

HEINRICH BÖLL STIFTUNG MIDDLE EAST

Towards Tangible Actions for Transitional Justice in Syria
Where to go from here?



anwarts

Haid Haid
October 2017

Contents

Summary	2
Introduction	3
An overview of transitional justice efforts in Syria	4
Towards tangible actions for transitional justice	6
- Universal jurisdiction: A means of criminal prosecution	6
- Documenting violations in preparation for justice	8
- Promoting Transitional Justice: Keeping the momentum going for accountability	9
- From victims to actors: Giving victims agency to voice their demands	10
An outlook: No strategies for what comes next	12
Conclusion: Boosting Transitional Justice Efforts	14
About the Author	18
Acknowledgments	18

Summary

- Accountability and justice have been among the first demands that triggered the popular Syrian revolution in March 2011. Syrian actors, as a result, have been preparing for a post-conflict transitional justice process for years. Initially, the majority of these efforts focused on building capacity and raising awareness of locals on the importance of transitional justice. While others worked on documenting the violations committed and conducted consultations with locals to adapt the future process to their needs and demands. However, hopes for a quick and full transition in the near future started to fade away due to the changing political and military dynamics of the Syrian conflict.
- Drawing notably on first-hand interviews with 15 Syrian organisations and practitioners working on transitional justice, this paper examines the current tactics used by these actors to turn their transitional justice efforts during the conflict into tangible actions. It also examines the strategies and gaps in dealing with the shifting political and military dynamics of the Syrian conflict. Finally, it provides Syrian and international actors as with a set of recommendations to better plan, prepare, and adapt their strategies and tactics to such limitations and challenges.
- Realising these limitations and challenges, the majority of Syrian organisations are focusing on ensuring that future accountability is not foreclosed. Some actors have started changing their short-term strategies to look for pre-transition accountability, such as using the principle of universal jurisdiction to prosecute war criminals in Europe. Whilst others have started amending their tactics such as documentation to suit a long struggle for justice. There has also been a slight increase in the number of initiatives aimed at giving victims agency.
- Despite these efforts, hopes for having a post-conflict government supportive of a comprehensive transitional justice process are fading away. There is a general feeling that war criminals, from different warring parties, will likely be part of the transitional period, which will complicate the political transition and undermine transitional justice efforts. Yet, only few organisations are working separately on an ad-hoc basis to address some of the expected issues while the rest are only focusing on what current needs and priorities are as it might be a waste of time and effort to work on strategies for an indefinable future.
- However, the inability to predict the future is not only limited to the challenges that may come, but also to the forthcoming opportunities as well. There are many enabling factors (such as people's desire for justice, the scale of violations, and the increasing attempts to hold actors accountable) that will likely assist Syrian organisations in their efforts to implement transitional justice when the right time comes.
- This study also shows what Syrian and international actors can do to ensure that they are as effective and as influential as possible in shaping Syria's future. It is important that Syrian actors manage expectations, be more inclusive, report transparently, give agency to victims, and work on collective plans to deal with the expected challenges in the midterm future. Likewise, international actors should provide long-term funds, offer tailored capacity building, keep the pressure on for justice and accountability and avoid the politicization of accountability efforts.

Introduction

"If we deny justice, we deny our humanity."

– Mazen Darwish, lawyer and activist¹

Accountability and justice have been among the first demands that triggered the popular Syrian revolution in March 2011. Syrian activists and civil society organizations (CSOs), as a result, have been preparing for a post-conflict transitional justice process for years, although it is not clear when and how the Syrian conflict will end. Initially, the majority of these efforts focused on building capacity and raising awareness of locals on the importance of transitional justice. While others worked on documenting the violations committed and conducted consultations with local communities to adapt the future process to their needs and demands.

However, hopes for a quick and full transition in the near future started to fade away due to the changing political and military dynamics of the Syrian conflict. The gradual military intervention of many foreign actors in Syria has added the additional layer of a proxy conflict dominated by external interests. In absence of credible peace negotiations and the lack of a perspective for a solution of the conflict, many Syrians have started feeling powerless and incapable of controlling neither their present nor their future. Likewise, the enormous numbers of crimes committed by thousands of local and foreign actors, who are at the same time participating in or even sponsoring peace negotiations, have made talks about transitional justice even more complicated.

Realising these limitations and challenges, the majority of Syrian organisations are focusing their efforts on what they can do now to enforce the chances of implementing transitional justice in the future. Similarly, other organisations have started changing their short-term strategies to look for pre-transition accountability mechanisms or amending their activities to suit a long struggle for transitional justice. Only a few organisations, however, have started working on an ad-hoc basis to address some of these issues. In this context, prospects to have a serious and even-handed transitional justice process in the near future seem dim, but is this really the case? If so, what can be done to change that, what are the enabling factors, what are the needs, and how can they be addressed?

The aim of this research is to foster a better understanding of the current tactics used by Syrian organisations and practitioners to turn their transitional justice efforts during the conflict into tangible actions. It also examines the strategies and gaps in dealing with the shifting political and military dynamics of the Syrian conflict. Additionally, this paper aims to provide Syrian and international practitioners and policymakers with a set of recommendations to better plan, prepare, and adapt their strategies and tactics to such limitations and challenges.

This paper draws on primary data collected from 15 semi-structured interviews with Syrian organisations and practitioners working on transitional justice. The interviews were conducted by the author via online communication (calls over Skype or WhatsApp) between March and June 2017. The interviewees were selected based on the relevance, access and availability of Syrian activists working on this topic. It is not clear how representative the views expressed here are, but the high level of agreement among interviewees on the subjects discussed suggests that the issues highlighted here merit additional attention from local and international actors working on this topic in Syria.

Overview of transitional justice efforts in Syria

“Transitional justice needs to be comprehensive, inclusive and legitimate to be successful in helping victims and their families to move on and coexist with all their fellow citizens.” –

Mustafa Haid, Dawlaty chairperson²

Although there is still no nationwide definition for what transitional justice in Syria should look like, Syrian practitioners generally agree that transitional justice should have a combined approach of promoting accountability, remedy and reconciliation among all Syrians so perpetrators are held accountable in order to help, not hinder the efforts to overcome divisions between different communities. There is also a general agreement that the process should be flexible and creative in selecting different mechanisms and that Syrians should have ownership over the process in all its phases.³ Additionally, Syrian practitioners also stress the importance of having an inclusive process by ensuring the participation of many Syrians and respecting the cultural, ethnic and religious diversity of Syrian communities.⁴

Towards this end, Syrian organisations have been trying to build their knowledge on transitional justice and its mechanisms since the beginning of the uprising in March 2011. The majority of them have been focusing on training local activists and organizations in order to enhance their capacity and allow them to take the lead in the transitional justice process. These efforts have included organising workshops, producing educational videos, booklets and training manuals on different aspects of transitional justice, including evidence collection. Dozens of organizations and thousands of activists have been actively involved in documenting the ongoing violations and war crimes in Syria since 2011 in order to preserve evidence and keep a record of what is happening. Most of them have been focusing on collecting information related to the committed violations, the crime scenes, the weapons used, and the personal details of the survivors and witnesses. Additionally, some organizations have been documenting the stories of Syrian refugees and what they witnessed.

