



Syria's transitional justice challenge: From ambition to reality

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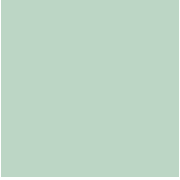
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Abbreviations

AANES	Autonomous Administration of North and East Syria
Col	UN Independent International Commission of Inquiry on the Syrian Arab Republic
CRRPD	Commission for the Resolution of Real Property Disputes (Iraq)
Global Coalition	Global Coalition against Daesh (ISIS)
ICC	International Criminal Court
ICMP	International Commission on Missing Persons
ICRC	International Committee of the Red Cross
IIM	International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under international law committed in the Syrian Arab Republic since March 2011
IIMP	UN Independent Institution on Missing Persons in the Syrian Arab Republic
ISIS	Islamic State of Iraq and Al-Sham
SDF	Syrian Democratic Forces
SNA	Syrian National Army
TJ Commission	National Commission for Transitional Justice
UN	United Nations
UNITAD	UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIS

1

Introduction

Syria has an opportunity that may not come again. After decades of authoritarian rule and more than 14 years of conflict, the fall of the Assad government in December 2024 opened a window for accountability that Syrians have waited for across generations. Whether that window stays open, and what passes through it, is the question this report tries to answer.

The report is grounded in fieldwork, including multiple visits to Syria and interviews conducted across the country and among diaspora communities, including direct conversations with Syrian officials, legal scholars, civil society activists, journalists and civilians who lived through the war from Damascus to Homs, Latakia to Deir ez-Zor. The picture that emerged is not the one official statements tend to project. It is more complicated, more urgent and in some ways more hopeful than many current accounts would suggest.

Syria has made progress since December 2024. The Constitutional Declaration of March 2025 gave transitional justice a legal foundation and a National Transitional Justice Commission (TJ Commission, the Commission) is now operational. Field consultations have reached communities across 12 governorates. And in April 2026, for the first time in Syrian history, a former Assad government official stood trial in a Damascus courtroom on charges that approximate to crimes against humanity. These achievements should not be minimized, but a distinction should also be made between the establishment of institutions and the conditions required for them to be effective.

The TJ Commission is operating without adequate resources, confined largely to Damascus and caught in a jurisdictional stand-off with the Ministry of Justice over the transitional justice law that was supposed to anchor the entire process. The Commission's current mandate is limited to violations committed by the former regime and does not extend to victims of ISIS, foreign state actors, affiliated militias and other non-state actors. Communities in rural areas and among minority populations have little or no awareness the TJ Commission exists. The property and land crisis is already generating grievances that the formal mechanisms are nowhere near ready to address. The Syrian Penal Code of 1949, on which current trials depend, does not contain the legal categories required to prosecute war crimes or crimes against humanity in any internationally recognized sense.

This report addresses those gaps directly. It also examines the practical challenges in identifying Syria's missing and analyses the accountability gap in relation to foreign state actors and other parties, whose conduct falls almost entirely outside the Commission's current mandate. It addresses the question of reconciliation and the fourth pillar of transitional justice, guarantees of non-recurrence, which the Syrian context demands but which has received insufficient attention in the emerging architecture. It also suggests further roles for civil society organizations that do not need to wait for the formal mechanisms to catch up before they start being useful.

None of this means the process has failed. It means that it is fragile and that the decisions made in the next year or two will determine whether what has been built to date becomes a genuine foundation or an elaborate façade. This report documents what those decisions are, where the gaps are and what can be done about them.

The toll of conflict and repression

Over more than 14 years, Syria endured one of the most devastating – and thoroughly documented – conflicts in the region in terms of serious violations of international humanitarian law and gross violations of human rights. Internal violence fused with political, sectarian and ethnic fault lines while regional and international actors intervened on multiple sides, compounding the human toll and complicating any future accountability process.

The scale of that toll is difficult to absorb. More than 500,000 people were killed. Approximately 14 million were displaced inside or outside the country. Between 150,000 and 200,000 persons are estimated to be missing as a result of conflict and repression, according to the International Commission on Missing Persons.¹ Behind each of those figures are families still waiting for answers, communities still living alongside the people who harmed them and a state that must somehow build the institutions to respond while the ground beneath remains unstable.

The theoretical challenge that Syria poses is not unique, but it is acute. Traditional scholarship on transitional justice assumes the process follows regime collapse and political transition. Syria does not offer that sequencing. The transition is incomplete, serious crimes have continued to be committed after the fall of the Assad government, political authority is not uniform and distinct centrifugal pressures pull at national cohesion even as the Commission is expected to operate as a national body.

Understanding transitional justice here means understanding it as a process running parallel to political transition, not after it.² This research proceeds from three premises.

‘ Syria’s path to a successful and sustainable transition hinges on comprehensive accountability, inclusion and guarantees of non-recurrence’

– UN Commission of Inquiry on Syria

First, deferring justice until political settlement is complete entrenches impunity and erodes confidence in whatever comes next. Second, genuine transitional justice cannot be reduced to a set of legal instruments applied from the top down. Third, the real measure of any justice process is whether it reaches the people it is supposed to serve, not how many conferences it convenes.³

1 International Commission on Missing Persons (ICMP), ‘Syria’s disappeared: Justice must be secured for hundreds of thousands of victims and survivors of the Assad regime’, Press release, 10 December 2024.

2 Chandra Lekha Sriram, ‘Justice as peace? Liberal peacebuilding and strategies of transitional justice’, *Global Society* 21(4), 2007, pp. 579–591; Naomi Roht-Arriaza and Javier Mariezcurrena (eds), *Transitional Justice in the Twenty-First Century*, Cambridge, Cambridge University Press, 2006.

3 Pablo De Greiff, ‘Theorizing transitional justice’, in Melissa Williams, Rosemary Nagy, and Jon Elster (eds), *Transitional Justice*, NOMOS LI, New York, New York University Press, 2021, pp. 31–77; Ruti G. Teitel, *Transitional Justice*, Oxford, Oxford University Press, 2000.

The four pillars of transitional justice

The United Nations (UN) Secretary-General has defined transitional justice as ‘the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.’⁴ That definition is useful as a starting point and contested as a destination.

Three broad schools of thought shape the debate. The first treats transitional justice primarily as an instrument of state-building and democratic consolidation, with national reconciliation as the goal that precedes accountability.⁵ The second insists that criminal accountability is a non-derogable international legal obligation, regardless of political convenience.⁶ The third, and increasingly influential, approach pushes beyond the punishment–reconciliation binary towards what has been called transformative justice, the argument that structural violations, economic marginalization, sectarian and gender discrimination require structural remedies alongside individual accountability.⁷ In Syria’s case, all three schools have something to offer and none is sufficient on its own.

The UN framework rests on four interconnected pillars. Criminal accountability means prosecuting those responsible for international crimes through national, international, or hybrid courts.⁸ The right to truth means formal documentation and acknowledgement of what happened, with national records of victims and the disappeared.⁹ Reparations and redress cover both material and symbolic dimensions, which in Syria extend into deeply contested territory concerning property, displacement and land.¹⁰ Guarantees of non-recurrence require reforming the security, military and judicial institutions that perpetrated or sanctioned the violations in the first place, presenting perhaps the sharpest challenges Syria faces, given that these are precisely the institutions that need rebuilding.¹¹

4 UN Security Council, Report of the Secretary-General, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, S/2004/616, 2004, para. 8.

5 Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, Norman, University of Oklahoma Press, 1991; Jose Zalaquett, ‘Balancing ethical imperatives and political constraints’, *Hastings Law Journal* 43(6), 1992, pp. 1425–1438.

6 Diane F. Orentlicher, ‘Settling accounts: The duty to prosecute human rights violations of a prior regime’, *Yale Law Journal* 100(8), 1991, pp. 2537–2615; M. Cherif Bassiouni, ‘International crimes: Jus cogens and obligatio erga omnes’, *Law and Contemporary Problems* 59(4), 1996, pp. 63–74.

7 Paul Gready and Simon Robins, ‘From transitional to transformative justice’, *International Journal of Transitional Justice* 8(3), 2014, pp. 339–361; Frederic Megret, ‘What sort of global justice is international criminal justice?’, *Journal of International Criminal Justice* 12(1), 2014, pp. 77–96.

8 Antonio Cassese, *International Criminal Law*, 2nd edn, Oxford, Oxford University Press, 2008.

9 Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2nd edn, New York, Routledge, 2011; Louis Bickford, ‘Unofficial truth projects’, *Human Rights Quarterly* 29(4), 2007, pp. 994–1035.

10 Arturo J. Carrillo, ‘Justice in context’, in *Out of the Ashes: Reparation for Victims of Gross and Systematic Human Rights Violations*, Antwerp, Intersentia, 2006; Lisa Magarrell, *Reparations in Theory and Practice*, New York, ICTJ, 2007.

11 Alexander Mayer-Rieckh and Pablo De Greiff (eds), *Justice as Prevention: Vetting Public Employees in Transitional Societies*, New York, SSR, 2007.

Research methods

This research combines analysis of primary and secondary written sources with original fieldwork interviews conducted across Syria and among Syrian diaspora and exile communities.

Fieldwork was conducted in two phases between late 2024 and May 2026. The first comprised three field visits to Damascus and Qamishli, during which in-person interviews were conducted with individuals representing communities from across Syria, including Rif Dimashq, Homs, Aleppo, Latakia, Tartus, Sweida, Afrin, Hasakah and Deir ez-Zor. The second phase extended the research through remote interviews by telephone and secure digital channels with participants inside Syria, in Lebanese displacement, and in diaspora communities across Turkey and Europe.

In total, the research draws on over 40 interviews and consultations. Participants were selected to reflect the geographic, sectarian, ethnic, professional and experiential diversity of Syrian society, and include officials and members of the National Transitional Justice Commission; constitutional and international law scholars; human rights lawyers; former members of the Syrian armed forces who defected to the opposition; civil society activists and researchers; and journalists. They include community representatives from minority populations including Druze, Alawi, Christian and Kurdish communities. They include civilians who remained in Syria throughout the conflict; internally displaced persons; returnees; and Syrians still displaced abroad at the time of interview. Women account for more than a third of participants. As a piece of qualitative research, the findings are nonetheless not intended to represent Syrian public opinion as a whole.

An anonymity protocol applies to all testimony. No participant except public officials speaking in an institutional capacity is identified by name. Individuals are referred to by functional or geographic descriptors throughout. Full documentation of participant identities is retained by the researchers. Officials of the National Transitional Justice Commission and others who provided statements in their institutional capacity are only identified by name and title where their statements are on public record or where explicit consent was given.

Formal interviews are supplemented by direct observation during field visits, monitoring of Syrian and regional media, social media documentation and a broad range of civil society and journalistic material drawn on to cross-reference findings and deepen contextual understanding. Primary official sources include the Constitutional Declaration of March 2025, Presidential decrees establishing the Commission, draft legislative texts on transitional justice, and reports by the UN Commission of Inquiry on Syria, the International, Impartial and Independent Mechanism and leading Syrian non-governmental organizations including the Syria Justice and Accountability Centre, Syrians for Truth and Justice, and the Syrian Network for Human Rights.

