among them and unifies standards. It was also emphasized that being transparent and public are essential conditions for the success of these committees, so that people know who makes decisions and how they are made. Female participants stressed that their presence within these committees must be effective rather than nominal, and that real spaces must be made available to the public for discussion, criticism, and accountability, so that transitional justice becomes an open societal process rather than closed structures.

These voices do not demand additional seats, but they demand redefining justice itself as a social communication network that produces legitimacy through participation. Having suffered for decades from marginalization and exclusion, society no longer accepts having its affairs managed behind closed doors; it rather demands a direct right to formulate decisions through public mechanisms that show who decides and how they are held accountable. The repeated demands for transparency and openness reveal that trust is no longer built on legal texts alone, but on the way they are made and implemented.

As for the recurrent warning against “top-down appointment” and “token representation,” it constitutes an explicit rejection of any attempt to reproduce the old authority under new slogans, because imposed representation reproduces authoritarianism in an institutional guise. Therefore, what Syrians propose is, at its core, not an administrative structure but a political engineering of social safety, where transitional justice is built in arenas of participation rather than in offices of bureaucracy, and derives its legitimacy from people who feel they are actual partners in shaping its narrative, and protectors of its course and success.

### 3- Challenges of Representation:

The discussions revealed advanced critical awareness of the danger that representation within transitional justice institutions could turn into a phony facade that reproduces the old mentality of exclusion. Participants warned that any representation based on patronage or empty tokenism would cause the process to lose its credibility from the outset. They emphasized that what is required is the participation of people from the heart of society, those who have lived the experience and understand its human depth.

This position reflects a clear rejection of what can be described as “nominal justice” that is content with the institutional formality without the essence of genuine participation.

Concerns were also raised relating to the security of participants and witnesses. It was pointed out that systems must be established to protect witnesses and whistleblowers, ensuring their physical and psychological safety, as justice cannot be built on fear. In the same context, many female survivors expressed rejection of the social stigma that still pursues women who are victims of physical violence, affirming that justice is only complete if they are allowed to speak without fear, and that recognizing them as victims is the first step in restoring their human dignity.

The analysis here shows that these concerns are not procedural observations, but existential issues that touch on the legitimacy of justice itself. Representation without protection is not participation, and being public without offering security guarantees is a mere political show. Genuine participation, in people's view, does not mean being given a photo opportunity but the ability to speak without fear, and to hold accountable without retribution.

Consequently, the absence of witness protection mechanisms, the absence of transparency in selecting representatives, and the persistence of social stigma against victims all constitute a threat to the structure of transitional justice before it even begins.

In other words, justice cannot be built with the same faces that were a cause of fear, nor with voices that fear to speak out. This is why Syrians who spoke in these sessions did not demand nominal representation, but wanted a justice that protects those who participate in it, and a justice that opens the public space to marginalized voices so that they become part of the engineering of the future, not merely part of the memory of pain alone.

**All in all, the discussions show that Syrian awareness is heading toward the democratization of justice rather than its centralization:**

Participants expressed their desire for a justice that resembles them, one that springs from their experiences and pains, not from texts alone.

Women seek justice that recognizes their suffering and their particular experiences, while families of missing persons demand a justice that restores dignity before it returns remains.

One female participant summed up this demand with a telling statement, namely that true justice is that which speaks the voices of the people, not merely in their name.

This vision sums up the essence of the transformation in the concept of transitional justice from being an abstract legal system to a new social contract anchored in the memory of victims and the awareness of society and deriving its legitimacy from their actual participation in it.

## Fifth – Community specificities to be considered

Community specificities are considered the essence of the success of transitional justice, as they grant it social legitimacy and transform it from a legal project into a human process that speaks for the victims and restores trust between the state and society. The United Nations affirms that justice is not imposed from above, but is built through comprehensive national consultations that take into account geographic, linguistic, and gender diversity, and observes the principle of “do no harm.”

International experiences—from Morocco, Peru, and Guatemala to East Timor and Sierra Leone—demonstrate that justice does not succeed except when it speaks the language of the people and responds to their culture and needs. Respecting specificity does not contradict international standards but anchors them locally, making justice a new social contract that links truth, dignity, and lasting reconciliation.