These organisations have carried out a number of initiatives and campaigns among local communities to raise their awareness and increase the willingness to engage in working for a transitional justice process. The aim has been to increase the participation of people in reporting and documenting the ongoing violations and create substantial community pressure to ensure the implementation of this process in the future. Syrian actors have also been consulting with locals on issues related to transitional justice to know their needs, manage people’s expectations, and adapt transitional justice to local needs and context. These organisations have been playing a significant role in carrying out consultation activities in order to know more about how Syrians in different locations - inside Syria or in the neighbouring countries - view the ongoing conflict, and how they want transitional justice implemented in Syria after the conflict ends. They have also been producing road maps that they can use to guide and monitor the implementation of a transitional justice process, when possible.

However, transitional justice efforts in Syria have also produced mistakes that undermine the credibility of the process and the actors involved. Some groups working on this issue did not have the relevant knowledge and experience that led to counterproductive results. “Training and raising awareness on Transitional Justice was not always done by qualified and well-informed trainers, which resulted in misrepresenting the concept and misunderstanding of the idea and the philosophy behind it and consequently turned many people against it,” Dawlaty chairperson, Mustafa Haid, points out.⁵ These wrongdoings also contributed to giving false hope to victims about the feasibility of the process and its benefits, which resulted in frustration, distrust and disappointment towards the process.⁶

Running training sessions and coordinating meetings on transitional justice were done largely outside of Syria, even when some parts of Syria were relatively safe. The high cost of the meetings and trainings, which were mainly held in hotels, contributed to perceiving these kinds of efforts as unnecessary and a waste of resources. Some Syrians inside the country also thought that these resources should be allocated to matters that are more urgent. This created tension and negative feelings among local communities towards transitional justice

and the actors and the topics they were working on.⁷ Additionally, many workshops targeted only a small group of practitioners which created a bubble of activists who spent most of their times in training halls without having enough time to implement what they have learned.⁸

Transitional justice efforts have also mainly been done on an ad-hoc basis and were not part of a strategic action plan with clear objectives and milestones. The coordination among Syrians is largely chaotic, despite different attempts to coordinate efforts on transitional justice, which has led to the duplication of efforts and a waste of resources. Furthermore, documentation of violations was not always done professionally which caused harm to the victims and damaged the evidence collected. For example, "During the workshop, I recently organized for former female detainees, the participants pointed out that some activists who are documenting human rights violations are not following the basic procedures of asking the victims if they were interviewed before so they do not duplicate the work. As a result, the interviewees' lack of knowledge about the importance of accurately recalling the details of the violations resulted sometimes in ignoring or adding some details to their testimonies, which undermines the credibility of the case. This has exposed survivors and their family members to unnecessary harm by repeating their tragedies over and again," according to project officer at The Day After, Maha Ghreer.⁹

Towards tangible actions for transitional justice

Some Syrian organisations have continued their general efforts to build capacity and raise awareness on the importance of transitional justice, document the violations committed, and consult with locals to understand their needs and demands. However, other organisations have started changing their short-term strategies to look for pre-transition accountability or are amending their activities to suit a long-term struggle for transitional justice. Some organisations, for example are trying to use the principle of universal jurisdiction to pursue alternative avenues for criminal justice in front of national courts in European countries. Realising that transitional justice in Syria may take decades to be implemented and that much of their documentation data may not be admissible as evidence in judicial proceedings, other organisations have started broadening their documentation, by capturing as much information as possible to support broader future justice processes such as truth finding, reparations, and restoration programs. Similarly, a small number of Syrian CSOs have also been adapting their approaches to compile data in order to build cases against specific perpetrators of war crimes. Likewise, the organisations working on promoting transitional justice are focusing their advocacy efforts to ensure that future accountability is not bargained away at the negotiating table. Additionally, there has been a slight increase in the number of initiatives aimed at encouraging victim groups to organise themselves and provide them with the support needed to influence the future transitional justice process.

Universal jurisdiction: A means of criminal prosecution

“It is our job to give them [Syrians] hope again by serving justice to save humanity inside each one of us.”

– Khaled Hawas, activist and former detainees¹⁰

The inability of Syrian CSOs, until now, to use local judicial mechanisms to prosecute war criminals in Syria pushed them to look outwards for feasible options in the pre-transition period. Given that Syria did not sign the Rome Statute of the International Criminal Court (ICC), the latter cannot investigate war crimes in Syria without a referral from the UN Security Council. Any attempt to do so has been blocked, however, by a dual veto by Russia and China.¹¹ As a result, some Syrian human rights groups and activists have turned to other legal means to pursue alternative avenues for criminal justice in front of national courts. This is a possibility in states that have integrated international criminal law in their national law and follow the principle of universal jurisdiction, for example in European countries such as Germany, France, and Spain.¹² The principle of universal jurisdiction is a legal principle that allows or requires courts of states to prosecute persons for war crimes and crimes against humanity irrespective of the location of the crime and the nationality of the perpetrator or the victim.¹³ However, many states have restricted the implementation of this concept to cases where the victim is a national or if the perpetrator is on national soil, which limits the ability for many Syrian victims to hold their perpetrators accountable and might add to their notion that some lives matter more than others do.

Germany, however, is one of the countries that has not imposed any limits on the use of universal jurisdiction to investigate war crimes and prosecute those responsible for them even if there is no link between Germany and the violations committed in Syria. A number of Syrian lawyers and human rights groups, supported by international organisations, are cooperating with victims and their families who live in Germany¹⁴ to file complaints against Syrian regime officials directly involved in systematic torture practices: “The large number of Syrian refugees arriving in Europe has helped in gathering information from survivors who moved here. Their presence in Germany also makes it easier for local authorities to interview them and investigate the crime they suffered from,” human rights lawyer, Anwar al-Bunni, points out.¹⁵ The federal prosecutor has opened investigations, but this case is still at an early stage and it can only move forward if Germany’s legal system deems it worthy of being brought to court in Germany. Therefore, others are trying to highlight that such cases are simultaneously beneficial for social peace in Germany, as it facilitates the state’s commitment to identify and hold accountable perpetrators who sought asylum on its territories.¹⁶

