

Transitional Justice in the Context of the Syrian Conflict: Lessons Learned from International Experiences

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Abstract

The process of transitional justice in Syria constitutes a fundamental pathway toward rebuilding the state and society after decades of authoritarianism and repression.

Despite the profound challenges facing the emerging Syrian state, no process of justice or reconciliation can succeed without impartial national institutions and peaceful mechanisms that ensure equal justice for all citizens. Transitional justice in Syria represents a long-term national endeavor aimed at repairing the social fabric, restoring trust between citizens and the state, and reestablishing social, cultural, and economic balance. It is not merely a response to past injustices but a forward-looking project essential for establishing sustainable peace, justice, and the rule of law in the new Syria.

Keywords

Transitional Justice; Syria; Social Reconstruction; Accountability; National Reconciliation.

Introduction

From 1970 to 2024, Syria suffered from injustice, corruption, and social oppression in all its forms, until the Syrian people rose up in 2011 to declare their revolution against the oppressive and tyrannical regime. Their revolution was crowned with success in 2024, and it became necessary to restore Syrian society to its natural state by applying the components of transitional justice. Transitional justice is the gateway to restoring social, cultural, economic, and intellectual balance to Syrian society. Without transitional justice, Syrian society may continue to suffer from crises that burden the government in all areas of life. Any serious vision for the future of the new Syria is based on the concept of transitional justice as an effective legal and political tool that is indispensable for rebuilding the state, restoring the social fabric, and restoring confidence in state institutions.

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Section I: Components of Transitional Justice .

1 Introductory definition of transitional justice :

Transitional justice is a process of socio-political change in a country that has suffered from a culture of conflict and carries a hateful intellectual legacy. It aims to establish a state ruled by law, starting from criminal justice to social justice, to build a new reality - against the backdrop of bitter political memory - that

achieves security, justice and prosperity for the citizens of that state¹. The concept of transitional justice refers to a set of processes and mechanisms associated with attempts by a society to deal with a legacy of large-scale past human rights violations, with a view to ensuring accountability, establishing justice, and achieving reconciliation. As noted by the United Nations² these mechanisms may include both judicial and non-judicial procedures, measures, and mechanisms, including truth-seeking, reparations programs, and institutional reform, provided that these mechanisms are consistent with international legal standards and obligations.

In the current Syrian transitional moment It is no secret that transitional justice has been widely discussed, but this article draws on the Syrian experience to examine practical challenges and mechanisms that may be applicable on the ground, so focusing on the reality of the Syrian situation instead of paying attention to established theoretical discussions.

2 Components of transitional justice:

The United Nations Secretary-General's report states that transitional justice measures include four mechanisms or elements that make up the transitional justice process, which serve as a guide for the application of transitional justice, adopted by both the United Nations and the European Union, starting with the pursuit of criminal justice, the search for truth, redress and compensation for victims, and the restructuring of institutions³. We will begin with criminal justice:

A. Criminal Justice

Criminal justice is a key component of transitional justice, aiming to prevent impunity and hold perpetrators accountable. During the Syrian revolution, the former regime's systematic killings of civilians created fertile ground for further violations and abuses. The United Nations has stressed accountability, urging referral to the International Criminal Court referral and establishing an impartial mechanism to investigate and prosecute perpetrators, in cooperation with the Independent International Commission of Inquiry on Syria⁴. In the Syrian context, criminal justice should focus on national prosecution of serious crimes committed by the former regime, in accordance with international legal standards. National courts with clear jurisdiction should prioritize major perpetrators while ensuring fair trials and due process. Early, coherent strategies for investigation and prosecution are essential to prevent impunity and support societal rebuilding.

In the current Syrian transitional moment, transitional justice in Syria remains in a pre-institutional phase, without a comprehensive legal framework in place. It is therefore crucial to expedite laws establishing national courts with clear subject-matter, territorial, and temporal jurisdiction across all governorates to prosecute war criminals among army commanders and allied militias.

