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The transformative imperative in Syria

Dismantling the structures of repression and ensuring non-recurrence in light
of transitional & transformative justice

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List of Abbreviations

ADMSP: Association of Detainees and Missing Persons in Sednaya Prison

CAT: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

CERD: International Convention on the Elimination of All Forms of Racial Discrimination

CRC: Convention on the Rights of the Child

ICCPR: International Covenant on Civil and Political Rights

OPCAT: Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

SNHR: Syrian Network for Human Rights

Abstract

Transitional justice is essential to sustainable peace in Syria, given the scale of systematic human rights violations under authoritarian rule. Beyond documentation, this research argues for understanding the structural roots of violations and dismantling the institutional and legislative frameworks that produced authoritarianism. It applies "transformative justice" as a guiding framework, shifting from top-down to bottom-up approaches and balancing civil-political with economic-social rights to reshape the social contract toward citizenship and rule of law. Methodologically, it uses a qualitative, descriptive-analytical approach examining Syrian prisons (1963-2024), drawing on Foucault and Agamben, with solutions grounded in Gready and Robins' transformative justice framework.

Introduction

At the beginning of 2011, the Arab world witnessed a wave of popular movements aimed at dismantling authoritarian regimes, in what became known as the "Arab Spring." In Syria, with the spark of the popular uprising in March 2011, Syrians were not only facing a traditional dictatorship, but a totalitarian regime whose practices were characterized by a systematic use of violence and "excessive force" to consolidate its rule. Syrians found themselves facing an "exceptional state" that hybridized sovereign power, based on the brutalization of the body as a display of absolute control, with modern disciplinary power based on governance and bureaucracy. As a result, prisons in Syria, over decades, transformed from punitive institutions into a "sovereign laboratory" for re-engineering society through fear, fragmenting the social fabric by "blackmailing minorities" and violating the rights of the "majority."

With the outbreak of the uprising, the regime escalated its repression by adopting a policy of "systematic arbitrary arrest," transforming it from an exceptional security measure into a tool of "collective punishment" and "demographic cleansing" targeting anyone who belonged geographically or by identity to the areas in revolt. In 2013, I was arrested and witnessed firsthand how the detention institution was employed as a terrifying tool for social engineering; the goal was not limited to extracting confessions or punishing activists, but the prison became a human slaughterhouse and a machine for emptying society of any human mass that might constitute political opposition, present or future. What I experienced in the prisons—the liquidation of cadres, the disappearance of young men, and the systematic destruction of body and soul—was nothing but the literal, on-the-ground application of the regime's political vision, which its head, Bashar al-Assad, explicitly expressed in his 2017 speech when he claimed that the war, despite its losses, had produced "a healthier and more homogeneous society."¹ This supposed "homogeneity" was not the product of national integration, but rather a forced

¹ Orient News, 'Bashar al-Assad's Speech: Now the Society Has Become Homogeneous! #Here_is_Syria' (*Orient News*, 20 August 2017) <https://www.youtube.com/watch?v=SksNwkVz3rU> accessed 30 May 2026.

homogeneity forged with iron and fire through enforced disappearances and extermination within detention centers, and the political and physical exclusion of the other, all to ensure the regime's survival².

With the dramatic collapse of this regime in late 2024, Syria inherited a "highly complex reality" that goes beyond a mere political vacuum; The new state faces existential challenges, foremost among them an institutional crisis of confidence manifested in the complete absence of trust in the security and military apparatus, which for decades had been an instrument of intimidation rather than protection. This is further complicated by a deteriorating economic reality, the legacy of a "war economy" that emerged around detention centers, where the fate of detainees became a commodity funding networks of corruption and cronyism. Added to this is the systematic sectarian division, a stark consequence of sectarian policies that used prisons as a primary tool to link the fate of minorities to the regime's survival. All of this coincides with the greatest challenge: how to address the hundreds of thousands of cases of missing persons and those killed under torture without descending into a spiral of indiscriminate revenge.

This phase imposes international legal and moral obligations on the new Syrian state, necessitating the initiation of a transitional justice process. Based on established international standards as defined by the United Nations, this process rests on five interconnected pillars: truth-seeking, which must go beyond mere documentation to expose the mechanisms of the "state of terror" and open the files of the security apparatus; criminal prosecutions to achieve justice based on the rule of law; reparations to restore the material and moral dignity of victims; guarantees of non-recurrence based on institutional reform, which is the cornerstone of this research; and finally, memory preservation, which safeguards the memory of victims in

² SNHR and Physicians for Human Rights, *'Destroying the Health Care System: Detention of Syrian Health Workers Report'* (Full Report, November 2021) 12 https://snhr.org/wp-content/pdf/english/PHR_Detention_of_Syrian_Health_Workers_Report_Nov_2021_Full_Report-en.pdf accessed 30 May 2026.

the public sphere³. This study proceeds from the premise that addressing the detention system in Syria requires moving beyond "technical reform" to adopting a "transformative justice" approach, which aims to create a structural break with deep-rooted injustices and rebuild institutions from the ground up according to the principles of good governance, in accordance with Syria's international obligations, particularly human rights conventions and the Convention against Torture.

The research problem revolves around the complex structural challenge of moving from a "bureaucratic state of terror" to a "state of law," specifically with regard to dismantling and transforming the detention and prison system. The fall of the previous political regime does not necessarily mean the automatic disappearance of its repressive mechanisms. The real danger in the transitional period lies in the continued availability of the "institutional infrastructure for detention." If the transition is limited to individual trials and superficial changes in security leadership without a real structural break, then there is a serious danger in recycling this system and using detention centers once again as tools for political intimidation, settling scores, or installing a new dictatorship. Hence, the research focuses on how to strip the former regime's prison system of its "political and neo-political" functions and return it to its criminal and rehabilitative role under civil judicial supervision.

Through its comparative analytical approach, the research seeks to answer two pivotal questions: The first is how to move from a security state that uses detention centers as a pillar to consolidate its authority to a state governed by law that respects human rights and combats torture and forced disappearance?

The second is how to strengthen "guarantees of non-recurrence" to prevent prisons from turning into tools of political repression in the future, and the role of transitional justice in this context.

³ Priscilla Hayner, *Transitional Justice in Peace Processes: United Nations Policy and Challenges in Practice* (United Nations Background Paper, 24 October 2022) 7-10.

The research hypothesis is that the traditional approach to transitional justice, centered on criminal accountability and limited technical reform, remains inadequate in addressing the complex legacy of the prison and security sectors in Syria. This is because grave violations such as torture and enforced disappearance were not the result of administrative shortcomings or individual mistakes that can be corrected, but rather the result of a “systematic institutional design” whose goal is extermination and social engineering, making cosmetic reforms a sure path to reproducing tyranny.

To test this hypothesis, the study adopts a qualitative approach that employs a descriptive analytical methodology to dissect the legal and security structure of the Syrian prison between the years 1963 and 2024, and to analyze the systematic use of torture and enforced disappearance as policy tools, as well as the field transformations that followed the fall of the regime in December 2024. This is reinforced by a comparative approach on two parallel levels: an external level inspired by international transitional experiences, and an internal level corresponding to tyrannical practices. The past and the current transitional reality. The study documents its field dimensions through qualitative interviews with stakeholders, used as secondary sources within the research, based on a theoretical framework that diagnoses the problem in light of sociological and political theories such as Michel Foucault’s theory of disciplinary power and Giorgio Agamben’s concept of the state of exception, while the proposed solutions derive their theoretical basis from the transformative justice framework of Paul Grady and Simon Robbins.

However, the issue of documentation in the Syrian context is not a marginal procedural matter related to the selection of sources, but rather a structural issue at the heart of transitional justice itself. The transitional phase, as an “interregnum”⁴ in which old institutional structures break down before new ones take hold, is characterized by the simultaneous collapse of

⁴ Interregnum is a Latin word that literally means: "inter" = between + "regnum" = reign/king. That is, "the period between two reigns" — historically used for the period between the death of a king and the installation of his successor. (Oxford Learners Dictionaries)

mechanisms for officially producing and archiving information, which creates a documentation gap that traditional mechanisms are unable to fill immediately. This dilemma is clearly evident when examining the structure of UN documentation itself: the most detailed International Commission of Inquiry document on detention and torture — the “Torture Network” paper (A/HRC/58/CRP.3)⁵ — covers violations between March 2011 and December 2020, based on more than five hundred and fifty interviews with survivors and more than two thousand eyewitnesses. As for the report that directly addresses the transitional phase (A/HRC/61/62)⁶, covering the period from December 8, 2024, to January 31, 2026, it was a summary report rather than a detailed conference room paper, explicitly acknowledging its limitations and that the actual scope of the alleged violations is broader than it contains, due to time and resource constraints resulting from the liquidity crisis in the UN budget and the Committee working at half capacity.

This gap was exacerbated in Syria by the disruption of the official media apparatus itself following the fall of the regime. The transitional authority was forced to replace the media personnel at the SANA news agency and state television. Consequently, many foundational events during the transitional period—such as the “Victory Conference”—were broadcast via digital communication channels (Telegram, X, and Facebook) linked to the then-interim government, rather than through the official newspaper or the usual archival platforms⁷.

Thus, the initial record of state activity during the transitional period became a digital record, fragmented and unarchived systematically, still taking shape but not yet settled. The fundamental methodological irony here is that the UN system itself found itself compelled,

⁵ UN Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' (2025) UN Doc A/HRC/58/CRP-3

⁶ UN Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' (2026) UN Doc A/HRC/61/62, para 6.

⁷ Middle East Media Research Institute, 'Syrian Leader Ahmed Al-Sharaa Delivers Victory Speech, Outlines Syria's Future Roadmap, Announces...' (*MEMRI Jihad and Terrorism Threat Monitor*, 18 May 2025) <http://web.archive.org/web/20250518002040/https://www.memri.org/jttm/syrian-leader-ahmed-al-sharaa-delivers-victory-speech-outlines-syrias-future-roadmap-announces> accessed 15 June 2026.

during this period, to rely on the same sources used in this research; the latest reports of the commission refer in their footnotes to SANA publications and the government's Telegram channels⁸. Therefore, relying on media outlets and the reports of the Syrian Network for Human Rights was not a deviation from international documentation standards, but rather in line with them, especially since the Network's documentation has been repeatedly included in the material upon which UN bodies base their reports on Syria⁹. Consequently, the research methodology for documenting the transitional phase relies on using international sources, wherever available, as the ultimate authority for legal classification and pattern recognition; the Network's reports as a transparent and systematic source of aggregated data related to detention, deaths, and disappearances; and media outlets as tools for monitoring events and tracking their chronological sequence.

Based on this methodological foundation, the study analyzes a diverse body of academic literature and human rights reports organized into four interconnected axes. The first axis examines theories of power and repression, utilizing Michel Foucault's concept of "disciplinary power" to trace punishment as a bureaucratic political technique. This is complemented by Giorgio Agamben's "state of exception" (*Homo sacer*) and Achille Mbembe's "necropolitics" to explain the evolution of the prison into a space of managed death.

The second axis addresses the political economy and sociology of authoritarianism. It draws on Charles Tilly's thesis of "the state as organized crime" to explain protection-racket dynamics, integrated with Philippe Le Billon's concept of the "war economy," Hashemi and Postel's structural view of sectarianism, and Hanna Batatu's foundational work on rural marginalization. The third axis explores the frameworks of transitional and transformative justice, rooted in Ruti Teitel's conceptualization of the field, and expanded by Paul Gready and Simon Robins' critique, which established the "transformative justice" framework. The fourth axis focuses on the empirical documentation of the Syrian case, reviewing on-the-ground evidence such as the

⁸ UN Human Rights Council, (n 6)

⁹ SNHR, 'Syrian Network for Human Rights' (*SNHR*) <https://snhr.org/> accessed 15 June 2026.

"Caesar" files, reports from the Syrian Network for Human Rights, and documentation by the Association of Detainees and the Missing in Sednaya Prison regarding secret prison administrations and the extortion economy.

Ultimately, this study addresses a critical research gap. While existing literature extensively documents these violations, this research goes beyond mere narration to diagnose the deep, structural dimensions that enabled them. Consequently, it provides an applicable framework for transitional justice mechanisms with a deeper, transformative dimension tailored to the Syrian context and similar post-conflict cases.

"Without forgiveness there is no future, but without confession there can be no true forgiveness."

Desmond Tutu, No Future Without Forgiveness

Chapter one:

Conceptual Foundations

To determine our research direction, the foundations upon which the research is based must be built by analyzing the concepts of transitional justice and transformative justice, and arbitrary detention as a basis for the research.

1.1. Conceptual Framework: A Critical Approach to the Mechanisms of "Transitional Justice" and the Philosophy of "Transformative Justice"

The conceptual framework of transitional and transformative justice is of exceptional importance at this juncture. The fall of Bashar al-Assad's regime has propelled Syria into a highly sensitive transitional phase, during which the institutional and legal foundations for the country's future are being laid. At the heart of this moment lies an issue that no transitional process can ignore: the issue of detainees and the forcibly disappeared, whose numbers have exceeded hundreds of thousands over more than six decades of authoritarian rule.

This is not simply a matter of a legacy of violations to be "addressed" with traditional legal tools, but rather a deeply entrenched system of impunity in which prisons have ceased to function as disciplinary institutions and have become instruments of social engineering and the exercise of power. Therefore, the question this research poses is not how to "apply" transitional justice to the Syrian situation, but a more profound one: Are its classical tools sufficient to address this complex legacy, and if not, what is the most appropriate theoretical framework? This chapter aims to lay the groundwork for answering this question by reviewing the concept of transitional justice and its five pillars, then examining its application within the Arab experience and in broader global contexts, leading to the theoretical contribution of Paul Gready and Simon Robins in establishing the concept of "transformative justice" as a critique of transitional justice and an extension of it.

1.1.1. Transitional Justice: Definition and Pillars

The theoretical foundation of the concept of transitional justice in its contemporary academic form is attributed to Ruti Teitel, who, in her seminal work *Transitional Justice* (2000), presented the first comprehensive systematic formulation of this field of knowledge. Teitel defines transitional justice as "a concept of justice associated with periods of political change, characterized by legal responses to human rights violations committed by previous oppressive regimes¹⁰."

The United Nations officially adopted this concept in the Secretary-General's 2004 report, which defined transitional justice as "the full range of processes and mechanisms associated with a society's attempts to come to terms with a large-scale legacy of past violations, with the aim of ensuring accountability, establishing justice, and achieving reconciliation¹¹."

International jurisprudence and United Nations practice have established **five normative pillars** that constitute the institutional structure of transitional justice:

Truth-seeking involves uncovering past violations through institutional mechanisms such as truth commissions, guaranteeing the right of victims and society to know what happened.

Accountability involves prosecuting those responsible for violations, whether before national, international, or hybrid courts, and breaking the cycle of impunity.

Reparations aim to provide material and moral compensation to victims, restore their dignity, rehabilitate them, and issue a formal apology. These pillars focus directly on past violations and address their consequences.

Guarantees of non-recurrence are based on institutional and legal reforms that prevent the recurrence of violations, including reforming and purging the security and judicial systems.

Memorialization works to preserve the memory of victims and violations in the public sphere

¹⁰ Ruti G Teitel, *Transitional Justice* (Oxford University Press 2000)

¹¹ UN Secretary-General, 'The rule of law and transitional justice in conflict and post-conflict societies' (23 August 2004) UN Doc S/2004/616, para 8.

through monuments, museums, and educational curricula. This is the only pillar that truly focuses on the future.

These five pillars, although seemingly distinct, are in fact complementary and interconnected; neglecting any one of them undermines the coherence of the transitional process. Most importantly, these pillars represent, in the classical framework of transitional justice, the minimum that any transitional experience must meet to be described as "genuine transitional justice" and to achieve a state of civil peace and sustainable stability¹².

1.1.2. The Evolution of Transitional Justice Mechanisms: A Comprehensive Chronological Analysis

A chronological examination of these experiences reveals that transitional justice mechanisms did not emerge fully formed, nor did any successful experience rely solely on a single pillar. Rather, each mechanism typically combined truth-seeking, accountability, reparations, memory, and institutional reconstruction, albeit with varying degrees of success and failure.

Cambodia (1979–2022) From Early Memory to Late Trial

Cambodia represents one of the earliest experiences, beginning with a foundation of memory that predates the formalization of the field of transitional justice. Following the fall of the Khmer Rouge regime in 1979¹³, Tuol Sleng Prison (S-21), a school that the regime had transformed into a torture center where some 20,000 people were tortured (of whom only a few survived), was transformed into a documentary museum preserving photographs of victims, torture instruments, and files on the perpetrators. Its archives were then inscribed on UNESCO's Memory of the World Register in 2009¹⁴.

¹² Ruti G Teitel (n 10).

¹³ Tuol Sleng Genocide Museum, 'History (Official Website)' <https://tuolsleng.gov.kh/en/museum/building/> accessed 19 May 2026

¹⁴ UNESCO, 'Tuol Sleng Genocide Museum Archive' (Memory of the World Register, 2009) <https://www.unesco.org/en/memory-world/tuol-slung-genocide-museum-archives> accessed 19 May 2026.

But the Cambodian experience is not limited to memory alone. It was later complemented by the pillar of accountability through the Extraordinary Chambers of the Courts of Cambodia (ECCC), a hybrid court between the United Nations and the state that began its work in 2006¹⁵. Most importantly, this court closed the circle between memory and accountability when it tried Kaing Guek Eav, the director of S-21 prison, and sentenced him to life imprisonment¹⁶. In doing so, Cambodia offers a lesson in how the place that became a museum of memory can also be the source of the evidence upon which the trial was based. This model is directly related to the legacy of Syrian prisons, where documentation can be a tool for both memory and accountability.

Chile (1990–2011) Integrating Truth and Reparation under an Impedimental Amnesty

With Chile's transition to democracy in the early 1990s, its experience combined three pillars. It began with truth-seeking through the Truth and Reconciliation Commission (the Rettig Commission), which issued its report in 1991, documenting thousands of cases of murder and disappearance. It then evolved into one of the most mature models of reparation in the world: the National Reparation and Compensation Institution (CNRR) was established by Law 19.123 of 1992¹⁷, and the PRAIS program for integrated health and psychological care for victims and their families was launched¹⁸. The Valles Commissions (2004 and 2011) documented victims of torture and political detention and established monthly pensions for them¹⁹. What distinguishes the Chilean model is that it integrates material, moral, health, and psychological

¹⁵ Extraordinary Chambers in the Courts of Cambodia (ECCC), 'Homepage: Khmer Rouge Historical Context' <https://www.eccc.gov.kh/en#section-block-khmer-rouge> accessed 28 May 2026.

¹⁶ Alexandra Topping, 'Khmer Rouge Chief Jailer Sentenced for War Crimes' (*The Guardian*, 26 July 2010) <https://www.theguardian.com/world/2010/jul/26/khmer-rouge-chief-jailer-war-crimes> accessed 28 May 2026.

¹⁷ Law 19.123 *Creating the National Corporation for Reparation and Reconciliation* (Chile), Official Gazette, 8 February 1992.

¹⁸ Ministry of Health (Chile), *Programa de Reparación y Atención Integral en Salud y Derechos Humanos (PRAIS)* (Technical Standard, 1991).

¹⁹ National Commission on Political Imprisonment and Torture, Valech I Report (Santiago 2004); and Advisory Commission for the Qualification of Disappeared Detainees, Executed Political Prisoners and Victims of Political Imprisonment and Torture, Valech II Report (Santiago 2011).

reparations into a single system, presenting them as an ongoing commitment of the state, constantly updated and expanded, rather than a fleeting event.

However, the pillar of accountability remained largely ineffective due to the "self-amnesty decree" issued by the Pinochet regime in 1978 to shield itself from prosecution²⁰. Here, the negative aspect of "amnesty" is revealed for the first time: a comprehensive self-imposed pardon by the perpetrator before any confession or truth. This immunity only began to gradually erode after Pinochet's arrest in London in 1998²¹, leading to a subsequent expansion of legal proceedings. Thus, Chile presents the antithesis of the "truth for amnesty" logic: here, amnesty became an obstacle to truth, not a price to pay for it.

Rwanda (1994–2012) Two Contrasting Models of Accountability and the Logic of Recognition

Rwanda occupies a central position in this historical context, representing, alongside South Africa, a pivotal moment of division in the history of transitional justice. Both countries offered contrasting answers to the same question: How do we deal with mass atrocities of this scale?

Following the genocide that claimed the lives of an estimated 800,000 to one million people in 100 days in 1994²², Rwanda chose a path of accountability through two complementary level.

At the international level, the Security Council established the International Criminal Tribunal for Rwanda (ICTR) in its Resolution 955 of 1994²³, based in Arusha, Tanzania, to prosecute the main planners and leaders. This tribunal set foundational legal precedents in international law,

²⁰ Amnesty International, 'Chile: Amnesty law keeps Pinochet's legacy alive' (10 September 2015) <https://www.amnesty.org/en/latest/news/2015/09/chile-amnesty-law-keeps-pinochet-s-legacy-alive/> accessed 29 May 2026.

²¹ Al Jazeera, 'Pinochet Placed Under House Arrest in Preparation for His Trial' (*Al Jazeera*, 1 December 2000) <https://www.aljazeera.net/news/2000/12/1/> accessed 29 May 2026.

²² BBC, 'Rwanda genocide: 100 days of slaughter' (*BBC News*, 4 April 2019) <https://www.bbc.com/news/world-africa-26875506> accessed 29 May 2026.

²³ United Nations, 'Statute of the International Criminal Tribunal for Rwanda' (Audiovisual Library of International Law) <https://legal.un.org/avl/ha/ict/ict.html> accessed 29 May 2026.

convicting Jean Kambanda, the interim prime minister, making him the first head of government to be convicted of genocide. In the Akaisu case, the tribunal also recognized rape as an act of genocide and a crime against humanity²⁴. However, the International Criminal Court, with its slowness, cost, and limited capacity, was unable to address the cases of over 100,000 defendants held domestically²⁵.

This led to the most significant innovation: the revival of traditional Gacaca community courts under a 2001 law. Operating extensively between 2005 and 2012, these courts handled nearly two million cases across thousands of open-air village tribunals, where the community tried its own members before witnesses from the same village²⁶.

It is precisely here that the logic of confession in exchange for leniency emerges. The Gacaca system was built on a mechanism of admitting guilt, confessing fully, and revealing the names of accomplices and the locations of victims, in exchange for a substantial reduction in punishment, sometimes even replacing imprisonment with community service (TIG)²⁷. This was not an amnesty, but rather a trade-off between confession and leniency that maintained the principle of accountability and made truth a prerequisite for mercy. This allowed for faster justice and the uncovering of the fate of thousands of missing persons, but it was criticized for its weak guarantees of fair trials, societal pressure on the accused and witnesses, and the lack of accountability for the ruling party's own violations.

Rwanda completed the picture with the pillar of memory through genocide memorials and museums (Nyamata, Muramba, Gisozi, and Bisesero), where the remains of victims and the sites of the massacres are preserved²⁸. Thus, the Rwandan experience combines international

²⁴ Ibid.

²⁵ BBC, (n 22).

²⁶ Ibid.

²⁷ Penal Reform International (PRI), *The Guilty Plea Procedure, Cornerstone of the Rwandan Justice System* (PRI Research on Gacaca Report IV, 2003).

²⁸ UNESCO World Heritage Centre, 'Memorial sites of the Genocide: Nyamata, Murambi, Gisozi and Bisesero' <https://whc.unesco.org/en/list/1586/> accessed 29 May 2026.

and domestic accountability with memory, and offers a crucial practical application of the idea of "recognition as a price for leniency" in the context of trials.

South Africa (1995–2003) Amnesty as the Price of Truth

In stark contrast to Rwanda, South Africa, at almost the same point in time, chose the path of truth and reconciliation over punishment.

The Truth and Reconciliation Commission was established under the Promotion of National Unity and Reconciliation Act of 1995²⁹, chaired by Archbishop Desmond Tutu, to investigate the abuses of the apartheid era (1960–1994). It collected testimonies from thousands of victims and perpetrators and published a five-volume report in 1998, followed by two additional volumes in 2003³⁰.

What makes this experience a classic example of the “confession for amnesty” logic is the mechanism of conditional amnesty. Perpetrators of politically motivated abuses were granted immunity from prosecution on the condition that they fully and publicly disclose the truth before the Amnesty Commission³¹. Thus, amnesty was offered as the price of truth, not as a free pass. This represents the extreme end of the spectrum, opposite to Rwanda. While Rwanda maintained punishment and reduced it in exchange for acknowledgment, South Africa waived punishment entirely in exchange for acknowledgment. This allowed for a broad disclosure of the truth and averted a civil war, but it left many victims feeling wronged, having witnessed their perpetrators granted amnesty.

The experience also reveals a weakness in the reparations pillar. The state was slow to implement reparations and provided them in lesser amounts than recommended by the

²⁹ *Promotion of National Unity and Reconciliation Act 34 of 1995* (South Africa).

³⁰ Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report* (Vols 1-5, Macmillan 1998; Vols 6-7, Juta 2003).

³¹ *Promotion of National Unity and Reconciliation Act 34 of 1995* (South Africa).

commission³². This offers a lesson in the interconnectedness of the pillars, amnesty without fair reparations for victims undermines the very legitimacy of reconciliation.

Iraq (2003–2006) Reconstruction Without Truth or Justice

Post-invasion Iraq offers a cautionary tale of what happens when the pillar of institutional reconstruction is implemented in isolation from other pillars, and with a reckless, vengeful approach rather than a logical, conciliatory one. On May 16, 2003, the civilian administrator, Paul Bremer, issued Order No. 1, "De-Baathification," followed by Order No. 2, which dissolved the army, security services, and the entire Ministry of Information³³.

The results were devastating, with the dismissal of over 400,000 soldiers at once, without any mechanism for reintegration or individual accountability, and the dismissal of hundreds of thousands of Baathists from their jobs, regardless of their actual role in the abuses.

The security institutions collapsed, a power vacuum emerged, armed insurgency escalated, and fertile ground was created for armed groups, including, later, ISIS³⁴.

Even more dangerous is that this mass "de-Baathification" was not accompanied by any mechanism for truth-seeking, reparation, or reconciliation. Instead, it was based on a logic of collective punishment based on affiliation rather than action. Even the semblance of accountability that appeared present in Saddam Hussein's trial and execution in 2006³⁵ resembled "victor's justice," in procedures criticized by many observers, failing to produce a comprehensive truth or national reconciliation. Iraq is the antithesis of Rwanda and South Africa: no recognition, no amnesty, no leniency, only mass exclusion that has generated new violations instead of breaking with the past.

³² International Center for Transitional Justice, 'South Africa' <https://www.ictj.org/where-we-work/south-africa> accessed 29 May 2026.

³³ Coalition Provisional Authority Order No 1 'De-Ba'athification of Iraqi Society' (16 May 2003); and Coalition Provisional Authority Order No 2 'Dissolution of Entities' (23 May 2003).

³⁴ For a detailed analysis of how former Ba'athist officers and disbanded soldiers formed the military backbone of ISIS, see Fawaz A Gerges, *ISIS: A History* (Princeton University Press 2016) 46-51.

³⁵ Al Jazeera, 'The trial of Saddam and six of his aides in the Anfal case begins today' (*Al Jazeera*, 21 August 2006) <https://www.aljazeera.net/news/2006/8/21> accessed 29 May 2026.

Tunisia (2011–2019) An Attempt at Integration and a Test of the Limits of Reconciliation

Post-revolution Tunisia represents the most comprehensive promised Arab model, as it sought to integrate all the pillars of reconciliation into a single system. The Truth and Dignity Commission (TD) was established by Basic Law No. 53 of 2013³⁶. It combined truth-seeking through televised public hearings for victims, accountability through the referral of thousands of cases to specialized transitional justice chambers within the primary courts, guarantees of non-recurrence through a review of the security and judicial systems and limited "purification" measures, and the establishment of independent constitutional institutions (the Constitutional Court and the Independent High Authority for Human Rights). This was complemented by reparations, culminating in a comprehensive final report in 2019³⁷.

The logic of "confession in exchange for reconciliation" was present in Tunisia through the Arbitration and Reconciliation Committee within the Authority, which allowed perpetrators of some financial and economic violations to disclose and confess in exchange for a conciliatory settlement³⁸. However, this path has been hampered by attempts to undermine its substance, most notably the 2017 "Administrative Reconciliation Law"³⁹, which granted public officials amnesty for corruption crimes outside the framework of transitional justice. This law appeared more like a free pardon than a genuine exchange for truth.

The most serious shortcoming was the paralysis of the accountability pillar due to resistance from the old judicial and security institutions. Many judges refused to implement transitional justice procedures, citing technicalities, and the security apparatus remained essentially intact,

³⁶ *Organic Law No 53 of 2013 on Establishing and Organizing Transitional Justice* (Tunisia) <http://www.ivd.tn/wp-content/uploads/2017/12> accessed 18 May 2026.

³⁷ Truth and Dignity Commission (Instance Vérité et Dignité), *Comprehensive Final Report* (Tunis 2019) <http://www.ivd.tn/rapport/> accessed 18 May 2026.

³⁸ Pathfinders for Peaceful, Just and Inclusive Societies, 'Tunisia's Truth and Dignity Commission Investigates Rights Violations Between 1955-2013' (*Pathfinders for Peaceful, Just and Inclusive Societies*, 10 April 2019) <https://www.sdg16.plus/policies/tunisias-truth-and-dignity-commission-investigates-rights-violations-between-1955-2013/> accessed 29 May 2026.

