

# *Position Paper*

## On the Transitional Justice Process and Cooperation with the National Transitional Justice Commission

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العدالة  
JUSTICE



The undersigned Syrian victims' associations and civil society organizations affirm that transitional justice constitutes a fundamental pillar of any serious path toward building sustainable peace and stability in Syria. It is impossible to envision a **genuine political and social transition toward a state based on equal citizenship, rights and duties, and the rule of law** without addressing the legacy of gross human rights violations and guaranteeing the rights of all victims—without discrimination—to truth, justice, accountability, reparations, and guarantees of non-recurrence. They also affirm that the transitional justice process must recognize **victims as equal citizens**—regardless of the parties or individuals responsible for the violations committed against them—and must be grounded in their active participation in shaping their future.

The group believes that the meaningful participation of civil society and victims' associations is not merely a technical or advisory contribution, but rather an **inherent right**, as they are direct stakeholders and active actors with **legitimate standing in designing the future of justice in the country**. Accordingly, the coalition of Syrian associations and organizations initiated a broad consultation and review process of the draft law and related policies on transitional justice. They submitted their expertise and observations to the National Transitional Justice Commission to ensure the inclusiveness of the process and to contribute to the development of a legal framework that reflects international best practices in transitional justice while aligning with the local Syrian context. This expertise builds **on years of accumulated joint work** supporting this path, including recent efforts to formulate a shared vision for transitional justice in Syria and the launch of the document “General Principles on Justice, Truth, and Equity” in September 2025.

While emphasizing that the success of the transitional justice process requires genuine openness from transitional justice bodies and institutions to the expertise of civil society and victims' associations, and also requires ensuring the effective participation of victims and their representatives at all stages of designing and implementing transitional justice pathways, the group prepared a detailed memorandum exceeding seventy pages of legal, technical, and operational observations on the draft law and submitted it in writing to the Commission. This memorandum focused on several core issues related to **the effectiveness and inclusiveness of the transitional justice process**. Among the most important points emphasized were:

1. The law must be written in precise, neutral legal language with clearly defined terminology and must completely **avoid any political language**, expressions, or terms that create political narratives affecting legal neutrality.
2. The law must adopt an **objective and comprehensive definition of transitional justice** that includes all gross human rights violations, regardless of the parties or individuals responsible for them or suspected of committing them. The law must recognize the complex nature of the armed conflict in Syria and the multiplicity of parties involved, ensuring that violations committed by **all such parties are addressed without discrimination, and must not limit the scope of transitional justice to crimes “caused by the Assad regime.”**
3. The law must explicitly provide a **comprehensive definition of victims that ensures recognition of all of them** and guarantees their equal enjoyment of the rights resulting from that status, without exclusion or discrimination in access to truth, justice, and reparations, **regardless of the parties or individuals responsible for the violations**, or whether those responsible have been identified.
4. The temporal scope of the law must be expanded to include **all crimes and violations committed after 8 December 2024 until the adoption of a permanent constitution for the country**, preventing any legal vacuum in addressing gross violations during the transitional period. It should also include, through some transitional justice mechanisms—particularly the right to truth, recognition, and memorialization—violations whose roots go back to before 1970, ensuring that the historical context of these violations is not overlooked.

5. The law must include clear provisions guaranteeing the **effective and meaningful participation of victims, their families, victims' associations, and civil society organizations** in all stages of the transitional justice process, including participation in decision-making, the design of relevant policies and mechanisms, and their implementation, follow-up, and monitoring.
6. The law must include clear legal guarantees ensuring the **institutional independence** of the National Commission for Transitional Justice and the independence of its members, along with clear mechanisms for appointment, dismissal, and replacement, and a precise definition of its relationship with the executive and judicial branches to ensure **cooperation without subordination or interference**. It must also establish clear organizational rules for distributing competencies among the various committees and units within the Commission and define lines of responsibility and coordination to prevent overlap and conflict.
7. The law must explicitly provide for **full compliance with and supremacy of international law in interpreting and applying its provisions**, including respect for victims' rights, judicial independence, fair trial standards, the definition of crimes and criminal responsibility according to international law, the prohibition of the death penalty, and recognition of enforced disappearance as a distinct international crime.
8. A **gender-sensitive approach** must be adopted across all components of transitional justice, including ensuring **equal participation and representation of women** and appropriate responses to the harms they have suffered.