B. The search for truth

Fact-finding mechanisms are crucial to uncovering the full extent of violations, documenting evidence, and restoring trust in state institutions. The Syrian conflict is among the most well-documented in terms of serious crimes committed by the former regime. Activists, journalists, non-governmental organizations, and international bodies, including the United Nations and the Human Rights Council, have contributed extensively to documenting these violations⁵.

In the Syrian context, where documentation preceded any formal transitional justice framework, the main challenge lies not in the lack of evidence, but in the absence of a national legal mechanism capable of using it. Building national judicial and security capacity is therefore essential, as these institutions will be responsible for prosecutions and for supporting truth-seeking processes. Fact-finding commissions should involve victims and local communities, hold public hearings, and establish official records of violations⁶. Transparent documentation is vital in Syria, where the former regime manipulated information, as it strengthens judicial proceedings and contributes to social reconciliation.

C. Compensation for victims

¹ United Nations Security Council. The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies: Report of the Secretary-General. UN Doc. S/2004/616, August 23, 2004, p. 6.

² Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice. March 2010, p. 3. Available at: https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/TJ_Guidance_Note_March_2010FINAL.pdf (accessed 1 October 2025).

³ European Union, The EU's Policy Framework on Support to Transitional Justice, (This document forms part of the implementation of the EU Action Plan on Human Rights and Democracy –2015 - 2019) op. cit., p. 2.

⁴ United Nations General Assembly. International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. UN Doc. A/RES/71/248, adopted 21 December 2016, issued 11 January 2017, p. 2.

⁵ Nassar, Sema, and Iavor Rangelov. Documentation of Human Rights Violations and Transitional Justice in Syria: Gaps and Ways to Address Them. Conflict Research Programme, London School of Economics and Political Science, 2020, p. 6. Available at: http://eprints.lse.ac.uk/106206/2/Documenting_HR_and_TJ_in_Syria_updated_Nov2020.pdf (accessed 5 February 2025).

⁶ United Nations Security Council. The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies: Report of the Secretary-General. UN Doc. S/2011/634, 12 November 2011, p. 8.

It should be noted that victim-centered measures include monetary compensation, medical and psychological support, educational opportunities, property restitution, and public recognition of suffering⁷. Compensation, even if gradual, is an essential tool for rebuilding legitimacy and trust in the new state⁸. National and international cooperation may be necessary to provide sufficient resources while ensuring that the process is inclusive and respects the dignity and security of victims.

D. Institutional reform to ensure non-repetition

Reforming state institutions is imperative to strengthen the rule of law and ensure accountability for human rights violations on the one hand, and on the other hand to build trust between citizens and state institutions to prevent future violations⁹. In general, institutional reform includes oversight of public institutions, and dissolving some of them, most importantly the security agencies and judicial bodies, dismissing corrupt employees, and reforming constitutional and legislative institutions to achieve the best results from transitional justice programs¹⁰. From a Syrian perspective, we believe that forming specialized committees in each institution is imperative in order to restore institutions to their original purpose, rather than using them against vulnerable population groups.

Section II: Comparative Experiences of Transitional Justice.

1 The South African experience:

After decades of racial discrimination, South Africa transformed from an authoritarian state into a democracy through a negotiated political settlement. The Truth and Reconciliation Commission was established in a context where political consensus was necessary to prevent a recurrence of violence¹¹. The commission worked to uncover the truth and established mechanisms for reconciliation and amnesty to prevent the recurrence of tragedies.

The South African experience demonstrates how truth-seeking mechanisms can contribute to national reconciliation when combined with political will, institutional reform, and broad social consensus. At the same time, this experience also illustrates the limits of reconciliation in the absence of full criminal accountability. Amnesty was granted in exchange for full disclosure of the facts, leaving many victims dissatisfied. For Syria, this experience indicates that disclosure or revelation of the truth alone does not replace accountability and cannot exempt from punishment, especially given the scale of the violations and the absence of a peaceful, negotiated transition with the former perpetrators.

