

SNHR

الشبكة السورية لحقوق الإنسان
SYRIAN NETWORK FOR HUMAN RIGHTS

SNHR's Vision for Transitional Justice in Syria

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The Syrian Network for Human Rights (SNHR), founded in June 2011, is a non-governmental, independent group that is considered a primary source for the OHCHR on all death toll-related analyses in Syria.

Contents:

Introduction	1
I. Establishing a Transitional Justice Body	4
A. The legal framework for forming a national transitional justice body	5
1. Definitions and general principles.....	6
2. Structure of the national transitional justice body.....	9
3. Mechanisms of transitional justice.....	11
4. Institutional reform to prevent recurrence of violations.....	12
B. Raising awareness of the importance of transitional justice	12
II. Pillars of Transitional Justice in Syria	13
A. Criminal accountability	14
1. Holding senior leadership officials of the former Assad regime accountable.....	14
2. The legal framework for criminal accountability.....	15
3. Fact-finding.....	17
4. Establishing hybrid competent courts for war crimes and crimes against humanity.....	21
5. Utilizing international legal mechanisms to prosecute war criminals who have fled the country	24
B. Truth and reconciliation	26
1. Documenting violations and identifying perpetrators.....	26
2. Determining the fate of the missing.....	29
3. The role of truth commissions in achieving reconciliation.....	32
C. Reparations, compensation, and memorialization	33
1. Financial compensation.....	34
2. Moral reparations and memorialization.....	35
D. Institutional reform (judiciary, security, military)	41
1. Reforming the judiciary	41
2. Reforming the security sector.....	47
3. Reforming the military.....	51
International Support and Cooperation: A Fundamental Pillar of Transitional Justice in Syria	59
Conclusion	61

INTRODUCTION

With the end of the Assad regime era, which lasted for more than half a century, Syria faces a critical historical turning point which necessitates a transition to a new phase, in which the legacy of grave human rights violations will be addressed and the foundations for justice and civil peace laid down. In this context, transitional justice represents the most effective approach to achieving comprehensive national recovery from the effects of conflict, establishing a state based on the rule of law, respecting human rights, and fostering national reconciliation to ensure long-term stability.

The most prominent crimes of the Assad regime against the Syrian people over fourteen years

Fourteen years ago, the Syrian people courageously rose up, striving to liberate their homeland from the grip of the hereditary absolute rule of an authoritarian family, whose will was imposed through iron and fire. The people who rose up for freedom aspired to build a democratic state based on free and fair elections and to restore the dignity that had been stripped away by the Assad regime's oppressive security apparatuses. On Sunday, December 8, 2024, it was announced that the Assad regime had finally fallen, with the Military Operations Command, which oversaw the operation that drove the Assads from power, taking control. This was followed by the appointment of an interim government to manage affairs for three months.

SNHR has been documenting violations daily since 2011. In those 14 years, we have built a database containing the details of millions of incidents, enabling us to publish over 1,800 reports and statements to date, including daily and monthly reports covering many turbulent years of conflict. With the fall of the Assad regime, we present here the most significant human and material losses documented by SNHR, over this historic period, which have left deep scars on Syria's society and state:

- **Extrajudicial killings:** SNHR has documented the killing of no fewer than **321,000 civilians**, 202,000 of whom were killed by Bashar Assad's forces.
- **Enforced disappearance:** SNHR's database includes at least **157,000** cases of arbitrary detention and enforced disappearance, including **96,321 people** forcibly disappeared at the hands of the Assad regime, among them 2,329 children and 5,742 women.
- **Deaths due to torture:** At least **15,393 people** have died under torture, including 15,102 at the hands of Bashar Assad's forces, among them 190 children and 95 women.

Use of four types of destructive weapons:

Barrel bombs: From July 2012 up till its downfall in December 2024, Assad regime aircraft dropped at least **81,916 barrel bombs**, killing **11,087 civilians**, including 1,821 children and 1,780 women.

Chemical weapons: SNHR documented **217 chemical attacks** by Bashar Assad's forces, with the first of these carried out against Al-Bayada neighborhood in Homs on December 23, 2012. These attacks killed **1,514 people**, 1,413 of them civilians (214 children and 262 women), and injured 11,080 others.

Cluster munitions: SNHR documented **252 cluster munition** attacks by Assad regime forces from these munitions' first recorded use in July 2012 up until the fall of the Assad regime in December 2024, killing **835 people**, including 337 children and 191 women.

Incendiary weapons: SNHR documented at least **51 incendiary** weapon attacks targeting civilian areas since March 2011.

Forced displacement: Widespread violations by all parties to the conflict have resulted in the displacement of approximately **6.8 million Syrians** internally and the forced migration of around **7 million refugees abroad**, according to reports by the United Nations High Commissioner for Refugees (UNHCR).

The Assad regime and its allies' violations were not limited to bombing, destruction, and displacement but also extended to enacting laws that violate fundamental human rights, aimed at seizing the property of displaced persons and refugees. We have documented numerous other types of violations, including the destruction of hundreds of vital centers such as hospitals, schools, mosques, churches, and more.

Forming a national transitional justice body in Syria

We believe that the first step toward achieving transitional justice should be the establishment of a specialist national body that is competent, impartial, and experienced, consisting of independent figures representing various segments of Syrian society. This body should be granted broad powers to investigate the grave violations that Syria has witnessed throughout the years of conflict, focusing on uncovering the truth and ensuring accountability for perpetrators, which is the cornerstone for achieving justice and redress for victims. Such a body would also play a crucial role in fostering societal trust and laying the foundation for a state governed by the rule of law and respect for human rights.

The importance of national ownership and community participation

SNHR emphasizes the importance of ensuring national ownership of the transitional justice process, and of adopting a victim-centered approach that actively involves victims at all stages. We also underscore the critical role of civil society in supporting this process through oversight, ensuring transparency, and accountability. International cooperation is another fundamental pillar of this process, with such coordination providing technical support and necessary resources, and strengthening efforts to prosecute the perpetrators of crimes, helping ensure justice at both the national and international levels.

Transitional justice: a cornerstone of the political transition process

Transitional justice is at the core of any successful political transition, as sustainable stability cannot be achieved without addressing past violations and ensuring their non-recurrence. It establishes the groundwork for a political system based on the rule of law and accountability, reinforcing mutual trust between the state and society and opening the door to a new phase built on pluralism and democracy.

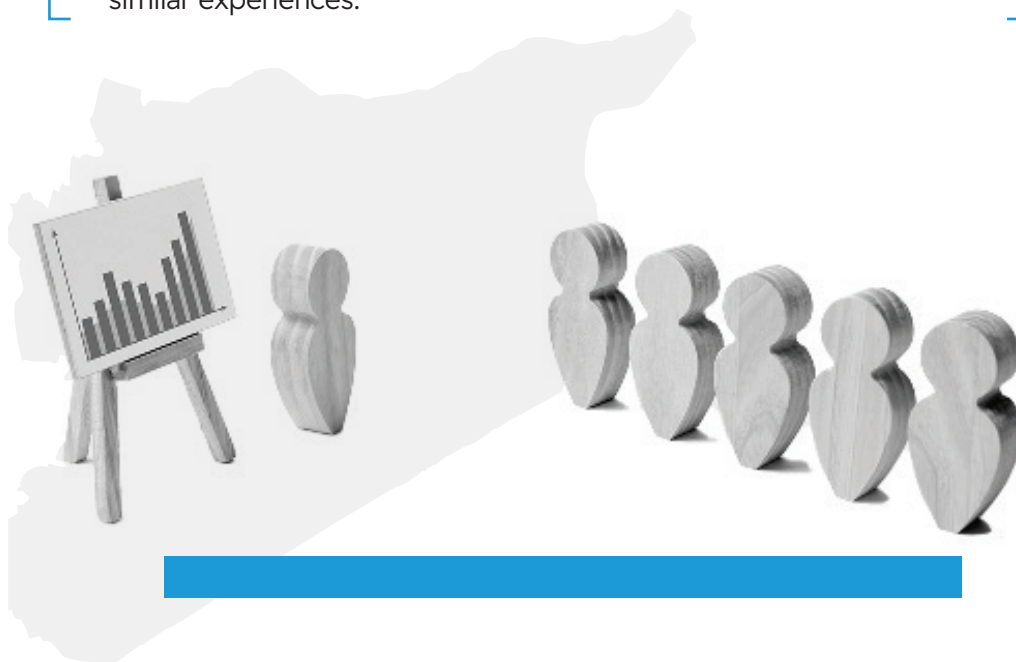
In this context, we previously issued a report titled [SNHR's Vision for Achieving Political Pluralism and Forming a Transitional Justice Body](#), which outlined a roadmap for the transitional phase that ensures justice, accountability, democracy, and human rights while guaranteeing political pluralism. We present this report as a continuation of the previous one, detailing transitional justice mechanisms to ensure the combating of impunity, promoting civil peace, and fostering societal reconciliation.

I. Establishing a Transitional Justice Body

The establishment of a transitional justice body in Syria is a crucial step toward addressing the legacy of grave human rights violations, strengthening accountability, and achieving national reconciliation. This body will be responsible for developing effective strategies and mechanisms to ensure justice and create an environment conducive to lasting stability. Based on our previous vision for the transitional phase, the following measures should be taken:

- A governing body, led by Mr. Ahmed Al-Sharaa as the President of the Republic, will oversee the drafting of a constitutional declaration.
- This constitutional declaration must include a provision for the establishment of a transitional justice body.
- The legislative council, which will be formed after the issuance of the constitutional declaration, will draft a foundational law regulating the transitional justice process.

Given Syria's ethnic, religious, and political diversity, the body must be inclusive, representing all the various segments of Syrian society, to ensure its legitimacy and effectiveness. It must also be independent, impartial, and transparent, operating based on leading international standards and lessons learned from other countries with similar experiences.



A. The legal framework for forming a national transitional justice body

The formation of a national transitional justice body requires a specific legal framework (foundational law) defining its powers, objectives, and operational mechanisms. The authority responsible for enacting this law varies depending on the specific context of the political and legal transition in each country:

- In some countries, parliaments have been responsible for legislating the foundational law for the transitional justice body (e.g., Argentina and South Africa).
- In others, the transitional justice body was established through a presidential decree without parliamentary approval (e.g., Chile and Guatemala).
- Some countries relied on political settlements and peace agreements (e.g., Bosnia and Herzegovina, and Colombia).

In the Syrian case, we believe that the most suitable approach is:

The constitutional declaration should stipulate the formation of the national transitional justice body, and the legislative council, once formed, should enact a foundational law to regulate the transitional justice process.

- This law should be based on both national and international legal standards.
- The foundational law must align with international human rights standards to enhance its credibility and grant it legitimacy at the national and international levels.
- This legislation should be incorporated into the draft constitutional declaration to ensure the legitimacy and sustainability of transitional justice.
- The law should include several chapters outlining the structure, jurisdiction, operational mechanisms, criteria for appointing members, cooperation with judicial bodies and official institutions, reporting mechanisms, transparency, and accountability. The main chapters should include:

Chapter One: Definitions and general principles.

Chapter Two: Structure of the national transitional justice body.

Chapter Three: Transitional justice mechanisms.

Chapter Four: Institutional reform to prevent violation recurrence.

It is important to note that the foundational law's chapters may be subject to modification and development based on evolving conditions in the Syrian landscape.

1. Definitions and general principles

Article 1: Definition of transitional justice

The definition of transitional justice varies from one country to another depending on the context, the scale of violations, and the number of victims. Therefore, it is important in this case that the foundational law includes a clear definition of transitional justice specifically suited to the Syrian context. It should be defined as a set of judicial and non-judicial measures adopted to address human rights violations committed during the conflict, particularly those perpetrated by the Assad regime. These measures include accountability, truth-seeking, reparations, and institutional reform.

Article 2: Objectives of the law

This law aims to establish guidelines for the mechanisms of the transitional justice process, which seek to:

- Achieve justice for victims and hold the perpetrators of serious crimes accountable.
- Provide redress for victims and their families through compensation and reparations mechanisms.
- Reveal the truth by documenting violations committed by all parties from March 2011 until the fall of the Assad regime on December 8, 2024.
- Promote national reconciliation by addressing grievances and fostering national dialogue.
- Issue recommendations for the reform of military, security, and judicial institutions to prevent future violations.

Article 3: Independence of the commission

To ensure the effectiveness of the commission in performing its duties without external influence, it must be established on strong foundations, granting it financial and administrative independence.

1. Legal mandate for independence: The foundational law must explicitly guarantee the full independence of the commission from the executive branch, protecting it from political interference or undue influence from any government entity.
2. Financial independence: The law must allocate an independent budget for the commission, approved by the legislative authority, ensuring that it is not financially dependent on the executive branch.

3. Affiliation with the Syrian judicial system:

- The law must stipulate that the commission is independent of the Ministry of Justice, as the ministry is part of the executive branch. This independence ensures the commission's impartiality and integrity.
- Despite its independence from the Ministry of Justice, the commission must operate within the Syrian judicial system, which is expected to be entirely independent from the executive branch.
- The commission is responsible for uncovering the truth, documenting violations, and compensating victims. It should also work collaboratively with the judiciary to establish a special court to prosecute war criminals and perpetrators of serious crimes, ensuring that this court is directly linked to the domestic judicial system.
- The commission's work complements that of the domestic judiciary by submitting investigation findings to the court specializing in transitional justice. The special court's criminal code determines judicial procedures based on these investigations before issuing its rulings.

