

Pilot Survey on Transitional Justice

December 2014



Acknowledgements

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Introduction

Nearly four years into the Syrian uprising armed actors continue to hold the balance of power. In the wake of countless disappearances and deaths, together with the widespread displacement of Syrians, the radicalization and militarization of the conflict is steadily increasing. In light of the current situation, civilian voices are too often muffled and rarely heard. To give voice to the many Syrians that continue to suffer inside the country, or try to seek refuge inside camps in Jordan and Turkey, The Day After (TDA) conducted a survey of opinions and attitudes on issues relating to the resolution of the conflict, human rights violations, justice and accountability, and reconciliation. Interviews were conducted between 15 May and 5 August 2014, with additional samples collected from 10-22 October among the Alawi community in the coastal areas and Kurdish refugees escaping the Islamic State (ISIS) attack on Kobani.

In addition to the obvious difficulties of conducting a survey in the midst of an ongoing war, this report is also limited by its geographical focus. Over 1,600 interviews took place mainly in areas outside of regime control, with the exception of Salamiyeh (in Hama province), Lattakia and Tartous. The areas covered within the survey include locations in Aleppo, Damascus countryside (Douma), Deir Ezzor, Hama (Salamiyeh), Hassakeh, Idlib, as well as Zaatari refugee camp in Jordan and Kahraman Murish camp in Turkey. Thus, it is important to note the survey should not be considered to be representative of the Syrian population as a whole. However, some significant trends can still be identified from this research sample by comparing various critical demographic groups, to produce ‘indicative samples’ as opposed to ‘representative samples’. What follows is an abridged version of a longer and more detailed report conducted by Professor Colin Irwin of Liverpool University.¹

Summary of findings

Findings in this pilot survey suggest the majority of respondents hold the Syrian regime largely responsible for instigating the current conflict and sustaining it, with a smaller quota of accountability placed upon various regional and international forces. Such a result is perhaps unsurprising, considering the overrepresentation of our respondents residing within opposition-controlled areas. However, interesting regional differences appear among opposition-controlled areas when questioned about the responsibility of the armed opposition for the continuation of the conflict. **Close to one quarter of Sunni respondents interviewed believe the opposition holds no responsibility for the present conflict inside Syria.** Alawi respondents within this survey place greater blame on the opposition, first and foremost, but a large number also hold the regime responsible for sustaining the crisis.

Given the severity of the violence in Syria, the **fair trial of most responsible persons was the top justice priority** for the majority of those sampled — with what might be characterised as longer-term lesser-priorities (such as democracy and reconciliation) much lower on such lists. However, **in the longer-term, reform of government institutions is considered the most important element for conflict resolution.** With regards to justice and restitution, the prosecution of individuals who ordered gross violations of human rights and crimes against humanity would seem to be the only acceptable outcome, while it was agreed loss of property and livelihood could be compensated for financially. Civil society

¹ The complete report with results tables and the questionnaire can be downloaded at www.tda-sy.org

organizations play an important role in the documentation of crimes in all regions, with an exception for Alawi populated areas.

Although **a majority of the Sunni population sampled favour Sharia law and courts with regard to the future administration of justice, it would appear that a significant portion of women, the better-educated and ethnic minorities do not.**² Ethnic minorities prefer to establish courts operated to international standards, with this approach to justice rejected only by a conservative minority dominated by lesser-educated young men in more conservative regions of Syria.

During the uprising, and prior to the writing of this report, the country's Sunni majority have suffered greater human rights violations than Kurdish and Alawi minorities, with regime forces held most responsible (although Kurdish respondents also identified the armed brigades as significant rights abusers). Abuses were recorded as both widespread and serious and, as a consequence, the prospects for justice without prosecution through institutions like truth commissions are limited at this time. However, in the long-term, **a significant majority from all ethnic and religious backgrounds welcomed the prospect of a national dialogue** to resolve Syria's problems, with the drafting of a new constitution to international human rights standards.

² It is important to note that men are overrepresented in the sample, which may explain why the 'majority' prefers Sharia law.

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Methodology and sample

The following questionnaire was developed through a week of interviews with a variety of stakeholders in Gaziantep, between 24 April and 1 May 2014. The interviews included Syrian members of the legal profession, representatives of the Syrian opposition, and a number of NGOs working in Syria based out of Gaziantep. Relevant topics covered included problems, conflict and accountability, justice, violations of human rights, and demographics. Using this research instrument, 1,602 interviews were then collected across those parts of Syria under the control of the Syrian opposition, and inside Turkish and Jordanian refugee camps between 15 May 2014 and 5 August 2014. A second sample was collected on 10-22 October among the Alawi population in the regime-controlled coastal region, as well as amongst Kurdish refugees fleeing Kobani following the ISIS attacks.³

| Demographic | n interview | Sample % interview | n domicile | Sample % domicile | Pre-war Syria % |
|------------------------------|-------------|--------------------|------------|-------------------|------------------|
| Damascus | - | - | 30 | 2.0 | 7.3 (1,552,000) |
| Aleppo | 261 | 17.4 | 377 | 25.1 | 23.0 (4,868,000) |
| Homs | 2 | 0.1 | 49 | 3.3 | 8.5 (1,803,000) |
| Hama (Salamiyeh) | 27 | 1.8 | 64 | 4.3 | 7.7 (1,628,000) |
| Idlib | 181 | 12.1 | 216 | 14.4 | 7.1 (1,501,000) |
| Deir Ezzor | 345 | 23.0 | 352 | 23.5 | 5.9 (1,239,000) |
| Raqqah | - | - | 6 | 0.4 | 4.5 (944,000) |
| Hassakah | 67 | 4.5 | 64 | 4.3 | 7.1 (1,512,000) |
| Deraa | - | - | 189 | 12.6 | 4.9 (1,027,000) |
| Suwayda | - | - | 2 | 0.1 | 1.7 (370,000) |
| Quneitra | - | - | - | - | 0.4 (90,000) |
| Latakia | 33 | 2 | 8 | 0.5 | 4.8 (1,008,000) |
| Tartus | 15 | 0.9 | - | - | 3.8 (797,000) |
| Damascus countryside (Douma) | 136 | 9.1 | 140 | 9.3 | 13.4 (2,836,000) |
| Jordanian Camp (Zaatari) | 264 | 17.6 | 0 | 0 | 0 |
| Turkish Camp | 215 | 14.3 | 0 | 0 | 0 |
| Male | 1,090 | 72.7 | | | 52 |
| Female | 405 | 27.0 | | | 48 |
| Muslim | 365 | 24.3 | | | 90 |
| Christian | 9 | 0.6 | | | 10 |
| Sunni | 1,074 | 71.6 | | | 74 |
| Alawi | 52 | 3.2 | | | 13 |
| Shi'a | - | - | | | <3 |
| Druze | 2 | 0.1 | | | <3 |
| Ismaili | 12 | 0.8 | | | <3 |
| Arab | 1,400 | 93.4 | | | 90 |
| Kurd | 59 | 3.9 | | | 9 |
| Kurdish Refugees | 52 | 3.18 | | | |
| Armenian | 1 | 0.1 | | | <1 |
| Assyrian | 8 | 0.5 | | | <1 |
| Syrian | 9 | 0.6 | | | - |
| Turkmen | 6 | 0.4 | | | - |
| Circassian | 1 | 0.1 | | | <1 |

Table 1. Demographic characteristics of the pilot sample and pre-war Syria where 'n interview' is the number of persons interviewed and 'n domicile' indicates where those interviewed originate from prior to the war. These numbers are also expressed as percentages of the sample along with available demographics of pre-war Syria.

³ The two Kurdish samples (Hassakeh in June and Kobani refugees in October) are quite similar. Therefore, the results will be highlighted for the second group only when the results differ.

This sample, when compared with available data for the pre-war demographics of Syria, is not representative of the population as a whole, and the results for each question using this sample should be recognised within this context. However, in spite of this obvious drawback, some significant trends can be identified from this sample by comparing various critical demographic groups to produce ‘indicative samples’ as opposed to ‘representative samples’.

In addition to the Syria sample (mainly Sunni, Kurd and Alawi) comparisons can also be made between the various geographical areas, the refugee camps in Turkey and Jordan, gender (male and female), age groups (18 to 65+), levels of education (illiterate to university postgraduate) and critical religious and ethnic groups. The structure of the sample by these demographics are summarised in Table 2 and 2B in the Annex.

1. Problems

Question 1.1 What do you think is the most serious problem that has to be dealt with in Syria today?⁴ (Open-ended question)

For the Syrian sample (Sunni Arab majority), the most serious problem voiced was the regime, followed by the war and shelling. The Kurdish sample respondents place the war first, with the regime second and terrorism from both sides third. Alawis place the war as the top problem, but with ISIS and other radical groups as their second most serious problem. As the Syrian sample is mostly comprised of Sunni respondents, we can observe the Sunni may want to continue the war in order to topple the regime, while the Kurds and Alawis may not share this objective as their top priority, as they appear to blame all sides for the conflict.

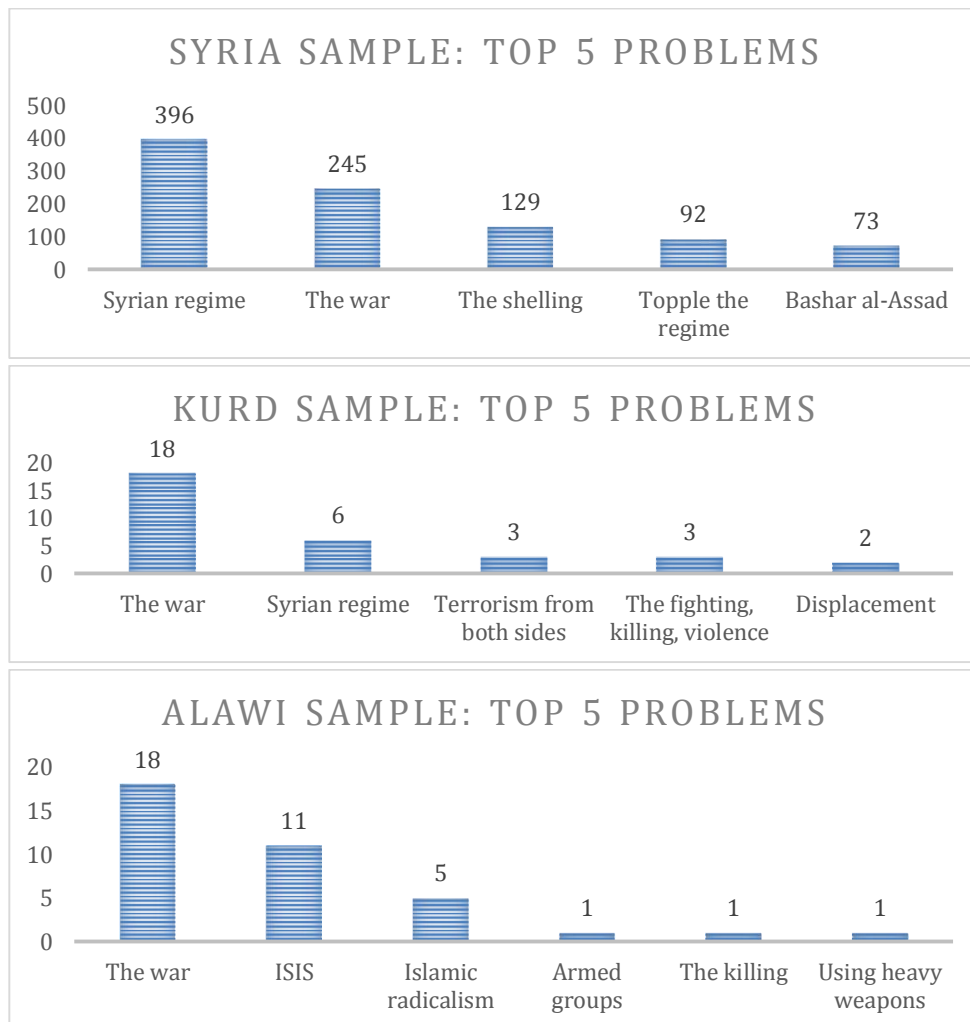


Figure 1. Top five problems for the Syrian sample as a whole and Kurd sample in the opposition controlled areas expressed as the number of citations ‘n’, open-ended question.