Therefore, we address below an understanding of the “community specificities” that emerged clearly in the governorate sessions, as a condition for acceptance and success rather than a formality. Transitional justice in Syria cannot follow a ‘one-size-fits-all’ logic, but rather an approach that responds to the history of marginalization, stigma, the multiplicity of authorities, and the contestation of memory.

Here we compare what participants said in the field with what international standards and comparative precedents establish, in order to feed into applicable guarantees. The aim is to transform specificity from a general discourse into an operational design that links the centre to the field and produces the legitimacy of justice from the bottom up.

# 1- The nature of existing specificity as expressed by participants:

Field discussions reveal that the specificity of affected Syrian communities is not merely geographic variation, but the product of a long history of inequality, discrimination, and the absence of equitable justice among groups and regions. Transitional justice, in the perception of participants, cannot be designed according to a single model in a country that has suffered from authoritarian fragmentation, social disparity, and a collective memory burdened with divisions.

**In the Euphrates and Jazira region,** the concept of justice in the societal consciousness was first linked to removing stigma and restoring dignity after decades of administrative and security exclusion and the deprivation of people from their most basic work and mobility rights. One participant expressed this cumulative feeling when he pointed out that geographic affiliation had become a criterion for trust or suspicion instead of being a basis for equal citizenship. Thus, the desired justice became a means of liberating individual and collective identity from the effects of discrimination and restoring people's status as citizens rather than subjects of security classification.

**As for the Syrian Coast,** participants linked the concept of justice with shared memory and mutual recognition of victims from various sides, emphasizing that any justice that is not based on an inclusive memory will lose its legitimacy. One participant expressed this vision by saying that what is required is a memory that does not demonize anyone, and a justice built away from the language of the victor. This approach reflects a mature awareness that the memorialization of victims must be a humanitarian act rather than a political one, and that reconciliation is not built on forgetting or selectivity, but on mutual recognition and honesty in narrating pain.

**In the northwest,** in the regions where multiple authorities intersect and loyalties overlap, the demand for justice has been transformed into an explicit call for complete impartiality and balanced accountability. Participants stressed the rejection of any path of justice managed under the banner of a faction or political party, warning that if justice does not transcend affiliations, it will turn into a new tool for eliminating opponents. This position reveals a deep awareness of the danger of politicizing justice institutions and the need to safeguard them against polarization so that they do not reproduce the conflict they are supposed to end.

**As for major urban centres** such as Damascus, Aleppo, Homs, and Hama, their specificity represents a deeply rooted crisis of institutional trust—not with the stipulations but with those who hold the right to apply them. Participants demanded justice that is transparent and public, based on clear structures of accountability, expressing concern about the absence of channels that link victims to justice institutions. This demand was manifested in their questions about who actually bears responsibility and how to access them, and in the repeated calls to know who makes decisions and by what mechanism they are held accountable. This popular awareness reflects a desire to build a participatory structure that makes those in charge of justice themselves subject to accountability, thus preventing the monopolization of decision-making or the reproduction of the old hierarchy under new slogans.

**Across these regions, cross-geography vulnerable groups emerged that need special treatment within the transitional justice pathway:**

Women, persons with disabilities, and families of missing persons. Women demanded a justice that listens to stories of physical and psychological violence, as one female participant said: “Many stories cannot be told except to a woman... we need female judges and investigators.” Persons with disabilities, meanwhile, emphasized the rejection of pity as an approach to rights: “We want active roles and rights without pity.” As for the families of missing persons, they considered themselves the voice of memory that cannot be silenced, as one stated: “Family associations are not decoration... they should have a voice in decision-making.”

These voices indicate that specificity in Syrian consciousness is not understood as an exception or a divisive factor, but as a foundation for building a justice that accommodates all groups.

The relationship between transitional justice issues and the deterioration of economic and living conditions for the majority of the Syrian people was also pointed out in many discussions across Syrian geography. These observations were presented in two different contexts: the first holds that transitional justice will not be applicable and feasible in the form being discussed in terms of reparation and compensation because it requires huge budgets that are not currently available, nor in the near future, which will make it merely theoretical, unattainable proposals. The second view holds that even talking and discussing transitional justice issues is not currently a priority, given the deterioration of the economic and security conditions, which leads to the continued recurrence and commission of new violations that will require a continuous path of transitional justice. That is to say, people are currently preoccupied with securing their livelihoods and avoiding becoming new victims in the course of violations happening due to the deterioration of security conditions and the existing political divisions.

