

Episode 2 (December 2020) Spotlight on Syria

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Tine: Welcome to Justice Visions. I am Tine Destrooper and with me today is Brigitte Herremans, a researcher from the Justice Visions team whom those listeners who've been following us for a while actually know from the previous season as well. Hi Brigitte!

Brigitte: Hi, Tine!

Tine: And we are also welcoming. Mona Zeineddin, of the Syrian NGO Women Now for Development, I dare say a very inspiring guest and a very inspiring NGO. Mona, welcome!

Mona: Thank you, Tine.

Tine: So, Brigitte, Mona, today, we'll be talking about justice processes for Syrians and more precisely the prosecution of sexual and gender-based violence. We may sometimes use the acronym SGBV, but we'll try to do that as little as possible. But maybe Mona, I'm going to turn to you first. Why do we need to talk about this topic today? Could you give us a brief heads-up of what's happening, not only with regards to sexual and gender-based violence in Syria, but most specifically with regards to justice seeking and justice efforts in that domain?

Mona: Yes, absolutely. I mean, I would like to begin to talk about the efforts that are ongoing in the Syrian context, whether it be on the part of criminal justice. I mean, with all the proceedings that are taking place in European countries that have universal jurisdiction mandates and are trying to basically open structural investigations into the crimes that have taken place in Syria with regards to crimes committed on the part of the regime or other groups as well. And yes, these efforts constitute an important part with regards to transitional justice pertaining to Syria. And it's an effort that basically involves and was built on the efforts of Syrian civil society with all the documentation work that has been taking place since the beginning of the uprising with I think organic Syrian grassroots initiatives for accountability and justice coupled with of course organizations that are European or based, you know, in the global North at large.

And this is very important, but I would also like to highlight that the campaign likes to think a little bit more broadly than transitional justice. That is the Syrian Road to Justice campaign. And we prefer to use the term transformative justice. And by that we mean that we're trying to go a little bit beyond the liberal institutions' understanding of transitional justice. And we're focusing on transforming structures that have led to violence during conflict. And when we talk about guaranteeing, I mean, non-recurrence, how can we actually make that happen from a very grassroots, structural and community-led approach rather than the typical top-down liberal approach to transitional justice? And by no means, are we denying or trying to erase the efforts that are happening. We're just saying they need to be pushed a little bit further and we need to apply a more holistic approach.

Tine: I would actually like to pick up on that and maybe take one step back and then turn to you Brigitte as well, because you proposed we do this episode. And I think what Mona was saying about transitional justice is actually very interesting because it may come as a bit of a surprise to our listeners that we are talking about Syria in a podcast that is normally about transitional justice and about victim participation in transitional justice. And then I've noticed that calling Syria a case of transitional or even transformative justice, sometimes it makes people feel a bit uncomfortable, no?

Brigitte: Yes, it does. Because many people might think that applying transitional justice to Syria is odd because of course there is no perspective of a transition, quite on the contrary. The Assad regime has regained control over the majority of the territory. And of course, despite the transformation of the conflict, Syrian and international NGOs, and also what we call the broader justice movement, they continue to use the concepts and mechanisms of this transitional justice toolkit. And this toolkit was actually introduced quite early into the conflict, or the uprising, or revolution in 2011. And it was interesting because it enabled a form of resistance against the violence of the regime mainly. And it's also a way to revive the justice mobilization, which has seriously declined over the last couple of years. So currently, as Mona was just explaining, there are really a couple of very interesting developments with regards to opening justice avenues and processes for Syrians.

Tine: That's quite fascinating because in a way, what you're describing is that even though the Syrian case is quite far removed from the kind of context that the transitional justice paradigm was originally developed for, or designed for, namely where there was one regime which was ousted, which was replaced by another, where you had, you know, an actual political transition. Syria still fits this increasingly long list of what I would call atypical cases of transitional justice, right? Of transitional justice, expanding towards new contexts, towards contexts where that political transition did not take place.

Brigitte: Yes, it will be interesting to hear Mona's thoughts on this because of course there still is the aspiration of a transition and a transformation, a positive transformation, of course. So by no means there is business as usual. But what is very striking in the Syrian context, is that Syrian activists and NGOs and victim organizations as well, they fit into this, they apply the transitional justice discourse and mechanisms to pursue justice while the conflict is still ongoing. So that's very interesting.