⁴ The questions have been shortened in this version of the report for purpose of text disposition. For complete questions see Annex.

Question 1.2 Which central problems do you consider to be ‘very significant’, ‘significant’, ‘of some significance’, ‘of little significance’ or ‘of no significance at all’ in regards to the situation in Syria today.

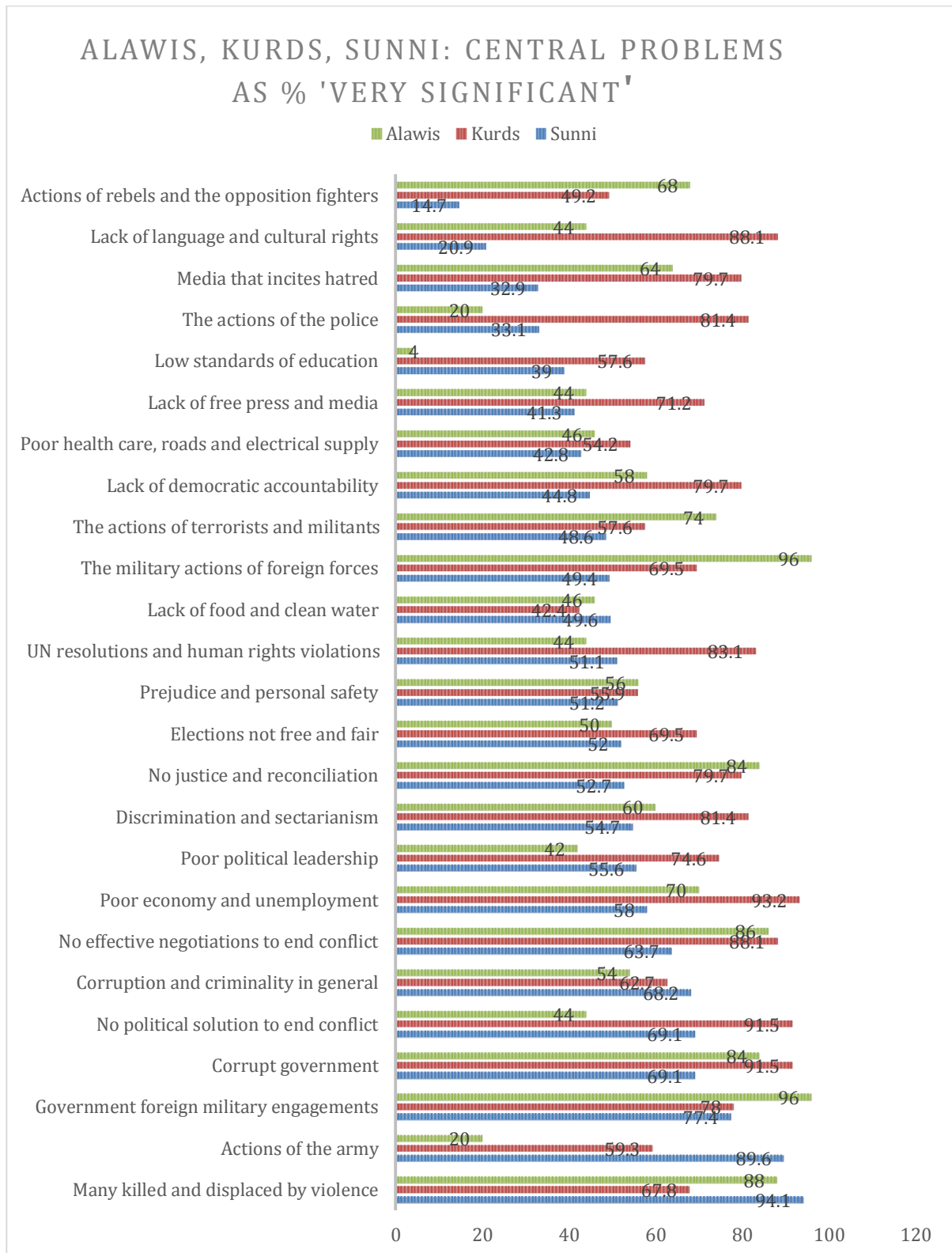


Figure 2. Rank order of 25 general conflict problems for the Alawi, Kurd and Sunni sample. Between groups, rank order should be compared rather than percentages. NB: Percentages do not add up to 100 percent as respondents can select several concerns as ‘very significant’.

Following the initial open-ended question, the interviewee was asked how significant a list of standard conflict problems were (Q1.2). When these general conflict problems are placed in their rank order for the Syria sample, and similar to the Alawi sample, a profile is achieved that is common to many conflicts still engaged in violence. The number of Syrians killed and displaced by violence is placed atop the list of problems, followed by the actions of the military, then political failure. However, when this result is compared with the Kurdish sample's response, we can see that their situation differs greatly with their top priorities being the economy and political failure, with those killed and displaced by violence placed in seventeenth position.⁵

“Kurds for example place lack of language and cultural rights fourth on their list of problems requiring attention”.

As we look through the sampled regions, differences in the intensity of conflict and various ethnic/religious elements in those regions also impacts on the conflict profile of each region. Kurds, for example, place lack of language and cultural rights fourth on their list of concerns requiring attention. Clearly, addressing these kinds of issues will be important for long-term stability and strong community relations inside a future Syria. The number of people killed and displaced by violence is placed as the first or second problems in all regions, in exception for Hassakah.⁶ The Hassakah sample is made up of Kurds and Christians, so their circumstances differ to other regions sampled. Although the violence is no longer a security concern for those inside the Turkish and Jordanian refugee camps, those killed and displaced by violence remains their number one concern.⁷

Additionally, each region is beholden to its own specific problems. For example, lack of food and clean water places fifth for those sampled in Deir Ezzor, sixth in Damascus countryside, ninth in Idlib, sixteenth and eighteenth inside the Jordanian and Turkish refugee camps, respectively, 21st in Hama, 23rd in Aleppo and 24th in Hassakah.⁸ The top item on the Alawi sample's list of concerns (the military actions of foreign forces) places last on the Kurd refugee problems list, sitting at 25th.⁹ Such extremes of opinion are unusual. Clearly, international intervention is seen by the Alawis as the source of their difficulties, particularly various radical Islamists,¹⁰ while Kurdish refugees see foreign forces in Kobani (presumably the United States-supported Peshmerga) as an asset, not a concern.

⁵ To view the tables, please see Annex for Table 4 for Syria sample and Table 5 for Kurds.

⁶ Table 8, see Annex.

⁷ Table 10.

⁸ Tables 7, 8, 9 and 10.

⁹ Table 10B.

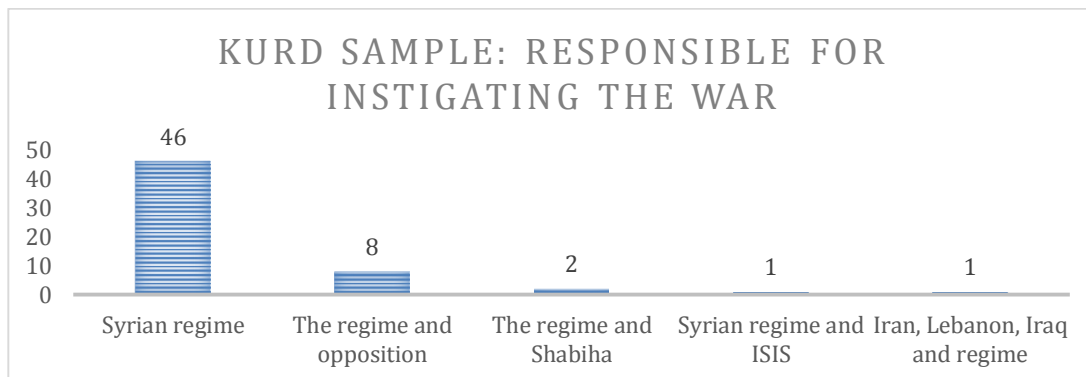
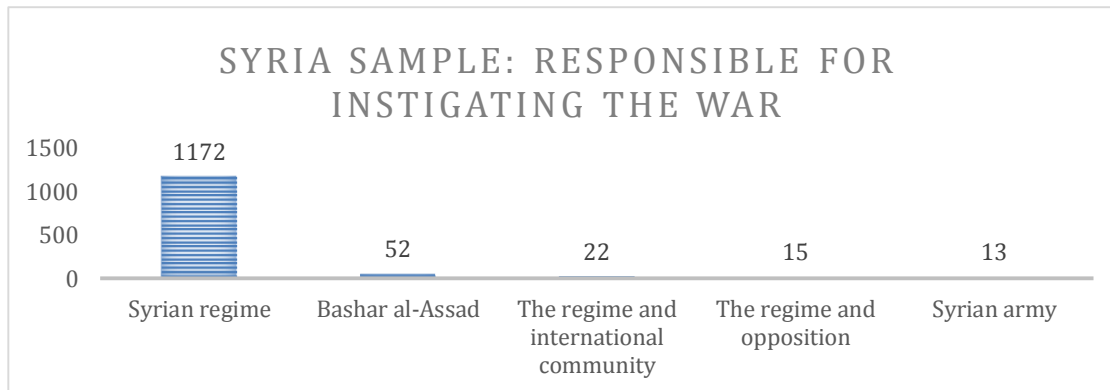
¹⁰ Table 3B1.

2. Conflict and accountability

Question 2.1 Who do you think is most responsible for starting the armed conflict in Syria?

Within opposition-controlled areas, the results of both the following open-ended question (Q2.1) and closed question (Q2.2) indicates that Assad regime is considered to be most responsible for instigating the civil war in Syria. The Kurdish sample places some responsibility upon the opposition, while all sample groups (Sunni, Kurd and Christian) in opposition-controlled areas also place considerable responsibility on regional and international forces. Significantly, the opposition is not without blame. Even in the Sunni-dominated Syria sample, only 39.7 percent say the opposition is not responsible at all.¹¹ Among the Alawi respondents, the opposition is considered most responsible for instigating the war, yet the regime still receives a considerable portion of blame.

“Significantly, the opposition is not without blame. Even in the Sunni-dominated Syria sample, only 39.7 percent say the opposition is not responsible at all.”



¹¹ Question 2.1 see Table 11 (Annex) and Figure 3 a-c. Question 2.2 see Table 12 and 13 with Figure 4.

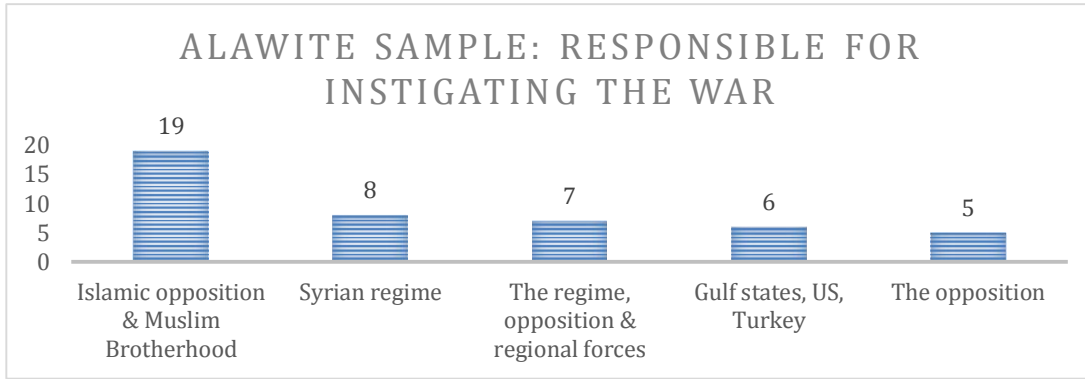


Figure 3 a-c. Top five responsible for instigating the conflict for the Syrian, Kurdish, Alawi samples (n).

