



How Europe Can Support Justice in Post-Assad Syria

Recommendations for the Brussels Conference

Contents

<u>Introduction</u>	<u>1</u>
<u>An Inclusive National Dialogue</u>	<u>2</u>
<u>Establish a National Archive</u>	<u>2</u>
<u>Criminal Trials</u>	<u>2</u>
<u>Missing Persons</u>	<u>4</u>
<u>Housing, Land, and Property</u>	<u>4</u>
<u>Institutional Reform</u>	<u>4</u>
<u>Conclusion</u>	<u>5</u>

Introduction

As European states gather in Brussels this month for the annual Brussels Conference on Supporting the future of Syria and the region's ministerial meeting on Syria, they will have an unprecedented opportunity to support an inclusive and democratic transition in the country. Such a process needs to be centered on transitional justice that seeks accountability for the crimes of Assad and other parties to the conflict, identifies the fates and whereabouts of the tens of thousands of Syrians who remain missing, and ensures lasting institutional reform to prevent the reoccurrence of these crimes. The interim government has given mixed signals on its interest in supporting such a process: at times voicing support, while simultaneously issuing amnesties and hiring known [criminals](#). The government has also shown a worrisome lack of willingness to accept technical support from Syrian civils society organizations as well as from international experts and entities, which will be necessary if Syria is to conduct justice processes on a meaningful scale.

However, Europe has significant influence on this topic. To succeed in this transition, the caretaker government will need extensive aid and international support to thrive. It is motivated to seek acceptance on the international stage as a result. European states should make clear that re-entrance to the international community, including the full lifting of sanctions and receipt of reconstruction aid will be predicated on a meaningful transition process, including laying the groundwork for holistic justice.

European states must also make clear that Syria's legacy of international crimes is not a sovereign issue, but rather of international concern, necessitating the cooperation and support from the United Nations and other international bodies to ensure appropriate redress. While these entities will be crucial to the creation of Syria's transitional justice processes, justice ultimately should be Syrian-led. International entities can provide technical expertise and, most importantly, build the capacity of local Syrian organizations, and the government itself, to continue these processes into the future.

In this brief, SJAC offers recommendations on some of the initial steps that Europe should encourage the interim government to undertake to lay the groundwork for comprehensive justice.



Syrian Intelligence Branch 300, Damascus. Each group of files corresponds to an individual who was under surveillance. (SJAC's Documentation Team)

An Inclusive National Dialogue

The so-called ‘National Dialogue’ recently hosted by the interim government was chaotic, non-transparent, and not inclusive of Syria’s diverse communities.

The process began with the creation of a Preparatory Committee, which was packed with HTS-linked individuals. Then local dialogue sessions were hosted across the country. Unfortunately, these sessions showed little serious preparation. Participants were provided with short notice and no agenda. The criteria for whom was invited was unclear, and each speaker was provided only two minutes to speak, limiting substantive input. The process appeared to be more of show than a substantive attempt at engagement.

The full National Dialogue was not different. First, there was no official representation of Kurds, Druze, Christians, or Alawis. Although, some of the invited participants were from these backgrounds, the Syria government insisted on inviting participants in their individual capacity and made sure to choose participants with no political affiliation.

While the working-group discussions had some meaningful exchange (the transitional justice working group had a reasonable discussion,) the final recommendations and conclusions of the dialogue were broad and pre-written.

Hosting the national dialogue in this manner sent a disappointing signal to Syrians, inside and outside of Syria, as to the sincerity of the government’s wish to engage in discussion with the Syrian people and the exclusion of differing voices.

European states should pressure the Syrian government to initiate a more in-depth process, in partnership with the UN Office of the Special Envoy. Such a Dialogue must include political parties, provide space for victims to express their needs and demands, and allow civil society representative of the entire country to meaningfully participate and offer expertise.

