

Season 6, episode 4 (February 2025)

## Transitional Justice in Post-Assad Syria

*Welcome to Justice Visions. The podcast about everything new in the domain of Transitional Justice (TJ). Justice Visions is hosted at the Human Rights Centre of Ghent University. For more information visit [JusticeVisions.org](http://JusticeVisions.org).*

**Brigitte:** Welcome to a new episode of the Justice Visions podcast. Today we're discussing a moment we actually never dared to hope for: justice in post - Assad Syria. After decades of institutionalized atrocities, we can finally ask the question what the mobilization for justice looks like in Syria without Assad. And for this very special episode, I'm also thrilled to be joined by a new colleague, Layla Zibar. Layla, welcome.

**Layla:** Hello, Brigitte.

**Brigitte:** It's a pleasure really to have you at this very special occasion. You have a doctorate in architectural engineering, specializing in urban research and the spatial dimensions of rights violation during crises. The architectural and spatial dimensions of transitional justice might not actually be the first thing that our listeners think of when they think of transitional justice and our podcast. So maybe you could give us some background on your research and how it also connects to transitional justice and particularly justice in the Syrian context.

**Layla:** People when they talk about architecture and when they talk about the spatial dimension, the first thing they think about is home and displacement when people talk about conflict. They talk about destruction and they talk about how things were erased from the ground. But when it comes to justice, the question is, what can you restore? Can you restore only physical buildings? And what do you miss when you only restore physical buildings? Is it just what you're restoring? There's a lot of memories that were erased. This space that contained everybody's movements, these accumulated relationships that you built over years. When something is completely erased, what type of justice is it that you're restoring at the time or you're thinking about? I feel like in most cases, transitional justice doesn't speak about this kind of an accumulation of loss and also an accumulation of future possibilities that you have lost along the way when you are displaced or moved or evicted from one place.

**Brigitte:** When hearing you talk about that accumulation of loss and the importance of architecture in creating those places, it's impossible not to think of the architecture of atrocities. I was wondering if you could give us a concrete example of one of those places in Syria?

**Layla:** Maybe the most striking images is that of the prisons. I mean, a lot of people saw Sadnaya prison, but that is an architecture of itself. The whole place is from the choice of the location, to its architecture, to its layering, to the way it has been used and reused and purposed. This is a very much of a present or place that you can see and touch and take photos and it has witnessed a lot of issues. So that's also the other dark dimension of architecture that also is never mentioned. It's seen as a place where things happened, but also it has been designed and developed along the years and it has been put in Syria. So I think this is the most strong visual image that a lot of our listeners can connect to when they watch the news about Syria. There is a long list of violences that are related in place and are attached to the elements of our built environment that are basically not brought forward as other mechanisms of talking about justice, like courts and other kind of mechanisms between legal frames.

**Brigitte:** You have been working on these dark dimensions also for years, architecturally, spatially. And I can imagine that the fall of the regime, which came quite unexpected in December 2024, came also as a surprise to you. How did you experience this thinking of your work, but also thinking of the possibility of future in the post-Assad Syria?

**Layla:** To be very honest, I think I can echo a lot of Syrians. I think my couch is the witness of what things happened, because I did a move for a few days. We do have a curfew in our country now. I knew that the regime fell not when they entered Damascus, not when everybody are seeing this red banner, like the fall of Assad's regime appearing especially on Al -Jazeera with a lot of people. But for me, it was the moment that I saw Hadi Al-Abdallah, one of the reporters speaking from Homs Square, and I saw the watchtower. And that moment was for me signalling that the regime fell. That was just a few hours, a few days. I was holding on my phone watching this live map, how the green is eating the red. I mean, the choice of colors, I must admit, it was very good at that moment. But it just was unbelievable. I still cannot grasp the fact. And even today, we don't hear the name of Assad regime as much anymore. You don't hear the crimes or anything. You just hear the fall. And it's different. I lived my whole life, and I never knew another president. I just had to change the first names. But today, it just still feels very different. I don't think I stopped crying for a week. It just came naturally, and I'm thankful for what happened, and not only for Syria, but for the world scale. Seeing a tyrant falling down is a big deal. Wherever you are from, for what I do, I'm cautiously



optimistic. I think we need to ground our expectations to the realities of the situation, especially in relation to the spatialities of not only the fixing, but also the problems themselves and how they shifted along the geographies.