Judicial independence as a prerequisite for transitional justice:

- The court operates under the authority of the local judicial system, provided that the principle of separation of powers is upheld and constitutional guarantees ensure judicial independence from the executive branch.
- The constitutional court and the supreme judicial council must be at the head of the judicial system, which will be responsible for establishing the special court for transitional justice cases and drafting its criminal law, including provisions on war crimes and crimes against humanity.
- Syrian judicial authorities must be adequately prepared to handle transitional justice cases effectively, requiring comprehensive judicial reforms to ensure an independent and efficient judiciary.
- Independent oversight mechanisms (such as international or local monitoring committees) must be established to supervise the judicial system's operations, ensuring its independence from political authorities and the integrity of rulings issued by the special transitional justice court.

The importance of judicial independence in transitional justice

- An independent judiciary enhances the legitimacy of the special transitional justice court.
- It ensures that serious violations are addressed based on clear legal principles and adherence to international standards, strengthening confidence in the judicial process both locally and internationally.

- Free from political pressure and external influence, judicial investigations and prosecutions will be more impartial and objective, guaranteeing justice for victims.
- Judicial independence ensures an end to the culture of impunity, where all individuals are equal before the law.
- It prevents the politicization of justice, ensuring that it is not used as a tool for political revenge.
- Judicial independence is a crucial mechanism for national reconciliation and stability, as victims will feel that justice has been served, helping to break cycles of retaliation and social tensions.

Article 4: Transparency of the commission

To ensure the credibility of the commission and enhance the trust of victims and society, the foundational law must establish clear transparency standards for all its activities through:

1. Public disclosure of decisions and recommendations:

- The commission must publish all its decisions and periodic reports openly, including investigations into violations, except for information that could endanger victims or witnesses.

2. Reporting mechanisms and public accountability:

- The commission must provide open channels for receiving complaints and suggestions from individuals and civil society organizations.
- An independent oversight committee, including representatives of victims and civil society, must be established to monitor the commission's work and offer recommendations for improving its performance.

3. Transparency in recruitment and funding:

- The commission must adopt public standards in selecting its members and staff to ensure integrity and impartiality.
- Detailed annual reports on the commission's funding sources and budget expenditures must be published to ensure that its decisions are not influenced by any donor or political entity.

4. Ongoing public engagement:

- Official media platforms (a website, periodic bulletins, social media platforms) must be established to share updates on the commission's work.
- Regular meetings with civil society organizations and victims must be held to strengthen partnerships and ensure the commission is responsive to societal needs.

2. Structure of the national transitional justice body

Article 5: Formation of the commission

- The law must announce the establishment of an independent national commission called the “National Commission for Transitional Justice.”
- The commission’s mandate must extend over three to five years.
- The commission must include experts from various fields, including domestic and international law, documentation and evidence collection, economics, and psychological and social support, among others.
- The commission must be structured as follows:
 - ◆ **Board of directors:** Comprising legal experts, civil society representatives, and victim representatives. Board members must be independent national figures known for their integrity and competence. Selection should be based on expertise while ensuring representation of groups relevant to transitional justice.
 - ◆ **General secretariat:** The executive body responsible for organizing meetings and daily operations, consisting of:
 - An administrative team for coordinating meetings, managing documents, and organizing activities.
 - A legal team for supporting legal cases and administrative procedures.
 - A financial team to prepare a comprehensive budget to cover the commission’s operational costs in coordination with economic experts and specialist international bodies.
 - A media team responsible for raising public awareness about transitional justice mechanisms and keeping the public informed about the commission’s progress.
 - A technical and logistical team to support the commission’s technical and organizational needs.
 - ◆ **Local offices:** The commission must have local offices in all Syrian governorates, including field teams for data collection and community engagement.
 - ◆ **International relations department:** Given the importance of international support in transitional justice, a dedicated department must be established to coordinate international relations and engage with relevant international organizations to secure technical and financial assistance.
 - ◆ **Monitoring and evaluation department:** Responsible for overseeing the implementation of the commission’s decisions and plans, providing periodic reports on progress and challenges.

Article 6: Mechanisms for appointing commission members

● **Selection criteria:**

Competence and integrity: Members must have extensive experience in human rights, law, or relevant fields, with no record of involvement in corruption or human rights violations.

Diversity and representation: The commission must reflect the diversity of society in terms of gender, ethnicity, religion, and geographic background.

Neutrality and independence: Members must be entirely independent of political parties and factions to ensure the commission's impartiality.

● **Selection process:**

- ◆ A recommendation committee, including independent experts and representatives of the judiciary, civil society, and victims, must be formed to nominate candidates for the commission's board.
- ◆ After selecting the nominees, ten members will be elected to form the board of directors, which will then appoint and select the working teams based on strict legal criteria emphasizing competence and experience while ensuring representation of groups involved in transitional justice, particularly victims.

The establishment of the transitional justice commission and the selection of its members must be based on extensive consultations involving various stakeholders, **including:**

- ◆ **Civil society:** To ensure participation of human rights and social development organizations in shaping mechanisms that reflect local needs and aspirations.
- ◆ **Victims:** To incorporate their voices and direct experiences, contributing to the creation of mechanisms that enhance justice and reparations.
- ◆ **Political actors:** To align national policies and provide necessary support for the commission's efforts, enhancing its ability to operate independently and effectively.
- ◆ **Local communities:** To ensure fair representation of all cultural, religious, and ethnic groups and develop inclusive solutions.
- ◆ **Youth and women:** To address the needs of marginalized groups and ensure their inclusion in shaping future solutions.
- ◆ **International supporters:** To leverage international expertise and secure the necessary technical and financial support while maintaining local ownership of the process.

Article 7: Powers of the commission

- The commission has the right to summon witnesses, collect evidence, access official and private documents, investigate violations, and request the judiciary to issue arrest warrants.
- The law mandates all government entities to cooperate with the commission, imposing penalties on those who obstruct its work.

3. Mechanisms of transitional justice

Article 8: Judicial accountability

- The commission recommends the establishment of special national courts within the Syrian judicial system.
- These courts rely on domestically and internationally documented evidence.
- The commission can cooperate with international judicial bodies and foreign courts to prosecute fugitive suspects.
- The commission contributes to judicial consultations to design a special criminal law for accountability during the transitional justice phase. This includes updating local legislation to align with the phase's requirements and incorporating international legal frameworks.

Article 9: Truth-seeking and reconciliation

- The commission is authorized to establish local committees to investigate, document, and reveal human rights violations to foster national reconciliation.
- The commission establishes a legal framework to regulate these committees and their formation mechanisms.
- Periodic reports on investigative findings are published while ensuring the protection of witnesses and victims.

Article 10: Reparations and memorialization

- The commission forms specialist committees for victim compensation, reparations, and memorialization.
- A national compensation fund is established, financed by domestic and international sources.
- A legal framework is devised to determine compensation distribution mechanisms based on the severity of harm.

4. Institutional reform to prevent recurrence of violations

Article 11: The commission's role in institutional reform

Since institutional reform primarily falls under the responsibility of the new Syrian government, the foundational law outlines the role of the National Commission for Transitional Justice in this regard:

1. The commission is responsible for providing recommendations to the Syrian government on methods and mechanisms for reforming state institutions as a fundamental step toward achieving transitional justice.
2. The commission's recommendations focus on reforming the military, security agencies, and judicial institutions, as these entities previously played a key role in human rights violations in Syria.
3. The commission is authorized to investigate individuals within these institutions and take necessary measures, including recommending the dismissal of those involved in severe violations, referring them to competent judicial authorities, and preventing them from holding future positions in state institutions.
4. The commission develops new criteria for selecting and appointing members of the military, security forces, and judicial employees to ensure they were not involved in past human rights violations, while promoting transparency and accountability.
5. The commission recommends restructuring the military and security institutions to ensure they are subject to civilian oversight, respect the rule of law, and uphold human rights. This involves legal reforms governing their operations and establishing independent and effective oversight mechanisms.
6. The commission proposes judicial system reforms, including ensuring judicial independence, enhancing legal frameworks, activating accountability mechanisms, and training judges and judicial personnel in transitional justice and human rights principles.

B. Raising awareness of the importance of transitional justice

Before launching the practical phase of transitional justice, an awareness campaign must be initiated to educate Syrian society on the significance of transitional justice as an alternative to retaliatory measures, especially given the increase in the number of individual acts of retribution since the Assad regime's downfall.

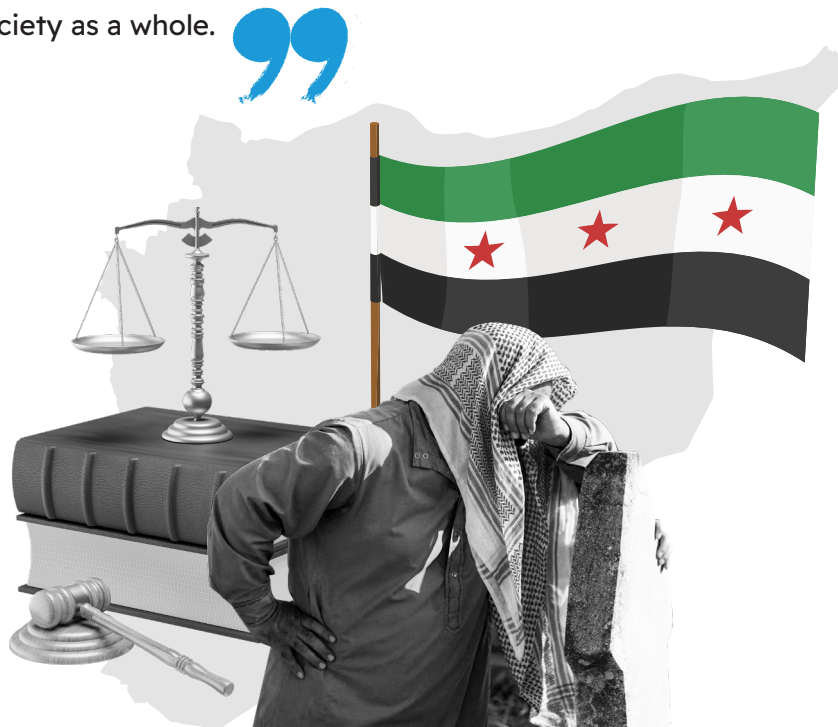
1. The campaign targets all social groups to promote awareness.
2. It focuses on providing clear and comprehensive information about the commission's role, agenda, objectives, and the core principles underpinning transitional justice.
3. The campaign is designed to align with Syria's local context, ensuring that discussions on transitional justice are framed within cultural and social frameworks that enhance its acceptance.
4. Traditional and digital media, community workshops, and interactive dialogues are employed as platforms to disseminate awareness and encourage active participation, paving the way for sustainable national reconciliation and comprehensive justice.

II. Pillars of Transitional Justice in Syria

- A. Criminal accountability
- B. Truth-seeking and reconciliation
- C. Reparations, compensation, and memorialization
- D. Institutional reform (judiciary, security, and military)

Fadel Abdul Ghany, director of SNHR, states:

“To ensure the success of the transitional justice process in Syria, mechanisms such as criminal accountability, truth-seeking, compensation and memorialization, and institutional reforms must operate concurrently under a unified administration within the framework of the Transitional Justice Commission. This integrated approach allows for addressing violations through multiple, coordinated measures, enhancing their effectiveness and responsiveness to the needs of victims and society as a whole.”



A: Criminal accountability

Holding perpetrators of crimes against humanity and war crimes accountable is the cornerstone of the transitional justice process. It plays a pivotal role in upholding the rule of law and dismantling the culture of impunity that prevailed under Assad's rule. It also contributes to fostering civil peace and achieving sustainable stability in the new Syria.

1. Holding senior leaders of the former Assad regime accountable

The deposed Assad regime committed grave violations affecting millions of Syrians, with tens of thousands of individuals within its system participating in perpetrating them. Over the past fourteen years, SNHR documented these violations daily, establishing a comprehensive database that includes millions of recorded incidents. SNHR has also worked to identify the individuals involved in carrying out these crimes, compiling a list of approximately **16,200 perpetrators, including:**

- **6,724 individuals** from the Assad regime's official forces, including the military and security agencies.
- **9,476 individuals** from the Assad regime's auxiliary forces, consisting of militias and support groups that fought alongside official forces.

Given the significant challenges facing the accountability process, SNHR emphasizes the importance of focusing legal and judicial efforts on senior leadership figures from the deposed regime, specifically the first and second ranks within its military and security apparatus. These individuals are the primary architects of the violations, having directly planned and overseen their implementation. At the same time, it is essential to:

- Ensure that all victims have the right to file lawsuits against those directly responsible for their suffering, regardless of their rank or position, whether as direct perpetrators or supervisors.
- Avoid exempting perpetrators of grave violations from other parties to the conflict.
- Restrict criminal accountability processes to serious violations committed between March 2011 and December 2024, as there are presently insufficient resources to address violations that occurred before the popular uprising. These earlier violations should be handled by the Syrian state and government without overburdening the transitional justice body.
- Conduct periodic evaluations of the list of individuals subject to prosecution.
- Avoid selective or retaliatory trials.
- In parallel with criminal accountability, it is also essential to develop alternative justice mechanisms, such as restorative or reconciliatory justice, which allow society to engage with perpetrators in a manner that fosters reconciliation and recovery.

