



منتدى الحقيقة، العدالة والإنصاف
Truth, Justice, Equity Forum

Transitional Justice in Syria Foundation and the Evaluation of Effectiveness

The expanded Quarterly Follow-Up Report
on the Transitional Justice Process in Syria

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Transitional Justice in Syria: Foundation and the Evaluation of Effectiveness

/Truth, Justice and Equity Forum

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This report provides an analytical assessment of the first monitoring period conducted by the Truth, Justice and Equity Forum, covering the period from May 1 to July 31, 2026. It draws on Forum documents, individual interviews and focus groups conducted as part of the consultation process, as well as a desk review of official documents, position papers, human rights reports, and related analyses. The report focuses on what these materials reveal about the evolution of the institutional process, the position of victims and civil society, and the gap between stated commitments and the implementation thereof. Documents predating the monitoring period are used as contextual and foundational background, while developments occurring after July 31 are excluded from the assessment of this monitoring cycle, even where they are referenced separately for editorial context. While this report was prepared for publication in September 2026, the underlying monitoring period remains unchanged.

CONTENTS

About the Forum	4
Executive Summary.....	5
Key Messages.....	8
Scope and Methodology	9
Summary of General Trends.....	12
Key Developments.....	15
Analysis of Key Developments.....	17
Law, Jurisdiction, and Institutions.....	17
Participation and Legitimacy	17
Trials and Accountability	18
The Missing Persons, the Right to Truth, and Clarifying the Fate	19
Administrative Facts and Official Documents.....	20
Gender, Abduction, and Protection.....	21
Geography and Spatial Justice	21
Civic Space and Cooperation with Institutions	23
Indicators	24
Estimation and Updating Method.....	25
Key Risks Facing the Transitional Justice Process	36
General Recommendations	39
Recommendations for the Transitional Justice Commission and the National Commission for Missing Persons	39
Recommendations for the Ministry of Justice and Judicial Authorities	40
Recommendations for Donors and International Mechanisms	40
Methodological Approach & Key References.....	42

ABOUT THE FORUM

The Forum is a non-representative coordinating group of Syrian civil society organizations active in the transitional justice process. It does not purport to represent all organizations working in this field. Membership is contingent upon the alignment of participating organizations' objectives with shared transitional justice principles.

The Forum plays a coordinating role aimed at supporting and encouraging the official institutions responsible for transitional justice to adhere to the fundamental principles of transitional justice, as set out in the paper "General Principles for the Application of Justice, Truth and Equity in Syria." According to reports issued by the Forum, it pursues this objective through two main tracks: first, coordination and technical support; and second, advocacy for the development of the transitional justice process at both the national and international levels.

The Forum is grounded in collective action, and its work is not owned or controlled by any particular entity or organization. Rather, its member organizations work collectively to identify and articulate common policy positions that can enable them to have a meaningful impact.

Concurrently, the Forum reaffirms its commitment to the autonomy of its member organizations, acknowledging each member's prerogative to chart its own strategic path and methodologies in transitional justice processes.

EXECUTIVE SUMMARY

While the monitoring period from May 1 to July 31, 2026, reflects genuine foundational progress in Syria's transitional justice process, the framework has not yet matured into a coherent system capable of producing measurable outcomes. The period under review was preceded by the establishment, in May 2025, of two national bodies responsible for transitional justice and missing persons. During the monitoring period, work continued on the draft transitional justice law, local trial procedures were further developed, civil society and legal positions and analyses expanded, and victims' associations, families of missing persons, feminist activists, and human rights activists continued to articulate increasingly specific demands. Taken together, these developments point to a shift from broad calls for justice towards closer scrutiny of the conditions necessary for its implementation. They do not, however, in themselves establish the independence of the relevant institutions, the comprehensiveness of their mandates, the effectiveness of participatory mechanisms, or the extent of their impact on victims. [1, 2, 3, 4]

The problem is not the absence of transitional justice from public discourse. On the contrary, transitional justice has become increasingly present in official, civil society, and media discourse. The concern, rather, is that this presence may remain largely formal unless fundamental issues are addressed, including the definition of the victim; the temporal and material scope of the process; the inclusion of victims from all sides and regions; the relationship between the Transitional Justice Authority and the Missing Persons Authority, the Judiciary, the Ministry of Justice, and international mechanisms; and the extent to which consultations with victims and civil society will translate into meaningful influence on legislation and public policy.

Interviews and focus groups indicate that Syrian actors do not reject the transitional justice process in principle. Rather, they distinguish between the hope generated by the establishment of an official process and concerns regarding its ambiguity and potential selectivity. Members of the Forum's founding group likewise viewed the current phase as an opportunity, while emphasizing that this opportunity could be lost if the roadmap remains unclear. At the local level, actors in Tartus, Damascus, and northeastern Syria pointed to concerns over excessive centralization, unequal access, and the possibility that justice could be administered primarily from the capital or through elite-driven processes. Families of missing persons in rural Damascus, meanwhile, emphasized that establishing the truth and clarifying the fate and whereabouts of missing persons constitute fundamental and immediate demands, and a starting point for building trust in the process.

A review of the draft transitional justice law and civil society position papers confirms that the law will constitute the first major test of the seriousness of the process. Key questions include how the law will define truth, accountability, and redress; how these concepts will be articulated in non-selective legal terms; whether it will provide for a comprehensive definition of victims; whether its temporal and material scope will avoid significant gaps; whether it will establish meaningful guarantees of institutional independence and participation; and whether it will ensure clear compliance with relevant international standards. Any legal framework that reduces transitional justice to a single political narrative or excludes abuses committed after the transition would risk weakening the process from the outset.

The judicial proceedings initiated during the monitoring period, including hearings in the case of Atef Naguib and other officials of the former regime, indicate that some demands for accountability have begun to translate into concrete judicial proceedings. The Syrian Network for Human Rights documented the two hearings held on April 26 and May 10, noting positive aspects relating to transparency and organization, while also identifying legal and procedural issues requiring further follow-up. These developments, however, do not by themselves permit an assessment of the overall fairness of the proceedings or the legal soundness of any judgments that may ultimately be issued. The key tests will lie in the legal basis of the charges, respect for the rights of the defense, the protection of witnesses and victims, the examination of evidence, the legal characterization of the alleged crimes, the availability of effective appeal mechanisms, and the extent to which accountability is integrated into a broader process of truth-seeking, reparation, and redress. Any judgment issued after July 31 will not be considered part of the results assessed in this monitoring cycle. [3, 4]

The report also indicates that the issue of missing persons and the right to truth constitute the moral and practical center of gravity of the transitional justice process. Families are calling for clear mechanisms for registering and managing data, regular communication, protection of information, accessible complaint mechanisms, and legal and psychological support, as well as clear coordination among the National Commission for Missing Persons, international mechanisms, and family associations. Treating families solely as sources of data risks eroding trust, even as institutional efforts expand.

At the same time, reports and public materials addressing the situation on Al Sahel, Sweida, cases of kidnapping, nationality, and environmental justice have broadened the scope of issues that the transitional justice process must address. It is no longer sufficient simply to follow the decisions of the Transitional Justice Commission. Death certificates and civil records must be monitored; investigative committees must be established; evidence, graves,

and archives must be protected; the rights of women and survivors must be addressed; citizenship must be restored to unregistered Kurds; the impact of reconstruction must be taken into account; and spatial and environmental justice must be ensured. These issues test whether the transitional justice process is capable of addressing the realities of everyday life on the ground and responding to the priorities of local communities.