**Brigitte:** It's so beautiful, Layla, to hear you talk about those feelings of joy and hope on the one hand and then hear the pragmatism also on the other. Those feelings are shared by a lot of Syrians, experts on the ground and in the diaspora, people who are continuing to mobilize for justice. And today we are talking to two experts on transitional justice in Syria, Yasmen Almeshan and Lina Ghoutouk. Yasmen is a founding member of the Caesar Families Association. It's a group of families who found out about the death of their loved ones in regime detention centers through the leaked Caesar photos.

**Layla:** And our second guest, Lina, is a human rights defender and researcher examining the gendered impact of enforced disappearances. She's currently based in Belgium and also participated in last year's Justice Visions Conference.

**Brigitte:** Yasmen, you are joining us online from Berlin, and you've just returned from Syria. Before we discuss some key issues about uncovering the truth about the disappeared and accountability efforts, we would like to hear some of your thoughts about how optimistic you are also for the prospects of justice in post-Assad Syria?

**Yasmen:** The most astonishing thing for us was the fall of Assad. Assad's downfall came after 14 years of enforced disappearances, systematic torture, abductions and countless other crimes. For us, discovering that Assad had fallen was an unexpected yet welcome shock, an event that felt miraculous after years of despairing over his removal by aliens. We were among the happiest people. But with the collapse of the regime, the horror of prisons was exposed, revealing the vast numbers of possibly disappeared individuals. However, the stark contrast between the number of those documented as missing and the relatively small number of those released was a heartbreaking shock. It meant that the likelihood of our loved ones being dead had increased significantly, and any hope of their return had all but vanished. Conflicting reports about their fate, along with a spread of rumors, often fueled by social media, only added to the confusion. The situation became even more complicated with the uncoordinated release of detainees, leaving families in distress as they searched for their missing loved ones. The deliberate or accidental destruction of records further deepened the tragedy of seeking the truth. All these factors exacerbated the psychological shock that accompanied the opening of prisons. During my visit to Syria, other realities became clear. A significant number of families who had remained under the control of the Syrian regime had not documented the disappearances of their relatives. This

means the number of missing persons is likely even higher than recorded, making it imperative for relevant institutions to intervene in uncovering their fate. All organizations working on this issue need to be involved, as the scale of the catastrophe seems too vast for the newly formed state to handle alone. The new state has inherited a country that is economically and socially exhausted, torn apart and essentially living on the edge of a volcano, ready to erupt at any moment. We thank God that the massacres we imagined did not occur, but this doesn't mean that the situation cannot turn catastrophic if matters are not resolved correctly. Through a process that guarantees the rights of victims and transitions us from a state of injustice to justice within a framework of transitional justice, otherwise the tragic situation may explode once again.

**Layla:** Lina, you are following the mobilization for justice on a daily basis through friends and colleagues in Syria. What are their most pressing demands or claims?

**Lina:** Families of the disappeared are demanding participation in the first place. They want to be part of any discussion and any process related to the issue of the disappeared or transitional justice. Their main most pressing demand is related to the protection of detention centers and mass graves, especially because these sites contain evidence about the fate of their loved ones and also the perpetrators. So they demand immediate protection of these sites, especially after circulated scenes of bad treatment to these sites and also loss of documents. They are also demanding immediate support for survivors who were freed from the prisons. Those young men need immediate and emergency psychological and medical support and also social support. The families of victims also require a lot of support, especially those who were in regime areas during the previous years and are facing huge difficulties to meet their needs. Families of the disappeared are also demanding unification of efforts. They need one place that they can go to and inquire about the fate of their loved ones. For them, the spread of civil organizations and civil initiatives is very confusing. They really need to know where they can go to have verified information, to know about services and to inquire about what is available for them and for the survivors and also for the families. Families are also requesting justice. They don't want to see criminals walking normally in the streets. And we saw this very clearly when families protested in Damascus when one of the alleged perpetrators of the Tadamon massacres rebranded as a reconciliation activist. So this person was rejected in the area and families refused him. So families are also not compromising on their right to justice. In the same time, I spoke with many families who refused the unlawful killings and the violation of human rights in several areas in Syria and specifically in my city, Homs. For them, those killings don't only possibly kill innocence, but they also kill the truth because even criminals should be, for them, of course,



prosecuted and face punishment that is done according to the Syrian law after investigation that could provide information to the families about the fate of their loved ones.

