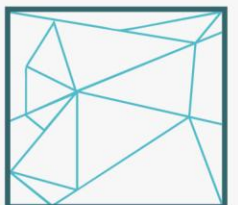


# Selective and Discriminatory: How Decree No. 20/2025 Failed to Deliver a Comprehensive Approach to Transitional Justice in Syria



STJ Recommends Explicitly Expanding The Mandate Of The National Commission For Transitional Justice To Encompass All Violations, Adopting An Inclusive Definition Of Victims, And Ensuring The Commission's Independence, While Enhancing Transparency And Strengthening Cooperation And Complementarity With International Mechanisms



## Selective and Discriminatory: How Decree No. 20/2025 Failed to Deliver a Comprehensive Approach to Transitional Justice in Syria

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## 1. Executive Summary

The trajectory of transitional justice in Syria faces a fundamental risk: its scope remains restricted to violations committed by the former regime, despite the fact that grave abuses were perpetrated by multiple actors throughout the Syrian conflict. This exclusion undermines the comprehensiveness of the process and raises serious concerns about the legitimacy of the entire transitional justice framework.

In March 2025, Article 49 of the Constitutional Declaration established a “Commission for Transitional Justice,”<sup>1</sup> followed by Presidential Decree No. 20, which formed an “independent body under the name of the National Commission for Transitional Justice.”<sup>2</sup> Yet both instruments disregarded violations committed after the fall of the Assad regime or by non-state actors, reducing the envisaged justice process to an essentially selective political tool rather than a comprehensive mechanism that safeguards the rights of all.

This paper therefore provides a critical analysis of Decree No. 20 of 2025 and its place within the transitional constitutional framework. It examines patterns of violations in Syria and the multiplicity of perpetrators, and highlights the key legal and procedural gaps embedded in the decree. The paper also addresses the continuation of grave forms of violence and abuse after the fall of the regime, revealing deep structural shortcomings in the current conception of transitional justice.

In addition to the legal analysis, the paper presents first-hand testimonies from victims across different regions who suffered abuses at the hands of non-regime actors but were excluded from the scope of transitional justice as defined by Decree No. 20. Their accounts demonstrate how such exclusion has reinforced feelings of injustice and discrimination. The paper further documents the implications of appointing individuals implicated in well-documented violations to official positions, and how this practice erodes the credibility of the justice process and the trust of victims in its seriousness. The paper concludes with practical recommendations aimed at ensuring a comprehensive justice process for all victims, grounded in international legal standards and capable of breaking the legacy of impunity and fostering social peace.

This report is issued approximately six months after the promulgation of Decree No. 20 (2025), establishing the National Commission for Transitional Justice, with the aim of assessing the extent to which it aligns with the principles of comprehensive justice and responds to the expectations of victims in Syria.

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<sup>1</sup> Article 49(1) of the [Constitutional Declaration of the Syrian Arab Republic](#) provides: “The National Commission for Transitional Justice shall be established and shall adopt effective, consultative, and victim-centered mechanisms to determine avenues for accountability, the right to truth, reparation for victims and survivors, in addition to honoring martyrs.”

<sup>2</sup> Syrian Arab News Agency (SANA). [Presidential Decree No. 20 establishing the National Commission for Transitional Justice](#). 17 May 2025.

## 2. Introduction

Transitional justice is a core pillar of any political transition following conflicts or authoritarian rule. It seeks to address the legacy of gross human rights violations through four interlinked components: truth-seeking, accountability, reparation, and guarantees of non-recurrence.<sup>3</sup> In the Syrian context, transitional justice has emerged as a unifying national and societal demand, reflecting the aspirations of Syrians for truth, accountability, and redress. It is also a fundamental demand of victims and their families, who seek recognition of violations and assurances that they will not be repeated. With the fall of the regime in December 2024, the urgency of pursuing transitional justice increased significantly, as it became essential for safeguarding victims' rights, restoring social cohesion, and laying the foundations of a state governed by the rule of law.

On 13 March 2025, Interim President Ahmad al-Shar'a signed<sup>4</sup> the Constitutional Declaration,<sup>5</sup> intended to serve as the primary legal framework for Syria's transitional phase. Article 49 established the National Commission for Transitional Justice, mandated to "determine avenues for accountability, the right to truth, reparation for victims and survivors, and the commemoration of martyrs." Two months later, on 17 May 2025, Presidential Decree No. 20 was issued,<sup>6</sup> formally creating the National Commission for Transitional Justice as an independent body with legal personality and administrative and financial autonomy, tasked with "uncovering the truth regarding the gross violations committed by the former regime, ensuring accountability for those responsible, providing reparation to victims, and promoting guarantees of non-recurrence and national reconciliation."

In parallel with these domestic steps, notable international attention was directed toward Syria's transitional justice file. In January 2025, the United Nations High Commissioner for Human Rights, Volker Türk, visited Damascus for the first time since the fall of the regime.<sup>7</sup> He called for an inclusive, nationally driven process of reconciliation and transitional justice that would enable truth-seeking and accountability for all parties—not retaliation or selective justice. Similarly, the Prosecutor of the International Criminal Court (ICC), Karim Khan, met with transitional Syrian officials to explore avenues for supporting investigations into war crimes committed in Syria, despite the country not being a State Party to the Rome Statute, and with the possibility of accepting the Court's jurisdiction as a first step toward broader accountability.<sup>8</sup>

This legal paper examines the question of transitional justice in Syria after the fall of the regime in December 2024 as one of the most pressing challenges facing the transitional authorities

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<sup>3</sup> UN Office of the High Commissioner for Human Rights – [Transitional Justice and Human Rights](#).

<sup>4</sup> Al Jazeera Arabic (YouTube). [Syrian President Ahmad al-Shar'a Receives and Signs the Draft Constitutional Declaration for the Transitional Phase](#), 13 March 2025.

<sup>5</sup> Syrian Arab News Agency (SANA). [Constitutional Declaration of the Syrian Arab Republic](#), 13 March 2025.

<sup>6</sup> Syrian Arab News Agency (SANA). [Presidential Decree No. 20 Establishing the National Commission for Transitional Justice](#), 17 May 2025.

<sup>7</sup> Reuters. [UN rights chief urges reconciliation process in first Syria visit](#), 15 January 2025.

<sup>8</sup> Reuters. [ICC prosecutor holds talks on supporting Syria on war crimes prosecution](#), 17 January 2025.

and Syrian society. It is structured around four key themes: the multiplicity of perpetrators responsible for abuses against Syrians; the voices of victims excluded from the scope of justice; an analysis of the constitutional and legal framework and its shortcomings; and the risks posed by reappointing individuals implicated in violations to official positions, and how this undermines the justice process. The paper concludes with practical recommendations aimed at ensuring a comprehensive justice process for all.