Accordingly, the report assesses the current phase as one of partial foundational progress, accompanied by significant structural risks in certain areas, particularly the comprehensiveness of the mandate, the protection of evidence, the quality of participation, and guarantees of accountability. This assessment does not imply that the performance of all institutions or regions is uniform, or that every area is progressing or regressing at the same pace. Nor does an absence of information necessarily indicate an absence of activity. The priority for the next stage should be to move beyond the announcement of intentions and activities towards demonstrating verifiable rules, procedures, and results, while preserving the independence of civil society and safeguarding victims' right to participate, seek corrections, and hold relevant institutions accountable.

KEY MESSAGES

- The establishment of institutions and the adoption of an official discourse on transitional justice are not sufficient in themselves; they must be accompanied by a clearly articulated roadmap, a well-defined mandate, and effective mechanisms for participation.
- The first test of the legitimacy of the transitional justice process lies in how the law defines the victim and determines its temporal and material scope.
- The issue of missing persons can no longer be deferred and requires a clear policy on communication, data protection, and genuine partnership with families.
- Early trials are important, but they may undermine confidence in the process if fair-trial guarantees are not upheld and the alleged crimes are not accurately and appropriately characterized in law.
- Abuses committed after the transition, as well as the files relating to Al Sahel, Sweida, kidnapping, nationality, and civil documentation, must form an integral part of the transitional justice process.

SCOPE AND METHODOLOGY

The report covers the period from May 1 to July 31, 2026, constituting the first monitoring period during which ongoing developments are systematically assessed. Founding decrees and events preceding the monitoring period are used to establish the relevant baseline and provide contextual background. The material was compiled through a review of the Forum's documents; an analysis of official and legal documents, position papers, and human rights, feminist, and regional reports; and qualitative interviews and focus group discussions conducted as part of the consultation process. The aim was not to provide a comprehensive record of every development, but rather to identify trends associated with key indicators and assess whether announced measures were accompanied by verifiable safeguards, practices, and results.

The fieldwork included individual interviews and three focus group discussions, involving a total of 26 participants. The interviews and focus group discussions were conducted in June 2026, alongside remote interviews with actors based in Europe and inside Syria. The sample was deliberately selected to reflect a diversity of locations and experiences and does not constitute a statistically representative sample of the Syrian population, victims, or civil society organizations.

The review followed a process of triangulation and comparative analysis, distinguishing among four categories of material: official texts and decisions, treated as evidence of what was announced or formally decided; human rights reports, treated as documentation or analysis whose methodology and evidentiary basis require consideration; position papers, treated as expressions of the demands and assessments of their issuing organizations; and interviews, treated as accounts of experiences, testimonies, and interpretations reflecting the perspectives of participants. This approach seeks to avoid treating a single narrative as a general conclusion merely because it is repeated in public discourse, just as the issuance of an official statement is not, in itself, sufficient evidence that the measures it announces have been implemented. Sources were assessed comparatively with regard to their independence, proximity to the events concerned, date, and scope. Where the available evidence did not permit conflicting accounts to be reconciled, these differences were recorded. Qualitative findings are used to identify patterns, mechanisms of influence, and gaps, rather than to derive representative ratios or measure the prevalence of violations across society.

The report also draws on the expanded methodological framework of indicators and the logic of the Impunity Watch tool, which examines the roots of impunity through factors including the legal framework, resources and capacities, institutional autonomy and will,

political will, entrenched interests, and societal factors. It also draws on the literature of transitional justice monitoring, which emphasizes that transitional processes and their monitoring should be participatory, conflict-sensitive, and victim-centered.

The handling of field material was guided by principles of systematic coding and privacy protection. The names of participants, as well as details that could directly or indirectly reveal their identities, have not been published. Particular care was taken in relation to the sensitivity of information shared in contexts where security, social, and political concerns intersect. No information is disclosed that could enable the identification of individuals, families, or locations associated with sensitive evidence. Participation in the research should not be understood as implying that participants represented any particular group or endorsed all of the report's findings or conclusions.

The report has several limitations, including uneven access to official documents and information, the lack of comprehensive operational data on certain institutions, and the purposive and non-representative nature of the sample. In addition, some of the materials available for review consist of analytical papers or civil society position papers rather than independent evidence substantiating all of the facts they discuss. Accordingly, the report distinguishes between the absence of evidence that a procedure exists, the absence of publicly available information about such a procedure, and the inability of the monitoring team to verify whether it exists or has been implemented. The statement "no evidence was found" should therefore not be interpreted as evidence that an act did not occur. At the same time, the lack of access to information needed by victims and civil society may itself constitute a transparency gap warranting monitoring. The findings and assessments remain preliminary and may be revised as new evidence becomes available.

The internal evidence register records, at a minimum, the following information for each item: a reference number; the issuing authority or source category; the date of the incident and the date of publication; the relevant geographic and institutional scope; applicable indicators; a summary of what the item establishes and what it does not establish; the level of verification; and any relevant usage sensitivities. Evidence is classified as documented by a direct primary source, supported by multiple independent sources, credible but requiring further corroboration, disputed, or unverified. The methodology does not automatically require two sources in every case. A single direct testimony may constitute valuable evidence, however, relying on it to draw broader generalizations requires rigorous justification. The level of confidence in the evidence is assessed separately from the level of institutional performance and the degree of urgency, in accordance with the assessment methodology set out in Section Five. [14, 15]

The grades assigned during this monitoring period serve as a baseline for comparison in subsequent monitoring periods, without implying the existence of past grades that were not actually assigned. When a new version of a law, resolution, plan, or executive statement becomes available, it is compared with the version available at the end of the relevant monitoring period, and the basis for any revised assessment is documented. The number of activities or consultations undertaken is not, in itself, treated as evidence of impact. Rather, it is assessed in conjunction with the quality of participation, the extent to which concerns and recommendations are addressed, and the verifiability of outcomes, in line with the non-linear nature of transitional justice processes. [14]

Source of evidence	Added value to the report	Method of use
Forum documents and action plan	A standard and practical reference for the report and indicators.	Used to identify what should be monitored and to assess how consistent developments were with the Forum's principles.
Core group interviews	An internal reading of the risks, priorities, and expectations of the Forum.	Used to identify sensitive questions and early warning signs.
Local interviews and focus group discussions	Showcased the gap between the dominant discourse and the experiences of the regions, victims, women, and families of the missing	Used to strengthen the themes of geography, participation, fear, trust, and missing persons.
Position papers and legal analyses	Provided a detailed critique of the draft transitional justice law, its scope and safeguards.	Used to analyze indicators of law, jurisdiction, accountability, and participation.
Human rights, feminist, and regional reports	Widened the scope of monitoring to include Al Sahel, Sweida, kidnapping cases, nationality, environment and documents.	Used to identify developments and risks that should be included in future Forum reports.

SUMMARY OF GENERAL TRENDS

The report shows that Syria's transitional justice process is not at a standstill, but it has not yet reached a stage that can be characterized by institutional cohesion or public trust. There has been a clear shift from a phase dominated by discourse and civil society demands towards the establishment of institutions, legal frameworks, and initial procedures. However, this shift has not yet translated into a coherent architecture for the process. Institutional mandates remain insufficiently defined and distributed, the draft transitional justice law remains under discussion, and victims and civil society continue to approach the process with greater caution than confidence.