Question 2.2 Who do you think is 'very responsible', 'responsible', 'somewhat responsible', 'a little responsible' or 'not responsible at all' for instigating the current conflict in Syria?

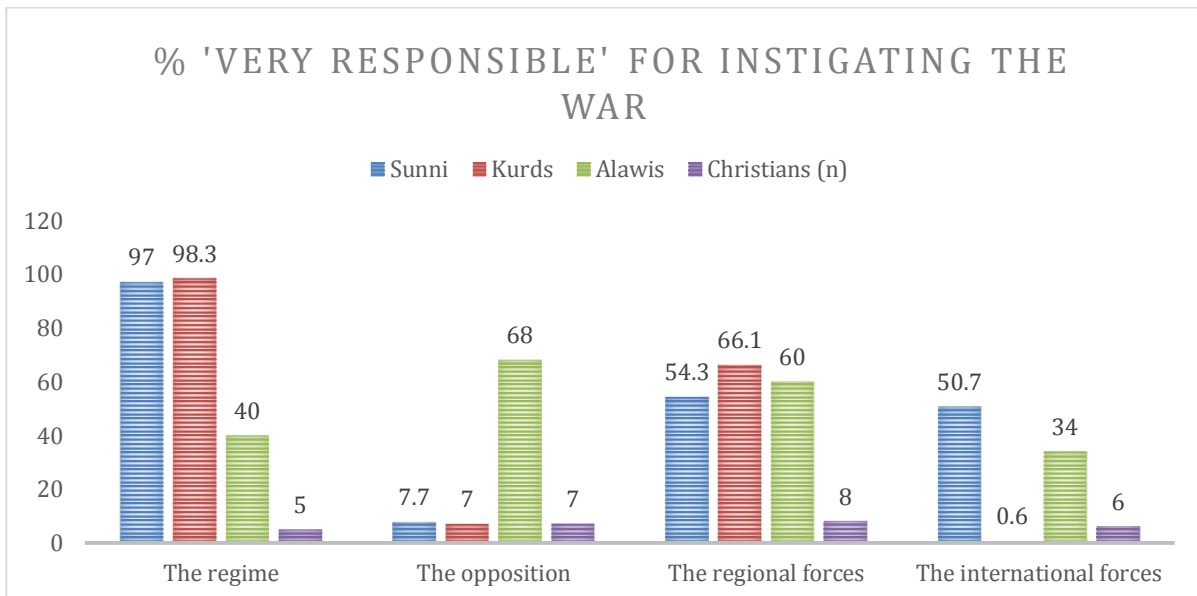


Figure 4. 'Very responsible' for instigating the conflict for the Sunni, Kurd, Alawi and Christian samples. NB: Percentages do not add up to 100 percent as respondents can select several actors as 'very responsible'.

Question 2.3 Who do you think is most responsible for sustaining the armed conflict now?

Regarding the perpetuation of the conflict, the regime continues to be charged with most of the responsibility,¹² although there is an increase in the degree of blame placed on the opposition by both the Sunni (from 7.7 to 15.2 percent 'very responsible') and Kurds (from 23.7 to 44.1 percent 'very responsible').¹³ The top 'other' groups considered most responsible for sustaining the conflict are now identified as 'radical groups'.¹⁴

The pattern is very similar for the Kurdish refugees with regards to responsibility for

¹² Table 14 and 15.

¹³ Table 13 and 15.

¹⁴ Table 17.

sustaining the conflict, with most blame placed on the regime, some towards the opposition and regional forces, and none towards international forces (who are resisting ISIS in their hometown of Kobani).¹⁵ Conversely, the Alawis blame the opposition, first and foremost, followed by regional and international forces, although 36 percent still believe the regime is also ‘very responsible’.¹⁶

“36 percent of Alawis thinks the Regime is also ‘very responsible’ for sustaining the conflict”.

When the results for question 2.3 are broken down by region, regional similarities and differences a distinction becomes apparent.¹⁷ All groups continue to blame the regime, and regional and international forces, whereas in Hassakah (where the sample is comprised of Kurds and Christians) 54.1 percent consider the opposition to be ‘very responsible’ for sustaining the conflict. However, inside the refugee camps, opinions are far less equivocal with only 1.9 percent (Jordan) and 4.2 percent (Turkey) saying the opposition are ‘very responsible’.

Similarly, when results for this question are broken down by age, gender and education, blame for prolonging the conflict continues to lie with the regime (at 94.4 percent for the Sunni sample).¹⁸ With regards to age, the over 65s appear to place more responsibility on the opposition at 41.7 percent ‘very responsible’. Gender does not make a great deal of difference to these results, but education does; 7.3 percent of those who are illiterate hold the opposition ‘very responsible’, rising to 9 percent for those with an elementary education, 14.7 percent for those with secondary education, 23.8 percent for university graduates and 40 percent for those with higher degrees.

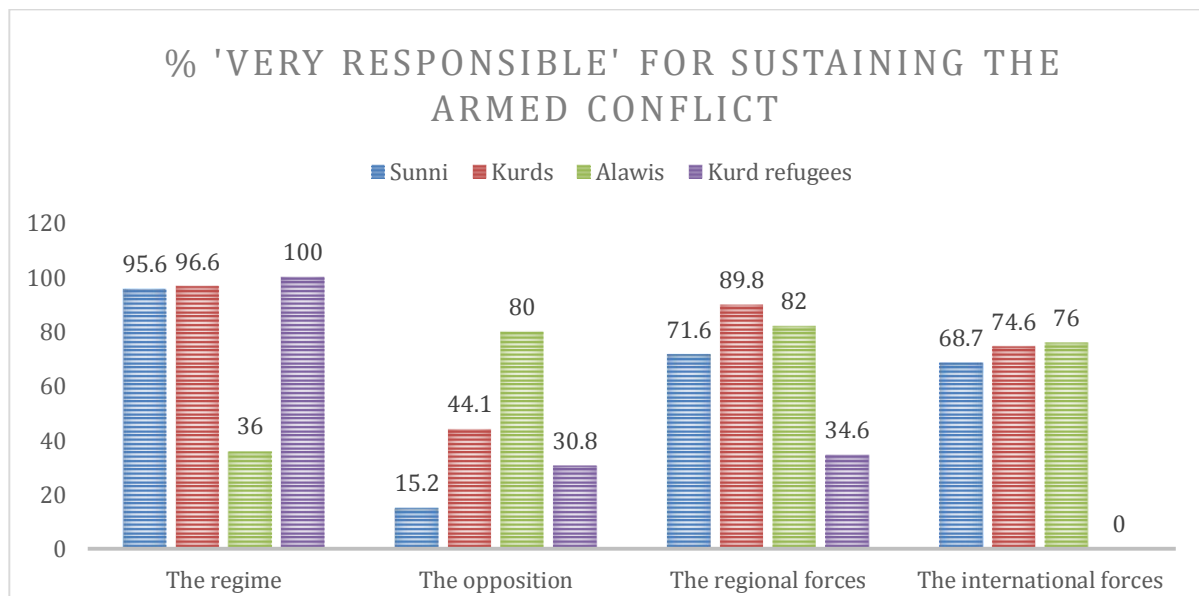


Figure 5. ‘Very responsible’ for sustaining the conflict for the Sunni, Kurd, Alawis and Kurdish refugee samples. NB: Percentages do not add up to 100 percent as respondents can select several actors as ‘very responsible’.

¹⁵ For the second sample of Kurdish refugees from Kobani, October 2014.

¹⁶ Table 16B.

¹⁷ Table 15.

¹⁸ Table 16.

3. Justice

Results suggest all sample groups value justice as a means to the successful reformation of the Syrian state, with the only significant reservations held by some groups and minorities opposing the promotion of reconciliation and the installation of an Islamic government. Human rights top Kurdish and Alawi priorities, followed by the fair trial of most responsible persons (while this priority places first in the Sunni sample, followed by ‘avoid impunity’).¹⁹

Question 3.1 Which measures of justice do you consider to be ‘very important’, ‘important’, ‘of some importance’, ‘of little importance’ or ‘of no importance at all’?

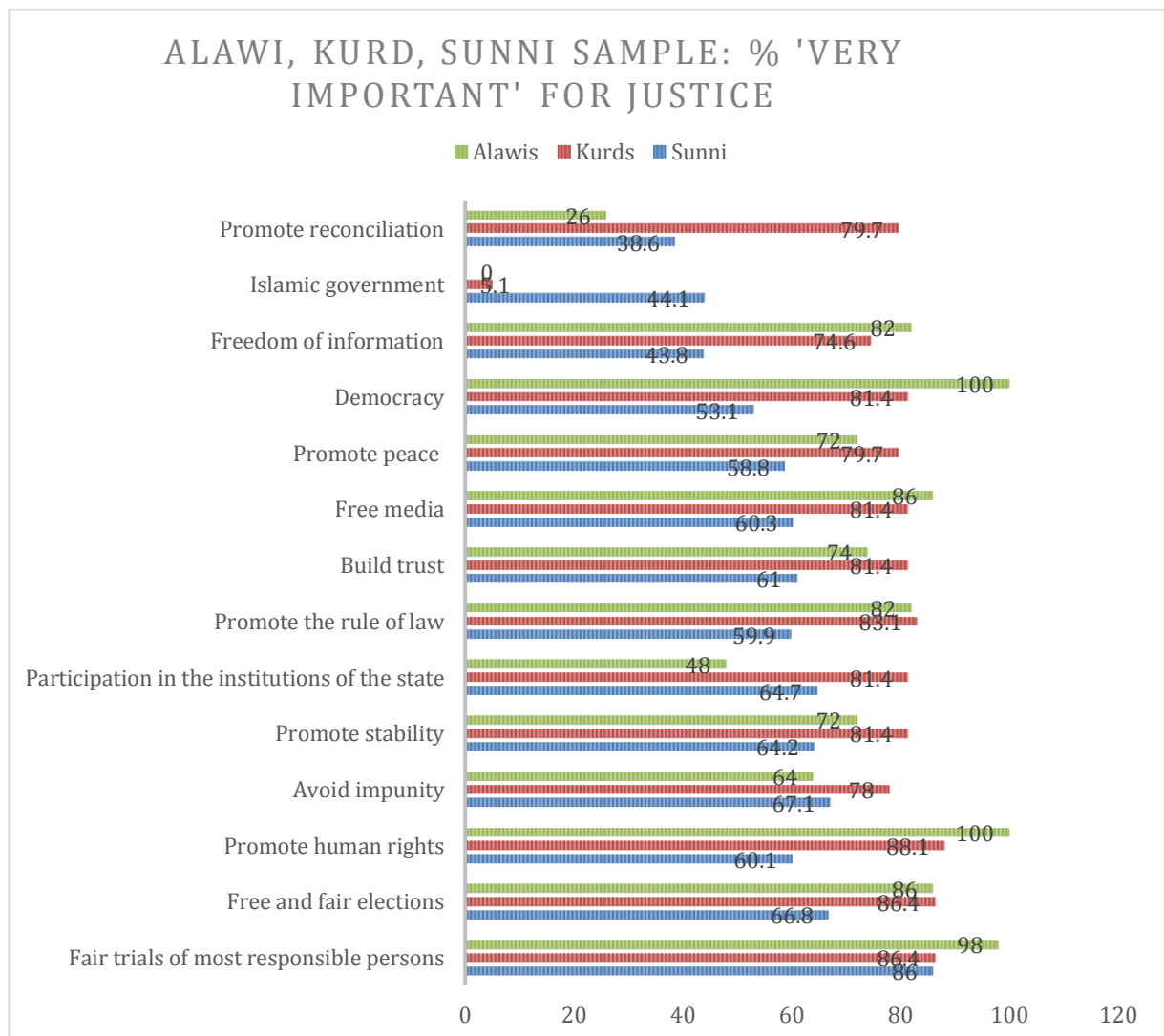


Figure 6. Justice priorities for the Alawi, Kurd and Sunni samples. Rank order is more relevant when comparing between groups than percentages. NB: Percentages do not add up to 100 percent as respondents can select several items as ‘very important’.