To prepare this legal paper, Syrians for Truth and Justice (STJ) conducted in-depth interviews with victims of violations committed during the conflict who were excluded from the definition of transitional justice provided in the Constitutional Declaration and Decree No. 20. Informed consent was obtained after explaining the voluntary nature of participation and how the information provided would be used, including the inclusion of excerpts from their testimonies. All witnesses requested that their identities and any identifying details be concealed due to fears of reprisals against them or their families. Accordingly, pseudonyms are used throughout the paper when referencing their testimonies.

### 3. Multiple Perpetrators: Grave Violations Committed by All Parties

Since the outbreak of the Syrian conflict in 2011, the country has witnessed recurring patterns of grave violations committed by all parties, albeit to varying degrees. Reports by the Independent International Commission of Inquiry (COI), along with findings from international and local human rights organizations, have consistently affirmed that these violations were not limited to the former regime. They extended to other de facto authorities, as well as to jihadist groups—most notably the Islamic State (ISIS)—in addition to foreign forces whose military operations resulted in civilian casualties and the destruction of vital civilian infrastructure.

This extensive and multi-sourced record of violations demonstrates that victims span the full spectrum of Syrian society, and that perpetrators belong to a wide range of actors. The shared and overlapping nature of victims' suffering underscores the need for any transitional justice approach to be free of selectivity and capable of addressing crimes committed by all actors, without exception or discrimination. Failing to do so would reduce transitional justice to a political tool devoid of the legitimacy required to deliver genuine redress.

#### 3.1. Violations Committed by the Former Regime

Violations perpetrated by the former Syrian regime, its security agencies, and affiliated forces constituted the largest share of abuses committed during the Syrian conflict. Since its first report in 2011, the COI has documented the Syrian government's use of arbitrary detention, systematic torture, and enforced disappearance as tools to silence dissent.<sup>9</sup> The COI also recorded widespread summary executions in detention facilities, including Saydnaya Prison,

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<sup>9</sup> The [first report](#) of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/S-17/2/Add.1, 23 November 2011.

which Amnesty International described in its report “*Human Slaughterhouse*” as a site where thousands of detainees were executed following sham proceedings before field courts.<sup>10</sup>

The regime additionally carried out chemical weapons attacks, most notably the Ghouta attack in August 2013, which killed hundreds of civilians and was deemed a war crime by the United Nations.<sup>11</sup> Chemical attacks were subsequently repeated in other areas such as Khan Shaykhun (2017) and Douma (2018), further confirming the systematic nature of these violations.<sup>12</sup>

However, acknowledging the gravity of these crimes should not obscure a fundamental reality: other actors also committed grave violations throughout the conflict. A transitional justice process that focuses exclusively on abuses committed by the former regime presents an incomplete picture and leaves large segments of victims outside the scope of the justice they are entitled to.

### 3.2. Violations Committed by Armed Opposition Groups and De Facto Authorities

Although these factions initially emerged as forces opposing the Assad regime, numerous international human rights reports have documented their involvement in grave abuses against civilians. These violations included recurring patterns of arbitrary detention, torture, extrajudicial killings, abductions, and sexual violence—practices that, in some cases, amount to war crimes and crimes against humanity.<sup>13</sup>

For example, the COI reported in August 2018 that some opposition factions launched indiscriminate attacks on residential neighborhoods in Damascus and Aleppo, resulting in hundreds of civilian casualties.<sup>14</sup> Human Rights Watch (HRW) likewise documented a series of abductions and arbitrary detentions carried out by various armed groups, in some cases targeting religious or ethnic minorities in areas under their control, particularly in rural Latakia and Homs.<sup>15</sup>

Testimonies collected by STJ from rural Homs highlight the scale of abuses committed by Jabhat al-Nusra, which directly targeted civilians. In eastern rural Homs, residents endured years of

<sup>10</sup> Amnesty International. [Syria: Human slaughterhouse: Mass hangings and extermination at Saydnaya Prison, Syria](#), 7 February 2017.

<sup>11</sup> United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic, [Report of the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic on the alleged use of chemical weapons in the Ghouta area of Damascus on 21 August 2013 : note / by the Secretary-General A/67/997–S/2013/553](#), 13 September 2013.

<sup>12</sup> Organisation for the Prohibition of Chemical Weapons, Report of the Fact-Finding Mission on Khan Shaykhun, [S/1510/2017](#), 29 June 2017. See also: Organisation for the Prohibition of Chemical Weapons, Final Report on the Douma Attack, [S/2125/2023](#), 27 January 2023.

<sup>13</sup> Human Rights Watch, [“You Can Still See Their Blood”](#), 11 October 2013.

<sup>14</sup> The Independent International Commission of Inquiry, [A/HRC/39/65](#), 9 August 2018.

<sup>15</sup> Human Rights Watch, [Syria: Armed Opposition Groups Committing Abuses](#), 20 March 2012. See also: Human Rights Watch, [“You Can Still See Their Blood”](#), 11 October 2013.

repeated assaults, shelling, raids, and massacres. “Hussein,” a young lawyer from Jubb al-Jarrah, recounts:

**“We lived under constant rocket and mortar fire from groups such as Jabhat al-Nusra and ISIS. In 2013, I was injured by shrapnel while helping a neighbor save his burning home. My village turned into rubble—destroyed homes, lost livelihoods, and bodies buried in haste. In the Maksar al-Hisan area, al-Nusra killed more than thirty people, including children and the elderly. These attacks kept happening. There was no safe place; death was in the streets and inside our homes.”**

In another documented case, Jabhat al-Nusra and Jaysh al-Islam jointly carried out one of the worst mass abductions of the conflict. In December 2013, the two factions kidnapped hundreds of civilians from Adra al-‘Umaliyya in rural Damascus—including large numbers of women and children—after seizing the town. According to the COI’s 2015 report, the hostages were moved in late September 2014, when government forces retook the area, and many — including small children— remained forcibly disappeared.<sup>16</sup>

“Samir,” a civil registry employee who witnessed the events, describes what happened:

**“That night we heard intense gunfire. I looked out and saw a pickup truck shooting in the street. Then they banged on our door violently. Three masked fighters carrying Nusra flags stormed in. One pointed his weapon at me, took my ID, blindfolded me, tied my hands, and dragged me to their vehicle. Along the way, they rounded up more people. I heard someone shout, ‘Kill the Nusayris.’ Then gunshots erupted. Most detainees were executed on the spot—Alawites, Isma’ilis, Murshidis, Shi’a. Only a few survived, including me, because we were Sunnis. The terror of that night still haunts me.”**

Moreover, on 9 December 2013, prominent human rights lawyer Razan Zaitouneh, her husband Wael Hamada, and their colleagues Samira Khalil and Nazem Hamadi were abducted in Douma, then under the control of Jaysh al-Islam.<sup>17</sup> Their fate remains unknown. International and local organizations, including Amnesty International,<sup>18</sup> condemned the abduction as an act of enforced disappearance targeting human rights defenders and called on the controlling faction to immediately reveal their fate and release them.

