

Joint Position Paper on the Progress of the Transitional Process in Syria: A Letter to the Damascus Dialogue Day Conference

TYPE



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Nine Syrian civil society organisations jointly warn that structural imbalances in the political track and transitional justice process threaten Syria's democratic transition unless addressed through institutional reforms and broader public participation. Addressed to the Damascus Dialogue Day Conference.

Approaching one year since the fall of the Assad regime and the start of the transitional phase, Syria finds itself facing an extremely complex political landscape and a fractured social structure, whose fragility has been exacerbated by concentrated violence and grave human rights violations.

The internal political track is progressing extremely slowly, in contrast with a faster and clearer international engagement. Several Western states have engaged in visits and direct communication with the Syrian transitional government, accompanied by the lifting of most economic sanctions previously imposed on the former regime, as well as explicit statements supporting the transitional phase and signaling readiness to negotiate with the transitional government on various files.

The Syrian organizations signing this paper welcome the international openness toward Syria, including efforts to lift economic sanctions and the international community's intention to contribute to reconstruction and support recovery during the transitional phase. Yet they express deep concern over the stagnation characterizing the internal political process, the absence of concrete steps to enhance public participation, strengthen good governance, and expand safe civic space for political and social activity. The organizations also warn of the consequences of continuing restrictions on fundamental rights amid the absence of clear and transparent mechanisms for guiding national dialogue, drafting the Constitutional Declaration, and establishing effective transitional justice processes.

The organizations present their vision in parallel with the Day of Dialogue in Damascus (formerly the Brussels annual conference), offering recommendations to strengthen the transitional phase across several key themes.

1. National Dialogue

Less than a month after the “Victory Conference,” in which participating military factions appointed Ahmad Al-Sharaa as interim President, the National Dialogue Conference was convened under rushed procedures lacking even minimal transparency. Invitations were sent to large numbers of participants only hours before the conference was convened, in a random manner and without clear selection criteria. Individuals were invited in their personal capacity with no real representation of political or civil groups.

This reflects a clear trend towards restricting the public sphere and limiting organized civic, social, and political participation.

Participant feedback from the six discussion rooms was not incorporated into the drafting of the conference's final statement, reinforcing the perception that the document had been pre-written and that the conference served merely a formal function. The non-binding nature of the final statement again highlighted the absence of substantive guarantees for effective dialogue and meaningful participation.

The National Dialogue Conference failed to produce a unifying national vision for the transitional phase and deprived Syrians of a necessary opportunity to transparently discuss critical issues related to political

transition. Political, social, and human rights groups were unable to convey their perspectives, demands, and concerns.

A genuine dialogue could have strengthened national unity at a sensitive transitional moment and helped bridge divides among different components, reducing risks of violence and conflict. The ongoing deficiencies, however, have also produced additional problems within the Constitutional Declaration intended to guide the transitional phase.

2. The Constitutional Declaration

The Constitutional Declaration issued in March 2025 outlines a constitutional track drafted hastily and without genuine public participation. It followed the abolition of the 2012 Constitution after the “Victory Conference,” and the formation of a legal committee whose seven members share similar ideological orientations that does not reflect Syria’s ethnic and religious diversity. The committee was formed without transparent procedures or broad national consultation, weakening its foundational legitimacy.

Nearly complete drafts were circulated before the committee held any formal meetings, reinforcing the perception that the document had been drafted in advance.

The declaration concentrates power heavily in the hands of the transitional President, in contradiction with the principle of separation of powers. The President holds extensive executive and legislative authority, including appointing the government and senior officials (Article 35), issuing laws and decrees (Articles 36, 39), finalizing treaties (Article 37), and declaring war or states of emergency (Article 41).

The President also oversees the formation of the People’s Assembly through a committee he appoints, while directly appointing one-third of its members (Article 24). This undermines the independence of the legislature.

The President appoints all members of the Supreme Constitutional Court (Article 47), and the Judiciary Law of 1961 remains in force, keeping the judiciary subordinated to the executive branch and undermining its independence.