2 The Sierra Leone experience:

In Sierra Leone, the civil war ended with the Lomé Peace Agreement, which led to the establishment of a reconciliation commission that granted unconditional amnesty to all parties¹², sparking sharp international criticism. International actors, including the United Nations, rejected the legitimacy of amnesty for international crimes¹³. The Truth and Reconciliation Commission, which was formed later, sought to document human rights violations to prevent impunity, meet the needs of victims, promote national reconciliation, and prevent the recurrence of violence and violations¹⁴, but its impact remained limited. Although the amnesty was undesirable and the most serious criminals should have been tried, the political reality imposed itself on the agreement.

This experience highlighted a fundamental dilemma: peace agreements always prioritize stability, which can undermine justice and accountability. In the Syrian context, where the crimes of the former regime were systematic, granting an unconditional blanket amnesty would certainly delegitimize the transition process by entrenching impunity. The situation in Syria requires a clear and transparent separation between amnesty and efforts toward justice, reconciliation, and criminal accountability.

3 The Rwanda experience:

In the aftermath of the civil war and genocide of 1994, and in response to the limited capacity of both the national judiciary and the International Criminal Tribunal for Rwanda, Rwanda adopted a hybrid approach to transitional justice. This approach combined international prosecutions with the *gacaca* courts, a community-based mechanism rooted in local customs and designed to address the large number of perpetrators¹⁵.

⁷ European Union, The EU's Policy Framework on Support to Transitional Justice, op. cit., p. 7.

⁸ Dekna, Asma. Towards a Guide for Designing Innovative Human-Centred Transitional Justice Processes: Lessons from Rwanda, Sierra Leone and South Africa. Master's Thesis, The Edward de Bono Institute for the Design and Development of Thinking, University of Malta, 2018, p. 17.

⁹ Ibid., p. 17.

¹⁰ United Nations. Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice. March 2010, op. cit., p. 7.

¹¹ Searle, Kerry Anne. Transitional Justice in South Africa and Sierra Leone: A Case Study Analysis. Master of Philosophy in International Studies, Monash University, 2018, p. 12.

¹² Qassi, Fawzia. "The Complementarity of Transitional Justice Mechanisms and Criminal Justice: The Truth and Reconciliation Commission in Sierra Leone as a Model." *Annals of the Faculty of Law and Political Science, University of Oran 2 Mohamed Ben Ahmed*, vol. 6, no. 1 (Dec. 8, 2014), p. 209. [In Arabic].

¹³ Searle, Kerry Anne, op. cit., pp. 12–13.

¹⁴ Qassi, Fawzia, op. cit., p. 210.

¹⁵ Rettig, Max. "Gacaca: Truth, Justice, and Reconciliation in Post-Conflict Rwanda?" *African Studies Review*, vol. 51, no. 3 (Dec. 2008), p. 25.

Although the Gacaca courts allowed for broad participation and speedy trials, they were widely criticized for their lack of legal expertise, the virtual absence of defense for the accused, and fears of witness intimidation. Moreover, their composition—largely reflecting post-genocide power dynamics—raised concerns about victor's justice. Despite these shortcomings, the model received international support for its attempt to combine criminal and restorative justice.

In the Syrian context, where social fragmentation and deep sectarian divisions persist, the adoption of community-based justice mechanisms may risk reinforcing existing divisions rather than promoting reconciliation. Without being embedded in a strong and comprehensive legal framework, such mechanisms may undermine transitional justice rather than support it.

4 The Tunisian experience:

Following the success of the Tunisian revolution, Tunisia entered a new phase in its transitional justice process, marked by the establishment of a legal framework, the creation of parliamentary committees to follow up on corruption cases and compensate victims, and the establishment of a Ministry of Human Rights and Transitional Justice. An extensive national dialogue culminated in the adoption of a transitional justice law and the establishment of a commission responsible for accountability, fact-finding, and reparations.

However, political instability, slow procedures, delays in implementing decisions on reparations, judicial reform, and accountability¹⁶, and the return of figures from the former regime have undermined the effectiveness of transitional justice in Tunisia. For Syria, the Tunisian experience underscores the need to insulate transitional justice mechanisms from political fluctuations ensuring institutional independence, it also highlights the importance of strengthening public confidence in state institutions.