While many Syrians wish that the accused suspects will be found guilty and arrest warrants will be issued

to extradite them to the concerned European country if they leave Syria, they know that such results remain a long shot and that their actions are mostly symbolic.¹⁷ Yet not all lawsuits are pursued to spark policy changes, but to draw attention to the inability of national and international legal mechanisms to stop impunity and serve justice. Towards this end, Syrian CSOs objectives are aimed largely at restoring faith in justice and providing victims with hope. So far, European states have largely directed universal jurisdiction against suspects with ties to either extremist groups or members of rebel factions accused of committing war crimes. Syrian activists have largely expressed their support for prosecuting those suspects for their crimes but have warned against only applying justice by international actors against specific crimes while ignoring those most responsible for human rights violations in Syria. “The world has been selective in applying justice against some of the individuals fighting with rebels or radical groups. Justice should be served because it is the right thing to do not because it allies with the interest of the countries implementing it. Selective justice destroys peace and harms the concept of justice itself. Therefore, restoring the balance of implementing justice outside can restore faith in it,” said chief executive officer at The Syrian Center for Media and Freedom of Expression, Wael Sawah.¹⁸

After more than 6 years of crimes inside Syria, many Syrians have lost faith in justice. These complaints are, thus, sending clear messages to victims and perpetrators and providing the former with a means to fight back. “We are simply sending a clear message to perpetrator; justice will come and no political solution will protect them in the future. They will be held accountable and nothing will not be able to protect them. It also sends a message of hope to victims and to the Syrian people; the path to justice has started. We are not dreaming of it any more. We are making justice with our bare hands,” human rights lawyer, Anwar al-Bunni, points out.¹⁹ Other Syrian activists are even hoping that these cases will support efforts to reform Syrian institutions in the future, especially since some cases are filed against specific security branches. “These cases will hopefully make it difficult for those named warlords and their institutions to continue to operate in the future. It will also make it hard for European countries to deal with them due to their criminal records,” said executive director at The Day After, Mutasem al-Syoufi.²⁰

Although many Syrians, especially victims and their families have been thrilled to hear that they can obtain a measure of justice and reparations, others have expressed their concerns about the potential downfalls of such litigations. The focus has been on garnering media attention for these cases. This has led to an absence of clear and accessible communication channels to keep the Syrians interested and informed and to contribute to amplifying people’s expectations and giving them false hope. “The problem is that sometimes these actions are not coupled with clear strategy to manage people’s expectations. Some actors either intentionally or unintentionally either exaggerate the impact what could be achieved through the universal jurisdictions or do not mention the limitations that come with it which amplifies people’s expectations,” stressed co-founder and executive director of Syrians for Truth and Justice, Bassam al-Ahmed.²¹ Failing to meet people’s expectations, which will likely be the case, can result in disappointment, distrust, and negatively damage the credibility of any future justice processes.

Other Syrian organisations, such as Syria Justice and Accountability Centre, argue that legal complaints should not be filed for advocacy purposes despite their slim chances of winning. The centre argues that only small-scale cases with strong jurisdictional and substantive merits should be brought forward in a court for their likeliness to succeed. Doing so will create legal precedents in European courts that may have an impact on higher level perpetrators in the future. Contrarily, the lack of strategic vision can lead to prosecutorial failures, which can weaken existing jurisprudence on universal jurisdiction and make police and prosecutors reluctant to pursue such cases in the future despite their chances to succeed.²² However, those in favour of going for high-profile cases, argue that chances to convince the German general prosecutor to accept small-scale cases are slimmer due the significant resources needed for them, which will be difficult to justify to tax payers. However, the high profile of the cases adds to the publicity of the complaints and may help generate enough public attention to pressure the system to accept them. Moreover, focusing only on charging low profile perpetrators undermines the credibility of justice efforts and leads to counterproductive results that enforce the common perception that criminals in command and responsible for mass atrocities will always go free. Additionally, other activists expressed their fears of politicising the complaints filed in front of

European courts to serve the interests of the countries supporting them at the expense of Syrian victims.²³

Documenting violations in preparation for justice

“It is important to put perpetrators on notice and make sure that they will never be able to feel safe from prosecution.”

– Shabnam Mojtahedi, Legal and Strategy Analyst at Syria Justice and Accountability Centre

24

Dozens of organizations and thousands of activists have been actively involved in documenting the ongoing violations and war crimes in Syria since the beginning of the conflict in March 2011. The majority of their work is focusing on collecting information on on-going violations, such as videos, pictures, statements and interviews along with specific metadata such as the source, location, time, types and methods of violations, and the actors involved. Many Syrian human rights organisations are still trying to document all human rights, humanitarian, and international criminal violations committed in Syria. Realising that transitional justice in Syria may take decades to be implemented and that much of their documentation data may not be admissible as evidence in judicial proceedings, Syrians CSOs have started broadening their documentation, by capturing as much information as possible, to support broader justice processes in the future such as truth finding, reparations and restoration programs. Some actors are trying to map the violations in Syria coupled with information about the political and humanitarian context in which the violations were committed, in order to guide future investigators that may also be relevant for truth-telling and reconciliation. “These types of documentations can serve to recognize survivors of conflict raise awareness of the in-country situation and contribute to future memorialization and truth-seeking processes. It can also be used to stop war criminals from being part of the solution and governing the country in the future,” executive director at The Day After, Mutasem al-Syoufi, points out.²⁵ In Syria, where the conflict has resulted in the widespread destruction of public and personal assets, reconciliation cannot take place without tackling the issue of restoring property and compensation as part of the transitional justice process. Thus, evidence collection can also help the state in the future to identify priorities, which will be especially pressing as the state resources for reparations will likely be limited.²⁶

While the concession on the importance of documentation remains the same, a small number of Syrian CSOs have been adapting their approaches to compile data in order to build cases against specific war criminals. These actors are becoming more aware that collecting a massive number of evidence about the gross crimes committed in Syria is not enough therefore, they started working on establishing linkage evidence to tie perpetrators, whether individuals, structures or institutions, to specific crimes. This requires establishing administrative proof such as records of orders, command structure etc. Consequently, some organisations started working on collecting and filing the available data to preserve them in a clear formation that can be accessed easily even decades in the future. “We are aggregating as much as we can from open sources as well as from other Syrian local partners. We created a database a few years ago and we have been improving it and adding more documentation to it,” says Syria project coordinator at No Peace Without Justice, Rami Nakhla.²⁷ Some actors are trying to use these findings to build up cases right now, such as the cases filed in front of European courts. Others, however, continue to work on analysing the evidence, without filing cases, for when the time is right. Nevertheless, they still contribute to cases by providing prosecutors with specific evidence of interest to criminal cases or assist countries in preventing war criminals from turning their states into safe heavens.²⁸

These efforts have even become more important after December 2016 to establish the International, Impartial and Independent Mechanism (IIIM) for Syria, which aims to investigate and document all human rights violations in the Syrian conflict and identify the perpetrators responsible whenever possible. Although the UN has already established an Independent International Commission of Inquiry on Syria in August 2011 to investigate alleged violations in Syria,²⁹ most of its work stayed confidential and focused on investigating the crimes perpetrated without identifying suspects. Syrian organisations, hope that the IIIM will be able to

go the extra mile and build cases against perpetrators for whenever time allows for tribunals. The work of this mechanism is therefore especially vital for collecting and preserving all available evidence as well as for viewing them in order to prepare for prosecuting cases and delivering them to the different courts willing to handle them whenever that may be. “We are trying to benefit from the IIM in order to build up cases against war criminals to guarantee that those criminals will one day face justice no matter how long we have to wait for that,” chief executive officer at The Syrian Center for Media and Freedom of Expression, Wael Sawah, points out.³⁰