Tine: Yes, Mona and I did want to ask you, based on your experience on the ground, before we dive into the topic of sexual violence, what you see as that reason for activists or in your NGO, what the reason is to adopt that transitional justice rhetoric, that transitional justice framework. What's in it to be using that framework?

Mona: I mean, a typical, I would say incentive is that when we think of, if we want a sustainable peace in Syria, it cannot happen without some form of justice and it cannot happen without a comprehensive justice, that is. So, I would say that is the main incentive that is driving Syrian civil society actors to pursue these justice avenues, be it litigation in European countries, albeit very limited. I mean, we have to talk about how limited these avenues of justice are, but they're pursuing them in the absence of anything more comprehensive right now, like, you know, an international tribunal because the political climate currently doesn't allow for that. So we sort of have to work with the tools and mechanisms at hand, and they are very limited. But we do all, like many of us are also emphasizing that we really, in our approach, we really need to be comprehensive and look

at past transitional justice approaches, be it Yugoslavia, former Yugoslavia, other countries, and the real shortcomings, that took place because of the limitations of these liberal legal tools.

Tine: This is making a lot of sense. And we are talking now about why it makes sense to apply that transitional, that transformative justice paradigm to the case of Syria. But what we, of course also wanted to talk about during this episode is, is that very topic of sexual and gender-based violence. And maybe before we do that, Mona, could you give us a better sense of what we are actually talking about when we're talking about sexual and gender-based violence in Syria? What's the kind of crimes that you are mobilizing around and what's the kind of crimes that are taking place on the ground right now?

Mona: So when we think of sexual and gender-based crimes, it's very important to emphasize that we're not just talking about rape, we're talking about sexual coercion, we're talking about other forms of sexual coercion. We're talking about sexual harassment. We're talking about the deprivation of a person's reproductive capacity. I mean, all these crimes, forced abortion, all of that, they all fall under, SGBV crimes. And it's been documented by the UN Commission of Inquiry, among other Syrian and international organizations, that these forms of violence have taken place in Syrian detention centers, systematically and they are widespread as well. I mean, widespread and systematic occurrence of these crimes. Which is why the ECCHR, the European Center for Constitutional and Human Rights, alongside two Syrian feminist organizations Unnamu, and the Syrian Women's Network filed a complaint in June, demanding that these sexual and gender based crimes that took place in Syrian detention centers, that they be charged as crimes against humanity, and they are not isolated individual events. There is evidence of systematic and widespread use of these crimes.

Tine: This is striking, no? Because what you're describing is a situation of systematic, widespread violence, which is taking place amongst other places in detention facilities. And I feel that still, it's relatively absent from the discourse. It's not very present in the public debate, is that correct? And if so, why is that?

Mona: I think it's changing. I think, yes, that may have been correct. I mean, very accurate at some point, but now I think that it is surfacing, and people are becoming more aware of it. There are many reasons for why it perhaps wasn't spoken about previously. I mean, there are reasons on the legal side why it may have been dismissed, and why other crimes were given more precedence. I mean, just easier access to witnesses or survivors of these crimes, people who are more willing to talk about it. Whereas with SGBV, there's a lot of taboo. There's a lot of stigmatization. There's a lot of, understandably, hesitance from witnesses or survivors to talk about these sort of crimes and reluctance, I would say, from members of the community to push or to pursue for a wide conversation about these crimes. So, I would say it's on both sides, the social, and also what's more applicable and what's more feasible from a legal point of view as well.

Brigitte: What I'm also interested in Mona, and we always try to reflect on that in the podcast, what it means also for victims and victims' opportunities at participation. For example, here, in this case for victims it's very difficult to come out and talk about the violence that they have endured. So I was wondering also, in the strategic litigation we've seen in the Al-Khatib trial, for example, that there's more and more alliances with victim groups and NGOs. Is this also the case here? And also, how can victims' agency be more

visible in a way that victims and survivors are really seen to have an active role? Is this also happening in the cases that you're working on?