Prioritizing the prosecution of senior leaders: A key strategy for achieving transitional justice

Focusing on prosecuting senior leaders during the transitional justice period is a crucial step in addressing the legacy of widespread human rights violations. This approach seeks to hold the principal perpetrators accountable for atrocities, ensure justice for victims, and promote social reconciliation and the rule of law. The following analysis highlights the reasons for and importance of prioritizing the prosecution of senior leadership figures, along with key strategies for implementing this approach.

Importance of prosecuting senior leaders

- **Holding those responsible for the most serious crimes accountable**

Senior leadership figures, whether political or military, are often the masterminds behind systematic human rights violations. Prosecuting them addresses the root causes of these violations and demonstrates the state's commitment to justice and accountability.

- **Deterrence and preventing impunity**

Punishing key perpetrators sends a clear message that impunity will not be tolerated, deterring future leaders from committing similar crimes.

- **Symbolic significance and restoring legitimacy**

Trying senior leaders has great symbolic value, marking a clear break from previous oppressive practices and reaffirming the new state's commitment to accountability and the rule of law.

- **Strengthening trust in institutions**

By ensuring that no one is above the law, prosecutions can enhance public confidence in national institutions, thereby strengthening social cohesion.

- **Victim-centered justice**

Holding senior leadership figures accountable acknowledges the suffering of victims, providing them with a sense of justice, which is essential for healing and reconciliation.

2. The legal framework for criminal accountability

Under the former Assad regime, Syria's laws were systematically politicized, designed primarily to protect the Assad regime and its pillars. Many domestic laws were inconsistent with international standards and lacked any clear provisions for addressing major crimes such as war crimes and crimes against humanity. Therefore, these laws cannot be relied upon to ensure criminal accountability during the transitional justice period. Instead, there is a pressing need to design a specialist legal framework to address such grave violations.

The judicial system, in coordination with the transitional justice body, will establish specialist legal committees composed of local and international experts to draft this legal framework.

These committees will be tasked with reviewing existing national laws and drafting new criminal laws that align with international human rights standards, including a specific law for prosecuting major crimes.

Necessary legal amendments during the transitional justice phase

- Amend national laws to include clear definitions of international crimes such as war crimes, crimes against humanity, and genocide.
- Repeal laws that grant immunity to those responsible for violations, such as decrees or legislation that prevent the prosecution of security and military personnel.
- Develop legislation that allows for the retroactive prosecution of crimes committed during the armed conflict in accordance with international principles.
- Establish clear laws defining the jurisdiction of national courts responsible for addressing major crimes and serious human rights violations.
- Criminalize retaliatory trials and arbitrary or collective punishments against specific groups or sects.
- Ensure legal protection for victims and witnesses by enacting laws that guarantee the confidentiality of their identities and provide mechanisms to protect them from threats or reprisals.
- Align national laws with international law and commit to the international agreements ratified by Syria.
- Adopt principles of customary international law, including individual responsibility for war crimes and crimes against humanity.
- Uphold the right of the accused to a fair trial, including the right to defense and legal representation.

Ratification of the international criminal court or acceptance of its jurisdiction

Ratifying the Rome Statute would significantly enhance the integration of domestic and international efforts to achieve criminal accountability. It provides an international legal framework that ensures the jurisdiction of the International Criminal Court (ICC) over serious crimes committed during the Syrian conflict.

Advantages of ratification

Integrity and international expertise: The ICC brings extensive experience in prosecuting international crimes under fair trial standards.

Scope of jurisdiction: Ratification would allow the ICC to investigate past crimes committed during the conflict, overcoming restrictions imposed by domestic legal systems.

International support: Ratification reaffirms Syria's commitment to international standards, potentially securing global support for transitional justice efforts.

Challenges

Political resistance: Some factions within Syria may oppose the ICC's jurisdiction due to concerns over sovereignty or fear of prosecution.

Resource constraints: The ICC has limited capacity to handle the vast number of cases linked to the Syrian conflict.

Accepting ICC jurisdiction under article 12 (3)

The new Syrian government could utilize the mechanism available under Article 12(3) of the Rome Statute to accept ICC jurisdiction. This exceptional measure would grant Syria a historic opportunity to affirm its commitment to international justice principles by allowing the ICC to investigate serious crimes committed on its territory since July 1, 2002 (or since March 2011).

This process would enable the prosecution of crimes against humanity and war crimes affecting the Syrian people without the need for immediate ratification of the Rome Statute while ensuring government cooperation with the ICC in investigations and prosecutions. By making this declaration, Syria can strengthen the rule of law, demonstrate its commitment to protecting human rights, restore international confidence in its future institutions, and contribute to the prevention of impunity.

3. Fact-finding

To achieve criminal accountability, it is essential to rely on fact-finding committees, which play a pivotal role in gathering criminal evidence and necessary documents and presenting them to courts specializing in transitional justice cases.

The pivotal role of fact-finding committees

- **Enhancing accountability:**

They provide evidence that contributes to prosecuting perpetrators of violations before local judicial bodies specializing in transitional justice or international courts, thereby dismantling impunity systems.

They identify crime patterns and the parties responsible, strengthening efforts for criminal accountability and exposing the structures that enabled the violations.

- **Amplifying victims' voices:**

- These committees work to document victims' testimonies and highlight their suffering, aiding their integration into transitional justice processes.
- Focusing on victims contributes to restoring their dignity and meeting their needs in transitional contexts.

- **Contributing to societal reconciliation:**

- By uncovering the facts about past crimes, these committees lay the foundation for building trust within the community and promoting reconciliation.
- These efforts help pave the way for rebuilding state institutions and restoring trust in them.

Tasks of fact-finding committees

Collecting evidence and documents:

Security, military, and civil institutions hold numerous files and documents containing vital information that can serve as criminal evidence against perpetrators of human rights violations in Syria. These documents also contain crucial information that helps identify victims of the former Assad regime and uncover the fate of forcibly disappeared people.

In coordination with the transitional government, fact-finding committees must access these institutions to collect, archive, and create backup copies of relevant files and records for emergency use. These institutions include:

- Security branches and prisons, which contain a vast number of documents revealing the identities of detainees, forcibly disappeared persons, and victims of torture-related killings, as well as the supervisors of these facilities and their roles.
- Civil registry offices, which may contain thousands of death records for victims who were forcibly disappeared in Assad regime prisons.
- Military and civilian hospitals, which may hold critical documents, especially since these facilities were used by the former Assad regime as temporary storage locations for torture victims' bodies before their transfer to mass graves. They were also used as detention centers where detainees were tortured.
- Courts and judicial offices, which may contain relevant records.
- Institutions and offices responsible for property records, to document property rights violations committed by the former Assad regime and its affiliates.

Orphanages may also be potential locations for uncovering human rights violation documents, especially since the former Assad regime used some of these facilities to house detainees' children while completely withholding their records and preventing these children's identity from being disclosed, meaning the fate of many is **unknown to this day**.

Data analysis and report preparation:

- Verifying the accuracy of collected data through thorough field investigations and analysis.
- Conducting field investigations to identify potential perpetrators of grave violations.
- Preparing detailed reports which include investigative findings and recommendations for reforms and accountability.

Providing recommendations for reform:

- Proposing legal and institutional reforms to prevent the recurrence of violations, including security and judicial sector reforms.
- Suggesting measures for compensating or rehabilitating victims as part of a comprehensive restorative justice approach.

Challenges facing fact-finding committees

Access restrictions:

Committees may face difficulties accessing certain areas and institutions due to security constraints or political obstacles.

Fear of retaliation:

Witnesses and victims often fear retaliation, limiting their willingness to cooperate with the committees or provide testimonies.

Limited resources:

Documentation and investigation processes require significant financial and logistical resources, which are likely to be scarce in Syria, a country that has emerged from the conflict in a state of near-economic collapse.

Ensuring credibility:

The committees must maintain their independence and integrity to avoid perceptions of bias or politicization, which could undermine public trust in their work.

Best practices to enhance the effectiveness of fact-finding committees

Independence and integrity:

Committees must operate entirely independently of any political authority to ensure credibility and public trust.

Cooperation with civil society organizations:

Partnerships with local human rights organizations help strengthen data collection efforts and increase the legitimacy of the process.

Transparency and public participation:

Publishing findings periodically and engaging victims and affected communities enhance the legitimacy and credibility of the process.

Recommendations for future fact-finding committees:

- **Utilizing human rights organizations' expertise:**

Over the years, many Syrian human rights organizations, including SNHR, have built a vast database documenting violations perpetrated by all conflict parties, primarily the former Assad regime. They have also identified thousands of individuals involved in perpetrating human rights violations and war crimes during the conflict. Collaborating with these organizations and leveraging their expertise will facilitate the work of fact-finding committees and strengthen their credibility.

- **Using international reports:**

It is crucial to benefit from the expertise of international organizations that have meticulously documented violations in Syria, such as Human Rights Watch and Amnesty International. Additionally, reports from entities like the Independent International Commission of Inquiry on Syria, which has provided detailed accounts of grave violations committed by all parties to the conflict and compiled lists of thousands of suspected war criminals, should be utilized. These reports provide a strong evidentiary foundation and reinforce the legal process for holding perpetrators accountable.

- **Leveraging international expertise:**

The committees may need to seek international expertise in fact-finding, such as investigators experienced in examining armed conflicts and war crimes.

- **Engaging civil society:**

Civil society organizations which have worked closely with victims and their families over the years can facilitate direct communication with victims and share their expertise.

- **Operating within a comprehensive legal framework:**

Ensuring that investigations comply with international human rights laws, laws of war, and legal frameworks governing crimes against humanity provides legal safeguards for victims and witnesses while upholding the integrity of the process.

- **Cooperating with governmental bodies:**

Fact-finding committees cannot fully accomplish their mission without cooperation from the Syrian interim government. The government, in turn, should facilitate the committees' work and enable them to conduct the necessary investigations and collect crucial documents from government institutions.

- **Publishing investigation results:**

Regularly and publicly disseminating investigation findings is a fundamental step in ensuring transparency and accountability. Publishing these results fosters public trust, enhances credibility, and allows the international community and relevant entities to track the progress of investigative mechanisms, thereby reinforcing transitional justice efforts.

4. Establishing competent hybrid courts for war crimes and crimes against humanity

For decades under Assad's rule, the executive branch dominated both the legislative and judicial authorities, leading to the complete loss of judicial independence in Syria. From the very beginning of the pro-democracy movement, corruption became more widespread within the former regime's judicial system, which was used as a political tool to suppress citizens and issue arbitrary rulings against them. In the context of transitional justice, relying on the existing Syrian judicial system would be exceptionally challenging without comprehensive reforms to ensure the eradication of corruption. Additionally, the extant legal system's limited resources and capabilities hinder its ability to lead the process of prosecuting war criminals and perpetrators of grave violations. Thus, establishing a special criminal court for this purpose is essential.

This court would be a temporary judicial body, whose mission would conclude after the prosecution of all war criminals and human rights violators in Syria and the granting of appropriate reparations to victims.

Historically, different types of special courts have been used for transitional justice. Some countries relied on domestic courts, while others opted entirely for international courts, with hybrid courts established in various other cases.

In the Syrian context, relying solely on international courts is inadvisable for several reasons, including:

- The loss of national ownership over the accountability process.
- The risk of victims' rights being compromised in political settlements prioritizing state interests over justice.
- The slow and bureaucratic nature of international justice mechanisms.
- The severely limited number of individuals whom international courts can prosecute.

Relying entirely on national courts also presents major challenges, particularly:

The lack of sufficient expertise, with the local judiciary having never handled cases of war crimes and crimes against humanity.

This leaves the option of establishing hybrid courts (national courts with international expertise)

Creating hybrid courts as part of Syria's transitional justice framework offers a practical and effective approach, especially given the complexities of the Syrian conflict and the challenges within the domestic judicial system. Drawing upon successful international experiences, such as those in Sierra Leone, Cambodia, and Bosnia and Herzegovina, hybrid courts combine national and international elements in their composition and legal frameworks. This model balances national sovereignty with compliance with international justice standards.

Main advantages of hybrid courts in Syria

Balancing local ownership with international standards

- These courts would be established by the Syrian judiciary in cooperation with international experts, in coordination with the National Transitional Justice Commission, and in collaboration with the transitional government's Ministry of Justice.
- Hybrid courts bring together local and international judges, enhancing a sense of national ownership while ensuring compliance with international human rights standards.
- The involvement of international entities, under the supervision of the United Nations or similar bodies, helps to bolster neutrality and credibility while respecting Syrian sovereignty.

Addressing the weaknesses of local institutions:

The Syrian judiciary has been severely damaged due to years of autocratic rule and conflict, which have affected its independence and neutrality. Hybrid courts would provide international oversight and external expertise to help overcome potential bias and corruption.

Such courts could contribute to rebuilding public trust in judicial institutions by presenting a transparent and fair model for holding those responsible for serious violations accountable.

Focusing on serious crimes:

Hybrid courts are effective in addressing major crimes such as war crimes, crimes against humanity, and genocide.

Promoting social reconciliation:

By combining local and international participation, hybrid courts can strengthen the sense of shared responsibility for achieving justice. They also emphasize the international community's commitment to supporting Syrians in the process of attaining justice and accountability, thus boosting national reconciliation efforts.

Flexibility in design to suit the Syrian context:

The time period for the offences over which these courts would have jurisdiction should be limited to the period of the Syrian uprising, from March 2011 until the fall of the Assad regime, focusing on holding all those responsible for major crimes during this period accountable.