Syrian CSOs are largely well respected and have been able to improve their documentation efforts significantly over the past few years, but there have also been critiques of their work in the accountability context. Many organizations have concentrated on violations committed by the Syrian government. Pro-regime forces are responsible for more than 90% of the violations in Syria³¹, which understandably influence the decision of many Syrian organisations to focus on documenting the massive volume of abuse committed by the Syrian regime. However, the violations perpetrated by other armed groups and militias should still be collected and highlighted as well. Otherwise, the work and credibility of Syrian organisations could be questioned in the future if they are perceived as bias.³² According to some Syrian organisations some donors are also contributing to this problem by only funding efforts focusing on documenting the violations of the Syrian regime, although there is no solid evidence to confirm that. “Some donors are only interested in funding projects that document the violations of the regime but they refuse to fund other projects to document crimes committed by other actors. This limits our ability to document all violations which in turn harms our reputation,” co-founder and executive director of Syrians for Truth and Justice, Bassam al-Ahmed, says.³³ Similarly, announcing evidence about mass violations has been politicised in some occasions to serve the political interests of the actors opposing the Syrian regime. The planned timing of such revelations before important political occasions such as a United Nations Security Council meeting or peace talk negotiations politicises these finding and harms the credibility of the evidence by pushing some people to question motive. For example, the famous Caesar torture photos, which included 53000 images documenting the torture and killing of around 11,000 detainees by the Syrian security establishment which were smuggled out by a former Syrian army, code-named ‘Caesar’.³⁴ The report was released on January 2014, just two days before the beginning of peace talks between the Syrian regime and opposition in Geneva, Switzerland in order to influence their outcome. Although the authenticity of the photos was independently verified by a team of lawyers and digital and forensic experts, the timing of the report and the involvement of the anti Syrian regime state of Qatar who funded the report led some people to question the credibility of the report. “It has become almost a pattern that reports about mass violations are timed with important political occasions in order to influence them, which is understandable, however, it politicized the atrocities and resulted in most of the cases in damaging the credibility of both the actors and evidence involved,” Dawlaty chairperson, Mustafa Haid, points out.³⁵

Promoting Transitional Justice: Keeping the momentum going for accountability

“Our main advocacy objective now is to prevent transitional justice from being bargained away at the negotiating table and to make sure that accountability remains a priority.”

– Oula Ramadan, founder and executive director of Badael³⁶

There is a general agreement among Syrian organisations on the importance of continuing their advocacy efforts to ensure that future accountability is not bargained away at the negotiating table. The concern is that some of the national and international actors involved in both the conflict and the peace talks have mutual interests in preventing the implementation of such a process. The motives vary from sacrificing justice for peace, assuming that demanding justice and accountability during peace talks jeopardises negotiations and prolongs the conflict, to protecting their local allies from facing charges.³⁷ The most frequently used example of such a scenario is the 1991 general amnesty law forged by Lebanese political elites as part of Taif agreement to protect themselves by pardoning all political and wartime crimes committed prior to the law.³⁸ Therefore, Syrian actors are focusing their advocacy effort to pursue the negotiating parties and their

sponsors to include in the peace agreement their commitment to justice and accountability or at least ensure that future accountability is not foreclosed. “Most of our work aims at pushing the international influential actors to keep talking about transition and accountability so it could be included in the peace agreement, or at least to leave open the possibility for accountability to occur,” founder and executive director of Dawlaty, Salma Kahale, points out.³⁹

Despite the importance of promoting transitional justice, these efforts have decreased in the last two years which might reduce the chances of implementing accountability in the future. “The work on Transitional Justice in Syria is more critical now than any time before due to the complexity of the situation, the number of violations, the diversity of perpetrators and the emerging tendency to sacrifice justice in order to support peace talks. Yet, the number of the CSOs working on this has significantly decreased instead of intensifying their work to ensure its implementation. This raises a very important question about the motive behind working on this concept before and now,” explains Dawlaty chairperson, Mustafa Haid points out.⁴⁰ But some Syrian activists blame this issue on the lack of funds allocated to support Syrian advocacy efforts, which was much better until early 2014.⁴¹ Others refer it to the lack of collective work and the absence of a clear long term strategy. “Most of the advocacy efforts are largely done on an ad-hoc basis and are limited to the number of meetings sponsored by a few international actors to accompany the occasional peace talks. These efforts are also mainly done by individual organisations or activists which limit their impact and reduce their funding chances,” co-founder and executive director of Syrians for Truth and Justice, Bassam al-Ahmed, points out.⁴²

Notably, the majority of the advocacy efforts are targeting external actors despite the importance of also targeting the Syrian audience. “At first, this was intentionally done by Syrian actors to lobby external influential decision makers to support this process. However, now it appears that those external actors have become the main audience with less efforts on targeting Syrians, who are the most significant beneficiaries of such process, although the need for this is now as crucial and important,” Dawlaty chairperson, Mustafa Haid, says.⁴³ This helps explain the occasional confusion, among Syrians, caused by the lack of information about the aim of the advocacy work and results expected.⁴⁴ “People are usually confused for not knowing the difference between the advocacy work and the legal work. When doing advocacy work, it is crucial to inform people about what to expect so they do not expect immediate results as the outcome may come years after or it may not pay off at all,” co-founder and executive director of Syrians for Truth and Justice, Bassam al-Ahmed, explains.⁴⁵

From victims to agents: Giving victims agency to voice their demands

“We are demanding freedom for our beloved ones and we will never get tired or defeated until that happens. We want our voices to be heard by the whole world.”

– Fadwa Mohammed, co-founder of Families for Freedom⁴⁶

Unlike other transitional justice efforts, working with victim groups is by far the least developed field in Syria. Syrian actors have often postponed their efforts to work with victims and give them agency, but these actors are becoming more aware of the importance of working with survivors and the victims’ families to influence the future of the transitional justice process. Towards this end, there has been a slight increase in the number of initiatives aimed at encouraging victim groups to organise themselves and to provide them with the support needed. These efforts are mainly focusing on working with former detainees and families of detainees and enforced disappearance, which seems to be mutually viewed as a high priority by both the stakeholders and the CSOs supporting them. Syrian organisations appear to be more aware of the need to mobilise victim groups not only to advocate their demands but also to provide support and solidarity in their communities. “Victim groups usually work for years before they can achieve any tangible results therefore they need to feel that this work is not only taking their time and effort but also creating a network of support and solidarity that they can depend on,” said project officer at The Day After, Maha Ghreer.⁴⁷