The international legal framework

Transitional justice is not just a policy choice but is grounded in a set of international legal obligations. Concerning armed conflict, the Geneva Conventions, Additional Protocol I and customary international humanitarian law require the investigation and prosecution of grave breaches (war crimes) and establish liability for paying compensation for violations. Human rights conventions, including the International Covenant on Civil and Political Rights and the Convention against Torture, establish a right to a remedy and redress. These obligations are binding on Syria as a party to the treaties. Syria is also party

to the Convention on the Prevention and Punishment of the Crime of Genocide. The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law confirm the obligation on states to guarantee victims' rights to truth, accountability and redress.

Although Syria is not a party to the Rome Statute of the International Criminal Court (ICC), customary international law prohibits crimes against humanity (understood as murder, torture and/or certain other grave acts committed as part of a widespread or systematic attack on any civilian population) and establishes individual criminal responsibility for such crimes alongside war crimes and genocide. In 2016 the UN General Assembly established the International, Impartial and Independent Mechanism (III Mechanism) to assist in the investigation and prosecution of persons responsible for the most serious crimes under international law committed in the Syrian Arab Republic since March 2011. The III Mechanism has built up a substantial evidentiary archive, covering both cases against individual perpetrators and what it calls 'structural investigations', mapping overarching patterns of crime and structures of power. Evidence from the III Mechanism has supported a series of prosecutions before European courts exercising universal jurisdiction or other forms of extra-territorial jurisdiction (see chapter 2), leading to important precedents. Even before the fall of the Assad government, what happened outside Syria in European courtrooms established that impunity was not permanent, even when domestic institutions were absent.

2

Layers of conflict and the challenges of transition

A multi-layered conflict

The Syrian conflict resists simple characterization. What began as a popular uprising became a multi-actor war with overlapping internal, regional and international dimensions.¹² The Assad government forces, Hezbollah and other Iranian-backed militias, Russia, Turkey, Islamist factions, ISIS, the Syrian Democratic Forces and the US-led Global Coalition all operated on Syrian territory, all with different command structures, different relationships to civilians and different degrees of accountability. Any transitional justice process that addresses only one layer of this will be experienced as unjust by the communities that were harmed by other layers.

Syria's conflict also lasted far longer than any of the cases that dominate transitional justice literature. Bosnia's war lasted roughly four years, Rwanda's genocide a hundred days. Syria's war encompassed nearly 14 years of compounding, geographically uneven violence across a country of enormous internal diversity. No ready-made model applies. Whatever works for Syria will have to be built for Syria.

The human scale is staggering: more than 500,000 dead, around 14 million displaced; between 150,000 and 200,000 missing.¹³ Deputy Interior Minister al-Tahhan stated in May 2026 that between 450,000 and 500,000 individuals were bearing arms for the regime at the moment of its fall on 8 December 2024.¹⁴ That figure alone illustrates why blanket prosecution is neither feasible nor just. The credible path forward is an accountability framework grounded in individual criminal responsibility – prioritizing those who designed, ordered and commanded the machinery of repression over those who were conscripted into it – and a system of reparation to bring justice to those who suffered direct harm.

Political and structural challenges

Syria's transitional justice process is being built on shifting ground. State authority is not uniform across the country. Even as transitional justice is expected to operate as a national endeavour, the expectations of communities across the country diverge, both in terms of the legacy of violations they have suffered and their continuing fears for security. As one legal scholar interviewed for this research noted, transitional justice in Syria needs more than mechanisms. It needs a political transition that has not yet finished.

South Africa showed that pressure for justice can help push a political transition forward. Iraq showed that without a stable political foundation, a justice process becomes a

12 Christopher Phillips, *The Battle for Syria: International Rivalry in the New Middle East*, New Haven, Yale University Press, 2016; Fabrice Balanche, *Sectarianism in Syria's Civil War*, Washington, Washington Institute for Near East Policy, 2018; Aron Lund, *Syrian Jihadism*, Stockholm, Swedish Institute of International Affairs, 2012.

13 ICMP, 'Syria's disappeared', 10 December 2024.

14 Al Jazeera, 'The story continues: Syria and transitional justice', broadcast, May 2026.

platform for settling scores.¹⁵ Syria's situation is just as volatile. Designing an inclusive national process that respects the rights of minorities while the question of what the nation looks like remains contested is not a contradiction that can be wished away. It has to be managed, carefully and deliberately, at every stage. The experience of other post-conflict societies also demonstrates that the transitional justice timeline is measured in years, not months, but that that cannot be allowed to become an argument for delay.¹⁶

Victims' patience is not infinite. Several interviewees expressed the fear that a justice process which promises accountability and delivers it too slowly or too selectively will eventually produce something worse than no process at all. Individual acts of revenge, described in Arabic as *halat fardiyya*, are already occurring across the country. A human rights expert framed the structural logic clearly: without a credible transitional justice process, what Syria is currently building is not peace but a truce, and truces have expiration dates.

The absence of any visible culture of apology or voluntary accountability among those who participated in the machinery of repression compounds this problem. Victims are watching for signs that the system will move. In the absence of those signs, the temptation to act outside the system grows. The credibility of the transitional justice process is therefore inseparable from the stability question.

The physical destruction of Syrian cities and towns is visible and well documented. The social destruction is harder to see and will take longer to repair. Communities branded by wartime affiliation, neighbourhoods where perpetrators and survivors share the same street, towns where the infrastructure belongs to one sect and the grievances to another, these are the conditions in which the transitional justice process must operate.¹⁷ A gender perspective is similarly essential for understanding the challenge: systematic sexual violence, the loss of male breadwinners, the compounded burdens carried by women across displacement and survival mean that gender-sensitive design is not optional.¹⁸ The challenge of promoting community reconciliation is one that Syria has to reckon with: the reach of any formal justice process depends not only on institutional capacity but on the leadership to instil a climate of accountability that delivers justice to all communities. The legal dimension: a judiciary in crisis

Syria's judiciary spent fifty years subordinated to the security apparatus. It was not an institution that interpreted the law; it was one that ratified executive decisions. As one senior official pointed out, the legal system is now peopled both with judges from the regime and with judges who defected from it but have not practised for a decade. Compounding that challenge is the question of integrating regional justice systems that evolved separately over the years of conflict, under the Salvation government headquartered in Idlib and under the Autonomous Administration of North and East

15 Sriram, 'Justice as peace?'; Roht-Arriaza and Mariezcurrena, *Transitional Justice in the Twenty-First Century*.

16 Al Jazeera, 'The story continues: Syria and transitional justice'.

17 Rana Khalaf, *Governance without Government in Syria*, Beirut, Arab Reform Initiative, 2020; Lund, Syrian Jihadism.

18 Samar El-Masri, 'Transitional justice in the Middle East and North Africa', in *Transitional Justice in the Middle East and North Africa*, London, Routledge, 2015; Maria Holt, *Women and the Arab Spring*, Cambridge, Cambridge University Press, 2014.

Syria's judiciary spent fifty years subordinated to the security apparatus

Syria. Rebuilding the judiciary from the ground up while simultaneously using it to try some of the most complex cases in contemporary criminal law is a central institutional challenge of the transition.

The paradox is already visible. Partial justice is happening outside Syria, in European courts exercising universal jurisdiction (see below). Inside Syria, Article 51 of the Constitutional Declaration keeps existing legislation in force unless amended or repealed. This requires scrutiny of the pre-transition laws that continue to regulate the judiciary and public prosecution. In particular, Articles 10 and 22 of the Code of Criminal Procedure maintain a hierarchical structure under which the Minister of Justice may issue written instructions concerning prosecutions, while the existing arrangements governing the Supreme Judicial Council continue to raise concerns about executive influence over judicial appointments, discipline and administration. These structural issues cannot be addressed through training alone and require legislative and institutional reform capable of guaranteeing the independence of judges and prosecutors.

These structural concerns are particularly significant in cases involving alleged violations by current military or security actors. Prosecutors may depend on the same executive and security institutions for access to crime scenes, official records, operational orders and detainees, limiting their ability to investigate senior officials and chains of command independently. The absence of comprehensive provisions on international crimes and command responsibility further risks confining prosecutions to ordinary offences and direct perpetrators.

The Atef Najib trial, which took place between April and August 2026, gave some of these challenges concrete form. Najib, former head of the political Security Branch in Daraa, was awarded the death penalty by a presiding judge who was himself condemned to death by the Assad regime for defending the rule of law and returned from exile to sit on the bench.¹⁹

The Najib trial took place in a dedicated fourth chamber of the Syrian criminal court, which applies the Syrian Penal Code of 1949. However, the charges against him referred to war crimes and crimes against humanity (crimes under international law which Syria has not incorporated in the penal code), as well as human rights violations, by virtue of Articles 12 and 49 of the March 2025 Constitutional Declaration, which the court adopted as an additional legal framework alongside domestic legislation. Attorney General Hassan al-Turba confirmed this position in May 2026, saying that as domestic and international law are complementary, a criminal judge can characterize acts as war crimes or crimes against humanity under international law and then apply domestic penalties, and Article 49 of the Constitutional Declaration removes the non-retroactivity bar for the crimes of the former regime.²⁰

But the validity of this framework is contested, reflecting a genuine disagreement inside Syrian legal circles. On the one hand, it can be seen as a governmental attempt to work

19 Al Jazeera, 'From exile to judge: Symbolism in Syria's trial of Assad former officials', 28 April 2026. In accelerated proceedings, the court also tried seven co-defendants *in absentia*, including the former President Bashar al-Assad, and his brother, Maher al-Assad. All received death sentences.

20 Al Jazeera, 'The story continues: Syria and transitional justice'.

within the constraints of an imperfect legal inheritance. A scholar who spent the conflict years in exile argued that Articles 533 to 538 of the 1949 Penal Code cover the underlying criminal acts and that customary international law can fill the definitional gaps. On the other hand, a human rights lawyer who remained in Syria was less confident: she questioned the structural legitimacy of the proceedings, the role of the Ministry of Justice and public prosecution, and the court's jurisdictional competence in the absence of a formal transitional justice law. Certainly, it is hard to see how Articles 12 and 49 of the Constitutional Declaration could be assumed to supply the definitions, elements and

Comparative lessons

The cost of forgetting

Lebanon's post-war amnesty under the Taif Agreement produced a political class that fought the civil war and then inherited the state. More than 17,000 missing persons remain unaccounted for.²¹ No official account of the war was ever produced. Lebanese students still do not learn about the conflict in school, and history curricula stop before 1975. The lesson for Syria is not subtle: societies that refuse to name what happened do not heal. They defer the reckoning, and the reckoning finds them anyway.

Between accountability and exclusion

Iraq's de-Ba'athification process moved quickly from a mechanism of accountability into a tool of sectarian engineering that helped create the conditions for a new armed resistance.²² But Iraq's Law 20 compensation mechanism, despite its flaws, delivered real material relief to hundreds of thousands of families. It did not resolve sectarian grievances, but it gave people something concrete at a moment when the state had very little else to offer. Syria should study both sides of that experience carefully.

The limits of symbolic justice

South Africa's Truth and Reconciliation Commission gave victims a public space to be heard and named what happened as a matter of official record. But inadequate material reparations meant that many victims emerged from the process feeling their suffering had been acknowledged and then abandoned.²³ Truth without redress leaves a wound that eventually reopens.