The overall trend is therefore neither unequivocally positive nor negative. More accurately, it reflects a dual dynamic: progress in the political and symbolic recognition of the need for transitional justice, alongside delays and ambiguities in establishing the safeguards required to give that recognition practical effect. This duality was particularly evident in interviews with members of the Forum's founding group and in discussions with local actors, women, and families of missing persons. There is a willingness to engage with and participate in the process, but this willingness is conditional on whether participation can have a meaningful impact and whether institutions will effectively protect victims' rights, rather than instrumentalizing their participation to legitimize or lend credibility to decisions that have already been made.

The first defining feature of the general trend is that the debate is no longer primarily about whether transitional justice is necessary, but rather about its form, scope, limitations, and political and social ownership. This represents an important shift. Over recent years, demands for accountability, alongside concerns that justice might be deferred in the name of stability, have become increasingly prominent within Syrian civil society. The materials reviewed for this report show that the current debate has moved further, addressing questions such as how mandates should be defined, who qualifies as a victim, how cases concerning missing persons, trials, redress, and institutional reform should be addressed, and who has the legitimacy to speak on behalf of victims or civil society.

However, this progress in the quality of the debate also reveals the fragility of the current stage. As the discussion becomes more detailed, gaps in the design of the process become increasingly apparent. The draft transitional justice law, as reflected in position papers and legal analyses, raises a range of technical and legal concerns and points to the risk that the process could be shaped by political considerations, a selective scope, or an unclear relationship between criminal justice, truth-seeking, and redress. The law should therefore

not be treated as one file among many, but rather as an early test of the overall direction of the process and its capacity to establish a comprehensive legal framework.

The second defining feature is the widening gap between the center and the regions. Interviews conducted in Tartus, Damascus, and northeastern Syria, observations concerning actors in Aleppo and Idlib, and discussions with families of missing persons in Rif Dimashq (Damascus countryside governorate) all indicate that the process is perceived differently across locations. At the center, the process may primarily be understood in terms of institutions, decisions, and legislation. At the local level, however, it is experienced through fear, documentation, recent memories, family relationships, concerns about retaliation, the fate of missing persons, and the ability to access institutions safely. The report therefore cannot assess the seriousness of the process solely on the basis of the intensity of official activity; it must also consider its capacity to reach and respond to these diverse geographical and social contexts without flattening or overlooking their differences.

The third defining feature is the missing persons file, which constitutes a particularly important measure of trust. Families who participated in the focus group discussions called for the truth to be established and the fate and whereabouts of missing persons to be clarified, while also raising practical concerns: where to seek assistance, how information will be protected, how to obtain relevant documentation, who will respond to their questions, and whether the State will treat them as rights holders or merely as sources of data. Accordingly, formal progress in establishing an institution responsible for missing persons will not, in itself, be sufficient unless accompanied by clear policies on communication, data protection, and meaningful participation. In this context, poor management of expectations could have significant consequences, as it risks reproducing a longstanding experience of waiting and unfulfilled promises.

The fourth defining feature is the dual significance of the early trials: they can open a pathway towards accountability, while also exposing legal and procedural weaknesses if not conducted with due care. The prosecution of individuals accused of serious violations is of considerable public importance to victims and the wider public, but judicial proceedings alone are not sufficient to deliver justice. The legal characterization of the alleged crimes must be carefully examined; the rights of the defense must be respected; victims must be able to participate safely and meaningfully; judicial decisions must be communicated transparently; and the trials must be situated within a broader process of truth-seeking, redress, and reform rather than treated as a substitute for these elements.

The fifth defining feature is the expansion of the civil society debate to encompass issues that have not always occupied a central place in conventional transitional justice frameworks,

including death certificates and civil records, the imposition of official narratives, the abduction of women, citizenship for unregistered Kurds, environmental and spatial justice, reconstruction, and property rights. In Syria, transitional justice is therefore also reflected in the functioning of civil registries, forensic medicine services, courts, municipalities, investigative committees, and security and administrative institutions.

Accordingly, the overall trend can be described as “an opportunity conditioned by structural risks.” The opportunity stems from the existence of political, institutional, and civic space in which transitional justice can be pursued, as well as from the substantial experience accumulated by Syrian civil society organizations, victims’ associations, and legal actors. The risks arise from the possibility that this space may be filled prematurely with underdeveloped or inadequate arrangements, including an incomplete transitional justice law, tokenistic participation, symbolic trials, overly centralized administration, or redress commitments unsupported by the necessary resources and implementation mechanisms. The longer these safeguards remain undefined, the greater the risk that the process itself may generate frustration and erode the expectations it has created.

KEY DEVELOPMENTS

During the monitoring period, five main categories of developments emerged: legal and institutional developments relating to the draft transitional justice law and relevant bodies; judicial developments concerning the initiation of trials; human rights and regional developments relating to Al Sahel, Sweida, and cases of kidnapping; developments concerning missing persons, civil documentation, and nationality; and civil society and international developments relating to position papers and cooperation with international mechanisms.

On the one hand, the draft transitional justice law has entered a broader legislative and legal debate, while initial, verifiable judicial proceedings have begun. On the other hand, developments relating to Al Sahel, kidnapping, missing persons, and nationality have brought renewed attention to questions of equal recognition, truth, protection, and redress in everyday practice. Civil society position papers and legal analyses have also put forward proposals concerning jurisdiction, safeguards, and cooperation with international institutions and mechanisms. These developments are significant because they test whether the process is moving beyond the establishment of formal structures towards the development of accountable and effective rules of operation. The report does not equate official declarations with implementation, nor does it treat the documentation of a violation as, in itself, proof of individual criminal responsibility.

In the legal and institutional sphere, the National Transitional Justice Commission discussed the draft law with members of the People's Assembly on June 28, 2026, in a meeting addressing truth, accountability, redress, and guarantees of non-repetition. On July 5, Al-Watan newspaper quoted an official from the Commission as stating that preparation of the draft had reached an advanced stage and that it included a proposal for a compensation fund. These developments confirm that institutional work and legislative discussion were underway, but they do not, in themselves, establish that the law had been adopted, that consultations had been completed, or that the proposed fund was operational. Important practical questions therefore remain concerning the publication of the final version, the extent to which consultations and observations have influenced the text, and the mandate, resources, and implementation mechanisms required to give the law practical effect. [2, 5]

In the judicial sphere, the proceedings in the Atef Naguib case were among the most significant developments that could be monitored during the period. The hearings began on April 26 and continued through May and July. On July 19, the Syrian Network for Human Rights published an assessment of the first and second hearings. The case is of particular

relevance to the Forum because it provides an opportunity to move beyond assessing trials through media coverage and towards monitoring their actual proceedings, including the legal basis of the charges, the presentation and examination of evidence, respect for the rights of the defense, witness protection, and the content and reasoning of judicial decisions. Subsequent rulings and developments fall outside the scope of this assessment. [3, 4]

In the area of truth, recognition, and everyday rights, Syrians for Truth and Justice published a report on June 2 concerning death certificates and procedures for registering victims of the March 2025 events in Al Sahel, documenting testimonies alleging pressure to impose particular narratives concerning the causes of death. On May 21, the Syrian Feminist Lobby published a report addressing the abduction of women, while materials produced by Ta'azur addressed the situation of families of missing persons and the implementation of procedures to restore citizenship to unregistered Kurds. The claims and findings presented in these reports remain attributed to their respective sources pending independent verification or judicial determination. [7, 8, 9, 10]

ANALYSIS OF KEY DEVELOPMENTS

■ Law, Jurisdiction, and Institutions

The law is not merely a regulatory instrument for the transitional justice process; it is also the framework that will define the boundaries of recognition and exclusion, as well as the scope of what victims can legitimately expect from the State and its institutions. The debate over the draft transitional justice law should therefore be understood as a debate over the nature of the transitional social contract itself. If the law is framed in narrow political terms, or if recognition of victims is tied to a particular affiliation or narrative, it risks creating a legitimacy deficit from the outset—one that cannot subsequently be resolved through consultations or public statements alone.