However, when these priorities are viewed across the sampled regions, it is clear that variations

¹⁹ Table 22 and Table 23.

in these priorities are not limited to ethnic and religious groups alone. For example, democracy (which did not yield desired reforms following the Arab Spring) places second in Hama (Salamiyeh), fourth in the Jordanian camp, seventh in Aleppo, eighth in Hassakah, eleventh in Deir Ezzor and the Turkish camp, twelfth in Idlib and thirteenth in Damascus countryside (Douma). Conversely, Islamic governance ranks second in Damascus countryside (Douma) and fourteenth in Hama (Salamiyeh) as the way forward. Although the Hama sample is small (n=27) and from the town of Salamiyeh (where the majority of residents are of the Ismaili sect), the trend across these regions is clear. There is an inverse relationship between democracy on the one hand, and a desire for an Islamic government on the other, which cannot be explained by ethnic and religious affiliations alone.²⁰

“There is an inverse relationship between democracy on the one hand and a desire for an Islamic government on the other, which cannot be explained by ethnic and religious affiliations alone”

Most significantly, the Alawi sample place democracy and the promotion of human rights at the very top of their list (100 percent ‘very important’) followed by the fair trial of most responsible persons second (at 98 percent), while placing the installation of an Islamic government at the very bottom of their list. Consequently, in the case of reform, the Alawi sample appears to see eye to eye with those Sunni who reject an Islamic government. Results obtained from Kurdish refugees remain similar, with the promotion of human rights ranking first and democracy ranking seventh in Table 23, and second and sixth in Table 27B. Avoiding impunity for responsible persons now scores a zero, suggesting a difference of understanding regarding this term in the second pilot.²¹

Question 3.2 Justice can be achieved in many different ways to help secure a lasting peace. Please indicate which of the following you consider to be ‘very important’, ‘important’, ‘of some importance’, ‘of little importance’ or ‘of no importance at all’.

With regards to the delivery of justice, all sample groups desire reform and encourage any measure in order to deliver it. Traditional courts have very little support and apologies are not considered adequate. The Kurdish sample regards restitution above reform, while Sunnis place reform above restitution, although they may have lost more during the course of the conflict.²²

Again, the results for the Kurdish refugee sample do not significantly differ in the second sample (Kobani). However, the Alawi result does. The Alawi sample places national tribunals at the top of their priorities for the delivery of justice, with hybrid courts and permanent international tribunals at the bottom. Yet, they also place the reintegration of banned individuals second, restitution third, the reformation of government institutions fourth and, significantly, the monitoring of justice solutions fifth (at 92 percent ‘very significant’). So although the Alawis desire Syrian institutions, they want reformed institutions they can place confidence in.²³

²⁰ See Tables 24-27.

²¹ See Table 27B.

²² Table 28 and Table 29.

²³ Table 23.

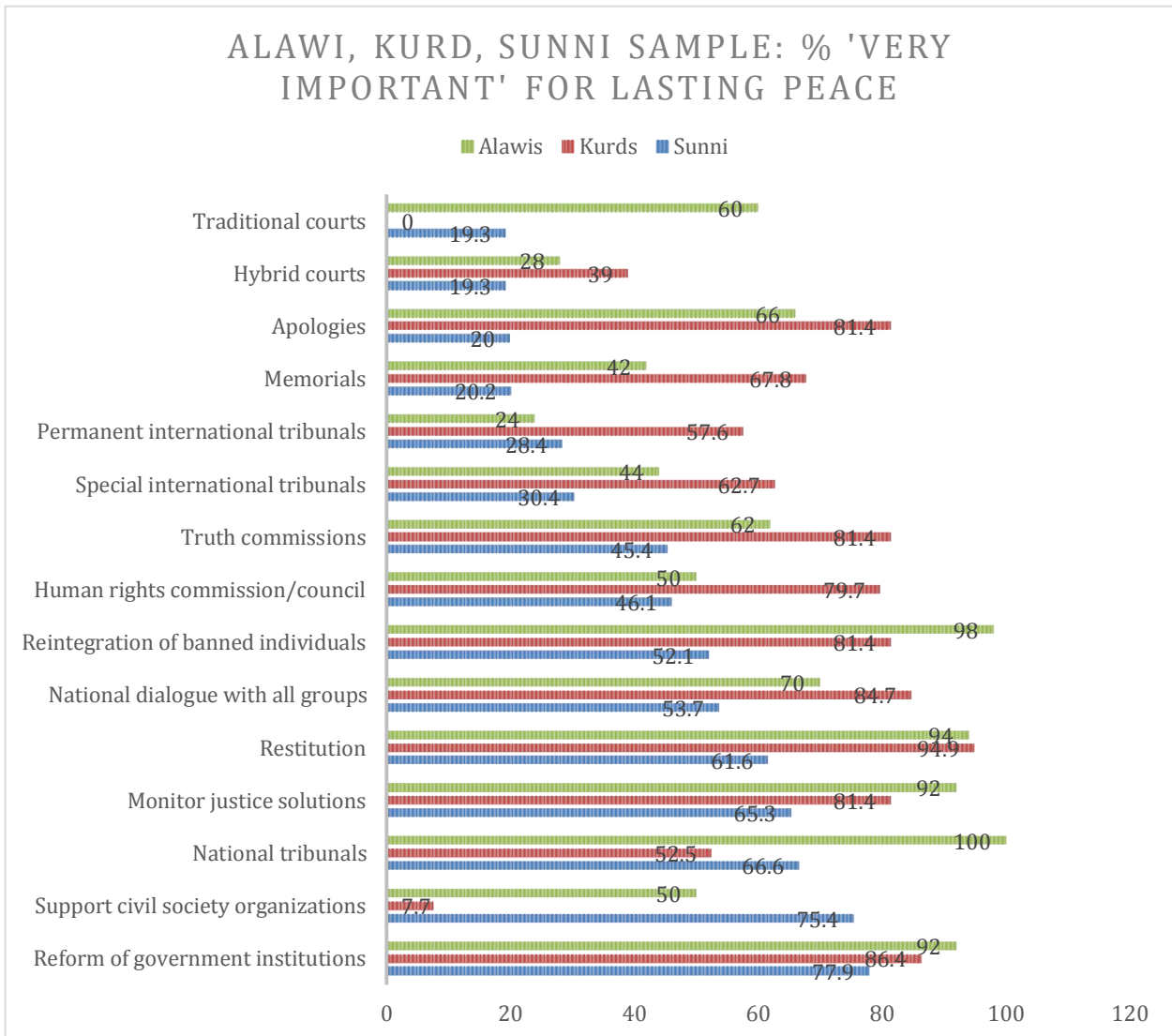


Figure 7. Justice procedures for the Sunni, Kurd and Alawi samples. NB: Percentages do not add up to 100 percent as respondents can select several items as ‘very important’, the ranking indicates preference.

*Question 3.3 Please indicate which forms of restitution you think the victim should receive.
 Question 3.4 If the person who committed the crime confessed their guilt, which punishment would you be willing to accept to help achieve peace?*

Where property and the ability to work is concerned, financial compensation seems to be of more importance than justice through prosecution, while such justice is more important when the loss involves a family member, false imprisonment or torture. Similarly, ordering such crimes ranging from genocide to killing civilians seems to warrant the harshest possible punishment, while looting (for example) could be met through the normal course of the law (or even a reduced punishment in the context of a confession). The Alawi, Kurd and Sunni samples follow much the same pattern, suggesting that the response to this question is driven as much by Middle Eastern/Syrian culture as anything else. However, the Alawis do place more emphasis on trial and punishment by law than they do on death without trial, and reduced punishment or amnesty.²⁴

²⁴ Table 31B.

Question 4.4²⁵ With regards to implementing justice through courts in Syria, can you please indicate which legal system is ‘most acceptable’, ‘acceptable’, ‘somewhat acceptable’, ‘a little acceptable’ or ‘not acceptable at all’?

Finally, with regards to practical post-conflict justice solutions, Question 4.4 asks the respondent to indicate which legal system they would prefer for Syria. Significantly, there were very few ‘can’t says’. The Sunni sample’s first choice was Sharia law and courts (at 35.8 percent ‘most acceptable’) followed by Syrian courts established under Syrian law in 1948 before Assad came to power (at 33.2 percent ‘most acceptable’).²⁶ Although, Kurds and Christians within this sample seem to favour Syrian law and courts operating to UN international standards with international monitors.²⁷

The results for this question, for both the Alawis and Kurdish refugees (Kobani sample, see Annex), are quite unambiguous. Both Alawis and Kurds reject Sharia law and courts (at 94 percent and 83.3 percent ‘not acceptable at all’, respectively). The Kurdish refugees would prefer to see combined Syrian and international courts using Syrian and international judges (at 86.5 percent ‘most acceptable’), followed by Syrian law and courts operating to UN international standards with international monitors (at 75 percent ‘most acceptable’).²⁸ This is also the preferred Alawi option, at 34 percent ‘most acceptable’ and 64 percent ‘acceptable’. This option is not strongly opposed by the Sunni sample (only 17.6 percent said it was ‘not acceptable at all’), so Syrian legal system operating to international standards may be a way forward.

But results for this question are also affected by region, age, education and gender. For example, in common with the Sunni sample, those interviewed in Aleppo prefer Sharia law and courts (at 37.2 percent ‘most acceptable’), but they are more generally opposed to UN and international involvement that might exclude executions. A similar pattern is found in Idlib, at 58.8 percent ‘most acceptable’ for Sharia courts and law, rising to 69.9 percent in the Damascus countryside (Douma) sample. It is clear the respondents in these communities take a more conservative approach to matters of law, while in the Deir Ezzor sample, which was completed before ISIS were there in force, there is a clear indication that these respondents would prefer UN or international involvement of some kind (at only 33.3 percent ‘most acceptable’ for ‘Sharia law and courts’ and 45.8 percent ‘most acceptable’ for Syrian law and courts operating to UN international standards with international monitors). Similarly, in Hassakah, 85.1 percent prefer this option with 73.2 percent ‘a little’ or ‘not acceptable at all’ regarding Sharia law and courts. Those living in the two refugee camps in Jordan and Turkey (although they now live on opposite sides of Syria) seem to prefer the status quo of the pre-1948 system, yet they are also not strongly opposed to international standards.²⁹

Education also has an impact on these issues, with those who are illiterate preferring the status quo or Sharia law and courts, with a shift to international standards (15.5 to 31.7 percent ‘most acceptable’) for those with a university education.³⁰ Younger respondents also seem to prefer Sharia law and courts, as do men, while those who are older prefer the status

²⁵ The order of the questions was slightly altered to make the text more readable and coherent.

²⁶ Table 38 and 39.

²⁷ Table 40 and 41.

²⁸ Table 55B2.

²⁹ Table 42-49.

³⁰ Table 50 and 51.