5 Implications for the Syrian Context

Comparative experiences show that transitional justice is not a ready-made model, but a context-dependent process. The Syrian revolution erupted due to multiple and varied factors, including authoritarian rule, systematic repression, corruption, economic marginalization, sectarian discrimination, and others. Unlike peaceful negotiated transitions or civil war settlements elsewhere. The situation in Syria involves the collapse of an oppressive state structure after prolonged violence.

Accordingly, the transitional justice model in Syria must be designed from within Syrian society, taking into account its specific historical, social, and political realities. While comparative experiences offer valuable lessons, any transitional justice framework in Syria must prioritize criminal accountability, the pursuit of truth, and institutional reform, particularly of public institutions that have already strayed from their path and objectives, such as security, police, and the judiciary, without replicating external models that may reproduce a state of injustice or instability.

Section III: The Foundations of Transitional Justice in Syria

In Syria, the question is not whether transitional justice should rest on the rule of law, but how the rule of law can be restored while simultaneously addressing the root causes of the conflict between revolutionary forces and the former authoritarian regime, in a manner that reflects Syria's historical, social, and political realities.

1 Rule of Law

In the Syrian context, restoring the rule of law is an urgent priority after years of deliberate institutional erosion under the former regime. However, the rule of law cannot be reduced to technical reforms or procedural assistance; it is a core condition for transitional justice and for rebuilding trust between society and state institutions.

Transitional justice requires the equal application of the law to all, including state actors, through guarantees of accountability, and separation of powers. This is even more important because of the extreme vulnerability of groups that were systematically marginalized under the previous regime, including women, children, detainees, and displaced persons¹⁷.

From our perspective, closing the legal gap and judicial reform are not merely formalities, but political and moral imperatives. National actors should play a greater role in promoting, designing, and implementing rule of law programs, thereby increasing the likelihood of their sustainable impact¹⁸, with the support of international assistance. Without a clear political will to enforce the law on the ground, neither stability nor a credible transitional justice process can be achieved.

2 Addressing the root causes of conflict:

Transitional justice should focus on addressing the root causes of conflicts and violations that have resulted in human rights violations, including civil, political, economic, social, and cultural rights, in an integrated and

¹⁶ Al-Houki, Shaker. "The Dilemma of Transitional Justice in Tunisia: Between Confused Paths and Future Challenges." Arab Policies Journal, no. 47 (November 2020), p. 46. [in Arabic].

¹⁷ United Nations Security Council, The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies, Report of the Secretary-General, UN Doc. S/2004/616 (23 August 2004), p. 4.

¹⁸ United Nations Security Council, The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies, Report of the Secretary-General, UN Doc. S/2011/634 (12 November 2011), p. 13.

interconnected manner¹⁹. Ignoring these underlying causes risks reproducing the conditions that led to violence and injustice.

Unlike contexts characterized by political vacuum or negotiated settlements, Syria currently operates under a transitional governing authority with functioning institutions, including courts that are formally committed to internationally recognized legal frameworks. This reality reinforces the commitment to pursue accountability rather than suspend justice under the pretext of stability or reconciliation. International standards consistently reject any reconciliation process that excludes accountability for gross human rights violations²⁰.

Achieving peace and stability depends on both societal awareness and the legal and political system's ability to address political issues, such as ethnic and sectarian divisions, inequality in the distribution of wealth and social services, abuse of power, and denial of property rights or citizenship, in a legitimate and fair manner²¹. In our view, transitional justice is an ongoing effort to build civil peace and restore balance in society by addressing these root causes.

3 Avoiding the Importation of Ready-Made Models

Comparative experiences demonstrate that transitional justice cannot succeed through externally imposed or ready-made models. Initiatives that lack meaningful national ownership, public participation, and social legitimacy often fail, regardless of their technical sophistication²². Syria differs fundamentally from countries such as Rwanda and Tunisia in terms of demographics, conflict dynamics, and social composition. Accordingly, the United Nations itself avoids prescribing uniform transitional justice models, recognizing that each context requires an approach grounded in national needs, capacities, and the specific causes of conflict.

Transitional justice is primarily a national responsibility, involving all state institutions in protecting rights, restoring security, and promoting development²³. International actors may provide support and technical assistance; however, transitional justice in Syria must remain a national driven process, rooted in local realities and community participation, rather than replicating foreign experiences that risk generating new forms of injustice or instability.