³⁹ Human Rights Watch, 'New Reconciliation Law Threatens Tunisia's Democracy' (*Human Rights Watch*, 2 October 2017) <https://www.hrw.org/news/2017/10/02/new-reconciliation-law-threatens-tunisias-democracy> accessed 29 May 2026.

failing to undergo genuine reform. This is one of the reasons for the return of authoritarianism. Thus, Tunisia shares a common ground with Iraq, despite their differing paths. Neglecting any one of the pillars—specifically, sound institutional reconstruction—undermines the entire system and raises the fundamental question of the interconnectedness of the pillars of transitional justice.

It should be noted that the above are merely selected examples of transitional justice experiences. Numerous other experiences have taken place in different parts of the world, accompanying every major transformation in political systems, from Europe and Germany after World War II, to Latin America after the collapse of dictatorships, to Eastern Europe following the revolutions that toppled communist regimes, to African experiences following gross human rights violations, and finally to the Arab region after the Arab Spring.

This geographical and temporal breadth confirms that the theory of transitional justice is not a product of the moment when Ruti Teitel formulated its academic concept. Rather, it is the culmination of a long accumulation of experiences across various countries throughout successive historical periods. Each of these experiences, with its successes and failures, has contributed to the development of this field and the refinement of its tools and concepts.

Hence, the purpose of reviewing these models is not limited to historical documentation, but extends to clarifying the mechanisms that these experiences have developed, and assessing the possibility of benefiting from them and adapting them to suit the specificities of each context that seeks to break with a past of violations.

1.1.3. The Relationship Between Transformative Justice and Transitional Justice

It is important to emphasize that transformative justice does not present itself as an alternative that negates transitional justice, but rather as a critical expansion of it. The tools of transitional justice remain essential and fundamental⁴⁰.

However, transformative justice attempts to answer two questions that transitional justice ignores:

What constitutes "success" in transitional justice: the formal fulfillment of the five pillars, or a genuine structural transformation that prevents the recurrence of violations?

To whom does justice belong: to the legal and political elites who design it, or to the victims and the communities in whose name it is exercised?⁴¹

The integration between the two models lies in the fact that transformative justice redirects the tools of transitional justice toward deeper objectives. Truth commissions shift from documenting individual violations to diagnosing the structures that produced them. Trials shift from prosecuting individual perpetrators to dismantling the institutional networks of impunity. Reparations shift from individual compensation to collective redistribution targeting affected communities. Institutional reform shifts from a formal, functional purge to a complete reconstruction of the relationship between the state and society⁴².

In this sense, the question that can be raised here is, how transformative justice can expand the processes of transitional justice for the recovery of Syrian society, especially with regard to the issue of arbitrary arrests and enforced disappearances and the deep social complexities associated with them.

The theoretical conclusion upon which the following chapters can be built is that justice in transitional contexts is not measured by the formal fulfillment of the five pillars, but rather by its capacity to bring about genuine structural transformation that prevents the recurrence of

⁴⁰ Paul Gready and Simon Robins (eds), *From Transitional to Transformative Justice* (Cambridge University Press 2019) 31-40.

⁴¹ Ibid.

⁴² Ibid.

violations. This is achieved by addressing root causes, engaging victims as active participants, and linking civil-political justice with socio-economic justice. This is the theoretical foundation upon which the second chapter will examine the Syrian situation specifically, offering an indepth comparison with selected international experiences and exploring mechanisms that might enable the Syrian case to overcome the patterns of failure witnessed in other experiences.

1.1.4. Critique of Transitional Justice

In 2014, Paul Gready and Simon Robins published a seminal article in the *International Journal of Transitional Justice* entitled "From Transitional to Transformative Justice: A New Agenda for Practice." In it, they offered a radical critique of transitional justice⁴³, which they later developed in their 2019 edited volume of the same title⁴⁴.

Gready and Robins' critique rests on four key points, which can be summarized as follows:

Focusing on political violations and **neglecting structural causes** does not end the conditions that produced the violations but keeps the fire under the ashes, as transitional justice focuses on gross violations of civil and political rights (torture, enforced disappearance, extrajudicial killing), while neglecting the structural causes that produced these violations: poverty, economic marginalization, inequality, social exclusion. Consequently, the transitional process may address the symptoms without addressing the root cause, leaving the structures that generated the violence intact and capable of producing new waves of it⁴⁵.

Transitional justice is practiced as a **top-down project**, relying on judges, truth commissions, and the political decisions of those leading the transition⁴⁶. It is designed in capital cities,

⁴³ Paul Gready and Simon Robins, 'From Transitional to Transformative Justice: A New Agenda for Practice' (2014). *International Journal of Transitional Justice* 339-361.

⁴⁴ Paul Gready and Simon Robins (eds), *From Transitional to Transformative Justice* (Cambridge University Press 2019).

⁴⁵ Paul Gready and Simon Robins, (n 43)

⁴⁶ Ibid 343-345.

funded by international bodies, and implemented by legal experts, organizations, and international courts. Victims and affected communities are often treated as passive recipients and witnesses of justice—sources of evidence, not active participants. This results in a disconnect between the transitional process and public awareness, weakening social commitment, and facilitating its eventual collapse.

Transitional justice has evolved into a **pre-packaged, standardized set of tools**—truth commissions, trials, reparations, institutional reform—imported and applied to vastly different contexts⁴⁷, from Guatemala to Rwanda to Tunisia. This generalization ignores the cultural, historical, and social specificities of each context, producing formal applications that meet international standards without addressing the actual needs of victims.

But transitional justice treats civil and political rights as the absolute priority, **postponing or neglecting economic and social rights**. But in many conflicts, political abuses themselves are rooted in economic injustice and marginalization. Ignoring this dimension renders any "justice" fundamentally flawed⁴⁸.

⁴⁷ Ibid 340-342.

⁴⁸ Ibid 341-343.

1.1.5. Transformative Justice Additions to Transitional Justice

In response to these four shortcomings, Grady and Robbins propose the concept of Transformative Justice as a paradigm shift that redefines justice in transitional contexts. Transformative Justice does not abolish the tools of transitional justice but rather redirects them within a broader framework based on four pillars⁴⁹.

Working on Structural Change Instead of addressing isolated individual violations, Transformative Justice targets the political, economic, and social structures that originally produced the violence. This means, in practice, that reforming the security apparatus is insufficient if the economic structure that supplies it with recruits remains intact. Accountability for violations is also insufficient if it is not accompanied by a redistribution of power and wealth⁵⁰.

It works to promote effective public participation and transforms it into **bottom-up justice**, where transformative justice moves victims and affected communities from the position of recipients to that of partners in designing the transition path. This does not mean simply “listening” to victims—as classic truth commissions do—but rather actively involving them in policymaking and setting priorities⁵¹.

Unless the root causes of violence are addressed, “guarantees of non-recurrence,” which may even predate against the oppressive regime itself, cannot be genuine. Transformative justice requires us to extend our analysis beyond the immediate political system. Often, we may need to go back in time to understand the causes of violence emanating from one group of people or another⁵².

Expanding the lens of priority rights in addressing social and economic rights, transformative justice broadens the concept of “victim” to include not only those detained or forcibly

⁴⁹ Ibid 347-346.

⁵⁰ Ibid 347-348.

⁵¹ Ibid 358-360.

⁵² Ibid 348.

disappeared, but also those economically marginalized, deprived of genuine access to education and healthcare, and historically subjected to structural discrimination. It demands that the redistribution of resources be an integral part of the justice process, not a developmental supplement to be addressed later⁵³. Collective abuses and violence require collective action and structural change, not just individual punishments, and require collective responses. It may even require involving former abusers to understand the dimensions from a unique perspective to be able to treat violence at its roots.

⁵³ Ibid 348-350.

1.2. The duality of detention: between criminal arrest and the state of exception.

The distinction between criminal imprisonment and administrative-security detention is a fundamental normative distinction in international human rights law. It is not merely a technical difference in procedures, but a normative dividing line that determines whether deprivation of liberty falls within the logic of a "state of law" or within the architecture of a "state of exception." This distinction essentially reveals the nature of the relationship between the state and the individual, and the extent to which the authorities adhere to the limitations imposed by international law on their use of coercive force.

Criminal imprisonment is defined as the deprivation of liberty imposed as a legal penalty for committing a crime specifically defined by law. It is issued by a competent court after a fair trial, for a specified period. This system rests on **four interrelated pillars**:

The principle of legality in criminal law—no crime and no punishment except by a prior legal provision—as enshrined in Article 15(1) of the International Covenant on Civil and Political Rights⁵⁴. The judicial ruling, which must be issued by a "competent, independent, and impartial court established by law," according to Article 14(1) of the Covenant⁵⁵. The guarantees of a fair trial, including the presumption of innocence, the right to defense, and the right of appeal, as detailed in Articles 14(2)-(5) of the Covenant⁵⁶. The specific duration of the sentence, which must be clearly defined with a beginning and end date. Criminal imprisonment, therefore, belongs to the framework of the rule of law. It is the result of a clear legal procedure, subject to continuous judicial oversight, and theoretically aims at specific objectives: punishment, deterrence, and rehabilitation.

⁵⁴ *International Covenant on Civil and Political Rights* (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR). art 15.

⁵⁵ ICCPR (n 54), Art 14.

⁵⁶ ICCPR (n 54), Arts 14(2)– (5).

In contrast, **administrative-security detention** is defined as the deprivation of liberty ordered by an executive authority—ministerial or security—not by a court ruling, without a specific criminal charge, and in the absence of a trial, under the pretext of preventing a future threat to security or public order, usually for an indefinite period that is renewable.

International human rights law does not prohibit this type of detention absolutely but places it within a **narrow exception** under strict conditions. The UN Human Rights Committee detailed these conditions in General Comment No. 35 (2014) on Article 9 of the ICCPR⁵⁷. These conditions include: the exceptional nature of the detention, which should not be the rule but a rare exception; the existence of a real and present threat, not a hypothetical or distant future threat; the inadequacy of alternatives, meaning that less restrictive measures are insufficient to address the threat; the requirement of immediate judicial review and the guarantee of the right of appeal stipulated in Article 9(4) of the ICCPR⁵⁸, and the time limit, which is a fundamental pillar, as the longer the detention, the more stringent the conditions for its review and justification. In addition to not circumventing criminal safeguards, it cannot be used to evade the fair trial guarantees stipulated in Article 14.

When these conditions are not met, or when detention becomes a regular practice rather than an exception, it transforms into arbitrary detention—expressly prohibited under Article 9(1) of the ICCPR⁵⁹. When these conditions are violated, it becomes an act that entails international responsibility for the state, regardless of any internal justification.

⁵⁷ UN Human Rights Committee, 'General Comment No 35: Article 9 (Liberty and security of person)' (16 December 2014) UN Doc CCPR/C/GC/35, para 15.

⁵⁸ ICCPR (n 54), Art 9(4).

⁵⁹ ICCPR (n 54), Art 9(1).

1.3. Syria's International Obligations and Impunity

The question of Syria's international obligations occupies a central position in any analysis of the transitional phase, as it reveals the essence of the relationship between the Syrian state and the international human rights system and international humanitarian law. The starting point of this analysis is not whether Syria has violated its obligations—this is widely documented—but a much deeper question: How did Syria structure its domestic legal system in such a way as to render the international treaties it ratified meaningless, treating them as mere diplomatic facades rather than genuine constraints on its power?

1.3.1. Syria's International Obligations:

A Chronological and Substantive Analysis Syria's engagement with international legal instruments concerning arbitrary arrest and enforced disappearance reflects a complex history of formal adherence juxtaposed with systematic domestic non-compliance. While Syria has positioned itself as a signatory to numerous international treaties, a chronological analysis reveals how these commitments were often treated as diplomatic formalities rather than binding constraints.

The foundation of Syria's moral and political commitment to human rights dates back to its support for the Universal Declaration of Human Rights (UDHR) in 1948. Although the UDHR is not a legally binding treaty⁶⁰, it has acquired the force of customary international law over the decades, establishing fundamental prohibitions against torture (Article 5), arbitrary arrest (Article 9), and the right to a fair and public trial (Article 10). Syria's explicit vote in favor of these principles at the time of their adoption signaled a commitment that the state would later consistently violate.

⁶⁰ *Universal Declaration of Human Rights* (adopted 10 December 1948 UNGA Res 217 A(III)).

Syria subsequently acceded to the ICCPR on 21 April 1969⁶¹. The Covenant imposes rigorous obligations regarding the treatment of detainees, notably through Article 7, which establishes an absolute prohibition on torture; Article 9, which mandates prompt judicial review; and Article 14, which guarantees fair trial standards but also Article 16 which give the right to recognition as a person before the law—an article that cannot be suspended⁶².

Critically, Article 4 of the ICCPR permits the suspension of certain rights during a state of emergency, but only under the strictest conditions: the situation must threaten the "life of the nation," and measures must be strictly required by the exigencies of the situation and officially declared to the United Nations, and that it exclude non-suspensionable rights (torture, slavery, non-retroactivity of laws, legal personality, freedom of thought and conscience)⁶³. Syria's 48-year state of emergency rule failed to satisfy any of these requirements, rendering its long-standing suspension of fundamental rights a continuous violation of the Covenant.

Further complicating this legal landscape is the Convention against Torture (CAT), to which Syria acceded on 19 August 2004⁶⁴, more than two decades after its international adoption. By doing so, Syria bound itself to Article 2(2), which stipulates that no exceptional circumstances—including internal political instability—can ever justify torture. Furthermore, Articles 12, 13, and 14 demand prompt, impartial investigations and the protection of victims from reprisals, in addition to Article 15, which prohibits the admission of confessions obtained under torture as evidence in any proceedings⁶⁵. The timing of this accession, coming after decades of documented abuses, suggests a superficial attempt to improve its international standing without substantive domestic policy reform.

⁶¹ ICCPR (n 54)

⁶² ICCPR (n 54) Art 7,9,14,16.

⁶³ ICCPR (n 54) Art 4(2); UN Human Rights Committee, 'General Comment No 29: States of Emergency (Article 4)' (31 August 2001) UN Doc CCPR/C/21/Rev.1/Add.11.

⁶⁴ UN Treaty Collection, 'Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment' (United Nations Treaty Collection, 2026) https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9&chapter=4&clang=en accessed 13 May 2026.

⁶⁵ CAT (n 64) Arts 2(2),4,12,13,15.

In the context of the armed conflict, the four Geneva Conventions of 1949, ratified by Syria in 1953⁶⁶, remain of paramount importance during wars. Syria also acceded to Additional Protocol I (relating to international armed conflicts) in 1983⁶⁷. Although Syria has not acceded to Additional Protocol II (relating to non-international armed conflicts), this omission does not absolve the parties of their obligations.

Customary international humanitarian law and Common Article 3 of the Geneva Conventions⁶⁸—binding on all parties to a conflict, both states and armed groups—establish an absolute minimum standard of protection. Common Article 3 explicitly prohibits, with respect to those not taking part in hostilities, violence against life and person—in particular murder, mutilation, cruel treatment, and torture—the taking of hostages, outrages upon personal dignity, especially humiliating and degrading treatment, and the passing of sentences and executions without a previous judgment rendered by a legally constituted court affording essential judicial guarantees. Given that the conflict since 2012 is legally classified as a non-international armed conflict, the systematic practice of summary executions and inhumane treatment constitutes a direct violation of these fundamental humanitarian standards.

It should be noted that humanitarian law applies during armed conflict alongside international human rights law, but it does not necessarily supersede the latter absolutely.

Finally, Syria's obligations extend to the Convention on the Rights of the Child (CRC), ratified on 15 July 1993⁶⁹, and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), acceded to on 21 April 1969⁷⁰. In practice, however, the state has

⁶⁶ *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)* (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287, Common art 3.

⁶⁷ *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)* (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 609.

⁶⁸ ICRC, *Commentary on the First Geneva Convention: Convention (IV) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, Common art 3.

⁶⁹ *Convention on the Rights of the Child* (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC).

⁷⁰ *International Convention on the Elimination of All Forms of Racial Discrimination* (adopted 21 December 1965, entered into force 4 January 1969) 660 UNTS 195 (CERD).

blatantly disregarded these provisions. Regarding the CRC, the detention of minors—documented vividly upon the liberation of detainees in December 2024—alongside reports of enforced disappearances of children within care homes, underscores a total abandonment of child protection obligations⁷¹. Similarly, under the CERD, the state is mandated to eliminate racial and ethnic discrimination; yet, evidence indicates that detention practices are often weaponized along sectarian lines. Testimonies, such as those shared by Wafa Mustafa, reveal a stark disparity in the treatment of detainees based on their sectarian affiliation, with systematic discrimination reported between Ismaili and Sunni detainees⁷². This sectarian engineering within the prison system serves as a powerful indicator of the state's failure to uphold its commitments to non-discrimination, proving that the regime's international legal obligations have been persistently subordinated to its domestic strategy of sectarian power consolidation.



Released detainees in Syria (France 24, 2024)

⁷¹ Al Jazeera, 'Syrian Authorities Return 194 Children of Assad-Era Detainees to Their Families' (*Al Jazeera*, 10 April 2026) <https://www.aljazeera.net/news/2026/4/10/> accessed 28 May 2026.

⁷² Syria Podcast, 'What is the fate of 100,000 forcibly disappeared in Syria?' (YouTube, 31 January 2025) <https://www.youtube.com/watch?v=fBbMtSFzdkQ> accessed 28 May 2026.

1.3.2. Legislating Impunity: The Systemic Undermining of International Human Rights Standards in Syria

What distinguishes the Syrian case is not merely the perpetration of violations, but rather the existence of a deliberate and systematic legal framework aimed at emptying international treaties of their true substance through a comprehensive and complex domestic legislative system. The first manifestation of this framework is the policy of "selectivity" in ratifying international treaties. By examining the Syrian pattern, we find that the regime was keen to join symbolic texts that granted it international legitimacy, but categorically rejected any agreement or protocol that included effective mechanisms for accountability or implementation. This is clearly evident in its refusal to sign the First Optional Protocol to the ICCPR, which allows individuals to file complaints, and the Optional Protocol to the Convention against Torture (OPCAT), which allows for unannounced visits to places of detention. This rejection also extended to the International Convention for the Protection of All Persons from Enforced Disappearance—despite enforced disappearance being one of the regime's most prominent practices—as well as the Second Additional Protocol to the Geneva Conventions and the Rome Statute of the International Criminal Court⁷³.

This trajectory confirms that the rejection was not accidental, but rather a deliberate strategy to avoid any genuine international constraints.

Domestically, the regime recognized its urgent need to shield itself from the obligations of international law. It thus enacted "counter-legislation" that legitimized repression and institutionalized a state of exception. This was initially embodied in the Emergency Law⁷⁴, which remained in effect for nearly five decades (1962-2011), enshrining administrative detention without judicial oversight, in flagrant violation of Articles 4 and 9 of the ICCPR⁷⁵, which stipulate

⁷³ A review of the United Nations Treaty Collection (UNTC) and the International Committee of the Red Cross (ICRC) databases confirms that Syria is not a state party to the First Optional Protocol to the ICCPR, the Optional Protocol to CAT (OPCAT), the International Convention for the Protection of All Persons from Enforced Disappearance, the Rome Statute, or Additional Protocol II to the Geneva Conventions. See UN Treaty Collection <https://treaties.un.org> accessed 14 May 2026.

⁷⁴ *Legislative Decree No 51 of 1962 (Emergency Law)*, Official Gazette (Syria), 22 December 1962.

⁷⁵ ICCPR (n 54), Arts 4,9.

that detention must be temporary and that detainees must be brought before a judge immediately. When the regime was forced to repeal this law, it promptly replaced it with the 2012 Counterterrorism Laws⁷⁶, which served the same purpose. The broad definition of "terrorism" was used to criminalize peaceful activism, civil society activities, and freedom of expression, skillfully circumventing Syria's obligations under Articles 19 and 21 of the ICCPR⁷⁷.

To ensure the completion of this repressive cycle, the regime established what can be termed "structural immunity," manipulating the law to legitimize impunity. This was clearly demonstrated by Decree No. 14 of 1969⁷⁸, later expanded by Decree No. 69 of 2008⁷⁹, which shielded members of the security services from any prosecution without the approval of their superiors. This effectively made impunity a legally protected practice, in fundamental contradiction to Syria's obligations under the Convention against Torture (CAT)⁸⁰. In a blatant attempt to improve its international image, the regime issued Law No. 16 of 2022⁸¹ criminalizing torture. However, this was a purely cosmetic measure; it included a flawed definition of torture, failed to revoke previous immunities, and lacked any retroactive effect to hold perpetrators of past violations accountable.

Finally, the regime completed its legal engineering by circumventing the civil judiciary through the establishment of a parallel and exceptional judicial system, specifically designed to be an instrument of repression cloaked in the guise of law. This system included the Supreme State Security Court, the Terrorism Court, and military field courts that issued thousands of summary death sentences⁸². All these courts lacked even the minimum standards of a fair trial and relied

⁷⁶ Syrian People's Council, 'Law No. 19 of 2012: Counter-Terrorism Law' (2 July 2012) <http://parliament.gov.sy/arabic/index.php?node=55151&cat=4306> accessed 15 April 2026.

⁷⁷ ICCPR (n 54), Arts 19,21.

⁷⁸ *Legislative Decree No 14 of 1969 (Establishing the General Intelligence Directorate)* (Syria) art 16.

⁷⁹ *Legislative Decree No 69 of 2008 (Amending the Military Penal Code and Criminal Procedure Code)* (Syria).

⁸⁰ CAT (n 64), Arts 2,12,13.

⁸¹ *Law No 16 of 2022 (Criminalising Torture)*, Official Gazette (Syria), 30 March 2022.

⁸² For the Terrorism Court, see *Law No 22 of 2012 (Establishment of the Counter-Terrorism Court)*, Official Gazette (Syria), 26 July 2012. For the role of Military Field Courts, see Syrian Network for Human Rights (SNHR), 'Military

entirely on confessions extracted under torture, thus constituting a systematic and ongoing violation of Article 14 of the ICCPR and Common Article 3 of the Geneva Conventions.

**“Those who cannot remember the past, are
condemned to repeat it.”**

George Santayana, The Life of Reason: Five Volumes in One

Chapter Two:

Deconstructing the Repressive Structure: Prison as a Tool of Social Engineering in Syria

This chapter is based on detailing the reality of prisons in Syria at different levels, and deconstructing the structure upon which they were built, to help understand the need for a transformative dimension.

2.1. The repressive reality in Syria

This part of the chapter seeks to deconstruct the mechanisms by which Syrian prisons have transformed from traditional spaces of detention and punishment into strategic tools for social engineering and systematic political repression. Through the intersection of field realities with sociological and political theories—specifically, through analytical lenses drawn from the works of Michel Foucault, Giorgio Agamben, and Achille Mbembe—this section attempts to understand how detention centers were removed from the realm of law to become "laboratories of the politics of death."

We will analyze the complex interplay between "the terror of sovereignty" and "the bureaucracy of discipline," examining how the Syrian regime employed prisons not only to crush dissent but also as "factories" for producing crises and reshaping national identity. This chapter will demonstrate how this institution contributed to deepening sectarian divisions and entrenching societal fragmentation, constructing a "protectionist" narrative that ensured the regime's survival as a security imperative for minorities by violating the bodies of the majority. This made detention a cornerstone of the architecture of fear and the management of Syrian society for decades.

2.1.1. The theoretical political dimension

Michel Foucault's approach allows us to understand the Syrian situation not merely as a system of isolated violations, but as an integrated technology of power. Foucault calls for not reducing punishment to its direct repressive effect but rather reading it as a social and political function, a tactic of power, and a means of producing knowledge and controlling bodies and individuals. He links the transformation of modern punishment to a broader shift in how power utilizes the body, such that punishment is no longer simply the infliction of pain, but rather part of a "**political technology**" that produces submission⁸³.

From this perspective, Assadist Syria under Hafez and Bashar al-Assad does not appear merely as a case of "despotism" or "security violence" in the traditional sense, but rather as a hybrid formula combining two models that Foucault historically distinguished: on the one hand, a **sovereign power** that displays its absolute control over the body, and on the other hand, a **modern disciplinary power** based on surveillance, classification, archiving, and the precise distribution of security branches throughout the country⁸⁴. Therefore, it can be described, with analytical precision, as a bureaucratic state of terror: a state that not only resorts to torture and murder, but also manages them through files, records, doctors, courts, investigative bodies, and administrative departments. This description is not an exaggeration, because the reports from Saydnaya Prison, Tishreen Hospital, and the UN Commission of Inquiry demonstrate that torture⁸⁵, murder, and enforced disappearances were not isolated acts, but rather recurring practices with a clear institutional structure.

The Assad regime used sovereign power and "excessive force" as a ritual to reproduce the ruler's prestige, as exemplified by Tadmor Prison during Hafez al-Assad's era and Saydnaya

⁸³ Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Alan Sheridan tr, 2nd Vintage Books edn, Vintage Books 1995) 23-27.

⁸⁴ Human Rights Watch, *If the Dead Could Speak: Mass Deaths and Torture in Syria's Detention Facilities* (December 2015) 3,34-37.

⁸⁵ UNHRC, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' (7 February 2023) UN Doc A/HRC/52/69.

Military Prison during Bashar al-Assad's, the use of violence against detainees and arbitrary arrests culminated in summary executions, as seen in the Tadmor Prison massacre. In this massacre, Rifaat al-Assad's forces entered the prison and killed all detainees suspected of belonging to the Muslim Brotherhood without any legal trial, according to the testimony of one of the perpetrators who was arrested by the Jordanian government⁸⁶. The notorious Saydnaya Prison also witnessed, after the fall of the regime, evidence of torture and summary executions, as reported by the Association of Detainees and Missing Persons of Saydnaya Prison⁸⁷.

In the opening section of *Discipline and Punish*, Foucault points out that public torture in earlier eras was not merely punishment, but a political ritual through which the ruling power demonstrated that the body of the condemned was under its absolute sovereignty⁸⁸. The aim was not simply deterrence, but to restore "wounded sovereignty" by displaying an extreme disparity in power between master and subject. The burning of the hand that held the knife, the dramatic spectacle of horses tearing apart the bound and immobile body of the guilty party, the burning of the corpse⁸⁹, and the public display of the entire scene—in this sense, the body is not tortured simply because it committed a forbidden act, but because it has become the site upon which the ruling power asserts its right to inflict harm.

This concept strongly applies to Saydnaya and Tadmor prisons, as well as other syrian intelligence agencies and branches, but with one crucial modification: the spectacle is no longer public, but rather a closed spectacle within a secret prison, especially at the beginning of the Syrian revolution from 2011 to 2025. This was done out of fear of international backlash and to maintain the image of modernity that the Assad regime cultivated, in contrast to the Islamic State (ISIS), whose punishments were carried out publicly⁹⁰. However, this punishment

⁸⁶ Al Jazeera, 'Palmyra Prison : Built by the French as a Horse Stable' (*Al Jazeera Encyclopedia*, 3 July 2024) <https://www.aljazeera.net/encyclopedia/2024/7/3/> accessed 29 May 2026.

⁸⁷ Matt Murphy, 'Saydnaya Prison: Mapping the Assads' "human slaughterhouse"' (*BBC News*, 9 December 2024) <https://www.bbc.com/news/articles/c938lxengy9o> accessed 29 May 2026.

⁸⁸ Foucault, (n 83) 45-49.

⁸⁹ Foucault, (n 83) 3-5.

⁹⁰ Amnesty International, *Rule of Fear: ISIS Abuses in Detention in Northern Syria* (Amnesty International 2013) 1.

becomes public within the Syrian public sphere. Reports like "Buried in Silence" show how the regime hides murder behind a veil of complete secrecy and routine paperwork⁹¹.

The "welcoming ceremony" described in survivor testimonies is not merely an administrative procedure upon arrival, but a full-fledged ritual of sovereignty. Detainees are forced to strip naked, prostrate themselves, or bow down before images of regime leaders, and are subjected to collective beatings from the moment they arrive, aimed at breaking their bodies and crushing their will. One witness describes how they were ordered to remove their clothes immediately upon arrival and how they were brutally beaten, while another confirms that the "welcoming ceremony" lasted four or five hours and led to 15⁹² been killed⁹³. Here, the function of violence is not to extract information, but to declare who owns the place, who owns the body, and who owns the very definition of life itself⁹⁴. The Assad regime's allowing the leaking of information about the "welcoming ceremony" and the conditions in those prisons was intended to spread a culture of terror and an overwhelming sense of power within Syrian society⁹⁵.

This helps us understand the witnesses' statement that torture in Saydnaya "aims for nothing but itself" and that it is a place "designated to punish the Syrian revolution." This statement is crucial. In other branches of the security services, as testimonies indicate, torture may be used to obtain confessions or information. But in Saydnaya, torture becomes a purely sovereign act: beating is not a means, but an end; pain is not a tool for interrogation, but the language of governance itself⁹⁶. This explains why torture sessions continue until death, and why silence itself becomes part of the punishment system: in the branches, the beatings might lessen if the prisoner collapses, but in Saydnaya military prison, the punishment intensifies with every

⁹¹ ADMSP, *'They Buried Them in Silence: Killing and Disappearance Mechanisms in Tishreen Military Hospital 2011-2020'* (October 2023).

⁹² ADMSP, *'Sednaya Prison During the Syrian Revolution: Testimonies'* (ADMSP 2019) 7.

⁹³ Ibid 8-9.

⁹⁴ Ibid 9.