The materials and analyses reviewed point to three particularly sensitive areas: the definition of the victim, the temporal and material scope of the process, and the relationship among institutions. The definition of a victim should be based on the harm suffered and the violation committed, rather than on the identity of the alleged perpetrator or the victim's political affiliation or position. The temporal scope should address the root causes of violations, serious violations committed during the conflict, and violations that may continue or occur during the transitional period. As for institutional relationships, the framework should avoid overlapping or conflicting mandates among the National Transitional Justice Commission (NTJC) and the National Commission for Missing Persons (NCMP), the Judiciary, the Ministry of Justice, investigative committees, and relevant international mechanisms.

The interviews revealed institutional uncertainty in different forms: Who makes decisions? Who coordinates the process? Where should victims turn? How will information provided by families be used—for truth-seeking, accountability, or redress?

A process that fails to clearly define the relationships and responsibilities among its institutions risks forcing victims to repeatedly recount their experiences to multiple bodies, increasing the possibility of conflicting commitments and creating gaps through which evidence, rights, and remedies may be lost.

■ Participation and Legitimacy

Participation in the transitional justice process is a key condition of its legitimacy, particularly during the transitional phase. Relevant institutions should engage with victims' associations and civil society organizations through processes that are safe and meaningful. Participants should be able to express criticism without risking their access to the process, receive

feedback on their contributions, and see those contributions reflected, where appropriate, in the drafting of the law, the setting of priorities, the design of mechanisms concerning missing persons and redress, and the development of communication strategies. Without such mechanisms, participation risks becoming merely procedural and a source of frustration for victims and local actors. Many of the interviews reflected an initial willingness to engage, coupled with clear concerns about forms of participation in which views are solicited without producing any discernible change.

Civil society position papers indicate that Syrian civil society does not seek merely to act as an external commentator, but rather calls for a meaningful role in the design, review, and oversight of the process. This represents a potential strength if such engagement is taken seriously, but may become a source of frustration if participation is merely contained or instrumentalized. Syrian civil society brings significant expertise in documentation, advocacy, legal and psychological support, as well as knowledge of local contexts and the experiences of victims. At the same time, it is not a homogeneous actor. Differences exist between national and local organizations, among human rights, feminist, and service-oriented organizations, and between actors with closer ties to government institutions and those adopting more critical or marginalized positions.

It is therefore important to distinguish participation from representation. No single actor can legitimately claim to represent all victims, all regions, all women, or all families of missing persons. A credible transitional justice process should instead establish multiple, iterative, inclusive, and secure mechanisms through which perspectives from different communities and locations can be expressed, considered, and incorporated into the process.

■ Trials and Accountability

The initiation of legal proceedings opens an important avenue for accountability, but trials are among the most sensitive components of the process in terms of rights and procedural guarantees. The hearings in the Atef Naguib case, which were monitored during the reporting period, indicated the existence of public and organized proceedings at an early stage, while also raising legal and procedural questions concerning the criminal characterization of the alleged conduct, the basis for individual criminal responsibility, and the conduct of proceedings in absentia. Monitoring preliminary hearings alone does not permit an assessment of the trial as a whole or a determination as to the sufficiency or reliability of the evidence. Monitoring should therefore continue to examine the legal basis of the charges, the presentation and assessment of evidence, respect for the rights of the defense and the presumption of innocence, the protection of witnesses and victims, the publicity of hearings

subject to legitimate exceptions, the availability of appeal, and the publication of judicial decisions while safeguarding privacy. The legal characterization of international crimes and the application of command responsibility should be assessed in light of the applicable law and the principle of legality. A distinction should be maintained between the significance of initiating proceedings as a step towards accountability and any final assessment of their fairness or outcome. [3, 4, 11]

The importance of this area is also reflected in the relationship between national courts, universal jurisdiction, and international accountability mechanisms. Syrians have a long history of pursuing accountability outside Syria, particularly in response to the previous constraints on domestic avenues for justice. The development of domestic proceedings should not, however, be understood as an automatic substitute for international cooperation, nor should international cooperation be viewed as a substitute for national accountability. Rather, the accountability framework should distinguish between cases that can be effectively addressed through domestic proceedings, cases requiring international cooperation or support, and cases that may appropriately remain within external or international jurisdictions.

■ The Missing Persons, the Right to Truth, and Clarifying the Fate

The issue of missing persons is particularly sensitive because it encompasses the right to truth and to know the fate of the missing, as well as questions of dignity, documentation, legacy, psychological and social support, and accountability. For many families of missing persons, justice begins with the basic question of where their loved one is and what has happened to them.

Trust is therefore likely to be built through small, consistent, and repeated actions, beginning with clear channels of communication, effective data protection, respect for consent, avoidance of repeated questioning, and the provision of accurate information about what can and cannot be done.

Focus group discussions with families of missing persons in Rif Dimashq indicated that families do not wish to be treated merely as passive beneficiaries or sources of information. Rather, they seek a role in shaping the policies that affect them. Any national mechanism for missing persons should therefore provide for meaningful family participation in governance, consultation, or review, and should clearly explain how information will be used, with whom it may be shared, the limits of confidentiality, and how data can be corrected or its use challenged.

A significant risk is that institutional efforts to address the issue may result in the repeated collection of the same information from families without producing any tangible outcome. Many families have already provided information to multiple organizations and mechanisms, and repeatedly requesting the same information without explaining its added value may cause further psychological distress and undermine trust. Coordination with international mechanisms, particularly the Independent Institution on Missing Persons, should therefore form an integral part of the design of any national mechanism.

The right to truth is not limited to determining the fate of an individual. It also has a collective dimension: the right to understand patterns of disappearance, places of detention, institutional responsibilities, the fate of records, and the role of mass graves and archives in establishing what occurred. The more the missing persons file is reduced to the management of individual requests, the less it can contribute to unmasking the truth and preventing repetition.

■ Administrative Facts and Official Documents

One of the most significant contributions of recent materials and reports is that they have shifted the discussion of truth from the level of high-level commissions and institutions to the realm of everyday administrative documents, including death certificates, civil registry records, forensic reports, investigation records, and other administrative files. In the Syrian context, such documents can serve either as instruments of recognition or as instruments of denial. Where an official account of the cause of death is imposed, families are prevented from challenging it, or records are lost or altered, the right to truth may be undermined even where a national institution formally exists to safeguard it.

The report published by Syrians for Truth and Justice on June 2, 2026, concerning the death certificates of victims of Al Sahel events, raises fundamental questions about how administrative records establish official accounts of events, how families can challenge inaccurate or imposed information, who determines the recorded cause of death, whether mechanisms exist for correction or review, whether medical and forensic evidence is adequately preserved, and whether procedures are in place to protect bodies, graves, and records from tampering or politicization. These questions directly affect the ability of families to obtain recognition, dignity, and fair treatment.

Administrative documentation is also closely linked to accountability. Deficiencies in record-keeping, forensic documentation, or death certificates may compromise future accountability by allowing evidence to be lost, altered, or rendered difficult to verify before it reaches judicial authorities, the fact finding commissions, or the National Commission for the Missing (NCM).