These initiatives to create victim groups are still limited to discussions among small core members who are planning to create bodies or movements to represent themselves. The organisations interviewed for this research

are involved in three initiatives, which seem to be the only current attempts that are actively and exclusively working with victim groups to give them agency. These three initiatives started with bringing together a small group of people and providing them with the space and opportunity to discuss their needs and what could be done to address them. The Day After organisation is taking the lead on two of these initiatives which are supporting a group of former detainees in Sadnaya and a group of former female detainees. However, these efforts remain in the early stages where discussions are still ongoing among stakeholders to figure out what they want and what to do next. “We organised a conference in August last year for the detainees and families of enforced disappearance. The aim was to provide them with a space in order to speak together and explore whether they want to do to make their voices heard and how. We are still waiting to see what they want to do in order to assist them achieve their demands;” program manager at The Day After, Diab Serriya, explains.⁴⁸

The third initiative, Families for Freedom supported by a number of CSOs, is a slightly more advanced stage and has been active since February 2017.⁴⁹ The group is using different tactics including, sit-ins, and meetings with officials, interviews, statement, letters, and campaigns to pressure all groups to release all detainees as well granting access to detention facilities and providing information about their fate.⁵⁰ However, it remains limited to a small core team of five Syrian female relatives of detainees or enforced disappearance. The members are trying to expand the group and turn it into an inclusive movement that represents people from all backgrounds and political views. The work of this group has been immediately able to generate significant press coverage but they are still trying to achieve the same impact on the ground. “So far we have been able to coordinate with small groups who agree with our demands and who are willing to organise and participate in events we are calling for. We are now trying to identify core local members in different areas to be able to mobilise their communities and create networks that could become pressure groups across the country;” co-founder of Families for Freedom, Fadwa Mohammed, points out.⁵¹ Syrian organisations are supporting these initiatives by providing them with the opportunities to network and communicate with families of detainees in other countries, who went through similar experiences, to share knowledge and build solidarity. “We are trying to provide them with the help they need without intervening in what they are trying to achieve. We try to mobilise our sources and networks inside and outside of Syria to facilitate their meetings and provide them with the support needed;” says advocacy and communications officer at Dawlaty, Zuhour Mahmoud.⁵²

The lack of initiative among victims to voice their demands in a unified structure and the desire of the Syrian actors to let that happen organically contributed to delaying such efforts. The majority of victims inside or outside Syria seem to be mainly occupied with surviving and securing their basic needs, which has become extremely difficult to achieve. “It was obvious during the first meeting with the female detainees is that they were mainly occupied with their personal day to day issues such as work, documents, accommodation and residency in the countries of Asylum. Only a few people discussed political situation or general political demands;” project officer at The Day After, Maha Ghrer, explains.⁵³ As a result, Syrian actors were scared of imposing themselves and their strategies on the victims, which may have contributed to this void. “Part of the problem is that the victims did not try to take the initiative and create an agency for themselves. On the other hand, we are scared of imposing anything on them. Therefore, we tried for a long time to show that we are ready to support any initiative without talking the lead ourselves;” program manager at The Day After, Diab Serriya, points out.⁵⁴ Additionally, the absence of efficient tactics to recruit new members and expand the network of the recent victim groups’ initiatives limited the size and reduced their influence and success.

Syrian organisations have also committed mistakes that hindered such initiatives. There is a general feeling of distrust among victims who feel used by different organisations and left without any support or follow up as soon as their presence was no longer needed. “Some victims and their families were literally used by some of the actors working on transitional justice to promote a project or political agenda rather than empowering them. Those people were then abandoned which turned their high expectations into disappointment and distrust in the concept and the actors working on it;” Dawlaty chairperson, Mustafa Haid, points out.⁵⁵ The failures of previous initiatives, which are not directly linked to creating victim groups, have also made them indifferent towards contributing to any change. “The failure of many initiatives that they know of or participated in also negatively impacted their expectations and their desire to become active agents for their demands;” project officer at The Day After, Maha Ghrer, explains.⁵⁶ Moreover, the majority of work in this regard lacks clear strategies on how to motivate with victims and work with them to become active actors, which helps explain the absence of well-established victim groups in Syria.⁵⁷

An outlook: No strategies for what comes next

“We have to redefine what transition means because applying one comprehensive transition justice process does not apply anymore.”

– Salma Kahale, founder and executive director of Dawlaty⁵⁸

Hopes for having a post-conflict government supportive of a comprehensive transitional justice process are fading away due to the changing political and military dynamics of the Syrian conflict. During the early months of the peaceful revolution, the efforts for transitional justice in Syria were mainly conducted based on the assumption that a full political transition will be implemented in the near future. Consequently, these assumptions were built on the idea that the transitional government will be supportive of implementing a fair and holistic transitional justice process, since many civilians as well as opposition groups were calling for it and because the Assad regime was the main party committing human rights violations. This was clear in the early roadmaps produced by Syrian CSOs on how transitional justice should be implemented in Syria and what mechanisms it should use.⁵⁹ But the enormous number of crimes committed by thousands of local and foreign actors, over the past six years of the conflict, who are also participating in peace talks, makes the aforementioned assumption doubtful. “The post-conflict situation in Syria will likely be different to the transitional justice process we were trained on and prepared for. Perpetrators from different warring parties will likely be part of the transitional period, which will hinder a full transition and present serious challenges to Transitional Justice,” co-founder and executive director of Syrians for Truth and Justice, Bassam al-Ahmed, points out.⁶⁰

It was difficult to get Syrian organisations to talk about their prospects to have an even-handed transitional justice process in the near future but those who did were pessimistic. Some practitioners projected that justice will likely be sacrificed to ensure peace. The Syrian regime, which is responsible for the majority of the crimes inside Syria, is expected to continue to resist any accountability efforts. There has also been a shift within some of those who oppose the Syrian regime, especially armed factions, who also started opposing accountability initiatives to protect themselves. “At least some armed groups on both sides of the Syrian negotiating parties are accused of violations and war crimes that Syrians want to hold them accountable for. Thus, it is so easy to imagine a scenario in which both parties agree to drop any talks about justice and accountability because it’s against their interests,” said Syria project coordinator at No Peace Without Justice, Rami Nakhla.⁶¹ Others anticipated a compromise where a partial or superficial transitional justice process will be implemented to tick a box and rehabilitate war criminals. Reparations can also be used in the future to give people a false sense of justice through monetary payments in order to move on without holding perpetrators accountable.⁶² Other extreme predications were also mentioned, such as including a general amnesty in the peace agreement or implementing a victor’s justice where designated enemies are punished, but these forecasts were not commonly shared.