International justice and its distances

For countries of the **former Yugoslavia**, the International Criminal Tribunal for the former Yugoslavia prosecuted commanders and heads of state to international standards and established precedents that still shape international criminal law.²⁴ It also operated largely above and beyond the communities most affected by the crimes, generating limited trust at the grassroots level.²⁵ The lesson is not that international justice is wrong, but that it needs a local counterpart to produce anything resembling social reconciliation.

21 Nora Stel, *Hybrid Political Order and the Politics of Uncertainty*, Abingdon, Routledge, 2020.

22 Toby Dodge, *Iraq: From War to a New Authoritarianism*, Abingdon, Routledge, 2012.

23 Mahmood Mamdani, 'A diminished truth', in *After the TRC: Reflections on Truth and Reconciliation in South Africa*, Cape Town, David Philip, 2001; Desmond Tutu, *No Future Without Forgiveness*, New York, Doubleday, 1999; Richard A. Wilson, *The Politics of Truth and Reconciliation in South Africa*, Cambridge, Cambridge University Press, 2001.

24 Mark A. Drumbl, *Atrocity, Punishment and International Law*, Cambridge, Cambridge University Press, 2007.

25 Janine Natalya Clark, 'The ICTY and reconciliation in Croatia', *Journal of International Criminal Justice* 7(2), 2009, pp. 339–358.

penalties required by the principle of legality. Any reliance on customary international law or on existing domestic offences must satisfy the requirements of legal certainty, foreseeability, non-retroactivity and a fair trial. The proceedings therefore provide an important test of whether accountability can be pursued without compromising the rights of the accused or creating a selective legal framework.

International prosecutions

The almost total impunity enjoyed by the perpetrators of human rights and international humanitarian law violations within Syria during the conflict prompted numerous initiatives over the years to advance prosecutions at the international level. Dedicated institutions were established, investigations conducted and trials launched. With Syria's transition, what will happen to these initiatives?

A brief recap

As Syria was not a party to the Rome Statute of the ICC, a draft resolution was brought before the UN Security Council in 2014 to refer the situation in Syria to ICC jurisdiction. When the resolution was vetoed (by Russia and China), international attention shifted to the potential of establishing a hybrid tribunal, combining national and international law, possibly sponsored by another state. When this too failed to progress for both logistical and political reasons, it was left to national justice systems, principally in European states, to consider mounting prosecutions under various forms of extra-territorial jurisdiction.²⁶ Their work was able to draw on the fact-finding efforts of the UN Independent International Commission of Inquiry on the Syrian Arab Republic (UN Commission of Inquiry), which has produced over 30 reports as well as a series of position papers. Then, in 2016, the UN General Assembly created the III Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under international law committed in the Syrian Arab Republic since March 2011. Much of the information collected and analysed by both institutions initially came from Syrian civil society organizations and activists who had worked inside Syria to document violations, as well as from Syrian refugees in Europe.

Extra-territorial trials of suspected perpetrators of crimes under international law committed in Syria have included Assad government officials, pro-regime militia members and members of opposition armed groups, with the majority taking place in Germany, Sweden and France. Notable cases include the conviction of Anwar Raslan, a former colonel in the General Security Directorate, of crimes against humanity before the Higher Regional Court in Koblenz; the conviction of a leading member of the Liwa al-Quds militia, Mustafa A., for complicity in crimes against humanity and torture before The Hague District Court; and the conviction of Lina Ishaq, a Swede who joined ISIS, for crimes under international law including genocide before the Stockholm District Court.²⁷ Some of the French trials were conducted *in absentia*. French authorities have also issued international arrest warrants for former president Bashar al-Assad and other senior

26 See Ceasefire Centre for Civilian Rights and Syria Justice and Accountability Center, *A Step towards Justice: Current Accountability Options for Crimes under International Law Committed in Syria*, April 2015.

27 International, Impartial and Independent Mechanism for Syria (III Mechanism), *IMPACT: Publicly disclosed contributions to justice outcomes*, April 2026.

officials in respect of the chemical attacks on Douma and Eastern Ghouta.²⁸ A much larger number of individuals, estimated in the thousands across Europe, have faced trial for ISIS involvement under anti-terrorism legislation.

International trials will likely continue

With hundreds of investigations still under way across Europe, it is likely that criminal proceedings against Syrian perpetrators will continue for some time. Increasingly, national prosecution authorities have taken a strategic approach to the Syrian cases, sharing information and evidence with each other and the III Mechanism, including regarding 'structural investigations' into the overarching patterns of crime and power and command structures during the conflict, as well as on individual cases. Cooperation within the European Union (EU) is assisted by Eurojust, the EU Agency for Criminal Justice Cooperation.

There are indications that Syria too may be prepared to assist in such prosecutions, at least where they target officials of the former government. In June 2026 Swedish media reported that a spokesperson for the Syrian Ministry for Internal Affairs said that Sweden and other European countries were welcome to come to Syria to gather evidence, including access to documents, witnesses and crime scenes.

The potential for Syrian justice to benefit from international cooperation faces major obstacles

Challenges for international cooperation with Syrian trials

While a number of trials of Syrian suspects are still due to take place in European jurisdictions, the main burden of trying Assad-era perpetrators will now fall to the new justice system in Syria. In June 2026 the Interior Ministry confirmed that nearly 6,000 were currently in detention awaiting trial. Of 3,494 military personnel in detention, 433 are above the rank of colonel.²⁹

The III Mechanism has discussed a framework for collaboration with the Syrian authorities, including on technical cooperation, but is yet to share any actual evidence. The potential for the new justice system in Syria to benefit from international cooperation, including the case information and structural investigations of the III Mechanism, faces three major obstacles:

- While the focus of the III Mechanism has been on collecting and analysing evidence related to core international crimes, i.e. war crimes, crimes against humanity and genocide, these offences are not currently criminalized in the Syrian Penal Code. At the same time, the mandate of the III Mechanism does not extend to assisting in cases solely related to terrorism. This obstacle may be overcome if the proposed transitional justice law incorporates international crimes into the Syrian justice system, but questions remain over the definitions of certain offences and their selective application to only certain classes of perpetrator.

28 France 24, 'France issues new arrest warrant against Syria's ex-leader Assad for chemical attacks', 23 October 2025.

29 AJSyriaNowN, X/Twitter, 15 June 2026.

- III Mechanism assistance 'is provided to jurisdictions that respect human rights law and standards, including the right to a fair trial'. This has become a standard criterion for international judicial cooperation and raises difficult questions in the case of Syria, where serious concerns over fair trial standards exist and where prosecutions are frequently based on confessions obtained under torture.
- The III Mechanism and other UN and international legal institutions will similarly not provide support in cases where the death penalty might apply. The death penalty is retained in the Syrian Penal Code, was applied by the Syrian fourth chamber in the Atef Najib trial and is the recommended punishment for the most serious crimes under the draft transitional justice law.

A cautionary tale is provided by the experience of UNITAD, the UN Investigative Team to Promote Accountability for Crimes Committed by Daesh/ISIS. Mandated by the UN Security Council (S/Res/2379) in 2017 to support Iraqi domestic efforts to hold ISIS accountable by collecting, preserving and analysing evidence in Iraq, the team was wound up seven years later without contributing to a single successful prosecution in Iraq. While UNITAD was able to assist investigations in some 21 third states,³⁰ leading to at least 15 convictions, it was effectively prevented from supporting Iraqi investigations by the same three obstacles that were cited above in relation to Syria.

If international criminal law mechanisms decline to support prosecutions under the Syrian justice system, the civil society documentation organizations who supplied much of the initial data will be faced with a dilemma. While some may wish to cooperate with new Syrian institutions in the interest of advancing accountability, they may still share the concerns about fair trial standards in the justice system, unless sweeping reforms are instituted.

30 UN, 'UNITAD and Iraq: Cooperation with third states', 15 September 2024.

The National Transitional Justice Commission and draft transitional justice law

The constitutional anchor

The Constitutional Declaration of 13 March 2025 converted transitional justice from a political aspiration into a constitutional obligation. Articles 48 and 49 explicitly mandate the creation of a body to determine accountability mechanisms, establish truth, and provide redress for victims. Dr Abd al-Hamid al-Awwak, a member of the drafting committee, stated at the announcement press conference that the committee had worked to prevent exceptional tribunals.³¹

The declaration is transitional by nature, not permanent. Its guarantees could be renegotiated in the process of drafting the permanent constitution. That makes the active engagement of the new body in that drafting process a strategic necessity, not just a procedural concern.

President Al-Shara'a has himself described transitional justice as 'at the forefront' of Syria's priorities and has emphasized the importance of alignment with international norms. But he describes accountability and justice as a 'sensitive topic' and his comments about it are carefully calibrated:

*It is important that transitional justice not be used as a banner for revenge or domination. ... What matters most is that we establish a legal institution, with standards that are recognized both by custom and internationally. ... Because God Almighty has granted the oppressed the right to justice but has not granted them the right to commit injustice.*³²

Mandate and structure

The National Transitional Justice Commission (TJ Commission, the Commission) was established by Presidential Decree on 20 of May 2025, with a mandate covering crimes and violations committed by the former regime up until 8 December 2024. Thirteen members were appointed and the selection reflects Syrian diversity, with members drawn from Turkmen, Kurdish, Christian, Alawi as well as Sunni Arab communities. Five of the

31 Abd al-Hamid Al-Awwak, Member, Constitutional Declaration Drafting Committee, press conference announcing the Constitutional Declaration, Presidential Palace, Damascus, 13 March 2025. Reported by Anadolu Agency and Al-Sharq Al-Awsat.

32 President Al-Shara'a, [Speech](#), Syrian Arab News Agency, 15 June 2026.

13 are women. Several members are themselves victims. One lost 5 siblings; another lost 36 relatives in the Eastern Ghouta chemical weapons attack. The TJ Commission operates through six subcommittees covering truth and fact-finding; accountability and prosecution; reparations and redress; non-recurrence and institutional reform; national memory; and reconciliation and peacebuilding.

Achievements in the foundational phase

In its first six months the Commission conducted field visits across 12 governorates, meeting between 400 and 700 people per location with a focus on victims, families of the disappeared and survivors of sexual and other violence. Internationally, it visited Rwanda and the International Centre for Transitional Justice in Geneva, received delegations from Argentina, Colombia and Mexico, and conducted working visits to Germany, France and the Netherlands. In collaboration with the University of Damascus and independent academics and judges, it drafted a transitional justice law discussed with more than 25 civil society organizations.

Deputy Interior Minister al-Tahhan stated in May 2026 that the Interior Ministry moved to secure regime documentation immediately after liberation and succeeded in

‘It is important that transitional justice not be used as a banner for revenge or domination’

– President Al-Shara’a

preserving approximately 90 to 95 per cent of the archive, with a dedicated unit now in place to maintain it.³³ The volume involved, filling large warehouses across multiple governorates, constitutes an evidentiary foundation of historic significance.

The gap between narrative and reality

The TJ Commission's public posture is one of institutional confidence. The picture that emerges from direct fieldwork, including conversations with Commission members themselves, is more complicated.

