

Syria: Looking Back to Look Forward

How the Area Post-Assad Can Turn into a Textbook Example of Transitional Justice

by Petra Ramsauer



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Bashar al-Assad's fall in December 2024 was the end of one of the most brutal dictatorships in modern history. The Syrian society has suffered enormously under half a century of the Assad's clan's oppressive rule, with the Ba'ath party as its pillar. But the most difficult stage was definitely the brutal crack down of the revolution in 2011 against the regime.

The brutal regime uprooted half of its 24 million inhabitants and took the lives of half a million people. 150.000 disappeared in the dungeons of the regime, only 20.000 of those who went missing were found alive after the regime's fall according to numbers provided by the Syrian Emergency Task Force in spring 2025.

The day after the regime's end revealed the next challenge for the devastated country; the land has essentially been pulverized, cut off from the rest of the world by sanctions enforced against Assad and his clan and cronies. UNHCR's experts are estimating that almost 90 percent of Syrians – 16,7 Million people – are relying on aid to survive, while a lack

of basic infrastructure curtails the urgent improvements of Syria's bleak humanitarian situation. Everything seems to be broken – also the ties that bind a society together. The regime created deep divisions within society, recruited Syrians to spy on one another and built an archipelago of prisons where torture and extra-judicial murder became the norm.

While in any given country, the aftermath of autocratic rule or dictatorship will lead to an intrinsic need to come to terms with the wrongdoings, oppression and criminal records of the perpetrators, the case of Syria might be unique. "Although people do care strongly for sufficient food, electricity, shelter, which is obvious given the bleak humanitarian situation, there is this dedicated need for justice, which tends to be a priority for each and everyone", said Broderick McDonald in his contribution to the Webinar, "Towards a New Syria", organized by the King's College in March 2025. He is a conflict researcher at the University of Oxford, conducted field research briefly before after Assad's fall, focusing on Syria's many armed groups. During his assignment, he witnessed the blitzkrieg led by the Islamist militant group Hay'at Tahrir al-Sham (HTS) from its base in the province of Idlib. „The HTS ousted Assad, and McDonald observed an immediate and urgent call for justice among the population.“

The process of implementing transitional justice in post-Assad Syria appeared to offer a uniquely promising path to stability and a robust basis for an emerging democracy with trusted institutions. Indeed, in the best possible circumstances, survivors of violence, torture, and families of victims might find closure if perpetrators are faced with the consequences of their crimes, including a full disclosure of their deeds. This process can lead to democracy. But it carries risks, if not implemented with utmost care. The outcome of post-Assad Syria potentially carries

importance far beyond Syrian territory; It can turn into a textbook case shaping the role of transitional justice and its implementation in other cases in the future. If Syria fails, the entire concept of transitional justice will be questioned. If Syria's new leadership succeeds, the country can become a landmark, a reference point for similar processes of democratization in other countries.

How just is transitional justice

While the concept of "Transitional justice" instills hopes not only for healing the wounds of injustice but also for setting up the foundation for solid and fair institutions it comes with a lot of obstacles. The idea behind it refers to a range of processes and mechanisms for accountability, truth-seeking and reconciliation that governments and communities pursue in the aftermath of major societal traumas, including civil war, mass atrocities, and authoritarianism. The concept is still evolving, having emerged from studies on post-authoritarian and post-communist transitions in Eastern Europe and Latin America and the role transitional justice played towards establishing a democratic system. "Since then the implementation of the concept of transitional justice, has grown rapidly, too rapidly to correct mistakes, like harmful consequences for their intended beneficiaries, including retraumatization and perceived 'justice gaps' between victims' preferred remedies and their actual outcomes", write Mara Revkin, Ala al-Rabah and Rachel Myric in a comprehensive analysis, published by the Yale Law Journal in March 2024.

Part of their paper is a study of Iraq post 2003, where the process of "De-Baathification", the outlawing of former dictator Saddam Hussein's one-party structure and the disbanding of his army led to turmoil and political extremism.

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A woman walking through a destroyed building in Aleppo, Syria.



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Hafez al-Assad, President of Syria 1971–2000, (Father of President Bashar al-Assad 2000–2024).



The damaging consequences of the sectarian power-sharing arrangement that the United States and the diaspora established in Iraq became a warning of the dangers that outlawing parts of a society can carry. The comparison with Iraq was often drawn in the early days and weeks of post-Assad's Syria. There are clear risks involved in banning and delegitimizing all personnel who worked with and for the regime and the Ba'ath Party, be it within ministries, state institutions or the army.

As such, "lessons learned from Iraq" must be an integral part of Syria's transformation. The first priority was to fill the power vacuum legally, a difficult task for the new leader Ahmed al-Sharaa, the founder of the Salafi-jihadist al-Nusra front, a designated terrorist organization by the United States. Still, he emerged as the most powerful figure in the moments after Assad and the best shot at unity. He proved his potential as a re-uniter of Syria by striking a deal to extend his government's sovereignty to the Kurdish northeast, the last major region to resist his authority. However, prioritizing political unity, he was less successful in creating a united concept of justice and an inclusive path forward that would acknowledge the urgent need for justice after decades of brutal oppression.

Only days after Assad's fall, al-Sharaa's interim government set up reconciliation centers where former military personnel would receive civil ID-cards on the condition that they were not involved in war crimes and had given up their weapons. This was done in order to maintain civil peace, preventing immediate revenge, which could have spiraled out of control immediately. However, such rapid yet superficial implementation of amnesty carries risks of alienating victims.