Challenges that need to be addressed

International and regional cooperation:

The success of hybrid courts depends on the cooperation of international powers involved in the Syrian issue, as well as regional actors.

Financial resources and sustainability:

These courts require significant financial resources to ensure their continuity, including covering operational costs, providing protection, and building capacities. Securing long-term international financial support will be crucial to achieving this goal.

Building public trust:

To ensure the legitimacy of these courts in the eyes of Syrians, comprehensive awareness programs must be implemented, engaging victim groups and civil society organizations to explain the importance of these courts and how they work.

The hybrid courts will consist of:

- Trusted Syrian judges and lawyers with excellent legal experience, independence, and integrity, who have never colluded with the former Assad regime.
- International experts and judges to provide counsel and ensure compliance with international standards.

It is important that these courts be established based on the following conditions:

- The court should be established on Syrian territory to ensure the supremacy of national law and restore citizens' trust in the judicial system.
- Domestic efforts should be central, with clear boundaries established on the nature and type of international intervention in the accountability process.
- Full independence of the court from the executive authority.
- The court should be subject to civilian oversight by civil society organizations and the media to ensure its neutrality and integrity.
- The court should work within a domestic legal framework that respects international standards.
- The court's work should be integrated with other transitional justice agencies, including truth-finding commissions, to obtain the necessary documents for issuing criminal judgments.

5. Utilizing international mechanisms to prosecute war criminals who have fled the country

After the fall of the former Assad regime, many individuals involved in war crimes and crimes against humanity fled Syria, including the head of the Assad regime, Bashar Assad, and his brother Maher, as well as several prominent officials responsible for human rights violations in Syria. These individuals include senior leadership officials leaders such as former Defense Minister Ali Abdullah Ayyoub and several security and military leaders, including Jamil Hassan, Suheil al-Hassan, and Adeeb Nemer Salama.

To ensure these individuals do not escape justice after fleeing the country, a range of international and legal mechanisms can be used, including:

- **First**, international cooperation can be requested based on international treaties, such as the UN Convention against Corruption or extradition agreements. These treaties allow official requests for other countries to prosecute and extradite the accused in accordance with legal procedures.
- **Second**, some countries apply the principle of universal jurisdiction, which allows them to prosecute international crimes such as war crimes and crimes against humanity, even if these crimes were committed outside their territory. This opens the door for pursuing perpetrators in host countries that have judicial systems supporting this approach.

- **Third**, bilateral and regional agreements can be used for extradition. If an agreement is signed between Syria and the country where the accused has sought refuge, it becomes legally possible to request that individual's extradition in accordance with the prescribed procedures. An example of this is the extradition agreement signed between Syria and Russia in 2022, which could be used to demand that Russia extradite individuals involved in violations, including Bashar Assad, when he is tried in the future.

Challenges and limitations

There are several challenges that these mechanisms might face, including:

- **Escape from justice:** The possibility that the accused may flee to countries that refuse to extradite them, especially if they have political protection or strong ties with the former Assad regime.
- **National sovereignty:** The absence of a legal commitment by countries to extradite the accused in the absence of extradition agreements.
- **Lengthy procedures:** International trials are often slow and complex, which may weaken victims' trust in the process.

Recommendations to enhance effectiveness

- Strengthening international pressure through the UN and human rights organizations to urge the countries where the accused have fled to cooperate.
- Negotiating bilateral or multilateral agreements for the extradition of the accused, particularly with countries where the accused are likely to flee.
- Applying international pressure on countries hosting the accused, including economic and diplomatic sanctions.
- Ensuring that the Transitional Justice Commission in Syria provides strong evidence to convict the accused before international courts.

B. Truth and reconciliation

The revelation of the truth represents a fundamental pillar in the path of transitional justice, as it contributes to addressing the legacy of violations and building social trust, paving the way for national reconciliation. The objectives of the truth-seeking process include:

- Adopting a victim-centered approach, identifying their priorities and needs.
- Determining the fate of the missing, including those subjected to enforced disappearance.
- Contributing to the process of criminal accountability by identifying the perpetrators of violations in Syria.
- Identifying the facts of the violations, their context, and their consequences.

To achieve these goals, the National Commission for Transitional Justice must form specialized truth commissions with broad powers to carry out their work effectively. These commissions should include legal experts, psychologists, sociologists, representatives of civil society, and representatives of victims and survivors, in addition to community leaders and local notables, who play a crucial role in community reconciliation. Their participation enhances the acceptance of the commissions' results at the local level.

The tasks of the truth commissions are:

1. Documenting violations and identifying the perpetrators.
2. Determining the fate of the missing.
3. The role of truth commissions in achieving reconciliation.

1. Documenting violations and identifying perpetrators

Truth commissions document violations and gather testimonies from victims, which holds significant importance in the process of transitional justice for the following reasons:

- **Revealing the truth about violations and their societal impacts.**

Documenting violations committed in Syria, including extrajudicial killings, arbitrary detentions, enforced disappearances, forced displacement, looting of property, and others, and understanding the wider societal impacts caused by these violations.

- **Identifying those responsible for violations.**

Whether those responsible are individuals (military or security personnel, or armed groups) or institutions (including the judicial system and various state institutions involved in the violations, or even civil society organizations led by the ousted president's wife, Asma Assad).

- **Bridging societal rifts and supporting reconciliation efforts:**

By highlighting the violations suffered by different components of Syrian society along sectarian or ethnic lines, contributing to the development of effective mechanisms for building trust and civil peace.

- **Building a collective national memory:**

Documenting testimonies from survivors of massacres, military attacks, prisons, detention centers, forced displacement, and all forms of repression contributes to presenting a comprehensive narrative of the past, aiming to build a collective national memory.

- **Supporting accountability commissions:**

Through accurate and comprehensive documentation of the violations victims were subjected to, cross-referencing their testimonies with physical evidence, human rights reports, photographs, documented videos, official records, and expert analyses, we ensure the creation of cohesive legal files supporting national and international judicial efforts to hold perpetrators accountable and prevent impunity.

- **Understanding victims' priorities to build effective reparation programs:**

Designing reparative policies, including compensation for survivors, rehabilitation of former detainees, and rebuilding affected areas in accordance with the needs of the population.

The importance of gathering testimonies from those involved in violations:

- **Understanding the organizational structure of violations:**

Testimonies from perpetrators provide a valuable opportunity to understand the organizational structure of the violations that occurred in Syria, such as the methods used by security services and armed militias in carrying out arbitrary arrests, and inflicting torture in detention centers, and to reveal the locations of mass graves, especially with tens of thousands of Syrian families still desperate to know the fate of their missing loved ones. This information contributes to identifying key officials and decision-making mechanisms that led to such heinous human rights violations.

- **Contributing to building the historical narrative:**

Documented testimonies help in painting a comprehensive picture of the atrocities that occurred during the Syrian conflict. These narratives contribute to documenting events from the perspective of both victims and perpetrators, strengthening societal acknowledgment of the scale of the violations and assisting in building a national memory that paves the way for reconciliation and institutional reform.

- **Alleviating pressure on the judicial system:**

Given the complexity of the Syrian situation, where multiple parties were involved in widespread violations, it may be impossible to prosecute all perpetrators in the post-conflict phase. Therefore, the recorded testimonies from perpetrators provide a framework through which accountability can be achieved through other means, such as public acknowledgment of crimes or offering crucial information in exchange for reduced penalties, assisting in achieving justice without overwhelming the courts with cases beyond their capacity.

- **Supporting reconciliation and community healing:**

Public sessions where perpetrators admit their crimes can contribute to achieving civil peace and lowering tension levels, supporting restorative justice, and fostering long-term peace and stability.

Challenges in gathering testimonies:

When collecting testimonies from victims or perpetrators, truth commissions will face numerous challenges, including:

Fear of prosecution:

Individuals who were involved in perpetrating violations may hesitate to give their testimonies for fear of these being used as evidence against them in future trials, reducing their cooperation with truth commissions.

Legitimacy and public trust:

Ensuring the credibility of the testimonies and ensuring that they are given voluntarily and not coerced is essential to gaining the community's trust. In a polarized environment like Syria, truth commissions may face accusations of bias, whether from victims who fear leniency toward perpetrators or from involved parties who may view these commissions as a tool for political revenge.

Security threats:

In tense environments like Syria, giving testimonies may expose individuals to retaliatory risks from victims, hindering their willingness to participate.

Resource limitations:

Organizing hearings, conducting thorough investigations, and verifying testimonies require significant financial and human resources, which may be difficult to obtain in Syria due to deteriorating economic and living conditions.

The need to protect witnesses and victims:

Ensuring the protection of victims and witnesses is an additional challenge, as it requires security measures to guarantee their safety, complicating the task of truth commissions and affecting the possibility of free participation from witnesses.

Proposed mechanisms to address these challenges:

Implementing a conditional amnesty system:

Amnesty can be offered to individuals who admit their responsibility and provide valuable information which helps ensure that prominent figures who committed severe crimes remain liable for prosecution.

Offering options for confidentiality:

To reduce security risks, the commission can provide options for giving testimonies confidentially or anonymously, while maintaining the quality of information and its value for investigations.

Organizing controlled public hearings:

Public hearings can enhance societal acknowledgment of violations, but they should be carefully managed to ensure the safety of participants and prevent re-traumatizing victims. Live broadcasts or documenting sessions can strike a balance between transparency and participant protection.

Victim-centered approach:

To ensure the success of truth commissions, priority must be given to the needs of victims, including providing psychological and social support, ensuring security protection, and involving them in the design and execution of the process.

2. Determining the fate of the missing

After the fall of the former Assad regime and the opening of detention centers, the Syrian Network for Human Rights (SNHR) estimated that fewer than **24,200 individuals** had been released. However, SNHR database (as of August 2024) indicates that the total number of detainees and forcibly disappeared individuals is **136,614**, meaning that over **112,414 individuals** remain forcibly disappeared at the hands of the former Assad regime, in addition to nearly **17,000** forcibly disappeared by other conflict parties. This does not include hundreds of other missing individuals.

The institutional recognition of enforced disappearances, alongside the revelation of the fate of the disappeared, is a crucial cornerstone in the truth-seeking process that paves the way for national reconciliation. Providing families of victims with clear answers about their loved ones is a right that cannot be overlooked, as pain remains as long as the truth is absent.

In this context, the establishment of commissions to uncover the fate of the forcibly disappeared is one of the key tools used to achieve transitional justice. Their tasks include conducting investigations, taking necessary actions to identify the missing, revealing the burial sites of those killed under torture, and returning their remains to their families.

These commissions consist of:

- Experts in criminal investigations.
- Experts in forensic medicine, genetics, anthropology, and forensic evidence analysis.
- Representatives of international organizations specializing in this field, such as the Independent Commission for Missing Persons (Independent Institution on Missing Persons in the Syrian Arab Republic (IIMP)) and the International Commission on Missing Persons (ICMP).
- Experts in documentation with a record of working in this field in previous years.

During the process of searching for the remains of the missing and identifying them, the commissions must cooperate with:

- **National authorities:** To provide the necessary security and logistical support for search teams.
- **Domestic and international human rights organizations:** To support documentation efforts, provide technical expertise, and share data on the forcibly disappeared.
- **Judicial bodies:** To ensure that the evidence gathered is used in fair investigations and trials.
- **Victim and missing persons' family associations:** To ensure their involvement in the search process and provide essential information about the missing.

Mass graves are a primary starting point for the work of missing persons search committees:

Since the fall of the former Assad regime, dozens of sites containing mass graves filled with the remains of those forcibly disappeared and killed under torture have been uncovered. The Syrian Network for Human Rights (SNHR) has already issued a call to the Syrian interim government to protect these sites as crime scenes containing crucial forensic evidence. Protecting these sites is a first step toward achieving transitional justice, and helps the missing persons search committees perform their tasks effectively, including:

1. Field search

The missing persons search committees begin by identifying mass grave locations through working in cooperation with the interim government, utilizing various sources such as witness testimonies, maps, documents left by the former Assad regime, and reports from human rights organizations. After pinpointing these locations, field search operations are systematically launched, with careful measures based on international humanitarian law, human rights laws, international criminal law, and adherence to reference protocols such as the Bournemouth Protocol regarding the protection and investigation of mass graves.

2. Evidence Collection

Mass graves are considered an important source of forensic evidence that can support investigations into war crimes and crimes against humanity committed by the Assad regime. This evidence includes the remains of victims, other physical evidence such as pieces of clothing, weapons used, and any documents that may be buried with the victims.

The evidence collection process requires scientific and technical expertise to ensure the evidence is usable in legal proceedings.

3. Documentation

After collecting the evidence, it is crucial to document it accurately and comprehensively, including recording the location, condition of the bodies, and materials found with them.

4. Investigation

Effective and impartial investigations based on international human rights standards must be conducted. These investigations help determine the circumstances surrounding the crimes through analysis of physical evidence, such as the positioning of the bodies, types of injuries, and burial methods. They also shed light on the causes of death, supporting the principle of accountability and the prosecution of those involved in the violations.

5. Identification of Victims

One of the primary tasks of the missing persons search committees is identifying the victims. This step requires close collaboration with international experts and specialists due to the limited local capacity in this field.

We at the Syrian Network for Human Rights (SNHR) have previously called for utilizing the expertise of the International Commission on Missing Persons (ICMP), which has a strong record in handling missing persons issues and dealing with mass graves in complex conflict settings, including the Syrian conflict. The commission effectively contributes to identifying the victims through use of advanced techniques, including DNA analysis, and provides valuable assistance in documentation, evidence collection, and exhuming the remains of victims from mass graves.