Despite the importance of these propositions, which are very understandable, we can look at this issue from a different angle. While acknowledging that economic and security conditions are currently deteriorating, it should be recognized that the path of transitional justice may constitute one of the most prominent tools for solving and addressing those deteriorating economic and security conditions.

That is, the good and effective implementation of transitional justice issues is something that will inevitably contribute to improving the economic and security conditions currently in place. Consequently, transitional justice should be viewed as one of the most prominent tools for solving those security and economic problems, and it must never be treated as something that should wait until those economic and security challenges are resolved—challenges which, in fact, cannot be addressed except through a genuine, swift, and effective transitional justice path.

Transitional justice in Syria, as expressed by the people, is not merely a legal principle, but a process of restoring trust between communities and the state, between the victim and the institution, and between the past and the future.

## 2-How to factor societal specificities into the system of guarantees:

As previously indicated, the discussions held in many Syrian governorates show that understanding of transitional justice from the community's perspective is inseparable from collective memory and the local environment that shaped people's awareness of violence and injustice. Therefore, participants in each area expressed a "specificity" that cannot be bypassed in designing any national path for justice:

The specificity of marginalization and stigma in the East, multiplicity of memory in the Coast, factional division in the North, and the crisis of institutional trust in major cities. These specificities are not considered impediments to justice, but necessary determinants for formulating an effective and socially-rooted system of guarantees, in harmony with international standards applied in comparative transitional justice experiences.

### Interconnected decentralized engineering:

Through the discussions, the demand for elected "governorate committees" was clearly raised as a direct level of representation for victims and local communities, alongside a national council that sets the general policy and ensures standardization. This vision reflects a local awareness of the necessity of balancing unified decision-making at the national level with geographic diversity.

This corresponds to the best practices in international experiences such as South Africa and Morocco, where local sub-committees for truth and reparation were established working under a unified national umbrella, allowing violations to be addressed according to the specificity of each region without fragmenting the national framework. It should be noted that the UN Basic Principles on the Right of Victims to Remedy (2005) recommend enabling those affected to participate in the development and implementation of corrective measures in their local environments. Therefore, the decentralized system in the Syrian case is not a delegation of power, but a participatory system of accountability that links the centre to the field and transforms guarantees from top-down decisions into daily mechanisms of monitoring and correction.

### **Viable grassroots channels of representation:**

Participants emphasized that legitimacy is not granted by political decisions but is built from the base, through the election of victim representatives according to gender, geography, and the type of harm. Proposals emerged to activate associations of families of missing persons and truth tents as sustainable platforms for dialogue and documentation. This idea is in harmony with the experience of Argentina, where the “Mothers of the Plaza de Mayo Association” was an integral part of the national system for searching for the missing, not merely a protest voice. It should be noted that international standards (as in the Human Rights Council Principles on Community Participation 2019) confirm that the most important guarantee for the success of transitional justice is empowering affected groups to influence policy design, and not merely listening to them. Hence, these grassroots channels proposed in the sessions form a pillar for building trust and independent social oversight over justice institutions.

### **Impartial judiciary with declared guarantees:**

The crisis of trust expressed by Syrians constitutes an essential demand that coincides with all international precedents: justice is not measured only by its outcomes, but by the transparency with which it is practised. Discussions in Damascus and Salamiyah stressed the necessity of impartial judges trained in international humanitarian law, with witness protection and disclosure of financial assets to ensure independence. This is consistent with the standards contained in the “Bangalore Principles of Judicial Conduct of 2002” and with the experience of Tunisia in establishing specialized judicial circuits within the ordinary judiciary, which follow up on past crimes with dual professional and societal oversight. What is required in the Syrian case is a transparent transitional judiciary that is legally and socially protected, that safeguards the path against politicization and division.

## Special tracks for vulnerable groups and sensitive files:

Participants in Raqqa, Damascus, and Hama emphasized that transitional justice must take into account the differing forms of harm according to the different groups, which reflects an advanced human rights awareness.

- **On the file of missing persons and mass graves**, it was proposed that it was essential to establish an independent national commission linked to the judiciary, and a unified registry for identification and exhumation, in which family associations participate—a proposal that aligns with international experiences in Chile, Bosnia, and Kosovo.
- **On the issues of women and sexual violence**, female participants confirmed the necessity of having female judges, female investigators, and safe hearing rooms, in line with the recommendation of UN Security Council Resolution 1325 on Women, Peace, and Security, and with the guiding principles of the CEDAW Committee.
- **As for persons with disabilities**, they demanded active rather than nominal representation—a demand that intersects with the United Nations Convention on the Rights of Persons with Disabilities (2006), which obliges states to enable physical and digital access and participation in justice on an equal basis.