In 2020, French authorities opened an investigation into crimes committed by Jaysh al-Islam, including the disappearance of the four activists, after arresting the group’s former spokesperson, Majdi Ne’ma (Islam Alloush). While the Court of Appeal held that Jaysh al-Islam should be considered responsible for the disappearance of the four human rights defenders, it ruled that the specific charge of enforced disappearance could not be pursued due to the

<sup>16</sup> The Independent International Commission of Inquiry, [A/HRC/28/69](#), 5 February 2015.

<sup>17</sup> Syrian Human Rights Committee. [Abduction of Razan Zaitouneh and Three Activists by Unknown Perpetrators](#). 10 December 2013.

<sup>18</sup> Amnesty International, [Joint Public Statement](#), 11 December 2013.

definition of the crime under French law, which requires state involvement.<sup>19</sup> Nevertheless, Ne'ma was convicted of complicity in war crimes and participation in an organization created for the purpose of committing war crimes, and was sentenced to ten years in prison.<sup>20</sup>

De facto authorities were similarly responsible for arbitrary detentions and widespread repression, including the arrest of journalists and activists,<sup>21</sup> in addition to practices amounting to war crimes.<sup>22</sup>

Beyond direct hostilities, several armed groups established parallel “sharia courts” and enforced severe punishments such as flogging, stoning, and execution—acts considered torture or cruel, inhuman, or degrading treatment under most legal systems, and in many cases extrajudicial killings.

Furthermore, STJ documented multiple executions carried out by Hay'at Tahrir al-Sham (HTS) in areas under its control in Idlib province, including against women, through summary procedures under the pretext of implementing Islamic law. In July 2019, HTS stoned a woman known as “Um Mohammed” (age 50) to death in the town of al-Najiyya after accusing her of adultery. According to a relative's testimony, she was stopped at an HTS checkpoint while returning home on a neighbor's motorcycle; both were detained, transferred to an HTS security branch, then to Idlib Central Prison, where they were sentenced to death by stoning despite denying the allegation.<sup>23</sup>

In northeast Syria, following the defeat of ISIS in 2019, the Syrian Democratic Forces (SDF) established a vast detention system comprising at least 27 detention centers and two large camps, holding more than 56,000 men, women, and children without trial or clear legal basis. Detainees have been subjected to arbitrary arrest, enforced disappearance, torture, and denial of medical care, including severe beatings, stress positions, electric shocks, sexual violence against women, and systematic violations of children's rights, according to Amnesty International.<sup>24</sup> The SDF also arrested youths and abducted children from displacement camps

<sup>19</sup> International Federation for Human Rights (FIDH). [Majdi Nema case - The French Supreme Court rejects the possibility of prosecuting a leader of the armed group Jaysh al-Islam for enforced disappearances](#). 1 March 2024.

<sup>20</sup> Syrian Center for Media and Freedom of Expression (SCM). [Majdi Nema's conviction for crimes committed in Syria is a landmark decision for universal jurisdiction](#). 10 June 2025.

<sup>21</sup> See also: Human Rights Watch. [Syria: Opposition Abuses During Ground Offensive](#). 19 November 2013. See also: Human Rights Watch. [World Report 2013: Syria](#). 2013. See also: Human Rights Watch. [“He Didn't Have to Die”](#). 22 March 2015. See also: Human Rights Watch. [World Report 2020: Syria](#). 2020.

<sup>22</sup> Syrians for Truth and Justice. [HTS Arbitrarily Withdraws Professional Licenses from Graduates of Syrian Universities Outside its Areas](#). 20 June 2024.

Syrians for Truth and Justice. [Northwest Syria: Local Authorities Attack Journalists, Suffocate Freedom of Expression](#). 29 March 2024.

Syrians for Truth and Justice. [Silenced and Defamed: Women's Organizations in North-Western Syria Under Many Layers of Oppression](#). 12 January 2024.

<sup>23</sup> For additional testimonies on violations committed by HTS against women, see: Syrians for Truth and Justice. [HTS Did Not Spare Women Detention or Physical Abuse](#). 7 April 2020.

<sup>24</sup> Amnesty International. [Syria: Mass death, torture and other violations against people detained in aftermath of Islamic State defeat – new report](#). 17 April 2024.

and rural areas for forced recruitment into the so-called “Self-Defense Forces.”<sup>25</sup> These practices indicate that the defeat of ISIS did not translate into systematic respect for rights; instead, widespread unlawful detention and violations of civilian dignity continued.

The variety and severity of these violations—including indiscriminate attacks, massacres, arbitrary detention, abductions, child recruitment, and extrajudicial killings—demonstrate that civilians living under armed groups and de facto authorities were no better protected than others, but rather remained exposed to grave abuses that demand recognition and accountability.

### 3.3. Violations Committed by the Islamic State (ISIS)

The Islamic State (ISIS) is among the principal actors responsible for widespread and grave atrocities in Syria and Iraq. From 2013 to 2017, after seizing large parts of northern and eastern Syria, the group established a system of rule grounded in terror and the systematic intimidation of the population.

In its November 2014 report “*Rule of Terror: Living under ISIS in Syria*,”<sup>26</sup> the COI documented ISIS’s imposition of harsh and public punishments, including summary executions in town squares, flogging, stoning, and amputation—methods used to entrench its authority through fear. These violations extended beyond physical punishment to include the sexual enslavement of women and girls, particularly from religious minorities such as the Yazidis and Christians. The COI documented the buying and selling of women in slave markets and the imposition of forced marriage—practices classified by the United Nations as crimes against humanity. ISIS also recruited children on a massive scale, training them to use weapons and deploying them in combat and suicide missions, in clear violation of international humanitarian law and the rights of the child.<sup>27</sup>

In a later 2016 report titled “*They came to destroy: ISIS Crimes Against the Yazidis*,”<sup>28</sup> the COI concluded that ISIS’s attacks against the Yazidis constituted a pattern of crimes aimed at destroying an entire religious group. The report determined that these violations amounted to genocide as defined under the Convention on the Prevention and Punishment of the Crime of

<sup>25</sup> Syrians for Truth and Justice. [Recruitment under “Self-Defense” Increased in al-Hasakeh Province](#). 5 March 2018. See also: Al-Araby al-Jadeed. [SDF’s Forced Conscription: A Syrian Nightmare](#). 18 January 2021. See also: Syrians for Truth and Justice. [Northeastern Syria: The RY Use of Child Soldiers Continues Unabated](#). 7 July 2023. See also: Syrians for Truth and Justice. [Syria: Over 50 Children Recruited in AANES Areas in 2023](#). 30 January 2024. See also: Syria TV. [SDF Arrests Dozens of Young Men in al-Hasakah, Including High School and University Students](#). 30 June 2024. See also: Human Rights Watch. [Northeast Syria: Military Recruitment of Children Persists](#). 2 October 2024.

<sup>26</sup> The Independent International Commission of Inquiry. [Rule of Terror: Living under ISIS in Syria](#). 14 November 2014.