Mona: Yes, absolutely. And I would like to talk a little bit about the campaign here: the Syrian Road to Justice campaign. I mean, a part of the demands of the campaign, or, I mean, a part of the mandate of the campaign, is to support the complaint that was filed on behalf of seven plaintiffs. And the organizations that filed the complaint were ECCHR and two Syrian organizations Urnammu, and the Syrian Women's Network, as I explained. But while the case was being prepared, independently, a campaign was being formed, Syrian Road to Justice Campaign, and it was in part to support this complaint, but also to demand for justice beyond criminal justice and to really look into the root causes about what are the barriers to justice? What is keeping survivors and witnesses of SGBV, be it women or men, but especially women, what is keeping them from accessing justice?

What does the role of social discrimination, quote-unquote stigma play here? What are the, you know, psychosocial elements that are preventing women from participating, ones revolving around security. And also on the legal side, what is keeping prosecutors, what is keeping the German judiciary, among other judiciaries, from being able to identify when there's enough evidence to say that SGBV was committed systematically, and that this occurrence was part of a systematic attack against the civilian population? Are they being provided with enough training on gender? Do they have enough gender expertise? Do they have enough women with gender expertise so that it makes the whole process more comfortable for a female victim, a survivor, a witness to come forward and speak? We have to look at these dynamics. Again, without understanding these dynamics, without understanding power relations, without a gender-sensitive perspective, I would say humanity and justice will continue to fall short.

Brigitte: And another issue that is also very important in this respect is the issue of female detainees. And you've been working a lot on this. And if I understood correctly, you're also working on a report and dealing with the challenges also that female detainees face after being released, such as socioeconomic discrimination. Can you elaborate a bit on the challenges that the female detainees face?

Mona: So recently Women Now for Development, in collaboration and partnership with the *3ayny3aynak* platform published a report, in English it's called Surviving Freedom. And it basically talks about the experiences of female survivors of detention, not necessarily sexual violence, although many of them did undergo some form of sexual and gender-based violence in detention, but not necessarily. They were former female detainees, but they are often perceived as either survivors of rape, or there's a very strong social stigma that awaits them when they leave prison. And many women have strong, very strong issues with families afterwards. I mean, the family either disowns them, in some extreme cases there's also gender-based violence, like an honor crime, that's committed. There are some real challenges not just on the social familial side, but also when it comes to psychosocial psychological issues, the trauma that they've endured and all of that, and not being able to access the services or not being able to disclose these details even to the closest in their families' and friends' network, makes it very difficult to access these very much needed services.

And also on the financial side, you would be surprised, but some people won't employ a woman who has a history in detention. And all that, for the same reasons related to social discrimination or stigma. The security threats that, you know, I mean, it's very difficult

afterwards to be able to speak sometimes because you fear that there will be some retaliation from the perpetrator's side or community or whatnot. So, all these compounded effects really distinguished the female experience of the aftermath of detention from say men. Again, emphasizing the importance of a gender sensitive analysis of matters.

Brigitte: Yes, which might sometimes be lacking in this context. It's very striking I think also in the work of Women Now for Development, that this gender-based analysis is so present and both Tine and I are inspired by the work of Samar Yazbek. And I think it's maybe also interesting to expand a bit on, for example, her work, the book that also came out on 19 women with testimonies of women enduring violence, during the revolution and afterwards. So maybe it might be nice to hear your thoughts on the need for this analysis and how Women Now for Development also tries to push for that.

Mona: Yes, absolutely. I think what is very interesting and unique to Women Now as an organization is its very holistic approach. Much of its programs come out of the women and girls safe space model, which emphasizes protection as a fundamental right. So the women and girls safe space provides protection for our participants. So, when they come in, they know it's a space where they can engage with other participants, where they can talk about things that they could perhaps not so easily talk about and their households violences that they've experienced. And they are also able to receive psychosocial support, if needed. So as a first step protection, we believe, is fundamental to pursue or to realize your other rights.

So in order for me to be able to become economically sufficient, I have to have some level of protection. I mean, in order for me to be able to participate in the political sphere, I also need some level of protection. So that's why we see it as a first step. And of course, in order for women to become independent, they also need economic empowerment. They also need to be able to make a to have some source of income that allows them this independence. So that's why we also have vocational and educational trainings and often opportunities for a small women-led business initiatives. Then moving forward, we come to participation on the political level, and that's when we have all the civic engagement training, training on human rights, on women's rights, among other topics.

