

## **Voices from a Free Damascus on Justice, Accountability and Hope** **LAW's Executive Director Mission to Syria**

*“I cannot express the happiness I have now that we have got rid of the tyrant of Damascus. Everyone can now see the prisons we talked about. Before, I was scared people would not believe us. Now I want the legal prosecution of every person, of everyone who was a part of this regime, especially in the branches and prisons.”*

These are the words of a 39-year-old Syrian man, who was detained and tortured in numerous prisons controlled by the Syrian government over a four-year period. Voices like his are going to be important in the months and years ahead as Syria throws off half a century of Assad family rule, unsurpassable in its inhumanity. For victims and survivors, this is what the fall of the regime represents more than anything else: the chance not only to speak without fear, but for their demands to be heard. They have been waiting thirteen and a half long years for justice and recognition, and they deserve a role in shaping the transition.

Early indications suggest that victims have every reason to be hopeful. The new leaders of Syria have uniformly expressed an intent to hold war criminals responsible. While granting a general amnesty to conscripted soldiers, they have been clear that clemency does not extend to senior political or military leaders or officers who worked in prisons. At the frontline in Syria's crumbling justice system, officials are already busy putting an accountability agenda into action – and doing so in a way that breaks with the past. A judge in the Court of First Instance is proud to be able to say that a complaint has already been filed against former president Bashar Al Assad in the Syrian courts. He is adamant, however, that investigations and prosecutions under the new government will be nothing like they were under its predecessor. “We will only bring cases against someone when we have enough evidence. We want everything to be fair, not like it was before.”

These views are shared by senior individuals from the Ministry of Justice. Speaking in the ministry building in Mezzeh, where judicial officers were once more concerned with persecuting opponents of the regime than prosecuting offenders, he says that his office has a list of alleged perpetrators. Rather than moving quickly to arrest and detain people, however, he is trying to ensure that fairness and due process are guaranteed to everyone. That means arrests will only be carried out when there is enough evidence. For that reason, the Ministry of Justice has released a circular encouraging victims and witnesses to come forward and provide evidence.

The fledgling government recognises that it cannot bear the burden of justice and accountability alone. Syrian civil society has a part to play in preserving the country's collective memory. A Syrian NGO has been given a space in the ministry building, where it is seeking to archive 450,000 cases from the Terrorism Court, which once formed part of the Assad government's repressive apparatus. The necessity of archiving at this early stage of transition is underlined by recent incidents at prisons, when important physical and documentary evidence was lost or destroyed before the sites were secured. Without preservation of records, the truth of the regime's crimes will be more difficult to commit to the historical record and more will be expected of victims and witnesses.

When it comes to the international community, government and civil society actors alike recognise the value of a support role, particularly when it comes to technical assistance in evidence collection and pressuring third parties to extradite perpetrators. Support could come from INGOs, who have been working alongside their Syrian counterparts to document violations during the thirteen and a half years of conflict. It could also come from institutions such as the International Criminal Court, provided that the new government is willing to ratify the Rome Statute or accept ICC jurisdiction by making an Article 12(3) declaration. In addition to building its own cases in situations under its investigation, the ICC provides assistance to national authorities to improve local investigative capacities under the doctrine

of positive complementarity. As in Ukraine, an ICC investigation need not supplant the national accountability effort but expand and reinforce it.

Remnants of the Assad regime such as the notorious Sednaya prison stand as testament to the momentous task ahead and the need for all Syrians to work together. Survivors have shown remarkable courage to revisit the prison where they were once subjected to unimaginable horrors and try to bring it to life for anyone who will listen. They provide harrowing accounts of their experiences, describing in vivid detail the inhumane conditions they endured, which have left lifelong scars. As they walked through their former cells, they recounted regular incidents of torture and ill-treatment including denial of access to food, water, toilets, and medical care, and persistent violations of their dignity in wholly unsanitary conditions.

*“After 11 months in Sednaya prison, my wife visited me for the first time for two minutes. I told her that I will be taking her on a date every Friday after the noon prayer. I promised her that I will look through that small window of the door cell and I will be speaking with her and checking on her. I kept that promise until the day I was released.”* Kays Al-Morad – Former detainee

These are the observations of LAW’s Executive Director and Syria team, who visited Damascus for the first time on 23 and 24 January 2025. LAW represents 220 survivors of some of the most serious international crimes and human rights violations, including arbitrary detention, torture and cruel, inhuman and degrading treatment. It has trained over 100 lawyers and human rights activists and has five Syrian civil society partners, including two already operating in Damascus. It hopes that it can expand its support to victims and justice actors with the unprecedented access that the fall of the Assad government affords it.