This axis should therefore be understood not merely as an administrative matter, but as an integral component of evidence preservation and the broader right to truth.

■ Gender, Abduction, and Protection

A gender-sensitive approach to transitional justice does not simply mean ensuring women's participation in meetings or establishing participation quotas. Reports concerning the abduction of women and gender-based abuses indicate that gender-related harms operate across multiple and interconnected layers: the violence itself; fear of stigma; difficulties in reporting; inadequate protection; limited access to psychological and legal support; and the reluctance of families or communities to speak openly about such violations. If justice mechanisms are not designed with these factors in mind, women may remain excluded even where institutions formally claim to include them.

Interviews with activists, lawyers, and local civil society actors also indicated that women cannot be treated as a homogeneous category. The experiences and needs of women activists, survivors, wives or mothers of missing persons, women living in conservative areas, Kurdish and other minority women, and women facing social or security-related pressures may differ significantly. A gender-sensitive approach should therefore go beyond general commitments and provide pathways that recognize specific gender-related risks and needs, including through confidentiality safeguards, referrals to appropriate support services, non-public avenues for engagement, and an understanding of how stigma may affect documentation and testimony. A gender perspective should be integrated across all areas of the transitional justice process, including legislation, missing persons mechanisms, judicial proceedings, civic participation, public communication, and redress.

Gender is also closely connected to redress. The consequences of violations may extend to matters such as inheritance, custody, civil documentation, housing, alimony, and access to essential services. For women in families of missing persons, the right to truth may therefore be directly connected to their everyday economic and legal rights. Their specific needs should consequently be taken into account in the design of compensation schemes and legal support mechanisms.

■ Geography and Spatial Justice

Interviews and publicly available materials indicate that transitional justice in Syria risks losing its relevance if it remains centralized in both its language and its mechanisms. Tartus is not Damascus; Hasakah is not Rif Dimashq; Sweida is not Idlib; and Al Sahel is not the northeast. Each region has its own memories, concerns, actors, channels of access, and

sensitivities. Designing a national process therefore does not mean developing a single model that is applied uniformly everywhere, but rather establishing a common framework capable of adapting to different local contexts.

Spatial justice also requires recognizing that the harm caused by the conflict has affected not only individuals but also places and communities, through displacement, destruction of urban areas, loss or appropriation of property, changes in social structures, environmental degradation, and the deterioration of essential services. These issues may ordinarily be addressed through reconstruction, development, or local governance frameworks, but in Syria they also have a justice dimension, given their links to the causes and consequences of the conflict and to guarantees of non-recurrence.

The procedures for restoring citizenship to unregistered Kurds, including the implementation of Article 4 of Decree No. 13 of 2026, provide an important example of the intersection between legal, spatial, and identity-related dimensions of justice. While the measure may represent an important step, its implementation should also be assessed in terms of who is able to benefit from it and who remains excluded; whether administrative obstacles facing those covered by the decree have been effectively removed; whether safeguards exist to protect applicants from intermediaries or corrupt practices; and whether the process is understood as addressing a longstanding structural harm rather than merely as an administrative transaction.

A joint report published on June 23, 2026, documents the opening of application centers and cooperation among relevant actors at a number of centers, while also identifying difficulties in proving residence and family ties, variations in certain requirements, and limited access for persons residing outside Syria. This illustrates why a meaningful assessment should not stop at the issuance of the decree or the opening of registration centers, but should also examine whether procedures are being completed in practice and how accumulated administrative obstacles and related legal implications are being addressed. [9]

Geography should therefore be treated as a substantive criterion in monitoring the transitional justice process. It is not sufficient to state that consultations have taken place in Syria; it is also necessary to examine where they occurred, who participated, who was absent, what local risks affected participation, and whether the questions and mechanisms used are appropriate to different regional contexts. Taking geographic factors into account can help identify disparities in access and participation before they develop into deeper perceptions of exclusion.

■ Civic Space and Cooperation with Institutions

Civic space is the informal infrastructure of transitional justice. Without it, the process becomes confined to official institutions, donors, and international mechanisms, while the accumulated experience of civil society organizations and victims' associations is left out of the design. Syrian civil society has documented violations, defended and supported victims, provided translation, advocated for change, and preserved the memory of violations when institutions were absent or complicit. It therefore cannot be marginalized today.

Interviews and position papers reveal both opportunities and risks. The opportunity lies in the broad willingness of Syrian civil society organizations and victims' associations to engage with the transitional justice process, provided that the terms of such cooperation are clear and respected. The risk, however, is that cooperation may become selective, through the inclusion of certain organizations while marginalizing critical voices or conditioning access on political acceptance. Such a pattern may not take the form of direct repression, but it can nonetheless produce a restricted and closely monitored civic space, thereby weakening civil society's ability to raise concerns, express criticism, and identify problems that institutions may otherwise overlook.

Cooperation with institutions should therefore be based on clearly established rules governing consultation mechanisms, selection criteria, information protection, feedback, and the right to criticize, while ensuring that partnership does not become dependency. These arrangements should also take into account disparities in resources and institutional capacity between larger and local organizations and guard against funding or access becoming sources of competition that undermine collective civil society engagement.

A healthy civic space requires that organizations be able to meet and operate freely; be protected from arbitrary security restrictions and disproportionate registration or licensing requirements; have meaningful opportunities to contribute to official laws, policies; and be able to criticize public institutions and ministries without losing access to communication channels.

INDICATORS

This section presents a preliminary assessment of the status of the indicators based on the available evidence at the end of the monitoring period on July 31, 2026. The assessment does not constitute a final judgment on the institutions. The descriptive assessments in the table should be understood as preliminary findings that remain subject to review, while the direction of change, level of confidence, and level of risk are assessed separately. This approach allows for the identification of partial progress in a particular area alongside continued high levels of risk, as well as situations in which official activity is taking place but insufficient information is available to assess its results or impact.

When an indicator is described as **worrying**, this does not mean that the process has failed. Rather, it means that the available evidence points to a structural risk that requires attention.

When an indicator is described as **partial**, this means that there are identifiable steps, measures, or positive signals, but that these have not yet translated into an established institutional policy, practice, or clear impact.

An **unclear** indicator means that the available information is itself a concern that requires further monitoring.

A **weak** indicator means that there are initial signs of progress or stated commitments, insufficiently developed to constitute concrete measures or demonstrable results.

An **absent** indicator means that no indication of progress or clear policy in the relevant area was identified.

A **mixed** indicator means that the evidence points to both positive and negative developments, a significant disparity between different components of the indicator, or across regions and stakeholders involved.

A **selective** indicator indicates that activity or progress is evident, but that it does not extend equally to all relevant categories, violations, or victims.

ESTIMATION AND UPDATING METHOD

0. Absent or not verified within the monitoring period:

The available evidence did not establish that the required action had been taken within the monitoring period, following appropriate verification, or established that the action was absent within the specified scope. The grade does not imply that unpublished, inaccessible, or otherwise undocumented activity did not occur.

1. Weak or limited foundations:

There are preliminary announcements, initial steps, or sporadic practices, but these have not yet developed into a clear mechanism, established policy, or regular implementation, and their impact remains insufficiently demonstrated.

2. Partial:

Some key elements of the indicator have been established and are supported by tangible evidence, but implementation, coverage, safeguards, or impact remain limited, inconsistent, or unstable. The number of activities or consultations alone is insufficient to justify this grade.