6. Communication with Victims' Families

Throughout the process, the missing persons committees must communicate with the families of the victims, who play a crucial role in the identification process. Information must be regularly provided to the victims' families about developments in the search efforts. Ultimately, the victims' remains should be handed over to their families for proper and dignified burial.

Importance of the Missing Persons Search Committees' Work:

Community Recovery

Revealing the fate of forcibly disappeared individuals helps alleviate the suffering of their families and supports community recovery efforts. It also contributes to preserving the collective memory and addressing the effects of the injustices caused by severe violations.

Restoring Victims' Dignity

Identifying the victims, retrieving their remains, and burying them in a manner worthy of their humanity constitutes a symbolic recognition of their sacrifices, restoring some of the dignity to them and their families which was cruelly stolen by the violations they endured.

Supporting Justice and Accountability

The information and evidence provided by the missing persons committees help bring perpetrators to justice and prove their responsibility for the violations.

Documenting Violations

The work of the missing persons committees complements the work of truth-seeking committees, contributing to the documentation process and building an accurate historical record of violations.

Promoting National Reconciliation Efforts

Revealing the truth aids in healing the wounds of affected communities, which in turn helps to heal societal divisions and promotes reconciliation efforts, preventing retaliatory actions. The work of the missing persons search committees also strengthens trust between the state and society, paving the way for sustainable stability in Syria.

Strengthening International Trust

Commitment to uncovering the fate of the missing and adherence to international human rights standards enhances trust between the new Syrian government and the international community.

3. The role of truth commissions in achieving reconciliation

The transitional justice approach cannot succeed by focusing solely on criminal accountability, especially given the judiciary's inability to absorb all the grievances Syrians have suffered for nearly 14 years. This highlights the importance of local accountability as a complementary approach to criminal accountability.

Local accountability refers to community efforts to address grievances and achieve reconciliation without resorting to formal legal proceedings. These mechanisms aim to build trust between individuals and groups, enhancing social cohesion through flexible local solutions that respect cultural and social contexts. Truth commissions oversee local accountability efforts to create an environment more receptive to community reconciliation and coexistence.

To carry out this mission, truth commissions are tasked with forming customary councils and reconciliation committees in all Syrian governorates. These councils and committees include community elders, whether these are leadership figures, tribal leaders, or religious figures.

These committees work on:

- Settling local disputes through dialogue and negotiation between conflicting parties.
- Restoring rights to their rightful owners through consensual solutions, such as compensation or restitution of property.
- Promoting community reconciliation by organizing meetings that bring together victims and members of the community to foster understanding and forgiveness.
- Ensuring apologies and acknowledgments of responsibility as a means to end conflict and build trust.
- Promoting a culture of civil peace through awareness campaigns and initiatives to enhance coexistence among various groups.
- Reintegrating affected individuals into society through psychological, social, and economic support programs.

Truth commissions may benefit from the experiences of tribal communities in Syria, which have worked in previous years on tribal reconciliation mechanisms involving solutions such as forgiveness, mutual agreements, paying blood money, or offering public apologies as an alternative to traditional punishments. These mechanisms have proven effective, particularly in light of the instituting role of civil courts in Syria.

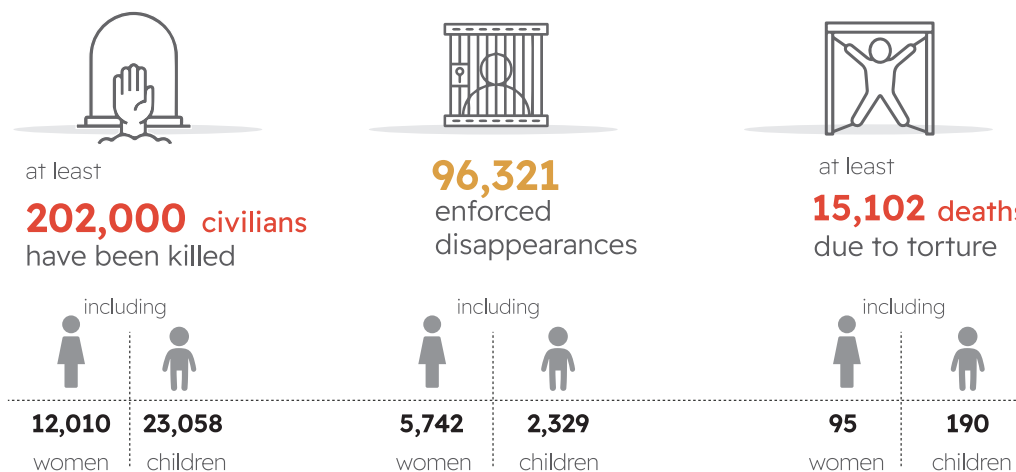
Local accountability forms a complementary approach to criminal accountability, encouraging less involved perpetrators to admit their mistakes and participate in repairing the harm they caused, thereby promoting the concept of restorative justice as part of rebuilding the social fabric. It is also seen as a successful approach within the Syrian community structure that respects customs and traditions.

Furthermore, adopting this approach contributes to establishing sustainable mechanisms for resolving future conflicts, providing an institutional framework that enables communities to address grievances peacefully. This reduces the pressure on the overburdened Syrian judiciary and reduce the likelihood of new cycles of violence resulting from individual retaliatory actions.

C. Reparations, compensation, and memorialization

Since the outbreak of the popular movement in Syria in 2011, SNHR has dedicated its efforts to documenting violations on a daily basis with the aim of supporting the path of justice and achieving accountability. SNHR has established a comprehensive database that includes millions of documented incidents and has released over 1,800 reports and statements covering various forms of violations suffered by the Syrian people.

As SNHR's database attests, at least **202,000 civilians** have been killed by Assad regime forces, including 23,058 children and 12,010 women. SNHR also documented **96,321** enforced disappearances committed by Assad regime forces, including 2,329 children and 5,742 women. Additionally, SNHR has recorded at least **15,102 deaths** due to torture, including 190 children and 95 women.



These widespread violations have led to the displacement of approximately **13.8 million people**, divided into about **6.8 internally displaced persons (IDPs)** and **7 million refugees** who sought asylum abroad, according to reports from the Office of the UN High Commissioner for Refugees (UNHCR). The conflict has also resulted in massive destruction of infrastructure and a total collapse of vital sectors, including education, health, and essential services.

In the **transitional justice phase**, it is essential to address the repercussions of these violations seriously and work on repairing what can be repaired, through adopting a comprehensive approach that tackles societal wounds and rebuilds trust in institutions. This requires implementing comprehensive compensation and reparation programs, including providing material and moral support to victims and ensuring their reintegration into society, while taking into account the complexities of the Syrian context, including the large number of victims, as well as the deep economic and political challenges facing the country.

1. Financial compensation

Material compensation includes victims and their families, as well as the affected communities that have suffered significant losses during the conflict. There are multiple forms of financial compensation determined by the relevant authorities, which may include:

- **Cash assistance:** can be provided to victims or their families depending on the type and magnitude of damage suffered. These payments can be one-time or long-term financial aid, such as salaries for widows and orphans or pension schemes.
- **Preferential services:** Material compensation may include preferential services for victims or their families, such as free services in the areas of health, education, housing, or their reintegration into government jobs.
- **Restoration of property rights:** This can be done through the formation of specialized local committees to resolve property disputes in cooperation between the Ministry of Justice in the new government and the National Transitional Justice Authority, to restore property rights to their owners, assess the damage to property, and provide appropriate compensation to those affected.
- **Housing project financing:** Offering grants or interest-free loans for rebuilding homes in affected areas, or providing alternative housing units for families who lost their homes.
- **Economic rehabilitation support for individuals:** By providing concessional loans or direct financial grants to help affected individuals restore their economic activities, such as supporting farmers to replant their lands or small business owners to resume their operations.
- **Creating collective compensation programs:** Targeting affected communities to rebuild local markets and the economic infrastructure, ensuring that residents have access to new economic opportunities.
- **Compensation for loss of income:** disbursing financial payments for the loss of income incurred due to injury or loss of the breadwinner.
- **Rehabilitation of infrastructure:** In affected areas and restoring essential services as a form of collective compensation for the area as a whole.

These material compensations play a crucial role in the success of the transitional justice process, as they help alleviate the suffering of victims and encourage them to engage in national reconciliation efforts, while also promoting economic recovery and social stability.

2. Moral reparations and memorialization

One of the main advantages of moral reparation and memorialization programs is that they contribute to healing the wounds of the victims, recognizing their suffering, and working to restore their dignity and honor. These programs also target a wide segment of society and are easier to implement compared to material compensation. However, these programs cannot replace direct material compensation for victims, as victims and their families may feel disappointed if the compensation is only symbolic. That is to say that compensation being limited to its symbolic aspects can be viewed, from the victims' perspective, as disregard for their painful experiences.

Mechanisms for moral reparation and memorialization in Syria

1. Rehabilitation of victims and providing legal support

- **Psychosocial rehabilitation:** Providing psychological and social rehabilitation programs for victims, including individual and group psychological support to help them recover from the psychological impacts of violations.
- **Legal support:** Enabling victims to obtain necessary legal support to claim their rights, including providing legal advice, assisting them in filing complaints, and representing them in courts, thereby enhancing victims' sense of justice and empowerment.
- **Continued protection of victims' rights:** Providing legal guarantees to protect the rights of victims and ensure that violations do not recur in the future, including protection of witnesses and survivors from retaliation.

2. Building memorials and monuments

- **Physical memorials:** Establishing symbolic landmarks such as name walls or major memorials in areas most affected by the conflict or those that saw significant resistance. These spaces serve as places for reflection and remembrance, reflecting a national commitment to justice for the victims.
- **Local small memorials:** Erecting small memorials at the local community level, strengthening people's connection to their local victims and reinforcing the idea of a shared history.

3. Designating national commemorative days

- **Commemorative national days:** Designating national days to honor the victims and their sacrifices, including martyrs or survivors of violations. These days may include public events, exhibitions, and cultural performances to educate the community and future generations about the uprising's legacy and lessons.

4. Establishing museums and archives

- **Museums and documentation centers:** Establishing museums displaying testimonies from victims, artifacts, and photos documenting the uprising and its events. These spaces aim to educate future generations about the importance of the struggle for freedom and justice.
- **Digital archives:** Developing virtual platforms that allow everyone to access victims' testimonies and documents, making national memory accessible globally.

5. Symbolic compensation

- **Naming public places after victims:** Naming streets, schools, hospitals, and squares after victims or individuals who made significant contributions to the uprising.
- **Cultural events:** Organizing art exhibitions, musical performances, or theater plays expressing the victims' suffering and immortalizing their memories while promoting messages of justice and reconciliation.

6. Public apologies and recognition of sacrifices

- **Official apologies:** Encouraging transitional institutions or future authorities to offer public apologies recognizing the injustice done to victims and acknowledging their role in bringing about change.
- **Public/group sharing activities:** Organizing ceremonies where survivors and families of victims can publicly share their stories, reinforcing community recognition of their suffering.

7. Incorporating the uprising's legacy into education

- **Incorporating the uprising's history into curricula:** Including stories of the Syrian uprising and the sacrifices of the victims in school curricula to ensure these events remain present in the consciousness of future generations.
- **Human rights educational programs:** Developing curricula and programs focusing on the lessons of the uprising and its importance in establishing human rights and justice.

8. Comprehensive memorialization initiatives

- **Engagement of victims' families and civil society:** Involving victims' families, survivors, and civil society organizations in designing and implementing memorialization initiatives to ensure the efforts are inclusive and meaningful.
- **Representing all victims:** Ensuring that memorialization initiatives include all ethnic, religious, and political groups to avoid bias or discrimination.

9. International cooperation to support local efforts

- **Sharing experiences:** Drawing on experiences from other countries (such as Rwanda or Colombia) in using memorialization as part of transitional justice.
- **Global advocacy:** Using international platforms to highlight the stories of Syrian victims and garner global support for recognizing their suffering and legacy.

Mechanisms for forming compensation and reparation committees

In the Syrian context, a transitional justice body will face enormous challenges when designing material and moral compensation programs, given the millions of victims who have suffered from various forms of violations, including mass killings, torture, enforced disappearances, displacement, and systematic destruction of land and property.

Compensation committees should include:

- Government representatives, judges, and human rights experts.
- Civil society representatives.
- Representatives of victims and their families.
- International advisors to ensure the process complies with international standards.

These committees will study the conditions of victims and their families, and handle the following tasks:

- Identifying the target groups for compensation (individuals and communities) and determining whether the compensation will be based on harm, need, or both.
- Identifying the types of harm eligible for compensation, whether economic, physical, or psychological.
- Designing fair and effective mechanisms to determine the extent of the harm and appropriate compensation.
- Structuring compensation, including individual financial compensation, compensation targeting affected communities, service-based compensation, and moral reparation.
- Determining how compensation will be distributed, with a timeline for the process.

To determine compensation amounts fairly, the relevant committees should cooperate with the criminal court concerned with transitional justice, which will play an important role in setting the value of individual material compensation based on judicial rulings. They should also benefit from the recommendations of truth commissions that have conducted numerous interviews with victims and their families, documenting the scope and nature of the violations they endured.