<sup>27</sup> The Independent International Commission of Inquiry. [Rule of Terror: Living under ISIS in Syria](#). 14 November 2014.

<sup>28</sup> The Independent International Commission of Inquiry. [“They came to destroy”: ISIS Crimes Against the Yazidis](#). A/HRC/32/CRP2. 15 June 2016. See also: Human Rights Council. [UN Commission of Inquiry on Syria: ISIS is committing genocide against the Yazidis](#). 16 June 2016.

Genocide.<sup>29</sup> This was the only instance in which the COI employed the term “genocide” in relation to violations committed in Syria.

In eastern rural Hama, ISIS carried out brutal field executions that terrorized entire communities. “Mahmoud,” a young shepherd who lost his brother to ISIS, describes the moment his brother was killed before the eyes of their family and neighbors in the village of Abu Dalia:

**“In early 2014, about twenty ISIS fighters stormed our home. They took my brother for no reason, saying it was for ‘questioning.’ After two months of enforced disappearance, they brought him back, tied him to a pole in front of our house, and shot him in the head in front of us and the whole village. They left his body there until they finally allowed us to bury him. His wife and three children kept waiting for his return, but he was killed in cold blood.”**

In the Hama desert, ISIS’s brutality manifested in public killings, crucifixions, and the denial of burial. “Abdullah,” a shepherd from the al-Ruwaida desert, recounts the final moments of his father:

**“In January 2015, my father was with my mother and sister when four ISIS fighters stopped them. They asked my mother why she wasn’t covering her face. When my father defended her, they falsely accused him of blasphemy and shot him dead in front of us. They crucified his body on a post and hung a sign saying, ‘This infidel was killed for insulting God.’ They prevented us from burying him for days, then threw his body into an old well. We weren’t even allowed to mourn him—as if his life meant nothing.”**

In Raqqa province, ISIS imposed sweeping policies of oppression and looting. “Hussam,” a farmer from the village of al-Rashida, recounts how his life and the lives of his neighbors were transformed into a daily struggle under ISIS rule:

**“In 2015, ISIS fighters entered our village and confiscated everything in our homes. No one was safe. Even smoking became a crime. My brother was flogged more than eighty times just for lighting a cigarette in the fields, and he couldn’t walk for days. They stole our livestock under the pretext of ‘Zakat’, raided our homes in the name of religion, and dragged our young men to prisons. My nephew has been missing since they arrested him in 2015, claiming his university studies were un-Islamic. We still don’t know if he’s alive or dead... Even our houses were destroyed in the battles for Raqqa—nobody was asked about them.”**

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<sup>29</sup> Article 2 of the [Convention on the Prevention and Punishment of the Crime of Genocide](#) states that: “In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.”

These testimonies and reports leave no doubt about the extent of the atrocities committed by ISIS and the way it turned civilians' lives into a daily nightmare of fear and deprivation. Despite the scale of the violations, the number of victims, and the presence of many former ISIS members still within Syria, the absence of any meaningful accountability or reparation mechanisms underscores a severe gap in addressing this file—one that prolongs victims' suffering and undermines prospects for sustainable justice.

### 3.4. Violations Committed by Foreign Forces and their Affiliated Factions

The Syrian landscape was not spared from the intervention of foreign forces, which also committed serious violations. Russian forces carried out indiscriminate attacks on civilian areas, killing thousands of civilians since their intervention in 2015.<sup>30</sup> International human rights organizations further documented the deaths of hundreds of civilians during airstrikes conducted in the battles to expel ISIS from Raqqa and Deir ez-Zor, where inaccurate and explosive weapons were used in densely populated areas.<sup>31</sup>

Turkey's military operations in northern Syria likewise resulted in extensive harm. Turkish attacks destroyed essential civilian infrastructure<sup>32</sup> and, together with the Turkish-backed Syrian National Army, resulted in grave violations during Operations "Peace Spring," "Olive Branch," and "Euphrates Shield."<sup>33</sup> These included arbitrary detention, torture, property confiscation, and discriminatory practices targeting Kurdish residents,<sup>34</sup> in addition to attempts at "Turkification" and the replacement of Kurdish cultural markers with Islamic or Turkish ones in parts of northwest Syria.<sup>35</sup>

STJ collected multiple testimonies illustrating these violations. In Afrin, witnesses described widespread looting and the destruction of livelihoods. "Jwan," a university student originally from Afrin and now living in Aleppo, recounts how his family lost everything overnight:

**"After the fall of the regime, we went to check on our property in Afrin after years of displacement. The scene was shocking—our house was completely looted; even spoons and plates were taken. Our car disappeared. Our internet shop and solar panels were stolen. A shell had pierced the roof. The olive grove my father lived**

<sup>30</sup> Amnesty International. [Syria: Russia's shameful failure to acknowledge civilian killings](#). 23 December 2015. See also: Syrians for Truth and Justice. [Northwest Syria: Syrian-Russian Attacks Killing Civilians and Hammering Critical Infrastructure](#). 26 January 2024.

<sup>31</sup> Amnesty International. [Syria: US-led Coalition 'deeply in denial' about civilian casualties in Raqqa](#). 17 July 2018. See also: Amnesty International. [Syria: Raqqa in ruins and civilians devastated after US-led 'war of annihilation'](#). 5 June 2018. See also: Amnesty International. [Syria: Expert analysis shows US-led coalition use of white phosphorus may amount to war crime](#). 16 June 2017.

<sup>32</sup> Syrians for Truth and Justice. ["As If an Earthquake Had Struck": Turkish Airstrikes Are Killing Life in Northeast Syria](#). 25 June 2024.

<sup>33</sup> See for example: Syrians for Truth and Justice. [Five Years after Türkiye's Operation Peace Spring in NES: 10 Facts and Recommendations](#). 9 October 2024. See also: Syrians for Truth and Justice. [Afrin: Seizing Real Estate Property After Operation Olive Branch and Operation Peace Spring](#). 26 May 2021.

<sup>34</sup> Human Rights Watch. ["Everything is by the Power of the Weapon"](#). 29 February 2024.

<sup>35</sup> Syrians for Truth and Justice. [Northern Syria: Replacement of Kurdish Landmarks in Afrin, Turkification in Al-Bab](#). 29 August 2024.

on for years had its trees cut down and turned into ruins. Our losses alone exceeded 50,000 dollars, but the worst part was feeling like strangers in our own village. No one asked about us or what we lost— as if we had no value.”

In Ras al-Ayn (Serekaniye) in al-Hasakah, Turkish airstrikes and attacks by Turkish-backed factions devastated local communities. “Farhad,” a fifty-year-old driver, describes losing his land, home, and livelihood to looting and seizure:

“In October 2019, we fled our homes with nothing but the clothes on our backs under heavy Turkish bombardment and attacks by the factions. When these groups entered our town, they looted everything. Our ten-dunum orchard became barren after they uprooted all the trees. They stole our farming equipment, our stored diesel, even electrical wiring... When we tried speaking to them, they beat the farmer who worked with us and forced him off the land. Our homes in the village were taken over by strangers who opened our shops under their names and moved into our apartments. Sometimes I feel like it was all a nightmare—but the reality is, we lost everything.”