3. Significant progress:

A clear and recurring mechanism or practice is in place, supported by evidence of implementation and some demonstrable results. However, significant gaps remain in areas such as quality, coverage, sustainability or accessibility.

4. Coherent and verifiable:

A clear framework and functioning institutional mechanism are in place, supported by regular implementation and documented results, together with appropriate safeguards for participation, accountability, and corrective action. This grade does not imply perfection, full implementation, or an end to the need for continued monitoring.

Each indicator is updated across separate fields: performance status, direction of change, level of confidence in the evidence, level of risk or urgency, and evidence memorandum. The term "not currently estimable" is used where the available evidence is insufficient or unreliable to determine the performance status. "Not applicable" is used where the indicator, or one of its components, does not apply to the period or situation being monitored. "Cannot be reduced to a single assessment" is used where the components of an indicator

show substantially different results or trends that cannot be professionally consolidated into a single assessment and therefore need to be presented and analyzed separately by component, region, or category. No single overall score is calculated for Syria's transitional justice process, as aggregating different areas into a single number could obscure significant differences in performance, rights, and risks.

The evidence memorandum specifies what was measured and at which level: the legal framework, institutional design, implementation, practice, or outcomes experienced by victims. It records the sources and their dates, the rationale distinguishing the selected grade from the adjacent grade, and any contradictory or missing evidence. A transition from "weak" to "partial" is recorded only where a previously verifiable benchmark exists or where new evidence demonstrates that an additional element of the indicator's definition has been met. The first monitoring cycle records the performance status at the end of the monitoring period and does not imply the existence of a prior baseline grade. In subsequent cycles, changes are recorded as improvement, stability, decline, fluctuation, or undetermined, with an explanation of the factors underlying the assessment. [14]

New developments—including the adoption of a law, the occurrence of a significant trial, the emergence of new violations, or the expansion of consultations to a new geographic area—should be reflected in the relevant indicators.

- **High confidence:** Reliable and sufficiently complete direct evidence is available, or relatively independent sources converge on the critical elements of the finding. The number of sources alone is not sufficient where those sources rely on a single underlying source.
- **Moderate confidence:** Credible evidence supports the assessment, but some elements, geographic areas, or stages of implementation have not been sufficiently verified.
- **Low confidence:** Evidence is limited, indirect, incomplete, or contested, but remains sufficient to support a preliminary and conditional assessment. Where the available evidence is insufficient even for a preliminary grade, "insufficient evidence" is used instead of assigning a grade.
- **Direction of change may be** recorded as improvement, decline, stagnation, mixed, or unclear.

Risk is assessed separately from performance and direction of change and may be classified as normal, requires monitoring, high, or critical/urgent. The level of risk is determined by

considering the likelihood and severity of potential harm, its reversibility or remediability, the groups exposed to it, and the availability and effectiveness of protective measures. Risk may therefore remain high even where partial institutional measures are in place, including measures relating to the protection of evidence or the safety of victims.

In practice, a grade is not increased simply because a law has been adopted or a meeting has taken place. The relevant question is whether and to what extent the development has changed the elements of the indicator being measured. Conversely, a grade is not automatically lowered because a new critical report identifies a problem that was already reflected in the assessment. Instead, the assessment is reviewed in light of the additional evidence it provides. Any disputed grade is reviewed by a second member of the monitoring team. In cases of disagreement, the rationale for the assessment and any dissenting view are documented. The dimensions of inclusion, selectivity, gender, and geography remain cross-cutting considerations across all indicators, and, where the available data permit this safely, findings are disaggregated by relevant categories and geographic areas.

Indicator and trend	Conclusion and Recommendation
Indicator 1 – Roadmap and Legal Framework Performance status: Partial Direction of change: Uncertain in this first cycle Risk level: High	There are ongoing institutional discussions on the draft law, but the available evidence is insufficient to establish the existence of a published roadmap integrating the mandate, implementation phases, responsibilities, and timeline. Official discussions in June confirm that relevant activity is underway, but should not be equated with the adoption of a law or an implementation plan. [2] Follow-up note: Request the most recent published versions of the bill and any accompanying plan; compare successive versions and dates; and document which feedback has been incorporated and which issues remain pending.

Indicator 2 – Mandate, Scope, and Coordination Performance status: Cannot be reduced to a single assessment Direction of change: Undetermined in this first cycle Risk level: High	The foundational texts and legal analysis raise serious questions regarding the comprehensiveness of the mandate and the distribution of powers. However, the unavailability of coordination protocols does not, in itself, establish the absence of internal coordination. [1, 6] Follow-up note: Review the approved legal texts and procedures; request any referral and information-sharing protocols; and assess their clarity and accessibility from the perspective of families and civil society organizations.
Indicator 3 – Independence, Resources, and Capability Performance status: Currently not estimable Direction of change: Undetermined in this first cycle Risk level: Requires monitoring	The available information does not permit a comprehensive assessment of operational independence or the adequacy of available resources and personnel. A distinction should be maintained between legally mandated independence and the safeguards required to ensure its effective exercise, as well as between the non-publication of information and evidence of insufficient resources. Follow-up note: Request the internal regulations, appointment and dismissal criteria, institutional structure, available budget or expenditure data, technical capabilities and training plans, and safeguards for the protection of sensitive information.

Indicator 4 – Participation of Victims, Their Families, and Their Networks Performance status: Partial Direction of change: Undetermined in this first cycle Risk level: High	There are established channels, meetings, and initiatives for participation. However, interviews and consultations with family groups indicate disparities in access and in the ability to influence decision-making, as well as gaps in feedback mechanisms. This sample does not constitute a judgment on the full range of consultation processes. Follow-up note: Track a sample of consultations from the initial invitation through to the relevant decision-making stage; examine participant-selection criteria, security arrangements, documentation, and feedback mechanisms; and ask participants what, if anything, changed as a result of their contribution.
Indicator 5 – Equal Recognition of All Victims Performance status: Cannot be reduced to a single assessment Direction of change: Undetermined in this first cycle Risk level: High	Interviews and legal documents raise concerns about the potential exclusion of victims on the basis of the period concerned, the entity responsible, or geographical location. These concerns relate to the design and implementation of the relevant frameworks and should not be interpreted as evidence that all parties systematically apply exclusionary practices. [6, 12] Follow-up note: Compare definitions of victims and the temporal and geographical scope established in relevant texts; examine the treatment of violations attributed to different parties and periods; and conduct safe consultations with groups that may face barriers to access.

Indicator 6 – Gender and Interdisciplinary Approach Performance status: Partial Direction of change: Undetermined in this first cycle Risk level: High	Feminist perspectives, testimonies, and reports identify distinct forms of harm, including abduction, stigma, and the legal and economic burdens borne by families of missing persons. However, the recognition of these issues in public or institutional discourse does not, in itself, establish their integration into policies, procedures, or resource allocation. [8, 10] Follow-up note: Examine protection, referral, and documentation mechanisms, as well as women’s participation in decision-making processes; assess safeguards for the disaggregation and protection of data; and verify access for women from underrepresented groups and regions.
Indicator 7 – Geographical Reach and Local Access Performance status: Poor Direction of change: Undetermined in this first cycle Risk level: Requires monitoring	Interviews conducted in Tartus, the northeast, and Rif Dimashq describe disparities in access and communication channels. However, the sample does not permit an assessment of national coverage or support a conclusion regarding the absence of activities in other areas. Follow-up note: Request, where available, records of visits and consultations, including their locations and objectives; compare these with a map of affected groups and available access routes; and assess the impact of meetings rather than relying solely on their number.

