



## **Towards a Transitional Justice Path: Syrian Aspirations for a Transition Based on Rights and Guarantees of Non-Recurrence**

*New governments in Syria must ensure justice, accountability and the protection of human rights for all by implementing fair trials, establishing the rule of law and enhancing cooperation with international bodies and civil society*

After fifty-four years of systematic persecution and oppression by the Arab Socialist Baath Party and the Assads regime - father and son - against Syrians, and over a decade of bloody conflict, gross human rights violations and crimes by the former government and other parties to the conflict, the myth of eternity has fallen. It is now time for all Syrians, of all backgrounds, to establish a new state governed by the rule of law, where all citizens enjoy equal rights as individuals and groups, based on the principle of equal citizenship and within a decentralized system.

We, as Syrians for Truth and Justice, believe that these goals can only be achieved through a just, comprehensive, and genuine transitional process, led by Syrian men and women, that ensures the restoration of rights, promotes the principle of non-impunity, establishes a legal and social environment that prevents the recurrence of violations, seeks justice centered on victims (all victims), guaranteeing their right to access the truth and redress, and ensures non-recurrence for society.

Given the great responsibility on the shoulders of the upcoming transitional governments (or the transitional governing body/council), which must take essential measures to achieve the transition from a state of conflict and chaos to building a state governed by the rule of law, it is necessary to ensure the establishment of a transparent and fair legal system that addresses serious violations and lays the foundation for an environment of trust and societal reconciliation.

The success of these efforts depends on transparency, inclusivity, effective partnership with civil society in its broadest definition, and adherence to international legal standards, paving the way for a just future for Syria.

Therefore, based on the need to define human rights and legal priorities to enhance justice and protect human rights, Syrians for Truth and Justice aims, in this paper, to outline several of these key priorities that it believes it is important to focus on during the transitional phase.

### **1. Legal and human rights priorities:**

Transitional bodies/governments should first issue a temporary transitional constitutional document (constitutional declaration) that enshrines the fundamental principles guaranteeing the dignity and basic freedoms of the Syrian people, which cannot be violated under any circumstances. These principles must include guaranteeing the right to life, liberty, and personal security, protection from torture, inhuman or degrading treatment, enforced disappearance, and arbitrary detention, and the right to a fair trial before an independent and impartial judiciary.

The document should also affirm full equality before and under the law, without any discrimination based on race, religion, gender or political affiliation, with full commitment to the principle of separation of powers and ensuring judicial independence. It should strictly prohibit all forms of revenge or retaliation, and oblige the state to protect the rights of individuals and groups, and to achieve justice solely through approved legal procedures.

The document should also explicitly stipulate respect for the principles of international human rights law and international humanitarian law, in line with the international conventions ratified by Syria. It should also consider the provisions of these conventions as an integral part of national legislation, thereby enhancing the rule of law and establishing a state based on justice and equality.

In the next phase, a committee of legal experts and human rights advocates should be formed to conduct a comprehensive review of laws and decrees, with the aim of identifying those that need to be repealed or amended, and proposing the necessary amendments, to align Syrian laws with its obligations under international human rights conventions.

Exceptional decrees and laws, and special courts and committees must be put to an end. The transitional government must also close all security headquarters and detention centers that have been used for decades to systematically retaliate against Syrians, particularly opposing individuals, while properly preserving all forensic documents and evidence to ensure their use in future investigations, accountability and truth-telling processes.

Strengthening the rule of law also requires the establishment of independent and impartial specialized judicial committees that include qualified human rights activists and judges with sufficient knowledge of human rights laws and international humanitarian law. Their mission is to look into the most serious crimes committed on a broader and systematic basis, such as torture, enforced disappearance, arbitrary detention, extrajudicial killing, seizure of property, and other crimes classified as war crimes or crimes against humanity. Fair trials must be activated for all perpetrators of gross violations by all parties to the conflict, and impunity must be prevented through enforcing legal penalties and freezing the financial assets of officials involved in committing violations.

The military judiciary must also be prohibited from handling cases in which civilians are parties to the lawsuits, regardless of the nature of the charges against them, as such cases should be referred to the competent civilian courts. In addition, judges who worked in the Terrorism Court and military courts must be held accountable in case their involvement in violations is proven.

## **2. Cooperation with international bodies and civil society organizations:**

It is necessary to enhance cooperation with international bodies concerned with documentation and evidence collection, most notably the Independent International Commission of Inquiry on Syria(COI), which has distinguished itself with its comprehensive and impartial reports and documentation since its establishment in 2011. Those international bodies also include the International Foundation for Missing Persons in Syria (IIMP), as well as UN entities such as the International, Impartial and Independent Mechanism for Syria (IIIM), and any other relevant international bodies. Additionally, sites containing mass graves or human remains must be protected from tampering or destruction. It is also essential to ensure that investigations at these sites are conducted by specialized teams capable of extracting forensic evidence properly.