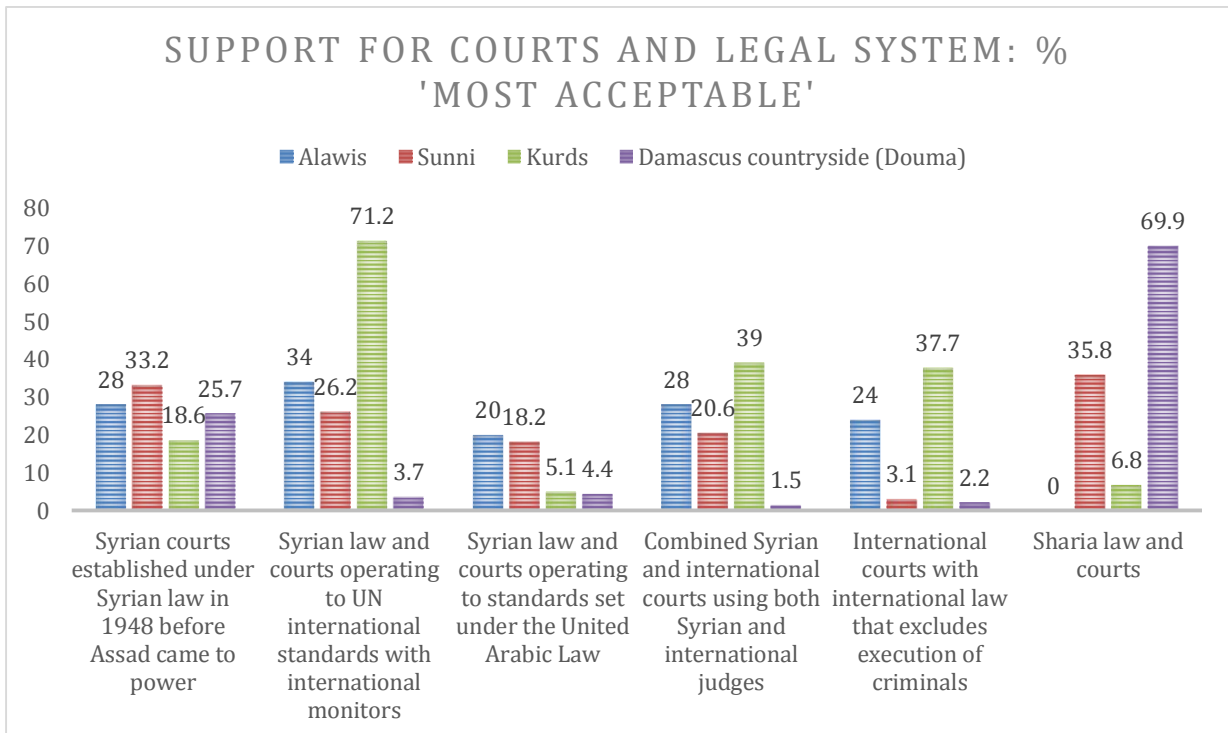
quo, with female respondents tending to prefer international standards.³¹

What might we conclude from all of this? Perhaps the following:

- In general, the Sunni population in this sample prefer the option of Sharia law and courts, closely followed by the option of Syrian courts established under Syrian law pre-1948;
- this preference is increased in some regions, such as Idlib and Damascus countryside (Douma), as well as amongst younger men.
- Women and the better-educated prefer international standards of some kind;
- as do Kurdish, Christians, Alawis and other minorities who are more generally opposed to Sharia law and courts.
- Given the male bias of the sample (Table 2), it seems very likely that a representative sample would prefer international standards or Syrian courts established under Syrian law in 1948 before Assad came to power.

This pattern of regional, ethnic, religious, age, education and gender differences seems to be a common characteristic of many of the responses to this questionnaire, which may in turn reflect a more general pattern of radical, conservative and progressive right–left political thinking and disposition.

Figure 8. Alawi, Sunni, Kurd and Damascus countryside (Douma) sample priorities for implementing justice through the courts. NB: Percentages do not add up to 100 percent as more than one option can be selected.



³¹ Table 52-55.

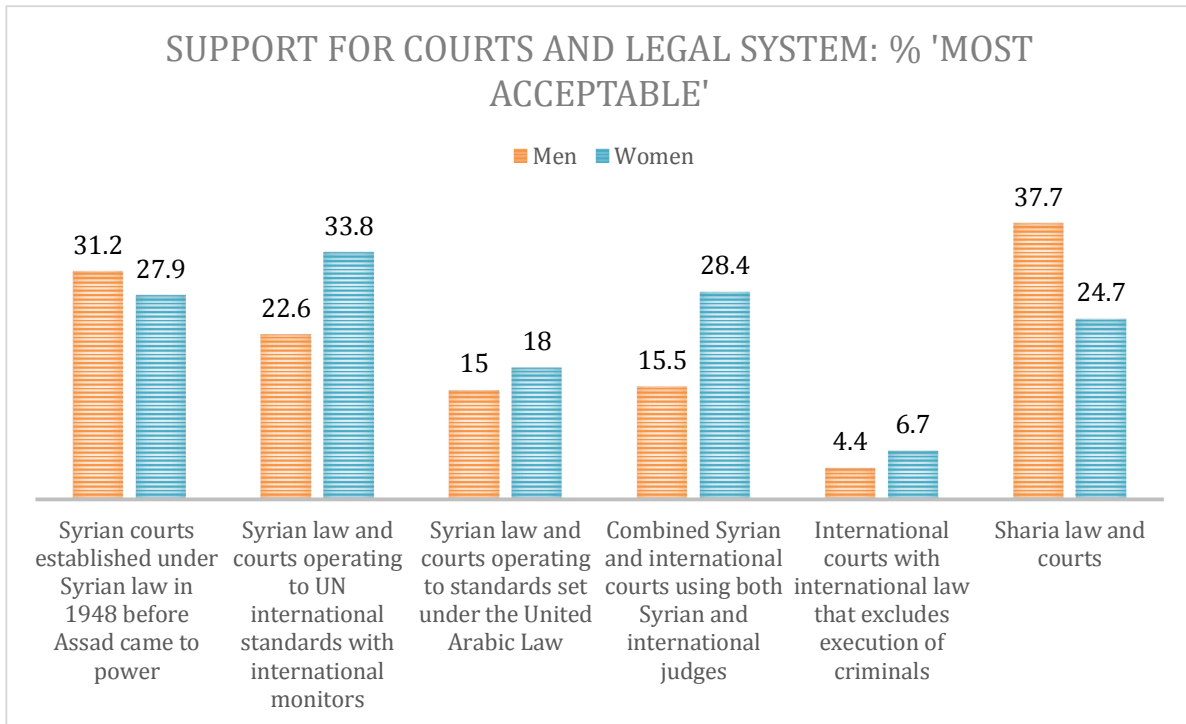


Figure 9. Men and women sample priorities (percent) for implementing justice through the courts.

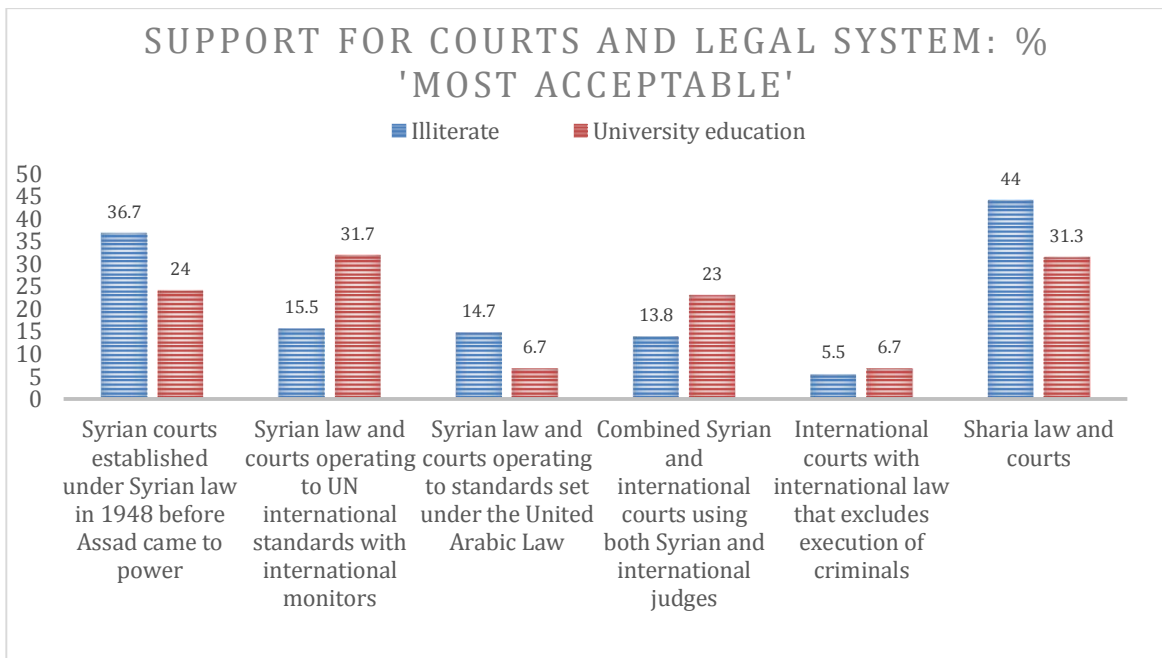


Figure 10. Education background sample priorities for implementing justice through the courts. NB: Percentages do not add up to 100 percent as more than one option can be selected.

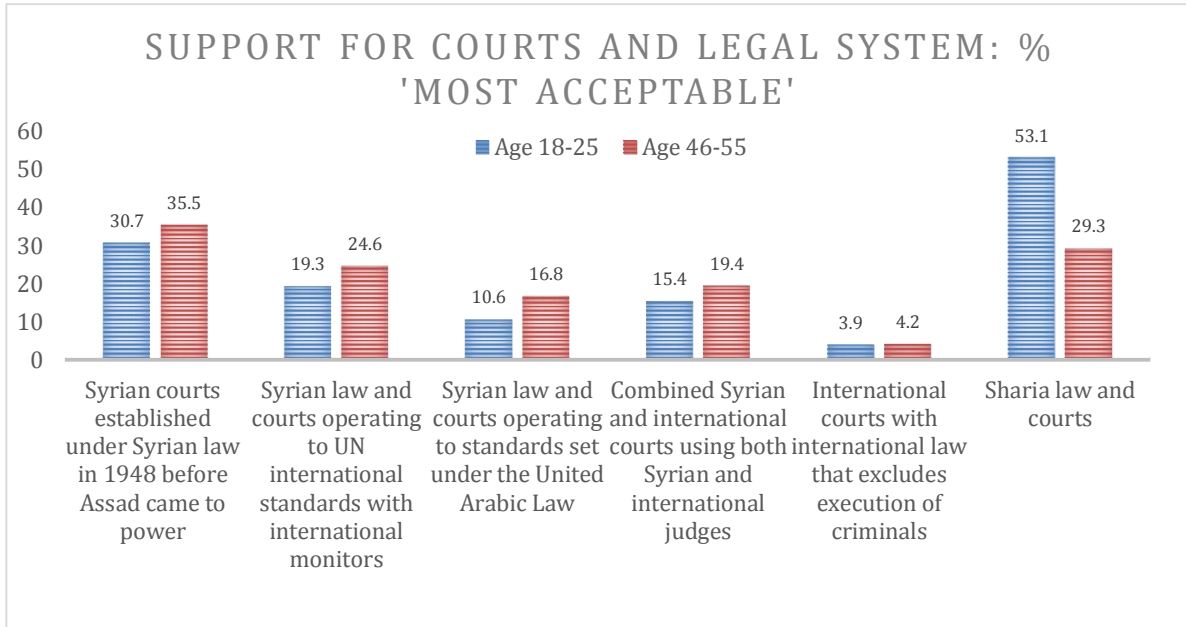


Figure 11. Age range sample priorities for implementing justice through the courts. NB: Percentages do not add up to 100 percent as more than one option can be selected.

4.

Human rights violations and reconciliation

Question 5.1 Have you personally or anyone close to you faced a human rights violation?

Most Sunni respondents (92.9 percent) appear to have experienced, or know a relative who has experienced, a human rights violation. About half the Kurds, and possibly half the Christians surveyed, have an experience of similar violations.³² For the Sunni, most of these violations were committed by the Syrian regime or their agencies.³³ The same is true for the Kurds, but they appear to suffer more through the actions of the armed brigades in Hassakah, while those now living in the Jordanian and Turkish refugee camps are not affected by the armed brigades at all.³⁴ The Alawis are victims of human rights abuses along with the rest of the Syrian population (at 22 percent with ‘no’ abuse), while the Kurdish refugees’ negative response to this question has gone down (to 1.9 percent ‘no’ from 37.3 percent ‘no’) before the ISIS attacks.³⁵

Question 5.2. Who committed violations against you or your relatives?