At the same time, the undersigned associations and organizations express **concern** regarding the handling of certain issues related to gross violations, reparations, accountability, or political settlements **outside the framework of transitional justice** and through mechanisms separate from it, in the **absence of clarity, transparency, and a governing legal framework** for such procedures. This could lead to the politicization of the entire process and reinforce impunity.

They emphasize the importance of addressing all issues related to truth-seeking, accountability, and reparations within an **integrated transitional justice framework** that guarantees respect for victims' rights, strengthens the principles of transparency and accountability, contributes to building public trust in the transitional justice process and its institutions as well as state institutions, and ensures complementarity of roles.

They also stress that the success of the transitional justice process requires the National Commission for Transitional Justice to adopt a clear and explicit approach that considers civil society and its institutions as essential partners in making this process succeed, and to ensure **the protection of civic space** beyond its own processes. The undersigned organizations express concerns at the challenges and risks faced by civil society as a result of attempts by other entities to restrict or constrain civic space through burdensome and obstructive administrative, security, or political measures. They affirm that the future Syria must refrain from any practices that **reproduce the patterns of exclusion** that paved the way for the painful past violations suffered by Syrians, as such protection constitutes a **structural condition for guaranteeing non-recurrence**. This makes it imperative for the National Commission for Transitional Justice to be the first body to demand and work toward such protection, including by demanding **reform and the end of such practices** as part of guarantees of non-recurrence.

In conclusion, the undersigned associations and organizations affirm that transitional justice is not merely a legal framework or a formal governmental process, but rather a **long-term political and social process** that requires serious political will and allows for civil, political, and social interaction serving the interests of a transitional justice path that addresses the legacy of violations, delivers justice to victims, **rebuilds the relationship between the state and society** on the basis of trust, accountability, and mutual recognition, and lays the foundations for a future based on justice, dignity, and the rule of law.

From this perspective, the undersigned associations and organizations affirm that they will continue to play their role in following up on and monitoring this process and in providing the knowledge and expertise necessary to support the development of the legal and institutional framework for transitional justice in Syria in a way that enhances its effectiveness and inclusiveness. They also call on the National Commission for Transitional Justice, in this context, to commit to the following:

1. Adopting and publishing a comprehensive **strategy or action plan** within a **clear timeframe** that defines objectives, priorities, implementation phases, and indicators for measurement, **ensuring transparency and participation** and enabling systematic tracking of progress and performance evaluation.
2. Establishing regular and transparent mechanisms for **evaluation and review**, including publishing **periodic reports** on progress and challenges, including a report explaining the level of progress and challenges **since the establishment of the Commission up to date**, in a way that makes information available to the public and strengthens transparency, accountability, and oversight.
3. Establishing regular, transparent, and formal mechanisms for **communication, consultation, and coordination** between the Commission and civil society and victims' associations, ensuring that they are informed sufficiently in advance about the course of work and are able to **participate in the development of relevant policies, laws, and procedures**.

### **Signatory organisations:**

1. The Day After
2. Truth and Justice Charter
3. Syrian Center for Media and Freedom of Expression
4. Women Now for Development
5. Seen for Civil Peace
6. Syrian Legal Development Programme
7. Dawlaty
8. Bidayetna
9. Syrians for Truth and Justice
10. Adalaty
11. Transformative Pathways
12. Dar Justice
13. The Syria Campaign
14. Syrian Archive
15. Badael
16. Free Syrian Lawyers Association
17. Justice for Life
18. Lawyers and Doctors for Human Rights