Several members acknowledged uncertainty about the full scope of their own authority. That is a troubling admission for a body now more than a year old. One major aspect is the lack of clarity regarding role and responsibilities in relation to other institutions of the transitional government, including the Ministry of Justice. Another is the concern over lack of access, including to bodies of evidence, and over lack of resources. The material constraints are not incidental: members are currently paying their own inter-governorate travel costs without reimbursement. A national body whose members pay their own expenses to do their work sends a signal about state priorities that victims notice. One member, speaking without attribution, put the anxiety plainly: ‘I do not want to be a façade for a process in which nothing real ever reaches the victims.’

33 Al Jazeera, ‘The story continues: Syria and transitional justice’.

A Syrian civil society researcher drew a comparison with Argentina that is worth taking seriously. Argentina's process gained its moral authority from below, from the Mothers of the Plaza de Mayo, from decades of civil society mobilization, from a society that demanded accountability before any institution was willing to provide it. In Syria, the architecture has been drawn up by the state and delivered to communities that had no hand in designing it. Decades of Ba'athist rule deliberately fragmented civil society and the war did the rest. The TJ Commission is being asked to build trust in a process that the communities it serves did not shape and, in many cases, do not yet know exists.

Illicit gains, settlements and the transparency problem

TJ Commission President Abd al-Basit Abd al-Latif has stated publicly that no one who committed crimes against Syrians has been granted amnesty or security guarantees. The field reality is more ambiguous.

Alongside the justice track, a separate process of financial settlements with former Assad government-affiliated figures is being conducted through the National Committee for Combating Illicit Gains, established by Presidential Decision 13 of 2025. TJ Commission President Abd al-Latif has been clear that these settlements do not constitute immunity from criminal prosecution and that the TJ Commission has no involvement in them.³⁴

The legal line may be clear. Public perception is not. Among civil society voices interviewed for this research, and in Syrian public discourse more broadly, any settlement process, however framed, risks being read as a signal that money can make accountability disappear. Transparency here is not a matter of procedural neatness. It is a precondition for the justice process to retain credibility.

Draft law on transitional justice

The draft transitional justice law is perhaps the most significant concrete output of the transitional process to date. Comprising some 55 articles and a 10-page explanatory memorandum, it seeks to provide an overarching framework for the implementation of transitional justice. The need for a draft transitional justice law has been emphasized by Syrian civil society organizations, although some have criticized the relative lack of transparency in failing to publish the draft widely. In June 2026 a coalition of ten Syrian civil society organizations, grouped together as the Syrian Initiative for Fundamental Rights, published a detailed critical analysis of the draft law, including structural gaps and recommendations for reform.³⁵ The discussion that follows relates to the second, revised draft of the transitional justice law.

The draft law attempts to address the four pillars of transitional justice, as well as associated issues such as preservation of collective memory, promotion of reconciliation and civil peace, and supporting victim participation and the creation of a culture of

34 Al Jazeera, 'The story continues: Syria and transitional justice'.

35 The Syrian Initiative for Fundamental Rights (SIFR), *Draft Transitional Justice Law in Syria: A Critical Analysis of Structural Gaps and Recommendations for Legislative Reform*, position paper, 4 June 2026.

human rights. It addresses both legal foundations and institutional structures for delivering transitional justice, and covers both judicial and non-judicial mechanisms.

Throughout the draft there is an emphasis on legality, an attempt to signal an explicit departure from the past: ‘the purpose of this law is to facilitate a transition from the rule of force to the force of law’. An important aspect of this is the grounding in international standards and Syria’s international legal obligations, including the customary rules of international humanitarian law and international standards relating to the rule of law, fair trial guarantees and human rights. Notably, the explanatory memorandum also states that, in addition, the law is based on legal and moral foundations derived from the principles of Islamic *Sharia*.

The law states that it ‘places reparations at the centre of the transitional justice process’. This is an acknowledgement of the state’s moral and legal responsibility towards victims and the restoration of their human dignity. It establishes a reparations fund to compensate victims and finance community rehabilitation programmes, and emphasizes that, as an ‘integral component’ of the transitional justice framework, the resources of the fund may not be diverted for any other purposes.

‘reparations [are] at the centre of the transitional justice process’

– Draft law on transitional justice

The law goes beyond a rhetorical commitment to reconciliation by establishing institutional structures and programmes for promoting civil dialogue and reconciliation and, in criminal cases, making provision for

conditional judicial mitigation (reduction of sentence) where an accused or convicted person confesses and commits to full disclosure.

However, the law reflects the mandate of the TJ Commission by applying only to ‘the crimes of the former regime’. This has prompted wide criticism by both Syrian and international human rights organizations, who point out that while the violations committed by the Assad government were egregious, other parties to the conflict were clearly also responsible for grave violations, not least armed opposition groups, including ISIS, and foreign governments and their proxies. A selective approach to the application of justice threatens the attempt to ground the proposed framework in the rule of law and international standards.

In respect of criminal accountability, the law includes provisions for the prosecution of core international crimes: war crimes, crimes against humanity, genocide and torture, and also introduces liability in relation to command responsibility, currently absent in the Syrian Penal Code. The definitions of certain crimes in the law, however, diverge from international standards. For example, in addition to the four protected groups (national, ethnic, racial or religious groups) in the Genocide Convention, the law adds a fifth group, ‘regional’, in the definition of the crime of genocide. It is unclear why this has been added, but it may be a reference to the Assad government’s repeated attacks on Idlib and other areas of north-west Syria.

The draft also retains the death penalty for the most serious offences, including making it mandatory for the crime of genocide and for certain crimes against humanity. This may be

popular in Syria but will seriously limit the potential for international cooperation, which is generally dependent on the death penalty not being available (see previous chapter).

In practice, the thorniest outstanding question posed by the law may be how the statutory, expanded national transitional justice authority (with its 7 departments, 13 directorates, networks of local offices, reconciliation committees and national memory centres, and an empowered specialized public prosecutor's office) will relate to the ordinary justice system and its growing post-conflict caseload of criminal prosecutions and property disputes.

That may be why the process to agree a transitional justice law, first expected earlier in 2026, has stalled. At the time of writing, a TJ Commission member described it as stuck in the tension between the Commission and the Ministry of Justice over who owns the drafting process. That jurisdictional contest, if unresolved, will hollow out the institutional architecture the justice process depends on.

Limits of the current mandate

Temporal jurisdiction

The Syrian conflict began in 2011 but Syria's violations did not. The 1982 Hama massacre, the Tadmor prison executions, decades of enforced disappearance under Hafez al-Assad, these are all part of what a transitional justice process in Syria needs to address. Victims of those years have legitimate claims that a framework beginning with the war structurally cannot reach. Morocco's Equity and Reconciliation Commission extended its scope back to independence in 1956.³⁶ That model is worth studying.

The draft transitional justice law proposes a jurisdiction starting from November 1970, when Hafez al-Assad led the Ba'athist *coup d'état*. The Syrian Initiative for Fundamental Rights has suggested going further back to September 1961, when Syria seceded from the United Arab Republic following an earlier *coup d'état*. The question of how far back accountability must go is one of the most important design decisions Syria's transitional justice process still needs to make.

The TJ Commission's mandate covers crimes committed by the former regime up until the date of its downfall on 8 December 2024. Violations committed since, including mass killings in the context of the coastal violence in March–April 2025 and in Suwaida in July–August 2025, fall outside it. Violations committed by ISIS, foreign state actors, affiliated militias, and other non-state actors fall outside it too. For communities in Deir ez-Zor, Raqqa and rural Aleppo, for example, who lived under multiple perpetrators, this means the institution designed to deliver justice does not, in formal terms, address the crimes that defined their experience of the war.

A selective approach to the application of justice threatens the attempt to ground the proposed framework in the rule of law and international standards

36 Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*.

Foreign actors

The accountability gap created by foreign state involvement is one of the most structurally difficult problems facing the transitional justice process. In Deir ez-Zor, for example, families are looking for relatives taken by Assad government forces, by ISIS, by Iranian-backed militias and by the Global Coalition against ISIS. Each armed actor operated differently, left a different body of evidence and sits at a different point on the spectrum of international accountability. For those families, the TJ Commission's mandate, as currently framed, addresses only one of those four groups of perpetrators.

Russian armed forces conducted thousands of airstrikes in Syria between 2015 and 2024, operating alongside Assad government forces in campaigns that caused extensive civilian casualties and contributed to the destruction of civilian infrastructure across Aleppo, Idlib, Homs and Deir ez-Zor. Human Rights Watch documented 46 unlawful ground and air attacks on civilian infrastructure in Idlib alone during the 2019 to 2020 offensive, including strikes on hospitals, schools and markets, concluding that these violations were not isolated errors but may have formed part of a deliberate strategy to force civilian displacement.³⁷ Amnesty International similarly documented that Russia was responsible for the use of unguided munitions in populated residential areas and repeated strikes on medical facilities.³⁸ No accountability mechanism has been activated against Russian forces. Russia's permanent seat on the UN Security Council previously blocked any referral to the ICC and universal jurisdiction proceedings in European courts have so far focused exclusively on Assad government actors and non-state armed groups.

The US-led Global Coalition against ISIS presents a different but equally unresolved accountability picture. Operation Inherent Resolve, which ran from 2014 onward targeting ISIS across Raqqa, Deir ez-Zor and rural Aleppo, resulted in significant civilian casualties documented by Airwars and other monitoring organizations.³⁹ The battle for Raqqa in 2017 was particularly devastating: an estimated 1,600 civilians were killed and the city was left largely destroyed. Coalition investigations into civilian harm have been conducted internally and have generally produced findings of compliance with the laws of armed conflict, conclusions that affected communities have largely not accepted. A journalist from Raqqa who has spent years documenting ISIS-era detention described the populations most affected: Arab Sunni communities who lost relatives to the Assad regime, to ISIS and to Coalition air strikes, who now find themselves almost entirely absent from the current accountability architecture. That absence is not incidental. It reflects a hierarchy of victims that no one formally decided upon but that the institutional design has produced nonetheless.

Hezbollah and Iranian-backed militias operated across Homs, Aleppo and the Syrian coast as an integral part of the Assad government's military structure, participating directly in siege operations and the collective punishment of civilian populations. Like Russian forces, they fall outside the TJ Commission's current mandate. The communities that lived under those sieges, including in Homs and Aleppo, have no formal institutional space within which to present their claims.

37 Human Rights Watch, *'Targeting Life in Idlib': Syrian and Russian Strikes on Civilian Infrastructure*, 15 October 2020.

38 Amnesty International, *'Nowhere Is Safe for Us': Unlawful Attacks and Mass Displacement in North-West Syria*, London, Amnesty International, 15 May 2020.

39 Airwars, *'US-led Coalition in Iraq and Syria: Civilian casualty monitoring'*, n.d., accessed 13 July 2026.

In northern Syria, Turkish forces occupied Afrin, Serekaniye and Ras al-Ain, and Türkiye backed a series of armed militias responsible for widespread violations against the Kurdish-majority population, including extra-judicial killings, extortion and arbitrary detention. Immediately following the fall of the Assad government, Israel invaded Syria from the south-west, effectively extending its zone of occupation beyond the Golan Heights by several hundred square kilometres.