⁹⁵ ADMSP, *'Detention in Sednaya: A Report on the Procedures and Consequences of Detention'* (ADMSP 2019) 53.

⁹⁶ ADMSP, (n 91) 8.

scream, potentially leading to death, especially if the detainee is a defected soldier⁹⁷. This act undermines the legitimacy of the Assad regime's sovereignty, as if the goal is not only to inflict pain, but also to teach the prisoner that they have no right to express their suffering, and to question who holds legitimacy and authority.

This "excess of power" is also evident in the daily rituals of humiliation, something like beating on the genitals, forcing prisoners to beat each other, reducing the body to a mere number, and stripping the detainee of all legal and moral standing. One witness vividly describes the punishment of choosing two detainees to beat each other in the face with a shoe⁹⁸, emphasizing that the intention is humiliation and that the detainee is "just a number." These details should not be understood as mere behavioral deviations, but rather as a symbolic form of power. The regime is not content with breaking the body; it seeks to create a humiliated self that knows its place in the coercive hierarchy.

If the authority of the state manifests itself in direct torture, Foucault explains that punitive modernity has produced another form of **disciplinary authority**. This authority does not rely primarily on bloodshed but rather on constant surveillance, the spatial distribution of bodies, the regulation of time, the imposition of silence, and the production of internalized obedience⁹⁹. The jailer works to instill fear of any breach of order at every moment of life. This aims to tame and subdue the rebellious spirit, even beyond the prison walls. It no longer matters who enforces disciplinary authority—whether an officer, a colleague, a spouse, or a teacher. Modern punishment does not disappear; rather, it becomes more subtle, transforming into a network of experts, technicians, and subordinate authorities that control the individual through administration, knowledge, and discipline¹⁰⁰.

⁹⁷ Ibid 9.

⁹⁸ Ibid 27.

⁹⁹ Foucault, (n 83) 141-152.

¹⁰⁰ Ibid 202-205.

2.1.2. The Syrian case-study under Foucault's Theory; the emergence of a new panopticon concept in the modern era

In the Syrian case, this pattern is not confined to prisons but permeates society as a whole. However, a distinction must be made here between what is directly documented and what is theoretically inferred. The testimonies clearly document that detainees are transferred between multiple security branches, and that torture begins from the moment of arrest and continues through a network of institutions. This indicates that the body is moved within a successive security chain, not just within a single institution¹⁰¹. The testimonies from Saydnaya also document the strict system of silence, the imposed physical positions, the prohibition of seeing the guard, and the threat of death if the detainee saw his face. All of this points to a disciplinary pattern that keeps the body under surveillance even in the absence of direct view¹⁰². Many testimonies mention that Saydnaya prison officers set time limits of no more than three seconds for receiving meals or ten seconds for showering¹⁰³. Prisoners were punished for delays, sometimes even with death. The head of the dormitory was obligated to report any infraction to prison officers, even a minor one, or he himself would be punished. Often, these punishments resulted in the deaths of prisoners¹⁰⁴. This state of enforced discipline doesn't stop within the prison walls; it extends into daily life. Citizens don't know who might report them, and the saying "the walls have ears" has become widespread in society, reflecting the fear of even uttering one's thoughts aloud, as it could be a person's own brother who betrays them.

Therefore, it can be said that the Syrian regime didn't implement the Panopticon as an architecturally constructed watchtower, as Bentham described, but rather as a general political principle: citizens never know when they are being monitored, who is writing about them, who is informing on them, or what file will be opened against them. This fosters self-discipline

¹⁰¹ ADMSP, (n 91) 23.

¹⁰² Ibid 7-8.

¹⁰³ Ibid 90.

¹⁰⁴ Ibid 31.

stemming from the constant fear of being seen. In society, this structure is manifested through informants, various security agencies, and the infiltration of civil, political, and educational spheres. Your own cousin might be the one who wrote the report against you, as was the case with Abu Ali, a former detainee in Saydnaya prison, according to his wife's testimony¹⁰⁵. In prison, it manifests through "agility," a system of silence, restrictions on looking at others, forced positions, and constant transfers between branches, cells, and dormitories. Thus, the Syrian system becomes a visually unstable panopticon, but one that is highly effective politically: it is not based on transparency, but on the possibility of constant surveillance.

Michel Foucault explains that the modern state exercises punishment through a complex bureaucratic structure designed to distribute responsibility and prevent its concentration in a single entity. The judiciary issues rulings based on laws, while prison administrations (often under the Ministry of the Interior) handle execution, creating a kind of "bureaucratic obfuscation" of the nature of the punishment¹⁰⁶.

In the Syrian case, the Assad regime embodied this concept by building a "**A Rule-of-Law State Built on Practices of Lawlessness**". For decades, it relied on emergency laws and exceptional courts such as the "Supreme State Security Court." With the lifting of the state of emergency in 2011, the "Counter-Terrorism Court"¹⁰⁷ was established (2012) to give a false impression of the rule of law, while in reality, ¹⁰⁸ it's under exceptional laws that legitimize "lawlessness".

¹⁰⁵ Ibid 103.

¹⁰⁶ Foucault, (n 83) 21-23.

¹⁰⁷ Human rights reports unanimously agree that the Terrorism Court contradicts the principle of the rule of law and serves as a facade for legitimizing repression. This is due to its reliance on a broad definition of terrorism (Law 19 of 2012), which criminalizes peaceful opposition activities such as medicine and journalism; its absolute dependence on confessions extracted under torture in administrative detention centers; the lack of judicial independence, as judges are appointed by the head of the executive branch; the near-nonexistent guarantees of a fair trial, as the courts are merely a formality; and its use as an economic tool to confiscate and dispossess opponents of their property (Articles 11 and 12).

¹⁰⁸ SNHR, 'Military Field Courts: A Killing and Disappearance Tool in the Hands of the Syrian Regime Against Activists and Opponents' (12 August 2023) 1-2.

Saydnaya Prison represents the pinnacle of this security-judicial overlap. Administratively, it falls under the Ministry of Defense, while judicially, it is subject to "military field courts" that lack even the most basic standards of justice. These courts do not act as supervisory bodies rather; they are an "executive arm of security violence"¹⁰⁹. Testimonies document that the sessions do not exceed a few minutes and are used only to give the killings and enforced disappearances a procedural character and a legal form, thus turning "sovereignty" into a killing mechanism wrapped in bureaucracy¹¹⁰.

Syrian military hospitals represent the epitome of a " **A Rule-of-Law State Built on Practices of Lawlessness** ", where detainees are transferred in their final moments or after death to transform their passing into a mere "administrative record." This reveals that the prison system does not operate in isolation from other institutions, but rather within a comprehensive "prison network" linking security agencies, the health authority, civil registry offices, and the military judiciary.

The files of those "buried in silence" reveal that Tishreen Military Hospital was an integral part of the system of repression. A detainee is taken from the branch or prison to the hospital, where the forensic medicine department receives the body, photographs it, prepares a medical report, and opens an official "death file" before referring it to the military judiciary for distribution to the relevant authorities¹¹¹.

Here, the hospital is not the end of the punitive power's reach, but rather the place where the authorities reframe the effects of their violence in "medical and legal" language. The doctor, in this context, does not escape the system; instead, he becomes a "doctor-executioner," a job description that embodies his role as a participant in the crimes. Many reports and leaks during the Syrian revolution clearly showed that military hospitals were not hospitals at all, but rather

¹⁰⁹ ADMSP, 'The Administrative Structure of Sednaya Prison and Its Organizational Ties' (September 2022) 8.

¹¹⁰ Ibid 12.

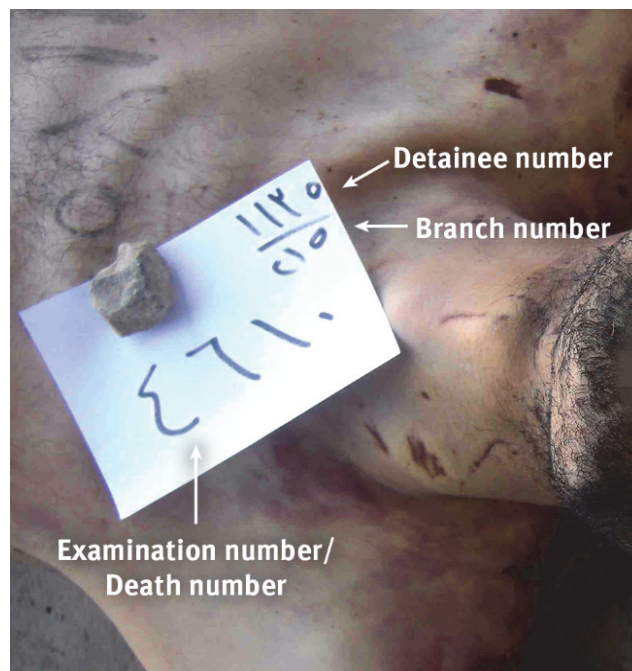
¹¹¹ ADMSP, (n 91) 10, 35-36.

tools for whitewashing the systematic killings carried out by the Syrian security apparatus. Instead, the military hospitals themselves became branches of the security forces, with medical staff torturing the wounded and sick detainees. Later, the forensic doctor collaborated with the photographer, the interrogator, and the military judge to transform the evidence of torture into a "systematic file" claiming that the death resulted from "cardiac arrest" or "respiratory failure," in a well-organized bureaucratic process¹¹².

This process of "objectification" reaches its climax through a numbering system. The body is photographed, assigned three numbers (branch number, detention center number, examination number)¹¹³ no name anymore even in the death report, and placed in a numbered plastic bag, effectively erasing the "name" and replacing it with a network of bureaucratic indicators. The authorities do not merely kill; they also create their own "reality" of the deceased, determining their official identity, how their body is registered, where they are buried, and the "official" cause of death. This provides the crime with an administrative veneer, making it appear as a routine procedure.

¹¹² Channel 4 News, 'Exclusive: Syrian doctors torturing patients' (5 Mar 2012) <https://www.channel4.com/news/exclusive-syrian-doctors-torturing-patients> accessed 13 April 2026.

¹¹³ Human Rights Watch, *If the Dead Could Speak: Mass Deaths and Torture in Syria's Detention Facilities* (December 2015) 25.



From Human Rights Watch report (If the Dead Could Speak: Mass Deaths and Torture in Syria's Detention Facilities) 2015.

It is worth noting that in the preceding text, **the theoretical dimension** of prisons in the Syrian context was reversed through Foucault's theories on the evolution of imprisonment and punishment. These theories were abstract, with Foucault writing a history of the transition of punishment from overt physical torture to a more controlled and relatively hidden form of punishment.

Syria, however, presents a more complex case. It has not abandoned brutal physical torture, but rather reintegrated it within a modern bureaucratic apparatus. In other words, we are not witnessing a linear transition from "sovereignty" to "disciplinary power," but rather a superimposition of the two: sovereign brutality in the treatment of the body, and disciplinary modernity in terms of archiving, classification, role distribution, concealment of responsibility, and the production of knowledge about the victim and the perpetrator. Furthermore, the

institutionalization of this model makes describing it as a "bureaucratic state of terror" more appropriate than simply using the term "despotism."

2.1.3. The Economic dimension

The detainee system in Syria appears not only as a mechanism of political repression, but also as a site of economic extraction, where coercion generates informal revenue streams that benefit both institutional and para-institutional actors.

Reports from the Association of Detainees and Missing Persons of Saydnaya Prison indicate that the Syrian regime has used the detainee file as an economic pillar and a strategic source of income to finance its repressive apparatus¹¹⁴. The economic dimension was not an end in itself, but rather a structural consequence of the system of repression and rampant corruption within the state apparatus.

Detainees and their families have been systematically exploited through a pervasive "blackmailing economy." This illicit financial ecosystem affects more than a quarter of all arrest and enforced disappearance cases, feeding a complex network of intermediaries, security personnel, judges, lawyers, and regime-affiliated militias known as the Shabiha¹¹⁵. In these cases, desperate families are coerced into paying exorbitant bribes simply to obtain information or secure basic survival for their loved ones. While this extortion machinery may not have been centrally micro-managed through official directives, it was an implicitly encouraged and highly functional manifestation of systemic corruption.

This dynamic can be deeply understood through the lens of a "war economy." As Philippe Le Billon argues, conflict environments justify the use of violent means to generate economic profits and consolidate political power, ultimately producing "winners" who directly benefit from the ongoing crisis¹¹⁶. In the Syrian context, the Assad regime effectively weaponized this clandestine corruption. Facing severe state bankruptcy, the regime franchised the exploitation

¹¹⁴ ADMSP, *'They Took Everything: Confiscation of Detainees' Assets and Funds in Syria'* (ADMSP 2022) 8.

¹¹⁵ ADMSP, *'Forcibly Disappeared in Syrian Detention Centers: Research into the Details of the Process of Enforced Disappearance and the Fate of Victims'* (ADMSP 2020) 38-41.

¹¹⁶ Philippe Le Billon, *'The Political Economy of War: What Relief Agencies Need to Know'* (Humanitarian Practice Network Paper 33, Overseas Development Institute 2000) 1.

of detainees, allowing its security apparatus to extract illicit rents as a substitute for official salaries ¹¹⁷.

Furthermore, literature on “corruption in autocracies” explains that tolerating access to informal rents makes service in state institutions highly lucrative, transforming sensitive security positions into political rewards. Consequently, the extortion of detainees functioned as an institutionalized, rank-based compensation system that successfully cemented the loyalty of the regime's enforcers amidst state collapse.

During the war, the regime evolved into a transactional state. Informal networks proliferated, based on deals and mutual profit, while corruption within the security apparatus increased and the old rigid central authority weakened. This shows that the Damascus authorities at that time did not plan for the extortion economy but rather allowed it, giving free rein to the security apparatus to ensure its loyalty to the central authority¹¹⁸. This was not a series of isolated incidents, but rather widespread practices and systematic, clandestine policies. This created a hybrid situation: this extortion economy was a consequence of the corruption within the security apparatus and the complicity of Assad regime officials, who indirectly benefited from it.

Based on testimonies from survivors of detention and families of the forcibly disappeared, the total amount paid reached \$2,714,250. Based on this figure, the estimated total amount paid between 2011 and 2020 could reach \$900 million, assuming that a quarter of a million Syrians were arrested or forcibly disappeared by the Assad regime¹¹⁹. These payments were made in the hope of discovering the whereabouts of the disappeared, obtaining a visit, receiving any sign that they were alive, or receiving promises of release¹²⁰. It should be emphasized that

¹¹⁷ Maram Ahmed, 'The Syrian Regime Restructures the Army... Will the "Volunteers" Save Assad's Regime?' (Daraj, 20 September 2024) <https://daraj.media> accessed 15 April 2026.

¹¹⁸ Lina Khatib and Lina Sinjab, 'Syria's Transactional State: How the Conflict Changed the Syrian State's Exercise of Power' (Chatham House, October 2018) <https://www.chathamhouse.org/2018/10/syrias-transactional-state> accessed 16 April

¹¹⁹ ADMSP, (n 109) 39-41.

¹²⁰ Ibid 38.

these figures are based on research and surveys conducted by the Association of Detainees and Missing Persons of Saydnaya Prison, relying on a sample of testimonies from survivors of Syrian detention centers or their families¹²¹.

However, the Assad regime also established an institutional and economic structure that relies on security detainees as a supplementary source of income for state institutions through the law and the judiciary. This is achieved by enacting laws and legislation that the judiciary adopts to seize the property of detainees and transfer it to the state treasury. Bashar al-Assad issued laws such as the Terrorism Court Law, specifically Article 12 of Law No. 19 of 2012, which clearly stipulates: (Confiscation and Measures: In all crimes stipulated in this law, the court, upon conviction, shall order the confiscation of movable and immovable assets, their proceeds, and items used or intended for use in committing the crime, and shall order the dissolution of the terrorist organization, if any.¹²²) Legislative Decree No. 63 of 2012 allows the Ministry of Finance to freeze the movable and immovable assets of any person accused of state security cases¹²³.

The movable and immovable assets of detainees are confiscated upon their trial. Reports from the Association of Detainees and Missing Persons of Saydnaya Prison for 2022 estimate the value of assets confiscated through judicial rulings during the period extending from 2011 until the report's release, approximately \$1.5 billion was seized¹²⁴, encompassing real estate, homes, agricultural land, commercial properties, factories, transport vehicles, cash, and bank accounts¹²⁵.

However, the report also emphasized the widespread corruption and decay within state institutions, noting that two-thirds of these seizures and confiscations were carried out by state

¹²¹ Ibid 14.

¹²² Syrian People's Council, (n 76)

¹²³ Syrian People's Council, '*Legislative Decree No. 63 of 2012: Powers of the Judicial Police*' (16 September 2012) <<http://parliament.gov.sy/arabic/index.php?node=201&nid=16218&ref=tree&>> accessed 15 April 2026.

¹²⁴ ADMSP (n 114) 8.

¹²⁵ Ibid 27-30.

agencies without judicial rulings¹²⁶. For example, Law No. 10 of 2018, concerning the reconstruction of war-torn areas, granted an unreasonable deadline for individuals to prove ownership of properties in those areas¹²⁷. The law made no mention of or addressed the situation of the forcibly disappeared and detained, resulting in their loss of property rights in those regions.

¹²⁶ Ibid 21.

¹²⁷ Syrian People's Council, '*Law No. 10 of 2018*' (2 April 2018)
<<http://parliament.gov.sy/arabic/index.php?node=5516&cat=19313>> accessed 15 April 2026.

2.1.4. The Social dimension

Upon closer examination of the structure and function of prisons in Syria, we find that they were not merely instruments of direct repression, but rather tools of social engineering and the construction of a political narrative that ensured the Assad regime's survival for decades. This was achieved through a strategy of "blackmailing minorities with fear" to justify the extermination and subjugation of the majority. In this context, the Syrian prisoner lost his traditional function of disciplining individuals, becoming instead a biopolitical instrument that categorizes people into two groups: those who deserve to live and those who deserve to die.

This situation can be analyzed through the lens of Giorgio Agamben's concept of "naked life." The Syrian prisoner represents the archetype of "Homo sacer,"¹²⁸ a being stripped of all political and legal rights and rendered defenseless. His life is decided by the authority that created a permanent "state of exception" (through emergency and counter-terrorism laws). In this space, "lawlessness" becomes the de facto law, and the killing of detainees becomes an act that does not warrant criminal punishment because they are placed outside the realm of legal existence. The regime precisely defined the "sacred body" that deserves protection (Bios), as opposed to 'naked life' which is silently destroyed without its death being seen as a crime or sacrifice¹²⁹.

Since the early 1980s, the Syrian regime has engineered a collective consciousness that portrays 'political Islam' as an existential threat to minorities¹³⁰—the same narrative used to justify excessive violence and the Tadmor prison massacre of 1980¹³¹. This period not only involved

¹²⁸ The Homo Sacer is an ancient Roman legal concept revived by the Italian philosopher Giorgio Agamben in his contemporary political philosophy. It refers to a person condemned by the people for a crime, placing them in a paradoxical legal position. Anyone can kill them without it being considered murder, yet they cannot be offered as a sacrifice in religious rituals. Thus, they fall into a "zone of non-distinction" between human and divine law, becoming the embodiment of what Agamben calls "naked life"—a life stripped of any legal protection or rights, left entirely to the will of sovereign power. (see Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Daniel Heller-Roazen tr, Stanford University Press 1998) 47–53).

¹²⁹ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Daniel Heller-Roazen tr, Stanford University Press 1998) 47-53.

¹³⁰ Syrian Human Rights Committee, 'Artillery School Massacre in Aleppo 16 June 1979' (7 July 2003) <https://www.shrc.org/?p=6788> accessed 20 April 2026.

¹³¹ Al Jazeera, (n 83).

eliminating opponents but also established a social demonization that, in the security apparatus's imagination, linked Sunni religiosity (Muslim Brotherhood) with hostility toward the state¹³².

This approach was entrenched and expanded with the outbreak of the Syrian revolution in 2011. The regime reproduced the narrative of a 'terrorist threat' to label the popular movement as extremist. By generalizing the accusation of 'potential terrorism' to encompass a broad spectrum of the opposition belonging to the Sunni majority, the regime presented itself as the sole protector of the state and minorities¹³³. This deliberate polarization led to a division of society—in official discourse—into 'lives worthy of protection' (representing loyalists and minorities) and 'bodies vulnerable to extermination' (representing the opposition).

Consequently, prisons, particularly Saydnaya Prison, which human rights organizations have dubbed a "human slaughterhouse,"¹³⁴ are no longer traditional penal institutions. Instead, they have emerged as "necropolitical" institutions where extermination is carried out silently, under the guise of a justificatory narrative: "The use of excessive force is necessary to protect society from terrorism." Here, the philosopher Achille Mbembe's thesis on "necropolitics" is clearly manifested; he argues that the ultimate expression of sovereignty lies not in managing the lives of the population, but in possessing the absolute power to determine who dies¹³⁵. The Syrian detention center has been transformed into a bureaucratic "death machine" designed to exterminate opponents and perpetuate the terror of minorities. This demographic manipulation of violence is confirmed by human rights statistics, which indicate that approximately 98 % of the forcibly disappeared¹³⁶ and nearly 98.68 % of those detained in

¹³² CNN Arabic, 'Assad Attacks Wahhabism and Describes the Brotherhood as "Devils"... and Gives "Lessons" in Religion' (CNN Arabic, 21 May 2019) <https://arabic.cnn.com/middle-east/article/2019/05/21/syria-bashar-alassad-muslim-brotherhood-wahhabi> accessed 20 April 2026.

¹³³ Al Mayadeen, 'Christians of the East in the Hurricane of Revolutions' (Al Mayadeen, 19 December 2013) <https://www.almayadeen.net/news/> accessed 20 April 2026.

¹³⁴ ADMSP (n 92) 8.

¹³⁵ Achille Mbembe, 'Necropolitics' (Libby Meintjes tr) (2003) 15(1) Public Culture 11, 12-15.

¹³⁶ ADMSP (n 114) 16.

Saydnaya Prison¹³⁷ belong to the Sunni majority, reflecting the transformation of the prison into an instrument of demographic and political engineering.

Furthermore, the Syrian regime adopted a strategic model of governance based on fabricating and exaggerating security crises to consolidate its power. This was clearly demonstrated by the systematic release of hundreds of extremist detainees (some of whom had ties to jihadist organizations in Iraq) through presidential amnesty decrees in early 2011, a move that created a fertile ground for the growth of terrorist groups¹³⁸.

This institutional behavior closely aligns with the thesis of the historical sociologist Charles Tilly in his article "The War Industry and the State as Organized Crime." Tilly argues that some states are structurally indistinguishable from criminal organizations, except in their ability to monopolize violence and acquire legitimacy. According to Tilly, the state, in this context, acts as a "racketeer"—that is, an entity that simulates, incites, or even fabricates a threat and then demands a price (obedience and submission) in exchange for protecting society from that threat¹³⁹.

Based on this vision, the regime's strategic objective behind this measure was to position itself as the sole guarantor and savior of minorities and society from the threat of Sunni extremism. In this context, the prison lost its traditional reformatory or punitive function, transforming into a strategic factory for producing crises controlled by the regime itself. Instead of being a place for controlling and correcting crime, the detention center became an incubator for producing the barbaric enemy needed by the official narrative to justify excessive violence and perpetuate the rule of the ruling clique.

¹³⁷ ADMSP (n 92) 19.

¹³⁸ Enab Baladi, 'They Left Sednaya Prison to Lead the Opposition Factions' (*Enab Baladi*, 7 August 2017) <https://www.enabbaladi.net/> accessed 21 April 2026.

¹³⁹ Charles Tilly, 'War Making and State Making as Organized Crime' in Peter B Evans, Dietrich Rueschmeyer and Theda Skocpol (eds), *Bringing the State Back In* (Cambridge University Press 1985) 169-181.

One of the most dangerous aspects of the Syrian prison system was its use as a tool to entrench social divisions. The regime systematically relied on the Alawite sect to manage its repressive prisons; data from Saydnaya Prison confirms that all successive prison directors were from this sect¹⁴⁰. This systematic approach is supported by the testimonies of survivors, such as the testimony of former detainee 'Munir al-Faqir', who indicated that: "The dialect adopted by the jailers was the Alawite dialect, and we could actually distinguish an Alawite from someone who impersonated this dialect to gain power."¹⁴¹ This deliberate polarization within the prisons created a climate of deep hatred, transforming them from spaces of punishment into laboratories for engineering sectarianism, which in turn produced the acute social rift that plagues Syrian society today.

The transformation of Syrian prisons into arenas for sectarian polarization can be explained through the theory of "sectarianization," developed by researchers such as Nader Hashemi and Danny Postel. This approach asserts that sectarian conflicts in the region are not a product of theology or ancient religious differences, but rather a direct result of the engineering of political tyranny¹⁴². In the Syrian case, it becomes clear that the regime did not practice sectarianism within prisons as a spontaneous act or a reflection of pre-existing societal hatred, but rather employed it as a conscious 'survival strategy'. The strategic objective of this employment was to divert the course of the popular national—non-sectarian—demands for dignity and social justice that began in 2011, and to transform the political conflict into a zero-sum identity conflict that would ensure the minority's allegiance to the regime out of fear of the majority's reprisals.

It is worth noting that during the Assad regime's rule, prisons were also used as a tool to dismantle families, and even children were not spared. An unknown number of children were

¹⁴⁰ ADMSP (n 109) 44-52.

¹⁴¹ ADMSP (n 109) 20.

¹⁴² Nader Hashemi and Danny Postel (eds), *Sectarianization: Mapping the New Politics of the Middle East* (Oxford University Press 2017).

arrested along with their parents, and the fate of most of them remains unknown.

Former detainees have confirmed that their children were taken from them after their arrest and placed in orphanages. The Syrian Network for Human Rights has documented at least 3,700 cases of enforced disappearance of children, in addition to 190 deaths under torture, this was confirmed by Al Jazeera news reports.¹⁴³

Instead of being handed over to their relatives, these children were detained in orphanages and used as a political bargaining chip. In some cases, they were falsely registered as orphans, or their identities were changed, making it extremely difficult to trace them¹⁴⁴. Or the children were liquidated because they were from families supporting terrorism, according to the Assad regime's classifications, as recently confirmed by the case of Dr. Rania al-Abbasi's children, who were killed in the al-Tadamon neighborhood by Syrian security forces under the command of Amjad Youssef, as confirmed by the latest investigations revealed by the Commission for Missing and Forcibly Disappeared Persons on May 30, 2026¹⁴⁵. Or they were killed in acts of sectarian revenge, as happened in the Houla massacre in Homs on May 25, 2012¹⁴⁶.

Investigations revealed that these practices were not merely isolated incidents, but rather part of a comprehensive policy of repression, in which the roles of security agencies and civil institutions, including the Ministry of Social Affairs and Labor and the administrations of some orphanages, were intertwined.

After December 8, 2024, the door was opened for dozens of Syrian families to resume their search for their missing children. The committee tasked with following up on this case, affiliated with the Ministry of Social Affairs and Labor, announced that it has so far identified 314 children placed in care homes during the years of conflict. It has confirmed that 194 of these

¹⁴³ Al Jazeera, 'Human Rights Report: Secret Execution Is the Fate of Most Forcibly Disappeared Persons in Syria' (*Al Jazeera*, 13 February 2025) <https://www.aljazeera.net/news/2025/2/13> accessed 31 May 2026.

¹⁴⁴ BBC Arabic, 'The Orphanage That Hid Us: Children in the Custody of Syrian Intelligence' (*BBC Arabic*, 16 September 2025) <https://www.bbc.com/arabic/articles/cjr58j49wv8o> accessed 31 May 2026.

¹⁴⁵ Al Jazeera, 'Syria: The Fate of the Doctor's Missing Children Revealed After a Decade' (*Al Jazeera*, 30 May 2026) <https://www.aljazeera.net/news/2026/5/30/> accessed 31 May 2026.

¹⁴⁶ Al Jazeera, '"Their Families Were Killed Before Their Eyes": Survivors Recount the Horrors of the Tadmur Prison Massacre' (*Al Jazeera*, 1 January 2025) <https://www.aljazeera.net/news/2025/1/1/> accessed 31 May 2026.

children have been reunited with their families, while the fate of the remaining 612 is still being investigated¹⁴⁷.

Despite all these dimensions, detention in Syria was merely one of the tools of social engineering that Syria continues to suffer from in a shocking way, and which most likely will not end in the near future.

¹⁴⁷ SANA, 'Qabawat: Returning 194 Children of Detainees and Forcibly Disappeared Persons to Their Families' (SANA, 10 April 2026) <https://sana.sy/locals/2447306/> accessed 31 May 2026.

2.2. The Political Economy of Tyranny: Employing Poverty and Marginalization to Militarize the Alawite Minority

To understand Syria's repressive structure, one must dismantle the Ba'ath regime's "political economy," which entrenched the "militarization of poverty" instead of a national social contract. The regime specifically exploited marginalized, rural Alawite communities, who suffered systemic economic neglect and historical feudalism.

It should be noted that the suffering of peasants in Syria was generally severe, regardless of region, ethnicity, or religion, but our focus remains on the mountain peasants, especially the Alawites, who suffered even more than the Alawites of the fertile plains.