Furthermore, consulting with affected communities is a key step in developing the compensation and reparation plan, ensuring their needs and priorities are directly addressed. This plan must be implemented through mechanisms that respect the dignity of survivors and avoid any practices that could retraumatize them, while considering the cultural and social specifics of the communities involved.

Finally, strict monitoring mechanisms must be enforced to ensure the integrity and transparency of the process, guaranteeing that compensation reaches those who truly deserve it, preventing any form of corruption or exploitation, and providing regular reports to highlight the progress of implementation and assess its effectiveness.

Timeline

In general, compensation and reparation programs include two main phases:

- **An urgent phase:** Providing emergency compensation for the victims who need it the most.
- **A medium- and long-term phase:** Including reconstruction, social recovery, and restitution of property.

Challenges that compensation and reparation programs may face

1. Financial resource shortages

Securing the necessary financial resources to provide appropriate material compensation for victims is a major challenge, especially given the widespread economic destruction left by the former Assad regime as a result of the plundering of national resources and the destruction of infrastructure.

Available solutions to address the financial resource shortage include:

- **International partnerships:** Collaborating with international institutions such as the UN, the World Bank, the European Union, and donor countries to obtain financial and technical support and allocate resources to fund compensation and reparation programs.
- **Innovative financing mechanisms:** Adopting alternative financing mechanisms such as establishing a special credit fund to finance compensation programs or imposing temporary taxes on large companies or high-income individuals.
- **The assets of the Assad regime:** Using the assets and funds confiscated from perpetrators of violations and war crimes to finance compensation and reparation programs.
- **Provisional seizure of the assets of businessmen:** who accumulated their wealth using the broad powers and privileges granted to them by the Assad regime.
- **Linking compensation with reconstruction:** Designing material compensation programs that integrate with reconstruction projects, where resources are allocated to rehabilitate affected areas in ways that directly benefit victims, such as rebuilding homes, hospitals, and schools.
- **Encouraging local and international contributions:** Launching campaigns to raise donations from the private sector, Syrian expatriate communities, and non-governmental organizations to support reparation and reconstruction programs.

2. Disparities in the distribution of compensation

Due to the limited resources, material compensation usually cannot cover all victims, and priority is given to those who are most affected and vulnerable (for example, a victim who was forcibly displaced and had their home completely destroyed due to military attacks is prioritized for compensation over a victim whose home was partially damaged). These disparities may lead to a sense of injustice among other groups who are not included in the compensations.

Available solutions to address this challenge include:

- **Setting clear and fair compensation standards:** By establishing a transparent legal framework that defines compensation criteria based on the type and extent of the damage. A unified assessment mechanism should be adopted that includes all affected groups, such as survivors of detention, families of the missing, the displaced, and owners of destroyed property.
- **Conducting a comprehensive damage and victim survey:** Implementing field documentation programs to collect data on the damage suffered by individuals and communities to ensure no eligible group is overlooked. This should include collaboration with civil society organizations to gather information and prioritize according to the extent of the damage and need.
- **Enhancing transparency and involving victims in the compensation process:** By publishing lists of beneficiaries and compensation criteria to ensure clarity and fairness in distribution. A mechanism for filing complaints and appeals should also be provided so that victims who feel they have been treated unfairly can request a review of their compensation.
- **Including various compensation options:** Not limiting compensation to financial compensation but providing alternatives such as land grants, job opportunities, free services, or economic rehabilitation programs for the affected, such as supporting small businesses and offering soft loans, to ensure sustainable compensation.
- **Applying a phased and flexible approach to compensation:** By dividing compensation into time-based phases, starting with the most affected cases and then moving to others. Initial rapid compensation should be provided to those in urgent need, such as displaced individuals and poor families, with further compensation provided later based on detailed assessments.

3. Legal complexities

Determining the rights of victims may take a long time due to the need for thorough and comprehensive investigations to identify the affected individuals, document the type and extent of violations they have been subjected to, and estimate the appropriate compensation. Additionally, legal disputes may arise over the return of seized property or compensation for damages, particularly in light of many Syrians losing legal documents proving ownership, or because of the former Assad regime's looting of Syrians' property and its resale or redistribution. Furthermore, establishing fair and transparent mechanisms for distributing compensation requires a solid legal framework to ensure that no one is excluded or treated unjustly, thus complicating the implementation of reparation programs.

Available solutions to address legal complexities include:

- **Establishing a specialized legal body:** Creating an independent legal body responsible for resolving disputes related to rights and compensation, consisting of experts in international law and human rights.
- **Expediting legal procedures:** Adopting streamlined and rapid legal procedures for cases with strong evidence or simpler cases, and allocating additional resources to investigate complex cases.
- **Comprehensive documentation programs:** Utilizing the work of truth commissions under the national transitional justice body to help identify victims and assess entitled compensation.
- **Flexible legal framework:** Developing national laws that consider the local context and provide fair solutions to the challenges of compensation and property recovery.

4. Social disputes

Due to political and sectarian divisions, compensation and reparation programs may face objections from certain community groups who may perceive the compensation as unfairly distributed or biased towards one group over another. This could deepen divisions and hinder national reconciliation efforts, especially if these programs are not designed in a way that is inclusive and transparent, addressing the needs of all victims and clearly identifying those who should be prioritized in a neutral manner.

Available solutions to address social disputes include:

- **Community dialogue programs:** Launching programs aimed at fostering dialogue among different community groups to create a mutual understanding of the importance of reparation programs and achieving justice.
- **Designing inclusive programs:** Ensuring that compensation programs include all affected groups without discrimination, with clear and transparent standards that guarantee fairness in distribution.
- **Community involvement mechanisms:** Involving representatives from all community groups in the design and implementation of compensation programs to ensure acceptance from all parties.
- **Comprehensive awareness campaigns:** Organizing media campaigns to clarify the objectives of compensation programs and dispel claims that may lead to misunderstandings or polarization, along with transparency about how compensation is distributed and who the beneficiaries are.
- **Legal and political guarantees:** Establishing independent monitoring mechanisms to ensure that the programs are implemented transparently and impartially, free from political and sectarian influences.

D. Institutional reform (judiciary, security, military)

Reforming institutions during the transitional phase is considered one of the most important pillars in building a new Syria based on justice and the rule of law. Although all state institutions need comprehensive reforms due to the corruption that penetrated them during the Assad regime, priority in the transitional justice phase should primarily be given to judicial, security, and military institutions, as they were the most involved in committing grave violations against the Syrian people during the years of conflict. This involvement led to a loss of trust, turning these institutions from tools for protecting the people into tools for repression and violating human rights.

1. Reforming the judiciary

Reforming the judicial authority in Syria is the cornerstone of SNHR's transitional justice vision. It is also the backbone of any real political transition or societal rebuilding that restores the principle of the rule of law and achieves transitional justice based on independence and integrity. This reform is not limited to superficial amendments to some texts or the cancellation of exceptional institutions, but it requires fundamental changes in the structure of the judiciary and its working mechanisms, making it financially and administratively independent, and in line with international standards for a fair trial process.

This reform requires restructuring Syria's Supreme Judicial Council and the laws regulating judicial independence, abolishing exceptional courts or integrating them into the ordinary system, promoting transparency in appointments and promotions, and raising the levels of salaries and training. Below is a detailed explanation of these crucial aspects:

1. Restructuring the Supreme Judicial Council and laws regulating judicial independence

1.1. Freeing the Supreme Judicial Council from the dominance of the executive authority

- **Separating the presidency of the Supreme Judicial Council from the presidential office:** This requires amending constitutional and legal provisions so that the President of the Republic is not the head of the Supreme Judicial Council. The council president can be elected from among senior judges with a reputable professional history, or appointed by a specialized judicial committee to ensure plurality and independence.
- **Establishing an independent judicial body:** A 'Supreme Judicial Council' can be established with full powers to manage judicial affairs away from the interference of the Ministry of Justice or executive and security bodies. Its membership should be based on competence, seniority, and integrity, with any form of political or party-based quotas or loyalties prohibited.

1.2. Reforming the laws regulating judicial independence

- Rewriting the judiciary law to prohibit any executive body from interfering in judicial matters, with legal protections to prevent arbitrary transfer or dismissal of judges without clear procedures. Any disciplinary measures should be overseen by an independent judicial committee.
- Ensuring financial and administrative independence by creating a separate judiciary budget approved by an elected legislative body, independent of executive interference, while granting the judiciary the authority to manage its administrative and financial affairs independently.

1.3. Enhancing the separation of powers through constitutional safeguards

- **Prohibiting the holding of both executive and judicial positions:** The constitution should prohibit any executive official from heading any judicial body or supervising it, including legal advisory committees.
- **Activating the role of the Constitutional Court** to ensure effective oversight of laws and decrees in line with the principle of judicial independence, through reforming the mechanism for appointing its members so they are not subject to the dominance of the President or the executive authority.

2. Abolishing exceptional courts and integrating them into the regular judiciary

2.1. Dismantling the exceptional-based structure

- **Abolishing emergency laws and special courts:** Abolishing exceptional courts is a decisive step in restoring trust in the judiciary, along with the cancellation of all decrees and decisions that established them.
- **Closing the emergency laws system:** For decades, emergency laws have been used to violate fundamental rights, requiring either their complete abolition or modification to align with constitutional and international standards, ensuring no exceptions to the defendant's right to a fair trial.

2.2 Integrating competencies into the regular judiciary

- Expanding the powers of ordinary courts to be responsible for all criminal and security cases, provided that they comply with constitutional and procedural legal rules, including ensuring the right of defense and not considering confessions obtained under torture.
- Establishing specialized criminal divisions within the ordinary courts, such as divisions specializing in terrorism cases, but emphasizing adherence to fair trial standards, subjecting them to higher judicial oversight, and ensuring the right to appeal and review.

2.3. Applying fair trial standards

- **Ensuring humane treatment of defendants:** This requires putting an end to arbitrary detention and obligating security authorities to present defendants before a judge within a short period. Torture must be criminalized, and obtaining confession under the duress of torture must be also prohibited.
- **Strengthening defense rights:** This includes ensuring the defendant's right to appoint an independent lawyer, providing sufficient time to prepare a defense, allowing lawyers to access case files with political or security aspects, and providing mechanisms to protect them from threats or retaliation.

2.4. Reforming the system of enforcement of judgments and appeals

- Enhancing appeal and review mechanisms to ensure there are higher courts that guarantee the review of judgments, including those in sensitive cases such as terrorism and national security.
- Establishing judicial oversight over the enforcement of sentences, allowing judges to supervise the application of penalties and ensure compliance with human rights standards. Judges should also have the right to inspect prisons and detention centers to ensure no legal or human rights violations occur against the convicted.

3. Promoting transparency in appointments, promotions, and improving judges' material conditions

3.1. Establishing objective criteria for appointments and promotions

- Adopting the principle of competence and merit in selecting judges, ensuring appointments are based on written exams and rigorous professional interviews, away from any political or security quotas.
- Establishing a transparent promotion mechanism based on professional performance and independent judicial inspection reports, involving judges themselves in evaluating the professional trajectory of their colleagues to ensure integrity.

3.2. Improving the material conditions of judges and court employees

- Increasing salaries and improving incentives to ensure judges have a dignified life without needing to seek secondary or additional sources of income that may expose them to corruption or political pressure.
- Providing health insurance and pensions to ensure judges' financial and professional independence, reducing the possibility of influencing them through threats to their professional or personal stability.

3.3. Enhancing Training and Professional Development

- Restructuring the Judicial Institute to include modern training programs focused on human rights guarantees, court session management, and the effective use of technology in managing cases.
- Introducing judicial digitization systems to accelerate and streamline transactions, regulate administrative procedures, and enhance transparency in registering cases and judgments.

The role of civil society and international entities in supporting judicial reform

No comprehensive judicial reform can succeed in an environment where the judiciary operates in isolation from active societal forces and available international expertise. Comparative experiences in countries that have undergone similar circumstances have shown that civil society organizations, both human rights and academic, have played a pivotal role in monitoring violations, advocating for legal amendments, and raising public awareness. These experiences also demonstrate that external legal and technical support provides the judiciary with knowledge and modern tools, contributing to the exchange of expertise through training programs and twinning with international judicial institutions.

1. Technical and legal support, exchange programs, and training

1.1 Training programs and capacity building

Judicial training is one of the key factors in developing judges' performance and enhancing their independence. To achieve this, the following programs can be implemented:

- Twinning with leading judicial institutions: Partnerships can be established between Syrian courts and courts in countries that have successfully reformed their judiciary after periods of conflict or authoritarian rule. These partnerships can provide specialized training courses for Syrian judges in areas such as session management, criminal investigation, and human rights guarantees, thereby enhancing their practical skills and adherence to fair trial standards.
- Updating the curriculum of the Judicial Institute: The reform requires the development of educational curricula to include international best practices in the judiciary, such as criminal evidence standards, appeals procedures, forensic medicine, and human rights law. International organizations such as the United Nations Office on Drugs and Crime (UNODC) or the Human Rights Council can provide technical support and necessary expertise.

1.2. Legal and advisory support

In addition to training, legal and advisory support can be provided to enhance Syria's legislative and judicial framework through the following mechanisms:

- **Establishing international advisory committees:** A committee comprising international legal experts and distinguished judges can be created to support the reform process of laws regulating judicial independence and help draft constitutional amendments in line with international standards.
- **Utilizing transitional justice experts:** In post-conflict contexts, the judiciary needs clear strategies to achieve accountability and remedy damage.