The Syrian transitional government's approach to all these actors reflects the political constraints of the transition. For example, President al-Shara'a has visited Moscow twice since taking power, in October 2025 and January 2026, acknowledging Russia's continued role in Syria's stability and permitting Russian forces to retain access to the Hmeimim airbase and Tartus naval facility.⁴⁰ The approach reveals an evident pragmatism, driven by Syria's need for Russian cooperation on reconstruction, energy and grain. Damascus also appears to have calculated that it currently cannot afford a confrontational posture with Russia – or indeed Israel or Türkiye – while the transition remains fragile. However, a pragmatic foreign policy should not be allowed to trump the obligation to ensure redress for past harm and the communities that bore the cost of foreign military operations are entitled to have what happened to them named and recorded, and to receive a measure of justice.

Even in the absence of viable enforcement mechanisms against foreign state actors, a credible transitional justice process cannot simply ignore violations committed on such a widespread or massive scale. Truth commissions in comparable contexts have recorded violations by all parties, including parties beyond the reach of domestic law enforcement, on the grounds that official acknowledgement is itself a form of justice that survivors are owed and can open a path to reparations and further justice mechanisms in future. The woman in Deir ez-Zor who lost a son to a Coalition airstrike and the family in Homs who lost a father in a siege that Hezbollah enforced are asking for the same recognition as other Syrian victims: to have what happened acknowledged, officially and without evasion.

40 Al Jazeera, 'Al-Sharaa discusses fate of Russian military bases with Putin', 28 January 2026; France 24, 'Syria's Sharaa meets Putin in Moscow as Kremlin eyes deal on military bases', 28 January 2026.

4

Civilian voices — field testimonies from across Syria

The centrality of victim voice

There is a version of transitional justice that exists entirely on paper. Institutions are established, mandates are written, international delegations are received. The process looks like progress from a distance. Up close, among the people it is supposed to serve, nothing has moved.

The fieldwork for this research was conducted to understand the distance between those two realities. Over three visits to Syria and an extended period of remote interviews conducted between mid-2025 and May 2026, over 40 people agreed to speak about what they had lived through and what they believed justice would require. They came from Damascus and Rif Dimashq, from Homs and Aleppo, from the coast and from Sweida, from Deir ez-Zor and Qamishli and from diaspora communities who had not been back in years. They included lawyers and journalists, former combatants and civil society activists, judges and justice officials, TJ Commission officials and civilians who had never heard of the Commission. Women made up more than a third of the participants.

What they described was not a single picture. Syria is too fractured for that, its conflict too long and too layered. But certain things came up again and again, across very different backgrounds and very different experiences of the war, with enough consistency to be called findings rather than impressions. Those findings are what this chapter documents.

One consistent thread across nearly every conversation was the acknowledgement that things are better now than they were under Assad: electricity for more hours of the day, checkpoints where nobody disappears. The slow, cautious return of people who had been gone for years. These things matter to people who lived with armed conflict for 14 years, and systematic repression for much longer, and recording that honestly is part of the picture. But it was almost always followed by something else: a process that feels too slow, that is not reaching the places it needs to reach, and that rests on legal and institutional foundations that are not yet solid enough to bear the weight being placed on them.

Another general finding from the fieldwork was how few people knew the National Transitional Justice Commission existed. In Damascus, among lawyers and civil society professionals, awareness was generally strong. Further out, in smaller towns, among rural communities, among minority populations, it dropped sharply. A Druze civilian interviewed in Beirut had never heard of the Commission. When told about it, his response was a single word: 'Inshallah.'

This is more than a communications problem. The TJ Commission is based in Damascus. At the time of research it had no permanent offices anywhere else in the country. A Syrian researcher put the question simply: how does a national institution claim to represent the whole country when it has no physical presence outside the capital?

Another cross-cutting finding relates to the participation of women in the justice process and in the transition more generally. There is widespread concern that if many women feel a new freedom in post-Assad Syria, it is one that is being rapidly circumscribed. One interviewee put it as follows: ‘Who kept children’s education and schools running all those years? Women. Who held families together? Who went to the Security Branch to ask about missing persons? Women. Who led the first demonstration against the Ministry of the Interior? Women. And where are they now? Excluded from public life.’

Syrian civil society dialogues on transitional justice

Over 2025, Syrians for Truth and Justice organized three focused dialogues on challenges and opportunities for achieving a comprehensive model for transitional justice in Syria. Bringing together civil society activists, legal professionals and journalists in Damascus, Qamishli and Sweida, the three dialogue sessions were concerned not just with the technical implementation of transitional justice mechanisms but also with the wider societal and governance context needed to support transitional justice. The three dialogues exhibited a considerable degree of convergence in both issues discussed and in the recommendations that emerged. The participants prioritized:

- measures to ensure safety and security for all and an end to military operations;
- a constitutional process based on rule of law and separation of powers that is non-discriminatory and reflects all of Syria’s communities;
- transitional justice mechanisms that are inclusive and address violations committed by all forms of perpetrator;
- reparations that are not just about compensation but also provide rehabilitation and satisfaction for victims;
- support for the active participation of women, both generally and specifically in the transitional justice process;
- an enlarged role for civil society, which includes fostering national and local dialogues, supporting victims and survivors, promoting intercultural understanding, as well as providing constructive scrutiny of government;
- the continued need for international involvement, to accompany a new Syria and specifically to support effective and prompt implementation of transitional justice.

In addition, the Damascus and Qamishli dialogues stressed the need to take serious measures to counter incitement and hate campaigns. Qamishli participants also emphasized the importance of releasing detainees and assisting efforts to find missing persons in areas controlled by Türkiye, as well as in areas controlled by the Autonomous Administration. There was widespread support for specific institutions of transitional justice, including the National Commission on Transitional Justice, but a level of concern as to whether they would be sufficiently independent and adequately resourced.

‘Applying the concept of transitional justice first requires preparing societies to understand transitional justice as a process based on accountability and reparations, not revenge’ – Damascus participant

‘Reparation is not merely financial; it must involve acknowledgement of the violation, recognition of its consequences, and then addressing these consequences’ – Qamishli participant

‘The two institutions where reform must begin are the military and the judiciary’ – Sweida participant

The right to truth

Lives in suspension

Across every region, the thing people asked for first was not compensation or prosecution. It was truth. Not a general acknowledgement that bad things happened, but an answer to a specific question: where is my son's grave, what happened to my brother in that facility, who gave the order that night.

TJ Commission President Abd al-Latif captured what that demand actually looks like when it arrives in person. He described a woman who came before him and said nothing more than: 'I want to know where my son's grave is.' The right to that answer is enshrined in international law. The UN Declaration on the Protection of All Persons from Enforced Disappearance affirms that enforced disappearance constitutes a continuing violation of fundamental rights for as long as the truth remains concealed.⁴¹

Besides the TJ Commission, in May 2025 President al-Shara'a also established by decree a National Commission for the Missing, to investigate the fate of missing and forcibly disappeared persons, set up a national database and provided support to the families of the missing. Notably, the Commission's mandate includes all missing persons and not just those suspected killed or forcibly disappeared by the Assad government.

For the families featured in the CNN Arabic documentary *Heirs Under Torture*,⁴² the issue was not just learning what happened. It was getting the state to call it what it was. The documentary follows the journeys of families whose relatives died under torture, including some whose bodies appeared in the files of 55,000 photographs smuggled out of Assad's Syria by a military police defector codenamed 'Caesar'. In seeking death certificates for their loved ones, many discovered that the certificates had been issued under the 1953 Personal Status Law pursuant to Decision no. 315 of 2016 by 'the Commander of the Army and Armed Forces', namely Bashar al-Assad, who was ultimately responsible for the system under which they died. Under the decision designating Syrian territory as an area of military operations, individuals who disappeared after 15 March 2011 could be declared officially dead once four years had passed after the date of their disappearance.

' Justice cannot be divided. I cannot in good conscience demand justice for my family and have it denied to another family because their relatives were taken by a different party. Either it covers everyone, or it is not justice'

– Survivor of enforced disappearance,
Damascus

Families refused to accept that framing. They wanted official acknowledgement that their relative was tortured and killed by agents of the state, not a bureaucratic record that erases the method. The difference between a record of death and an acknowledgement of a crime is the difference between erasure and recognition. It is what truth committees exist to provide.

However, as of April 2026 the National Commission for the Missing had not yet

⁴¹ United Nations General Assembly, [Declaration on the Protection of All Persons from Enforced Disappearance](#), UN GA Res. 47/133, 18 December 1992.

⁴² CNN Arabic, 'Heirs under torture: The journey of three Syrians to document their relatives' deaths under torture at the hands of the Assad regime', 23 April 2026.

received access to the Caesar documentation and the linkage between the photographs and the detention records and body serial numbers remains incomplete.⁴³ In that archive lie the answers to questions thousands of Syrian families have been carrying for years.

Mass graves and the forensic dimension

In a building in Damascus's Baramkeh neighbourhood that looks like any other office block, Dr Anas al-Hourani stands beside two tables. On each table, as reported by BBC Arabic, 32 human femur bones have been laid out, sorted and numbered with careful precision. They came from a mixed mass grave, which means the bodies were thrown in together.

Al-Hourani is a forensic odontologist and the head of Syria's first forensic identification centre, opened in March 2025. He knows that teeth can tell you a great deal about a person. Femur bones can tell you height, sex, approximate age, and the kind of physical labour the person did in life. They may also reveal evidence of torture. What they cannot tell you, without DNA analysis, is who the person was, and Syria currently has one DNA testing facility.⁴⁴

That single detail captures the distance between what the right to truth demands and what Syria can currently deliver. Between 150,000 and 200,000 people are missing as a result of the conflict and decades of repression.⁴⁵ The International Commission on Missing Persons (ICMP) has confirmed at least 71 possible mass grave sites. One site approximately 30 miles north of Damascus is estimated to hold at least 100,000 bodies. A Reuters investigation published in 2025 found that the Assad government had secretly moved thousands of bodies from an original burial site at Qutayfah to a secondary location at Dhumair, with at least fifty burial trenches across the two sites, in a deliberate effort to conceal the scale of the killing.⁴⁶ The regime documented its own crimes in unusual detail, as revealed through the Caesar archive and through the testimony of a gravedigger who fled Syria in 2017 and later testified in the Anwar Raslan trial in Germany. That documentation is the foundation forensic investigators will work from. But evidence of where bodies were buried is not the same as the capacity to find, exhume and identify them.

In June 2026, the Syrian Interior Ministry announced the discovery of a mass grave in Saydnaya, Rif Dimashq, containing the remains of opposition fighters from the Western Qalamoun area killed in 2014.⁴⁷ Security forces cordoned off the site. The National Commission for the Missing conducted an initial field assessment. That response was measured and procedurally correct. It was also a reminder that finding a site is only the beginning: the forensic work that follows is where institutional capacity is genuinely tested and where Syria's current limitations are most exposed.

The National Commission for the Missing has documented dozens of sites since its establishment in May 2025, and conducted interventions at several locations, including Tadamon, al-Utayba in Rif Dimashq, al-Haffa in rural Latakia and Mazraat al-Raheb in

43 CNN Arabic, 'Heirs under torture'.

44 BBC Arabic, 'Inside Syria's first forensic identification centre', May 2025.

45 ICMP, 'Syria's disappeared', 10 December 2024.

46 Maggie Michael, Feras Dalatey, Ryan McNeill and Khalil Ashawi, 'Assad government secretly moved mass grave to cover up killings', Reuters, 14 October 2025.