2.2.1 Historical overview

This demographic imbalance within the military establishment was not a product of the Ba'athist coup, but rather an extension of a complex historical legacy. The systematic marginalization of minorities began during the **Ottoman era**, when the Ottoman Empire relied on the "millet system" to manage religious diversity. This system granted official recognition and autonomy (in personal status and legal proceedings) to minorities from the "People of the Book," such as Christians and Jews, while it did not recognize the Alawites (nor the Druze or Ismailis) as an independent "religious community."¹⁴⁸ Instead, it viewed them, both legally and politically, as "extremists" or "deviant/heretical sects." This exclusion rendered them "legally invisible"; they were neither fully-fledged Muslim citizens nor a recognized minority with protection. Following the Battle of Chaldiran (1514) between the Ottomans and the Safavids, the Ottoman Sultanate, under Selim I, launched harsh campaigns of repression against Shiite and Ismaili sects in the Levant and Anatolia¹⁴⁹, relying on fatwas of excommunication (such as

¹⁴⁸ Ibrahim Rizqa, 'The Alawites: A Society on the Edge of Rupture' (*Aljumphuriya*, 19 September 2025) <https://aljumhuriya.net/ar/2025/09/19/> accessed 7 May 2026.

¹⁴⁹ Al Jazeera Net, 'Turkish Alawites... Conflict of History and Politics' (*Al Jazeera*, 30 June 2013) <https://www.aljazeera.net/news/2013/6/30> accessed 7 May 2026.

those of Ibn Taymiyyah). To protect themselves from annihilation, the Alawites were forced to withdraw and isolate themselves in the rugged and desolate mountainous regions (the coastal mountains). The mountain provided them with "security" and survival, but it imposed upon them "cultural isolation and abject poverty,"¹⁵⁰ as the Alawites did not own the lands they cultivated in the plains surrounding the mountains. The fertile lands were owned by "Sunni urban feudal families", or by some influential local leaders. Most Alawites worked as "sharecroppers"; that is, peasants who worked almost as slaves on the lands of the feudal lords in exchange for a very small portion of the harvest that barely sustained them, while imposing exorbitant Ottoman taxes (miri)¹⁵¹ that were levied harshly¹⁵². This explains the extreme poverty and unjust persecution suffered by the rural population in general and the Alawites in particular, which was later reflected in the actions and decisions that took place in the subsequent stages of contemporary Syrian history.

It should be noted that the suffering of peasants in Syria was generally severe, regardless of region, ethnicity, or religion, but our focus remains on the mountain peasants, especially the Alawites, who suffered even more than the Alawites of the fertile plains¹⁵³.

Looking at the situation of the Druze during that era, we find similarities in persecution and non-recognition by the Ottoman state of them as an independent sect, but with a fundamental difference; The Druze were not mere sharecroppers but landowners within a well-organized, hierarchical¹⁵⁴, and armed tribal society¹⁵⁵. This structure commanded respect from the Ottoman state, and the Druze even succeeded several times in establishing emirates within the

¹⁵⁰ Hanna Batatu, *Syria's Peasantry, the Descendants of Its Lesser Rural Notables, and Their Politics* (Princeton University Press 1999) 220.

¹⁵¹ Hanna Hanna Batatu, (n 150) 126-127.

¹⁵² Ibrahim Rizqa, (n 145).

¹⁵³ Hanna Batatu, (n 150) 221.

¹⁵⁴ Ibid 71-72.

¹⁵⁵ Ibid 219.

Ottoman Empire (such as the Emirate of Fakhr al-Din al-Ma'ni II, 1572-1635)¹⁵⁶ or Ismail al-Atrash's revolt against the Hamdanid rule in Jabal al-Arab in As-Suwayda (1853-1857)¹⁵⁷.

Later, during the **French Mandate**, this state of persecution and marginalization was exploited to divide Syria along sectarian lines. The French established the "Alawite State" (1920-1936) as an independent entity with its own flag and parliament. The stated goal was "to protect minorities". France refrained from dismantling the structures of agricultural feudalism on the Syrian coast, maintaining rural poverty as a tool of pressure, while opening the door to military conscription as the only way for Alawite youth to escape hunger and forced labor. As a result, a distorted military structure emerged. The urban Sunni bourgeoisie refrained from joining the army, preferring the commercial, civil, and political sectors, while members of rural minorities flocked to the armed forces in numbers disproportionate to their demographic size¹⁵⁸. The military and security establishment became the only refuge for rural people to escape marginalization.

While the French needed a local army, they distrusted urban (Sunni) soldiers because they formed the backbone of the anti-mandate nationalist movement. Of the twelve cavalry companies in Syria, only one (Company 24) consisted of rural Sunni Arabs, in addition to Sunni Arab elements from the Homs and Idlib countryside in Companies 21 and 25. The rest were from minority groups. The French solution was to create three Alawite infantry battalions out of eight within the "Special Infantry Forces."¹⁵⁹ We will later examine the impact of this on the negative societal perception of Alawites for their collaboration with the mandate powers, and its subsequent, albeit limited, influence on the structure of the Syrian army after independence.

In the period following Syrian independence, the situation of Syrian peasants did not change significantly, and the class divide between urban bourgeois and rural poor peasants continued.

¹⁵⁶ Kamelia Abu Jabal, 'Fakher Ad-Din al-Ma'ni al-Thani' in *Arab Encyclopedia* (Vol 14, Damascus 2006) 324.

¹⁵⁷ Hanna Batatu, (n 150) 223.

¹⁵⁸ Ibid 304.

¹⁵⁹ Ibid 305.

This reality produced a sharp functional divide; the young Sunni urban man could often pay the "cash exemption" to avoid compulsory military service, even if the amount was high, while the poor Alawite rural man found himself forced to join the military and security forces as a mandatory path, or as the only opportunity for "social mobility" and to move from the class of impoverished peasants to that of influential state employees¹⁶⁰. In 1955, after the assassination of Adnan al-Malki, the deputy chief of staff, by the Alawite sergeant Younis Abdul Rahim, Alawite officers constituted an estimated 55 percent of the Syrian army's non-commissioned officers¹⁶¹. This situation continued with the infiltration of Alawite officers into the army and security services, the majority of whom were Ba'athists and were tightly knit, unlike the Sunnis who belonged to different intellectual and political currents and social classes (urban and rural). This facilitated the Ba'ath Party's rise to power,¹⁶² a fact later exploited by Assad to consolidate his rule.

2.2.2 From the Ba'ath Party's Rise to Power to the Beginning of the Era of Bashar al-Assad's Succession

When the Ba'ath Party consolidated its grip on power, it had a historic opportunity to implement a genuine socialist economy and to engage with its original support base among rural populations by achieving real agricultural and economic development that would lift farmers out of poverty.

However, the policies pursued consisted of inconsistent and incomplete "agrarian reform" laws, which led to repeated deterioration of the agricultural sector and exacerbated the crisis for farmers in fragile mountainous regions. In 1964, the agricultural unemployment rate reached 12 percent due to the ambiguity surrounding land ownership and capital flight, in addition to the usual sharp fluctuations in crop yields, which worsened the farmers' situation¹⁶³.

¹⁶⁰ Ibid.

¹⁶¹ Ibid 303.

¹⁶² Ibid 307.

¹⁶³ Ibid 314.

Furthermore, the fragmentation of the Ba'ath Party's ideology among its various factions (between radical socialists and conservatives) negatively impacted¹⁶⁴ the implementation of land redistribution and agrarian reform laws. Between 1963 and 1965, 96.6 hectares out of 316.7 hectares were distributed to farmers, and between 1966 and 1969, 190.1 hectares out of 242.4 hectares were distributed, according to data from the Ministry of Statistics¹⁶⁵ and based on Batatu's research. According to sociologist Hanna Batatu, the 1972 statistics revealed a severe fragility in the structure of agricultural land ownership; only 43% of those working in agriculture and livestock owned their land, while the vast majority (42%) were unpaid family laborers, and 15% were day laborers with meager wages¹⁶⁶.

This repeated developmental failure under Ba'athist policies and the internal divisions within the party created a demographic "pushing force" that drove huge numbers of young Alawite men from rural areas to migrate towards government employment, particularly in the security and military services, with the possibility of working in the family farms during times of need. This rural influx into state institutions led to their being flooded¹⁶⁷ with personnel who often lacked the necessary administrative competence, creating bureaucratic friction, intentionally or unintentionally, which hindered the activities of the urban merchant class. It also contributed to the proliferation of impoverished, unregulated neighborhoods lacking basic services on the outskirts of cities¹⁶⁸. This resulted in escalating social tensions, exacerbating class and sectarian resentment against rural populations in general, and Alawites in particular.

This was clearly demonstrated in the formation of the "Defense Brigades" led by his brother Rifaat al-Assad, the forces that formed the spearhead in turning detention into a tool of extermination, and whose name was associated with the most heinous violations in the history

¹⁶⁴ Ibid 315.

¹⁶⁵ Ibid 325.

¹⁶⁶ Ibid 326.

¹⁶⁷ Ibid 309.

¹⁶⁸ Ali Ibrahim, *'Damascus Slums: Suffocating Belts and Wrinkles in the City's Face'* (Raseef22, 21 Januer 2024) <https://raseef22.net/article/1095997> accessed 7 May 2026.

of Syrian prisons, most notably the Tadmor prison massacre and the Hama massacre in the 1980s, which later merged with the Syrian army under the name of the Fourth Division and the Republican Guard¹⁶⁹.

2.2.3 From Succession to Liberation

With the transfer of power to Bashar al-Assad in 2000, Syria underwent structural economic transformations culminating in 2005 when the Ba'ath Party's Regional Congress officially adopted what was termed a "social market economy"¹⁷⁰.

According to assessments by specialized research centers (such as the Jusoor Center for Studies, 2024), the stated aim of this transformation was to make the private sector a partner in the development process¹⁷¹. However, the implicit and implemented goal was to grant businessmen affiliated with the regime broad powers to amass wealth for the benefit of the ruling elite and its "agents." This transformation—which can be described as "crony capitalism"¹⁷²—led to disastrous consequences, exacerbating social and economic problems, shrinking the middle class, and completely obliterating the concept of social justice.

This type of economy in Syria was not merely a financial system; rather, it was formed within an authoritarian system that relied on "patronage" as the primary tool for managing resources and organizing the hierarchy of influence. Economic resources were used to consolidate personal loyalties, creating a complex economic power structure where the interests of the ruling elite intertwined with those of the business sector. This gave rise to the military-commercial

¹⁶⁹ Al Jazeera, 'Defense Brigades: An Arm That Brought Hafez al-Assad to Power' (Al Jazeera, 4 February 2025) <https://www.aljazeera.net/encyclopedia/2025/2/4> accessed 7 May 2026.

¹⁷⁰ Abdulazim al-Mugharbel, Mohammad Saeed Masri and Khaled al-Turkawi, 'The Syrian Regime's Economy: Approaches and Policies 1970-2024' (Jusoor for Studies, October 2024).

¹⁷¹ Ibid.

¹⁷² Abdel Rahman Atef Abu Zeid, 'The Syrian Political Economy: Between Assad's Legacy and Beyond' (Al-Hadara Center for Studies and Research, 29 March 2026) <https://hadaracenter.com/> accessed 8 May 2026.

complex, which in turn led to the entanglement of the interests of the traditional (mostly Sunni) urban bourgeoisie with the (mostly Alawite) security elite¹⁷³.

Later, a new and influential "Alawite bourgeoisie" emerged, organically linked to the Assad family (such as the empires of Rami Makhoul and Dhu al-Himma Shalish). This bourgeoisie monopolized vital sectors, leaving the vast majority of the Alawite community mired in abject poverty. A quick glance at the most prominent figures of capital during that era reveals that most were from Bashar al-Assad's inner circle and the old guard of the Ba'ath Party¹⁷⁴.

Name	Main Sectors and Monopolistic Economic Activities	Sect
Rami Makhoul	Telecommunications sector (Syriatel), banking (Mashreq Bank), oil and gas, cement, car agencies (BMW).	Alawite
Ihab Makhoul	Brokerage and financial services, investment (Syriatel, Beshawar Company).	Alawite
Salim Daaboul	Owens more than 25 companies in various sectors (Al-Nibras Company, Al-Qalamoun Private University).	Sunni
Firas, Sarya, and Nahed Tlass	Real estate development, food and meat industries, sugar trade, and international partnerships (French cement company Lafarge).	Sunni
Hamza Shawkat	Aviation, trade (Shawkat and Al-Husseini Company, Vision Plus Company).	Alawite
Nidal and Samer Kanaan	Modern technology sector and specialized products.	Alawite

¹⁷³ Ibid.

¹⁷⁴ Abdulazim al-Mugharbel, (n 170).

Aktham and Samer Duba	Media, advertising and publicity (Kawalis, Zuhail), sports, in addition to activities related to oil smuggling.	Alawite
Mohammad Hamsho	Contracting, telecommunications, artistic and media production (Hamsho International Group, Al-Dunya TV, Sham Press).	Sunni
Majd Suleiman	Media and publishing (United Group, Al-Waseet newspaper, Layalina, Baladna), telecommunications, real estate, tourism.	Alawite
Suleiman Marouf	Banking (Syria International Islamic Bank, Cham Holding), tourism, media (Al-Shahba Media), car agencies (Honda).	Alawite
Ayman Jaber	Iron and steel, contracting, media (Al-Dunya TV), trade in petroleum derivatives and oil services, and smuggling activities.	Alawite

This table is based on research by al-Mugharbel A, Masri MS and al-Turkawi K, 'The Syrian Regime's Economy: Approaches and Policies 1970-2024'

With the depletion of state resources and the tightening of the economic noose due to international and Arab sanctions after 2011, the Syrian economy witnessed a radical shift towards an "illicit economy." After Syria had strict anti-drug laws, the Syrian regime systematically transformed the country into the world's largest exporter of Captagon, earning it the moniker "Narco-State." Specialized reports, such as the 2021 report by the Center for Operational Analysis and Research (COAR), indicate that Captagon production has taken on a sophisticated industrial and technological character, making Syria a regional hub, transit point, and consumer market. To grasp the magnitude of this transformation, it suffices to note that Syria's GDP fell to \$8.9 billion in 2021 (according to the World Bank), while Captagon revenues

in the same year were estimated at between \$5.7 billion (according to Der Spiegel) and \$30 billion according to other estimates¹⁷⁵.

This industry was not a random, gang-run activity, but rather a complex institutional network managed by the regime and its allies. According to Carnegie Endowment research and 2023 Western sanctions regulations, this network comprises sovereign military and security units, most notably the Fourth Division under Maher al-Assad, the Air Force Intelligence Directorate, and the Republican Guard, along with local militias such as the National Defense Forces and the Saraya al-Areen in Latakia¹⁷⁶. Investigations have proven the direct involvement of figures from the inner circle of the Syrian leadership and the Assad family, such as Samer Kamal al-Assad (who manages factories in al-Bassa, Latakia) and Wassim Badi' al-Assad, in addition to a network of warlords (such as Raji Falhout and Hassan Daqou)¹⁷⁷.

Herein lies the sociological dimension and the class exploitation of the regime's support base in its ugliest form. While the inner circle (the Assad family, the Fourth Division generals, and the warlords) monopolized billions of dollars from the drug trade, the regime used the impoverished Alawite youth of the coast as "cheap expendable tools" for the war machine necessary for their survival in power and for the production of Captagon¹⁷⁸, in exchange for meager sums of money.

Perhaps the clearest and most documented contemporary manifestation of the intersection between the policies of 'economic subjugation' and 'sectarian engineering' appears in the eyewitness accounts related to the most heinous crimes of the regime under Bashar al-Assad. Within the context of a sociological approach to 'manufacturing the executioner,' the case of intelligence officer Amjad Youssef, directly responsible for carrying out and filming the horrific

¹⁷⁵ Hisham Al-Ghannam, 'Border Traffic: How Syria Uses Captagon to Gain Leverage Over Saudi Arabia' (*Carnegie Endowment for International Peace*, 7 August 2024) <https://carnegieendowment.org> accessed 8 May 2026.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

¹⁷⁸ Alimar Lazkani, 'The Image of the Syrian Regime as it Shakes: Will the Alawite Youth Ask for "Demobilization"?' (*Daraj*, 27 August 2020) <https://daraj.media> accessed 8 May 2026.

'Tadamon massacre,' stands out. In recent statements following Amjad Youssef's arrest by the Syrian state on April 24, 2026¹⁷⁹, his sister justified his joining the military by saying, 'One man serves in the army. He went to work to serve in the army because of poverty and hardship. My two brothers served in the army because of poverty and hardship, I swear to God,¹⁸⁰ holding the head of the regime (Bashar al-Assad) responsible for the massacre. While this statement has no legal value that would mitigate the individual criminal responsibility of the perpetrator of the massacre—since poverty cannot be used as a pretext for committing genocide—it does hold sociological value in this research. It constitutes living evidence that proves the hypothesis of the 'militarization of poverty.'

Later, a new and influential "Alawite bourgeoisie" emerged, organically linked to the Assad family (such as the empires of Rami Makhlouf and Dhu al-Himma Shalish). This bourgeoisie monopolized vital sectors, leaving the vast majority of the Alawite community mired in abject poverty. A quick glance at the most prominent figures of capital during that era reveals that most were from Bashar al-Assad's inner circle and the old guard of the Ba'ath Party.

¹⁷⁹ Alaa Jumaa, 'Syria: Arrest of Amjad Youssef, the Main Suspect in the Tadamon Massacre' (DW, 24 April 2026) <https://www.dw.com/ar/> accessed 8 May 2026.

¹⁸⁰ Al Mashhad TV, '"Bashar Bears Responsibility": Amjad Youssef's Sisters Clear Their Brother and Accuse the Regime!' (Instagram, 25 April 2026) <https://www.instagram.com/reels/DXkc-y2k5EK/> accessed 8 May 2026.

“The issue of trust stems from the ultimate goals of transitional justice; citizens have the right to feel safe, so they say that transitional justice succeeds when citizens are no longer afraid of police cars”.

Dr. Ahmad Seifou.

Chapter Three:

The Paths to Justice

This chapter shifts from analysing the structure of Syrian authoritarianism and its institutional and legal roots to examining possible ways of addressing its legacy in the transitional phase. It opens with a fundamental question about the capacity of transitional justice mechanisms to respond to the complexities left by decades of systematic repression, in a context where human rights violations remain intertwined with security and political structures whose effects still permeate state and society.

The chapter argues that a sustainable democratic transition in Syria requires moving beyond traditional approaches toward more comprehensive visions centred on the structural transformation of the institutions and social relations that produced and entrenched authoritarianism. It also addresses the practical challenges facing reform after 2024—policies for dealing with detainees and the forcibly disappeared, the restructuring of the security sector, and the lessons of comparative international transitions. It concludes by discussing the dilemma of security management during the transition, and the delicate balance it imposes between the demands of justice and accountability on one hand, and the preservation of stability and the prevention of renewed violence on the other.

3.1. The Syrian state's response after December 2024: A critical reading

Synthesizing the historical antecedents necessitates an evaluation of the emergent institutional frameworks and pragmatic mechanisms designed to navigate the post-Assad transition.

3.1.1. Steps Taken by the New Syrian State

Civil and legal dimensions

After December 8, 2024, Syria transcended decades of Assad family autocratic rule, entering a complex political phase that cannot be simplified or framed within traditional "post-conflict"

classifications. Instead, it can be more accurately defined as an interregnum¹⁸¹, a state of limbo in which a transitional authority emerges amidst fragile societal divisions and fragmented control. This transformation was spearheaded by Ahmed al-Sharaa (leader of the now-defunct Hayat Tahrir al-Sham), who, at the Victory Conference in Damascus on January 29, 2025, has been declared president of the five-year transitional period, beginning in January 2025¹⁸². The Victory Conference was criticized for directly appointing the president without the direct participation of political forces and civil society. At the same time, the fear that a political vacuum could lead to security chaos justified this hasty move to consolidate the president's power¹⁸³.

The first foundational steps were embodied in the drafting and signing of the interim constitutional declaration on March 13, 2025¹⁸⁴. This followed the National Dialogue Conference held on February 12, 2025, which was criticized for being hastily convened without thorough prior preparation¹⁸⁵. Despite this constitutional declaration guaranteeing a broad list of fundamental rights and freedoms and adhering to international conventions, critical legal analysis reveals fundamental structural flaws. According to Article 42(8)¹⁸⁶ of the Constitutional Declaration, the executive authority shall undertake the building of the security institution in a manner that ensures the strengthening of internal security and stability and the protection of citizens' rights and freedoms.

The Constitutional Declaration included an explicit provision for the repeal of all exceptional

¹⁸¹ See the footnote 4.

¹⁸² SANA, 'A Year Since the Victory Conference: Laying the Foundation for the New Syria' (SANA, 29 January 2026) <https://sana.sy/locals/2386883/> accessed 31 May 2026.

¹⁸³ The New Arab, 'The Resolutions of the Syrian Victory Conference: A Point of Order' (*The New Arab*, 5 February 2025) <https://www.alaraby.co.uk> accessed 31 May 2026.

¹⁸⁴ Human Rights Watch, 'Syria: Constitutional Declaration Risks Endangering Rights' (*Human Rights Watch*, 25 March 2025) <https://www.hrw.org/ar/news/2025/03/25/syria-constitutional-declaration-risks-endangering-rights> accessed 31 May 2026.

¹⁸⁵ Justin Salhani, 'Key takeaways from Syria's National Dialogue conference' (*Al Jazeera*, 26 February 2025) <https://www.aljazeera.com/news/2025/2/26/key-takeaways-from-syrias-national-dialogue-conference> accessed 31 May 2026.

¹⁸⁶ *Constitutional Declaration of the Syrian Arab Republic 2025*, art 42.

laws that harmed the Syrian people or violated human rights Article 48¹⁸⁷. It also affirmed the independence of the judiciary of Article 43¹⁸⁸ and prohibited the establishment of exceptional courts in Article 44¹⁸⁹. Theoretically, this repeal encompassed two laws that had long served as a legal shield for members of the security services: Decree No. 14 of 1969 and Decree No. 69 of 2008. These decrees required presidential approval before any security personnel could be prosecuted, effectively leading to systematic impunity.

However, constitutional repeal alone is insufficient. Its effectiveness remains contingent upon several practical conditions. Executive decrees must be issued explicitly naming these laws and declaring them null and void. Furthermore, an independent judiciary capable of holding security personnel accountable without pressure must be established. Unless all these elements are met, the constitutional text remains a declaration of intent, not a guarantee of implementation. The declaration enshrined a "presidential system" that concentrated executive, legislative Article 24¹⁹⁰, and judicial powers of Article 47¹⁹¹ in the hands of the transitional head of state without institutional checks. The president monopolizes the power to appoint one-third of the members of the "People's Assembly" (the transitional parliament, indirectly selected through narrow electoral colleges in October 2025) and dominates the committee responsible for selecting the remaining two-thirds. Meanwhile, the parliament is stripped of its power to withdraw confidence from the government or impeach the presidency. This structural imbalance extends to the judiciary, which remains subordinate to the Supreme Judicial Council, dominated by the president. This raises serious human rights concerns about the reproduction of a centralized repressive system under a new legal and constitutional guise¹⁹².

¹⁸⁷ Ibid, art 48.

¹⁸⁸ Ibid, art 43.

¹⁸⁹ Ibid, art 44.

¹⁹⁰ Ibid, art 24.

¹⁹¹ Ibid, art 47.

¹⁹² Human Rights Watch, 'Syria: Constitutional Declaration Risks Endangering Rights' (Human Rights Watch, 25 March 2025) <https://www.hrw.org/news/2025/03/25/syria-constitutional-declaration-risks-endangering-rights> accessed 9 June 2026.

Military and security dimensions

Following the December 8, 2024, a comprehensive restructuring of the Syrian security and military apparatus began. The first step was the announcement by the new head of the General Intelligence Directorate, Anas Khattab, on December 29, 2024, of the dissolution of all security branches affiliated with the former regime and their restructuring in a manner befitting the sacrifices of the Syrian people¹⁹³. This announcement came just days after his appointment to the position on December 26¹⁹⁴.

This was followed by structural measures taken by the Ministries of Defense and Interior to stabilize the fragmented security landscape, paving the way for the establishment of new state institutions.

On January 29, 2025, at the Victory Conference, which included eighteen-armed factions, all factions, including Hayat Tahrir al-Sham, announced their dissolution. The conference also announced the commencement of the formation of a professional national Syrian army and the abolition of mandatory military service¹⁹⁵. On the military front, on May 17, 2025, Defense Minister Major General Marhaf Abu Qasra issued a decree integrating all military units and armed factions into the Ministry's structure, granting smaller groups a ten-day grace period to join. To ensure the professionalism of the leadership and the proper organization of ranks, the Minister stipulated that faction leaders must enroll in and successfully complete the Military Academy before being granted exceptional ranks¹⁹⁶.

Later, in the general security sector, Interior Minister Anas Khattab—who assumed this position in the transitional government formed on March 29, 2025¹⁹⁷, led a comprehensive restructuring

¹⁹³ Latifa Moammar and Manar Salameh, 'Khattab: The Security Institution Will Be Reconstituted Again After the Dissolution of All Its Security Branches' (SANA, 29 December 2024) <https://archive.sana.sy/en/?p=343203> accessed 2 June 2026.

¹⁹⁴ The New Arab Staff, 'Who Is Syria's New Intelligence Chief Anas Khattab?' (*The New Arab*, 27 December 2024) <https://www.newarab.com/news/who-syrias-new-intelligence-chief-anas-khattab> accessed 2 June 2026.

¹⁹⁵ UN Human Rights Council (n 6).

¹⁹⁶ Ibid.

¹⁹⁷ CNN, 'Syria Announces Formation of New Transitional Government' (CNN, 30 March 2025) <https://edition.cnn.com/2025/03/30/middleeast/syria-new-transitional-government-intl-hnk> accessed 2 June 2026.

of the Ministry. The police and public security forces were merged into a unified body called the "Provincial Internal Security Command," and the country was divided into five geographical sectors, each managed by a specialized assistant, with the aim of streamlining control and establishing administrative decentralization. New departments were also created, such as the Diplomatic Security Department and the Rapid Intervention Forces¹⁹⁸. In a notable move, the Ministry of Interior established the Prisons and Correctional Facilities Administration, which aims to uphold human rights principles, rehabilitate prisoners, and transform them into instruments of law enforcement and behavioral reform. This administration is committed to preserving prisoners' dignity, guaranteeing their rights, and safeguarding their humanity¹⁹⁹.

In an effort to ensure that all security personnel respect the rule of law, the Ministry of Interior opened Public Relations Departments in Damascus, Homs, Aleppo, Latakia, and Deir ez-Zor on June 15, 2025, to facilitate citizens' access to this service in various regions²⁰⁰. These new departments are responsible for "receiving and processing complaints filed against any security or police officer who exceeds their authority or violates the law, thus ensuring the redress of grievances and the achievement of justice within the security establishment." Their aim is to serve as a platform for building trust between Syrian citizens and the security forces.

To alleviate the burden of inherited bureaucracy, the Ministry has been eliminating the security watch lists left behind by the previous regime, which contained over eight million names²⁰¹.

In the context of strengthening the central government's control, and following a large-scale military operation launched by the Syrian army on January 13, 2026²⁰², against Syrian

¹⁹⁸ Xinhua, 'Syria Unveils Sweeping Reform to Modernize Security, Public Services' (*Xinhua*, 25 May 2025) <https://english.news.cn/20250525/d448b997cd0049209ee74eaa6f46d94a/c.html> accessed 2 June 2026.

¹⁹⁹ @SyrianMoiSpokes, 'Statement Regarding the New Security Procedures and Institutional Reforms' (X, 15 May 2025) <https://x.com/SyrianMoiSpokes/status/1926259193167613967> accessed 2 June 2026.

²⁰⁰ Syria TV, 'Ministry of Interior Opens First Complaints Department Against Security and Police Personnel' (*Syria TV*, 15 June 2025) <https://www.syria.tv> accessed 4 June 2026.

²⁰¹ UN Human Rights Council (n 6).

²⁰² Al Jazeera, 'Syrian Army Declares Military Zones in Rural Aleppo as SDF Destroys Bridges' (*Al Jazeera*, 13 January 2026) <https://www.aljazeera.com/news/2026/1/13> accessed 2 June 2026.

Democratic Forces (SDF) positions in the northeast of the country, the transitional authority signed the comprehensive 14-point agreement of January 30, 2026²⁰³, with SDF commander Mazloum Abdi, under the auspices of US envoy Tom Barrack. The agreement stipulated a ceasefire, the integration of SDF fighters into security and military institutions on an individual basis rather than as independent military units, and the transfer of control over the Raqqa and Deir ez-Zor governorates and all oil and gas fields to the central government. Meanwhile, efforts were underway to administratively integrate the Hasakah governorate into the Syrian state structure²⁰⁴.

At the international level, and in its desire to support political and military stability in Syria, the European Union took cautious steps over a year to gradually lift sanctions. On May 20, 2025, the EU agreed to lift all economic sanctions imposed on Syria in support of its peaceful transition and socio-economic recovery, while maintaining security-related sanctions²⁰⁵.

On May 19, 2026, following diplomatic efforts by the Syrian Ministry of Foreign Affairs, the EU renewed its annual review and decided to remove seven additional entities from the sanctions list, most notably the Syrian Ministries of Defense and Interior. The EU stated that this step would contribute to strengthening its engagement with Syria and supporting efforts to rebuild security and defense institutions on a more professional basis, while maintaining sanctions against individuals and entities associated with the former Assad regime²⁰⁶.