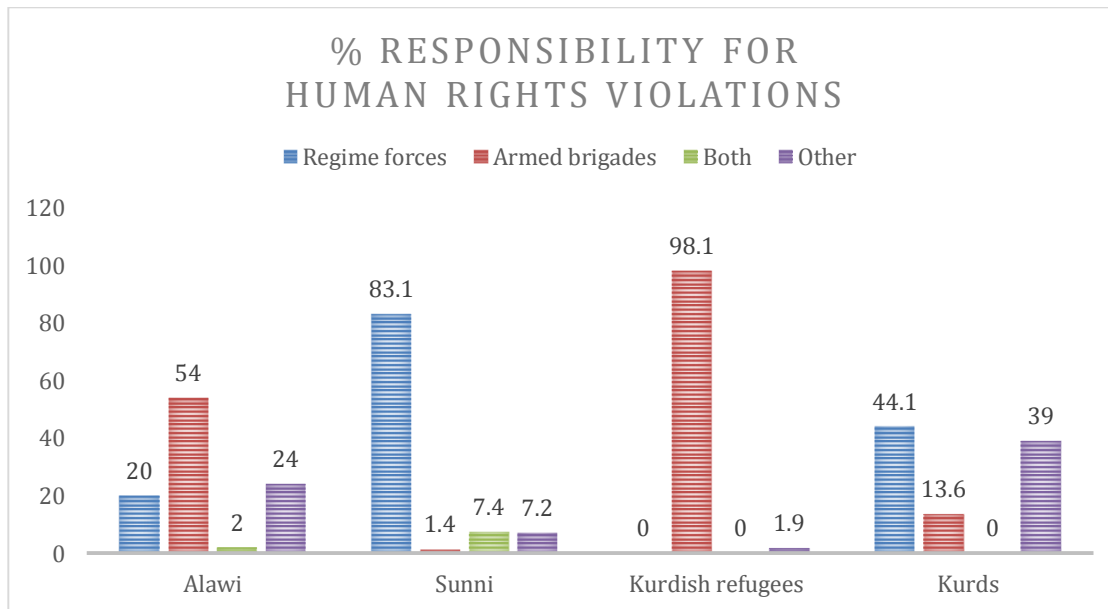


Figure 12. Groups responsible for human rights violations for the Alawi, Sunni, Kurdish refugee, and Kurd samples as percent.

For both the Alawis and Kurds, most of the responsibility for these violations rests with the armed brigades, although a significant percentage of Alawis (20 percent) also identified the regime forces as violators. More specifically, the Alawis identified the offending groups as the Al-Nusra Front first, followed by their own security services second, while the Kurd refugees identified ISIS alone. The type of violation and their relative frequencies are given in Table 59B (see Annex), with the Kurdish refugees now suffering as much as the wider Sunni

³² Question 5.1 and Table 56.

³³ Question 5.2, Table 57 and Table 58.

³⁴ The types of violation and their relative frequencies are given in Tables 59 and 60 (Question 5.3).

³⁵ Table 56-57.

population.³⁶

Question 5.4 Which is more important to investigate: violations that have occurred during the Syrian Civil War since March 2011 until now, or violations that occurred before March 2011?

With regard to which human rights should be investigated, the Sunni and Alawi samples seem to prefer investigating violations that occurred during the Syrian Civil War since March 2011 until now, while the Kurds seem to favour investigating those violations that have occurred before March 2011.³⁷ Those in positions of responsibility inside agencies that have committed violations would appear to be the most important to prosecute.³⁸

However, those Kurdish refugees who previously wanted investigations to focus on events before March 2011 are now shifting to events post-March 2011 (up from 22 percent to 57.7 percent).³⁹ The Kurdish refugee sample continues to identify those responsible for the agencies that committed violations as most important to prosecute while, significantly, the Alawis place more responsibility on those holding lower ranks (although, like everyone else, they also think all human rights violators should be prosecuted).⁴⁰ Sunni, Kurds, and Christians appear to think that all violators should be treated similarly.⁴¹

Question 4.1 Which records do you consider to be 'very important', 'important', 'of some importance', 'of little importance' or 'of no importance at all'?

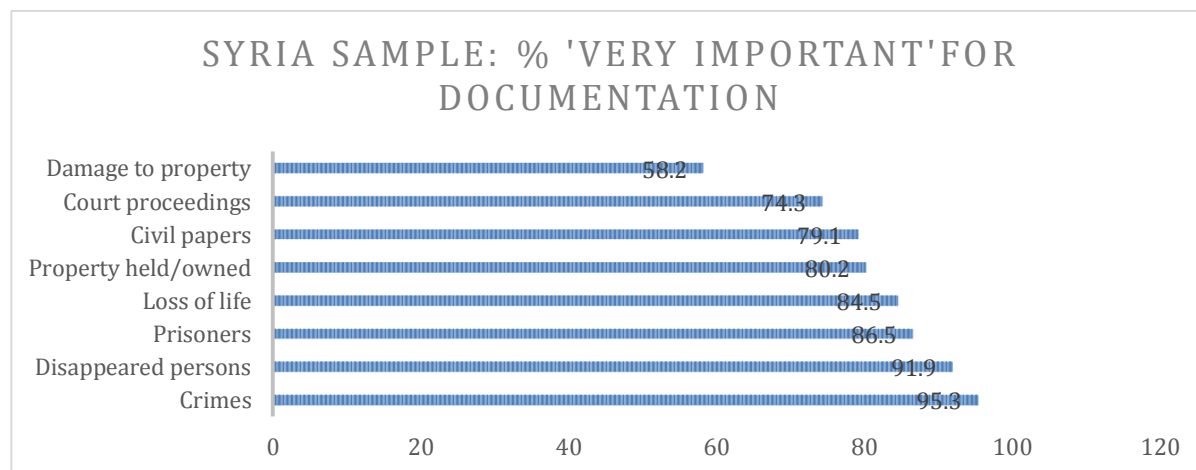


Figure 13. Priorities for documentation for the Syria sample as a whole.

³⁶ Table 57B, 58B1, 58B2, 59B.

³⁷ Question 5.4 and Table 61 and table 61B and 61.

³⁸ For this question the informant was asked to rank order the eight options on offer. However, in the pilot this question was asked in a different way in Aleppo and Hama so these results have been left out, as has the result for the Syria sample as a whole that included the Aleppo and Hama samples. (Question 5.5 and Table 62 to 67)

³⁹ Table 61 and 61B.

⁴⁰ Table 67B1 and 68B.

⁴¹ Question 5.6 and Table 68.

Question 4.2 Which documentation centres, if any, have you used or corresponded with?

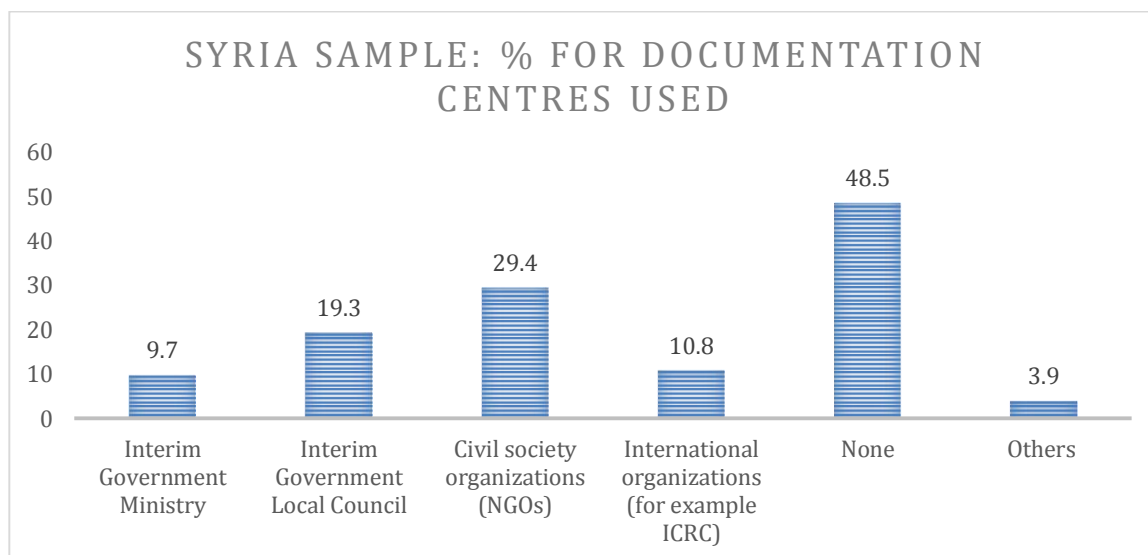


Figure 14. Documentation centres used for the Syria sample as a whole.

The relevant documentation centres used are displayed in Figure 14. All of which may be very important for documentation, as the most commonly used services are presently provided by civil society and international organizations with the Syrian Network for Human Rights, Syrian Observatory for Human Rights and International Red Cross and Red Crescent most prominent.⁴²

The documentation centres used differ for both the Alawis and Kurdish refugees. The Alawi sample appear not to be documenting any of these abuses at all, while the Kurdish refugees use their own political institutions. Kurdish refugees exhibit a familiarity with the various NGOs undertaking such documentation, while the Alawis' knowledge of the relevant NGOs is comparatively poor.⁴³

⁴² Tables 34 and 35 with the respondents' knowledge of relevant NGOs in Tables 36 and 37 (Question 4.3).

⁴³ Tables 34B1, 34B2, 35B, 36B2, 36B1.

Question 5.7 Which of the following organizations could remain unchanged or be rehabilitated, restructured or disbanded?

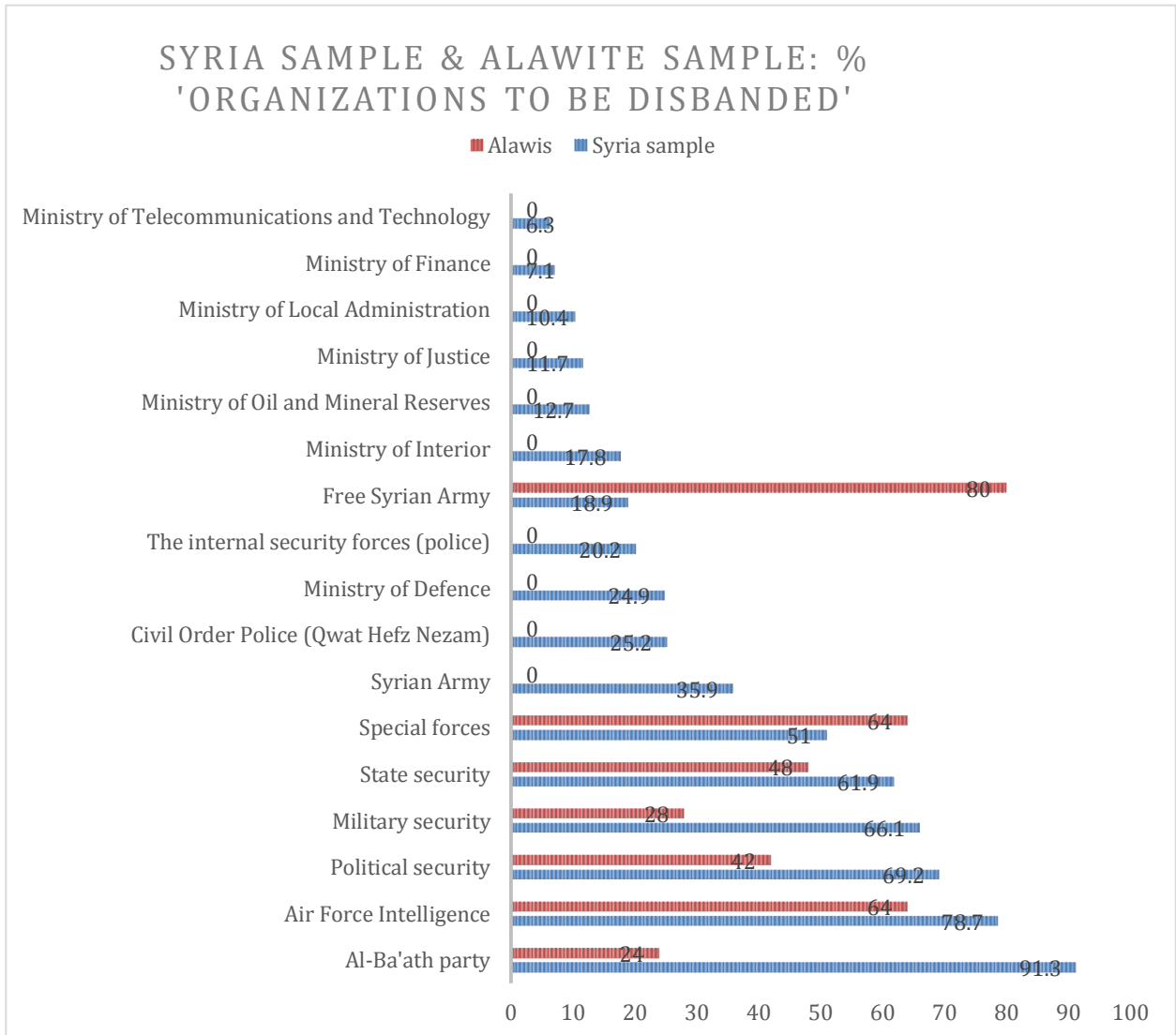


Figure 15. Alawis and Syria samples on which organizations should be disbanded.