Section IV: Objectives of Transitional Justice in Syria

Transitional justice in Syria aims to achieve national reconciliation while addressing political, legal, social, and economic challenges in a manner that promotes and consolidates security, peace, and stability. This reflects the historical, social, and political reality of Syrian society, in addition to the necessity that all its mechanisms be subject to Syrian jurisdiction.

National reconciliation requires attention to addressing damaged relationships through mutual recognition of past suffering, ensuring a change in attitudes and behaviors that will help produce fruitful relationships that rebuild trust²⁴. This process must also include all segments of society, including former combatants and members of the former regime (who are not criminals), in a way that gives them real opportunities for apology and reintegration. At the same time, victims of violations need special attention, and the issue of victims of human rights violations must remain a central focus of transitional justice to ensure that their rights are respected and that accountability for serious crimes is not sacrificed for political interests. Genuine reconciliation depends on the ability of judicial and security institutions to enforce laws, support accountability, and prevent impunity for various crimes and violations, including economic crimes and corruption, thereby strengthening and helping to build public trust²⁵. Therefore, strong and efficient institutions are necessary to translate these goals into effective mechanisms on the ground that are legitimate and take into account the needs of Syrian society.

However, achieving these objectives requires overcoming significant challenges and obstacles that affect the ability of institutions to effectively move forward with the implementation of transitional justice.

Post-conflict Syria faces significant challenges in implementing transitional justice, including weak institutions, limited resources, political challenges, and a lack of public trust. Security and justice institutions must overcome these challenges. Security and justice institutions must overcome these challenges while addressing the root causes of the conflict. Comprehensive reform should encompass judicial institutions, law enforcement, prisons, and property restitution, alongside economic and social development initiatives.

¹⁹ United Nations, Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice (March 2010), p. 3.

²⁰ United Nations, Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice (March 2010), p. 4.

²¹ United Nations Security Council, The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies, Report of the Secretary-General, UN Doc. S/2004/616 (23 August 2004), p. 5.

²² United Nations Security Council, The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies, Report of the Secretary-General, UN Doc. S/2004/616 (23 August 2004), p. 1.

²³ United Nations, Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice (March 2010), p. 5.

²⁴ Raash, Serhan, and Nour-Eddine Hachoud. "Truth and Reconciliation Commissions as a Mechanism for Promoting National Reconciliation: A Comparative Study of Sierra Leone and South Africa." *Journal of Humanities and Social Sciences Researcher*, vol. 13, no. 1 (March 31, 2021), p. 160. [in Arabic].

²⁵ Mcevoy, Kieran, and Lorna McGregor. *Transitional Justice from Below: Grassroots Activism and the Struggle for Change*. Human Rights Law in Perspective, vol. 14. Hart Publishing, 2008, p. 8.

Transitional justice measures, developed in consultation with victims, civil society, and national stakeholders, have proven effective in promoting political stability and social trust²⁶. For this reason, ongoing national consultations are essential to ensure that the design and implementation of transitional justice mechanisms respond to community needs and contribute to long-term peace.

Responding to these challenges and obstacles is closely linked to the exercise of Syrian jurisdiction in a manner that ensures that national authorities lead the transitional justice process and uphold the rule of law.

Re-establishing Syrian jurisdiction is central to this endeavor. National jurisdiction embodies the state's sovereignty and authority over persons and events within its territory²⁷ and forms the basis for all transitional justice proceedings. Syria has the capacity and will to implement transitional justice programs, following reforms to public institutions that previously enabled repression and human rights abuses.

Transforming these institutions into bodies concerned with civil peace, human rights protection, and enforcement of the rule of law is critical to preventing further violations. National and special courts play a central role in prosecuting war criminals and addressing crimes against humanity, while international courts are only complementary mechanisms when national capacities are insufficient or unwilling to act. This approach ensures that transitional justice remains a national, context-sensitive, and Syrian-led process.