These accounts underscore the urgent need for a transitional justice framework that recognizes victims of foreign interventions and affiliated factions, ensuring their rights to accountability and reparation. Including these victims in any future justice process is not only a moral obligation but a prerequisite for rebuilding societal trust and achieving genuine reconciliation.

#### 4. Transitional Justice and Decree No. 20 from the Perspective of Victims

The testimonies documented by STJ reveal both the scale of violations suffered by Syrians at the hands of multiple conflict actors and the profound impact of selectivity within the transitional justice process. Excluding large categories of victims from the scope of accountability and reparation entrenches feelings of discrimination and inequality, turning justice itself into a mechanism for reproducing injustice.

In rural Homs, where “Hussein” lived through years of shelling and attacks by Jabhat al-Nusra and ISIS, his injuries, the destruction of his home, and the loss of his friend went unacknowledged. He states:

“Despite everything we endured, we were never recognized as victims. We received no compensation—neither from the former regime nor the current authorities... We feel like second-class citizens... These personal and collective losses cannot be overcome without full recognition of all victims, fair compensation, and accountability for all parties responsible for violations, whoever they may be.”

From Raqqa, where ISIS left deep scars on residents' lives, farmer "Hussam" describes how his city remains outside any calculation of justice:

**"Today, after the fall of the regime and the issuance of the transitional justice decree, Raqqa is still forgotten, despite the wounds left by ISIS—thousands of destroyed homes, thousands of forcibly disappeared young people... No one has tried to provide redress or even considered it for the future. It is as if Raqqa belongs to another world."**

"Jwan," the student displaced from Afrin, links the loss of his family's livelihood to the absence of any recognition of their suffering:

**"Since the fall of the Assad regime, no authority has contacted us or asked about our losses... Transitional justice is critically important right now, or the country will slide into a swamp of corruption and resentment. But it must include us because we are also victims. Who will compensate us for everything we lost? Unfortunately, there is a clear failure in how justice is being applied."**

In Ras al-Ayn (Serekaniye), where Turkish-backed factions seized residents' lands and homes, "Farhad" expresses growing despair over any possibility of reclaiming his rights:

**"We demand that the government return our property and land that were taken from us... The transitional justice decree is not correct because it cannot restore my rights. Nothing has changed... The same militia members are now joining the Syrian army. When the regime fell, we hoped to return home—but nothing changed, and we have lost hope entirely."**

For "Mahmoud" from rural Hama—who witnessed ISIS executing his brother before the eyes of their family—any partial justice means the continuation of injustice:

**"As a family, we demand justice for all victims without exception. Any law that limits justice to one category of victims only continues the injustice we lived through."**

This sentiment is echoed by "Abdullah," whose father was killed and crucified publicly in the Hama desert:

**"When I read the new transitional justice decree, I saw that it covers only victims of violations committed by the Assad regime, ignoring victims of crimes committed by ISIS or armed factions... This deeply angers me. A violation is a violation, regardless of who commits it. I feel that my father's right will be lost—as if his blood is worth less simply because the killer was not from a particular side."**

Despite the diversity of regions and backgrounds, these testimonies converge on a single point: transitional justice, as articulated in the Constitutional Declaration and Decree No. 20, does not reflect the experiences of all victims. Instead, it narrows them into a selective narrative. This transforms justice from a tool of redress into a new form of exclusion, compounding the injustice suffered by those left outside the scope of the decree.

## 5. Gaps and Shortcomings in the Legal Framework

In principle, the inclusion of transitional justice in the Constitutional Declaration, followed by the establishment of The National Commission for Transitional Justice under Decree No. 20, represents an official acknowledgment of the importance of this process. It should constitute a first step toward redress for victims and guarantees of non-repetition, particularly through the use of terminology drawn from the literature of transitional justice—such as “truth-seeking,” “accountability,” and “non-repetition.” However, a cross-reading of the two instruments reveals legal gaps and serious concerns that risk turning transitional justice into a selective and discriminatory political tool, rather than a comprehensive process that safeguards the rights of all victims.

According to international standards set out by the United Nations, transitional justice encompasses the full range of judicial and non-judicial processes and mechanisms employed by states to address the legacy of gross human rights violations wherever they occur and regardless of the identity of the perpetrator.<sup>36</sup> Under this definition, justice must be inclusive of all victims without discrimination and must ensure accountability, reparation, truth-seeking, and guarantees of non-repetition. Restricting the mandate of the National Commission for Transitional Justice to violations attributed solely to the former regime constitutes a breach of these principles and undermines the essence of transitional justice as a national, inclusive process—reducing it instead to a selective tool for settling past scores.

### 5.1. Selective Accountability

The first major concern raised by Syria’s transitional justice framework is its inherently selective nature. Article 49 of the Constitutional Declaration (13 March 2025) exempts grave crimes committed by the “defunct regime”—including war crimes, crimes against humanity, and genocide—from the principle of non-retroactivity of laws, and simultaneously criminalizes the denial or glorification of Assad’s crimes, without any reference to the widespread violations committed by other parties to the conflict. While the incorporation of such concepts into a constitutional text marks a notable development in Syrian legal discourse, the narrow scope of accountability raises serious and legitimate concerns that transitional justice may be instrumentalized as a selective tool that ignores other actors responsible for well-documented, grave violations against civilians.

Presidential Decree No. 20 establishing the National Commission for Transitional Justice follows the same approach by restricting its mandate to violations committed by the former regime. It excludes crimes perpetrated by armed opposition groups, de facto authorities, ISIS, and several foreign forces. This narrow mandate contradicts fundamental principles of

<sup>36</sup> Office of the High Commissioner for Human Rights. [Transitional justice and human rights](#).

transitional justice<sup>37</sup>—chief among them the principle of non-impunity—and poses a direct threat to the legitimacy of the entire process, particularly if accountability is deployed as a political instrument rather than as a comprehensive pathway to truth, justice, and reconciliation.

The absence of equal accountability also contradicts Article 10 of the Constitutional Declaration, which states that “**all citizens are equal before the law in rights and duties, without discrimination on the basis of race, religion, gender, or lineage.**” It likewise violates Article 7 of the Universal Declaration of Human Rights (equality before the law without discrimination)<sup>38</sup> and Article 2(1) of the International Covenant on Civil and Political Rights (guaranteeing rights to all individuals without exception or discrimination).<sup>39</sup>

Some political and human rights actors have attempted to justify this narrow mandate by adopting an expansive interpretation of the phrase “violations caused by the defunct regime,” arguing that all subsequent crimes stem indirectly from the former regime’s responsibility for triggering the conflict.<sup>40</sup> However, this interpretation lacks any legal basis. It conflates the political cause of the conflict with the direct legal cause of specific crimes and undermines the principle of individual criminal responsibility<sup>41</sup>—a foundational concept of international human rights law and international criminal law—requiring a direct causal link between the criminal act and its perpetrator.