The President alone may propose amendments to the Declaration (Article 50), meaning any reform depends solely on the executive rather than a participatory process.

In terms of identity and inclusivity, the declaration reproduces exclusionary structures by retaining the name “Syrian Arab Republic” (Article 1), requiring the President’s religion to be Islam (Article 3), and designating Arabic as the sole official language, without recognizing Syria’s other languages.

The declaration lacks any explicit reference to democracy or popular sovereignty, ignoring the principle that “sovereignty belongs to the people,” thus suspending the foundational basis of any transitional process.

Therefore, the declaration in its current form risks reproducing centralized authoritarian power and must be fundamentally revised to limit presidential authority, ensure judicial independence, empower the Parliament, protect pluralism, criminalize hate speech, and restore sovereignty to the people.

The declaration also contradicts its own Article 12, which incorporates international treaties, since the powers granted to the transitional President violate Syria’s obligations under the ICCPR regarding judicial independence, separation of powers, and fundamental freedoms.

3. Decree No. (20) and Transitional Justice

Decree No. (20), issued on 17 May 2025, established the National Transitional Justice Commission (NTJC) as an administratively and financially independent body. Although the decree mandated its creation within 30 days, the NTJC was not established until three months later and still lacks complete structure or clear internal regulations.

The decree tasks the NTJC only with investigating grave violations attributed to the former regime, ignoring widespread violations committed by other actors across Syria. This contradicts principles of equality and non-discrimination and excludes a broad segment of victims from its mandate.

This narrow mandate contributes to a culture of impunity, allowing armed groups and forces still operating independently or under the Ministry of Defense to continue committing serious violations, including

extrajudicial killings, abductions, enforced disappearances, arbitrary detention, extortion, and sexual violence.

The decree does not adopt an international-standard definition of victims nor incorporate participatory mechanisms that would allow survivors and families of the missing to help set the NTJC's priorities.

Concerns are heightened by reports documenting the release of individuals accused of grave violations, including Fadi Saqr and members of the National Defense Forces, without clarity on the legal procedures leading to their acquittal.

The UN Commission of Inquiry's August 2025 report on coastal-region violations stressed the need to reform the criminal justice system to enable accountability for serious crimes committed before and after 8 December 2024.

Further concerns include the Ministry of Justice's creation of the position of "Judicial Supervisor," granting sweeping authority over provincial courts, even to individuals lacking legal qualifications, constituting direct interference in judicial independence.

The ministry has also recognized rulings issued by courts established in opposition-controlled areas without verifying compliance with fair-trial standards, legitimizing parallel judicial structures lacking basic guarantees.

Additionally, no integration exists between transitional justice efforts and necessary reforms of security, military, and judicial institutions.

The government has yet to approve the operations of the International, Impartial and Independent Mechanism (IIIM) for Syria, and the Independent Institution on Missing Persons in Syria (IIMP) inside Syria, despite public statements welcoming their work. These mechanisms are essential pillars for an effective transitional justice process, given the widespread nature of the violations and the inability of national institutions to address them alone.

This lack of cooperation, coupled with delays in establishing the NTJC and the ambiguity surrounding its mandate, has undermined victims' trust since the beginning of the transition process, a phase in which state institutions were supposed to regain credibility by adopting a comprehensive transitional justice approach that adheres to international standards.

4. Decree No. (143) and the Temporary Electoral System

Decree No. (143) of 2025, issued by the interim President, establishes the temporary electoral system for the People's Assembly. It was expected to mark a major milestone toward political transformation but instead reveals deep structural deficiencies preventing compliance with even minimal international standards.

The decree grants the President the authority to appoint one-third of the Parliament members and to appoint the High Elections Committee, which then selects the remaining members and their substitutes. This enables the President to secure a loyal parliamentary majority and could turn the Parliament into a body of a single political color and undermine the principle of pluralism upon which any genuine democratic process is based.

