

Syria/Damascus: Focused Dialogue Session on Opportunities and Challenges in Achieving a Comprehensive Model of Transitional Justice



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**Syria/Damascus: Focused Dialogue Session on Opportunities and Challenges in
Achieving a Comprehensive Model of Transitional Justice**

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transitional justice as a process based on accountability and reparations, not revenge”*



In late April, Syrians for Truth and Justice (STJ), in cooperation with the [Ceasefire Centre for Civilian Rights](#) and with support from the European Union, held a focused dialogue session in the Syrian capital, Damascus. The session addressed the opportunities and challenges of achieving a comprehensive model for transitional justice.

The session, which included 15 participants – comprising legal professionals, civil society activists, and journalists – was structured around four main themes:

1. Transitional Justice and the Syrian Context: Opportunities for Implementation and Challenges following the Constitutional Declaration.
2. Ensuring Accountability and Inclusive Justice for All Syrians.
3. Truth-Seeking, Reparation, and Institutional Reform.
4. Recommendations and proposals, which were categorized for: (a) the transitional Syrian government, (b) Syrian civil society, (c) UN mechanisms, and (d) the international community.

▪ The Constitutional Declaration and Transitional Justice

The discussion in the first theme was opened by Riyadh Ali, a legal advisor at STJ and a former judge. He spoke about Article 49 of the Constitutional Declaration and emphasized the importance of its implementation. He referred to the experiences of Tunisia and South Africa as successful models of transitional justice to be emulated.

Ali also addressed the topic of criminal justice and the current discrimination in its application, posing the question: “Why is there a demand to hold only members of the former regime accountable, while we hear no calls for accountability for the factions?” He also criticized the Constitutional Declaration for concentrating all powers in the hands of the head of the executive authority.

Dr. Mia al-Rahbi, Executive Director of the [Musawa](#) organization spoke about the concept of transitional justice, emphasizing that it first requires “preparing societies to understand transitional justice as a process based on accountability and reparations, not revenge”. Al-Rahbi also stressed the importance of a gender-sensitive perspective in transitional justice, stating,

“It means addressing the specific needs of women. Women have not only endured political violence, but also societal and economic violence, which was inflicted upon them in different forms than those experienced by men. In addition, they have faced specific types of violence, such as harassment and sexual violence or exploitation”.

While all attendees agreed with the points made by both al-Rahbi and Ali, civil activist Haneen Ahmad added her own remarks, saying,

“Transitional justice requires not only a gender perspective and the concept of citizenship but also an urgent link and alignment with human rights principles. The state plays a crucial role in transitional justice. It is essential to discuss practical steps following the Constitutional Declaration, starting with forming a body responsible for drafting regulatory laws.”

▪ Ensuring Accountability and Inclusive Justice for All Syrians

In this segment, the participants engaged in a discussion about the mechanisms of accountability necessary for achieving inclusive transitional justice for all Syrians. They also addressed the gaps in documentation concerning human rights violations and the role of victims' associations in the justice process.

Both in-person and online participants agreed that there was a significant lack of information regarding violations, with documentation often carried out by a limited number of individuals. Furthermore, one of the main challenges to effective documentation is the fear witnesses have of testifying due to the absence of clear protection mechanisms. In this context, lawyer and human rights activist Dima Moussa stated,

"There must be greater awareness that crimes do not expire with time; there should not be a fixed time frame. One of the major issues remains the lack of coordination in documenting violations."

Moussa also highlighted a key issue regarding documentation standards and methods, as well as the complexity of the documentation process due to the multiple parties responsible for violations. She added,

"We must acknowledge that international litigation is extremely costly. This forces us to weigh the value of legal proceedings against their effectiveness".

Regarding the participation of victims' associations in transitional justice processes and their role in documenting violations, Mr. Mohieldin Issou, Executive Director of [DAR](#) Association for Victims of Forced Displacement, emphasized the importance of having organizations dedicated to documenting forced displacement, considering them to be the voice of the people, especially given the presence of three and a half million forcibly displaced Syrians.

On his part, lawyer Muhannad Sharabaty, Director of the Violations Documentation Project at the [Syrian Center for Media and Freedom of Expression \(SCM\)](#), discussed accountability at both local and international levels, highlighting the various pathways to criminal accountability. Sharabaty also stressed the significance of victims' associations in the Syrian context, noting that their efforts have contributed to the establishment of the Independent Institution on Missing Persons in Syria.