Indicator 8 – The Right to Truth and the Missing Performance status: Partial Direction of change: Undetermined in this first cycle Risk level: High	There is a national body with a defined founding mandate and declared efforts concerning missing persons. However, accounts from two groups of families of the missing, together with reports concerning the Taa’zur movement, indicate a need for a clearer and more systematic response, including legal and administrative solutions and safeguards against exploitation. [1, 10] Follow-up note: Monitor registration, communication, and complaints mechanisms; consent and data-protection policies; coordination with the independent body responsible for missing persons; and the experiences of a sample of families, while avoiding any requirement for harmful or repeated retelling of their experiences.
Indicator 9 – Protection of Evidence, Archives, and Records Performance status: Cannot be reduced to a single assessment Direction of change: Undetermined in this first cycle Risk level: High	Reports and interviews document risks relating to the protection of sites and records and to the integrity of documentary evidence, including allegations concerning the issuance of death certificates for Al Sahel victims. The available material is insufficient to assess national preservation measures comprehensively or to establish their absence. [7] Follow-up note: Request published policies governing the protection of sites and records and the chain of custody; monitor corrective and objection procedures; and verify the referral of urgent risks to the competent authorities without disclosing sensitive information concerning sites or records.

Indicator 10 – Accountability and Fair Trial Performance status: Partial Direction of change: Undetermined in this first cycle Risk level: High	Legal proceedings have commenced, and positive aspects have been observed in the publicity and organization of hearings, alongside legal and procedural issues requiring further monitoring. The available evidence does not permit a final assessment of the quality of the proceedings or their outcomes as of 31 July 2026. [3, 4] Follow-up note: Monitor available records and judicial decisions, the legal basis for charges, respect for the rights of the defense, victims, and witnesses, evidentiary and appeal procedures, and the expansion of monitoring to other cases in accordance with publicly announced selection criteria.
Indicator 11 – Institutional Reform and Non-Duplication Performance status: Poor Direction of change: Undetermined in this first cycle Risk level: Requires monitoring	Initiatives and discussions concerning institutional reform are emerging, including professional accounts of changes at the local level. However, there is insufficient evidence of a comprehensive framework for the vetting and reform of the judiciary, security institutions, and oversight bodies. Follow-up note: Request reform plans and standards governing appointments and accountability; monitor appeal safeguards and rights protections; and compare practices across institutions and regions without assuming collective responsibility or punishment.

Indicator 12 – Comprehensive Damage Redress Performance status: Poor Direction of change: Undetermined in this first cycle Risk level: High	There are demands, proposals, and support initiatives, including discussions concerning a compensation fund. However, the available material does not establish the existence of a comprehensive redress program with adequate resources, clear access and eligibility standards, grievance mechanisms, and verifiable outcomes. [5, 10] Follow-up note: Monitor the applicable legal framework, funding and eligibility criteria, legal, psychological, and social services, documentation requirements, inheritance, housing, and property rights, as well as the extent to which families can access support without being required to establish the death of a missing person in circumstances where such a requirement would be inconsistent with their rights.
Indicator 13 – Spatial and Environmental Justice Performance status: Currently estimable Direction of change: Undetermined in this first cycle Risk level: Requires monitoring	Civil society and research materials highlight links between destruction, property ownership, return, environmental harm, and justice. However, the available material is insufficient to assess the extent to which these issues have been integrated into a coherent national policy or to establish the absence of relevant initiatives. Follow-up note: Identify relevant policies and programs; examine justice standards applicable to reconstruction, return, and compensation; and identify affected groups, evidence of harm, and opportunities for meaningful participation by local communities.

Indicator 14 – Public Communication and Expectations Management Performance status: Poor Direction of change: Undetermined in this first cycle Risk level: High	There are public statements and meetings, but interviews indicate a continuing need for clear, regular, and accessible information concerning the mandate, procedures, timelines, and the scope of what relevant institutions can deliver. The existence of criticism should not be interpreted as evidence of a complete absence of communication. Follow-up note: Analyze the regularity and content of public updates; examine channels for questions, complaints, and corrections; and assess whether information is understood by different groups of families and communities, particularly those outside the capital.
Indicator 15 – Civic Space and Civil Society Access Performance status: Partial Direction of change: Undetermined in this first cycle Risk level: High	Civil society organizations and initiatives continue to operate, and channels of cooperation exist. However, access may vary according to location, resources, and institutional relationships, while concerns have been raised regarding administrative and security restrictions and the narrowing space for criticism. Follow-up note: Document the applicable rules governing registration, access, and meetings; record documented cases of restrictions; examine criteria for selecting partners; and assess whether criticism affects continued communication, while distinguishing formal legal restrictions from their implementation in practice.

Indicator 16 – International Cooperation and Sharing the Burden of Accountability Performance status: Partial Direction of change: Undetermined in this first cycle Risk level: Requires monitoring	International mechanisms with distinct mandates are operating, alongside declared efforts to promote cooperation. However, the available evidence does not permit an assessment of the completeness or effectiveness of arrangements for coordination, information-sharing, and data protection, or of their impact on families and individual cases. [11, 13] Follow-up note: Monitor announced agreements and protocols; clarify the respective mandates of each mechanism, referral procedures, and data-protection safeguards; assess the quality of technical support; and examine whether families understand the available cooperation pathways and are protected from unnecessary duplication in the collection of information.
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KEY RISKS FACING THE TRANSITIONAL JUSTICE PROCESS

The risks identified in this section synthesize findings emerging from interviews, focus groups, position papers, and legal and human rights analyses. Their significance lies in the fact that they arise at a foundational stage of the transitional justice process. Measures that may appear adaptable at this stage can, if left unaddressed, become institutionalized and increasingly difficult to reverse over time.

The priorities identified below are based on three considerations: the likelihood of harm, the severity of the potential harm and the feasibility of remediation, and the extent to which the risk disproportionately affects groups that are least protected. Priority is elevated where a risk involves evidence that may be permanently lost, the safety and protection of individuals, or legislative and institutional choices that may be difficult to amend at a later stage. The report recommends monitoring these risks during the period from 1 August to 31 December 2026, without presuming that their occurrence is inevitable. The risk register should be updated whenever a new incident, legal amendment, or material information emerges that contradicts the current assessment. Each update should document the source of the alert, the party concerned and the follow-up action required.

1. The Risk of a Transitional Justice Law that Entrenches Exclusion and Discrimination

The first risk is that the concerns identified in relation to the draft law remain unaddressed, particularly those concerning its scope, the definition of victims, and the parties covered by the framework. If the law does not provide an objective and sufficiently comprehensive definition of harm and serious violations, victims of actors other than the former regime, victims of violations committed during the post-transition period, or victims from particularly sensitive or affected areas may perceive the process as inapplicable to them.

2. The Risk of Formalistic Participation

The second risk is that consultations become a means of demonstrating participation without having a meaningful impact on decision-making. This risk does not necessarily arise from a lack of meetings; it may instead emerge from extensive consultations that are not accompanied by feedback, explanations, or tangible modifications to texts. Formalistic participation may be particularly damaging to trust because it can leave participants feeling that they have been consulted without having had a meaningful opportunity to influence decisions.