Establish a National Archive

In the days after the fall of the Assad regime, civilians, journalists, and human rights activists began to enter former regime military and intelligence facilities, discovering hundreds of thousands of documents recording the crimes of the Assad regime. This documentation will be the backbone of future justice processes. The interim government has taken some initial steps to secure these facilities and prevent further tampering, but the government has neither the resources nor expertise to appropriately deal with these documents. Europe and other donors should fund the creation of a national archive, if the interim government accepts technical support and expertise in creating it. The UN IHIM and Syrian CSOs already have experience in analyzing these documents. The [Stasi record archive](#) provides a prime example of how such a vast trove of documents can be preserved and made accessible.

Criminal Trials

In the months since Assad’s fall, the interim government has pursued ad hoc, symbolic arrests against individual, [low-level fighters](#) while granting amnesty, and in many cases jobs, to the highest level perpetrators. In one example, the interim government reportedly granted amnesty to Fadi Saqr, a leader in the pro-Assad National Defense Forces, who is accused of orchestrating a notorious [massacre in Tadamon in 2013](#). Hundreds of Syrians protested Saqr’s visit to Tadamon in early February, where Saqr was [accompanied](#) by leading members of the new government’s

General Security. In late December, Major General Talal Makhlouf, a leader in the Republican Guard under Assad, who allegedly holds command responsibility for countless [atrocities](#) and gave orders to fire at protesters during the conflict, claimed that he had “settled his status” with the new government. Who has received amnesty and the criteria for these decisions remains opaque. Official communications about accountability and amnesty have likewise caused confusion, with Al Sharaa simultaneously recognizing the need for justice, while also standing by the widespread amnesty that was granted during the military campaign against the former government.

Meanwhile, the traditional justice system has largely ceased functioning with the Syrian government closing the courts and only allowing only narrow civil complaints and family-related complaints to be heard. No judges, prosecutors or lawyers have been working in any capacity since the start of the caretaker government and therefore won't be able to hear cases related to human rights violations.

This widespread impunity is causing many individuals to take justice into their own hands. Since December 2024, SJAC has identified several cases of possible revenge killings of people presumed to have worked on behalf of the Assad regime in both official (military/intelligence [involvement](#)) and unofficial ([informants](#)) capacities. While revenge attacks have targeted both [Sunni](#) and Alawite individuals, SJAC documenters report that in some areas, particularly in diverse neighborhoods of Homs city, some have targeted young Alawite men based on an implicit belief that Alawites were likely affiliated with the Assad regime. Many of these incidents are being reported as criminal acts, where the victims would be kidnapped and found dead a day or two later.

The interim government's security forces have engaged in some efforts to identify what it calls “remnants of the regime,” often in the form of multi-day combing operations in major cities, but these operations are fraught with violations. Members of the General Security have used physical abuse, including torture, against detainees during these campaigns of arrests. [SJAC documented several cases of death under torture committed by HTS's General Security](#) in January and February 2025.

The Al Sharaa government needs to vocally support an accountability process, to ensure victims that the state will pursue justice and prevent further revenge killings. However, decisions about who will be prosecuted and who will be granted amnesty should not be made alone but rather should emerge out of a national dialogue. In the meantime, the EU should encourage the Syrian government to take the following measures regarding criminal accountability:

- Speak out against, investigate, and prosecute those responsible for alleged reprisal killings and other violence against perceived enemies in the absence of a judicial process.
- Until a new lawmaking body can be properly established, enforce the Syrian penal code and criminal procedural code, including by prosecuting acts of torture.
- Clarify that existing ‘amnesties’ are in place during the caretaker government transition only. A final decision about who is eligible for amnesty should only be made during a participatory process, such as a more inclusive National Dialogue. Providing clarity that a more comprehensive process is forthcoming can allay fears of impunity and reduce revenge killings.
- Short of becoming a State Party to the Rome Statute, follow the example of Ukraine by filing a declaration with the International Criminal Court accepting the jurisdiction of the court to investigate and prosecute crimes committed by the Assad government from 2011 to 2024. Assad and his top lieutenants should be tried by the ICC to avoid the destabilizing impact of returning them to Syria.
- Provide unfettered access to the UN's International, Impartial and Independent -Mechanism (IIIM,) which will be well placed to provide technical assistance to any criminal accountability process.