Beyond judicial proceedings, national jurisdiction extends beyond court proceedings to include investigative and forensic work, evidence preservation, exhumation of bodies, and the search for missing persons²⁸. It also encompasses institutional reform and restructuring, the removal of corrupt officials, and the disarmament of individuals who participated in past atrocities. By exercising full jurisdiction over transitional justice processes, Syria can preserve its sovereignty, respond to victims' demands, and ensure that justice, peace, and security are mutually reinforcing.

History confirms that without strong national will, transitional justice is unlikely to succeed, while integrated and participatory mechanisms provide a credible path toward accountability, reconciliation, and sustainable development.

Section V. The current path of transitional justice in Syria

Since the fall of the previous regime, the new Syrian government has taken several initial steps toward achieving transitional justice. These include embedding transitional justice principles in the constitutional declaration, followed by the establishment of the Transitional Justice Commission and the Commission for Missing Persons, and the abolition of special courts (particularly the military field court and terrorism courts established under the previous regime and after the outbreak of the revolution). It also abolished legal security restrictions and created conditions for the voluntary return of displaced persons, which it is still working on. These steps are positive indicators of a new and growing political will to address the violations of the previous regime and pave the way for genuine transitional justice.

At the institutional level, the Transitional Justice Commission, established by decree in 2025²⁹, combines members with professional experience and those directly affected by past violations³⁰, enhancing its legitimacy and credibility in society. It engages in regular consultations with victims, civil society, and local communities across governorates to gather input and respond to concerns. However, in our opinion, it would be better to expand the commission's work through specialized and qualified permanent committees operating in various Syrian cities (during the commission's term), which would contribute to expanding its scope of work through these committees and thus ensure the success of the national commission's work and effectively support the implementation of the transitional justice process.

Despite these advances, transitional justice in Syria remains largely confined to the pre-legislative stage, raising the question of why it is still in its infancy. We can say that this is due to the absence of a law defining the commission's mandate, powers, and relationship with other state institutions, which is a major structural obstacle. At the same time, we can explain this delay by the fact that Syria is going through a transitional phase and, at the time of writing this report, the legislative authority has not yet been formed, despite the fact that the People's Assembly elections were held in October 2025 and the results announced. However, one-third of the members remain to be appointed by the President of the Republic, in accordance with Article 24 of the Constitutional Declaration, which states (The President of the Republic shall appoint one-third of

²⁶ United Nations Security Council, The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies, Report of the Secretary-General, UN Doc. S/2011/634 (12 November 2011), p.8.

²⁷ John A. Trenor, "Jurisdiction and the Extraterritorial Application of Antitrust Laws after Hartford Fire," The University of Chicago Law Review, 62 (1995): 1585, [<https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=4902&context=uclrev>] (accessed 9 February 2026).

²⁸ United Nations, Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice, op. cit., p. 7

²⁹ Decree No. 20 of 2025 establishing the National Commission for Transitional Justice and Decree No. 149 of 2025 forming the committee of the National Commission for Transitional Justice. Available at: <https://sana.sy/presidency/2273842/> (accessed 7 February 2026).

³⁰ Daraji, Ibrahim. "Analyzing Syrian Politics in the New Era: The Path of Transitional Justice". Arab Center for Contemporary Syrian Studies, 8 December 2025, p. 18

the members of the People's Assembly to ensure fair representation and efficiency)³¹. It may be noted that the Commission has adopted its internal regulations and is currently working on drafting a transitional justice bill to be submitted to the People's Assembly once it is formed. Perhaps accelerating this process and giving priority to the establishment of the People's Assembly will contribute significantly to filling the legislative vacuum that has existed for more than a year, and this responsibility falls on the current executive authority. Accountability measures have been partially implemented, including the arrest of some former officials accused of war crimes. However, the lack of clear mechanisms for prosecuting senior perpetrators highlights persistent legal gaps, particularly the absence of domestic legislation criminalizing war crimes and crimes against humanity in line with international standards³². In our view, developing a robust legislative framework and clarifying accountability mechanisms are therefore essential to ensure that transitional justice moves beyond rhetoric into enforceable practice.