### Context-sensitive and multi-tiered reparation:

The discussions emphasized that justice is not complete without reparations that restore trust and repair social relations. In the Coast, for example, participants called for the memorialization of victims from various sides “with a memory that does not demonize anyone,” while Raqqa demanded administrative and economic reparations that remove the effects of discrimination.

This understanding aligns with the Basic Principles on Remedy and Reparation (UN General Assembly Resolution 60/147), which link reparations to recognition and dignity, and with comparative experiences such as Morocco and South Africa, which adopted collective and developmental reparation programs that address structural grievances rather than only individual ones.

Therefore, in the Syrian case, reparations should combine individual compensation, development projects for affected areas, and symbolic memorialization programs (monuments, days of remembrance, a national archive), so that reparations become a tool for societal reconciliation rather than merely a financial settlement.

Comparing what Syrians expressed in field discussions with international experiences and standards reveals that the emerging societal vision in Syria does not deviate from the established rules of transitional justice, but reformulates them within a more complex and fragmented reality. The common denominator among all international standards is to consider transitional justice a participatory and rights-based process built on the principle of non-discrimination, the right to truth, reparations, and guarantees of fair trial.

## Conclusion

This paper is an attempt to document the most profound transformation in Syrian consciousness since the fall of the regime. Justice is no longer a legal demand or a political motto. It has rather become a path to redefine the state, people and citizenship after decades of oppression and violence. Field discussions on which this paper was based show that Syrians in various areas have reformulated the concept of transitional justice through their personal experiences: loss of a son in prison, being displaced from one's home, being besieged, experiencing discrimination or coercive silence. All those who do not see justice as a judicial measure but a prerequisite for dignity and an instrument to rebuild trust between the citizen and the state.

In this context, the Syrian experience stands out as uniquely singular in the international course of transitional justice, as the collapse of political structures was accompanied by the breakdown of the moral meaning of justice itself. For when justice is reduced to the control of authorities and laws are used to justify injustice, their restoration becomes primarily a moral battle, then a legal one. Thus, calling for a socially-rooted justice does not mean relapsing to local or customary vengeance. Quite the contrary, it constitutes an attempt to revitalize the essence of law in social conscience so that institutions are in the service of justice rather than owners thereof.

Most prominently, what this paper reveals is that Syrians are no longer demanding amnesty or phony trials; rather, they want to know the truth and hold to account those who infringed their rights to restore dignity to victims and society alike. Justice for them is not an end in itself but a means to build peace that is not based on fear but on acknowledgement. The absence of acknowledgement obscures conscience, without which no state can rise. Therefore, transitional justice in the Syrian context cannot be reduced to prosecutions but must be manifested in four main transformations:

First, the transition of the state from domination to service provision

Second, the transition of justice from allegiance to independence

Third, the transition of society from silence to participation

Fourth, the transition of memory from politicization to truth

Inputs from the dialogue sessions in different areas indicate that Syrians have come to realize that justice cannot be complete without comprehensive institutional reform and that reform without accountability would only reproduce violence in new forms. Therefore, people today link justice, politics, economy and memory in a complex understanding which reflects unprecedented intellectual and civic maturity. Justice is not only about holding to account those who pulled the trigger, but also those who stole the bread, misled people's consciousness and legalized oppression. It is a process of comprehensive moral reconstruction that reinstates the values which have eroded in the security state.

This paper shows that popular awareness has, for the first time in decades, overcome the language of fear to that of participation. Victims are no longer asking to be spoken for but to speak for themselves. Women who have lost their children, survivors of detention and families of missing persons are demanding a direct role in the administration of justice itself rather than waiting for it as charity. This transition from “elitist justice” to “people’s justice” qualifies the Syrian experience to offer a new human model in comparative transitional justice experiences, a model that redefines justice as a common property of the national conscience rather than a legal procedure managed by institutions alone.