The success of the strategy was rapidly put into question when violence broke out in March. Thousands of armed men stormed the country's Mediterranean coast and killed more than 1,600 civilians, mostly from the Alawite religious minority. The fighting erupted after loyalists of the former regime tried to revolt against the new leaders and the new government sent in its newly trained army and loosely allied fighters to restore its hold of the territory. Some of the gunmen are rumoured to be foreign jihadists. Others appeared to be armed civilians seeking revenge, according to residents.

The fragile peace in the first weeks of the new era was quickly shattered, highlighting the enormous risks of failing to implement justice. Syria's

authorities denied that their security forces committed atrocities but acknowledged that they were investigating and holding to account anyone who had harmed civilians. The government formed two committees, one to investigate those involved in violence against civilians and the other to protect the Alawite communities on the coast from further violence.

So, while the interim government only began to tackle the task of bringing about transitional justice, the present overtook the past. Since taking control of Syria, Ahmad al-Sharaa has concentrated decision-making powers in his own hands and relied on close allies from his inner circle to help him govern. While he did not initially refer the concept of Transitional Justice, it has become central since his inauguration speech as president. The concept was also integrated in the final document of the one-day National Dialogue Conference, organized by the interim authorities on 25 February 2025. It represented progress unthinkable a few months ago. But the hasty preparations, the opaque manner in which participants were selected, the incomplete representation of the Syrian population and the short duration of the event, raised doubts.

Still, al-Sharaa managed to set up a historic meeting with families of the missing and detained, together with his foreign minister. The voices of the families, long silenced, were finally heard and acknowledged at the highest levels of government. The transitional government pledged to establish a dedicated body to address their concerns. Going forward, there will be a lot of pressure for the government to follow through with this promise.

A remarkable aspect in post-Assad's Syria is the robust, well-educated Syrian civil society that emerged during fourteen years of conflict, within and outside of Syria. "They have been working for years, rubbing shoulders with international organizations, the European judicial system and the United Nations. Many of them have had the time to join international organizations, to do a doctorate", emphasizes Nadim Houry, international lawyer and public policy expert, and executive director of the Arab Reform Initiative with the Foundation Hirondele.

One example is Nousha Kabawat, Head of Syria's Program with the International Center for Transitional Justice. In a summary of the events after Assad's fall, she wrote in an analysis for her organization that "justice is not an event, it is a process. The path forward is in the hands of Syrians. They must lead the way. Justice, accountability, and reconciliation require the guidance of Syrian civil society and victims' groups, backed by the international community, but not the other way round. It will not be easy." Consequentially, there will be setbacks and painful reckonings. Yet, for the first time in years, there is genuine hope, not just for a different Syria, but for a better one—one built on justice, truth, and the aspirations of those who never gave up. But Nousha Kabawat stresses: "The wounds of this conflict run deep, and healing must go hand in hand with accountability. We must thus construct a system that delivers justice, while allowing people simultaneously to heal."

How a people and people can heal

But can justice ever achieve healing? – In any post-conflict society mental health plays a crucial role in its consolidation, as an integral aspect to obtain peace in a broader sense. As we know, the sole absence of fighting, the end of open hostilities does not translate into "real" peace, but accountability, and justice, rather the idea of justice being implemented is essential. Otherwise the risk of re-traumatization can lead to more cycles of violence. Transitional justice must be a part of this process, but it has to be handled with care, since it can even increase the feeling of marginalization, if it is perceived as the justice of those who won, rather than an integral process the entire society can subscribe to.

One needs, on the one hand, to acknowledge the desire to heal by justice, and, on the other hand, to be realistic about existing limits. In "Truth and Repair", Judith Herman, one of the world leading scholars in trauma-expertise, argues that post-traumatic healing is more than a "private, individual matter." For survivors, punishment for those who committed crimes, is essential, Herman argues, but it is not their first need: Survivors feel an urge for the perpetrators to "own" their wrongdoings, that "a truth" is established.

This is a difficult task. While the vast majority of crimes against Syrians during the civil war was committed by the regime, all fighting groups were responsible for violence, including the HTS. Furthermore, not all Syrians share one "truth" about who is the victim and who is the assailant. A significant part of the population sees Jihadis like al-Sharaa and his allied fighters as culprits, not as saviors. Additionally, not all Syrians were exposed to war crimes, like chemical attacks and bombings of schools and hospitals.

A vast amount of data is available. Robert Petit, head of the International, Impartial and Independent Mechanism Investigating Serious Crimes in Syria, points out that „we were acting quasi as a prosecutor office, collecting, analyzing evidence of war crimes. "Since, we have been preparing to make sure that as many crimes as possible will be accounted for, as soon as the regime ends." But, he was admittedly shocked by how much evidence was destroyed in the first weeks after the regime's fall. He, too, stresses the enormous importance of the Syrian civil society and calls it a tremendous resource which could and should implement the process of transitional justice.

In the past, part of the failure of such endeavors has been the impression of transitional justice as an elite-led process, implemented by standards imposed from the outside. "The most important job right now is to conserve as much evidence as possible. It is everywhere, but no one collects it properly", stresses Omar Alshogre, Director of Detainees Affairs with the Syrian Emergency Task Force, in an expert meeting. Since his release from prison, he has become an advocate for accountability. "It is still unreal that the dictator fell. I have to check the news daily," he admits: "It was the most beautiful moment for me, when prisoners could get out of prison, although it was heartbreaking to learn so many did not survive. But now, a new chapter will start: We have a lot of criminals to persecute. Now, we are closer to justice than ever before."

Petra Ramsauer studied Political Science and has been working as a war- und crisis reporter since 1998, covering the Syrian civil war. She is also a psychotherapist, focusing on trauma and war.