1.3. Protecting judges and legal defenders

Ensuring a safe environment for judges and lawyers working on sensitive cases is essential to guarantee the integrity and independence of the judiciary. To achieve this, the following mechanisms can be adopted:

- **International support for protection:** The international community, through human rights organizations and international courts, can provide material support programs or temporary protection for judges and lawyers who are threatened because of their work.
- **Short-term practical exchange programs:** Opportunities can be provided for Syrian judges to work for limited periods in other judicial systems, which would offer them moral protection and enable them to learn about best practices in advanced legal systems.

2. Activating the role of independent unions and judges' associations and enhancing the involvement of international experts

2.1. Reforming the Syrian Bar Association and strengthening its independence

The Syrian Bar Association is the backbone for protecting defense rights and ensuring fair trials, especially in political and criminal cases. Under the Assad regime, however, the executive hegemony imposed over this association has weakened its role in defending freedoms, which necessitates significant reforms now, including:

- **Restructuring the association and ensuring its independence:** The association should be freed from government interference through organizing free and fair elections for its leadership bodies and granting it administrative and financial independence to perform its role in protecting lawyers and ensuring defense rights.
- **A supporting legal framework** Legislation should be enacted to protect lawyers from security prosecution when they take on political or human rights cases. Any attempts to influence or extort lawyers should be criminalized, with clear mechanisms to prosecute those who obstruct their work.

2.2. Strengthening the role of judges' associations and judges' clubs

These associations can help strengthen judicial independence and protect their members by:

- Providing a platform to defend independent judges, allowing them to form an independent judicial body that monitors executive interference and issues periodic reports on judicial violations.
- Establishing oversight mechanisms within the judiciary, such as self-disciplinary committees, to ensure judges adhere to professional conduct standards and prevent political influence or corruption from affecting the course of justice.

2.3. Partnership with international human rights organizations

International human rights organizations are essential partners in supporting judicial reform in Syria. They can contribute by:

- Providing periodic reports on the judiciary's state, enhancing international pressure for structural reforms, and revealing any security or political interventions affecting the course of justice.
- Training judges and lawyers through workshops on international fair trial standards, investigation procedures under international humanitarian law, and dealing with political cases or crimes against humanity.
- Sending monitoring missions to trials, ensuring transparency in judicial procedures and helping build trust in the judiciary among local and international communities.

2.4. Establishing an international cooperation mechanism to support judicial reform

To ensure coordination between local and international actors, judicial dialogue forums can be established, including:

- Judges' associations, bar unions, and representatives of international judicial institutions, to discuss draft laws and provide recommendations for reform.
- An international monitoring committee responsible for tracking progress in implementing the judicial reform roadmap and issuing periodic reports on the legal status and actual independence of the Syrian judiciary.

Results and expected gains from judicial reform

Judicial reform in Syria represents a fundamental step towards achieving justice and the rule of law. It contributes to establishing political and societal stability, enhances citizens' trust in state institutions, and reduces the chances of legal violations continuing.

- **Enhancing accountability and reducing impunity**

Judicial independence enables the establishment of special courts and supports the transitional justice process by opening serious investigations into past violations. It also allows for the review of unjust judgments issued under unfair trials and opens the door for mechanisms to remedy damage and compensate victims.

- **Strengthening political and social stability**

Judicial reform enhances citizens' belief that justice is possible, and that turning to the courts is a real option for ensuring fairness, reducing instances of resorting to violence or personal vengeance. Furthermore, the existence of a transparent and impartial judicial system contributes to creating an environment conducive to political dialogue and paves the way for national reconciliation based on justice and accountability.

2. Reforming the security sector

The security services have played a central role in oppressing Syrians and restricting their freedoms since the Baath Party seized power in 1963. The repressive role of these services expanded under Hafez Assad and reached its peak under the ousted president, Bashar Assad.

With the beginning of the transitional justice phase following the fall of the former Assad regime, security sector reform stands as one of the top priorities for building a future based on justice and the rule of law. This reform represents an essential step toward ending the legacy of repression and violence that citizens have endured for decades and ensuring the protection of their rights within the framework of a state governed by law and institutions.

A comprehensive framework defining the mechanisms for security reform in the new Syria

The former Assad regime created numerous security agencies in Syria, the most prominent of which were Military Security Intelligence Directorate, Political Security Intelligence Directorate, Air Force Intelligence Directorate, and the General Security. Each operated with relative independence, with significant overlap in powers and no clear separation of roles. All security agencies were directly subordinate to the head of the executive authority (the President of the Republic), turning them into fully-fledged tools of repression. According to SNHR's database, they were involved in numerous violations, including:

- Arbitrary arrests, torture, enforced disappearance, and extrajudicial executions.
- Abusing their security influence to dominate the local economy and extort citizens.
- Corruption and abuse of power, due to enjoying absolute impunity from accountability.
- Infiltration of all government institutions and control over all aspects of civil life by imposing 'security clearances' on citizens to process numerous transactions.
- Incorporation of armed units that participated in repressing the popular movement for democracy.
- Collusion with military bodies that played security roles outside their jurisdiction, such as the Fourth Division led by Maher Assad.

Given a legacy that was thoroughly filled with violations, it is essential to implement radical reforms in the security system, including:

1. Restructuring the security agencies and defining their powers

1.1 Eliminating the overlapping security structure

- Dissolving and merging multiple security agencies: Reduce the number of parallel security agencies by merging those with similar tasks into clearly mandated institutions. This will prevent overlap and duplication and limit tyranny and chaos.
- Eliminating unlawful security entities: All unofficial agencies or those linked to influential individuals must be dissolved, and the creation of any security formation outside the framework of the state should be criminalized.

1.2. Redefining tasks and powers

- Defining the legal mandates of each agency: Clear laws must be established to define the scope of authority for each security agency, ensuring these bodies are subject to parliamentary and judicial oversight.
- Abolishing judicial powers of security agencies: Security agencies must be prohibited from exercising any judicial role, such as arbitrary arrests or interrogating citizens without a judicial warrant.
- Combating informant networks: Previously, security agencies were used to exercise societal control over citizens through networks of informants within communities. The new government must dismantle the covert systems that rely on spying on citizens' daily lives and prohibit coercing citizens into spying on their neighbors or surroundings.
- Separation from other state institutions: Ensure that security agencies do not interfere with the functioning of government institutions.

1.3. Civilian oversight

- Establishing an independent oversight body: An independent civilian body composed of representatives from parliament and civil society should be established to supervise the performance of security agencies and submit regular reports to legislative and executive authorities.
- Enhancing the role of parliament: Parliament must be responsible for approving the budgets of security agencies and monitoring their performance to ensure they do not deviate from their designated tasks.

2. Improving security doctrine and promoting human rights

Security reform in Syria does not stop at restructuring the agencies but also requires profound changes in the security doctrine and operational mechanisms to ensure respect for human rights and the consolidation of the rule of law. This is especially crucial given that the Assad regime deliberately appointed individuals known for their criminality and corruption to senior positions within these agencies.

2.1. Changing the security doctrine

- Promoting the concept of national security: The new security doctrine must be based on protecting the security of the state and its citizens alike, rather than safeguarding the ruling regime.
- Abolishing the culture of hostility toward citizens: Focus on building a positive relationship between citizens and security agencies through awareness and training programs.

2.2. Continuous training

- Human rights training programs: Ongoing training courses must be held for members of the security agencies on human rights principles and international laws related to the use of force and detention.
- Developing technical skills: Train personnel to use modern technology legally and transparently to improve efficiency and reduce reliance on repressive methods.

2.3. Protecting citizens from violations

- Ending torture and ill-treatment: Criminalizing all forms of torture and violations inside detention centers, with the establishment of effective monitoring mechanisms.
- Guaranteeing the right to file complaints and accountability: Citizens' right to file complaints against any security violations must be maintained, and independent channels must be established to investigate them.

3. Reforming the recruitment and employment system in the security apparatus

The appointments of security personnel under the Assad regime were based on absolute loyalty to the ruling authority and the execution of its orders, regardless of their compliance with local law and international human rights law. Therefore, it is important to adopt new mechanisms, including:

3.1. Appointments and promotions

- Adopting standards of competence and integrity security leadership: Positions are to be filled based on clear professional standards, away from political or sectarian loyalties.
- Eliminating favoritism: Preventing executive officials from interfering in the appointment and promotion of security personnel.

3.2. Improving living conditions

Increasing salaries and benefits: Improving salaries and providing social benefits to employees of the security apparatus, which would limit corruption and ensure their commitment to their duties.

4. Enhancing transparency and accountability

- Establishing effective complaint mechanisms, enabling citizens to file complaints against any security violations without fear of retaliation. Independent committees are to be formed to investigate these complaints and take appropriate measures.
- Holding security violations accountable: Prosecuting members of the security apparatus involved in violations.
- Transparent investigation procedures: Subjecting security investigations to judicial oversight to ensure their integrity and independence.
- Protecting whistleblowers and witnesses: Providing legal and security protection for citizens who report security violations.
- Empowering local organizations: Encouraging Syrian organizations to monitor the performance of the security apparatus and document violations.
- Raising citizen awareness: Implementing awareness campaigns to inform citizens of their rights and how to interact with the security apparatus legally.

Challenges that may face the process of security sector reform

- **Political and sectarian resistance**

The difficulty of overcoming political and sectarian loyalties within the security apparatus, which may hinder the implementation of reforms.

- **Internal resistance**

The fear of losing influence or power among some individuals within the security apparatus, which may lead to resistance to change.

- **Economic constraints**

The difficulty of securing the necessary financial resources to improve the living conditions of security personnel without impacting other sectors such as education and health.

- **Transparency and accountability**

Challenges in ensuring that reforms are implemented with integrity and transparency, and in holding individuals involved in violations accountable.

- **Protecting citizens' rights**

The difficulty of ensuring that no new violations are committed by the security apparatus after the reforms.

- **Training and limited resources**

The lack of funding and resources needed to implement effective training programs on human rights.

- **Threats to whistleblowers and witnesses**

The risk of retaliation or threats against citizens who file complaints about security violations, which may affect the credibility of complaint mechanisms.

3. Reforming the military

Reforming the military institutions in Syria is a fundamental foundation for achieving transitional justice and long-term stability, because the Assad regime's army was one of the main pillars in committing violations in Syria. Decades of authoritarian control under the Baath Party and the Assad regime led to the politicization of the army, the dismantling of its unity, and the erosion of public trust in it. This reality necessitates developing a comprehensive reform plan addressing political, structural, operational, and cultural aspects, with the aim of establishing a unified, professional, and accountable army that supports democratic principles and human rights.

1. The importance of reforming the military institution and establishing a unified national army

Reforming the military institution in Syria after the fall of Assad and the dissolution of the army is a long and complex process, but it is an inevitable necessity for achieving stability and building a strong and cohesive state. This process requires:

- Disarming armed groups.
- Abolishing parallel military structures and integrating all factions into a unified national army.
- Restructuring the army to ensure the avoidance of violations that were committed under the former Assad regime.

a. Why it is important to integrate armed factions

1. Restoring state sovereignty

Integrating armed factions into a unified national army is a crucial step toward restoring the state's sovereignty over all Syrian territory. After years of military fragmentation and the scattered control of armed factions, military unification is essential for providing stability and ensuring the existence of a single military force under the central leadership of the state.

2. Enhancing internal security and stability

The integration of armed factions reduces military divisions and the chaos resulting from the multiplicity of warring forces. A professional and well-trained national army strengthens the state's ability to enforce order and the rule of law, reduces violence and disorder, and prevents the reignition of conflict.

3. Rebuilding trust among the components of society

Integrating armed factions into a national army promotes national reconciliation by providing an opportunity to build trust between various social and political components. Integration can also help reduce the social divisions that emerged during the conflict, thereby strengthening social cohesion and fostering a shared vision for the future.

4. Syria's position in the regional and international order

The integration of factions restores Syria's position in the regional and international order. A strong and organized army can contribute to improving relations with neighboring countries and international organizations, and enhances Syria's ability to defend its interests and protect its national security against external threats.

5. Combating terrorism and extremism

Military integration contributes to unifying efforts to combat terrorist groups and extremist organizations that exploited the conflict, such as ISIS, which committed numerous violations on Syrian soil.

b. Why it is important to reform the military institution

1. Transforming the army into a professional institution

Reforming the army through modern training, and establishing systems of oversight and accountability, enhances its efficiency and makes it an army that serves the people and the state, rather than being a tool of repression in the hands of the executive authority, as was the case under the former Assad regime.

2. Establishing the principles of law and human rights

Through reform, it is possible to ensure that the military institution adheres to international and domestic laws and works to protect human rights, which will restore citizens' trust in the security institution.

3. Creating a work environment based on competence rather than loyalty

One of the reasons for the weakness of the military institution in Syria under Assad was the prevalence of a culture of personal or sectarian loyalty at the expense of competence. Reforming the military institution ensures reliance on professionalism and competence, which will enhance the army's readiness and ability to perform its duties effectively.

4. Ensuring the political neutrality of the army

The army should be a national institution that is not politicized, with its sole objective being the protection of the homeland and the citizens. Reform guarantees the separation of the military institution from political conflicts, thereby preserving state stability.

C. Long-term impacts of military institution reform

- **Achieving national development:** The security and stability that result from having a unified army and a professional military institution pave the way for reconstruction projects and economic development. It also contributes to attracting investments and encourages the reopening of trade and transportation routes.
- **Strengthening the civil state and rule of law:** Reform contributes to developing effective mechanisms for civilian oversight and accountability, limiting the interventions of armed factions in politics and internal security, and strengthening the role of the civil state based on law and human rights.
- **Building a secure future for future generations:** A state with a unified military institution and a shared national interest will be able to guarantee a stable and secure life for future generations.