Furthermore, International investigation teams should also be allowed into Syria to contribute to documentation and accountability efforts, and to work in coordination with local authorities, civil society organizations, and victim communities. This cooperative approach contributes to enhancing transparency and ensuring that evidence is collected and violations are documented in an accurate and reliable manner in accordance with internationally recognized legal principles.

## **3. Political participation and equitable development:**

Building sustainable peace requires enhancing political participation through organizing free and fair elections, once security is established, under international supervision to ensure

transparency and integrity of the electoral process, thereby strengthening the legitimacy of national institutions. This must be preceded by repealing the current electoral law, and issuing a new one that aligns with international standards, particularly those stipulated in the International Covenant on Civil and Political Rights. These efforts should be accompanied by substantial steps to develop economic resource management systems in a fair and transparent manner to reduce social and economic disparities that could fuel future conflicts.

The transitional government must adopt a comprehensive approach to public administration that enhances community oversight and ensures the participation of various segments of the population in decision-making processes through consultative mechanisms and national dialogue forums. The capacities of government institutions at the national and local levels must also be strengthened to deliver services efficiently, combat corruption in all its forms, and achieve sustainable development, while ensuring civil society oversight of government performance and participation in formulating public policies.

The transitional government should ensure the formation of local, political, and civil society organizations, and not limit senior positions to men excluding women, or to one ethnic or religious background over others. It should also respect the principle of political pluralism, the principle of separating religion from state institutions, and promote the culture of human rights in society.

#### **4. Reconstruction and building the future:**

Reconstruction and building the future are achieved through ensuring the safe, voluntary and dignified return of displaced persons and refugees, along with providing them with adequate housing. This requires the preparation of comprehensive plans addressing basic infrastructure, including housing, schools and hospitals, while focusing on transparency and activating community oversight.

Unlawful confiscation decisions must also be repealed, and real estate cases handled by the exceptional committees established under Law No. 10 of 2018 and its amendments must be referred to competent civil courts to ensure fair rulings and the protection of property rights, and decisions issued by these committees must then be reviewed. Additionally, it is essential to establish a transparent administrative structure that respects the rule of law and ensures the separation of powers, while creating effective democratic institutions that enhance political and social stability.

Furthermore, fair and transparent mechanisms should be developed to compensate individuals who have lost their properties due to confiscation or destruction, with clear legal avenues provided to appeal relevant administrative decisions. In addition, it is essential to adopt comprehensive and equitable urban planning policies that take into account the needs of different segments of society, especially marginalized groups, and guarantee their rights to adequate housing in a safe and stable environment.

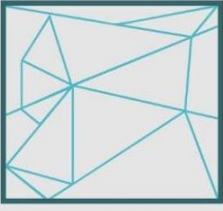
#### **5. Conclusion:**

The success of the transitional phase in Syria requires a serious commitment to the principles of transitional justice, inclusiveness, and transparency, while providing a political environment based on broad societal dialogue and non-exclusion. Ensuring the participation of all components of society in shaping the future of the country according to a shared vision based

on genuine political will is the optimal path to establishing a state governed by the rule of law and guaranteeing human rights for all.

The next transitional government should invest in building trust between citizens and state institutions through firm measures addressing rights that have been violated for years, and laying new foundations based on accountability and national reconciliation. Good slogans alone are not enough, they must be translated into concrete policies, laws, and actions that ensure the non-recurrence of violations, and build a safe, just, and inclusive society for all. Ignoring or circumventing these principles will only reproduce tyranny and discrimination, and deepen societal divisions, threatening the chances of building a stable and sustainable future in Syria.

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## ABOUT STJ

Syrians for Truth and Justice (STJ) started as an idea in a co-founder's mind while attending the U.S. Middle-East Partnership Initiative's (MEPI) Leaders for Democracy Fellowship program (LDF) in 2015. The idea became a reality and flourished into an independent, non-profit, impartial, non-governmental human rights organization.

STJ's beginnings were more than humble; initially, it only reported stories of Syrians who experienced arbitrary arrest, enforced disappearance, or torture. Planted in fertile soil, the seed of this project grew into an established human rights organization licensed in the Middle East and the European Union. STJ today undertakes to detect and uncover violations of all types committed in all Syrian parts by the various parties to the conflict.

Convinced that Syria's diversity is a wealth, our researchers and volunteers serve with unfailing dedication to monitor, expose, and document human rights violations that continue unabated in Syria since 2011, regardless of the affiliation of the victims or perpetrators.