3. The Risk of Symbolic or Hasty Trials

Early trials may provide an important indication that accountability processes are moving forward. However, they may also create risks if proceedings are conducted under political, public, or institutional pressure to demonstrate rapid results. Proceedings that do not adequately respect fair-trial guarantees may expose judgments to legal challenge, question their truthfulness, and weaken the integrity of the judicial record.

The proceedings would be symbolic if they do not provide a proper legal basis for the charges, ensure the right to a defense, public hearings, the participation of victims, the appropriate legal characterization of international crimes, and the publication of judicial decisions, and if it does not respect the presumption of innocence and the dignity of victims. Not every closed hearing or legitimate restriction imposed to protect witnesses constitutes, in itself, evidence of a violation of the right to a fair trial.

4. The Risk of Reducing the Missing Persons File to Mere Data Collection

The fourth risk is that the missing persons file becomes primarily a matter of establishing databases or registration mechanisms. Families need meaningful information about how existing records and information concerning missing persons are being used.

The absence of clear policies on communication, data protection, and informed consent; effective channels for complaints, correction, and follow-up; continuous, transparent, and effective coordination with the National Commission for Missing Persons; and repeated requests for information from families without a clear added purpose may cause additional distress and undermine trust in both the National Commission and relevant international mechanisms.

5. The Risk of Imposing Bureaucratic Administrative Records

Truth may be compromised where archives are inaccessible or where official documents are established reproducing an incomplete or contested narrative. Death certificates, civil-status records, and forensic reports may contribute to denial if procedures for verification, objection and preservation, are not clearly established and preserved.

6. The Risk of Selective Civic Space

The sixth risk is that civic space remains more accessible to organizations and individuals perceived as aligned with official institutions, while critical, local, feminist, or less formally organized victims' associations face greater barriers to participation. Risks may also

arise where organizations are unable to express critical views freely or where funding arrangements jeopardize their independence.

If civil society actors lose the right to criticize, the transitional justice process may lose an early identification of problems.

7. The Risk of Overextending Redress Promises

Redress is one of the most critical mechanisms for either building or undermining public trust. Making broad promises of compensation or support without clear resources, established criteria, and mechanisms creates expectations that cannot be met. This risk is particularly acute among families of missing persons, survivors, women, and communities suffering ongoing economic and legal harm.

8. The Risk of Marginalizing Gender and Spatial Justice

If transitional justice remains primarily focused on legislation, criminal proceedings, and missing persons, important dimensions may remain insufficiently addressed in Syria. Abduction, stigma, documentation and civil-status issues, nationality, property and housing, urban destruction, environmental harm, and return illustrate how harms and barriers to remedy may vary across regions and between different groups, including women and men. The warning sign is when gender and geographical considerations are mentioned only in general terms without influencing the design of consultations, protection measures, resource allocation, and monitoring priorities.

GENERAL RECOMMENDATIONS

■ Recommendations for the Transitional Justice Commission and the National Commission for Missing Persons

First: Publish a Preliminary Roadmap

The authorities should provide sufficient information to build trust without implying that all aspects of the process have been settled. A preliminary roadmap could be published setting out the mandate, priorities, phases of work, relationships among the relevant bodies, the judiciary, the Ministry of Justice, and international mechanisms, the consultation methodology, and the limits of what can realistically be achieved over the following six months. The roadmap should be updated periodically.

Second: Adopting a Written Participation Policy

Effective participation relies on a clear, written policy that outlines participant selection criteria, outreach strategies for local and informal networks, safety and confidentiality safeguards, and feedback integration processes. Convening entities should routinely publish a standardized consultation framework and an anonymized summary of each round, detailing adopted and rejected proposals along with their justifications. For women, survivors, and underserved groups, secure channels—including remote access and trusted intermediaries—must be provided when direct participation is unsafe. Policy implementation is verified through a published policy document, its practical application in a live consultation, and tangible proof of feedback influencing final decisions, texts, or priorities.

Third: Issuing a Data Protection Policy Specific to the Missing Persons File

The National Commission for Missing Persons and in coordination with relevant authorities, families, and international mechanisms, requires a published, accessible policy governing data protection, consent management, and referrals. This policy must define the purpose of data collection, access and sharing protocols, retention periods, rights to correction and objection where applicable, breach management procedures, and legal confidentiality limits. Consent forms and grievance channels should be pilot-tested with a representative sample of households prior to full rollout. Additionally, establishing a secure information channel will mitigate exploitation and fraud while connecting families to essential legal, psychological, and social support services. To prevent re-traumatization, families must not be required to repeat their accounts or resubmit data when secure cross-referencing is possible. Progress is measured by policy dissemination, pilot testing results, and established accountability for grievance redress and data correction—not merely by the volume of records collected.

■ Recommendations for the Ministry of Justice and Judicial Authorities

First: Safeguarding the Quality of Early Trials

The Ministry of Justice and judicial authorities must adopt a framework that establishes procedural integrity and rights as fundamental standards for initial proceedings. This requires publishing session schedules and legally disclosable rulings, clarifying the legal bases of charges, facilitating independent human rights monitoring under clear guidelines, and guaranteeing defense, victim, and witness rights alongside transparency within its statutory limits. Judges, prosecutors, and defense counsel should receive specialized training in international crimes, modes of liability, evidentiary standards, and witness protection. Additionally, a judicial monitoring matrix could be developed to evaluate procedural standards and factual observations without interfering with determinations of criminal liability. Progress must be measured by the adoption of clear procedures, the enforcement of observable safeguards, and the availability of legal review and appeal mechanisms—not by trial volume or the speed of verdicts.

Second: Integrating Judicial Proceedings with Truth and Redress Mechanisms

Judicial proceedings must not be framed as a substitute for a comprehensive transitional justice process. While the judiciary contributes to truth-seeking, it cannot independently resolve the fate of the missing, provide holistic redress, or deliver institutional reform. Consequently, authorities must explicitly define how trial outcomes feed into the broader transitional justice framework and ensure that associated records and evidence are securely preserved. Court decisions and rulings should be published in an accessible format that maintains necessary confidentiality and safety, prevents information silos between courts and complementary bodies, and aligns closely with the Transitional Justice Commission and the National Commission for Missing Persons to handle evidence vital to establishing public truth and determining the fate of victims.

■ Recommendations for Donors and International Mechanisms

First: Strengthening the Infrastructure

Donors and international mechanisms can best foster a sustainable national and civic ecosystem by aligning assistance with verified institutional and rights-based gaps. Funding should prioritize evidence preservation, archives, forensics, data protection, trial monitoring, and comprehensive legal, psychological, and social support for survivors and victims' families. Each intervention must explicitly identify the responsible executing body, target deliverables,

and implementation pathways. It is proposed to fund independent Syrian monitoring and analytical capacities, provide flexible support to local initiatives, victims' associations, and women-led organizations, and develop coordination and information-sharing protocols that respect legal jurisdiction, consent, and privacy. Furthermore, creating parallel databases or mechanisms whose relationship to existing institutions remains unclear to victims must be avoided. The success of support should be measured by the extent to which it improves safe access, services, and sustainable capabilities."

Second: Safeguarding Civil Society Independence

International support must be structured to prevent counterproductive competition among Syrian organizations for access or funding that could erode their unified advocacy positions. The right of civil society organizations to engage in critical discourse and independent advocacy must be explicitly protected. To this end, donors should fund coalitions and coordination platforms that preserve the autonomy of non-governmental organizations and victims' associations, support local, feminist, and victims' networks that face structural barriers to international funding and ensure that assistance provided to official state bodies complements—rather than overshadows or marginalizes—national civil society expertise.

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