In the context of internal efforts, and as a step to redress years of deprivation and exclusion of the Kurdish component and open the door to healing some of the wounds of the past, Decree 13 of 2026 was issued, which established the rights of the Kurds and officially recognized Kurdish culture and language. This step will promote transitional justice. Transitional justice means that social justice and full citizenship rights are the right of all Syrians, and that no component should be left outside a unified Syria.

To consolidate progress, the Syrian state must continue to strengthen its national institutions in order to build trust with citizens and ensure broad participation by victims and civil society. In this way, transitional justice can become an effective and credible process that aims to preserve sovereignty, promote accountability, and advance a just peace and genuine national reconciliation. Justice is the foundation of every healthy society and the only way to guarantee the rights of all.

Conclusion: Towards a Syrian-Led Transitional Justice

Despite the weight of the task and the enormous challenges facing the new Syrian state and the Syrian social fabric, the process of national reconciliation and transitional justice can only be achieved if society has confidence in its ability to obtain justice and fairness through impartial national institutions and peaceful means that contribute to establishing justice and stability, based on respect for the rule of law and human rights for all. Transitional justice is justice for the future, not just justice for the past, and the establishment of truth and justice is a long-term national project that cannot be reduced to symbolic trials or financial compensation.

At the same time, it should be noted that the transitional justice process is taking place in a changing political, social, and economic environment, which requires a degree of flexibility and continuous responsiveness. Therefore, government policies supporting transitional justice must balance urgent needs with long-term structural reforms by adopting a comprehensive approach that integrates judicial and non-judicial measures. Legislative reform, particularly the enactment of laws regulating the jurisdiction, mandate, and procedures of courts dealing with serious crimes, is essential to ensuring legal certainty and procedural legitimacy.

The Syrian case also highlights the importance of establishing credible and specialized national mechanisms, including transitional justice bodies, missing persons commissions, and truth commissions, tasked with documenting violations, determining responsibilities, and establishing mechanisms for redressing victims. It must be recognized that the victims of the Syrian revolution have a full right to material and moral compensation from the new state and Syrian society as a whole, as a first and essential step in the process of recovery from the effects of the conflict.

Institutional reform remains a central challenge and a decisive factor in the success of transitional justice. The process of restructuring state institutions must balance the need to remove officials involved in corruption and violations with the need to preserve the continuity and functional capacity of institutions. Judicial, security, and administrative reforms should aim to build institutions that serve society and protect its rights, rather than dominate it, while embedding respect for human rights in the daily practices of governance.

The success of transitional justice in Syria is not limited to judicial and institutional tools alone, but also requires long-term investment in the educational and knowledge infrastructure of society. Universities and research centers are particularly important because of their role in producing sound scientific knowledge and shaping a generation with the legal and political awareness necessary to confront a culture of impunity, thereby ensuring the sustainability of transitional justice and peacebuilding. The Syrian experience confirms that transitional justice cannot be imported as a ready-made model from other contexts outside the conflict, given the differences in historical trajectory, social composition, political dynamics, and legal culture. Therefore, transitional justice should be a national process that emerges from the local context and responds to the lived experiences of Syrians. External factors alone cannot be relied upon to address internal problems, given the difficulty of achieving symmetry between different national experiences.

³¹ Text of the Syrian Constitutional Declaration 2025. Available at: <https://www.aljazeera.net/encyclopedia> (accessed 13 October 2025).

³² Daraji, Ibrahim, op. cit., p. 19.

The findings of this research conclude that the success of transitional justice in Syria lies in its ability to combine legal legitimacy, social trust and acceptability and respect for national sovereignty within a gradual and context-sensitive approach. This framework requires more than formal legal mechanisms, it requires a sustained political and institutional commitment capable of translating normative principles into effective practice. In the Syrian context, where legal and political structures are highly contested, transitional justice needs to be designed in a way that does not reproduce conflict dynamics or weaken fragile social cohesion. A balanced approach is therefore required, ensuring accountability but also promoting reconciliation and long-term stability. Ultimately, the success of transitional justice will be measured by its ability to marry international legal standards with domestic realities in a credible and socially rooted manner.

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4. Independent International Mechanism for Syria. Mandate for Assistance in Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. UNGA Resolution 248/71/A/RES, 11 January 2017.
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