A critical examination of institutional reform paths and security challenges in the contemporary Syrian landscape reveals that, despite the proposed organizational structures, practical experience exposes crucial structural gaps that hinder the achievement of deep and sustainable

²⁰³ Maya Gebeily and Jana Choukeir, 'Syrian Government, Kurds Agree Integration Deal, US Hails "Historic Milestone"' (*Reuters*, 30 January 2026) <https://www.reuters.com/world/middle-east/syrian-kurdish-led-sdf-agree-ceasefire-phased-integration-deal-with-government-2026-01-30/> accessed 16 June 2026.

²⁰⁴ Ibid.

²⁰⁵ Council of the European Union, 'Syria: Council Statement on the Lifting of EU Economic Sanctions' (Press Release, 20 May 2025) <https://www.consilium.europa.eu/en/press/press-releases/2025/05/20/syria-council-statement-on-the-lifting-of-eu-economic-sanctions/> accessed 2 June 2026.

²⁰⁶ Al Jazeera, 'The European Union Lifts Sanctions on 7 Syrian Officials and Entities' (*Al Jazeera*, 19 May 2026) <https://www.aljazeera.net/news/2026/5/19> accessed 2 June 2026.

institutional reform. In this context, there is a palpable societal apprehension regarding the potential reproduction of the "Idlib model" and the generalization of the "Salvation Government"²⁰⁷ experience—an experience historically characterized by procedural rigidity, the imposition of strict social restrictions, and the use of the General Security apparatus as a central instrument for protecting power at the expense of public freedoms. These concerns are justified given the nature of Syrian society, distinguished by its intellectual and cultural pluralism, which necessitates a governance model that accommodates this diversity rather than coercing it.

The processes of integrating and building the armed forces and security services face fundamental challenges related to evaluation and vetting mechanisms²⁰⁸. These processes lack rigorous individual background checks for recruits, relying instead on mass assimilation. This procedural deficiency facilitates the infiltration of elements espousing radical ideologies or harboring vengeful motives against state institutions. This leads to an erosion of public trust in the security establishment, a decline in the operational and professional efficiency of the relevant agencies, and an increase in legal violations and individual abuses on the ground.

Furthermore, the ideological differences and transnational affiliations among armed opposition factions pose an obstacle to stability, especially given the history of inter-factional armed

²⁰⁷ The "Syrian Salvation Government" was established in November 2017 in northwestern Syria as a civilian and administrative arm supported and directed by Hayat Tahrir al-Sham. Its governance model was characterized by extreme security centralization. The Idlib period was described as the phase in which the government consolidated its control through a three-pronged network: security, by controlling local society and preventing lawlessness through a powerful security apparatus; the economy, by controlling financial resources, border crossings, and commercial activities to ensure self-sufficiency; and religion and society, by employing the ideological and legal dimensions to legitimize decisions and laws and ensure compliance. For more you can see Gregory Waters, 'Local Governance in Post-Assad Syria: A Hybrid State Model for the Future' (*Carnegie Endowment for International Peace*, 22 October 2025) <https://carnegieendowment.org/ar/middle-east/research/2025/10/local-governance-in-post-assad-syria-a-hybrid-state-model-for-the-future> accessed 2 June 2026.

²⁰⁸ In the literature on security sector reform (SSR), "individual integrity and conduct vetting" refers to the procedural and legal process of scrutinizing the human rights, political, and criminal records of individuals before their integration into state defense and security institutions, to ensure the exclusion of those implicated in war crimes or gross human rights violations. See this concept DCAF - Geneva Centre for Security Sector Governance, *Post-War Security Sector Reform* (SSR Backgrounder Series, DCAF 2025)8.

conflicts in recent years²⁰⁹. These factors reinforce concerns about the fragility of the military integration process unless it is supported by genuine mechanisms for developing a unified national military doctrine that transcends factional loyalties.

The integration of non-Syrian fighters into the structures of the General Security and the National Army is one of the most sensitive and divisive issues in the public sphere²¹⁰. Opinions on them are divided between those who grant them legitimacy as part of the revolutionary movement and those who fear their lack of institutional discipline and their incompatibility with the cultural specificities of the local community²¹¹.

In an attempt to resolve this dilemma, the new Syrian state adopted a pragmatic approach seeking to balance the following considerations: symbolic recognition and appreciation of the combat role and sacrifices made by these fighters; providing official guarantees affirming the individual and voluntary nature of their participation and removing any organizational or external affiliation from their presence, in order to mitigate international objections; and pledging that these fighters would abide by Syrian national laws and guarantee that they would not pose any threat to regional security or neighboring countries²¹².

Meanwhile, decisions regarding granting citizenship were postponed being linked to constitutional provisions at a later stage.

As an institutional measure to regulate performance and address shortcomings, the Ministry of Defense issued a code of conduct and military discipline²¹³, which requires all personnel—including foreign fighters—to adhere to a strict ethical and behavioral charter. This code focuses on protecting civilians, rejecting discrimination, respecting human rights standards,

²⁰⁹ Rafat Al-Rifai, 'Has the Armed Opposition Become a Burden to the Syrian Revolution?' (*Al Jazeera*, 11 January 2018) <https://www.aljazeera.net/news/2018> accessed 2 June 2026.

²¹⁰ Firas Faham, 'Has the Process of Dismantling Fighter Groups Begun in Syria?' (*Al Jazeera*, 2 November 2025) <https://www.aljazeera.net/politics> accessed 2 June 2026.

²¹¹ Ibid.

²¹² Ibid.

²¹³ Syrian Ministry of Defense, *Code of Conduct and Discipline* (Syrian Memory Archive, 30 May 2025) <https://syrianmemory.org/archive/documents/68668a7fe57879575907b16e> accessed 2 June 2026.

complying with lawful orders, prohibiting damage to public and private property, and rejecting any behavior that undermines civil peace. Despite these reassurances, this issue remains a hot topic of discussion in the Syrian public sphere.

In parallel with these measures, the hasty mass demobilization of former security personnel—without thorough background checks or reliance on comprehensive professional disarmament, demobilization, and reintegration (DDR) programs²¹⁴—poses a serious strategic dilemma. The absence of such systematic frameworks deprives the Syrian state of valuable expertise, increases the likelihood of uncontrolled security pockets emerging, and raises the risk of new armed militias forming, threatening the prospects for sustainable stability.

At the level of institutionalizing transitional justice

A personal interview with Mr. Ahmed Seifou, a member of the National Commission for Transitional Justice was scheduled to take place, but this was not possible due to the situation in the Middle East. Attempts were made to contact him electronically, but poor internet service and Mr. Ahmed Sayfour's limited time prevented the interview from taking place.

However, Mr. Sayfour had already given an interview on the "Defin" podcast, in which he answered many of the questions relevant to this study. Therefore, I have used this podcast as a substitute for the canceled interview.

At the level of institutionalizing transitional justice, the Constitutional Declaration issued in March 2025 explicitly referred in Article 49 to the establishment of a Transitional Justice Commission²¹⁵. This is a step in the right direction in terms of enshrining transitional justice constitutionally, protecting it from future political transformations, and guaranteeing its independence. This followed discussions on transitional justice at the National Dialogue Conference in February.

²¹⁴ UN Peacekeeping, 'Disarmament, Demobilization and Reintegration' (UN Peacekeeping) <https://peacekeeping.un.org/ar/disarmament-demobilization-and-reintegration> accessed 2 June 2026.

²¹⁵ *Constitutional Declaration of the Syrian Arab Republic 2025*, art 49.

On May 17, 2025, President Ahmed al-Sharaa issued Decree No. 20 establishing the National Commission for Transitional Justice as an independent body with legal, financial, and administrative autonomy, Abdul Basit Abdul Latif was appointed its head, limiting its work to violations committed by the Assad regime²¹⁶, this sparked a wave of criticism.

On the same day, Decree No. 19 announced the formation of the National Commission for the Missing, tasked with a work plan to uncover, investigate, and document cases of missing persons, establish a national database, and provide legal and humanitarian support to their families²¹⁷.

As for the Commission's operational mechanism, as presented by Sayfour, it is based on a set of foundational tasks, foremost among them drafting the internal regulations and preparing a draft transitional justice law, which awaits legislative approval. This is in addition to holding dialogues and hearings with families and victims in several governorates, and meeting with civil society organizations, unions, and victims' associations. The Commission is organized into six departments that operate in parallel: Truth and Reconciliation, Accountability and Reparation, Institutional Reform, Memory Preservation and Reconciliation, and Peacebuilding. The Commission also intends to open regional centers to facilitate the submission of complaints and testimonies, and to link them with universities to benefit from volunteers and promote a culture of human rights and transitional justice²¹⁸.

This mechanism is governed by the principle of parallel tracks, considered a prerequisite for the success of the experiment. Truth and reconciliation are considered the main gateway to transitional justice, transparency is paramount to avoid politicizing memory and decisions, listening to victims is fundamental to the work, and developing Syrian-based solutions rather than importing ready-made models is essential. The Commission's functions are integrated in

²¹⁶ Syria Justice and Accountability Centre, 'A First Step Towards Transitional Justice in Syria' (Syria Justice and Accountability Centre, 29 May 2025) <https://syriaaccountability.org/a-first-step-towards-transitional-justice-in-syria/> accessed 3 June 2026.

²¹⁷ Ibid.

²¹⁸ Appendix B

their content; Reparation is not limited to material compensation, but extends to restoring dignity, providing psychological and physical support, and collective compensation for marginalized or damaged areas. The function of preserving memory aims to resist forgetting through documentation, modifying educational curricula, building museums and monuments, and writing an honest history. Reconciliation and civil peace are based on the equation "no stability without justice and no justice without stability" and on the necessity of developing a unified narrative that Syrians can review before moving towards it²¹⁹.

Regarding the extent to which the commission has authority over reforming military and security institutions or prisons, the interview reveals that its relationship with them is mediated through the institutional reform function. This is a conditional, reformatory, and dismantling relationship, not a direct mandate. The institutional reform administration aims to dismantle the system of tyranny and prevent the recurrence of conflict by amending legislation, purging institutions of corruption, and reforming ministries, including Justice, Interior, and Defense²²⁰. However, Sayfour places two fundamental limitations on this role: the administration's work is contingent upon the enactment of a transitional justice law, and the reform process must proceed cautiously to avoid state collapse, as occurred in Iraq and Libya²²¹.

Related to this accountability dimension is the fact that the draft law included crimes under the Rome Statute (genocide, crimes against humanity, and war crimes) and enshrined the principle of no impunity for major perpetrators, even though Sayfour acknowledges that the inherited judicial system is corrupt and that judges are not qualified in international criminal law. This necessitates, for the time being, reliance on the Syrian Penal Code and international conventions, and the training of specialized judicial personnel until the transitional justice law is enacted²²². Meanwhile, the government issued arrest warrants for four officials from the former regime and launched investigations against 87 former judges in counter-terrorism

²¹⁹ Ibid.

²²⁰ Ibid.

²²¹ Ibid.

²²² Ibid.

courts, although these efforts appeared largely symbolic. In addition, Atef Najib was tried²²³, and a number of suspects accused of committing serious human rights violations during the war were arrested, such as Mohammed Kinjo (the Butcher of Saydnaya) and Amjad Yousef²²⁴.

In January 2025, the Prosecutor of the International Criminal Court visited Damascus at the invitation of President al-Sharaa²²⁵. In March, the Syrian Foreign Minister met with the Prosecutor in The Hague²²⁶, indicating an openness to the Court's role in the Syrian justice process.

Regarding the separation of the Missing Persons Commission from the Transitional Justice Commission, Dr. Sayfour describes the issue of missing persons in the interview as the most pressing demand, given that their numbers are estimated at over two hundred thousand. He also describes it as a technically challenging process requiring enormous resources and laboratories similar to the one in Rwanda²²⁷.

He explains that the sheer scale of the issue led to the establishment of a separate National Commission for Missing Persons. The design of Decree No. 19 reflects this logic through a dedicated body with a six-stage plan centered on a national database, DNA sample collection, and building national forensic capacity through international cooperation. This is embodied in the Commission's signing of cooperation protocols with international organizations specializing in missing persons cases and with Syrian organizations concerned with documentation and accountability²²⁸.

Therefore, the separation is justified by the distinct criminal-humanitarian nature of this issue,

²²³ Al Jazeera, 'A Long-Awaited Moment: Syria Begins Sunday Trial of Assad Regime Figures' (Al Jazeera, 25 April 2026) <https://www.aljazeera.net/news/2026/4/25> accessed 3 June 2026.

²²⁴ Al Jazeera, 'The Most Prominent Figures of the Assad Regime Detained by the Syrian Authorities' (Al Jazeera, 27 April 2026) <https://www.aljazeera.net/encyclopedia> accessed 3 June 2026.

²²⁵ Al Jazeera, 'Al-Sharaa Meets the Prosecutor of the International Criminal Court' (Al Jazeera, 17 January 2025) <https://www.aljazeera.net/news/2025> accessed 3 June 2026.

²²⁶ Ahmed Asmar, 'Syria's Top Diplomat Meets ICC Prosecutor to Discuss Transitional Justice for Syrians' (Anadolu Agency, 6 March 2025) <https://www.aa.com.tr> accessed 3 June 2026.

²²⁷ Appendix B

²²⁸ Ibid.

the pressing technical need, and the logic of parallelism, which allows this resource-intensive process to progress at its own pace without being disrupted by the broader and more complex accountability process.

However, critical assessment points out that separating the two bodies may generate overlap in responsibilities and confusion in roles, making the integrity of this separation dependent on clear coordination between them²²⁹.

In another hand, the National Commission for Missing Persons signed cooperation protocols with several international organizations working on missing persons, as well as Syrian organizations specializing in documentation and accountability, to coordinate efforts regarding the missing persons file²³⁰. In terms of financial support, the European Union announced in July 2025 a funding package of €175 million to support Syrian state institutions, particularly in the areas of transitional justice, accountability, and human rights programs²³¹.

Regarding the Commission's handling of the social pressure demanding the acceleration of transitional justice, Dr. Ahmed Sayfour begins by acknowledging the gap between Syrians' expectation of immediate justice and the reality that it is a long and complex institutional process. He distinguishes between revolutionary justice and transitional justice, warning that hasty justice could fail and lead to chaos. The Commission manages this pressure primarily through communication and awareness-raising tools, most notably victim hearings, which form the foundation of its work. It also emphasizes the media's role in explaining transitional justice and conveying the community's perspective, as well as transparency, parallel efforts, and guiding legitimate demands away from the chaos that undermines rights. He believes that the success of this process hinges on the availability of three wills: international support, political

²²⁹ Truth and Justice Charter Associations, 'Statement on the Establishment of a National Commission for the Missing in Syria' (15 May 2025) Syrian Memory Archive, <https://syrianmemory.org> accessed 26 June 2026.

²³⁰ Al-Ikhbariah, 'The National Authority for the Missing Prepares to Launch an International Support Platform' (Al-Ikhbariah, 4 September 2025) <https://alikhbariah.com> accessed 8 June 2026.

²³¹ European External Action Service, 'The European Union Announces the Allocation of 175 Million Euros to Support Recovery in Syria' (European External Action Service, 4 June 2025) <https://www.eeas.europa.eu/eeas/> accessed 3 June 2026.

will, and social will. He also acknowledges that time is a significant challenge that can be met with vision and innovation²³².

²³² Appendix B

3.1.2. Between Reform and Continuity in the Transitional Period (2025-2026)

The constitutional and institutional framework reviewed above establishes a key benchmark against which the actual performance of the transitional period can be measured. The repeal of the exceptional laws that had served to legalize killing, torture, arbitrary arrest, and enforced disappearance, the establishment by the Ministry of Interior of a prison and reform center administration committed, in principle, to the dignity and rehabilitation of detainees, the opening of public relations departments to receive complaints against officers who exceed their authority, and the constitutional guarantees against arbitrary arrest constitute a set of promises.

However, as previously noted, the repeal of the constitution remains merely a declaration of intent and not a guarantee of implementation in the absence of an independent judiciary capable of enforcing it. The documents prepared by Syrian Network of Human rights (SNHR) during 2025 and the first quarter of 2026, along with direct testimony from the family of one of the detainees, allow for an assessment of this possibility in light of the empirical record - and the record reveals a remarkable continuity of practices that the transitional phase was supposed to dismantle.

SNHR documented at least 1,108 cases of arbitrary arrest and 2,056 cases of detention across Syria in 2025²³³, including 73 children and 26 women. This figure is distributed among multiple responsible actors, a distribution that contradicts any narrative that confines arbitrary detention solely to remnants of the former regime. Rather, it is a deeply ingrained social practice within Syrian society, resulting from decades of experience that have normalized it. 252 cases were attributed to government forces, 768 to the Syrian Democratic Forces (SDF), and 88 to various armed opposition factions and national armies²³⁴. This pattern continued into

²³³ SNHR, *The Monthly Report on Detention and Arbitrary Arrest in Syria: Recording at least 1,108 Cases of Arbitrary Arrest and Detention in 2025, Including 52 in December* (SNHR, 3 January 2026)

²³⁴ Ibid.

2026, with at least 210 more cases documented in the first quarter of the year²³⁵ – 122 attributed to government forces, 46 cases were attributed to the Israeli occupation forces in the south (including 11 children), and 42 cases to the Syrian Democratic Forces²³⁶. These contemporary figures add to a catastrophe inherited from the Assad regime, as the Syrian Network for Human Rights database records that at least 160,123 people had forcibly disappeared under the previous regime²³⁷, and their fate remains unknown.

SNHR attributes a significant increase in May 2025 to internal security raids conducted by the Ministry of Interior in Latakia, Homs, Hama, and Damascus, along with arrests by the Syrian Democratic Forces (SDF) of civilians who criticized their practices²³⁸. Similarly, a similar concentration in February 2026—approximately 37% of the cases in that quarter—is primarily attributed to the SDF's detention of civilians based on their opposition²³⁹, while arrests related to forced conscription campaigns are a recurring feature throughout the period.

Geographically, the highest statistics are concentrated in Deir ez-Zor, Raqqa, Aleppo, and Homs in 2025²⁴⁰, and in Deir ez-Zor and Quneitra in early 2026²⁴¹ a map that reflects areas contested by the central government rather than its established center.

However, the most serious flaw lies in the accountability processes undertaken by the new authorities themselves. Alongside documented cases of arbitrary arrests in the context of pursuing those suspected of committing violations dating back to the Assad era—former military personnel, government employees, and medical staff who served in security-affiliated military hospitals—these arrests, concentrated in the coastal and central governorates, resulted in the transfer of detainees to central prisons in Homs, Hama, and Adra. and while prosecuting

²³⁵ SNHR, 'The Quarterly Report on Arbitrary Arrest and Detention in Syria: Recording at least 210 Cases of Arbitrary Arrest and Detention in the First Quarter of 2026' (SNHR, 5 April 2026).

²³⁶ Ibid.

²³⁷ SNHR, 'The Record of Arbitrary Arrest' (SNHR, 30 August 2025) <https://snhr.org> accessed 7 June 2026.

²³⁸ SNHR, (n 234) 4.

²³⁹ SNHR, (n 234) 4.

²⁴⁰ SNHR, (n 232) 6.

²⁴¹ SNHR, (n 234) 5.

criminals is a legal and moral obligation and essential for rebuilding the state and restoring civil peace, objections are raised regarding the legal procedures followed. In a significant proportion of these operations, it was not possible to verify that the arrests were carried out pursuant to warrants issued by the Public Prosecutor or competent judicial authorities (Article 9(1) of the ICCCP). The detaining bodies did not officially disclose the names of those detained, the charges against them, or their places of detention (Article 9(2)) and there was no evidence that detainees were allowed access to a lawyer or were brought promptly before a judge (Article 9(3)). Herein lies the necessity of exercising the victims' right to justice within a framework that respects the guarantees of a fair trial for the accused, the prohibition of torture, and the disclosure of their place of detention²⁴².

This extends to the prohibition of torture. The SNHRs' Q1 2026 report documents allegations of physical and psychological abuse, including torture, in detention by multiple authorities²⁴³. The prohibition of torture and humiliation is a peremptory norm that cannot be waived under any circumstances. It is binding on both the Syrian government and Israeli forces under the Convention against Torture and ICCCP. The recurrence of these allegations, despite the prison administration's stated commitment to protecting the dignity, rights, and humanity of detainees, demonstrates the significant discrepancy between institutional pronouncements and actual practices in detention.

Without these basics, and given the erosion of this balance, the guarantees of non-repetition are emptied of their content.

The documented testimony in (Appendix A²⁴⁴), taken on June 1, 2026, from the brother of a detainee referred to—for protection purposes—only by the letter “H,” provides concrete qualitative evidence of the quantitative findings documented by the Syrian Network for Human Rights. The individual case encapsulates three interconnected violations that, together, embody

²⁴² SNHR, (n 234) 10.

²⁴³ SNHR, (n 234) 9.

²⁴⁴ For more information regarding the testimony of the detainee's brother, please refer to Appendix A.

the pattern recorded in the abstract statistics. First, the arrest took place without a warrant issued by the Public Prosecution or a competent judicial authority, which is an arbitrary deprivation of liberty that violates Article 9(1) of the ICCCP²⁴⁵. Second, torture occurred during the investigation, which is a violation of Article 7 of the Covenant and the Convention against Torture²⁴⁶, which is Syria country member of the conventions. Third, the failure to disclose his whereabouts and fate constitutes enforced disappearance. These three elements, combined in this individual case, embody the typical pattern of torture and enforced disappearance within the context of detention outside any verifiable legal framework.

The impact of enforced disappearances doesn't stop at withholding information, the resulting information vacuum transforms into a self-sustaining market. Families of detainees find themselves vulnerable to exploitation, paying intermediaries for information on whether their loved ones are alive and where they are being held. Thus, the practice of enforced disappearance fuels the financial extortion networks we discussed earlier, turning the lack of official disclosure into a source of profit. The crime of corruption and profiteering from the fate of the disappearance is added to the original human rights violation. This is consistent with the testimony of the brother of H, whose family was subjected to financial extortion of \$40,000 in exchange for the release of H, this is consistent with a Reuters report about a case of financial extortion involving detainees²⁴⁷.

Despite the grim picture, the testimony contains positive indicators that should not be overlooked in any fair assessment. First, the body referred to in the testimony as "Committee 22" reopened the investigation, based on the fact that the initial investigation was conducted under torture and is therefore inadmissible. This action represents a practical application of the rule against the admissibility of evidence obtained under torture, enshrined in Article 15 of the

²⁴⁵ ICCCP, (n 54) Art9.

²⁴⁶ CAT, (n 64).

²⁴⁷ Maggie Michael, 'Syrians Emptied Assad's Prisons. They're Filling Up Again, and Abuse Is Rife' (Reuters, 22 December 2025) <https://www.reuters.com/investigations/syrians-emptied-assads-prisons-theyre-filling-up-again-abuse-is-rife-2025-12-22/> accessed 16 June 2026.

CAT²⁴⁸ and also stipulated in Syrian law itself²⁴⁹, which deems any evidence obtained through torture inadmissible. Recognizing the flawed nature of the tainted investigation and reopening it reflects a normalization of a fundamental principle of fair trial guarantees. Secondly, there are the public relations departments established by the Ministry of Interior in June 2025 to receive citizens' complaints against any security officer who exceeds his powers or violates the law, as an institutional channel for grievance and redress of grievances and an attempt to rebuild trust between the citizen and the security apparatus. In addition to the latest automated communication mechanisms between the detainee's family and the detainee, this is an important step in granting the detainee some of his rights and breaking the cycle of corruption based on human interactions.

According to Reuters, the Syrian government acknowledged gaps in security and judicial institutions, which lead to serious consequences and violate policies in some cases. The government said that 84 members of the security forces were disciplined for extortion incidents involving detainees, and 75 individuals for acts of violence, in addition, the adoption of a [code of conduct](#) for internal security personnel that explicitly emphasizes the prohibition of torture is a positive step²⁵⁰.

However, these indicators remain fragile unless they are supported by a complete legislative and judicial structure, and this is where the structural problem lies. There is no clear legislation in the Syrian legal system that criminalizes torture except for Law No. 16 of 2022²⁵¹, which is a text inherited from the previous covenant and has been widely evaluated as a symbolic legislation, as its application is limited to after March 2022, thus granting a full decade of immunity for documented crimes. It considers severe torture a felony, and felonies are subject to a statute of limitations. It describes torture as severe torture and does not criminalize cruel, inhuman, or degrading treatment as independent crimes. It does not address enforced

²⁴⁸ CAT, (n 64).

²⁴⁹ Law No 16 of 29 March 2022 on Prohibiting Torture (Syria) Article 3.

²⁵⁰ Maggie Michael, (n 252).

²⁵¹ Law No 16 of 29 March 2022.

disappearance, maintains disciplinary procedures that protect the immunities of the military and security apparatuses, and lacks a framework for redress and compensation for victims, in violation of Article 14 of the CAT Convention²⁵². The most dangerous aspect is that this substantive deficiency is coupled with the absence of neutral and independent judicial mechanisms to investigate allegations of torture. The combined effect of these two shortcomings—deficient legislation and biased investigations—is to discourage reporting. Victims and their families refrain from filing complaints for fear of reprisals against the detainee and harm to their lives, as stated by the detainee's brother H. Consequently, they avoid any official channels for redress. Thus, the complaint mechanism (a promising indicator) is rendered ineffective, hampered by the legal vacuum on one hand and the fear it generates on the other. This reluctance deepens the crisis of trust between citizens and the security establishment.

This testimony, when read in light of the SNHR's documentation, reaffirms the fundamental argument that the constitutional repeal of exceptional laws, institutional commitments to upholding the dignity of detainees, and the establishment of grievance mechanisms are insufficient to guarantee the rule of law unless they are complemented by the substantive criminalization of torture in accordance with international standards and an independent judiciary capable of enforcing it. Most importantly, a profound social transformation in the relationship between the state and society is necessary. We are dealing here with generations who have lived their entire lives in a toxic relationship based on the state exercising its sovereignty over the bodies of anyone who disagrees with its policies.

²⁵² SNHR, *Laws 15 and 16 of 2022 Issued by the Syrian Regime: Flaws in the Text and Impossibility of Application* (SNHR, 28 April 2022) 6.

3.2. Transitional Justice in Comparative Perspective

This comparison rests on the fourth pillar of transitional justice—guarantees of non-recurrence—the normative framework linking punitive justice to institutional reconstruction. It intersects with Ruti Teitel's "structural" turn, where the focus shifts from individual accountability to transforming the security, judicial, and penal apparatus as a precondition for positive rather than negative peace. The comparison is twofold: Tunisia represents a flaw in implementation, where the architecture of justice was fully built then rendered ineffective. Bosnia represents a flaw in integration, where an imposed peace froze division and left the security sector captive to rival entities. Syria is vulnerable to both flaws at once.

3.2.1. The Tunisian Mirror: Institutional Architecture Without Enforcement

The structural similarity between the two cases (the collapse of a centralized security state and the disintegration of a dominant intelligence apparatus) allows Tunisia to be viewed as a “promising transitional justice case.” This reveals what happens when transitional justice mechanisms are formally implemented without reforming the security sector, which is supposed to be subject to them. Tunisia possessed what Syria has lacked to this day: a fundamental law for transitional justice (Basic Law No. 53 of 2013²⁵³) that established the Truth and Dignity Commission (Instance Vérité et Dignité) with a mandate extending from 1955 to 2013, headed by Sihem Ben Sedrine²⁵⁴. This law then referred approximately 173 to 204 cases to thirteen specialized criminal chambers, which opened on May 29, 2018²⁵⁵. However, seven years after the establishment of the chambers, no verdicts have been issued, and none of the cases have reached the trial stage. The accused remains at large, and the summonses remain merely “ink on paper.”

²⁵³ Organic Law No 53 of 2013 on Establishing and Organizing Transitional Justice (Tunisia).

²⁵⁴ Truth and Dignity Commission (Tunisia), *The Final Comprehensive Report: Executive Summary* (Truth and Dignity Commission 2019).

²⁵⁵ Ibid.

This paralysis stems from the lack of security sector reform. The Ministries of the Interior and Defense have refused to fully cooperate with the commission's investigations, and the judiciary has refused to execute arrest warrants issued against senior security officers accused of state crimes²⁵⁶. As a result, the specialized chambers have been effectively paralyzed at the very threshold of enforcement. The process was further undermined politically by the 2017 Administrative Reconciliation Law, which granted de facto amnesty to public officials involved in corruption²⁵⁷. This was compounded by Parliament's shortening of the commission's mandate, the Prime Minister's refusal to accept its final report at the end of 2018²⁵⁸, and finally, by Kais Saied's exceptional measures in July 2021, which froze the remaining aspects of the process²⁵⁹. The head of the Truth and Dignity Commission was arrested by Kais Saied's regime in 2024 because of her work at the commission²⁶⁰. Institutional architecture was established, but the “deep state” escaped accountability because its instruments of oppression were not dismantled.

The Syrian Intersection: Avoiding the Tunisian Flaw

To understand the Tunisian side accurately, it's essential to recognize that the problem wasn't simply that individuals committed violations, but rather that the Ministry of the Interior and the intelligence services survived the 2011 revolution unscathed, without any security sector reform. They retained their institutional cohesion, their internal solidarity, and their political influence. This institutional cohesion enabled them to obstruct accountability, not by outright denial, but by refusing to cooperate with investigations, by failing to bring their members

²⁵⁶ Ibid.

²⁵⁷ Human Rights Watch, 'New Reconciliation Law Threatens Tunisia's Democracy' (*Human Rights Watch*, 2 October 2017) <https://www.hrw.org/news/2017/10/02/new-reconciliation-law-threatens-tunisia-democracy> accessed 8 June 2026.