Whilst the future cannot be predicted, Syrian organisations can still do a lot to ensure that they are as effective and as influential as possible in shaping it. The dynamics of the Syrian conflict are shifting fast, which limits the possibility of always being proactive. Nonetheless, Syrian organisations can increase their impact by monitoring the ongoing negotiations to quickly respond to the relevant issues discussed and influence them. These organisations can amplify their effect by building their interventions on evidence-based studies, the views of their fellow Syrians, and inputs from experts and other contexts. “It is hard not to be reactive but even when you are being reactive make sure to do so in an informed and rapid manner to be able to inject some reality to some of these discussions or initiatives,” legal and strategy analyst at Syria Justice and Accountability Centre, Shabnam Mojtahedi, points out.⁶³ Similarly, it is important that Syrian organisations learn from other experiences where political transitions were messy and complicated, like in Latin America, even when efforts to implement transitional justice were not successful, like in Iraq. These organisations can then try to bridge and apply these lessons learned to the Syrian context in order to advance local expertise on how to deal with some of the expected challenges. Syrian actors must also increase their efforts to mobilise local and refugee communities in support of transitional justice. Consequently, they can act as pressure groups and fight back if

limitations are imposed to undercut transitional justice or some of its mechanisms. “We can not predict what the final mandate of any truth commission will look like but we can do our part to make that truth commission as meaningful as possible,” says lawyer and activist, Ibrahim Alkasem.⁶⁴

Furthermore, Syrian organisations seem to lack clear positions towards the frequent challenges that face transitional justice. The transitional justice literature in Syria strongly indicates that Syrian practitioners are aiming at implementing a holistic transitional justice process at once. But the enormous number of victims and violations and the lack of resources, imply that it will unlikely be possible to implement the desired ideal process immediately. Transitional justice is a comprehensive approach and each one of its mechanisms impacts the rest of the process, therefore, it is important that these organisations start thinking, in consultation with their fellow Syrians, about developing a meaningful sequencing for transitional justice based on the needs and the available resources. For example, not reforming the juridical system will directly influence the accountability process and the tribunals will not be as meaningful. Hence, it is important to start thinking about the vital mechanisms that should be implemented first in order to lay out the ground for other mechanisms to be implemented in the future. “A lot of people know what transitional justice means and what the different mechanisms are but the missing link is to start thinking about prioritising the different mechanisms based on available resources and expertise,” explains legal and strategy analyst at Syria Justice and Accountability Centre, Shabnam Mojtahedi.⁶⁵

It might be difficult at this point to think about a detailed sequencing process, but it is important to start identifying the essential mechanisms that have to be implemented to achieve sustainable peace and inclusive justice. Likewise, the process of deciding such essential mechanisms should be inclusive and done in consultation with local communities. It should also be reassessed periodically to reflect the changes in people’s needs, expectations and demands.

Conclusion: Boosting Transitional Justice Efforts

“Unfortunately, no one will be safe in Syria if justice does not take place”

– Wael Sawah, Chief Executive Officer at The Syrian Center for Media and freedom of Expression⁶⁶

To turn their transitional justice efforts during the conflict into tangible actions, some Syrian organisations have started changing their short-term strategies to look for pre-transition accountability mechanisms. Some practitioners are trying to use the principle of universal jurisdiction to pursue alternative avenues for criminal justice in front of national courts in European countries. Whilst others have started amending their tactics to suit a long struggle for Transitional justice. Realising that much of their documentation data may not be admissible as evidence in judicial proceedings, Syrian practitioners have started broadening their documentation, by capturing as much information as possible, to support broader future justice processes. There has also been a slight increase in the number of initiatives aimed at giving victims agency to influence the future of the transitional justice process. Additionally, the advocacy efforts are largely focusing on ensuring that future accountability is not bargained away at the negotiating table.

Despite these efforts, hopes for having a post-conflict government supportive of a comprehensive transitional justice process are fading away due to the changing political and military dynamics of the Syrian conflict. There is a general feeling that war criminals, from different warring parties, will likely be part of the transitional period, which will complicate the political transition and undermine transitional justice efforts. Yet, only few organisations are working separately on an ad-hoc basis to address some of the expected issues while the rest are only focusing on what current needs and priorities are as it might be a waste of time and effort to work on strategies for an indefinable future.

But, the inability to predict the future is not only limited to the challenges that may come but also to the forthcoming opportunities as well. Despite the suffocating security situation and escalating violence, Syrian activists and organizations have continued their preparation efforts for transitional justice since the beginning of the revolution in 2011. The efforts towards justice undertaken by local actors are impressive and the evidence collected and documented is unique for a conflict that is still ongoing, in the face of the conditions of war. This is also despite the fact that there is a high number of national and international actors continuously committing war crimes and crimes against humanity who are inflicting harm on witnesses as well as evidence collected. Syria, as a result, is one of only a few countries that have advanced transitional justice efforts while the conflict is still ongoing. Actors working on transitional justice have also been successful in adapting to changes and looking for alternative ways to look for pre-transition mechanisms. Even when they fail to be proactive, Syrian organisations have largely been able to increase their impact by closely monitoring what is happening and responding quickly to the relevant issues to be as effective and as influential as possible in shaping it.

Furthermore, many enabling factors will likely assist Syrian organisations in their efforts to implement transitional justice when the right time comes. Many Syrians feel that transition has already started and cannot be stopped. “Transitional justice as the name indicates in serving justice in transition. In Syria the transition has already started as Syria will never be restored to pre 2011. What we are working at is to make this transition as just for everyone as possible,” explains lawyer and activist, Ibrahim Alkasem.⁶⁷ The scale of violations, the large volume of documentations and people’s desire to know what happened, especially the family of the detainees and the missing, make justice difficult to ignore.⁶⁸ Attempts to hold local actors accountable have also become more common, which shows that people are more vocal about what they want. This will likely support the pressure for transitional justice, even if happens a few years later.⁶⁹ The heavy price for ignoring justice, which will likely prolong the conflict by triggering revenge and retaliation, or prompt another one at a later stage, can also play a supportive role in favour of implementing the process.⁷⁰ “The debate now is not about establishing transitional justice or not. The concept is rooted in the hearts and minds of Syrians and cannot be ignored. Thus, the discussion right now is focusing on what type of transitional justice to implement, and how to make it as inclusive and due as possible,” executive director at The Day After, Mutasem al-Syoufi, points out.⁷¹

This study shows that there is a lot of room for development amongst the Syrian groups and practitioners working on transitional justice. Therefore, the following recommendations aim at helping Syrian organisations and the international community to address some of the gaps tackled in this paper and support the implementation of a comprehensive, inclusive and legitimate transitional justice to help victims and their families reconcile and move on.

To Syrian organisations

Manage expectations and report transparently

It is important to explain to people the realistic aims and limitations of transitional justice efforts in order to manage expectation and avoid giving people a false sense of hope, which hinders the credibility of any future justice processes and the actors involved. Establishing clear and accessible communication channels and issuing regular updates are also important to keep stakeholders informed about what is happening.

Better documentation

Unified documentation procedures for collecting, verifying and securing data, should be reached and implemented by all among Syrian practitioners to avoid duplication which wastes resources, impairs the data, and causes unnecessary pain to victims and their families. The violations committed by all actors should be impartially documented and highlighted to strengthen the credibility of actors involved and the data collected. Avoid the politicisation of the collected evidence to serve specific interests by being cautious about the context and interests of the actors involved in collecting or revealing such information. Likewise, it is important to put the protection of victims and evidence above all by thoroughly assessing the harm caused by releasing evidence publicly.