Such an interpretation cannot constitute a valid basis for expanding the mandate of the National Commission for Transitional Justice. Instead, it entrenches conceptual confusion and transforms justice into a political tool for legitimizing selectivity. The appropriate and legally sound path is a formal amendment to Decree No. 20 that explicitly expands the Commission’s jurisdiction to cover all violations committed by all parties to the conflict, in line with international standards of transitional justice, which emphasize comprehensive accountability and non-discrimination among victims.

## 5.2. Discriminatory Recognition of Victims

Beyond selective accountability, the Constitutional Declaration also displays a clear deficiency in recognizing victims and safeguarding their rights. Article 49 of the Declaration lacks a precise definition of who qualifies as a victim and does not establish clear criteria for reparations. This absence opens the door to discrimination in recognizing victims based on political affiliation, geographic location, or the identity of the perpetrator. Although Article 10 affirms equality in rights and duties, the ambiguity within Article 49 contradicts the very essence of transitional justice, which cannot be grounded in selectivity or discrimination, it requires recognizing all victims without exception.

<sup>37</sup> United Nations. [Guidance note of the Secretary-General: United Nations approach to transitional justice](#). 2010.

<sup>38</sup> [Universal Declaration of Human Rights](#).

<sup>39</sup> [International Covenant on Civil and Political Rights](#).

<sup>40</sup> Facebook [post](#) by Obai Kurdali, 10 September 2025.

<sup>41</sup> ICRC - International Humanitarian Law Databases. [Rule 151 Individual Responsibility](#).

Decree No. 20 reinforces the same approach. It likewise omits an inclusive definition of victims and fails to articulate clear standards for reparation. This gap allows for the exclusion of large segments of Syrians who suffered grave violations and reveals a troubling attempt to privilege one category of victims (those harmed by the former regime) at the expense of others (victims of armed groups, de facto authorities, or ISIS).

The disregard for thousands of victims who suffered decades of authoritarianism is a striking example of this discrimination. The same applies to victims of ISIS, which the COI found in its 2016 report to have committed genocide, alongside crimes against humanity and war crimes against the Yazidis. The report stated explicitly: ***“ISIS has committed the crime of genocide as well as multiple crimes against humanity and war crimes against the Yazidis, thousands of whom are held captive in the Syrian Arab Republic where they are subjected to almost unimaginable horrors.”***<sup>42</sup>

This deficiency is not limited to post-regime-fall violations. It also encompasses the omission of historic injustices that affected specific communities, such as the denial of citizenship to Syria’s Kurdish population<sup>43</sup> and the systematic discriminatory policies that accompanied it—including the 1962 exceptional census,<sup>44</sup> the “Arab Belt,”<sup>45</sup> and the events of March 2004.<sup>46</sup> Ignoring these issues entrenches an exclusionary vision of justice and strips transitional justice of its corrective and restorative purpose.

Such discrimination not only undermines the principle of equality enshrined in Article 10 of the Constitutional Declaration, but also stands in direct contradiction to core international human rights norms. It violates Article 1 of the Universal Declaration of Human Rights, which affirms that all human beings are born free and equal in dignity and rights, and Article 2, which guarantees that everyone is entitled to all rights and freedoms without distinction of any kind. It further contravenes Article 2(3) of the International Covenant on Civil and Political Rights, which obliges states to ensure effective remedies for all victims without discrimination.

### 5.3. Exclusion of Civil Society and Victims

Article 49 of the Constitutional Declaration clearly requires that the transitional justice commission be established through “effective, consultative, and victim-centered mechanisms.” This means that the participation of victims and their families in transitional justice processes is not optional; it is a fundamental prerequisite for the Commission’s formation and for setting its priorities.

<sup>42</sup> The Independent International Commission of Inquiry. [“They came to destroy”: ISIS Crimes Against the Yazidis](#). A/HRC/32/CRP2. 15 June 2016. See also: Human Rights Council. [UN Commission of Inquiry on Syria: ISIS is committing genocide against the Yazidis](#). 16 June 2016.

<sup>43</sup> Syrians for Truth and Justice. [I Always Feel That My ‘Citizenship Age’ in My Homeland is Only One Year!](#). 5 October 2025.

<sup>44</sup> Syrians for Truth and Justice. [Decades of Statelessness & the Absence of Basic Rights](#). 6 July 2021.

<sup>45</sup> Syrians for Truth and Justice. [Deprivation of Existence: The Use of Disguised Legalization as a Policy to Seize Property by Successive Governments of Syria](#). 9 October 2020.

<sup>46</sup> Amnesty International. [Syria: Kurds in the Syrian Arab Republic one year after the March 2004 events \[Arabic\]](#). 10 March 2005.

However, Decree No. 20 is entirely devoid of any mechanism that ensures such participatory engagement. It contains no provisions requiring consultation with victims or civil society organizations in drafting the Commission's bylaws or in shaping its strategic direction. Nor does it explicitly guarantee victim representation or outline ways for victims to participate in designing, implementing, or monitoring the Commission's work. This omission directly contradicts the constitutional text itself and transforms transitional justice into a top-down process, whereas it is inherently a community-driven endeavor that derives its legitimacy from the meaningful involvement of victims and civil society.

#### 5.4. Challenges to Independence and Transparency

Although Decree No. 20 stipulates that the National Commission for Transitional Justice shall be administratively and financially independent, this independence remains largely formal in the absence of a clear definition of its mandate and executive powers. The decree does not specify whether the Commission has investigative authority or the power to refer cases to judicial bodies, nor does it clarify whether its role is merely advisory or documentary. It also fails to outline the nature of its relationship with national judicial institutions or relevant international mechanisms.<sup>47</sup>

The phrase “**in coordination with the relevant authorities,**” used in the decree, is legally vague and allows the executive branch broad discretion in determining what constitutes a “relevant authority.” This latitude effectively undermines the principle of independence. Independence is not achieved simply by referencing it in legislation; it requires a legal framework that protects the Commission from interference, direction, or constraints imposed by political or executive bodies.

Moreover, the decree does not refer to any international standards or frameworks for transitional justice that the Commission must adhere to, despite Article 12 of the Constitutional Declaration affirming Syria's commitment to international human rights treaties and instruments. This ambiguity regarding powers and reference norms cannot be interpreted as legislative flexibility; rather, it represents a legal void that strips the Commission's independence of any practical substance and leaves it vulnerable to restriction or politicization.