²⁵⁸ Jawhara FM, 'What is the Fate of the Truth and Dignity Commission?' (*Jawhara FM*, 28 March 2018) <https://www.jawharafm.net/ar/article/> accessed 8 June 2026.

²⁵⁹ Al Jazeera, 'Tunisia: Learn About the Most Prominent Decisions of Kais Saied' (*Al Jazeera*, 14 January 2023) <https://www.aljazeera.net/news/2023/1/14/> accessed 8 June 2026.

²⁶⁰ Human Rights Watch, 'Tunisia: Release Former Truth Commission President' (*Human Rights Watch*, 30 September 2024) <https://www.hrw.org/ar/news/2024/09/30/tunisia-release-former-truth-commission-president> accessed 8 June 2026.

before specialized bodies, and by the judiciary's refusal to execute arrest warrants against senior officers²⁶¹. The surviving structure thus fostered sectoral loyalty that protected its own members, paralyzing the security apparatus precisely at the point of enforcement, not at the stage of documentation or referral.

In Syria, however, the situation is contingent upon "factional captivity," a reproduction of the same function using different materials. The new Syrian security apparatus is not built on a single, surviving bureaucracy, but rather on the integration of factions from diverse origins, each with its own leadership structure, loyalties, military history, and internal solidarity. The danger lies in factional affiliation, rather than institutional affiliation, becoming the organizing principle of the sector, thus protecting its "members" in a factional sense. Here, the moment of integration becomes precisely the moment when the protective function is re-established. Integration, if not accompanied by a transformation that dismantles factional leadership and subjects members to individual vetting, becomes a process of "whitewashing" that transforms a wartime record into official legitimacy. From this perspective, limiting the mandate of the National Transitional Justice Commission to "violations of the former regime" alone²⁶² is not merely a shortcoming in its wording, but rather a political symptom of factional captivity, whereby the boundaries of accountability are drawn in a way that exempts itself. Selectivity in mandate and factional captivity are two sides of the same coin.

Here, the Tunisian judicial system's flaw is repeated, namely the inability to build an independent judiciary capable of enforcing accountability, but through the opposite process. While Tunisia failed to subject the judiciary to the will of the state, the Syrian transitional authority subjected it to its executive will. The constitutional declaration issued on March 13, 2025, abolished the previous Supreme Constitutional Court and established a new Supreme Constitutional Court, while Article 47 granted the President of the Republic the authority to

²⁶¹ Truth and Dignity Commission, (n 252).

²⁶² Laith Al-jnaidi, 'Syria: Presidential Decree to Form the "National Authority for Transitional Justice"' (*Anadolu Agency*, 29 August 2025) <https://www.aa.com.tr/ar/> accessed 8 June 2026.

appoint all seven members of the court²⁶³. The Syrian judicial purge—though seemingly a necessary, albeit drastic, measure—creates a state of non-independence, the independence required for any genuine and independent accountability process unaffected by political shifts, as was the case in Tunisia.

3.2.2. The Bosnian Warning: A Frozen Peace and a Held Security Sector

If Tunisia reveals a flaw in its implementation, Bosnia and Herzegovina reveals a more serious flaw in the Syrian context, the freezing of societal divisions within the state's own institutional structure. This produces a "negative peace" ripe for future explosions. The Dayton Agreement (1995) ended the war²⁶⁴, which left an estimated 100,000 dead and nearly a million displaced²⁶⁵, but it established a consociational structure that divided the country into two entities—the Federation of Bosnia and Herzegovina (Bosniaks and Croats) and Republika Srpska, along with the Brčko region²⁶⁶. It institutionalized ethnic affiliation to the point of barring those who do not identify as Bosniaks, Croats, or Serbs from running for certain positions, a practice the European Court of Human Rights ruled discriminatory in 2009 "Sejdić and Finci"²⁶⁷.

The most telling flaw in the **Bosnian** situation is the failure to unify the security sector. During the war, the police were a key instrument of ethnic cleansing, and the country emerged with three ethnically based police forces. When the European Union made police reform a condition for the Stabilization and Association Agreement, the process stalled in an eighteen-month conflict (2004–2008) in which Republika Srpska refused to relinquish control of its police force,

²⁶³ Al Jazeera, (n 195)

²⁶⁴ *General Framework Agreement for Peace in Bosnia and Herzegovina* (signed 14 December 1995, entered into force 14 December 1995) 35 ILM 75.

²⁶⁵ United Nations, 'International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica' (*United Nations*) <https://www.un.org/ar/observances/srebrenica-genocide-commemoration-day> accessed 8 June 2026.

²⁶⁶ *General Framework Agreement for Peace in Bosnia and Herzegovina* (n 262).

²⁶⁷ *Sejdić and Finci v Bosnia and Herzegovina* Apps nos 27996/06 and 34836/06 (ECHR, 22 December 2009) <https://hudoc.echr.coe.int> accessed 8 June 2026.

while the Federation remained fragmented into eleven separate police forces²⁶⁸. The internationally imposed reform thus resulted in a hollow compromise. The consequences of this failure are now unfolding since March 2025, the authorities of Republika Srpska have enacted laws prohibiting the operation of state-level judicial and security institutions (the Court of Bosnia, the Public Prosecutor's Office, and the Investigation and Protection Agency (SIPA)) within the entity's territory. They have also established their own border police force, and their leader has called on Serbs to leave the federal police and courts²⁶⁹. A clear illustration of how a fragmented security sector has become an instrument of delayed secession.

The Syrian Intersection: Avoiding the Bosnian Trap.

The paradox that Syria must avoid lies in the superficial integration of forces without genuine unification, which leaves behind politicized security enclaves with readily mobilized societal or regional loyalties. The March 10, 2025, agreement to integrate the Syrian Democratic Forces (SDF) into the army²⁷⁰, and the subsequent January 30, 2026, agreements²⁷¹ to administratively and security-wise integrate Hasakah Governorate into state institutions, must be based on purely national principles, not on factional ones that reproduce the Bosnian ethnic divisions with a Syrian flavor.

In recent days, we have witnessed some Syrian Kurdish citizens rejecting the integration of Hasakah courts into the Ministry of Justice. This manifested in the vandalism of court signs, either due to linguistic considerations or objections to the presence of the name "Syrian Arab

²⁶⁸ Gordana Katana, 'Bosnian Serbs Quash EU Plan for United Police' (*IWPR*, 2 August 2005) <https://iwpr.net/global-voices/bosnian-serbs-quash-eu-plan-united-police> accessed 8 June 2026.

²⁶⁹ Azem Kurtic, 'Bosnian Serbs Adopt New Draft Constitution Despite Condemnation' (*Balkan Insight*, 14 March 2025) <https://balkaninsight.com/2025/03/14/bosnian-serbs-adopt-new-draft-constitution-despite-condemnation/bi/> accessed 8 June 2026.

²⁷⁰ Al Jazeera, 'Syria Merges Kurdish-Led Syrian Democratic Forces into State Institutions' (*Al Jazeera*, 10 March 2025) <https://www.aljazeera.com/news/2025/3/10/syria-merges-kurdish-led-syrian-democratic-forces-into-state-institutions> accessed 8 June 2026.

²⁷¹ Maya Gebeily and Jana Choukeir, (n 218).

Republic" on them²⁷². These early signs are not unfamiliar to the Bosnian situation and foreshadow a real danger if they are not addressed and efforts are not made to strengthen a shared national identity, regardless of the future form of government, whether centralized or decentralized. Naturally, this warning also applies to the situation in the Suweyda Governorate and any other areas. It is important to note that the difference between Syria and Bosnia and Herzegovina is that in the Bosnian case, division and separation are enshrined in the country's constitution, while in Syria, this division is not constitutionally established but rather created by various entities and groups.

Overcoming these complexities cannot be achieved solely through top-down constitutional decrees or temporary security arrangements; it requires a deeper examination of the roots of conflict and marginalization. This necessitates that the Syrian process is not limited to transitional justice mechanisms focused on individual accountability and institutional restructuring but may require a broader approach that addresses the socio-economic dimensions discussed in the previous chapter.

²⁷² Kurdistan24, 'Kurdish Lawyers Protest Removal of Kurdish From Hasakah Court Signage' (*Kurdistan24*, 11 May 2026) <https://www.kurdistan24.net/en/story/913403/kurdish-lawyers-protest-removal-of-kurdish-from-hasakah-court-signage> accessed 8 June 2026.

3.3. From Transitional Justice to Transformative Justice

The conventional transitional justice framework, with its focus on criminal accountability and technical institutional reform, has revealed a fundamental limitation; it treats the symptoms of repression without addressing its structural roots. Prosecutions and truth commissions, however necessary, operate largely within the existing institutional architecture rather than challenging its foundations. This matters because authoritarian institutions do not simply dissolve with the fall of a regime they persist as dormant infrastructure, readily available for reactivation by any power that inherits them. It is this institutional continuity that exposes the inadequacy of reform-oriented approaches and gives rise to what may be termed the "transformative imperative" the imperative that genuine non-repetition demands not the correction of authoritarian institutions, but their structural dismantlement and reconstruction from the ground up.

The shortcomings of transitional justice in the Syrian case are evident in several points that underscore the necessity of transformative imperative in the following situations.

3.3.1. The Individual Dimension of Justice vs. the “Collectiveness” of Syrian Violations

Transitional justice, in its theoretical structure, is based on a liberal legacy that focuses primarily on the civil and political rights of individuals as independent subjects before the law²⁷³. This stems from two main reasons: the hierarchy of human rights and the influence of the historical division in human rights discourse, which prioritizes civil and political rights (first generation) and considers economic and social rights (second generation) as mere “aspirations” or secondary rights. Furthermore, transitional justice emerged within the context of the transition to Western liberal democracy, thus confining its “tools” to narrow legal and institutional mechanisms aimed solely at achieving this political model, rather than addressing structural injustice²⁷⁴.

²⁷³ Ruti G Teitel (n 10).

²⁷⁴ Dustin N Sharp, 'Addressing Economic Violence in Times of Transition: Toward a Positive-Peace Paradigm for Transitional Justice' (2012) 35(3) Fordham International Law Journal 781 - 798.

While this individual dimension is essential in contexts of individual criminal accountability for determining criminal responsibility and prosecuting perpetrators, this individualistic focus constitutes the first and fundamental shortcoming when applied to the Syrian case. The violations in Syria were not isolated incidents targeting individuals, but rather systematic, collective, and societal violations targeting entire identities, geographies, and social structures with the aim of political subjugation.

Transitional justice mechanisms are essential but insufficient to address this widespread destruction of the social fabric. They transform collective political crimes into a series of isolated individual criminal cases, thus failing to provide genuine guarantees against recurrence on a macro level²⁷⁵. Hence, the need for the "Transformative Justice" model emerges as a structural necessity to dismantle the oppressive system and deal with gross scale of human rights on the social level.

3.3.2. The Sovereign Space of the Prison and the Shortcomings of the Disciplinary Approach

Classical sociological thought views the modern prison as a "disciplinary and rehabilitative" institution aimed at reforming the individual's behavior and body to reintegrate them into society²⁷⁶. However, the detention center in Syria was the complete antithesis of this concept; it was not a space for discipline or reform, but rather "an absolute sovereign space for the production of violation," where the authorities exercised excessive force over the bodies of detainees to completely subjugate them and crush their political consciousness. This served as a means of proving and embodying the "bloody legitimacy of the regime" before society—a hybrid method of forceful control and asserting sovereignty that extended into civilian life outside the prison, accompanied by bureaucracy. Here, the prison is the practical tool for

²⁷⁵ Pablo de Greiff, 'Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence' (7 September 2015) UN Doc A/HRC/30/42.

²⁷⁶ Foucault, (n 83).

producing the "Homo sacer," a term used to describe individuals whose lives can be taken or who can be tortured without restraint ²⁷⁷. This is what we discussed in the previous chapter.

Herein lies the shortcoming of transitional justice, which deals with prisons through a superficial approach of "administrative and technical reform," physical renovation of facilities, and the dismissal or complete replacement of some staff. This approach assumes the problem lies in the deviant behavior of some guards or the absence of legal, hygiene, or health standards.

However, transitional justice fails to recognize the problem as one deeply rooted in the Syrian society's view of the role of the detainee, a view that has remained unchanged for decades and is ingrained in the collective consciousness of the community.

Transformative justice demands a complete structural and spatial break with this legacy. It is not about reforming existing prisons, but about dismantling the sovereign philosophy that produced them. It requires a profound social debate about the role of detention centers, aiming for bottom-up development. Transformative justice necessitates the complete abolition of the security structure of prisons and the transformation of all detention centers into purely civilian and judicial administrations to achieve a complete structural break with the previous system. For regular and unconditional monitoring by civil society organizations. And even transforming the notorious former prisons into museums of national memory to ensure the desecrated nature of instruments of intimidation and to guarantee a shift in the philosophy and role of detention centers for future generations.

²⁷⁷ Giorgio Agamben (n126).

3.3.3. The Network of Institutional and the Imperative of Internal Oversight

Crime in Syria was not confined to the security branch or the detention center. Rather, it was the product of an integrated, organic network of collusion that permeated the institutions of the civilian state. Security agencies were intertwined with military hospitals (which falsified death reports and concealed evidence of torture), with civil registry offices (which removed detainees from their records, rendering them legally invisible), with forensic medicine, the judiciary, and even childcare facilities. This network operated in perfect harmony to conceal the traces of crime and protect the system. As discussed in the previous chapter²⁷⁸.

Transitional justice addresses institutions individually (police reform, judicial reform, health sector reform), ignoring the organic and horizontal interconnections between them. This leads to abject failure due to "path dependency," where the entrenched bureaucracy, decades in the making, continues to operate with the same secretive mentality that prevailed, as if it were the normal, established order²⁷⁹.

The Syrian situation demands a complete dismantling of the network of collusion and the mentality of the previous administration. The solution lies not merely in importing external monitoring equipment, but in reformulating the bureaucratic doctrine of state institutions to become independent "internal monitoring mechanisms." This can be achieved by establishing a complete separation between civilian sectors (such as hospitals and civil registries) and any security authority, and by making reporting violations a legally protected duty for civil servants. This would transform state institutions from cogs in the machine of crime into shields protecting human rights.

To achieve this, we need transformative justice that transforms the bureaucratic structure from

²⁷⁸ See Chapter 1, Section 4 of this thesis. For international documentation on the systematic collusion of Syrian military hospitals and state apparatuses in concealing deaths and torture, see Human Rights Watch, 'If the Dead Could Speak: Mass Deaths and Torture in Syria's Detention Facilities' (HRW 2015) 25-30.

²⁷⁹ Pablo de Greiff (n 273).

its core and brings about a complete structural break, not just a passing administrative reform that changes personalities but keeps the mentalities that run state institutions²⁸⁰.

3.3.4. The Legalization of Violence and the Undermining of International Obligations

The Syrian state has been characterized by a legislative arsenal that legitimizes violations and protects perpetrators (such as Decree 14 of 1969, which grants immunity to security personnel from judicial accountability). This has been accompanied by a systematic political practice of undermining Syria's international obligations (such as the ICCPR and CAT treaties) through counter-legislation or selective recognition and ratification of international conventions. These practices were not flawed in implementation, but rather institutional and structural behavior deeply rooted in the state's mindset.

Transitional justice assumes that the crisis is resolved through "top-down constitutional and legal reform" (amending the constitution or drafting new laws), which is crucial for establishing a legal framework for holding perpetrators accountable for violations²⁸¹. This approach may completely fail in Syria because the problem is not the absence of legal texts, but rather the "legislative and institutional doctrine" that views the law as a tool for protecting the state, not the individual. The persistence of this old doctrine means reproducing the same repression under new constitutional pretenses.

Transformative justice necessitates a fundamental constitutional and legislative break. This involves not only rewriting the constitution but also completely transforming the institutional doctrine to ensure absolute compliance with, and practical respect for, international human rights law. Furthermore, it entails a clear redefinition of the state's role and the laws governing the separation of powers, establishing that the ultimate purpose of the state is to protect its citizens, not to monopolize power. Ultimately, this requires a profound re-examination of the

²⁸⁰ Paul Gready and Simon Robins, (n 43).

²⁸¹ For a critique of how transitional justice often relies on top-down legalism that fails to alter the underlying institutional doctrines and structural violence, see Gready and Robins, 'From Transitional to Transformative Justice' (n 37) 343-345.

social contract upon which the Syrian state is founded, demanding inclusive, bottom-up societal dialogues to completely dismantle the entrenched authoritarian mindset²⁸².

3.3.5. The Economic Structure of Repression and the Militarization of poverty

The economic dimension is the primary driver of the actions and choices of human groups in Syria, a fact often overlooked by cold, detached criminal accountability literature. In the first chapter, we proved that the Syrian regime relied on the "militarization of poverty" as a survival strategy, as the Syrian countryside was deprived of genuine sustainable development, which drove poor and destitute rural youth to join the security forces and state institutions as a forced livelihood path and options for development and social advancement. This reality created a state of dependency on the state and weakened the rural economic structure, a cornerstone of the Syrian economy. The rural class was transformed into a human reservoir for protecting the regime²⁸³.

Transitional justice confines the economic aspect to "reparation" programs and narrow financial compensation for victims²⁸⁴, largely marginalizes structural violence and developmental and class injustice that represent the real fuel for Syrian society's class, ethnic and religious divisions.

Transformative Justice puts forward "distributive justice and rural economic empowerment" programs as a key pillar, placing social and economic rights on an equal footing with civil and political rights²⁸⁵. In this context, activating investment in the agricultural economy is not a developmental luxury that can be postponed, but rather an urgent and necessary requirement for immediate recovery. Relying exclusively on transitional justice mechanisms—while ignoring the economic dimension and the structural violence that formed the root cause of the

²⁸² Paul Gready and Simon Robins, (n 43) 358-360.

²⁸³ See Chapter 2, Section 5 of this thesis.

²⁸⁴ Ruti G Teitel (n 10).

²⁸⁵ Paul Gready and Simon Robins, (n4 3). 352-353.

violations—will strip the justice process of its comprehensive substance, transforming it into a fragmented form of "retributive justice" instead of genuine justice for all.

3.3.6. Social Engineering, Class-Sectarianism, and the Dynamics of (Executioner/Victim)

For decades, the authoritarian regime in Syria engineered society based on class and sectarian divisions (rural/urban, minorities/majority), making the prison system a cornerstone in consolidating this social engineering. The regime sought to entrench a terrifying stereotype in the collective consciousness, based on a fabricated dichotomy: "a jailer belonging to the Alawite minority, versus a crushed prisoner belonging to the Sunni majority." Although this simplistic dichotomy does not accurately reflect the complex reality of the Syrian social fabric, its strategic objective was deliberate: to link the existential fate of the Alawite community to the survival of the security apparatus by constantly instilling fear of reprisals, while simultaneously breaking the morale of the demographic majority that supported the revolutionary movement²⁸⁶.

This political exploitation of sectarian division has been extensively analyzed by a number of prominent Syrian intellectuals. Michel Kilo dismantled the mechanisms of this sectarian engineering and how Syria was transformed from a concept of "nation" into a quagmire of "sectarianism" under Ba'athist rule²⁸⁷. Burhan Ghalioun explained how the regime exploited the "fear complex" of minorities to transform them into a security and social shield for its protection²⁸⁸.

While classical justice ignores this psychological and structural sectarian dimension, it treats violations as dry legal issues. The danger here is that if the regime falls and the ruler changes while the same dynamics and structures of tyranny remain, the roles will simply be reversed. The former victim will become a new oppressor driven by revenge, and justice, in the eyes of

²⁸⁶ See Chapter 2, Section 4.3 of this thesis.

²⁸⁷ Michel Kilo, *From the Nation to the Sect: Syria under the Rule of the Ba'ath and the Military* (Mosaic Press 2018).

²⁸⁸ Burhan Ghalioun, *The Sectarian Question and the Problem of Minorities* (Arab Center for Research and Policy Studies 2012).

the other side, will become "retributive justice," paving the way for endless civil wars. Transformative Justice aims to bring about "fundamental and structural change in social engineering." It does not merely replace ruling elites but rather works to undermine the dynamics of conflict by rebuilding the social contract with bottom-up mechanisms. This requires dismantling narratives of sectarian polarization and transcending narrow sub-identities towards forging a comprehensive and unified national identity for all Syrians through participatory community efforts, thus eliminating the need for "sectarian power-sharing" policies as a fragile tool for achieving political balance. Moreover, transformative justice seeks to address the existential fears of minorities by providing expanded structural and social constitutional guarantees, instead of the utilitarian distribution of military and security positions among groups. Perhaps promoting "economic interdependence" constitutes the most sustainable guarantee, drawing inspiration from the European experience after World War II, which led to the establishment of the European Union as a tool for ending ethnic and national conflict through developmental integration²⁸⁹.

²⁸⁹ Paul Gready and Simon Robins, (n 43).

Conclusion

This study addresses the structural challenge at the heart of Syria's post-2024 transition: the shift from a "bureaucratic state of terror" to "state of institutionalized law", focusing on the system of detention that served as the primary technology of the former regime's power. Its guiding argument is that the fall of the Assad regime on December 8, 2024, did not and cannot resolve the repressive mechanisms that had accumulated over six decades. What the new state inherited was not a political vacuum, but rather an institutional infrastructure and a social mindset that were active in detention, dormant but capable of being reactivated. The two questions that frame this research—how to transition from a security state entrenched in detention to one that prohibits torture and enforced disappearance, and how to secure credible guarantees of non-recurrence—recognize no answer in the realm of mere reassurance, but only through a structural diagnosis of this legacy.

The first two chapters demonstrate that detention in Syria was never a mere transgression of legitimacy to be addressed, but rather a deliberately designed instrument of governance. In Foucault's view, violence was a sovereign force inscribed on the body, intertwined with a disciplinary modernity of archiving, categorization, and the distribution of responsibility across security branches, military hospitals, and the civil registry. In Agamben and Mbembe's view, prison was a space of naked existence and a lethal political apparatus where genocide was silently carried out. This sovereign function was inseparable from an extortionist economy that commodified the fate of detainees, and from a sectarian architecture that, through the militarization of poverty and the exploitation of minority fears, tied its survival to that of the security apparatus while subjecting the majority to systematic violation. Crucially, the regime was legitimized—through emergency rule, the 2012 counterterrorism legislation, the immunities enshrined in Decrees No. 14 of 1969 and No. 69 of 2008, and the cosmetic 2022 anti-torture law—even as Syria's obligations under the International Covenant on Civil and Political Rights and the Convention against Torture were nullified through selective ratification

and counter-legislation. Thus, the violations were collective, systematic, and institutional by design, not merely the sum of individual abuses.

It is this legacy that underlines the study's central hypothesis: that classical transitional justice, focused on individual accountability and limited technical reform, is necessary but structurally insufficient in the Syrian context. The four critiques offered by Grady and Robbins—individualizing harm, top-down design of justice, standardized tools, and subordinating social and economic rights to civil and political rights—align with an unusually accurate account of a legacy that was collective, socially entrenched, economically entrenched, and sectarian. Comparative analysis has reinforced this, as Iraq has demonstrated the disastrous consequences of rebuilding the security apparatus through vindictive purges without seeking the truth; Tunisia has revealed how an entire institutional structure becomes dysfunctional when the security and judicial sectors remain unreformed; and in Bosnia, integration has served to freeze divisions within the state structure. Syria's position between these two models is not neutral, but it is uniquely susceptible to converging patterns of failure.

While the present is being documented, the Syrian Network for Human Rights' record for 2025 and the first quarter of 2026 shows the continuation of arbitrary arrest, enforced disappearance, and torture, perpetrated by government forces, the Syrian Democratic Forces, and armed factions alike. This distribution confirms that arbitrary arrest is not a remnant practice of a defeated regime, but rather a normalized, socially ingrained method of power, entrenched over decades and extending even into family life. The specific case examined here—arrest without a warrant, torture during interrogation, enforced disappearance, and financial extortion of the detainee's family—conforms to the research hypothesis.

In contrast to this record, the repeal of exceptional laws in the Constitutional Declaration, with its explicit protection of rights, Syria's commitment to its international obligations, and the establishment of new grievance mechanisms, remains a declaration of intent rather than a

guarantee of implementation, given the absence of an independent judiciary and an effective law criminalizing torture.

Herein lies the mechanism through which the past threatens to reproduce itself: "factional captivity." This reproduces the remaining function of the Tunisian "deep state," but through a different Syrian trajectory: while the Tunisian security apparatus protected its members through a cohesive bureaucratic solidarity, the Syrian danger lies in factional affiliation becoming the organizing principle of a security sector composed of disparate armed groups. Integration without dismantling factional leadership and individual vetting of personnel does not transform the apparatus; it merely whitewashes it. According to this interpretation, limiting the mandate of the National Transitional Justice Commission to violations committed by the former regime is not a mere formulation error, but a political manifestation of this subservience. Furthermore, the subordination of the judiciary to the executive branch under the constitutional declaration reproduces the same fatal absence of judicial independence, upon which any genuine accountability depends.

The result is not to abandon transitional justice in favor of transformative justice, but rather to reorient and deepen its core tools through a transformative perspective—that is, integration, not separation. The search for truth must move from merely documenting individual violations to diagnosing the structures that produced them; accountability from prosecuting individuals to dismantling the networks of impunity within which they operated; reparations from individual compensation to distributive justice and the economic empowerment of rural communities whose marginalization was fueled by the security apparatus and its recruits; and institutional reform from mere purging of personnel to rebuilding the relationship between the state and society through extensive discussions to define the state, its relationship to society, and its role in a consensual and healthy manner.

In practice, this requires a spatial and institutional break with the sovereign function of prisons—civil and judicial detention under independent oversight, opening detention facilities

to civil society monitoring, and transforming the most notorious facilities into sites of national memory; and dismantling the network of cross-institutional complicity through inherent internal oversight and a legally protected duty for civil servants to report violations. A shift in institutional doctrine, rather than solely in constitutional text, is needed, so that the law is understood as protecting the citizen rather than the state. This shift is based on genuine compliance with the International Covenant on Civil and Political Rights and the Convention against Torture through the criminalization of torture, the criminalization of enforced disappearance, the removal of immunities, retroactive application, and a framework for reparations. Finally, it involves replacing the utilitarian distribution of security and military positions among communities with structural constitutional guarantees and a deliberate effort to build a shared national identity and strengthen economic cohesion, as these are the most enduring safeguards against the resurgence of sectarian violence.

Therefore, the crucial variable is whether the foundational phase that began in December 2024 will bring about a genuine structural break or merely a superficial continuity that preserves the structure of repression intact under a false guise. While the reopening of the case by the "Committee of 22" on the grounds that confessions obtained under torture are inadmissible, the code of conduct for security forces and the army, the establishment of complaints mechanisms, and the work of transitional justice bodies and the missing persons file all demonstrate the possibility of envisioning a different, achievable institutional structure for the state. However, in the absence of the transformative depth called for by this study, the record itself shows how a transitional phase can recycle the infrastructure it inherits, reversing the roles of perpetrator and victim rather than ending the dynamics that produce them.

In the Syrian context, guaranteeing non-recurrence cannot be reduced to a mere formal legal procedure. Rather, it requires a structural transformation in the relationship between the state and the society it governs, dismantling the sovereign space of the prison, and fundamentally rebuilding the security mindset and its institutions, with the aim of protection, not subjugation.

This study remains limited in scope, given the highly complex and volatile situation in Syria and the active role of the external environment, which has not been addressed here.

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Appendix A:

This testimony was collected during a personal interview conducted on June 1, 2026, at 10:00 PM, with the elder brother of detainee H., and was supplemented by additional voice recordings sent on June 3, 2026. It is used as an illustrative case study reflecting patterns documented in the main body of this research, and does not claim statistical representativeness. Only the initial of the detainee's name is used, and the witness's identity has been fully anonymized for security reasons. All names cited in this testimony are field aliases, not real names.

H. was residing as a refugee in Lebanon when his father's health deteriorated severely, compelling him to return to Syria. In an attempt to avoid official checkpoints, he arranged with a taxi driver to transport him safely home. However, the driver abandoned him at the Syrian-Lebanese border, where he was immediately detained by Assad regime security forces for evading mandatory military service. During his detention, H. was subjected to torture and continuous humiliation. Access to basic sanitation was severely restricted under inhumane conditions with a complete absence of hygiene. Following this detention period, he was forcibly conscripted, assigned to a military unit, and deployed to the Idlib front line as a tank driver.

Following persistent efforts by his family, an arrangement was reached allowing him to spend most of his time at the family home in Homs, while returning to perform his military duties on a weekly rotational basis.

When the armed opposition launched its final offensive, H. was at his family home and decided to flee. He remained in hiding until the fall of the Assad regime. When the new Syrian authorities announced a settlement process for former conscripts contingent on surrendering weapons and military uniforms, H. submitted a settlement application. When questioned about his weapon and uniform, he stated that he had left them at his military unit before departing. The authorities accepted his account and completed the settlement procedures.

Approximately five months after the settlement, in May, Internal Security personnel visited the middle brother's shop and questioned him about the presence of weapons, based on information from an informant claiming that H. still retained his weapon. They conducted a search of H.'s residence without a judicial warrant. The elder brother described this first search as conducted respectfully and without rudeness; it yielded no results, but H. was taken in for questioning.

During interrogation, H. denied possessing any weapon. However, the informant maintained his account, prompting security forces to contact the middle brother again, claiming that H. had confessed to the weapon's existence and would be released upon its surrender. This led the middle brother to assist security forces in locating it. During the second search — described by the elder brother as aggressive and destructive — security forces discovered the weapon along with several military uniform items, deepening suspicions that H. was affiliated with remnants of the former regime.