Missing Persons

Syria faces one of the most massive and complex missing persons crises in the world, with estimates of over 100,000 people missing at the hands of the Assad government and other parties to the conflict. Unfortunately, other countries with similarly complex contexts, such as neighboring Iraq, have often seen chaotic investigations, with a plethora of uncoordinated actors conducting work independently, leading to limited progress.

Despite this complexity, there is a way forward to assess the fates and whereabouts of those missing. Syria has an unprecedented asset: a pre-existing UN mechanism, the International Institution on Missing Persons (IIMP), dedicated specifically to the search for the missing in Syria that is ready and able to begin work in the country. Moreover, Syrian civil society has been conducting missing persons documentation and investigations for years and possess massive amounts of data and expertise that can now be utilized to move forward with investigations.

To succeed, the Syrian government should take full advantage of the expertise of the IIMP. The mechanism should open a permanent presence in Syria and take the lead in coordinating international, technical support as well as building the capacity of local actors. Allowing the IIMP to lead on this file would reduce the burden on the interim government while still addressing a crime that is a top priority for many Syrians.

In the meantime, the Syrian state should create an office within the ministry of justice to oversee missing persons investigations and coordinate with the IIMP and CSOs. Ultimately, the Syrian government can work hand in hand with partners to build a centralized missing persons process, including a medical legal directorate with the forensic expertise to analyze remains and issue identifications.

Housing, Land, and Property

Syrian refugees and IDPs attempting to return home are finding that they have no home to return to. Some discover neighborhoods that have been destroyed, whether via airstrikes or subsequent pillaging and looting. Unexploded landmines also pose a danger, both inside homes and on adjacent farmland. In other cases, homes have been taken over by other families, often the direct result of the Assad government's systematic property seizures, rezoning laws, and demographic engineering.

Property disputes are already leading to conflicts. With the shutdown of the judiciary, there is no complaint mechanism for those trying to claim their rights. In some cases, owners are resorting to violence in order to evict current residents, including those who bought the properties in good faith from the person they believed to be the rightful owner.

Institutional Reform

When HTS took over Damascus, the new government immediately started firing civil servants to create positions for their own allies. Local media is reporting on the firing of tens of thousands of government employees from the ministry of health, justice, labor and social affairs, and government-employed factories workers. The Idlib lawyers Bar Association has replaced the Damascus Lawyer Association; the head of the Damascus Chamber of Commerce was replaced by his peer from Idlib. In many cases the newly hired replacements do not hold academic credentials or experiences in line with the position. Instead, the government is conducting hiring based on political and religious affiliation, as well as loyalty to HTS.

The history of neighboring Iraq and the ‘de-Baathification’ processes under U.S. occupation show how destabilizing and dangerous these actions can be. For now, the interim government should focus on maintaining existing government employees so that it can properly function and provide basic services. High level perpetrators can and should be arrested, in line with a broader criminal accountability process. Whether other offenders should be removed from their positions is a question that can be tackled during a National Dialogue process. Vetting and lustration processes can be a vital tool for reforming historically criminal institutions and preventing reoccurrence of atrocity crimes. However, any process should be based on a transparent, case-by-case assessment of individual wrongdoing, with an opportunity for appeal.

Conclusion

For the past twelve years, Europe have consistently advocated for and invested in justice for Syrians. States voted for the creation of the IIMP and IIIM and have funded a robust network of civil society organizations that are now prepared to support justice processes. It is vital that Europe seize this moment of transition, and use its influence with the interim government to support justice processes. Addressing the legacy of Assad’s crimes will help secure a stable and peaceful future for Syria.





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