Concerns are further compounded by how the Commission is constituted. The decree provides for its establishment by presidential decision and stipulates that its members are appointed by the Interim President.<sup>48</sup> This places the body, in practice, under the authority of the executive branch. Although the Commission is not a judicial institution in the strict sense, its connection

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<sup>47</sup> The Ministry of Justice appointed an investigating judge and a referral judge, acting as an appellate authority before the Court of Cassation, to examine crimes attributed to former regime figures (Tawfiq Al-Ali and Abdul Razzaq Al-Husseini). While this step is significant from a judicial standpoint, it underscores the absence of a clear legal framework governing the relationship between the National Commission for Transitional Justice and the judiciary. Decree No. 20 of 2025 does not specify any mechanisms for coordination between the two bodies, deepening the overlap in mandates and raising questions about which authority is effectively empowered to hold perpetrators accountable and ensure consistent standards of justice during the transitional period.

<sup>48</sup> For the names of the Commission's members, see: Syrian Arab News Agency (SANA). [Decree No. 149 of 2025](#). 25 August 2025.

to processes of accountability demands—pursuant to the principle of separation of powers codified in Article 43 of the Constitutional Declaration—that it be established by law enacted by the legislative authority and through mechanisms that ensure its independence and impartiality. Ignoring this essential safeguard risks converting the Commission into an extension of the executive rather than an independent framework for transitional justice.

It is also important to note that granting the National Commission for Transitional Justice the status of a legal person contradicts Article 54 of the Syrian Civil Code,<sup>49</sup> which explicitly provides that legal personality may only be conferred by law, not by decree.

## 6. Transitional Justice Between Ongoing Crimes and Fragmented Justice

The record of violations in Syria did not end with the crimes committed during the years of conflict; grave patterns of violence continued even after the fall of the former regime, placing the National Commission for Transitional Justice before challenges it was never designed to address.

For example, several areas witnessed hundreds of field executions and extrajudicial killings targeting civilians on political or sectarian grounds,<sup>50</sup> amid the spread of hate speech<sup>51</sup> and the absence of independent investigative mechanisms. Moreover, torture continued in detention facilities,<sup>52</sup> confirming that political change did not dismantle entrenched structures of violence. Cases of arbitrary detention and enforced disappearance also persisted,<sup>53</sup> reminding us that the crime, in its very nature, remains ongoing, leaving many families living in a state of anguish and uncertainty about the fate of their loved ones.

The COI likewise concluded that members of the transitional government's security forces committed extrajudicial executions and engaged in torture and ill-treatment of civilians in numerous predominantly Alawite villages and neighbourhoods, in a systematic and widespread manner.<sup>54</sup> The COI also documented repeated patterns of violence against civilian populations across several regions, including targeting based on religious affiliation, age, and gender, as well as mass executions.<sup>55</sup>

<sup>49</sup> Official website of the Syrian Ministry of Justice. [Syrian Civil Code](#), 1949.

<sup>50</sup> Syrians for Truth and Justice. [Syria: Arbitrary and Extrajudicial Killings Target Civilians Ahead of Coastal Violence](#). 12 June 2025.

<sup>51</sup> Syrians for Truth and Justice. [Syria: The Role of Hate Speech in the Massacres that Took Place in the Coastal Region in March 2025](#). 27 May 2025.

<sup>52</sup> Syrians for Truth and Justice. [Torture Persists: Testimonies and Indicators Reveal Alarming Incidents in Post-Assad Syria](#). 26 June 2025.

<sup>53</sup> Syrians for Truth and Justice. ["Living Between Hope and Fear": Testimonies Documenting the Persistence of Enforced Disappearance in Post-Assad Syria](#). 29 August 2025.

<sup>54</sup> Independent International Commission of Inquiry on the Syrian Arab Republic. [A/HRC/59/CRP.4](#), 11 August 2025.

<sup>55</sup> Reuters special report: ["Syrian forces massacred 1,500 Alawites. The chain of command led to Damascus"](#) noted that field operations were led by figures linked to the transitional authority, undermining claims of lack of control or knowledge. In the absence of the Commission's full report,

In southern Syria, a wave of armed attacks has been documented<sup>56</sup> against Druze communities in and around Sweida since 13 July 2025, involving killings, enforced disappearances, abductions, looting, property destruction, and gender-based and sexual violence against women and girls.

In northwest Syria, displaced persons and returnees to Afrin faced compounded violations, including property looting and extortion in exchange for allowing them to return—making return inherently dangerous and devoid of guarantees. The absence of any governmental action raised serious questions about the authorities’ fulfilment of their duty to prevent these crimes and protect civilians.<sup>57</sup>

These events reveal a continuing chain of violations that underscore the fact that Syria has not yet reached a clean break from violence or grave abuses. Yet the legal framework for transitional justice—as defined in the Constitutional Declaration and Decree No. 20—remains confined to past violations attributed to the former regime, without granting the Commission any powers or tools to address ongoing crimes. This duality—where justice is denied to new victims while attention is directed solely to violations committed under Assad—threatens the credibility of the entire process and deepens perceptions that transitional justice is being used selectively, rather than serving as a comprehensive guarantee of non-repetition.

The situation is made even more alarming by the reappointment of individuals implicated in serious abuses under the former regime into official positions within the new state structure, rather than holding them accountable. Instead of using transitional justice to dismantle the legacy of impunity, that legacy has been revived and given new legitimacy under the pretext of “experience,” “stability,” or supposed cooperation in the overthrow of the prior regime—claims presented without evidence and with no transparency. This practice not only disregards victims’ rights but also erodes confidence in the entire justice process.

For instance, Fadi Saqr—former commander of the pro-regime National Defence Forces and a prominent figure associated with the 2013 Tadamon Massacre in Damascus,<sup>58</sup> in which dozens of civilians were executed and buried in mass graves—has been under U.S. sanctions for years due to his role in serious violations.<sup>59</sup> Yet he has faced no independent judicial accountability since the fall of the regime. On the contrary, he appeared in official events concerning “national

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victims and families remain deprived of their right to truth, undermining transparency and transitional justice and entrenching impunity.

See also: Syrians for Truth and Justice. [Syria: Serious Concerns Regarding Integrity, Independence, and Effectiveness of the Investigation Committee for Coastal Events](#). 7 April 2025.

<sup>56</sup> Office of the High Commissioner for Human Rights. [Press Release: Syria: UN experts alarmed by attacks on Druze communities, including sexual violence against women and girls](#). 21 August 2025.

<sup>57</sup> Syrians for Truth and Justice. [Looted Homes and Risky Return: Extortions and Violations Against Returnees to Afrin After the Regime’s Fall](#). 22 July 2025.

<sup>58</sup> Al Jazeera. [Fadi Saqr, Accused of the Tadamon Massacre, Sparks Public Outrage After Calls for “Reconciliation”](#). 11 June 2025.