47 Al Jazeera, 'Syria: Discovery of a mass grave in Saydnaya dating to 2014', 12 June 2026.

the southern Aleppo countryside, where around 55 sets of remains were recovered.⁴⁸ In November 2025 the Commission signed a collaboration agreement with the ICMP, the International Committee of the Red Cross, and the UN Independent Institution on Missing Persons covering forensic capacity-building and excavation protocols. A national database of the missing is under construction. The Syrian Identification Centre has branches in Aleppo and Sweida alongside Damascus, but a severe shortage of forensic specialists has prevented further expansion. The specialty was long avoided by Syrian medical professionals and rebuilding that expertise will take years.⁴⁹

What the framework currently lacks is legal clarity and financial scale. Civil society organizations have recommended legislation to criminalize tampering with grave sites and to centralize exhumation authority under a single competent body, with formal exhumations approved only in emergencies until a comprehensive national strategy is in place.⁵⁰ It has been estimated that full identification of Syria's missing will cost in the region of \$200 million, a figure that places the task entirely beyond Syria's current fiscal capacity. International financial and technical support is not supplementary in this context. It is what makes the process possible at all.

The families who have been waiting know what they are asking for. Not perfection, and not speed at the expense of accuracy. They want the sites protected before evidence disappears. They want the process to move with the seriousness the scale demands. And they want the state, when it finally identifies their relative, to say clearly what happened to them. A death certificate issued under Decree 15 of 2009 is not an acknowledgement of a crime. A numbered femur bone on a table in Baramkeh is not yet a name. But without this work, neither truth nor justice has anywhere to begin.

Criminal justice

The chain of command question

The arrest of Amjad Youssef in April 2026 was received, in Damascus and among victims' families, with a mixture of genuine relief and difficult questions. Youssef is accused of having participated in the killing of at least 288 civilians in Tadamon in 2013, including 12 children. Footage of some of the killings was filmed by the perpetrators.

But the relief did not last long before the questions began. A Syrian activist in Damascus said it plainly: 'I am very happy for the victims' families who have waited so long. But this is not enough. Where is the chain of command? Who gave the orders? And who sheltered him all these months?'

'Where is the chain of command? Who gave the orders?'

– Civil society activist, Damascus

Youssef confessed to killing approximately forty people while claiming he acted without orders from superiors, a claim that contradicts documentation placing his field

48 Syria Justice and Accountability Centre (SJAC), 'One year on: The state of transitional justice in Syria', June 2026.

49 Syria Direct, 'In search of closure: Syrians work to unearth the secrets of Assad's mass graves', December 2025.

50 SJAC, 'One year on: The state of transitional justice in Syria'.

The ISIS trials in north-east Syria

One significant exception to the prevailing impunity for atrocity crimes within Syria during the years of conflict was the attempt by the Autonomous Administration of North and East Syria to bring to justice members of ISIS. Not widely reported in the international media, the trials in Qamishli and Kobani led to the conviction of thousands of Syrian ISIS members.⁵¹

Controlling at its height nearly a third of Syrian territory, the Autonomous Administration was led by the Democratic Union Party (PYD), a Kurdish party which instituted a system of governance based on decentralized decision-making and equality between men and women (all senior positions were held jointly by a woman and a man) but criticized as a one-party state by opponents. The armed wing of the Autonomous Administration, the Syrian Democratic Forces (SDF), partnered with the Global Coalition to defeat ISIS in Syria. By the end of ISIS' last stand at Baghouz in 2019, the Autonomous Administration held tens of thousands of ISIS fighters and their families in detention. Syrian ISIS suspects were tried before 'people's defence courts', which applied the Syrian Penal Code as modified by the 'Social Contract' – effectively a regional constitution with rights guarantees – and subsequent amendments. As with prosecutions of ISIS suspects in Europe, most trials were held under anti-terrorism laws. On conviction, sentences ranged from one year or less to life imprisonment.⁵² The death penalty was not available and judicial officials explained that, in the case of low-level perpetrators, there was an emphasis on rehabilitation and reconciliation.⁵³ Following criticism, a right of appeal was introduced in 2021. Concern over fair trial standards continued, however, including in particular over the effective lack of legal representation for suspects. In all, over 9,000 trials were conducted, the great majority trials of ISIS members, although some related to members of Jabhat al-Nusra and other Turkish-backed SNA militias.

The Autonomous Administration also held in detention thousands of 'foreign fighters' (foreign nationals who had travelled to Syria to join ISIS), as well as their families who were held in camps at al-Hawl and Roj. Although members of the Global Coalition, including the US, supported detention operations by helping to construct facilities, secure perimeters and pay prison guards,⁵⁴ foreign states largely refused to accept the return of their nationals for prosecution at home. Some, such as the UK, went as far as to strip them of citizenship. The Autonomous Administration finally drew up plans in 2023 to try foreign ISIS members itself⁵⁵ and passed a law to incorporate war crimes, crimes against humanity and genocide into the penal code. However, it became clear that the national authorities in suspects' home states would not accept the legitimacy of legal proceedings conducted by a non-state entity such as the Autonomous Administration. Caught in legal and political limbo, the ISIS foreign fighter suspects and their families were held for years without charge or trial in conditions heavily criticized by UN human rights monitors.⁵⁶

Finally, in January–February 2026, in a temporary security vacuum during the retaking of territory in north-east Syria from the SDF by forces of the new transitional government, the US carried out an operation to transfer remaining male ISIS detainees from Syria to prison facilities in Iraq.⁵⁷ Iraqi authorities confirmed that a total of 5,704 detainees were transferred, including nationals of 61 countries. The majority, 3,543, were Syrians, who now face the prospect of a second trial in Iraq.⁵⁸

51 Criminal trials by non-state parties to conflict are envisaged in Common Article 3 of the Geneva Conventions and Article 6 of Additional Protocol II.

52 Tanya Mehra and Matthew Wentworth, 'New kid on the block: Prosecution of ISIS fighters by the Autonomous Administration of North and East Syria', ICCT, 16 March 2021.

53 Liz Sly, 'Captured ISIS fighters get short sentences and art therapy in Syria', Washington Post, 14 August 2019.

54 Jennifer Maddocks, 'ISIS detentions in Syria and the responsibility of supporting states', Articles of War, 16 August 2024.

55 North Press Agency, 'AANES trials for foreign ISIS members... What is to be expected?', 13 June 2023.

56 UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, Technical Visit to the Northeast of the Syrian Arab Republic: End of Mission Statement, 21 July 2023, p. 2.

57 U.S. Central Command (CENTCOM), 'U.S. forces complete mission in Syria to transfer ISIS detainees to Iraq', press release, 13 February 2026.

58 Al Jazeera, 'US says over 5,700 suspected ISIL detainees relocated from Syria to Iraq', 15 February 2026.

commander at the scene.⁵¹ That he remained at large for months before his arrest is itself significant: the existence of an accountability process does not automatically generate the social and institutional conditions that process needs to function. The chain of command question, and the question of who enabled his continued freedom, remain open.

The Syrian Penal Code currently has no provision for command responsibility. As understood in international criminal law, the doctrine of command responsibility makes criminally liable not only the superior who orders a crime but also commanders who knew or should have known that forces under their control were committing a crime but failed to prevent them or to punish those responsible. As noted in the previous chapter, the transitional justice law, as currently drafted, proposes to introduce a provision for command responsibility but only in respect of suspects from the former regime.

Justice for post-2024 events

Interviewees from the coastal regions expressed both a lack of confidence that the perpetrators of massacres in Latakia and Tartus in 2025 would be brought to justice and a fear of continuing violence, particularly sectarian attacks aimed at Alawi communities.

A fact-finding commission on the March coastal violence established by President al-Shara'a documented the killing of 1,426 civilians, including 90 women, alongside 238 military and security personnel, and referred 563 suspects to the justice system.⁵² The trials of an initial group of suspects began in November 2025 before a military criminal court in Aleppo, applying Syrian domestic law under both the Syrian Penal Code of 1949 and the military penal code (in contrast to the Atef Najib trial, international law was not cited as a complementary basis for the charges). Defendants include both former Assad government elements accused of attacking the security forces and those affiliated with the Syrian transitional government accused of killing civilians, with the former group tried first.

As with the coastal violence, Druze interviewees from Suweida expressed acute ongoing security fears and lack of trust in any accountability process following a series of massacres of civilians perpetrated in July 2025 (see box at end of chapter).

Reparations

Land, property and the running clock

Of all the issues that came up across the fieldwork, the restitution of property was the one that felt most immediately explosive. It was there in every region, in different forms, but with the same underlying structure: displacement has created a legal limbo that is already causing harm and will cause more before any formal mechanism is ready to address it. A man from the Latakia countryside described returning to find his land designated a military zone, filled with landmines and cluster munitions. He had a separate property in Latakia city that had been looted, and he knew exactly who had looted it. The individual was still free, still nearby. He had filed a legal complaint and was waiting for the state to

59 *Syrian Observer*, 'Amjad Youssef's confession puts the Tadamon massacre back at the center of Syria's justice debate', 28 April 2026.

60 Independent National Commission for Investigation and Fact-Finding Concerning Events in the Syrian Coastal Region, [press conference](#), 22 July 2025.

act. Not everyone in his situation, he said, would be as patient.

The property crisis will arrive before reconstruction does

In the Damascus countryside, conflict-era legislation establishing redevelopment zones gave property owners a fixed deadline to prove their ownership or lose their claim to the state. That provision was written without any mechanism for the reality that millions of Syrians were forced to leave and had no way to prove ownership from Lebanon, Germany or Jordan. A Syrian researcher described her uncle's situation: 12 years as a refugee, now facing the potential loss of a property he never chose to abandon.

These are not future problems. They are present ones. A legal expert interviewed for this research said it directly: the property crisis will arrive before reconstruction does, and before the TJ Commission has any tools to address it. The land question is not downstream of transitional justice. It is already here, generating grievances that the formal process will inherit.

Compensation: a universal demand

Across every background, every region and every type of participant in this research, there was the demand for compensation. Not because people believed money would heal what happened. Almost nobody said that. But material support could ease the conditions of return, allow families to rebuild with some dignity and signal that the state recognizes what was taken. That signal matters enormously when the experience of a generation has been that the state took and never gave back.

One interviewee from the Tartus coast drew on the Islamic concept of *diyya*, the obligation to make material restitution for a wrong, and extended it: compensation should include employment, educational recognition for young people who lost years of schooling to the conflict and real investment in bringing Syrian expertise back from the diaspora. Giving a trained engineer who fled to Germany a reason to return is also a form of reparation.

The structural problem is unavoidable. The Assad government left Syria economically broken. There is no compensation fund. A scholar in the research put the tension directly: the four-pillar international framework assumes a state with the fiscal capacity to deliver on its obligations. Syria does not have that. The framework will need to be adapted to work with what exists.

The reparations required to address what happened in Syria exceed what the Syrian state can provide. International mechanisms, a UN-administered fund, are not supplementary in this context: they are structurally necessary.⁶¹ At the same time, property restitution, housing justice and the right of return are so entangled with each other and with ongoing security dynamics that no single mechanism can address them.