**Brigitte:** Of course, the issue of the prisoners and also accountability for the prisoners' fate and the fate of the disappeared is one of the most important issues also among Syrian survivor-led organizations and victim associations. We discussed a lot about the fall of the regime and also the liberation of prisoners from notorious prison centers such as Saydnaya. Afterwards, the attention quickly turned also to the fate of the disappeared and the scenes inside the prisons were, of course, harrowing with a lot of suffering that we saw and also destroyed archives, scattered personal documents and also IDs. Which kind of efforts are happening today and where do they stand also in terms of uncovering the fate of the disappeared?

**Yasmen:** It was truly a shock for us. Only a small number of detainees were released from prison while thousands remained missing with evidence of their fate destroyed. All these stories together created a profound psychological trauma for families who are now witnessing what seems to be a neglect of this issue by the new government. This neglect may be unintentional. In our meetings with officials, including the head of the transitional phase, the foreign minister, the attorney general and other government representatives, they all emphasized the priority of addressing this issue. However, reality tells a different story. We witnessed the painting over of a prison, raising traces of its past. We also saw the opening of Saydnaya prison and the organization of a celebratory event there. Yet, there has been no official statement from the state directly addressing the families of the missing, outlining the steps that should be taken to resolve this matter.

**Brigitte:** When you were in Syria, you probably also met with government officials or people working on the file of the missing and the disappeared. Did they share anything concrete on their plans to address this very pressing problem?

**Yasmen:** During our meetings, there was a discussion about the possibility of forming a body, institution or committee, but it was stated that this option is still under review. The de facto government explained that they cannot establish anything now. The de facto government's role, they said, is only to prepare plans and proposals for the next government. They assured us that the missing persons cannot be presumed dead without concrete evidence. They also stressed the importance of guarantees to prevent such crimes from recurring. Acknowledging that violations in this regard have continued, the government admitted to these violations and claimed they are trying to

minimize them, justifying the situation by saying that the state is overwhelmed, lacking resources and expertise to fully address the issue at this stage. The only positive thing so far is that they have met with the institution specializing in missing persons, IIMP, following our advice and insistence that this institution be involved, given its focus on victim participation. The institution was asked to draft a proposed agreement as being an international organization. It cannot begin operations in Syria without an official agreement with the government and the current authorities. They were therefore requested to prepare such an agreement to facilitate work on this file. As of now, however, no actual progress has been made. Plans exist, but the implementation has yet to begin. The path forward is long, and it is crucial to focus on immediate priorities, such as safeguarding records and mass graves, until the real work of uncovering the fate of the missing begins.

**Layla:** Thank you, Yasmeeen. Indeed, it's a very long road. So maybe I will turn to Lina and ask, you have been doing research on enforced disappearance for over three years now. What are your perspectives on the most pressing problems, and what can you add about addressing the problems of safeguarding evidence and tampering related to the mass graves and the efforts that the current government is about to take?

**Lina:** I think the first challenge is related to the issue of expertise. While Syria has a very sophisticated environment of experienced human rights defenders and specialized organizations, most of them were outside of Syria when the regime fell. And we saw that they were unable to protect security branches. They were unable to really be in Syria at the moment of the fall of the regime. And of course, this is not their fault. I would like to say that until now, we see that all this Syrian expertise is not represented in the new interim government. And we didn't see any move from the government to include those experts within their institutions. So this is one of the main challenges. The second challenge is the lack of access to Syria itself, lack of access to families who stayed in Syria during the years before. Most of family associations were very active outside Syria, but they had a huge challenge accessing regime areas. So now we have a division amongst families who are inside and who are outside. And there are a lot of efforts needed in order to really build the bridges between family associations who were founded and were active outside Syria and mainly in the northwest and try to build bridges with families who were previously in regime areas. I would say that the third problem is that we need to say it in a very frank way that the new government was one of the parties to the conflict. So we also need to know more about how the institutions will look like, how their approach will be regarding human rights and justice, and whether they have real interest to preserve the evidence and to give the victims the right for truth and prepare the grounds for transitional justice. And the



fourth problem is very much related to the pressing issue to preserve the evidence. As Yasmen said, this is the most pressing demand to protect the documents, to protect the mass graves. The current government doesn't have the capacity to really rule all of Syria, even if they have the will. And unfortunately, as the time goes, we are seeing more and more violations and no experience how to deal with these sensitive sites.

**Brigitte:** When we think of transitional justice to materialize in Syria post-Assad, we need to acknowledge the huge investment that Syrian civil society has made and experience it has accumulated over the last years in experimenting with transitional justice in the absence of a transition. Yasmeen, you participated in a civil society workshop on transitional justice last January, it took place in Syria in Damascus, bringing together over 50 experts and practitioners, both from inside Syria and the diaspora. Could you maybe share some of the main outcomes of this very important workshop ?