It should be noted that the weapons recovered consisted of a licensed personal Glock pistol and a Russian-made Kalashnikov rifle. The family members themselves surrendered these weapons to security forces under pressure. According to the elder brother, H. was not in possession of any unlicensed weapons. The older brother also confirmed that the possession of the weapon was for self-defense and also economically, to sell it when needed. Immediately following the arrest, the family was provided with no information regarding H.'s whereabouts, constituting a pattern of enforced disappearance. After considerable effort, the family was able to determine that he was being held in the Political Security branch.

After some time, the family was informed that H. had been transferred to Ballouneh Prison in Homs. However, prison guards denied his presence when the elder brother went to visit. During a subsequent visit in which the elder brother feigned ignorance of the transfer, he was permitted entry and allowed to meet with his brother. This phase of enforced disappearance extended from the date of arrest until approximately mid-August, with the elder brother reporting his inability to visit H. during the period between May 20 and August 15.

At a later stage, H. suddenly disappeared from Ballouneh Prison. Upon inquiry, the family was told he had been transferred to Homs Central Prison. When the elder brother went there, officials denied H.'s presence, leaving his whereabouts unknown for over a month. The driver who subsequently transported H. confirmed that he had indeed delivered him to Homs Central Prison, establishing that officials had been deliberately deceiving the family.

During the first visit by his mother and sister — achieved only after numerous mediation attempts — H. attempted to signal to his mother that he had been subjected to torture and beating during interrogation, though he was visibly fearful of speaking openly due to the presence of a monitoring security officer. During the elder brother's subsequent visit to Ballouneh Prison, H. explicitly confirmed that he had been subjected to severe torture during the interrogation period, with visible marks of abuse on his body, including beating and choking.

H. identified the individuals directly responsible for his torture: the alias "Abu al-Zein," commander of the Central Region in Homs; the alias "Abu Anas al-Rifa'i," currently responsible for visits at Homs Central Prison; and the alias "Abu Ahmad al-Idlibi," an official at the Military Prosecution. The elder brother noted that interrogators reprimanded H. for not defecting from the regime's army, particularly given his Sunni background. It should be noted that all these names are field aliases, not real names.

H.'s case was referred to the Military Prosecution in Homs, in coordination with the alias "Abu al-Zein," commander of the Central Region. According to the elder brother, the report filed against H. was written to reflect the investigators' preferred narrative rather than objective facts. In mid-August, an investigative committee from Damascus known as "Committee 22" arrived and reopened files and conducted new investigations. The elder brother reported that the committee refused to recognize confessions extracted under coercion, resulting in the annulment of prior files. A number of detainees held alongside H. were released following this committee's investigations; however, H.'s status remains unclear. The family was subjected to

financial extortion by a network comprising individuals with connections to security services, who offered to secure H.'s release in exchange for the sum of forty thousand US dollars.

The elder brother attempted to file a formal complaint with the security leadership but found no clear mechanism to do so, nor was he able to access any of the security branch commanders. He reported that these commanders are predominantly religious figures and warlords who are entirely inaccessible. The elder brother further noted that filing any complaint carries serious risks, as it could result in new charges being brought against H. as long as he remains in detention. He clarified that a body known as the "Relations Department Office" theoretically allows complaints to be filed against military personnel or situations encountered with any individual; however, this mechanism does not cover complaints relating to what occurs inside prisons.

As of the date of this interview in June 2026 — approximately one year after his arrest — H.'s legal status remains entirely unclear: no clearly defined formal charges have been brought against him, he has not been referred to a civilian judicial body, and no verdict has been issued. His family relies primarily on informal oral accounts and the personal experiences of acquaintances to obtain information about his condition, in the complete absence of any reliable official reference. The elder brother noted that visits to Homs Central Prison have become relatively regular, and that a correspondence system established by security authorities allows detainees to record voice messages for their families.

(الملحق أ) النص العربي

تم جمع هذه الشهادة خلال مقابلة شخصية أُجريت بتاريخ 1 يونيو 2026 الساعة العاشرة مساءً مع الأخ الأكبر للمعتقل ح، وتم استكمالها بتسجيلات صوتية إضافية أرسلت بتاريخ 3 يونيو 2026. تُستخدم هذه الشهادة كحالة توضيحية لأنماط موثقة في متن البحث، ولا تدّعي التمثيل الإحصائي. تم الاكتفاء بالحرف الأول من اسم المعتقل وحُجبت هوية الشاهد كاملاً لاعتبارات أمنية. الأسماء الواردة في هذه الشهادة هي ألقاب ميدانية وليست أسماء حقيقية.

كان ح. لاجئاً في لبنان حين تدهورت الحالة الصحية لوالده، مما اضطره للعودة إلى سوريا. وبغية تفادي نقاط التفتيش الرسمية، توصل إلى اتفاق مع سائق تاكسي لإيصاله إلى منزله بأمان، غير أن السائق تخلى عنه عند الحدود السورية اللبنانية، حيث اعتُقل فوراً من قبل قوات الأمن التابعة لنظام الأسد بسبب تخلفه عن أداء الخدمة العسكرية الإلزامية.

خلال فترة احتجازه، تعرّض ح. للتعذيب والإهانة المستمرة، وكان حقه في دخول الحمام مقيداً في ظل أوضاع لا إنسانية وانعدام تام لأدنى معايير النظافة. وبعد انقضاء فترة الاحتجاز، جرى تجنيده قسراً وإلحاقه بوحدة عسكرية ونشره على خط المواجهة في إدلب سائقاً لدبابة.

وإثر مساعي أهله المتواصلة، تمكّنوا من التوصل إلى تسوية تتيح له قضاء معظم وقته في منزل العائلة في حمص، على أن يؤدي خدمته العسكرية بشكل دوري أسبوعي.

عند انطلاق المعركة الأخيرة للمعارضة المسلحة، كان ح. متواجداً في منزل أهله، فقرر الفرار. وظل مختبئاً حتى سقوط نظام الأسد. وحين أعلنت السلطات السورية الجديدة عن فتح باب تسوية أوضاع المجندين السابقين شرط تسليم الأسلحة والزي العسكري، تقدّم ح. بطلب التسوية. وحين سُئل عن سلاحه وزيّته، أجاب بأنه تركهما في وحدته العسكرية قبيل مغادرته، فقبلت السلطات روايته وأتمّت إجراءات التسوية.

بعد نحو خمسة أشهر من التسوية، وفي شهر مايو، توجه عناصر الأمن الداخلي إلى محل الأخ الأوسط وسألوه عن وجود أسلحة، مستندين إلى معلومات من مُخبر يدّعي أن ح. لا يزال يحتفظ بسلاحه. أجروا تفتيشاً في مكان إقامة ح. دون أمر قضائي، وقد وصف الأخ الأكبر هذا التفتيش الأول بأنه جرى باحترام ودون وقاحة، ولم يُسفر عن أي نتيجة، بيد أنهم اصطحبوا ح. للتحقيق معه.

خلال التحقيق، أنكر ح. امتلاك أي سلاح، غير أن المُخبر أصرّ على روايته، فعاد الأمن للتواصل مع الأخ الأوسط مدّعين أن ح. اعترف بوجود السلاح، وأنه سيُفرج عنه فور تسليمه. دفع ذلك الأخ الأوسط إلى مساعدة الأمن في البحث عنه. وخلال التفتيش الثاني، الذي وصفه الأخ الأكبر بأنه كان عنيفاً وقلب البيت رأساً على عقب، عثر الأمن على السلاح وعدد من قطع الزي العسكري، مما عمّق الشكوك حول انتماء ح. إلى فلول النظام السابق.

وتجدر الإشارة إلى أن الأسلحة التي عُثر عليها كانت عبارة عن مسدس غلوك شخصي مرخص، وبندقية كلاشنكوف روسية الصنع. وقد أقدم أفراد الأسرة أنفسهم على تسليم هذه الأسلحة للأجهزة الأمنية عقب الضغط الذي مورس عليهم، إذ لم يكن بحوزة ح. أي سلاح غير مرخص وفق ما أفاد به الأخ الأكبر، وكما أكد الأخ الأكبر أن حيازة السلاح كانت لغاية حماية النفس وايضا اقتصادية لبيعها عند الحاجة.

عقب الاعتقال مباشرة، لم تُزوّد الأسرة بأي معلومات عن مكان احتجاز ح.، وهو ما يُشكّل نمطاً من أنماط الاختفاء القسري. وبعد جهود مضنية، تمكّنت الأسرة من معرفة أنه محتجز في الأمن السياسي.

وبعد مرور فترة على الاحتجاز، أبلغت الأسرة بأن ح. نُقل إلى سجن البالونة في حمص، غير أن حراس السجن نفوا وجوده عندما توجّه الأخ الأكبر للزيارة. وفي زيارة لاحقة تظاهر فيها الأخ الأكبر بعدم علمه بالنقل، سُمح له بالدخول ومقابلة أخيه. وقد امتدت هذه المرحلة من الاختفاء القسري من تاريخ الاعتقال حتى منتصف أغسطس تقريباً، إذ أفاد الأخ الأكبر بأنه لم يتمكن من زيارة ح. خلال الفترة الممتدة بين 20 مايو و15 أغسطس.

وفي مرحلة لاحقة، أفاد الأخ الأكبر بأن ح. اختفى فجأة من سجن البالونة، وعند استفساره عن مكانه أبلغ بأنه نُقل إلى سجن حمص المركزي. وحين توجّه إلى السجن المركزي، نفى المسؤولون وجود ح. لديهم، ليظل مكان وجوده مجهولاً لأكثر من شهر كامل. وقد أكد سائق السيارة التي نقلت ح. لاحقاً أنه أوصله فعلاً إلى سجن حمص المركزي، مما يُثبت أن المسؤولين كانوا يكذبون على الأسرة.

في الزيارة الأولى التي أجرتها الوالدة والأخت بعد وساطات متعددة، حاول ح. لفت انتباه والدته إلى تعرضه للتعذيب والضرب خلال التحقيق، وكان يُبدي خشية واضحة من الإفصاح الصريح بسبب وجود عنصر أمن مراقب. وفي زيارة الأخ الأكبر اللاحقة في سجن البالونة، أكد ح. صراحةً تعرضه لتعذيب شديد خلال فترة التحقيق، وأن جسده كان يحمل آثار واضحة للتعذيب، وقد أفاد بأنه تعرض للضرب والخنق.

وقد كشف ح. عن هوية المسؤولين المباشرين عن تعذيبه، وهم: الملقّب بـ"أبو الزين" قائد المنطقة الوسطى في حمص، والملقّب بـ"أبو أنس الرفاعي" المسؤول الحالي عن الزيارات في سجن حمص المركزي، إضافةً إلى الملقّب بـ"أبو أحمد الإدلي" المسؤول في النيابة العسكرية. وأشار الأخ الأكبر إلى أن المحققين وبّخوا ح. بسبب عدم انشغاقه عن جيش النظام، لا سيما كونه ينتمي إلى الطائفة السنية. وتجدر الإشارة إلى أن جميع هذه الأسماء هي ألقاب ميدانية وليست أسماء حقيقية.

أُحيلت قضية ح. إلى النيابة العسكرية في حمص، وذلك بالتنسيق مع الملقّب بـ"أبو الزين" قائد المنطقة الوسطى، وبحسب ما أفاد به الأخ الأكبر فإن التقرير الموجه ضد ح. كُتب وفق ما أراده المحققون لا وفق وقائع موضوعية. وفي منتصف أغسطس، وصلت لجنة تحقيق من دمشق عُرفت بـ"لجنة 22"، وأعادت فتح الملفات وإجراء تحقيقات جديدة. وأفاد الأخ

الأكبر بأن اللجنة رفضت الاعتراف بالاعترافات المنتزعة تحت الإكراه، مما أدى إلى إلغاء الملفات السابقة. وقد أُطلق سراح
بعدد من المعتقلين المحتجزين مع ح. في أعقاب تحقيقات هذه اللجنة، غير أن وضع ح. لا يزال غامضاً
تعرّضت الأسرة لابتزاز مالي على يد شبكة تضم أفراداً من خارج الأجهزة الأمنية ذوي صلات بها، إذ عُرض عليهم الإفراج عن
ح. مقابل مبلغ يبلغ أربعين ألف دولار أمريكي

حاول الأخ الأكبر تقديم شكوى رسمية إلى رئاسة الأمن، غير أنه لم يجد أي آلية واضحة لذلك ان ذاك، ولم يتمكن من
الوصول إلى أي من قيادات الأفرع الأمنية. وأفاد بأن قادة هذه الأفرع هم في معظمهم من الشيوخ وأمرء الحرب الذين يتعدّ
التواصل معهم. وأشار الأخ الأكبر إلى أن تقديم أي شكوى ينطوي على مخاطر جسيمة، إذ قد يُفرض على توجيه تهمة جديدة
لح. طالما بقي رهن الاحتجاز. وأوضح أن ثمة جهازاً يُعرف بـ"مكتب دائرة العلاقات" يتيح نظرياً تقديم شكوى ضد العناصر
العسكرية أو أي موقف يتعرض له المواطن، غير أن هذه الآلية لا تشمل الشكاوى المتعلقة بما يجري داخل السجون

حتى تاريخ إجراء هذه المقابلة في يونيو 2026، أي بعد نحو عام على اعتقاله، لا يزال وضع ح. القانوني غامضاً تماماً: لم
يُوجّه إليه أي اتهام رسمي واضح، ولم يُحل إلى القضاء المدني، ولم يصدر بحقه أي حكم. وتعتمد أسرته في الحصول على
المعلومات المتعلقة بوضعه بصورة رئيسية على الروايات الشفهية والخبرات الشخصية للمعارف، في ظل غياب تام لأي
مرجعية رسمية موثوقة. وأشار الأخ الأكبر إلى أن الزيارات باتت منتظمة نسبياً في سجن حمص المركزي، وأن ثمة نظام
مراسلات أنشئ من قِبَل الأمن يتيح للمعتقل تسجيل رسائل صوتية لأسرته

Appendix B

Transitional Justice in Syria: An Interview with Dr. Ahmad Seifou ²⁹⁰

Host: Frankly, it requires massive international support in terms of uncovering mass graves, and Syrians have every right to document all the sacrifices they have made. We must work on changing educational curricula so that our future generations can see how much we sacrificed to achieve a state that respects human rights. After the fall of the regime, Syrians believed that justice would begin immediately. However, months later, the Syrian street, the families of the victims, and the missing are all asking: Where is accountability? Where are our children? Where is the truth? Between the demands of the street and the pressures of legal and political work, the Transitional Justice Commission stands before the most complex files in Syria's history. Between what has been achieved and what has not, we are pleased to welcome today Dr. Ahmad Seifou, a member of the Transitional Justice Commission. Welcome, Doctor, to the "It is Syria" podcast on (The Hosts) platform.

Dr. Ahmad: Welcome, Ms. Alia. Good evening to the esteemed viewers and followers of the *Al-Mustadefeen* podcast on the program "It is Syria."

Host: Dr. Ahmad, where does the transitional justice process in Syria stand today?

Dr. Ahmad: To begin with, and complementing what you started with regarding transitional justice and Syria, this context is extremely difficult. After a long period of rule under a tyrannical regime, and following the liberation process, Syrians were yearning for justice and uncovering the truth. Transitional justice, by philosophy, is a mechanism that helps states transition. We know that historical or transitional phases are among the most complex and difficult periods in the life of any nation. In this highly critical phase, states always look for a mechanism to help them transform and transition into a state of rights and law. To navigate this long path, nations have relied on a concept known as "transitional justice." In reality, within international law, this is a modern concept with no universally comprehensive or exclusive definition. However, there

²⁹⁰ 'It Is Syria' Podcast, 'Transitional Justice in the New Syria with Dr. Ahmed Sayfour' (Dafin, 21 June 2026) <https://www.youtube.com/> accessed 25 June 2026

are frameworks, principles, and definitions issued by the United Nations defining transitional justice. It also draws its rules from the experiences of various nations, and it remains a concept in need of continuous evolution.

In Syria, the context is exceptionally challenging: the scale of violations and crimes is immense, the number of victims is massive, and the pain has been profound. Liberation came, and Syrians had the right to know the truth and demand justice. Regarding the Syrian track and where we stand in the National Commission for Transitional Justice; of course, executing transitional justice during a phase of instability is one of the most difficult state policies. Most countries where transitional justice succeeded were stable before they began implementing these mechanisms. In Syria, after liberation, demands for this path emerged immediately, even though we are working under very difficult political and economic conditions. These are major challenges facing the process.

The Syrian state first addressed transitional justice during the Dialogue Conference held in February, followed by the Constitutional Declaration in March, which included constitutional articles stipulating the necessity of establishing a national commission for transitional justice. Subsequently, this concept was adopted via a presidential decree on May 20th, which established the National Commission for Transitional Justice and appointed its head, Mr. Abdul-Basit Abdul-Latif. Months later, at the end of August, another decree was issued naming the members of the Commission. The Commission began working on this difficult path from day one. The draft transitional justice law, which is currently awaiting presentation to the People's Assembly to become an enforceable law, represents the clear path and vision for transitional justice in Syria.

Host: Has the framework of this law been defined?

Dr. Ahmad: Currently, through the extensive consultations and meetings we have conducted, we began our work by holding sessions across many governorates. We started in Deir ez-Zor, followed by Homs, Aleppo, Latakia, and Tartus. Today, we had a session and dialogue with the residents of Quneitra. The purpose of these sessions is to gather people's opinions, meet with victims, listen to them, and derive ideas to build the draft transitional justice law. In addition to

evaluations with many civil society organizations and syndicates, we conducted numerous dialogues and met with victims' associations, because we know that the transitional justice process has a crucial focal point: "victim-centricity."

Host: Through your meetings with the families of the victims, what was the most common shared demand?

Dr. Ahmad: Frankly, the demands of Syrians are diverse, which is why a comprehensive approach to transitional justice was adopted. By definition, transitional justice is a mechanism aimed at addressing a past of gross human rights violations. It tackles the massive legacy of violations of international human rights law and international humanitarian law. This is done for the purpose of uncovering the truth, holding perpetrators accountable, providing reparations, implementing institutional reform, and preserving national memory to achieve the fifth objective and mechanism: achieving stability and national reconciliation. The demands of Syrians stem from these very mechanisms.

We met with many people, and naturally, the most pressing issue was that of the missing persons. We know there are massive numbers—estimates exceed 200,000 missing persons during the Syrian revolution and within the legal description of the Syrian conflict. Therefore, given the gravity of this issue, a separate body was established: "The National Commission for the Missing." The issue of the missing was one of the questions we faced the most, alongside matters related to reparations, accountability, and prosecution. Every Syrian city had a different context regarding its demands, but generally, all Syrians demanded the prosecution of criminals, uncovering the truth, institutional reform, and reparations for damages.

Host: Given the difficult and complex Syrian context, which is unlike many others in the world today, Dr. Ahmad, what have you achieved on the ground as the Transitional Justice Commission?

Dr. Ahmad: Of course, as I mentioned, we started by drafting strategies and internal regulations.

Host: You started in September of last year, correct? Meaning you are quite a newly formed body.

Dr. Ahmad: Exactly. We began by drafting the Commission's internal regulations, while simultaneously working on the draft law and conducting dialogues. Furthermore, within the National Commission for Transitional Justice, we have six directorates. The first, which serves as the gateway to transitional justice, is the Truth-Seeking Directorate. In addition, there are the Directorates of Accountability and Prosecution, Reparations, Institutional Reform, Memorialization and Commemoration, and Reconciliation and Peacebuilding. Each of these directorates has begun recruiting its staff and building its strategies, alongside conducting provincial tours to gather ideas, meet the people, and remain close to them so we can build the draft transitional justice project based on their input.

Host: Have you expanded across Syrian governorates?

Dr. Ahmad: We have a plan that involves opening eight regional centers for the National Commission for Transitional Justice. We started with centers in Deir ez-Zor and Homs, and very soon, God willing, we will open in Damascus and Aleppo. We are expanding these centers so that Syrians do not have to endure the hardship of traveling to Damascus to file a complaint, request compensation, or demand institutional reform.

Host: What will be the operational mechanism of these centers? For instance, if I, as a citizen today, want to know how to file a complaint or give testimony, what should I do?

Dr. Ahmad: Frankly, before diving into this, let me speak from the perspective of the philosophy and success of transitional justice. As I mentioned, it is a modern concept, and we are trying to benefit from positive international experiences while avoiding their pitfalls. Regarding these centers, we want the Syrian experience to be exemplary worldwide. We want them to be a beacon for all Syrians in everything related to transitional justice, including accountability. There will be a dedicated department or office for citizen complaints where individuals can file their cases, whether they are aggrieved parties, victims, or witnesses. We are also thinking about linking these centers with universities. Do you know why? The Syrian context is highly complex and difficult, and the volume of violations is staggering. We all

know that, especially regarding accountability or institutional reform, we are not just dealing with holding individual actors accountable. Rather, there are entire ministries that the regime weaponized and abused against Syrians to perpetrate these violations. The primary goal of transitional justice is "dismantling the architecture of tyranny." How can we, as Syrians, dismantle this system? The success of any transitional justice experience in the world depends on the ability of its people to innovate solutions and strike a balance between accountability and prosecution on one hand, and social peace and reconciliation on the other.

Institutional reform is also a complex issue. How do we reform institutions and audit records when we have state bodies that were thoroughly corrupted by tyranny, where the number of corrupt officials is massive? How do we balance keeping public services operational while simultaneously carrying out institutional vetting and lustration of these employees? The Syrian context is exceptionally challenging. Therefore, the idea behind linking these centers with universities is to secure a large pool of volunteers. We, at the Commission, have also submitted a proposal to the Ministry of Higher Education to introduce courses across all university majors related to the culture of human rights and transitional justice. This way, these centers can welcome these students, providing a practical application to what they study. These trained volunteers will assist in our work. Everyone knows that transitional justice faces immense challenges, particularly regarding resources and funding. We genuinely suffer from this because the path is long and arduous. We are trying to engage all Syrian actors, whether civil society or universities, to support this lengthy and complex process.

Host: What are the most prominent challenges you have faced up to this moment?

Dr. Ahmad: The challenges, as I mentioned initially, lie in operating within political and economic conditions that many Syrians know are severely strained. The Syrian context is difficult. Why? Because Syrians often confuse revolutionary justice with transitional justice. Transitional justice relies on the law, and by nature, legal processes require time. Transitional justice is not an administrative or executive decision implemented overnight; it is a complex institutional mechanism that takes a long time, whether in terms of institutional reform or reparations. Among the primary challenges facing all transitional justice tracks globally, and

certainly in Syria, are economic hurdles and the availability of resources. We know that during the liberation phase, Syrians had ample opportunity to seek revenge, yet no such mass retaliations occurred. I always say that Syrians have historically risen above their wounds. Therefore, the demands we see on the street today are entirely just and legitimate. In many global transitional justice contexts, chaos and acts of revenge occurred during successful revolutions—this is a documented sociological phenomenon where people vent their grievances. However, this did not happen during the Syrian liberation. The delay in the transitional justice process, as perceived by Syrians, makes their frustration legitimate. However, an accelerated transitional justice process is not always the solution; in fact, it often fails. A justice built on a correct, deliberate, and measured foundation is always better than a flawed, rushed justice that might collapse, because chaos causes many rights to be lost. It is a highly sensitive path. As I mentioned, Syrians must have the courage to innovate solutions tailored to the nature of Syrian society to ultimately achieve stability and social peace. The scale of pain is immense, and one of the most fundamental rights of Syrians is the right to know the truth. The issue of truth is not limited to identifying and prosecuting criminals; it also means understanding *why* these massacres were committed, and ultimately changing this reality to establish long-term stability and social peace.

Host: Dr. Ahmad, you mentioned that the Syrian public has risen above its wounds, yet today we see demands and movements urging the acceleration of trials for criminals and the swift unveiling of the truth. What is causing these demands right now? Is it perhaps a feeling of losing trust in the transitional justice process?

Dr. Ahmad: As I said, these are legitimate and just demands, provided they do not lead to chaos, because chaos compromises rights. This issue of trust is a natural phase in every transitional justice experience worldwide, because the ultimate goal of transitional justice is to restore the citizen's trust in the institutions of the Syrian state. For six decades, the defunct regime practiced tyranny, both institutionally and legislatively. You asked me about the primary challenges we face; in addition to economic hurdles, there are legal challenges. The legal, legislative, and institutional infrastructure inherited from the previous regime is what citizens

are currently suffering from. We cannot, as a newly formed commission still building its foundations, carry the burden of a sixty-year-old legacy in a matter of days. Therefore, as I mentioned, Syrians must innovate solutions to confront this legacy. The matter does not revolve around individual figures, Ms. Alia. Look at all the nearby Arab revolutions that succeeded in liberation but failed in transformation; they focused on the symbols of the regime rather than dismantling its entrenched system and massive legacy—whether in economic, political, tourism, media, or health legislation. This legislative framework requires time to change, and although the citizen's economic situation is currently very difficult, we must remain close to the Syrian street during this period. I always say that one of the keys to the success of transitional justice globally is the role of media and public awareness. In every country where transitional justice succeeded, the media played a massive role in communicating and institutionalizing this concept among various demographics. Take Sierra Leone as an example; it suffered from brutal conflicts and witnessed horrific human rights violations, yet the media managed to play a major role, reaching remote villages to explain and conceptualize transitional justice, which inherently requires legal processes. This differs completely from revolutionary justice. Revolutionary justice is what occurred in France when they executed Louis XVI, which led to a cycle of repeated violence and plunged the country into chaos. Revolutionary justice is easier than transitional justice because it happens through a single executive decision aimed solely at retribution against perpetrators, but it ultimately fails. We chose transitional justice: a fair justice that is neither vengeful nor selective, through which we can lead the country toward stability, social justice, and community peace.

Host: You spoke about the role of media in clarifying the concepts of transitional justice. From your perspective, Doctor, what are the key messages and tools that should be present in the media, whether private or state-owned?

Dr. Ahmad: The media is critically important, and it is supposed to work in tandem with the National Commission for Transitional Justice.

Host: Some believe there is a gap or a lack of coordination in this area?

Dr. Ahmad: Exactly. In reality, we know that everyone is building from scratch. We took over a country in ruins, starting from below zero, as the saying goes. However, transitional justice is not just about understanding its theoretical framework—meaning accountability mechanisms, reparations, and institutional reform. It is deeply tied to the nature of Syrian society, the understanding of the Syrian conflict, and our ability to craft localized solutions. If we simply import a successful model from another country and apply it to Syria, it may not work, because every country has a unique context and specific characteristics. It is true that we must apply the general theory of transitional justice, adopting core principles of fair trials and truth-seeking commissions, but there must be a tailored approach for each country to succeed. For example, the nature of society in South Africa differs from that in Rwanda, and they designed distinct policies and strategies based on their realities. In Syria, a culture of human rights was never historically institutionalized; there was no free press, and civil society and syndicates were captured and unable to practice their work freely. Furthermore, we lacked research centers to gauge the Syrian public mood and societal vision. The media can illuminate many points, such as the Syrians' perception of social peace, reparations, compensation, and institutional reform. The media must play its part by conducting dialogues and reaching the widest possible cross-section of Syrians to communicate the true essence of transitional justice.

Host: To be fair, Dr. Ahmad, how long does the process of achieving transitional justice usually take?

Dr. Ahmad: The Syrian experience will be no exception to global trends. In many international experiences, transitional justice started out rocky before finding the right path to success. Sometimes it starts with great enthusiasm and then stumbles, like the case of Tunisia, for example; they had immense enthusiasm and an excellent transitional justice law, but we all know what happened afterward. The success of transitional justice depends on the alignment of three wills: the supporting international will, the political will, and the social will—meaning Syrians must have a clear conviction and vision regarding transitional justice and adopt its concepts, alongside receiving international backing. Every successful transitional justice experience in the world had international support. However, these issues take time; for

instance, in Germany, dealing with the security archives and informants—which many Syrians talk about—required passing laws, building a dedicated institution for the archives, and crafting legislation rooted in the people's vision for addressing the past. Therefore, I always emphasize that transitional justice differs from ordinary criminal justice. This is a point that legal experts and journalists must highlight: ordinary or retributive justice aims primarily at punishing the perpetrator, with rehabilitation as a secondary goal. Transitional justice, however, aims primarily at healing and repairing the massive legacy of violations, with punishment serving as a secondary, supportive objective. Furthermore, a transitional justice judge operates differently from an ordinary criminal judge. A standard judge applies a clear statutory text to penalize a criminal by fitting the facts to the code, whereas transitional justice is deeply concerned with context. That is why in our truth-seeking mechanisms, we focus heavily on context when investigating a massacre; we examine the historical, geographical, and social context. Who committed this massacre, and why? Ultimately, we produce a report that documents the comprehensive historical context of that location. The fundamental goal of transitional justice is not just remediation, but ensuring the non-repetition of conflict in the future.

Host: If I were to ask you, Doctor, to prioritize the Commission's current objectives—whether it is reparations, truth-seeking, or preserving national memory—how would you arrange them?