With regard to organizations associated with major violations, the Ba’ath Party and various state security services come in for the strongest need for reform.⁴⁴ The Sunni sample appears to be split on the need to replace all government staff, while a majority of Kurds and Christians seem to think that staff can keep their posts, granted they were not involved in any human rights violation.⁴⁵

Not surprisingly, the Alawi sample places greater emphasis on the disbandment of the Free Syrian Army (at 80 percent of those sampled) but again, a majority of the Alawis sampled also want the Air Force Intelligence and Special Forces disbanded, and most other institutions of government reformed in one way or another. However, the Alawi sample also believes government officials who were not involved in any human rights abuses should retain their positions.⁴⁶

⁴⁴ Table 69.

⁴⁵ Question 5.8 and Table 70.

⁴⁶ Table 69B and 70B.

Question 5.9 Would you agree with the establishment of truth committees to accurately and transparently expose the history of conflict in Syria?

Although there appears to be general acceptance for the work of truth committees in all the communities (Sunni, Kurd, Alawi, Christian),⁴⁷ a majority of Sunni and Kurds do not support granting amnesty, while the Christians (from this very small sample) do.⁴⁸ There is no significant difference regarding amnesty for men and women, while the regional, education and age variations on this issue are mixed and difficult to interpret at this time. Both the Alawi and Kurdish refugees support the establishment of truth committees but, like the Sunni (72.4 percent ‘no’), the Alawis are also opposed to granting amnesty (72 percent ‘no’).⁴⁹

Question 5.10 Do you agree to grant amnesty and impunity to dangerous violation perpetrators in cases where they have honestly participated in truth committees? (Yes/No)

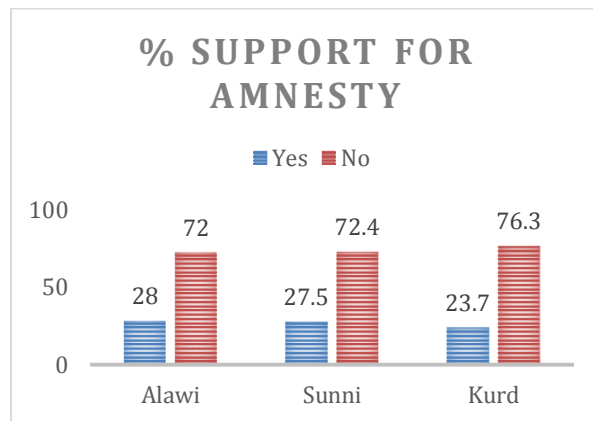


Figure 16. Alawi, Sunni, Kurd samples support for amnesty.

⁴⁷ Question 5.9 and Table 71.

⁴⁸ Question 5.10 and Table 72.

⁴⁹ Table 72, 72B and 71B.

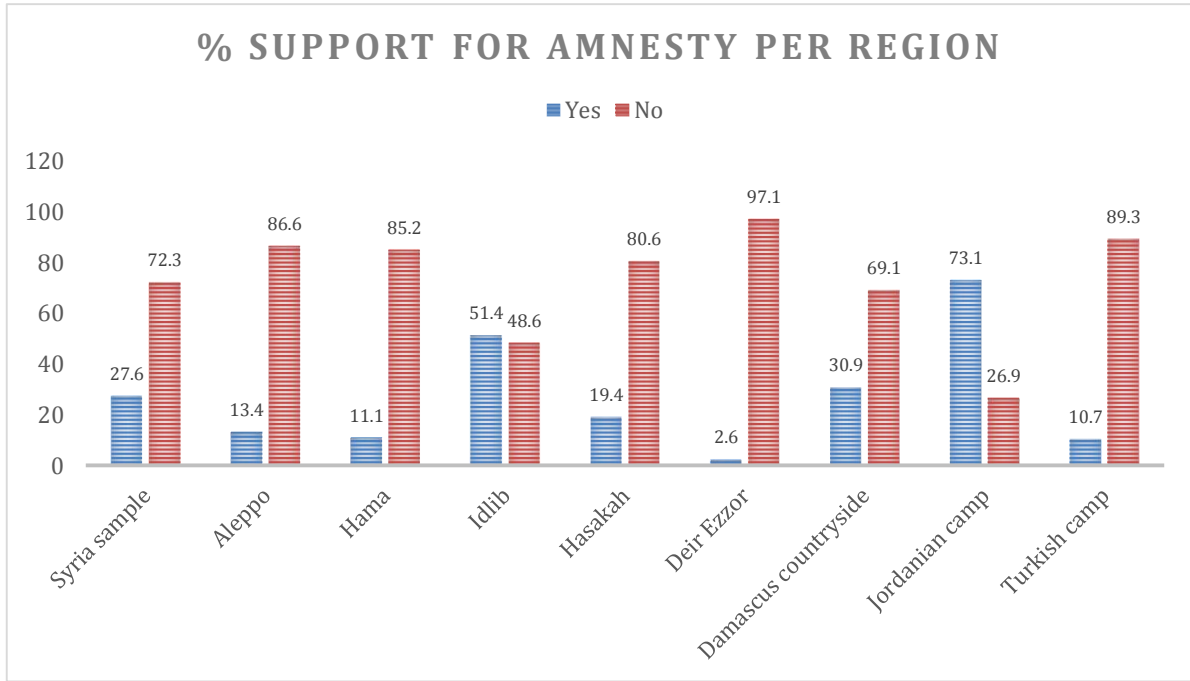


Figure 17. Support for amnesty and truth committees per geographical area.

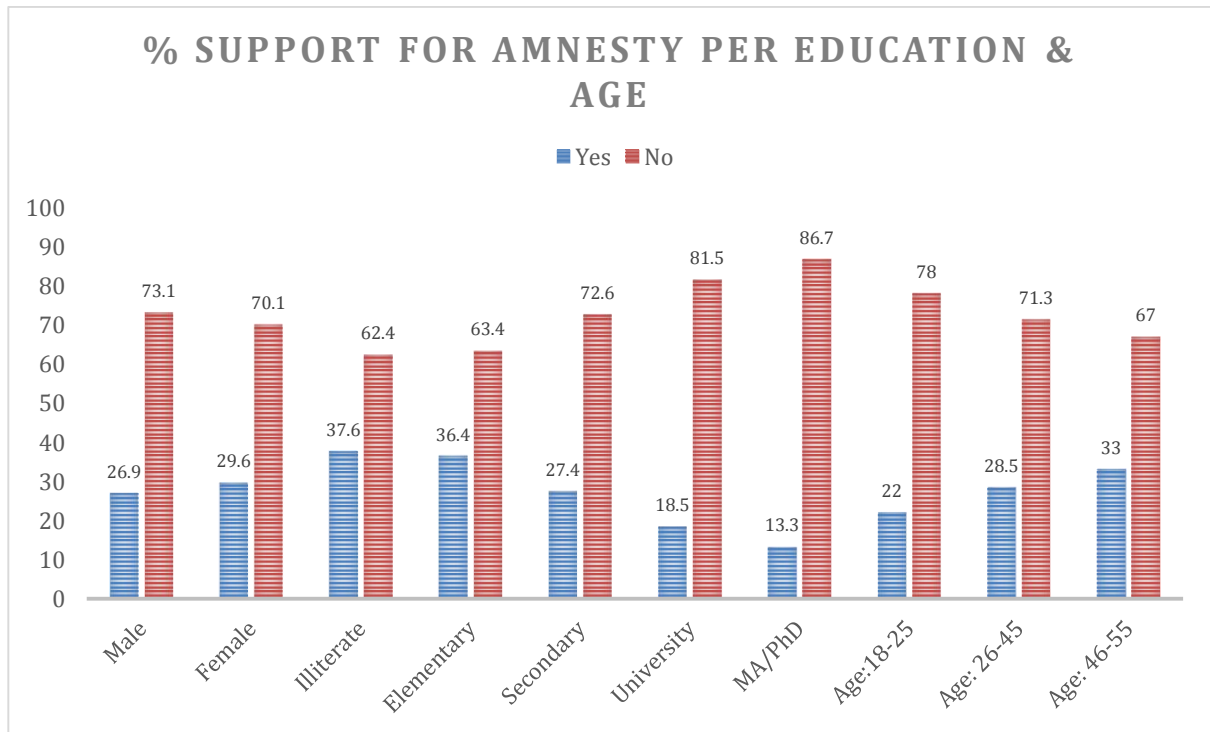


Figure 18. Support for amnesty and truth committees according to education and age.

Question 5.11 Do you agree to hold public listening sessions for victims? (Yes/No)

The Sunni, and possibly also the Christians, appear to support public hearings for victims, but the Kurds and the Alawis appear to be divided on this issue.⁵⁰ The Kurdish refugees, sampled in October after the ISIS attack on Kobani, are now in favour of such hearings.

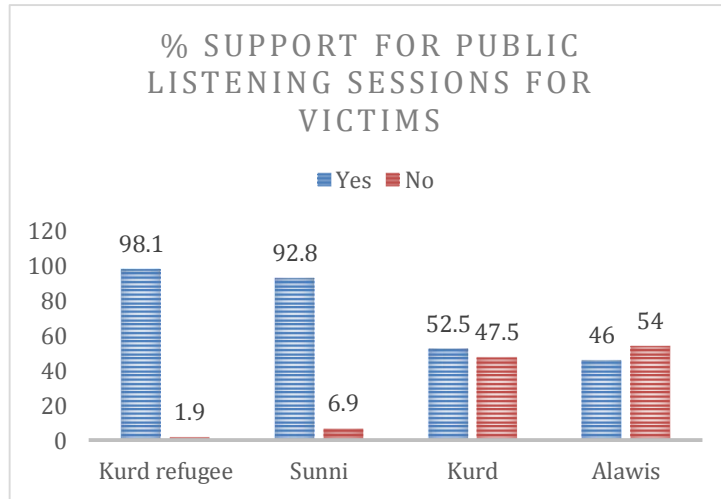


Figure 18. Kurdish refugees, Sunni, Kurd and Alawi samples support for public listening sessions for victims.