2. Steps for reforming the military institution

The process of integrating armed factions and restructuring the army must be based on foundations that ensure long-term stability and commitment to human rights principles and the rule of law. To achieve this, the new government must follow a comprehensive plan that includes the following pillars:

2.1. Political and legal framework

- Enacting legislation for integration and accountability: Develop clear laws for restructuring the army and integrating armed factions according to professional standards, while ensuring the demobilization of irregular groups.
- Holding perpetrators of violations accountable: Exclude individuals involved in war crimes or human rights violations from the restructured army and refer them to the special court we previously discussed.
- Inclusivity in integration: Accept individuals not involved in violations from all parties, including members of the former Assad regime, opposition factions, Syrian Democratic Forces (SDF), factions in Daraa, and the Karama Forces in Suwayda, to ensure the inclusivity of the process.
- Commitment to international law: Establish a legal framework for military conduct based on international humanitarian law and human rights laws.

2.2 Census and evaluation of factions

- **Independent evaluation committee:** Establish an independent committee to audit military records and evaluate the performance of officers and soldiers.
- **Central database:** Create a comprehensive database of all armed factions and their members, including the date of their joining and their roles, to facilitate their integration and placement within the new national army.
- **Investigating faction leaders:** Conduct transparent investigations into faction leaders to verify their records of compliance with humanitarian laws.
- **Settlement programs:** Regularize the status of former regime members and fighters from armed factions, provided that the settlement includes only those not involved in serious violations.
- **Reconciliation programs:** Provide integration opportunities into the army or civilian programs for individuals not involved in serious violations.

2.3. Demobilization and civilian reintegration

- **Support programs for former fighters:** Provide vocational training, job opportunities, and psychological and social support for fighters who do not wish to join the new army.
- **Social reintegration:** Enhance community guidance programs to address trauma and rebuild trust between former fighters and the local community.

2.4. Redistribution of human resources

- **Fair distribution of units:** Reduce concentration in the capital and major cities and fairly distribute military units across all regions.
- **Achieving neutrality in formation:** Eliminate sectarian or factional influences in the composition of military ranks to ensure representation of all segments of society.

2.5. Training and rehabilitation

- **Enhancing awareness of human rights:** Launch training programs for soldiers and officers on human rights standards and international humanitarian law.
- **Updating military curricula:** Organize awareness campaigns for soldiers and introduce modern curricula in military colleges that focus on loyalty to the homeland, not to the regime or factions.
- **Standardizing training standards:** Adopt unified training programs that ensure cohesion and professionalism among newly integrated personnel.

2.6. Establishing a new structure

- **Comprehensive representation:** Reorganize military leadership to represent all components of the Syrian people.
- **Transparent promotion systems:** Establish clear and transparent mechanisms for promotions based on performance and competence rather than favoritism or political loyalty.
- **Strengthening national identity:** Instill a culture of national unity within the new army with a focus on protecting state sovereignty and the rule of law.

2.7. Armament and equipment

- **Regulating weapon possession:** Subject all armament processes to internal and international monitoring to ensure transparency.
- **Disarmament of factions:** Confiscate illegal weapons from all armed groups as part of the security rebuilding process.
- **Elimination of prohibited weapons:** Destroy stockpiles of internationally banned weapons, such as chemical weapons, which were used by the Assad regime in its war against the Syrians.

2.8. Oversight and accountability

- **Independent oversight body:** Establish an independent civilian body to monitor the progress of reforms and ensure transparency in recruitment and military decision-making processes.
- **Effective military justice:** Establish specialized military courts to address violations and misconduct committed by army personnel.
- **Periodic evaluation of reforms:** Conduct regular reviews to assess the progress of reforms and ensure their alignment with the goals of transitional justice.

2.9. Strengthening relations with the international community

- **Technical assistance:** Work with international organizations to develop training programs and institutional reforms in line with global standards.
- **Enhancing international legitimacy:** Align Syrian military operations with international laws to avoid sanctions and build positive diplomatic relations.
- **Addressing regional issues:** Ensure balanced military cooperation with neighboring countries to address shared security concerns such as terrorism and arms smuggling.

3. Challenges of integrating armed groups into a unified national army

As the current government works to integrate all armed factions into the organizational structure of the Syrian Ministry of Defense, it will face numerous challenges in pursuing this goal, including:

3.1. Multiple loyalties and ideological differences

The ideological differences that have deepened over the course of the conflict complicate the integration process. There are groups in Syria that were founded almost entirely along religious or ethnic lines and have adopted specific political or religious agendas, which has deepened divisions and made reconciliation difficult. Moreover, many factions owe allegiance to external regional and international actors, which hinders effective integration. For example, the SDF receive American support, which encourages them to hold onto their weapons and insist on being a 'military bloc' within the Syrian armed forces, rather than having their members fully absorbed into the Syrian army.

3.2. Differences in visions of national identity

There are divergent perspectives on Syrian identity and its relation to other sub-identities. Some groups emphasize an inclusive Syrian identity, while others focus on sectarian or ethnic identities. These differing visions add to the challenges faced by the Ministry of Defense in integrating all armed factions into a unified national army.

3.3. Lack of trust

One of the most serious challenges to the integration process is the lack of trust among all parties to the armed conflict. Political disagreements, prolonged fighting, conflicting loyalties, and human rights violations have entrenched hostility and suspicion that are difficult to overcome. On this basis, some armed factions have refused to join the Syrian army, including Jaysh al-Islam and armed groups in Daraa and Suwayda.

3.4. Regional and international interventions

Regional and international dynamics directly affect the integration process. Many external powers have played significant roles in supporting and influencing various factions within the conflict. These external backers are likely to resist efforts aimed at dismantling or integrating the armed groups they support, unless their interests are secured.

3.5. Operational and economic challenges

Integrating diverse armed factions with varying leadership structures and military capabilities—some following hierarchical structures like traditional armies, and others relying on decentralized, informal command systems—is a complex endeavor. It requires careful planning and execution to maintain stability and prevent potential spoilers from derailing the process.

Moreover, providing salaries and benefits to integrated factions demands substantial economic resources at a time when the country is suffering from a severe economic crisis.

3.6. Fear of accountability

Many armed factions have been involved in serious human rights violations during the conflict. This raises fears of accountability and drives them to resist unification efforts and reject submission to any central authority.

4. Recommendations to strengthen the process of integrating forces from the internal armed conflict and achieve long-term stability in Syria

Based on the challenges mentioned above, the following recommendations aim to provide a practical framework that addresses the main obstacles to integrating armed factions into the national army:

- 1.** Design an inclusive process that involves all relevant stakeholders in planning and implementing the integration strategy. Engaging these parties will increase their sense of ownership and enhance their commitment to the process.
- 2.** Implement comprehensive disarmament, demobilization, and reintegration (DDR) programs, tailored to meet the specific needs and concerns of the various armed groups. These programs should include economic incentives such as reintegration support and the provision of alternative livelihoods.

3. Ensure fair representation and power-sharing mechanisms within the new armed forces, including in decision-making structures, to build trust and encourage participation from all concerned parties.
4. Prioritize closing ideological and cultural gaps by promoting dialogue and understanding, and by developing a shared national identity and common purpose within the new armed forces.
5. Establish clear command and control structures, and align the diverse operational capabilities and training standards to ensure the effectiveness and cohesion of the new armed forces.
6. Facilitate the unification of equipment and logistical systems, ensuring interoperability and alignment with the new military infrastructure, and standardizing support and training measures.
7. Implement rigorous vetting processes and accountability mechanisms to transparently address any violations that may occur during the integration process.
8. Enhance confidence-building and transparency measures in the integration process, addressing concerns related to marginalization or exploitation.
9. Engage local communities and civil society organizations in the national reconciliation process, to promote community reconciliation and address grievances resulting from the conflict.
10. Manage the impacts of regional and international actors and their competing interests, ensuring that the integration process prioritizes Syrian national interests and long-term stability.
11. Develop comprehensive training programs that enhance military professionalism, respect for human rights, and adherence to the rule of law within the new armed forces.
12. Establish robust monitoring and evaluation mechanisms to track progress in the integration process, identify emerging challenges, and adapt strategies as needed and as capacity allows.
13. Reconcile efforts and the promotion of social cohesion must extend beyond the boundaries of the military and security sectors, as the successful integration of former adversaries into a unified force is intrinsically linked to broader societal reconciliation and post-conflict recovery processes.

International Support and Cooperation: A Fundamental Pillar of Transitional Justice in Syria

International support plays a pivotal role in promoting transitional justice in Syria, through providing technical assistance, financial support, and legal mechanisms that ensure accountability for those responsible for grave violations. Cooperation between the new government, international organizations, and international criminal courts contributes to supporting victims and rebuilding institutions on just foundations. Moreover, international coordination is essential to ensure the effective implementation of transitional justice mechanisms and the achievement of sustainable national reconciliation that helps restore stability to the country.

This framework provides a detailed outline of the main cooperation mechanisms with international entities, to ensure justice is achieved and to strengthen truth and reconciliation.

A. Main international mechanisms

1. International, Impartial and Independent Mechanism (IIIM)

- **Mandate:** Established by the United Nations General Assembly in 2016 under Resolution 71/248, it is tasked with collecting, analyzing, and preserving evidence of serious violations of international law in Syria to prepare case files for use in national or international courts.
- **Role:**
 - ◆ Preparing criminal case files against those responsible for serious crimes.
 - ◆ Preserving evidence for future use.
- **Cooperation mechanisms:**
 - ◆ Exchanging documents and data with the truth commissions previously mentioned.
 - ◆ Providing the special court previously mentioned with the case files prepared by the IIIM.

2. Office of the UN High Commissioner for Human Rights (OHCHR)

- **Mandate:** Focuses on monitoring ongoing violations, providing legal analysis, and strengthening the capacities of local actors.
- **Role:**
 - ◆ Monitoring and documenting human rights violations.
 - ◆ Providing technical support to build the capacities of local actors.

- **Cooperation mechanisms:**

- ◆ Exchanging documents and data with the truth commissions previously mentioned.
- ◆ Involving the OHCHR in developing transitional justice frameworks that focus on victims' rights.
- ◆ Utilizing the OHCHR's expertise to strengthen the rule of law in Syria.

3. Independent International Commission of Inquiry on the Syrian Arab Republic (COI)

- **Mandate:** Established in 2011 to investigate and document violations of international law and report on patterns that may amount to war crimes or crimes against humanity.
- **Role:**
 - ◆ Documenting violations committed by all parties in the Syrian conflict.
 - ◆ Providing independent analysis to support accountability efforts.
- **Cooperation mechanisms:**
 - ◆ Exchanging documents and data with the truth commissions previously mentioned.
 - ◆ Utilizing the COI's expertise in documenting violations.
 - ◆ Providing the special court previously mentioned with the documentation and evidence held by the COI.

4. Independent Institution on Missing Persons (IIMP)

- **Mandate:** Established in 2023 to address the issue of missing persons in Syria and provide support to their families.
- **Cooperation mechanisms:**
 - Creating a database of missing persons in cooperation with the missing persons committee previously mentioned.
 - Providing humanitarian and psychological support to victims' families.

B. Cooperation with international human rights organizations

1. Human Rights Watch (HRW) and Amnesty International

- **Role:** Documenting human rights violations in Syria.
- **Cooperation mechanisms:**
 - Using reports by HRW and Amnesty International as evidence to support the truth commissions and the special court.
 - Monitoring the work of the transitional justice body and providing advice and training.

2. International Commission on Missing Persons (ICMP)

• Cooperation mechanisms

- Expanding efforts to collect data on the missing.
- Contributing to uncovering the fate of the missing in cooperation with the missing persons committee previously mentioned.
- Providing humanitarian and psychological support to victims' families.

Conclusion

SNHR's vision for transitional justice is intended to serve as a roadmap toward building a new Syria founded on the principles of justice, accountability, and the rule of law. The path of transitional justice is a national necessity to ensure the painful past is not repeated and to achieve the sustainable stability that Syrians aspire to after decades of tyranny and years of devastating conflict.

The success of this vision requires collective commitment from all concerned parties — victims and survivors, state institutions, civil society, and the international community. No party alone can achieve transitional justice, and none of its four components — accountability, truth, reparations, and institutional reform — can be effective in isolation from the others.

SNHR must stress that the road toward justice and national reconciliation is not a bed of roses; it is filled with serious challenges and significant obstacles. However, the existence of a firm national will and determination to build a state of institutions and the rule of law makes this goal attainable.

We must understand that transitional justice is not an act of revenge, but rather a reconciliatory process at its core. It aims to rebuild the social fabric and repair the relationships between all components of Syrian society in all its diversity. For this reason, transitional justice should be comprehensive, reflecting the aspirations of all Syrians and addressing their grievances without discrimination or exclusion.

The Syria we aspire to is a homeland that embraces everyone, where human dignity is safeguarded, rights and freedoms are respected, and the values of citizenship, participation, and justice are firmly established. We hope that this vision for transitional justice will be a step along this long path.

Transitional justice is not the final destination, but rather the beginning of a long journey toward comprehensive national recovery and the rebuilding of the Syria we all deserve — a Syria of freedom and dignity, and a state of law and justice.



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No justice without accountability

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