And it's a critical training, I would say. We really try to focus on a critical lens when we're looking at say, be it, how traditionally, women's participation in the political sphere is interpreted. We look critically at UN organizations and their impact. So, this highlights the holistic approach to our programming. And from there, we also do advocacy work. We're very much committed to what we call feminist knowledge production, which is basically engaging in participatory women-led feminist research, to be able to understand more closely how women on the ground in Syria, be it in Idlib or other places, how they understand justice, what are their challenges, what are their criticisms of the ongoing procedures related to justice right now, or the interpretations of justice. Is justice for them more about political participation? Is it more about criminal justice or is it more about, being economically secure, being financially independent? Where does it stem from and what is it basically, is what we're trying to understand from Syrian women on the ground and the neighboring countries and the diaspora at large, and it's basically women who often are not given the opportunities to basically strongly put forward their opinions. They don't have access basically to platforms. So we're trying to reach out to these women who are often invisibilized from formal platforms.

Tine: What you are saying Mona, already was an answer to a last question that we always ask our interviewees, where you and your work are looking for inspiration. If you think about the next steps to take in the process, when you think about the next steps to take in a campaign? What is inspiring you and where do you find inspiration for the future of your work? And I find it very interesting that you're already saying, you know, of course, we're listening to women on the ground, women who are often not heard, but I still want to pose the question, if there's any other authors, campaigns, groups that you're looking at, where you say this is really where the future lies.

Mona: Yeah, sure. Absolutely. I think people, when people get in to understand, I think structural violence when these terminologies, that used to be so limited to like certain activist groups are now being used, I would say more frequently. I think when understanding consciousness raising starts to really show its effects, for me, this is a real inspiration, cause it's the work of movements and not one single organization that will eventually lead to transformation. And the more that we can get these ideas out there, the more that we can get women and men to understand them, understand how they're both limited. I mean, this is a structural issue and it's not binary in the sense that men are not affected also by the patriarchy, by toxic masculinity, by militarism. It affects both genders, albeit differently, of course. And we can only begin to change it once we really have understood its consequences for everyone and how we would all benefit from transforming it into something more egalitarian.

Brigitte: That's beautiful Mona. It's that touching how you talk about this in a period, which is quite bleak for a lot of people. And I think it's so inspiring that Syrian and regional justice actors as we call them, they manage to break that fatigue and show that there's so much resilience and that there's so much change going on.

Mona: Yes. And I do have to mention, there is a lot of fatigue and I think why I am privileged, I'm not Syrian first of all. So just to be very clear and upfront about that, I did not go through the violations that my colleagues and friends and network at large has been through. So, I think in that sense, I am very much affected by it, but I do have that privilege of being the outsider a little bit. When we say resilience, I always think we have to be very careful when we're talking about very affected communities and that they have the right to want to distance themselves sometimes and do something different than just remove themselves from a very, depressing and a very bleak situation.

Brigitte: Point taken. I think it's extraordinary for us when we hear sometimes hear the very stale discourse on what's happening in terms of justice for Syrians and what is possible. And then you really see the agency of people on the ground. That's very strong and it's very important that we have these voices come through also in Europe.

Mona: The work that is flourishing or that is coming to surface right now, is really the work fundamentally of Syrian civil society actors. Fighters for justice, basically. I mean, at the core of it is their work.

Tine: That's beautiful. And Mona, I'm also just going to echo Brigitte's words of thank because we are nearing the end of this episode. I'll just add on a practical note, almost that for those listeners who are inspired this episode and have suggestions about cases that they want to hear more about for next episode, so that they can always reach out to us though the Justice Vision's website, that's Justicevisions.org, where we'll also post the enhanced transcript of this conversation and additional resources about the kind of work

Mona that you're also doing. So then on a concluding note, I'll add that next time we'll be talking about Chile. We promised the listeners, we would do that today, but we've pushed it forward a little bit so as to be able to welcome you Mona, here to this episode, and I'm very glad that we were able to make that work. So thanks again, Mona for joining us, very much. And thank you Brigitte for co-hosting this episode.

Brigitte: Thank you. It was a pleasure.

Mona: Thank you both so much. I mean, thank you for inviting me. It's been a pleasure.

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