Iraq's experience with restitution and reparations offers a reference point worth studying (see box). They were imperfect in design and uneven in implementation. But they

61 Christine Evans, *The Right to Reparation in International Law for Victims of Armed Conflict*, Cambridge, Cambridge University Press, 2012; Carrillo, 'Justice in context'.

delivered real relief to many people who had been harmed at a moment when almost nothing else was available. They did not resolve sectarian fault lines, they did not bring back the dead, but they did give families an acknowledgement, a process, money that allowed some of them to rebuild and to renew their relationship with the state. Comparable mechanisms for Syria, designed with the Iraqi lessons in mind, would be worth far more than another conference on transitional justice principles.

Reparations at massive scale: the experience of Iraq

Both Syria and Iraq have survived decades of Ba'athist repression, prolonged internationalized conflict involving multiple armed actors, mass population displacement and an appalling toll of forced disappearances. While the two countries are very different, including in terms of demography, economy and the trajectory of conflict, the manner in which Iraq responded to the reparations challenge may hold significant lessons for Syria.

Following Saddam Hussein's removal from power in 2003 and the prospect of large-scale population returns, an Iraq property claims commission was established, later reconstituted as the Commission for the Resolution of Real Property Disputes (CRRPD). Mandated to award restitution in cases of property arbitrarily seized by Ba'ath officials or where people were forcibly displaced for political, ethnic or religious reasons, the Commission dealt with over 150,000 claims but was only able to finalize cases in around a fifth of that number. Given the time period that had elapsed since expropriation, the Commission found that a property might have changed ownership multiple times and the current owners could have been there decades.

While the CRRPD only dealt with the Ba'ath era, new cycles of violence in Iraq in 2003 and after created millions of new victims. Those who were dispossessed following the US-led invasion in 2003 or in the sectarian war of 2006-7 were unable to have recourse to the CRRPD.

Then in 2009 the Iraq parliament passed Law 20 to compensate the victims of 'military operations, military mistakes and terrorist actions'. It has become one of the most extensive civilian reparation programmes in history. Claimants can receive lump sum payments and, in certain cases, a monthly pension in respect of martyrdom or loss of life, or injury leading to disability, and compensation of 50 per cent of the assessed value of damaged property. Significantly, as the title of the law indicates, both victims of terrorism and of (state) military operations are eligible. By 2016, some 184,000 claims had been assessed and approximately USD 420 million disbursed to claimants.⁶²

Effectively suspended during the ISIS conflict, the Law 20 scheme was in danger of being overwhelmed given the massive scale of destruction in Mosul and other cities formerly held by ISIS. Amendments to the law entrusted the assessment of claims to committees at governorate level, who were in position to understand local circumstances. Claims were admissible from all Iraqis, irrespective of community or regional affiliation, unless they had been members of ISIS (or the Ba'ath party). But they were particularly significant from the governorates such as Nineveh and Anbar, epicentres of the ISIS conflict, where both the Sunni Arab majority as well as minority communities had suffered extensive harm.

While amendments to Law 20 of 2009 improved the system for assessing claims at scale, the law's failure to deal with sexual violence and slavery, egregious violations under ISIS, was recognized as a major omission. Law 8 of 2021,

62 Clara Sandoval and Miriam Puttick, *Reparations for the Victims of Conflict in Iraq: Lessons Learned from Comparative Practice*, Ceasefire Centre for Civilian Rights, November 2017.

known as the Yazidi Survivors' Law, hence created a comprehensive programme of reparations for Yazidi, Christian, Turkmen and Shabak survivors of sexual violence and other ISIS crimes.⁶³

The experience of the Ceasefire legal help centre in Mosul, providing free advice since 2021 to claimants under both Law 20 and the Yazidi Survivors Law, is that although claimants have to navigate a series of administrative obstacles the compensation available provides important assistance in rebuilding their lives and potentially to the wider process of post-conflict reconciliation.

As a major oil-producing state, Iraq has been able to draw on sufficient export revenues to finance compensation for conflict-affected Iraqis (although, like the rest of Iraq's economy, the scheduling of payments is periodically affected by the oil price). Post-war Syria is in a more difficult economic position and the draft transitional justice law provides that the proposed reparations fund, in addition to general budget allocations, could benefit from international assistance and grants, as well as the recovery of misappropriated assets from the former regime. However, Iraq's experience with delivering reparations on a huge scale, and the development of reconciliation-oriented programmes which compensated conflict-affected victims without the need to establish responsibility, provide potential lessons for the development of Syria's own reparation programmes.

Guarantees of non-recurrence: institutional reform

Of the four pillars of transitional justice, guarantees of non-recurrence are the most structurally demanding. Truth can be documented with sufficient will and resources. Prosecutions can proceed, however imperfectly, through legal channels. Reparations can be designed and funded, however inadequately, over time. Non-recurrence requires something harder: dismantling and rebuilding the institutions that made the violations possible in the first place, while simultaneously depending on those same institutions to maintain order during the transition. In Syria, that paradox is not theoretical. It is the condition under which the justice process operates on a daily basis.

The Assad regime did not commit its crimes despite the state. It committed them through it. The security apparatus, the judiciary, the detention system, the military were not institutions that occasionally produced bad actors. They were designed, over five decades, to subordinate individual rights to regime survival. The Caesar photographs did not emerge from a system that had gone wrong. They emerged from a system that was working as intended. Many interviewees emphasized that guarantees of non-recurrence in Syria therefore cannot mean patching up the existing architecture. They require its fundamental transformation.

Illustrating the scale of that task, Deputy Interior Minister al-Tahhan stated in May 2026 that between 450,000 and 500,000 individuals were bearing arms for the regime at the moment of its fall.⁶⁴ A significant proportion of those individuals served in institutions directly implicated in systematic violations. Vetting those individuals, determining who can be reintegrated into reformed institutions and who cannot, is a process that no credible non-recurrence framework can avoid. Iraq's de-Ba'athification experience offers a

63 Ceasefire Centre for Civilian Rights, 'The Yazidi survivors' law: A step towards reparations for the ISIS conflict', briefing, May 2021.

64 Al Jazeera, 'The story continues: Syria and transitional justice'.

stark warning: when vetting becomes a tool of exclusion rather than a principled accountability mechanism, it produces sectarian resentment, institutional collapse and, ultimately, the conditions for further violence.⁶⁵ Syria needs a vetting process focused on individual conduct rather than affiliation, precisely the standard that eluded Iraq.

Enforced disappearance warrants particular attention within this framework, as disappearance was not an incidental feature of the Assad system but a central tool of political control, deployed systematically across both Hafez and Bashar al-Assad's rule. Syrian national law does not currently contain a specific criminalization of enforced disappearance as defined under international law, and Syria has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance. The 1992 UN Declaration on the Protection of All Persons from Enforced Disappearance affirms that enforced disappearance constitutes a continuing violation of fundamental rights for as long as the truth remains concealed.⁶⁶ Without domestic legal anchoring of that prohibition, the commitment against disappearance exists in political declaration but not in enforceable law. Incorporating that legal standard into Syrian legislation and acceding to the International Convention would constitute a foundational element of any credible non-recurrence framework.

The judiciary presents its own non-recurrence challenge. A court system that spent fifty years ratifying executive decisions cannot be reformed by changing personnel alone. It requires structural independence: appointment mechanisms insulated from executive pressure, tenure protections for judges, a prosecutorial function genuinely separate from the Ministry of Justice and a legal framework that incorporates international criminal law standards. The stalled transitional justice law, currently caught in the jurisdictional contest between the TJ Commission and the Ministry of Justice, is itself a test case for whether that independence is real. Unless the legal framework governing accountability is sufficiently independent, the structural subordination of law to executive power that defined the Assad era risks being reproduced in a different institutional form.

The Constitutional Declaration of March 2025 provides a foundation. Articles 48 and 49 establish transitional justice as a constitutional obligation and remove the non-retroactivity bar for former regime crimes. But a constitutional text is only as durable as the institutions built to implement it. If the new transitional justice institutions are not actively engaged in the permanent constitution drafting process, the guarantees of the foundational phase will be subject to renegotiation by whoever holds power when that process concludes. Non-recurrence, in the end, is not a legal category. It is a political commitment that has to be built into every institution Syria constructs from this point onwards.

Reconciliation: what courts cannot reach

Some of the deepest damage this research encountered has no courtroom solution. It lives in the geography of who controls what, who owes what to whom and who has to pass through whose village to reach a hospital.

⁶⁵ Dodge, *Iraq: From War to a New Authoritarianism*.

⁶⁶ United Nations General Assembly, [Declaration on the Protection of All Persons from Enforced Disappearance](#), Res. 47/133, 18 December 1992.

Security constraints are real. Armed groups remain active. The TJ Commission cannot currently operate meaningfully in areas outside government control. The question of who holds effective control in many parts of the country – the state, armed factions, external proxies – has no clear answer yet.

Nubul and Zahraa, two predominantly Shia villages in the Aleppo countryside, remained under Assad government control throughout the conflict. Some of their residents served in pro-government forces, including through conscription, economic pressure or the absence of viable alternatives, and fighting occurred between those forces and neighbouring communities. Neighbouring villages suffered extensive destruction. A person from a surrounding community who needs medical care has to travel through areas where some of those involved in that violence may still live. That is not a metaphor. It is the practical, daily reality of a wound that no institution is yet positioned to heal. The

Sweida: when the transition itself displaces you

A Druze civilian from Sweida, interviewed in Beirut in December 2025, had left Syria in December 2025, not because of the Assad regime but because of what happened after its fall. Houses were burned. People were abducted. Members of his family lost possessions they had held for decades. His son has a mental health condition that requires regular care. Before the conflict, he ran a hotel department. In Lebanon, he works as a doorman, living on USD 300 a month. Initially reluctant to talk, he did so on condition of anonymity.

His immediate family survived the Assad years with their lives intact. It was the transition that displaced him. When asked where he wanted accountability directed, he did not hesitate:

The first regime killed us. But what happened at the end was more devastating for me personally. I want justice from both sides. (Druze civilian from Sweida, displaced in Beirut)

His conditions for return were specific: security and hospitals in Sweida capable of treating his son. He had looked at the road back and calculated the risks. They were not acceptable yet. When he was told about the work of the TJ Commission, he simply replied 'Inshallah'.

Following the violence in Suweida, which began in July 2025 and involved security forces of the transitional government, associated Bedouin tribes and Druze armed groups, the Ministry of Justice established a national inquiry which reported in March 2026. The government also allowed access to the UN Commission of Inquiry on Syria. Both inquiries documented over 1,700 deaths in the July violence, the majority of them from the Druze community, with the UN investigation emphasizing the widespread nature of the violations and noting that they may amount to war crimes or even crimes against humanity. A UN-supported roadmap for confidence-building and reintegration in Suweida has stalled and the governorate remains deeply divided.⁶⁷

Political divisions in Suweida also highlight a further challenge for the TJ Commission. The Druze communities of Ashrafiyet Sahnaya and Jaramana in Rif Dimashq are also not the same as those in Sweida. All these communities are characterized by different geography, different relationships to Damascus, different political dynamics. Treating minority communities as a single bloc is not just analytically wrong. It produces responses that miss the people they are meant to reach.

