



International Crimes Accountability Matters in Post-Assad Syria

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Now is a critical time to focus on accountability for war crimes in Syria as its interim government takes form and begins the process of reconstruction and national reconciliation. In December 2024, the Bashar al-Assad regime fell to the rebel offensive, leaving behind a country in ruins and a population scarred by decades of trauma. Under the Assad regime, Syrian civilians were subject to physical torture, widespread disappearances, sexual violence and other international crimes, including the use of chemical weapons and starvation as a method of war. Heroic Syrians documented these atrocities for the world to see. The interim authorities must now oversee Syria's postwar reconstruction and transitional justice. The coordinator for the new Transitional Justice Commission announced on May 23 that work had begun to connect victims to forensic, legal, and human rights experts, along with plans to develop an electronic platform for citizens to submit complaints and information.

Many challenges persist, however. Syria is still subject to a complex U.S. sanctions regime affecting the state, individuals, and armed groups. Most notably, the Department of State still designates Hay'at Tahrir al-Sham (HTS), the rebel group that led the December 2024 offensive, as a foreign terrorist organization as the successor to al-Qaeda's Syrian offshoot, and the Syrian state itself as a state sponsor of terrorism. The risk of rebel infighting, retribution, danger to minorities, regional spillover effects, control of chemical weapons stockpiles, and the resurgence of Islamic State forces are other critical U.S. security concerns.

Potential Avenues for Congressional Engagement

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- Congress has a critical opportunity to ensure the United States delivers on its commitments to prevent future atrocities in Syria and support transitional justice and accountability efforts, thereby promoting stability, breaking the cycle of violence, and fostering security and reconciliation within Syria and the broader region.
- The United States should support Syria's transition, including justice and accountability efforts, by ensuring cooperation with international partners and accountability mandates, cooperating with domestic authorities to support rule of law initiatives within Syria, and sustain critical civil society efforts.

- Although President Donald Trump announced he would lift sanctions on Syria, additional clarity is needed on which sanctions will be lifted and when, particularly where congressional action is required. For example, sanctions under the 2012 Global Magnitsky Act and 2020 Caesar Syria Civilian Protection Act are set to expire this year. In addition, lifting Syria's designation as a state sponsor of terrorism will also require congressional action. Congress should consider whether to lift further sanctions at once or gradually, in exchange for measurable progress toward a just and inclusive democratic transition.
- The United States can support authorities within Syria by working with international and regional partners to foster the rule of law and build domestic capacity, including in relation to reform of the justice and security sectors. One model for supporting international crimes accountability through a justice process within Syria could entail following in the steps of Cambodia, Sierra Leone, and Kosovo, which integrated relevant international legal provisions and expertise within the country's domestic jurisdiction, which would allow Syrians to drive the process with transparency, support, and oversight of the international community.
- Sustaining foreign assistance to Syrian and other relevant civil society organizations cataloguing forensic evidence of war crimes remains crucially important and directly aids in investigative efforts aimed to pursue accountability against the Syrian state and former regime officials.
- In addition, the U.S. should support international efforts aimed to hold the most responsible perpetrators accountable, deliver urgent humanitarian efforts, support the search for Syria's missing persons, and sustain Syria's political transition and reconstruction. This includes (but is not limited to) ensuring appropriate funding and sustaining full cooperation with UN mandates, missions, and initiatives, passing legislation requiring increased U.S. engagement with UN mandates such as the International, Impartial, Independent Mechanism for Syria (IIIM) and the International Institution on Missing Persons (IIMP), and working with regional and international partners to strengthen the rule of law by fostering judicial reform, ensuring adequate legal provisions (including in relation to human rights protections) are enshrined in Syria's domestic legal framework, and build domestic capacity and infrastructure (such as courtrooms, forensic laboratories, and other relevant facilities) within Syria
- Lawmakers have critical platforms to amplify the lived experiences of Syrians through congressional testimony and media engagement on the issue. Their stories must be at the center of reconstruction and atrocity documentation efforts to assure proper accountability for the Assad regime and support Syria's political transition, national reconciliation, reconstruction, and transitional justice efforts.

Mechanisms That Have Boosted Accountability Efforts for Syria

Pre-prosecutorial and other investigative mechanisms assist accountability efforts (either directly or indirectly) by gathering evidence of international crimes, identifying victims, conducting forensic analysis and building prosecution-ready dossiers on specific perpetrators as relevant to facilitate official proceedings.

- **UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD)**—now terminated, but whose archives are still crucial to bring Islamic State members to account and potentially help identify Syrian victims, including missing persons. The U.S. government should work with the UN, the government of Iraq, and other international partners to ensure UNITAD's archives can be retrieved and leveraged for accountability efforts.
- **UN International Impartial and Independent Mechanism for Syria (IIIM)**—it investigates war crimes and crimes against humanity committed in Syria since March 2011, preserves evidence to the highest standards, and builds prosecution-ready dossiers on specific perpetrators to assist judicial proceedings. Thus far, its evidentiary records have supported universal jurisdiction cases in various European countries against former regime officials for war crimes and crimes against humanity that include torture and chemical weapons use. Notably, criminal proceedings remain pending (and arrest warrants outstanding) before French courts against Assad himself and other top-level officials. The IIIM's work has also supported inter-state proceedings against the government of Syria for violations of the UN torture convention before the International Court of Justice (and additional proceedings might be brought for violations of the chemical weapons convention). Convictions and other adverse findings in such proceedings can be key to lawfully leverage already frozen assets (see below).
- **United Nations International Institution on Missing Persons (IIMP)**—it assists the search for Syria's missing persons by excavating mass graves, processing forensic material, helping to identify victims, and building victim registries. While not mandated to directly support judicial proceedings, its information and findings indirectly support accountability for Syrian victims by helping them establish the fate and whereabouts of loved ones, recognizing their victim status, and thus helping them assert their rights to remedy and reparations.

Sanctions and freezing of Syrian assets have kept Syrian officials accountable politically and will be instrumental to judicial accountability processes. Once adverse findings are delivered by competent authorities (whether against the Syrian state or former regime officials), such findings will help provide the legal tools to seize already frozen assets and utilize to help pay reparations to victims and support Syria's reconstruction.

U.S. and European funding supports humanitarian assistance and frontline documentation efforts, which directly and indirectly support political and judicial accountability processes, reform and capacity-building within Syria, humanitarian and emergency relief, as well as reconstruction.



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