Meeting on
Transitional Justice in Syria
Brussels, 22-23 March 2013

- Draft Agenda -

Thursday 21st March 2013
Afternoon: Arrival of delegates & hotel check-in
19:00 Syria “solidarity evening” organised by students of the Université libre de Bruxelles
http://www.facebook.com/events/191529444304471/ [not part of conference program, but potentially interesting]. Group leaving from hotel lobby at 18h30.

Friday 22nd March 2013
09:30-10:00 Welcome and introduction
The purpose of this brief session is to welcome and introduce participants, their experience and backgrounds, discuss the meeting’s objectives, agenda, and agree on the rules and on how the discussion can lead to specific results.

10:00-11:15 Session One: Transitional Justice and Syria
The purpose of this session is to examine basic assumptions on the objectives and means of transitional justice and provide a conceptual framework for the discussion so that the meeting outcomes can best support accountability advocacy by Syrian human rights activists. Issues for discussion:

- Why accountability and transitional justice in Syria: goals and objectives? Who are the key actors in designing, implementing, and monitoring a transitional justice process, and what are their respective roles?
- What challenges do human rights activists face when making the case for transitional justice in their societies?
- How can accountability advocates interact with the nascent new Syrian institutions (Coalition, Interim Executive, etc)?
- Discussion
- Summary and wrap up of main concepts arising from discussion, including issues for breakout sessions
11:15-11:30 Coffee Break

11:30-13:00 Session Two: Transitional Justice, but transitioning to what?
Part 1: what can accountability bring to the building of ‘my State’

_Transitional justice can contribute to a wider transition. This session examines the objectives of transitional justice and their interplay with the broader transition in Syria, in particular with respect to rebuilding the relationship and power dynamics between citizens and State Institutions, so that accountability processes can be understood with a clear view of the political outcomes sought. Issues for discussion:_

- What are the risks and benefits of large-scale restructuring of State institutions, including the civil service, the police and security forces, and the army? What is the balance between the need for institutional continuity and the need to redefine the relationship between institutions and citizens? What are the Syrian institutions that require a deeper change and which retain a measure of legitimacy?
- What are the specific challenges of security sector reform?
- What are the principles or criteria upon which a vetting, lustration, or reform process can be based? Affiliation vs conduct.
- What steps can be taken to prevent corruption and exploitation, and how do these threaten security, stability, and transitional justice?
- Discussion
- Summary and wrap up of main concepts arising from discussion, including issues for breakout sessions

13:00–14:30 Lunch at the venue

14:30-16:00 Session Two: Transitional Justice, but transitioning to what?
Part two: what can accountability bring to rebuilding society

_This session continues to examine the objectives of transitional justice, with a view to the societal outcomes that accountability can contribute to, in particular with respect of redefining relationships between different components of society. Issues for discussion:_

Concepts of neutrality: impartiality vs equidistance

- To what extent can individualising responsibility change the relationship between “perpetrator communities” as they are perceived through the eyes of those who consider themselves part of the “victim communities”?
- How can all segments of the population, including victims and marginalised people (including minorities, women, youth, etc), be engaged in reciprocal acknowledgement and redress?
- Managing victims expectations, disillusion and alienation
- Local initiatives and leadership to sustain political change
- Discussion
- Summary and wrap up of main concepts arising from discussion, including issues for breakout sessions
16:00-16:15  Coffee Break

16:15-18:00  **Session Two: Transition to what?**
  **Part three: defining possible transitional justice outcomes**
This session will break out into two or three smaller groups to examine in more detail and attempt to define the political, institutional, and societal outcomes sought through transitional justice processes, including the appraisal of legitimate trade-offs between different objectives. These will be then presented to and discussed by the entire group. Issues for discussion:

- Breakout groups on specific points identified during previous sessions
- Presentations from breakout groups
- Discussion

18:00-18:15  **Conclusion of first day**

- Summary and wrap up of main concepts arising from first day
- Logistical announcements

19:30  **Meet at lobby to walk to restaurant**

20:00  **Informal dinner in neighbourhood restaurant**

**Saturday 23rd March 2013**

09:30-10:00  **Reflections on Day One and introduction to Day Two**

10:00-11:15  **Session Three: Transitional Justice Processes**
  **Part one: Individual Criminal Accountability**
The purpose of this session is to discuss practical questions that arise in the context of prosecuting crimes and human rights abuses, and the roles of all relevant actors. This aspect of transitional justice is typically central to the expectations of many, but also shares a complex relationship with other possible objectives of the broader transitional justice process. Issues for discussion:

- Who to prosecute: prosecutorial priorities, levels of responsibility, *nolle prosequi*, management of expectations
- What to prosecute: criteria for case selection, conflict mapping and crime base analysis: representativeness, notoriety, concepts of neutrality, victims and marginalised sectors of society
- How to prosecute: where and by whom should trials be held? International vs local jurisdiction, Special tribunals vs regular courts, fair trials, trial monitoring, etc.
- What are the challenges of engaging victims’ perspectives in prosecution priorities?
- Discussion
- Summary and wrap up of main concepts arising from discussion

11:15-11:30  Coffee Break
11:30-13:00  **Session Three: Transitional Justice Processes**  
**Part two: Investigations and documentation**

This session examines investigation and documentation that aim to establish “what happened”. An overall picture of events created by wide-ranging investigation allows for a broader understanding of events, which can be used in pursuit of a wide range of objectives as discussed during Day One, including but not limited to prosecution. Different end uses however place different demands on documentation and investigations. Issues for discussion:

- Documentation as redress: to what extent can the investigation itself fulfil some of the objectives of accountability and transitional justice?
- What steps are needed to ensure that a complete picture of the crime base is established, including crimes that are underreported, such as sexual or gender based crimes or crimes against minorities, displaced and marginalised people?
- Is there a tension between human rights documentation and investigations for the purposes of prosecutions? How and to what extent and how can documentation by human rights groups make successful prosecutions harder? How and to what extent can it make prosecution easier?
- What challenges and considerations should guide efforts to identify missing persons and their families?
- What are the challenges in the involvement of victims in investigations and documentation? What is the role of intermediaries? What are risk mitigation strategies for victims and witnesses?
- Discussion
- Summary and wrap up of main concepts arising from discussion

13:00–14:30  **Lunch at the venue**

14:30-16:00  **Session Three: Transitional Justice Processes**  
**Part three: reparations and other forms of redress**

This session aims to examine forms of accountability that do not involve individual criminal liability, but fulfil certain transitional justice objectives through other forms of redress, such as financial or non-financial reparation, compensation, restitution, acknowledgement and memorialisation. These processes can address some of the same objectives as prosecutions, and face some of the same challenges, as well as challenges of their own. Issues for discussion:

- What are the common pitfalls and challenges of reparations? Do reparations undermine acknowledgement? Who gives reparations? Who receives reparations? On whose behalf?
- What are the challenges in engaging victims’ perspectives in reparations policies, including minorities, women, youth and marginalised people?
- What other forms of acknowledgement and restitution satisfy which objectives? Different “Truths”, apologies, acknowledgement, memorialisation, community driven reparations, locally-directed reconciliation.
- Discussion Summary and wrap up of main concepts arising from discussion

16:00-16:15  **Coffee Break**
16:15-17:30  **Session Four: Accountability Advocacy Action**

The political environment created by violent conflict, particularly those where massive atrocities take place, creates power dynamics that often oppose accountability and justice. Other priorities may seem more urgent or even contrary to justice. This session examines some of the issues confronted by accountability activists. Substantial efforts are required to ensure accountability permeates the new political agenda (as impunity will otherwise), and to ensure sustained political pressure from victims while not frustrating their expectations. Organised citizenry have a crucial role to play in meeting both these challenges, particularly with respect to organising and engaging victims. Issues for discussion:

- How can the political will necessary for transitional justice be maintained, and how can public confidence in the process be sustained given the length of time it typically requires?
- What can civil society and human rights activists do already now that can prepare the ground for accountability?
- How do you put accountability on the political map and keep it there?
- What steps can be taken to ensure the implementation of the process remains transparent, and continues to engage all stakeholders?
- Discussion
- Summary and wrap up of main concepts arising from

17:30-18:15  **Session Five: Discussion on Next Steps**

This session aims to identify concrete next steps for turning discussions into information of real practical value to Syrian human rights and accountability activists. Issues for discussion:

- How can these discussions be most efficiently and helpfully communicated to the activists on the front line of efforts to secure accountability in Syria?
- What form should this communication take? How can the material be adapted to ensure it is of maximum value to activists?
- What arrangements can be put in place for future cooperation?

18:15  Closing remarks

18:30  End of Day Two

20:00  Dinner at a restaurant in the city centre