Positive advocacy

Increase advocacy efforts that target Syrians in order to change the widespread misunderstanding of the transitional justice concept and mobilise community pressure in support of implementing a due transitional justice process. Similarly, it is vital to adopt a discourse that demands justice for all Syrians despite their political affiliations. Integrate advocacy efforts in a holistic and long-term strategy to move away from what is available towards what is needed. To save time and efforts, Syrian actors should also seek to collaborate and coordinate their outreach efforts collectively whenever applicable.

Agency to Victims

Syrian organisations should increase their efforts aiming at working with victim groups to give them agency. Towards this end, these organisations should develop clear strategies on how to motivate and empower victims and work with them to become active in solutions. Similarly, they should mobilise their sources and networks inside and outside of Syria to facilitate the work of victim groups and provide them with the needed support.

Victim groups should also develop clear strategies to recruit new members and expand their networks beyond their core members to amplify their outreach and influence. Thus, these groups have to prioritise providing support to their stakeholders, despite their geographical locations, to create a sense of community and solidarity among them. These groups should start engaging with a wider audience to establish wide support by explaining what the groups are for and what they are trying to achieve, establishing clear and reliable communication and follow up channels with them.

Clear strategies

It is important that Syrian organisations start immediately working on collective plans to deal with the expected challenges in the near and midterm future. They can increase their impact by monitoring the ongoing negotiations and quickly responding to the relevant issues discussed. Looking for example in countries where political transition was messy or incomplete could also help to bridge lessons learned to the Syrian context and advance local expertise on how to deal with some of the expected challenges.

Additionally, Syrian organisations should start thinking, in consultation with their fellow Syrians, about developing a meaningful sequence for transitional justice based on needs and available resources. As a first step, it is essential to start thinking about the vital mechanisms that should be implemented first in order to lay the ground for other mechanisms to be implemented in order to achieve sustainable peace and inclusive justice in the future. Notably, this should be inclusive and assessed periodically to reflect the changes in people's needs, expectations and demands.

Inclusiveness

Avoid adopting a biased discourse that focuses on some violations or politicizes them, which is vital to protect the credibility of Syrian organizations and their work. It is also important for these organizations to further develop their efforts so that they are more inclusive and engage with all Syrians regardless of their political, religious, or ethnic backgrounds, despite their political affiliation.

To the international community

Long term funds

During an ongoing conflict, efforts for justice are highly complicated and are a tough task that cannot be executed properly if there is no sustainable and granted funding. Funding, therefore, should shift towards sustainable support to prevent the damage caused by changes and uncertainty. Towards this end, international donors should move away from short term funding in order to alleviate the financial difficulties facing local actors and allow them to move away from project-driven planning towards comprehensive and long-term strategies. Likewise, donors should stop being selective in choosing the projects they are funding to serve their political interests and allow local actors to work on their priorities.

Capacity building

Customize capacity-building activities targeting Syrian actors to be comprehensive beyond the immediate project readymade packages. Designing training should also be based on the priorities set by Syrian actors that are more suited for building up sustainable and replicable bodies of expertise within the country. For example, practitioners expressed their need for technical training on issues like criminal investigation, forensic medicine, estimating damage, etc.

Keep the pressure on for Justice and accountability

International actors should continue to use their influence to pursue the negotiating parties and their sponsors to include in the peace agreement their commitment to justice and accountability or at least ensure that future accountability is not foreclosed.

Avoid politicization accountability efforts

It is vital to stop any attempt to use accountability efforts to serve the interests of the countries supporting them, which undermines the credibility of work and the actors involved. Therefore, international actors working on promoting transitional justice should also be sensitive to the political context in which they are operating.

1- Mazen Darwish (2017), 'How to do Justice? Accountability for Mass Atrocities in Syria' Heinrich-Böll-Stiftung, 3 March 2017, https://www.youtube.com/watch?v=Rws-l1Y-K9s&list=PLQoUnPhwq7cxAEEY9_EtkBgYff1bsxp&index=3 (accessed June 5, 2017).

2- Author's interview via Skype with Mustafa Haid, May 2017.

3- Author's interview via Skype with Salma Kahale, March 2017.

4- The Day After (2012), 'Supporting a Democratic Transition in Syria', The Day After, 28 August 2012, <http://thedayafter-sy.org/wp-content/uploads/2014/12/thedayafteren.pdf>. (accessed July 5, 2016).

5- Author's interview via Skype with Mustafa Haid, May 2017.

6- Author's interview via Skype with Wael Sawah, May 2017.

7- Author's interview via Skype with Mutasem al-Syoufi, May 2017.

8- Author's interview via Skype with Mutasem al-Syoufi, May 2017.

9- Author's interview via Skype with Maha Ghrer, May 2017.

10- Khaled Hawas (2017), 'How to do Justice? Accountability for Mass Atrocities in Syria' Heinrich-Böll-Stiftung, 3 March 2017, https://www.youtube.com/watch?v=syjF3LxTTsw&index=2&list=PLQoUnPhwq7cxAEEY9_EtkBgYff1bsxp (accessed June 5, 2017).

11- Ian Black (2014), 'Russia and China Veto UN Move to Refer Syria to International Criminal Court', The Guardian, 22 May 2014, <https://www>.