Question 5.12 Do you agree to have a national discussion on the ethnic, religious, national and historic problems in Syria in order to generate solutions? (Yes/No)

Finally, nearly all sampled groups appear to support a national dialogue to deal with the complexities of group relations, and to have international human rights at the centre of a new constitution for Syria.⁵¹ All of which is a very positive result for the reformation of Syrian institutions and its constitution post-conflict. A majority of Alawis (68 percent), Sunnis (82.1 percent) and Kurds (96.6 percent) sampled support a national dialogue to deal with the problems of group relations. And significantly, all the Alawis (100 percent), Sunni (95.3 percent), and Kurds (98.3 percent) sampled would support a new constitution for Syria based on human rights.

⁵⁰ Table 73, 73B.

⁵¹ Table 74, 74B and 75, Question 5.12 and Question 5.13.

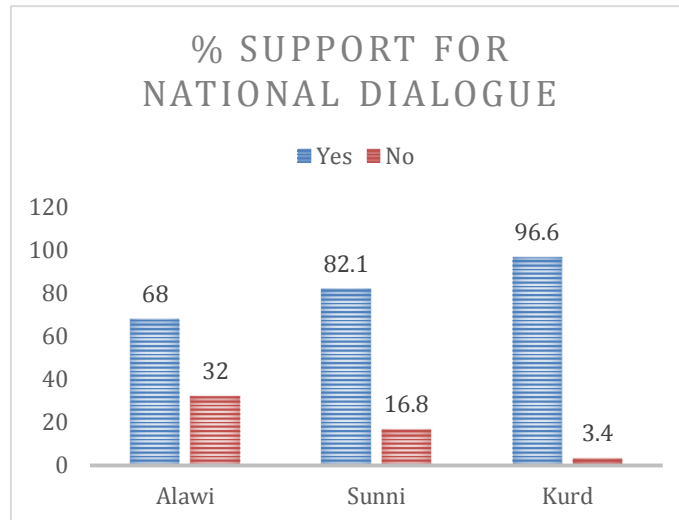


Figure 19. Support for a national discussion of group relations and historical problems in Syria.

Question 5.13 Do you agree to the commitment of international human rights in drafting the new rules and constitution for the country? (Yes/No)

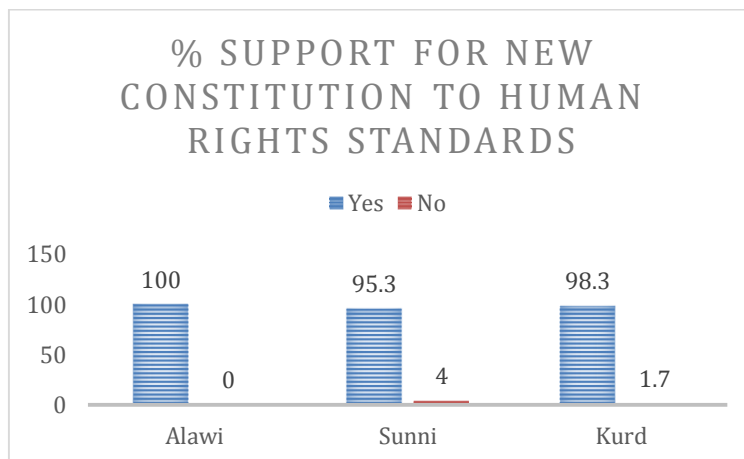


Figure 20. Support for a new constitution based on human rights.

Although the Alawis and Sunni opposition views differ on who is most responsible for instigating the civil war and sustaining it, all sides place a degree of blame with all parties to the conflict. Additionally, all groups value justice as a means to reforming the state. Critically, the Alawi sample would also support the reformation of Syrian institutions as much as the Sunni, Kurds and (most probably) other minorities as well. There is disagreement regarding which option is the preferred future justice system, but the results indicate that alternatives exist that are acceptable to the majority. Similarly, different groups find significant common ground regarding the importance of various measures for achieving justice.

Summary results

Chapter 1.

Problems:

- For the Syrian sample as a whole (a Sunni Arab majority) the most serious problem was the regime, followed by the war and shelling.
- The Kurdish sample places the war first, with the regime second and terrorism from both sides third.
- The Alawi sample places the war as their top problem, but with ISIS and other radical groups as their second most serious problem.
- For Sunni and Alawi samples, killing and displacement by violence is placed as the top problem, followed by the actions of the military and political failure.
- Kurds place a lack of language and cultural rights as fourth on their list of problems requiring attention.

Chapter 2.

Conflict and accountability:

- In opposition-controlled areas, the regime is considered to be most accountable for instigating the civil war in Syria. But only 39.7 percent of the Sunni sample believe the opposition is not responsible at all.
- The Kurds also place a degree of responsibility with the opposition.
- All sample groups (Sunni, Kurd, Alawi and Christian) also place considerable responsibility upon regional and international forces.
- Among the Alawi respondents, the opposition is considered most accountable for instigating the war, but the regime also receives considerable blame.
- Regarding responsibility for sustaining the conflict, the regime continues to be held most accountable, yet there is an increase in the degree of accountability placed on the opposition by both the Sunni (from 7.7 to 15.2 percent ‘very responsible’) and Kurds (from 23.7 to 44.1 percent ‘very responsible’).
- The Alawi sample blames the opposition, above all else, for sustaining the conflict, followed by regional and international forces. But 36 percent still consider the regime very responsible for sustaining the conflict.

Chapter 3.

Justice:

- All sample groups value justice as a means to reforming the state.
- Human rights top the priority list for the Kurds and Alawis, followed by the fair trial of most responsible persons. While the latter is the first priority for the Sunni sample followed by avoiding impunity for most responsible violators.
- The Alawi sample places democracy and the promotion of human rights at the very top of their list (at 100 percent 'very important') followed by fair trials of most responsible persons second (at 98 percent), while placing Islamic government at the very bottom of their list.
- Democracy, which has not yielded all the desired reforms following the Arab Spring, is second in Hama (Salamiyeh), fourth in the Jordanian Camp, seventh in Aleppo, eighth in Hassakah, eleventh in Deir Ezzor and the Turkish camp, in Idlib and thirteenth in Damascus countryside (Douma).
- Conversely, installing an Islamic government as a measure to move forward is second in Damascus countryside (Douma) and fourteenth in Hama (Salamiyeh).
- Traditional courts have very little support, and apologies do not seem adequate.
- The Kurds place restitution above reform, while Sunnis place reform above restitution, although they may have lost more during the course of the war.
- Alawis place national tribunals atop their list of priorities for the delivery of justice, with hybrid courts and permanent international tribunals at the bottom. However, they also desire reintegration of banned individuals in second place, restitution third, and the reformation of government institutions fourth.
- For Sunnis, Alawis and Kurds, there is a general agreement on which forms of restitution victims should receive. Where property and the ability to work is concerned, financial compensation is considered more important than obtaining justice through prosecution, while such justice is more important when the loss involves a family member, false imprisonment or torture.
- Similarly, ordering such crimes (ranging from genocide to killing civilians) warrants the harshest possible punishment while looting, for example, could be dealt with through the normal course of the law (or even a reduced

punishment in the context of a confession).

- With regards to the preferred legal system for a new Syria, the Sunni's first choice was Sharia law and courts (at 35.8 percent 'most acceptable') followed by Syrian courts established under Syrian law in 1948 before Assad came to power (at 33.2 percent 'most acceptable').
- Kurds and Christians sampled prefer Syrian law and courts operating to UN international standards with international monitors.⁵² This option is not strongly opposed by the Sunni (only 17.6 percent said it was 'not acceptable at all'), so Syrian law and courts operating to international standards may be a way forward.
- The Kurdish refugees sampled would prefer the combination of Syrian and international courts using Syrian and international judges (at 86.5 percent 'most acceptable'), followed by Syrian law and courts operating to UN international standards with international monitors (at 75 percent 'most acceptable').⁵³
- Syrian law to UN or international standards is also the preferred Alawi option (at 34 percent 'most acceptable' and 64 percent 'acceptable'). Additionally, both Alawis and Kurds reject installing Sharia law and courts (at 94 percent and 83.3 percent 'not acceptable at all' respectively).
- Women and the better-educated prefer international standards of some kind and are less in favor of Sharia law and courts.

Chapter 4.

Human rights violations and reconciliation:

- Most Sunni sampled appear to have experienced, or know a relative who has experienced, a human rights violation.
- About half the Kurds and half the Christians have experienced violations.
- For the Sunni, most of these violations were committed by the regime or their agencies. The same is true for the Kurds, but they appear to suffer more through the actions of the armed brigades in Hassakah, while armed brigades no longer affect those now living in the Jordanian and Turkish refugee camps.
- The Alawis are victims of human rights abuses along with the rest of the Syrian population (at 22 percent with 'no' abuse) while the Kurdish refugees negative response to this question has declined (to only 1.9 percent 'no' from 37.3 percent 'no' prior to the ISIS attacks).

⁵² Table 40 and 41.

⁵³ Table 55B2.

- For both the Alawi and Kurd sample, most of the responsibility for these violations rests with the armed brigades, although a significant percentage of Alawis (20 percent) also identified the regime forces as violators.
- The Sunni and Alawis prefer investigating violations that occurred during the Syrian Civil War since March 2011 until now, while the Kurds favour investigating violations that have occurred before March 2011.
- However, the Kurdish refugees who previously desired such investigations to focus on events before March 2011 are now shifting to post March 2011 (up from 22 percent to 57.7 percent in the sample of Kurdish refugees fleeing the ISIS attack on Kobani).
- The relevant documentation centres most commonly used are presently civil society and international organizations, with the Syrian Network for Human Rights, Syrian Observatory for Human Rights and International Red Cross and Red Crescent most prominent.
- The Alawis appear not to be documenting any of these abuses at all while the Kurdish refugees are using their own political institutions (Kurdish refugees exhibit a familiarity with the various NGOs undertaking such documentation, while the Alawis' knowledge of the relevant NGOs is comparatively poor.⁵⁴).
- The Ba'ath Party and various state security services are considered most in need of reform. The Sunni appear to be split on the need to replace all government staff, while a majority of Kurds and Christians believe staff can retain their posts granted they have not been implicated in a human rights violation.
- Not surprisingly, the Alawi sample places greatest emphasis on the disbandment of the Free Syrian Army (at 80 percent), but again, a significant majority of the Alawis sampled also desire the disbandment of the Air Force Intelligence and Special Forces, together with the reformation of most other government institutions in one way or another.
- There appears to be general consensus accepting the establishment of truth committees in all the communities (Sunni, Kurd, Alawi, Christian).
- A majority of Sunni and Kurds do not support amnesty, while the Christians (from this very small sample) appear to support amnesty.
- Both the Alawis and Kurdish refugees support the establishment of truth committees but, like the Sunni (72.4 percent 'no'), the Alawis are also opposed to amnesty (72 percent 'no').
- The Sunni, and possibly also the Christians, support public hearings for victims, but the Kurds and the Alawis appear to be split on this prospect. The

⁵⁴ Tables 34B1, 34B2, 35B, 36B2, 36B1.

Kurdish refugees, sampled in October after the ISIS attack on Kobani, now favour of such hearings.

- Finally, nearly all groups sampled appear to support a national dialogue in order to deal with the complexities of group relations, and also to have international human rights at the centre of a new constitution for Syria.

Appendix

Questions and tables of results (all)

For the complete questionnaire and tables of results, please download the full report from our website: www.tda-sy.org

Between May 15th, and August 5th, 2014, The Day After (TDA) conducted a pilot survey in a number of Syrian provinces on transitional justice, reconciliation and human rights. The survey included 72 questions on issues of justice, responsibility for violence and human rights violations, documentation, reforms, reparations, amnesty and accountability. The sample was collected in the following areas: Aleppo, Damascus countryside (Douma), Deir Ezzor, Deraa, Hama (Salamiyeh), Hassakeh, Idlib, Lattakiya, Tartous, the Za'atari refugee camp in Jordan and the Nazib and Kahrman Mar'ash refugee camps in Turkey, as well as refugees from Kobani (Aleppo). The sample includes 1602 respondents.