**Yasmen:** The Syrian Dialogue Conference that took place in January was truly extraordinary. It addressed the transitional justice initiatives, accountability measures, truth-seeking and victim engagement. The issues discussed are extremely sensitive, yet there was a sincere effort to bridge differing viewpoints, and it was successful. The event featured open dialog, a clear work plan, and a shared vision for Syria's future. Most notably, this is a first of its kind experience in Syria. The attendance of government representatives at this dialogue was unprecedented. We would have never imagined that a day would come when civil society and representatives of the Syrian government could meet in the same space. This also emphasized promising prospects for future human rights work, noting that there is potential for greater freedoms. This was further underscored when a government representative and a public security official took the stage stating, we stand with you in your demands, and God willing, we will work on them as well. This groundbreaking initiative is a strong indicator of progress.

**Brigitte:** When we talk about transitional justice, there is also the perspective of the state and the new caretaker government. Lina, how do you conceive of this perspective of the role of the new state in implementing transitional justice mechanisms? In his presidential speech, Ahmad al-Shara'a also mentioned transitional justice. Is the new government showing an interest and also undertaking effective steps in the domain of accountability, truth-seeking, and memorialization?

**Lina:** So here I would like to repeat what my colleague Yasmeen said, that while we are extremely happy that the regime fall, and we are kind of grateful for the current government because they are the reason that the regime fall

somehow. At the same time it's important to stress that this government does not have the legitimacy to start all the processes or to really manage the whole transitional justice processes. I think their role should be limited to the most pressing issues that cannot be postponed, like the protection of detention centers, the protection of mass graves, protection of evidence, prevention of impunity, like prevention of accused abusers from fleeing from the country, of course like probably even detention of accused members of the previous regime or other militias. And I think this needs a lot of participation from the victims themselves and from the Syrian experts, Syrian human rights specialists, but also civil society, and also like the international organizations and the UN mechanisms that were also founded and created to work on the issue of transitional justice in Syria. I think some things can be postponed, although I think families want to know the truth quickly and of course many pathways can already start now, for example like the path to truth, there is no need to postpone. But when we speak about accountability efforts and courts, I think we need first to give legitimacy to the incoming government that is elected on a democratic basis first and has the legal infrastructure to really start the accountability processes. The last thing I would like to say also is that while we see a lot of positive signs from the current caretaker government, we also need to stress that we also have justice demands for some of the militias that are also with them. Some of the militias also committed the crime of enforced disappearances. When we speak about justice, we really need a certain level of trust, of legitimacy and expertise.

**Layla:** Pragmatism is also needed to understand how things work as well and it's not about pessimism but it's more about what are the right steps to take, especially in such a fluctuation of how the government is taking the matter in hand. I would love as well from an academic perspective and also from understanding and de-centering the way that we look at justice, from an international perspective, you to tell me a little bit about peer-to-peer and South learning in the context of mobilization for justice, so maybe more specifically about civil societies' organizations and from other regions, so how have they evolved and how does this collaboration can take shape on the ground?

**Lina:** Unfortunately, I didn't see a lot of collaboration amongst Syrian civil society organizations and let's say Lebanese civil society organizations working on the issue of the disappear or Iraqi human rights organizations or associations. There are of course some conferences that took place, people know each other, but I didn't see any formal process for collaboration to really exchange lessons learned. I would like to stress that also Syria was a little bit special compared to the context around us. Of course the context are mainly Iraq and Lebanon, so we cannot compare ourselves with them, but at the same



time there are lessons learned. I would like to stress that it's not too late to start learning the lessons from our neighbors because we have very interesting examples. What we learned from Iraq is that really emptying the state and ending anyone who had any minimum connection to the Baath regime will create a vacuum that can be filled by, in the case of Iraq, it was filled by ISIS. So we should also learn the lesson from that and hear academics in Iraq and experts in Iraq about what their justice model led to and what we learned from that model. The same thing applied to Lebanon also. What did we learn from the amnesty in Lebanon and what do we learn from having fighters and previous militia leaders ruling the country? What does that mean for our future? Those are the questions that we need to learn from the context around us. At the same time I think we have more far examples like in South America, in South Africa that we also should learn from, but to my knowledge there is not a lot of exchange of expertise and here I would like to use the opportunity to really ask for more support to academic exchange and exchange of expertise in the issue of international justice, especially south to south exchange.