From a theoretical perspective, transitional justice here is returning to its earliest philosophical roots: confronting the past courageously without selective amnesia and transforming pain into a creative collective consciousness. It is not a transient project that expires with the issuance of rulings, but a lasting culture that builds fair institutions and educates new generations which regard law as a means of protection rather than a weapon and the state as a venue for partnership rather than authority and citizenship as a responsibility rather than dependency.

This vision, formulated by Syrians in their dialogues and testimonies, reflects exceptional civilizational maturity. Having experienced all coercive, central and closed measures, justice has come to be understood as an act of openness, recognition, and reconciliation with oneself even before the other. The most important achievement for this justice would perhaps be redefining who ‘we’ are after this ‘we’ was torn apart by the war. A society that has courage to look itself in the mirror and honestly hold itself to account is alone the one that may manage to build its peace by itself.

Hence, it could be said that Syrian transitional justice is not the end of the conflict. Rather, it is the beginning of a moral one. It is the moment of restoration of the meaning that has been lost, a bridge between a past entrenched in blood and a future that is only possible with truth. When justice becomes a value that people experience in their daily lives, rather than a slogan used on occasion, only then can it be said that Syria has started its true journey to healing, not only from war but also from a long-standing silence that has overshadowed the collective conscience for decades. Justice is not merely a judicial ruling. Rather, it is a new birth for a nation that seeks to reconcile with itself without denying its pain, to build its state without reproducing its oppressors.

## First- Main Findings:

- 01 Transitional justice is a societal project, not a legal procedure:** Field discussions show that transitional justice in the Syrian consciousness goes beyond its narrow legal notion to be a national project to restore dignity and citizenship and rebuild trust between society and the state. Justice is no longer a political demand but an existential prerequisite for civil peace.
- 02 Centrality of victims in the design of justice:** Victims, families of missing persons, women and persons with disabilities are no longer the subject matter of justice but actors therein. Syrians associate the legitimacy of any justice pathway with the extent of victim participation and effective representation in its institutions as opposed to merely listening to their testimonies.
- 03 Transition from 'justice of the law' to 'justice of conscience':** Syrians expressed newfound awareness whereby justice is not reduced to the implementation of stipulations but also the integrity of those enforcing it. A fair judge is the one who is liberated from political and security allegiances and embodies the public conscience rather than administrative regulations.
- 04 Societal awareness of the complementarity of justice elements:** The discussions indicate an in-depth understanding of the four pillars of justice: accountability, truth, reparations and guarantees of non-repetition through institutional reform. No pillar can stand alone without the others. Truth without accountability is mere historiography, accountability without reparations is harshness, and reparations without reform is a repetition of the tragedy.
- 05 Justice as comprehensive institutional reform:** Participants unanimously agreed that the roots of the Syrian crisis lie in the absence of independent institutions and the domination of autocratic authority. Therefore, transitional justice is understood as a process to rebuild the state on the basis of law, citizenship and accountability rather than a temporary period of prosecutions.

## First- Main Findings:

- 06 Integrity and independence are crucial rather than nominal standards:** All governorates stressed it was essential for the judiciary to be financially and administratively independent from the executive authority and security agencies, with mechanisms to ensure transparency and public oversight. Independence in the Syrian consciousness is no longer a constitutional luxury but a guarantee for non-repetition.
- 07 Acknowledging the truth is a prerequisite for peace:** It has been shown that revealing the truth is not a political demand but a right for victims and a pillar for reconciliation. For truth, in Syrian popular consciousness, is an act of public acknowledgement that restores dignity and transforms pain into an inclusive national memory that prevents denial or forgetfulness.
- 08 Reparation is a comprehensive humanitarian concept:** Syrians associate reparations more with dignity than with money and see apologies, acknowledgement and equitable compensation as the basis of justice. Also, some advanced awareness of the importance of collective reparations and community development of affected areas was clear.
- 09 Transitional justice is a guarantee for the future, not a settlement of the past:** The societal vision revolves around justice as a mechanism to build the future, not retaliate for the past. The objective is not retribution but the establishment of a moral and political system that precludes the recurrence of violations and lays the foundations for a new social contract.
- 10 Community-specificity is a prerequisite for the success of justice:** The study affirms that transitional justice in Syria will not be accepted unless it 'speaks people's tongue' and that its design must take into account specificities of every area and social group: marginalization in the east, memory in the coast, division in the north and lack of institutional trust in major cities.