<sup>59</sup> Global Public Affairs. U.S. Department of State. [Syria Sanctions Designations](#). 20 August 2020.

reconciliation” and “social peace”<sup>60</sup> alongside officials of the transitional authority, sparking widespread public and human rights outrage.<sup>61</sup>

In another example, Decision No. 112 of August 2025 established a chamber before the Syrian Court of Cassation to review complaints related to judges. The chamber included three judges from Raqqa –Mohammad Ahmad al-Hammoud, Khalil al-‘Idan, and Aziz al-Faze’– whose appointment triggered mass protests by lawyers, activists, and the Bar Association branch in Raqqa,<sup>62</sup> who asserted that these judges had previously issued arbitrary decisions in coordination with security agencies under the former regime. Reappointing such individuals to high judicial positions fundamentally contradicts the requirements of transitional justice and constitutes a breach of judicial independence and accountability—conditions that should have precluded the appointment altogether. In response to the protests, the President of the Court of Cassation temporarily suspended the decision and announced it would be reconsidered.<sup>63</sup>

This pattern of recycling perpetrators extended beyond prominent figures and judges to include members of local factions implicated in grave abuses. “Farhad,” from Ras al-Ayn (Serekaniye), describes how Turkish-backed Syrian National Army factions seized his home and farmland in 2019, looted his property, and left his family displaced. With the installation of the transitional government, he found that nothing had changed—indeed, the situation had grown worse:

**“Our properties are now in the hands of factions that have become part of the Syrian government, and they must be returned to us. Those who took our land are now part of the system, and we do not feel safe living alongside them. A few days ago, one of these fighters called me and told me he went to Damascus and joined the Ministry of Defence’s army. He said most fighters are registering there. The same militia that robbed us is now the army. Nothing will change.”**

Such testimonies reflect the danger of legitimizing individuals implicated in grave violations instead of holding them accountable, and the profound despair this generates among victims. The concern deepens as more figures accused of widespread abuses are appointed to senior positions within the new state institutions.

For example, Mohammad al-Jasim (Abu Amsha)—accused of grave violations—was appointed commander of the 25th Division of the Ministry of Defence on 2 February 2025,<sup>64</sup> despite being sanctioned by the U.S. Department of the Treasury on 17 August 2023 for violations in Afrin, including rape.<sup>65</sup> The Syrian Islamic Council had also dismissed him from all duties in

<sup>60</sup> Facebook [Post](#). Baladi News. 5 June 2025.

<sup>61</sup> Al Jazeera. [Appearance of Fadi Saqr Alongside the Governor of Damascus Raises Concerns About Transitional Justice](#). 10 June 2025.

<sup>62</sup> Facebook [Post](#). 15 August 2025.

<sup>63</sup> Zaman Alwsl. [Objections Halt Decision No. 112 Two Days After Its Issuance](#). 16 August 2025.

<sup>64</sup> Enab Baladi. [Syrian Defense Ministry appoints “Abu Amsha” as Hama Brigade commander](#). 3 February 2025.

<sup>65</sup> U.S. Department of the Treasury. [Treasury Sanctions Two Syria-Based Militias Responsible for Serious Human Rights Abuses in Northern Syria](#). 17 August 2023.

February 2022 after confirming his involvement in multiple abuses, including torture and sexual extortion.<sup>66</sup>

Likewise, Saif Boulad (Abu Bakr), commander of the “Hamza Division,” was appointed to lead the 76th Division of the Syrian army in Aleppo,<sup>67</sup> despite being sanctioned by the United States on the same date for documented torture by his faction.<sup>68</sup>

Ahmed Ihsan Fayyad al-Hayis (Abu Hatim Shaqra), commander of “Ahrar al-Sharqiya,” was appointed by the transitional Ministry of Defence to lead the 86th Division in Deir ez-Zor, Raqqa, and al-Hasakah,<sup>69</sup> despite being on the U.S. sanctions list for grave abuses against civilians, including torture to death.<sup>70</sup> HRW documented the killing of a Kurdish civilian, Rezan Khalil, under torture in an Ahrar al-Sharqiya detention facility in Afrin.<sup>71</sup>

These appointments reflect a continuing pattern of impunity and show that the transitional government has yet to adopt a serious approach to accountability or to break with the abusive practices of the former regime—foremost among them torture and ill-treatment.

## 7. Recommendations

A cross-reading of the Constitutional Declaration and Decree No. 20 of 2025—set against the backdrop of ongoing violations following the fall of the former regime—shows that the transitional justice process in Syria still lacks inclusiveness, independence, and, most importantly, broad societal participation. For transitional justice to serve as a genuine lever for building the rule of law and ensuring non-recurrence, substantial reforms to the current framework are essential, alongside meaningful engagement with all victims and civil society—in the broad sense of the term—and stronger coordination with international mechanisms. Accordingly, Syrians for Truth and Justice recommends the following:

1. Conduct broad, nationwide community consultations across all regions of Syria while expanding the mandate of the National Commission for Transitional Justice to cover all violations committed in the country—past and ongoing, regardless of the perpetrator—in line with the principle of non-impunity.
2. Guarantee the rights of all victims by adopting a definition of “victim” consistent with international standards, ensuring their fair participation and representation at all stages, and establishing protection mechanisms for them and their families against any reprisals.

<sup>66</sup> Syria TV. [What Comes After the Islamic Council’s Decision to Remove Abu Amsha?](#). 17 February 2022.

<sup>67</sup> Syria TV. [Seif al-Din Boulad Appointed Commander of the 76th Division in the Syrian Army in Aleppo](#). 3 February 2025.

<sup>68</sup> U.S. Department of the Treasury, [Treasury Sanctions Two Syria-Based Militias Responsible for Serious Human Rights Abuses in Northern Syria](#). 17 August 2023.

<sup>69</sup> Asharq Al-Awsat. [Pro-Turkey Commander Appointed to Lead Forces in SDF Areas](#). 6 May 2025.

<sup>70</sup> U.S. Department of the Treasury. [Treasury Sanctions Syrian Regime Prisons, Officials, and Syrian Armed Group](#). 28 July 2021.

<sup>71</sup> Human Rights Watch. [Everything is by the Power of the Weapon](#). 29 February 2024.

3. Ensure the effective participation of Syrian civil society and diverse victims' associations in designing, monitoring, and implementing the work of the National Commission for Transitional Justice, thereby strengthening transparency and community oversight.
  4. Develop an integrated reparations framework that combines material and moral compensation, ensures the social and political reintegration of victims, and provides for symbolic measures such as official acknowledgment, truth-seeking initiatives, and memorialization.
  5. Strengthen the independence of public institutions by adopting transparent appointment procedures and prohibiting the appointment of individuals implicated in gross violations.
  6. Enhance international cooperation and oversight by engaging the United Nations, the Office of the High Commissioner for Human Rights (OHCHR), and relevant regional bodies, and by acceding to the Rome Statute of the International Criminal Court (ICC), ensuring that Syria's transitional justice process aligns with international standards and earns the trust of victims.
  7. Grant full and unrestricted access to international mechanisms across all Syrian territories, including the Independent International Commission of Inquiry on Syria (COI), the International, Impartial and Independent Mechanism (IIIM), the Independent Institution on Missing Persons (IIMP), and all other relevant bodies and mechanisms.
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## ABOUT STJ

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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.