Dr. Ahmad: In reality, all these mechanisms are vital, and we operate them simultaneously. However, by the nature of transitional justice and global experiences, the entry point is always "uncovering the truth." It is the fundamental right of Syrians to know the truth: what happened, why it happened, and how it happened. Knowing the truth is part of the cultural heritage of nations. Furthermore, discovering the truth is always less agonizing than the prolonged ambiguity of a disappearance. That is why in all our meetings with the public and families of the missing, their primary demand is knowing the fate of their loved ones. However, the missing persons track is difficult, technically challenging, requires immense financial resources, and depends heavily on specialized laboratories. Our colleagues at the National Commission for the Missing are working diligently on this front. While all issues are a priority for us, our starting point is truth-seeking through investigating massacres. We are set to begin very soon;

following my visits to Houla in Homs, and our visit today to Jdeidat al-Fadl, we will begin formal investigations into these massacres in the coming days, God willing. Even though we are waiting for the passage of the law by the People's Assembly to formally define our operational framework, our truth-seeking committees rely on universal, international principles of fact-finding. As for the other mechanisms, they require the formal legal framework of the upcoming law. Nevertheless, all committees have already begun preliminary work; we are working on establishing a centralized registry and fund for victims, as well as a reparations fund. Regarding memorialization, the Commemoration and Memory Preservation Directorate has already launched its work, starting in Deir ez-Zor with a program called "Memory of Cities" to document and preserve local histories.

Host: So, Dr. Ahmad, based on this arrangement, truth-seeking and clarifying the fate of the missing is the foundational step, while you work on the remaining tracks in parallel?

Dr. Ahmad: Exactly. All tracks are important and run concurrently. The success of any transitional justice experience depends on maintaining this parallelism. However, regarding the truth-seeking committee, I am speaking here in a holistic legal sense, because transitional justice is not merely statutory law; statutory justice is just one component. Transitional justice requires a multidisciplinary approach, involving legal experts, historians, sociologists, and anthropologists. In our fact-finding committees, we focus on the historical context because the ultimate goal includes achieving reconciliation and social peace. We are responsible for the narrative and how we confront the past. The truth-seeking committee will produce a report detailing the historical context and identifying perpetrators. From there, the Accountability and Prosecution Directorate will take over these findings to pursue suspects based on strict investigative standards. This report will also officially document the names of verified victims, and we will issue recommendations regarding reparations, prosecutions, and institutional lustration for complicit officials.

Host: Today, reconciliation and social peace are at the forefront of the discussion, Dr. Ahmad, even though other prerequisites have not yet been met. Are we building a peace based on justice, or are we attempting to build peace before achieving justice?

Dr. Ahmad: In reality, transitional justice is governed by a difficult equation: "there is no stability without justice, and no justice without stability." Speaking from international standards and the theoretical framework of transitional justice, international law does not permit executing reconciliation or social peace without uncovering the truth and holding perpetrators accountable. Any program that bypasses this will fail, because people have a right to know what happened. There are many truths still hidden from Syrians, and ultimately, there must be a unified historical narrative that Syrians can review before we can talk about genuine reconciliation and social peace. Without uncovering the truth and prosecuting criminals, stability cannot be achieved in any society. Many global experiences failed precisely because they adopted reconciliation tracks while bypassing truth-seeking and comprehensive justice. Transitional justice is an indivisible package. The Syrian context is highly complex; every international crime defined under the Rome Statute has been committed in Syria, and the number of victims is staggering. If we apply international standards of reparations and the definition of a victim, the number of affected Syrians is massive—including victims of torture, enforced disappearance, sexual violence, and forced displacement (more than half of the Syrian population was displaced due to the regime). Dismantling this architecture of tyranny and addressing this vast legacy of corruption requires a clear, strategic vision.

Host: Meaning there can be no social peace or national reconciliation without truth-seeking, accountability, reparations, and guarantees of non-repetition?

Dr. Ahmad: Absolutely. Attempting to bypass this file without accountability will never leave a society stable. The community will not settle unless this massive legacy is addressed. Why do we look back at the past? Why do our truth-seeking committees go back as far as 1979? In some international cases, commissions even extended beyond their original temporal mandates, such as in Sierra Leone, which started from 1991 but went further back, and similarly in Morocco. To achieve genuine stability and peace, there are narratives, data, and facts that Syrians must access. We must look deeply into history, the philosophy of crime, and sociology to understand what drove these individuals to commit such heinous acts. For instance, in the Houla massacre, a massive number of victims were women and children. The most challenging

aspect of the Syrian context is that civil militias perpetrated these massacres alongside regular military and security forces. This requires us to design unique mechanisms to treat this structural disease. We cannot talk about reconciliation without accountability. For example, in Yemen's initial experience, their first transitional justice law framed it primarily as "compromise-based or transactional justice" because, initially, the scale of human rights violations was different and there was a political agreement between factions. In Tunisia, they opted for the full spectrum of transitional justice. In Morocco, when they designed their program—since the monarchy itself initiated the process—it was tailored to preserve societal stability, starting with equity and compensation rather than aggressive prosecution and accountability. In Iraq, the transitional justice experience failed because it was built on revenge, aggressive de-Ba'athification, and exclusion. In Libya, which mirrors our context in terms of the gravity of crimes committed, the failure stemmed from a cycle of revenge; they had a law, but it was never implemented on the ground because there was no societal will to enforce a structured process, and retributive vendettas took over. In the Syrian context, Dr. Ahmad, achieving transitional justice absolutely mandates that accountability and prosecution remain a core part of the process, correct?

Dr. Ahmad: Absolutely. Within our Commission, accountability is a foundational pillar; this includes defining penalties for criminals and classifying crimes. In our draft law, we have adopted the classifications stipulated in the Rome Statute of the International Criminal Court (ICC): crimes of genocide, crimes against humanity, and war crimes. This track has already begun operationally. Currently, trials are being conducted for certain accused individuals in cooperation with the Ministry of Justice. In the absence of a finalized transitional justice law to serve as a standalone framework, these current proceedings rely on the Syrian Penal Code and certain international conventions that Syria had previously ratified. The judicial process has begun, but we are waiting for the People's Assembly to formally adopt the draft law so that the parameters of sentencing under transitional justice are explicitly clear to all Syrians.

Host: Will we see the death penalty in this law?

Dr. Ahmad: Frankly, the matter is included in the draft law. We, within the Commission, do not possess the authority to unilaterally mandate or abolish this penalty; it is a decision for the Syrian people, and the People's Assembly is the body that will pass the final law. In our meetings with many European counterparts, they often point out that the Second Optional Protocol to the International Covenant on Civil and Political Rights aims at the abolition of the death penalty, replacing it with lengthy, strict sentences. In our discussions, we explained to them that the application of penalties must align with the nature of the society; the vast majority of Syrians demand this penalty, given the nature of the crimes committed against them, and we cannot ignore that. We acknowledge that some countries face legal restrictions regarding the extradition of criminals to jurisdictions that maintain the death penalty. However, international actors have shown an understanding of the unique severity and specificity of the Syrian context.

Host: Based on your work in the fact-finding and truth-seeking committee, Dr. Ahmad, are there sensitive files or information that you have uncovered but cannot yet announce publicly?

Dr. Ahmad: We will begin formal announcements soon, God willing. As I mentioned, we started with field visits to Houla and Jdeidat al-Fadl. Regarding facts, there is an immense amount of data—some of it is public knowledge, but much of it remains unknown to the broader public. Through documenting these facts, our upcoming reports will aim to structurally dismantle the narrative of the tyrannical regime. While eyewitnesses and victims can identify the immediate executioners of a crime, our focus is on the command structure: who gave the orders? Who was the superior officer who failed to intervene? The matter is highly intricate, and we have robust strategies in place regarding witness protection, deposition methods, and strict confidentiality.

Host: When can Syrians expect to see tangible results from the truth-seeking and fact-finding committee?

Dr. Ahmad: Soon, God willing, once we conclude the comprehensive investigation into the first set of massacres. We are collaborating closely with many Syrian civil society organizations that have a long track record in documentation. We are not starting from scratch, which is vital

because the Syrian context features an overwhelming volume of crimes. Partnering with established civil society groups allows us to utilize existing data. What changes now, however, is that organizations which previously operated exclusively from abroad can now access the victims directly, visit crime scenes, examine state archives, and review official documentation from the Ministries of Interior, Defense, and Justice. This ensures our final reports are thoroughly integrated, legally sound, and fulfilling for the victims.

Host: You mentioned that a parallel body, the National Commission for the Missing, was established alongside the Transitional Justice Commission. What are the boundaries of your cooperation?

Dr. Ahmad: We are working to institutionalize and strengthen this cooperation through a formal legal framework that defines our relationship and operational boundaries. It is essential to maintain a shared database, especially since our mandates overlap; globally, resolving the fate of the missing is invariably a core component of fact-finding. We also aim to standardize the methodologies used for taking statements and depositions.

Host: Once the fate of a missing person is uncovered, what are the subsequent steps regarding accountability, prosecution, and bringing the perpetrator to justice?

Dr. Ahmad: As I mentioned, the investigation into a massacre concludes with a comprehensive report from the Truth-Seeking Directorate. This report officially documents verified perpetrators and victims. It will include binding recommendations for individual reparations, criminal prosecutions of named suspects, and institutional vetting for complicit public servants and informants.

Host: Today, some individuals might exploit the accountability process to settle personal scores through false or malicious accusations. What mechanisms do you employ to verify that the testimonies given to you are accurate?

Dr. Ahmad: We employ strict international standards for fact-finding. Official judicial documentation differs significantly from general advocacy documentation, though the work of civil society has been monumental. Furthermore, the Syrian regime is unique in that it

extensively documented its own crimes. Frequently, cross-referencing an official document or locating a specific logbook completely verifies or refutes a narrative. We apply rigorous cross-examination and verification protocols to filter out any kidental, malicious, or fabricated complaints.

Host: How do you view the current state of frustration and despair among the families of the missing?

Dr. Ahmad: This frustration is entirely understandable given what the families have endured. The National Commission for the Missing requires massive international technical and financial support to locate and uncover mass graves. This requires specialized forensic labs and advanced DNA profiling to verify identities. This is a technical and economic hurdle. When we looked at Rwanda's experience, they established one of the most advanced forensic laboratories in Africa, built with the support of the European Union and the Netherlands. Resolving the fate of the missing is universally one of the longest and most difficult tracks in transitional justice. The critical step is that we have begun. People must see that accountability, reparations, and institutional reforms are underway. Building a developed, just state takes time, and it requires a fundamental overhaul of our education and historical narratives to correct decades of state-sponsored misinformation. In Rwanda, they built a massive memorial museum documenting the genocide, and visiting it is a mandatory part of the school curriculum from primary school through university. Students see the crimes of the past to ensure they are never repeated.

Host: So documentation serves as a structural guarantee against future repetition?

Dr. Ahmad: Absolutely. Preserving national memory, building memorials, and honoring the names of the martyrs is fundamentally about "resisting amnesia." Our history and sacrifices are part of our cultural heritage. Syrians have sacrificed immensely—not just during the revolution, but throughout the decades of rule under this tyrannical regime. Syrians have a right to see their sacrifices documented. We must reform our educational curricula so future generations understand the immense cost paid to achieve a state that respects human rights and citizenship. Previously, Syrians never enjoyed true citizenship; we were merely inhabitants in a captured state, deprived of basic rights and social justice.

Host: So you view the documentation of this narrative—whether through museums, educational programs, or even media, drama, and cinema—as a vital pillar of transitional justice?

Dr. Ahmad: Definitely. Transitional justice is not merely statutory law; statutory law is just one instrument. It intersects with history, art, and broader societal engagement. The success of this path cannot depend solely on a commission of thirteen members established less than a year ago; it must be a deeply socialized concept with broad public ownership. Syrians must innovate localized solutions. I know the current reality is incredibly difficult—the trauma of the missing, the lack of resources, and the pressure of time are massive challenges. However, we must maintain our vision and innovativeness to transcend this phase. Transitional justice is a collective responsibility that spans accountability, truth-seeking, narrative building, and memory preservation.

Host: What is your message specifically to the families of the missing and all Syrian victims, Dr. Ahmad?

Dr. Ahmad: My message to the families of the missing, to all Syrian victims, and to the Syrian diaspora is this: your rights are paramount, we are actively working on them, and your demands and protests are entirely legitimate. However, I ask all Syrians, especially those abroad, to actively support this institutional path and help us innovate solutions. The challenges facing the Syrian state and the Commission are immense. We are operating in a country that has been liberated but is still stabilizing; it remains subject to political maneuvers and external interventions. This is natural when you overthrow one of the most entrenched totalitarian regimes in modern history; we are managing its structural fallout. Dismantling this architecture of tyranny and building a state of social justice requires patience, strategy, and time.

Host: Accountability remains the primary demand for the families of the victims. How will you legally handle perpetrators of gross violations?

Dr. Ahmad: Our draft law explicitly upholds a core principle of international law: "no amnesties for gross human rights violations or senior officials." This applies to senior commanders, ministers, security chiefs, and the head of state under the doctrine of command responsibility;

even if they did not execute the crime with their own hands, they bear criminal liability. It also applies to low-level subordinates who executed gross violations. This is non-negotiable.

However, rebuilding the judicial apparatus to handle these cases is a major hurdle because we inherited a thoroughly corrupted judicial system. We lacked judges trained in international criminal law and the specific classifications of international crimes. Furthermore, domestic statutes—including the anti-torture laws previously passed by the defunct regime—did not align with international standards regarding statutes of limitations and retroactivity. The draft transitional justice law remedies all these gaps. Currently, the Ministry of Interior holds a large number of detainees accused of gross violations. The challenge lies in the capacity of the Ministry of Justice and the judiciary, which are undergoing extensive structural reform. We have highly competent, integrity-driven judges working on this, but the volume of cases is monumental, which is why time is a critical factor.

Host: How do you delineate between individuals who must face full criminal prosecution and those who might be exempted because they were merely minor cogs in the state machine? What is the standard?

Dr. Ahmad: The standard is strictly the law. There is no such thing as "turning a blind eye" to a crime; even minor infractions must be addressed. However, for non-gross, minor institutional infractions—such as administrative bribery—the law may utilize "conditional amnesties" rather than absolute pardons. This can be conditioned on full public confessions or mandatory community service. No perpetrator of a human rights violation is exempt from accountability. For gross violations and senior orchestrators, amnesties are legally impossible under international law to prevent impunity. This is a foundational principle of our Commission. Under international criminal law, prosecuting crimes is a sovereign right; however, if a state is unwilling or genuinely unable to prosecute perpetrators of international crimes, the International Criminal Court (ICC) or universal jurisdiction mechanisms will step in. Therefore, preventing impunity is a sovereign necessity.

Host: During investigations, the perpetrator Amjad Al-Youssef stated in an interview: "I did not receive orders from anyone." How do you handle such a testimony?

Dr. Ahmad: Under international criminal law, we apply the principle of "command responsibility" or "presumed liability." A superior officer or official cannot escape liability by claiming they did not issue an explicit order or were unaware of their subordinates' actions. If an official holds a command position within the hierarchy, they bear a proactive legal duty to prevent violations. This testimony has no exculpatory value under international criminal law, regardless of old domestic statutes. Our draft law strictly codifies the doctrine of chain of command.

Host: Some critics argue that the current Syrian authorities have been lenient with certain figures who wielded massive economic influence and financed the old regime, such as the businessman Muhammad Hamsho—the financial frontman for Maher al-Assad—or Fadi Saqr. What is the Commission's stance on this?

Dr. Ahmad: The Commission's position is clear and was codified in an official statement: "there are no amnesties for individuals complicit in violations against Syrians." There can be no compromise on gross violations. Some countries—like Tunisia—utilized economic reconciliation mechanisms as part of restorative or compromise-based justice. However, that was strictly limited to financial corruption and corporate asset recovery; it never applied to individuals complicit in crimes of blood, because those rights belong fundamentally to the victims' families. Economic reconciliation tracks are sometimes discussed to ensure economic continuity and asset recovery, but they can never overwrite criminal accountability for violence. Any financial settlement regarding corporate misconduct is a legislative matter for the People's Assembly to regulate, but our position remains firm: financial settlements do not absolve anyone of crimes against humanity. Restorative justice can apply to institutional corruption, but international law strictly bars it from covering violent crimes.

Host: Is there a visible timeline for when Syrians will see public, televised trials for high-profile perpetrators?

Dr. Ahmad: The public has already witnessed preliminary trials, such as those involving Atef Najib. However, we are awaiting the formal passage of the transitional justice law by the People's Assembly to ensure all subsequent high-profile prosecutions rest on an unassailable,

specialized legal foundation. The accountability track is active and ongoing. It is vital for legal experts and the public to understand that designing a transitional justice strategy depends heavily on the specific nature of the conflict and how it concluded. Our strategies are designed to prioritize the structural demands of the victims. For instance, during our provincial tours, we documented the grievances of students who participated in the revolution and were subsequently arbitrarily expelled, detained, or displaced abroad. True reparations for them cannot simply mean allowing them back into universities; it means structural remediation—such as giving them priority in public employment or providing dedicated academic fellowships. These solutions must emerge from the lived reality of Syrian society. The upcoming transitional justice law will be accompanied by detailed executive regulations to govern these specific socioeconomic remediations.

Host: Ultimately, what must be guaranteed to the Syrian citizen?

Dr. Ahmad: Prior to and alongside the formal passage of the law, the state must operate on two parallel tracks: an executive track managing security, economic, and political stabilization, and a legal track driven by public ownership. The debate surrounding figures like Hamsho occurred similarly in Tunisia regarding economic lustration. Legally speaking, our Commission does not possess the authority to grant pardons for violent crimes. Restorative justice handles institutional corruption to reintegrate minor actors into society, but international law explicitly prohibits using financial settlements to bypass accountability for crimes of blood.

Host: Doctor, you mentioned several directorates operating under the Commission. Could you expand on the Directorate of Institutional Reform and Guarantees of Non-Repetition? What does institutional reform look like in practice?

Dr. Ahmad: It is one of our most critical mechanisms: reforming state institutions and dismantling the structural apparatus of totalitarianism. Reform is not limited to institutional vetting (lustration) or purging corrupt actors; it fundamentally requires legislative reform—rewriting civil service laws, employment codes, public health regulations, public safety acts, and economic legislation. In other international conflicts, state institutions were less deeply integrated into the machinery of violations, so institutional reform was not prioritized.

However, in Syria, the defunct regime thoroughly weaponized core ministries—including the Ministries of Justice, Interior, Defense, Health, Media, and Culture—to enforce its tyranny. Therefore, structural institutional reform is a top priority in the Syrian context.

Host: Which institutions require the most immediate, urgent reform on your list of priorities?

Dr. Ahmad: Throughout our provincial tours, citizens consistently highlighted institutions that handle daily public services and civic documentation. Reforming these bodies is an inter-ministerial effort; the Commission guides the standards, but the ministries themselves must execute the structural overhauls. The legacy of structural corruption is immense, Ms. Alia. In many global conflicts, the core driver of violence was not fundamentally sectarian or religious, nor even purely ideological; it was systemic corruption. Systemic corruption is one of the most destructive institutional crimes, and treating it requires an extensive legislative overhaul. That is why I emphasize that Syrians must actively engage in crafting modern public administration laws.

Host: What is causing the visible delay in institutional reform on the ground today? Citizens still report encountering the same bureaucratic hurdles and corrupt practices in certain ministries, with some old officials remaining in their posts. Why is that?

Dr. Ahmad: As I mentioned, the frameworks governing institutional lustration, anti-corruption vetting, and administrative restructuring are legally codified within the upcoming transitional justice law. While certain ministries are actively pursuing internal reforms, the sheer scale of the inherited administrative decay is massive. Reforming public services without causing a total collapse of public administration takes time. Systemic bribery and convoluted bureaucratic procedures are deeply entrenched. The state possesses the political will to rectify this, which is why these mechanisms are central to the draft law. We must avoid the disastrous mistakes seen in Iraq with blanket de-Ba'athification, or in Libya with the total collapse of state institutions. It requires a measured, legally regulated process. Once the transitional justice law is enacted, the Institutional Reform Directorate will possess the formal statutory power to mandate lustration and legislative amendments across all state bodies.

Host: Meaning the Commission cannot fully enforce these institutional overhauls until the law is formally passed by the People's Assembly? From that point on, you will have direct oversight over ministries regarding this file?

Dr. Ahmad: Exactly. We operate currently within our transitional mandate, awaiting the statutory framework that will legally govern our binding directives. However, we maintain active coordination and joint committees with various ministries. Even in highly stable transitional contexts globally, passing these laws required significant time; in Tunisia, the regime fell in 2011, but the comprehensive transitional justice law was not enacted until late 2013. We have drafted our comprehensive (manuscript/draft) in a remarkably short timeframe. We anticipate the upcoming session of the People's Assembly will pass the law, which will open the door for broad public consultations to amend, refine, or add clauses based on public feedback.

Host: What does the Syrian judiciary require right now?

Dr. Ahmad: Rebuilding public trust is a core objective of transitional justice; a process is successful when citizens regain faith in their state institutions. After six decades of totalitarian rule, public trust was completely eroded. To restore this trust, state bodies—including the People's Assembly—must remain accessible and responsive to the public. Regarding the judiciary, the Ministry of Justice is working intensively; we frequently see the dismissal of corrupt judges. We are dismantling specialized exceptional courts, such as the Counter-Terrorism Court, and restructuring provincial judiciaries. However, training and qualifying a new cadre of integrity-driven judges takes time. The Ministry is actively recruiting highly qualified, independent legal professionals to rebuild the judicial organ. The sheer volume of inherited legal disputes is overwhelming—including complex cases regarding falsified civil registries, missing persons documentation, and property deed fraud. Resolving this legacy while maintaining the rule of law requires extensive time and resources, especially given our severe economic constraints.

Host: When we talk about institutional reform and guarantees of non-repetition, what is the ultimate goal of non-repetition?

Dr. Ahmad: It is the ultimate strategic goal of transitional justice. The process treats the structural disease inherited from the totalitarian era. We are addressing a legacy of systemic violations, mass disappearances, deep societal polarization, and institutional corruption. Resolving this requires legal precision, social patience, and a robust law. The final objective is ensuring such a conflict never occurs again—by establishing a constitutional state, a culture of human rights, and institutions that serve the citizen, preserve human dignity, and are structurally incapable of reverting to tyranny.

Host: Transitional justice explicitly pairs accountability with reparations . What will reparations look like in the Syrian context?

Dr. Ahmad: This is one of the most complex and resource-intensive files. The number of victims in Syria is staggering—including survivors of detention centers, chemical weapons attacks, barrel bomb massacres, and systemic torture dating back to the 1970s, including the notorious Tadmor prison and the Hama massacres. Addressing this requires immense financial resources. However, international standards dictate that reparations are not merely financial compensation; financial compensation is never about buying a victim's silence, it is about formal restitution and public rehabilitation. Restorative reparations include reforming public services, ensuring the children of victims have access to higher education, restoring property rights, and establishing public memorials. Preserving the truth and documenting the historical context of massacres is itself a vital form of non-material reparation for the victims.

Host: How can you truly provide restitution to someone who lost half their life inside a detention center?

Dr. Ahmad: Frankly, even if we executed the perpetrators multiple times, we could never truly restore what was taken from these individuals. If we gave them all the material wealth in the world, we could never fully repair their psychological wounds. Freedom has an immense cost. Overthrowing this totalitarian regime required monumental sacrifices because a historic victory demands historic endurance. Our collective ordeal has been profound; practically every Syrian household has been directly impacted, losing a brother, a sister, or a child. Sometimes we feel humbled mentioning our individual losses when we meet mothers who lost all their children.

The Syrian context is deeply painful. That is why we must rise above personal grief to build a state where our children can live with absolute dignity and full human rights. No transitional justice law or commission can fully heal these emotional wounds in a literal sense. However, our greatest collective solace is that we lived to witness the fall of this tyrannical regime—a structural malignancy whose harms extended far beyond Syria, destabilizing the region and flooding the world with illicit narcotics. While no material reparation can fully satisfy the scale of Syrian suffering, the ultimate restitution is ensuring our children inherit a free, dignified country.

Host: On a practical level, Doctor, will the reparations framework include institutional programs for long-term psychological and physical rehabilitation for survivors of detention?

Dr. Ahmad: Yes. We always remind legal experts that the transitional justice law itself will not be a thousand-page document; it establishes the core statutory definitions of a victim and codifies the mandatory categories of reparations. The specific operational programs must be co-designed with broad public participation. This includes distinguishing between individual reparations and collective reparations. Collective reparations target entire communities or geographic regions that were systematically marginalized or destroyed. For instance, today we visited Quneitra and met with our people in Jdeidat al-Fadl, who are internally displaced persons (IDPs) from the 1967 war. The old regime systematically neglected them for decades. We must design localized collective reparation programs to revitalize these historically marginalized areas. Crafting these specialized socio-economic programs is a collective duty shared by legal scholars, research centers, universities, civil society, and the private sector—such as mandating employment quotas for victims and survivors within public and private institutions.

Host: Some voices are calling to "close the chapter, move on, and avoid digging up the past," arguing that what is done is done. Where does the Commission stand on such proposals?

Dr. Ahmad: Nations that forget their past are condemned to repeat it. Bypassing this phase is structurally impossible. Look at global precedents: when countries in Argentina or Brazil initially attempted to build stability on political compromises and amnesties—choosing to bury

the past without prosecuting key perpetrators—the structural causes of conflict resurfaced, and violence returned. We cannot build a durable social peace or genuine reconciliation on a foundation of buried secrets and ignored rights. Truth-seeking is non-negotiable.

Host: So national memory and resisting amnesia are vital to the process?

Dr. Ahmad: Memorialization is an active resistance against amnesia—through honoring the victims, documenting objective history, and preserving the true narrative.

Host: Who possesses the legitimate right to write this history today?

Dr. Ahmad: We, the Syrian people, but we must write it with absolute empirical precision and professionalism. In our Truth-Seeking Directorate, when people ask if the truth isn't already obvious, we reply that legal truth requires a deeper analysis. We examine the structural sociology and philosophy of crime. In massacres like Houla, where perpetrators underwent a complete dehumanization, we must investigate the systemic conditioning that drove them to commit such acts. Our final fact-finding reports will be fully transparent, thoroughly verified, and accessible to the public. Remember when the liberation began, particularly regarding prisons like Saydnaya; there were segments of society that actively denied the existence of systemic torture, even though human rights defenders knew the reality. Documenting the structural truth ensures future generations are never deceived.

Host: How can we structurally protect this national memory from being weaponized or politicized by future political factions?

Dr. Ahmad: As academic professionals and human rights advocates who have adopted universal, independent transitional justice standards, our work is strictly insulated from political maneuvering. The foundational pillar of our methodology is radical transparency. The final reports, methodologies, and source materials will be fully accessible to the public, international bodies, and civil society, ensuring the narrative remains anchored strictly in verified facts.

Host: What stands to be lost if the Syrian public loses faith in the transitional justice process?

Dr. Ahmad: We are determined to maintain public trust. Transitional justice tracks universally face initial skepticism and logistical bottlenecks, and Syria is no exception. However, failing to implement a robust, localized transitional justice process invariably leads to state failure. A

country cannot transition successfully without an integrated approach tailored to its specific social fabric. Success means balancing prosecution, truth, and structural reform. The ultimate indicator of success is when a citizen no longer feels a sense of dread upon seeing a police vehicle. After decades of state-sponsored terror, deconstructing that institutional fear takes time.

Host: Certain events continue to test the patience of the Syrian street. Most recently, the journalist Hassan Akkad launched a public advocacy campaign regarding financial asset recovery, demanding the prosecution of figures like Hamsho. The public was shocked when the individual who launched these legitimate demands was reportedly detained. How do you view such actions, and how do they impact public trust?

Dr. Ahmad: Frankly, I do not possess official briefings regarding the specific legal merits of the case you mentioned. It appears to fall within the jurisdiction of the standard criminal judiciary rather than the specialized temporal mandate of the Transitional Justice Commission. Our Commission operates within a defined temporal and substantive jurisdiction. However, looking broadly at the current transitional climate, the legal definitions surrounding freedom of expression versus unlawful incitement are highly complex, especially in the era of digital media and advanced technology. These matters require modern legislative regulation. I cannot issue a legal opinion on a case without reviewing its formal indictment and judicial characterization. Sometimes, standard judiciaries might mischaracterize legitimate public advocacy as unlawful incitement, while in other instances, media actors might cross into legal incitement while believing they are practicing free expression. This friction highlights our urgent need for specialized judicial training and updated media legislation. It is a natural byproduct of transitioning out of a totalitarian system that completely suppressed public speech. People have an absolute right to voice their opinions, but we must ensure our institutions operate under the strict rule of law.

Host: Five years from now, Dr. Ahmad, how do you hope Syrians will remember the National Commission for Transitional Justice?

Dr. Ahmad: I hope this path is remembered as a principled, courageous effort that navigated unprecedented historic challenges. The success of transitional justice depends on variables that often transcend a single commission—including geopolitical alignments and international support. Due to our critical geographic location in the Middle East, our transition faces intense regional complexities. Successful models like South Africa or Rwanda received massive, concentrated international backing. We are working tirelessly to ensure our process remains deeply rooted in the demands of Syrian victims. While the public is naturally anxious about timelines and delays, we are operating within a highly volatile global climate. True stability requires absolute security, and executing thorough justice requires institutional order. We remain deeply committed to transparency, open dialogue, and public accountability. If we fail to maintain deep, structural links with the people we serve, the entire process will fail.

Host: Dr. Ahmad Seifou, member of the National Commission for Transitional Justice, thank you very much for this comprehensive interview.

Dr. Ahmad: Thank you, Ms. Alia, and thank you to all the listeners of the podcast.