## Second- Practical Recommendations:

- 01.** **Issuing a comprehensive national law of transitional justice:** It must include defining the included crimes, time scope, accountability mechanisms, reparations, guarantees of independence of the judiciary and commissions, and proscribe amnesty for major international crimes (genocide, torture, rape, enforced disappearance).
- 02.** **Regarding the national commission for transitional justice:** It must include experts and elected representatives of victims and civil society, and should coordinate the four paths of justice (truth- accountability- reparations- institutional reform) under societal and parliamentary oversight.
- 03.** **Regarding the national commission on missing persons:** It must prepare a national unified record and internationally-recognized exhumation and identification protocols, and ensure formal participation by associations of families of missing persons, so sensitive files are managed transparently and professionally with a humanitarian rather than a security approach.
- 04.** **Establishing a national fund for reparations and social reconstruction:** It would be funded by recovered assets and donor grants and would cover individual and community compensations, psychological support programs, monuments and national remembrance days.
- 05.** **Establishing judicial circuits specialized in war crimes and gross violations:** Witnesses and whistleblowers must be protected. Judges must be trained on international humanitarian law. Public prosecutions must be utilized to ensure transparency and public trust.
- 06.** **Reforming the judiciary, security, military and public administration:** Institutions must be restructured on the basis of competence and accountability, excluding judges and employees who were implicated in violations and subjecting all personnel to vetting processes under independent civil oversight and subjecting the armed forces (security and army) to elected civilian oversight.

- 07.** **Adopting a special decentralized system for transitional justice:** It must comprise a national council which sets the general policy and elected provincial committees which represent those affected locally to ensure the implementation of justice in accordance with the specificity of each area, without fragmenting the national framework. The adoption of a decentralized system for transitional justice requires clearly defining the relation between the 'national transitional justice council' and the 'national commission for transitional justice', so this council is not seen as an alternative or rival to the commission. The idea is to form a national representative advisory council that sets the general policy framework and links the centre to governorates. In the meantime, the executive and legal mandate remains exclusively in the hands of the national commission. The council acts as an organized platform to communicate the needs of governorates through elected local committees of affected people, providing feedback that helps the national commission align its programs with the social and geographic specificities without infringing on the unity of the national pathway. It also undertakes a community monitoring role by issuing follow-up reports and analyzing challenges at the local level, and offering unbinding recommendations to improve performance and ensure transparency. The relation between both bodies is regulated through a clear coordination protocol that identifies the mandates and consultation and information exchange mechanisms to ensure institutional integration that preserves the centrality of the commission and activates decentralized participation without overlap or conflict.
- 08.** **Promoting gender and social representation:** Dedicating mandatory representation quotas for women, persons with disabilities and families of missing persons within all transitional justice institutions and offering safe hearing environments for female survivors of sexual violence.
- 09.** **Integrating transitional justice in curricula and national media:** In order to build a new legal and ethical culture and promote a common national memory which recognizes victims from all sides and instills values of citizenship and accountability.

- 10.** **Launching nationwide communication campaign:** To explain the objectives of transitional justice and engage citizens in its pathway through media, truth tents, community dialogue forums and universities to rebuild trust bottom-up.
- 11.** **Ensuring full transparency in the administration of transitional justice:** Through publishing quarterly reports about the work of commissions and financial disclosures of judges, and enacting independent media and community oversight.
- 12.** **Developing specialized national capacity building programs:** In the fields of investigation, documentation, international humanitarian law and restorative justice to ensure transferring international expertise and localizing it in the new Syrian state institutions.
- 13.** **Setting up victim support programs to improve their economic conditions:** The economic dimension is one of the elements that are mostly absent in the design of transitional justice pathways, although comparative experiences show that it is a decisive factor in enabling victims and stakeholders to actively engage in the process. The victims who suffer from poverty, lack of job opportunities and lack of social protection networks find it difficult to engage in truth, reparations or accountability mechanisms, making justice an abstract, inaccessible process. Therefore, programs of economic, legal, medical and psychological support must be integrated into the earliest stages of the process, not as an outcome of justice but a foundational prerequisite that enables victims to access their rights and take part in policy making. This approach means that transitional justice must include early empowerment arrangements such as preliminary compensations, livelihood programs, medical care support and legal assistance to rebuild victims' capacities and ensure their active participation. Thus, the pathway would turn from a model that merely remedies impact to one that promotes resilience and guarantees justice as an ongoing process that goes beyond formal measures.





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