**Brigitte:** That's well noted. We'll try to spread the word through the podcast. I wanted to also maybe end on a note of consideration on the importance also of civil society organization and the mobilization for justice that played a huge role also in the diaspora because of the impossibility of conducting open justice efforts within the Syrian state under Bashar al-Assad. How do you as a human rights defender in the diaspora, also working effectively on the ground with Syrian human rights defenders and organizations, conceive of the role of civil society in the continued mobilization for justice post-Assad?

**Lina:** Syria has a very sophisticated ecosystem of civil society in the field of transitional justice. These organizations were the backbone of justice efforts in Syria. We saw them supporting the processes of prosecuting criminals in Europe using the universal jurisdiction pathway and we also saw them supporting the formation of family associations. The main challenge is the access to Syria. Due to security considerations, most of these organizations were founded outside Syria. Now they find themselves unable to quickly build their presence inside the country. They are detached from Syrian civil society organizations who were active inside Syria. The main challenge I want to say or the main efforts should be focused on building bridges between Syrian civil society organizations that were outside Syria and those who are inside. Until now we see that most efforts are scattered and again we don't see a unified body for civil society when it comes to the transitional justice efforts. I see this as a priority. Syria needs all these experts and all these fighters to unite for the future of the country and for the rights of victims. I want to say that civil society sacrificed a lot. There is a very thin line between civil activists and victims because activists were threatened in any moment to be victims

themselves and we saw that with the example, for example, of human rights defender Razan Zaituneh and many others. For that, I think, we should really appreciate all this knowledge and efforts and sacrifices. At the same time we should also make sure that all the efforts of civil society should be empowering the victims themselves. Syrian victims are extremely active. Victim associations were able to go to Syria, many of them, or at least several members of family associations. We should give the space to the families themselves to fight for justice and we should always be behind them and be in a support role and not take their place.

**Brigitte:** As always, we would like to end our conversation with a question about hope and inspiration and where you draw your hope and inspiration from.

**Yasmen:** Usually, I draw hope from families around me. They are the ones who push me to give everything I have. From my children, from my mother. But today I am drawing hope from the fall of the regime itself. Something that once seemed impossible. The idea that it could fall, that it has fallen. We expected that it would take five, maybe six years of pressure, political transition and negotiations to bring about a deal. But in just a few days a criminal regime whose brutality defies imagination collapsed. And that alone has given me hope to continue this long journey with the families to uncover the truth, to hold the most notorious criminals accountable and to ensure that these crimes never happen again. This is fundamental, even if we are not satisfied with the current authorities. That doesn't mean we cannot critique them, point out their mistakes or even work to remove them if necessary. We know the potential for mistakes is high. This is why we will be critical, not to destroy, but to build. Because our country truly needs a genuine transitional process based on solid foundations with a real participation of victims and their families. But since all Syrian people are leaders and because every Syrian is victim in truth, the entire Syrian people have suffered. That's why efforts must be well planned and led by the right people, those who are both participants and observers, to ensure that the process stays on the right path. There are many ways to participate and a space is open for everyone. This is where I find hope, just as I said: in the fall of the regime.

**Layla:** Where do you draw your hope and as well your inspiration from your work and what you have been witnessing on the ground?

**Lina:** So for me, I had hope, like my most recent moment of hope was when families in Tadamon neighborhoods protested when they saw one of the perpetrators coming back to the area rebranded as a reconciliation figure. And when I saw the protest and families, despite the hardship, despite all the fear



and despite all of their suffering, went out to the street and demanded that perpetrators will not be rebranded. For me, this was the main driver of hope, is that families will protect Syria from the repetition of violations and from the repetition of a new regime that will dare to commit crimes that the Assad regime committed. So I really feel that we are safe as long as families themselves are active in Syria and we are all supporting them and we are all behind them.

**Brigitte:** Thank you so much, Lina, for these last words. You reminded me also of Wa'ad al-Khatib in her documentary For Sama, talking about the fact that we dared to hope, we dared to dream and I think this daring to dream not only materialized in something very positive the end of the regime, but also the continued mobilization for justice which is quite unbelievable if we look back at it. And I think in a couple of years' time when we will realize how Syrians have continued to mobilize inside, outside despite the isolation, despite the bitterness, despite the violence this is such a very hopeful and strong moment and I really wanted to thank you all three, Yasmien, Lina and also Layla for talking, for sharing so many of your impressions, your knowledge, your expertise and for continuing to struggle for justice for Syrians in a post -Assad era. Thank you.