67 Feras Dalatey, 'Syria has made no progress on Sweida reintegration plan, UN says', Reuters, 22 June 2026.

situation has recently changed further: a former Syrian army officer who defected to the opposition and has since returned to Syria reported that these villages have recently been placed under a military cordon, reflecting fears of retaliatory violence against their residents following the Assad government's fall. As so often during the conflict, perpetrator and victim are not mutually exclusive categories and status can switch rapidly. What this reality requires is something closer to what several interviewees described: structured dialogue, acknowledgement and a long-term process of rebuilding the conditions for coexistence.

Similar dynamics appeared in Homs, where the wartime divisions between communities left traces that persist in everyday life as an unspoken presence in many interactions. In Idlib, one interviewee described the atmosphere among competing groups as deeply 'factionated', a word that captures something specific about a place where armed groups have carved out parallel authorities. In Qamishli and Hasakah, Arab-Kurdish tensions over governance remain live and contested.

These are in part arguments for ensuring that the consultation process the TJ Commission has started now extends and deepens. A process that communities do not feel ownership over will not generate the trust it needs to function.

Several participants, without naming it as such, were describing transformative justice: the recognition that transitional justice mechanisms address the violations of the past, while transformative justice asks what structural conditions produced those violations and insists that those conditions must change too.⁶⁸ Desmond Tutu, referenced by one of the scholars interviewed for this research, captured the core of it: ending the bloodshed and building the conditions for people to live together again are not the same task.⁶⁹ They require varied tools and a longer timeline. Several interviewees were not asking only for justice. They were asking for spaces, truth committees, community dialogues, structured conversations, where Syrians could sit together and begin to construct something like a shared account of what happened.

68 Gready and Robins, 'From transitional to transformative justice'.

69 Tutu, *No Future Without Forgiveness*.

5

Conclusion and recommendations

The initial steps taken by the Syrian authorities in the promotion of transitional justice are significant. The Constitutional Declaration gave transitional justice a legal foundation. National commissions for transitional justice and for the missing have been established. Field consultations have reached communities across the country. And in April 2026, for the first time, a former Assad government official sat in a Damascus courtroom and faced public criminal charges. None of that was inevitable, and none of it should be understated.

The danger is not that these things are fake. The danger is what might be called silent capture: the gradual absorption of the justice process by the political priorities of whoever holds power at any given moment; the slow drift from accountability towards selective retribution; the widening of the gap between what institutions say and what families waiting for answers actually experience. TJ Commission President Abd al-Latif articulated the standard that should apply: ‘We want transitional justice, not retributive justice, and not selective justice.’ That sentence is a benchmark. Every decision in the process should be measured against it.

Syria is also doing something for which no design model exists. It is attempting to build accountability in a country where the political transition is not complete, where state authority varies by region, where distinct centrifugal forces pull at national cohesion and where the fiscal foundation for a comprehensive reparations system does not yet exist. The four-pillar international framework is necessary but not sufficient here. Syria will need to adapt it, carefully, with close attention to the experiences of other political transitions in the region and internationally.

The measure of whether any of this works is not the number of conferences or the wording of legislation. It is whether the woman in Deir ez-Zor learns what happened to her son, whether the families whose relatives were taken by ISIS are entitled to a remedy, whether the Druze civilian in Lebanon finds, in the transitional justice process, something concrete enough to shift the calculation of return.

*‘We want the truth. We will not stop demanding it until the last moment. Truth first’
– Human rights activist from among the families of the forcibly disappeared, Damascus*

The demand for truth is not going away. The only question is whether the process Syria is building will be ready to meet it.

A role for civil society

Across the fieldwork for this research, there was a pattern of lack of awareness and poor access to information. People in Damascus and in communities across the country, displaced returnees, families with property claims, survivors with cases to file, all had

almost no access to legal information, guidance or support. They did not know what their rights were under the Constitutional Declaration, what the TJ Commission could do for them, what existing legal mechanisms existed or how to document their claims before evidence disappeared.

The recommendations below are addressed to the Syrian transitional government and to the international community, but there is also an important role for civil society in closing the gap between the rights Syrians have on paper and their practical ability to access or exercise them.

A targeted civil society programme to boost community legal access and case documentation could make a real and immediate difference. This would help communities understand what rights they have, what mechanisms exist and how to navigate them. The need is particularly urgent in areas outside Damascus and among minority communities, where awareness of the work of the TJ Commission and the justice process is lowest. Documentation support would help families and individuals gather, preserve and organize evidence of what happened to them – arbitrary imprisonment, the disappearance of their loved ones, the loss or destruction of property – before that evidence degrades or disappears. When the formal mechanisms eventually exist to receive and act on claims, the people with documented cases will be in a far stronger position than those without. Representation and referral to the relevant national and international authorities on missing persons would help families gain answers to the questions that have haunted them for so long.

Recommendations

To the Syrian Transitional Government:

1. Enact a comprehensive transitional justice law

The law should cover all four pillars of transitional justice: the right to truth, criminal justice; reparations; and guarantees of non-repetition, and provide appropriate guarantees for the independence of transitional justice institutions. The current draft law should take into account recommendations by civil society members of the Syrian Initiative for Fundamental Rights.

2. Allocate sufficient support for the Transitional Justice Commission as a national institution

Funding should be made available to cover all Commission operating costs adequately, including member salaries, inter-governorate travel, premises and staff. An appropriate presence in other governorates outside Damascus would confirm the status of the Commission as a national institution.

3. Extend the mandate to cover all victims

The current transitional justice architecture, restricted to violations by the Assad government up until 8 December 2024, produces a hierarchy of victims by omission, a foundational problem for any process that claims to be inclusive. The transitional justice framework should address gross human rights violations and crimes under international

law committed by all parties, irrespective of the identity or affiliation of the perpetrator. This should include violations attributed to the former government; current state forces and associated armed groups; ISIS; opposition and Türkiye-backed armed groups; the SDF; foreign states and their proxies; and other actors operating in Syria.

4. Anchor transitional justice in the permanent constitution

Ensure the permanent constitution enshrines transitional justice guarantees in non-negotiable form, with the TJ Commission actively engaged in the drafting process.

5. Protect former detention sites

Issue an executive order classifying former Assad-era detention facilities as protected crime scenes and freezing their re-use.

6. Ensure full cooperation with international institutions on missing persons

The National Commission for the Missing should be able to cooperate fully with international institutions with a missing persons mandate, including the International Commission on Missing Persons, the International Committee of the Red Cross and the UN Independent Institution on Missing Persons in the Syrian Arab Republic, including enabling operational access as appropriate across all governorates.

7. Incorporate international crimes into the Syrian penal code and accede to the Rome Statute

War crimes, crimes against humanity, torture, enforced disappearance and genocide should be incorporated in the Syrian Penal Code, as well as provision for the criminal responsibility of commanders. Syria should also accede to the Rome Statute of the International Criminal Court and the International Convention for the Protection of All Persons from Enforced Disappearance.

8. Guarantee fair trial rights and witness protection

Ensure that all accountability proceedings comply with international fair trial standards, including full access to legal counsel, adequate time and facilities to prepare a defence, disclosure of evidence, the presumption of innocence and review by an independent and impartial tribunal. Statements or evidence obtained through torture or other ill-treatment should be excluded (except in proceedings against those accused of committing the torture). Mechanisms to protect victims and witnesses should be established.

9. Establish a moratorium on the death penalty

Establish an immediate moratorium on executions and remove the death penalty from the draft transitional justice law.

10. Pursue the full chain of command

Prosecutions should not stop at the individual who pulled the trigger. The individuals who designed and maintained criminal institutions, those who commanded operations and those who enabled them should also be part of the accountability process.

11. Regulate and disclose settlement terms

Publish clear criteria for any settlements reached with the National Committee for Combating Illicit Gains, with explicit confirmation that they carry no criminal immunity.

12. Establish impartial restitution and reparation programmes at national level

Fair and impartial mechanisms for restituting property, resolving property disputes and providing reparations should be available for victims of the Assad government and for all civilians who suffered conflict-related harm, regardless of the perpetrator. Consider establishing a unified national victim registry as the data foundation for any future reparations system.

13. Reform the judiciary and public prosecution

Amend the legal framework governing the Supreme Judicial Council and public prosecution to remove executive control over judicial appointments, discipline and prosecutorial decisions, and establish transparent and merit-based appointment procedures.

14. Build the capacity of the justice system

Launch a national programme with appropriate international assistance for judicial capacity-building in order to train new judges, promote the participation of women in the justice system and ensure the implementation of international fair trial standards. Integrate expertise from the justice system of the Autonomous Administration of North and East Syria into the national justice system.

15. Build national memory institutions

Establish museums, memorials and educational curricula that preserve what happened across all communities under the Assad government and during the conflict.

16. Invest in community dialogue and reconciliation

Structured inter-communal dialogues, truth committees, civic spaces for shared narrative-building or similar initiatives should be organized in cooperation with civil society to promote reconciliation and peacebuilding.

To the United Nations and the international community

1. Share documentation on missing persons with mandated Syrian institutions

Documentation relating to the search for missing persons, including the Caesar files, should be shared as appropriate with the National Commission on the Missing and other Syrian institutions with a missing persons mandate. Where UN and other international justice institutions are unable to cooperate with Syria on prosecutions, modalities should nonetheless be found to facilitate cooperation on missing persons, once adequate safeguards are in place.

2. Support the National Transitional Justice Commission

Provide material and technical support to the National Commission on Transitional Justice to enable it to fulfil its mandate as the independent Syrian institution responsible for transitional justice, in cooperation with the Syrian transitional government.

3. Establish an international fund to support reparations for civilian harm in Syria

To supplement Syrian state capacity, an international voluntary fund should be established to support reparations for civilians who have suffered harm.

4. Continue investigating crimes under international law committed in Syria

Crimes under international law committed in Syria should continue to be subject to investigation by national prosecuting authorities, including in Europe, with a view to prosecuting those responsible under universal jurisdiction or other forms of extra-territorial jurisdiction.

Syria's transitional justice challenge:

From ambition to reality

In brief

After decades of authoritarian rule in Syria and more than 14 years of conflict, the fall of the Assad government in December 2024 opened a window for accountability that Syrians have waited for across generations.

Grounded in fieldwork across Syria, this report assesses the national steps towards accountability taken to date, including the establishment of the National Commission on Transitional Justice, the drafting of a transitional justice law and the opening of the first trials of perpetrators from the former regime.

The report details the challenges of delivering justice on the scale required, with millions of Syrians entitled to reparation, but with a justice system that is yet formally to recognize crimes under international law,

including war crimes, enforced disappearance and crimes against humanity.

It also examines the practical challenges in identifying Syria's missing and analyses the accountability gaps in relation to violations committed by foreign state actors and armed opposition groups, whose conduct falls almost entirely outside the Commission's current mandate. As violations continue, it also addresses the question of reconciliation and the fourth pillar of transitional justice, guarantees of non-recurrence, which the Syrian context demands but which has to date received insufficient attention.

As Syria's transitional justice process moves from ambition to reality, what can Syrians expect?

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