Regarding the opportunities and challenges of accountability at the international level, lawyer Sharabaty emphasized the importance of advancing the ratification of the Rome Statute to prosecute individuals involved in war crimes and crimes against humanity – who are not present in Syria – before the International Criminal Court.

▪ Truth-Seeking, Reparation, and Institutional Reform

In this theme, participants discussed the role of civil society and state institutions in the areas of reparations and truth-seeking. Ezzedine Saleh from the [Synergy/Hevdestî Association for Victims](#) spoke about the necessity of a unifying narrative that documents all violations against the Syrian people. He emphasized that this documentation would serve as a crucial first step toward truth-seeking and reparations, involving the recording of both collective memory and violations.



Regarding the appropriate form of reparations, given the extensive legacy of violations in Syria and the diversity of actors responsible, one participant in the session asked,

“Have we ever wondered how Syrians feel about justice? People do not necessarily want their suffering retold; some seek material and moral compensation, while others want to see executions in public squares”.

Another participant commented that,

“Reparations must begin with legal reform [...] women encounter significant obstacles in accessing reparations for the crimes committed against them.”

For his part, lawyer and activist Ezzedine Ezzedine emphasized his focus on institutional and legislative reform, stating that institutional reform is the most crucial mechanism of transitional justice. He elaborated that the essence of a transitional process lies in preparing society to shift from one state to another. Therefore, in all countries facing situations similar to that of Syria, institutional reform is essential to ensure that past violations are not repeated.

Lawyer Ezzedine underscored that any institutional reform must address both the administrative structure and diversity in recruitment, adopting genuine standards based on merit rather than favoritism. He stressed that meaningful institutional reform must begin with reforming the judiciary.

▪ **Concluding Recommendations**

STJ compiled a set of recommendations proposed by the session’s participants, directed at four key stakeholders:

a) To the Syrian Transitional Government:

- Work to establish security and safety across all Syrian regions, hold perpetrators of violations accountable, and respect, guarantee, and protect the rights and freedoms of citizens without any discrimination;
- Ensure the inclusive participation of all societal groups and components in all transitional justice processes, without discrimination or marginalization;
- Take all necessary and serious measures to counter incitement and hate campaigns;
- Demonstrate a sincere willingness to initiate the transitional justice process;
- Establish a dedicated body to draft laws related to transitional justice;
- Enact specific laws to protect victims during massacres and violations, ensuring fair documentation;
- Revise the Constitutional Declaration to ensure it respects all components of Syrian society;
- Undertake legislative and legal reforms to ensure alignment with the ratified international agreements;
- Reform and free the Syrian judiciary from executive control;
- Learn from countries that have implemented transitional justice;





- Ratify the Rome Statute to enable the prosecution of individuals accused of war crimes and crimes against humanity outside Syria before the International Criminal Court;
- Amend personal status laws to guarantee women's rights across all transitional justice tracks;
- Benefit from the experiences of countries implementing international jurisdiction;
- Support strategic negotiation pathways;
- Accelerating institutional reform is the crucial first step in the transitional phase in Syria;
- Draw upon the experiences of international and human rights organizations.

b) To Syrian Civil Society:

- Exercise genuine oversight over government actions while maintaining effective communication and engagement with it;
- Expand initiatives related to citizenship, respect for human rights, cultural and intellectual diversity, acceptance of others, and the promotion of a culture of dialogue;
- Prioritize support for victims, detainees, and the families of the missing;
- Form advocacy coalitions to promote inclusive transitional justice, ensuring that no perpetrators are exempt from accountability;
- Contribute to the development and proposal of context-specific models of transitional justice tailored to the Syrian context;
- Continue to document violations, advocate for victims, and provide them with psychological support.

c) To UN Mechanisms:

- Support the collection of evidence and documentation of violations, and provide technical and operational assistance to organizations working in this field.

d) To the International Community:

- Take urgent steps to lift sanctions on Syria (This recommendation was made before the recent lifting of sanctions);
- Monitor the transitional phase in Syria and track the progress of transitional justice measures;
- Continue supporting the Syrian people, including in the post-sanctions phase.



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.

ABOUT CEASEFIRE



The Ceasefire Centre for Civilian Rights is an international initiative to develop civilian-led monitoring of violations of international humanitarian law or human rights; to secure accountability and reparation for those violations; and to develop the practice of civilian rights.

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