- 12- Reuters (2016), 'French judge to investigate disappearance of Franco-Syrians in Syria' Reuters, 27 October 2016, <http://www.reuters.com/article/us-mideast-crisis-france-judge-idUSKCN12R2HE> (accessed May 5, 2017).
- 13- The Day After (2012), 'Supporting a Democratic Transition in Syria', *The Day After*, 28 August 2012, <http://thedayafter-sy.org> (accessed June 5, 2017).
- 14- Anthony Faiola and Rick Noack (2017), 'For Syrian victims, the path to justice runs through Europe', *The Washington Post*, 2 March 2017, http://wapo.st/2ma2kaC?tid=ss_tw&utm_term=.8d8249cd497f (accessed June 8, 2017).
- 15- Anwar al-Bunni (2017), 'How to do Justice? Accountability for Mass Atrocities in Syria' Heinrich-Böll-Stiftung, 3 March 2017, https://www.youtube.com/watch?v=syjf3LxTTsw&index=2&list=PLQoUnPhwq7cxxAnEeY9_EtkBgYff1bsxp (accessed June 5, 2017).
- 16- Author's interview via Skype with Bassam a-Ahmad, April 2017.
- 17- Author's interview via Skype with Ibrahim Alkasem, May 2017.
- 18- Author's interview via Skype with Wael Sawah, March 2017.
- 19- Anwar al-Bunni (2017), 'How to do Justice? Accountability for Mass Atrocities in Syria' Heinrich-Böll-Stiftung, 3 March 2017, https://www.youtube.com/watch?v=syjf3LxTTsw&index=2&list=PLQoUnPhwq7cxxAnEeY9_EtkBgYff1bsxp (accessed June 5, 2017).
- 20- Author's interview via Skype with Mutasem al-Syoufi, May 2017.
- 21- Author's interview via Skype with Bassam a-Ahmad, April 2017.
- 22- Syria Justice and Accountability Centre (2017), 'When "Public Interest Litigation" Isn't in the Public's Interest: Universal Jurisdiction and the Case against Assad' 2 March 2017, <https://syriaaccountability.org/updates/2017/03/02/when-public-interest-litigation-isnt-in-the-publics-interest-universal-jurisdiction-and-the-case-against-assad/> (accessed June 3, 2017).
- 23- Author interview via Skype with Bassam a-Ahmad, April 2017.
- 24- Author's interview via Skype with Shabnam Mojtahedi, May 2017.
- 25- Author's interview via Skype with Mutasem al-Syoufi, May 2017.
- 26- Author's interview via Skype with Shabnam Mojtahedi, May 2017.
- 27- Author's interview via Skype with Rami Nakhla, May 2017.
- 28- Author's interview via Skype with Shabnam Mojtahedi, May 2017.
- 29- United National Human Rights (2011), 'Independent International Commission of Inquiry on the Syrian Arab Republic f', OHCHR, 22 August 2011, <http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx> (accessed 27 June 2017).
- 30- Author's interview via Skype with Wael Sawah, May 2017.
- 31- The Syrian Network for Human Rights (2016), 'Assad Regime Carried Out 93 Percent of Civilian Killings in Syria', *The Syrian Observer*, 16 November 2016, http://syrianobserver.com/EN/News/31967/Assad_Regime_Carried_Out_Percent_Civilian_Killings_Syria_Monitor (accessed 13 July 2017).
- 32- Author's interview via Skype with Bassam a-Ahmad, April 2017.
- 33- Author's interview via Skype with Bassam a-Ahmad, April 2017.
- 34- Human Rights Watch (2015), 'Syria: Stories Behind Photos of Killed Detainees', *Human Rights Watch*, 16 December 2015, <https://www.hrw.org/news/2015/12/16/syria-stories-behind-photos-killed-detainees> (accessed 3 June 2017).
- 35- Author's interview via Skype with Mustafa Haid, May 2017.
- 36- Author interview via Skype with Oula Ramadan, June 2017.
- 37- Author interview via Skype with Mutasem al-Syoufi, May 2017.
- 38- Elizabeth Picard and Alexander Ramsbotham (2012), 'Reconciliation, reform and resilience: Positive peace for Lebanon', *Accord*, June 2012, http://www.c-r.org/downloads/Accord24_Lebanon_ENG_0.pdf (accessed 20 June 2017).
- 39- Author interview via Skype with Salma Kahale, March 2017.
- 40- Author interview via Skype with Mustafa Haid, May 2017.
- 41- Author interview via Skype with Oula Ramadan, June 2017.
- 42- Author interview via Skype with Bassam a-Ahmad, April 2017.
- 43- Author interview via Skype with Mustafa Haid, May 2017.
- 44- This was clear in the confusion caused by the advocacy efforts done by a Syrian lawyer, Haitham al-Maleh, who submitted a file to the International Criminal Court (ICC) about the war crimes committed by the Syrian regime. The aim of this move was to draw attention to the failure of the international mechanisms to stop the crimes committed by the Syrian regime, nonetheless this action led to a widespread misunderstanding about the ICC's acceptance to investigate the regimes crimes. The confusion was caused when al-Maleh received an automatic notification for the confirming of the recipient of the file, which was perceived by some as a sign for the beginning of the investigations.
- 45- Author interview via Skype with Bassam al-Ahmad, April 2017.
- 46- Author's interview via Skype with Fadwa Mohammed, May 2017.
- 47- Author's interview via Skype with Maha Ghrrer, May 2017.
- 48- Author's interview via Skype with Diab Serriya, May 2017.
- 49- For more information check their Facebook page, Families For Freedom, <https://www.facebook.com/SyrianFamilies/> (accessed 4 May 2017).
- 50- Author's interview via Skype with Zuhour Mahmoud, May 2017.
- 51- Author's interview via Skype with Fadwa Mohammed, May 2017.
- 52- Author's interview via Skype with Zuhour Mahmoud, May 2017.
- 53- Author interview via Skype with Zuhour Mahmoud, May 2017.
- 54- Author interview via Skype with Diab Serriya, May 2017.
- 55- Author interview via Skype with Mustafa Haid, May 2017.
- 56- Author interview via Skype with Maha Ghrrer, May 2017.
- 57- Author interview via Skype with Maha Ghrrer, May 2017.
- 58- Author's interview via Skype with Salma Kahale, March 2017.
- 59- The earliest road map was published as a report by the Day after organisation in 2012, where a group of Syrian experts met regularly for six months to develop a joined vision for a plan on how to implement transitional justice in Syria.
- 60- Author's interview via Skype with Bassam a-Ahmad, April 2017.
- 61- Author interview via Skype with Rami Nakhla, May 2017.
- 62- Author's interview via Skype with Ibrahim Alkasem, May 2017.
- 63- Author's interview via Skype with Shabnam Mojtahedi, May 2017.
- 64- Author's interview via Skype with Ibrahim Alkasem, May 2017.

- 65- Author's interview via Skype with Shabnam Mojtahedi, May 2017.
- 66- Author's interview via Skype with Wael Sawah, March 2017.
- 67- Author's interview via Skype with Ibrahim Alkasem, May 2017.
- 68- Author's interview via Skype with Wael Sawah, March 2017.
- 69- Author interview via Skype with Oula Ramadan, June 2017.
- 70- Author's interview via Skype with Rami Nakhla , May 2017.
- 71- Author's interview via Skype with Mutasem al-Syoufi, May 2017.

About the Author

Haid Haid is a Syrian columnist and a consulting research fellow of the Chatham House Middle East and North Africa Programme. He is also a non-resident fellow at the Atlantic Council's Rafik Hariri Centre for the Middle East. He focuses on security policies, governance, conflict resolution, and Kurdish and Islamist movements. Previously, he was a programme manager on Syria and Iraq at the Heinrich Böll Stiftung Middle East Office in Beirut. He also worked as a senior community services protection assistant at UNHCR's Damascus office. He has a bachelor's degree in sociology, a postgraduate diploma in counselling, and master's degrees in social development and in conflict resolution.

Acknowledgments

This research is indebted to the generous support and contribution of all Syrian organisations and practitioners who shared their knowledge and experiences. Many thanks also go to Dr. Bente Scheller, Nadine Elali, Rachel Rosenbaum and Hiba Haidar at Heinrich Boell Stiftung- Middle East Office Beirut for their advice, edits and tireless support in bringing this paper to fruition. Grateful acknowledgment also goes to Laila Alodaat and to the anonymous reviewers who have enriched the findings of the research with their feedback.