The individuals who are ostensibly “elected” are in fact selected through layers of committees subordinate to the High Elections Committee, itself appointed by the President (Articles 6, 8, 9, 11, 14, 23), making the entire process subject to executive control. These arrangements make the “elections” a formality, lacking their essence as a democratic mechanism to ensure representation and accountability.

The decree uses vague terminology to exclude candidates labeled as “supporters of the former regime,” “terrorist organizations,” or “advocates of separatism or foreign intervention,” without defining these terms, leaving them open to political manipulation.

The decree contradicts the ICCPR (Article 25), which guarantees citizens' right to participate in public affairs, universal suffrage, and free and fair elections.

The decree also contradicts CEDAW (Articles 2 and 7). It guarantees only a minimum 20% representation of women instead of full equality, and refers to the representation of women, IDPs, persons with disabilities, and detainee-survivors only “where possible,” rendering these provisions non-binding.

The decree contradicts the Constitutional Declaration's own Article 12, which makes international treaties part of the constitutional framework.

5. Development Challenges in the Transitional Phase

Despite an historic opportunity to overcome the legacy of authoritarianism and build a productive, sustainable economy grounded in democratic values, the early transitional phase lacked a clear development vision or participatory decision-making processes.

Rushed economic decisions were adopted without societal or institutional consultation, hindering the formation of a new social contract and leaving the economy hostage to short-term, top-down decision-making.

A new power structure has emerged that re-concentrates wealth and authority within a narrow elite, perpetuating favoritism and undermining public trust. Exceptional bodies connected to the central authority have negotiated settlements with war financiers and signed long-term contracts in energy, free zones, ports, airports, and infrastructure, while public institutions have been sold or leased without transparency or constitutional basis.

Public assets have been transformed into sources of private rent extraction, away from transparency and fair competition, undermining tax justice and equal opportunity. This entrenches wartime economic outcomes and restricts future governments through long-term contractual obligations and international arbitration clauses.

The new authorities weakened the bureaucratic structure by dismissing qualified civil servants, replacing them with political loyalists, which damaged planning, implementation, and oversight capacities and disrupted service delivery.

Productive and consumer subsidies were removed abruptly, markets were opened rapidly without safety nets or competition safeguards, small producers and consumers bore the burden of price shocks, speculation and monopolies increased, and inflation, poverty, and erosion of local production worsened.

6. Recommendations

The Syrian organizations signing this paper believe that the success of the transitional phase requires addressing the structural imbalances affecting the political track and transitional justice process,

strengthening fundamental rights, and ensuring broad societal participation.

They also warn that international neglect of the need to correct the transitional path risks failure of the entire process and slide back into authoritarianism and violence.

Based on the above, the organizations offer the following recommendations:

Reopen the national dialogue process based on transparency and broad political and civic participation, including guaranteed seats for women, youth, productive sectors, and unions.

Develop national programs for community reconciliation integrating local dialogue, cultural initiatives, and religious engagement to rebuild the social fabric.

Review the provisional constitutional framework to ensure separation of powers, reduce the concentration of authority in the presidency, and strengthen inclusive representation.

Amend Decree No. (20) to expand the mandate of the National Transitional Justice Commission to include victims of all conflict parties, ensure its independence, and adopt a clear timetable for truth-seeking, reparations, property restitution or compensation, and a rapid grievance mechanism for land and property disputes.

Strengthen judicial independence, prevent executive interference, and review the Ministry of Justice decision recognizing rulings from parallel courts.

Accelerate formal cooperation with international justice and humanitarian mechanisms, including the IIIM and IIMP.

Guarantee women's representation of no less than 40% in all transitional institutions, including constitutional bodies and oversight committees, and empower youth through training and local initiatives.

Activate anti-corruption and oversight bodies with enforcement powers, excluding war-economy financiers from public contracts.

Develop a participatory national development vision and halt economic policies that reinforce inequality, waste resources, or promote exploitation, and adopt an inclusive and professional

economic recovery process.

Signatories

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Justice for Life (JFL)

Syrians for Truth and Justice (STJ)

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Access Center for Human Rights (ACHR)

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