

SECURITY PROVISION AND GOOD GOVERNANCE IN POST-WAR SYRIA:
A SECURITY NEEDS ASSESSMENT AMONG THE SYRIAN DIASPORA IN GERMANY

The Importance of the Justice System for Security Sector Reform in Syria

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Berlin & Beirut
2020

This security needs assessment aims to contribute to open access information on good governance and security sector reform in Syria. It was specifically designed to understand citizens' needs and identify entry points for citizen-oriented security sector reform efforts. It analyses how the Syrian security system would need to change in order for Syrians to feel safe and secure in post-war Syria.

The survey's online questionnaire consists of 63 questions in Modern Standard Arabic. Between March and August 2018, 619 Syrians living in Germany completed the questionnaire. They came from all 14 Syrian governorates. On average, participants were 29 years old (born in 1989).

This working paper is part of a series. For an overview of the survey's objectives, content, and participants, please refer to the Introduction to the Survey and Sample Group Composition, which may be found along with all other working papers by scanning the QR code or accessing the link below:



<https://www.lanosec.de/ssr-survey-syria/>

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Published in 2020 by Lanosec and Friedrich-Ebert-Stiftung, Berlin, Beirut.
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This publication has been financed and supported by the Friedrich-Ebert-Stiftung. The views and opinions expressed in this publication are solely those of the original authors. They do not necessarily represent those of the Friedrich-Ebert-Stiftung.

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DOI: <https://doi.org/10.4232/1.13457>

Executive Summary

This working paper presents the relevance of the justice sector for the provision of accountable and citizen-oriented security, as well as for any meaningful process of future security sector reform. For details on how Syrians have experienced and perceived justice institutions in Syria, see Working Paper 4: Experiences with the Syrian Justice Sector before and during the War.

Survey results

For survey participants, there is a strong linkage between the justice and the security sectors. Respondents rated eleven characteristics of a functioning security sector and attributed the highest importance to two variables directly linked to the justice sector: *Security providers can be held accountable for their actions* and *Security providers abide by the rule of law*.

The crucial role of the justice sector for the security sector was also made clear in the question as to who should lead a future security sector reform process: the Ministry of Justice was selected by 88% of all respondents, ranking first despite being a state institution. In order to trust a future security sector, survey participants would prefer civil society and the parliament to be in charge of oversight. Although the question did not include a pre-defined variable linked to the justice sector itself, several participants explicitly stated the justice system as their preferred entity for overseeing the security sector in the open-ended answer option.

Regarding the protection of civilians from abuses by security personnel, 99% of survey participants stated that security officials who committed crimes against citizens should be brought to court. Also, in order for survey participants to be able to start imagining living in Syria again, the most important precondition is linked to the justice sector: *Protection from political persecution*.

Conclusions

Current political developments in Syria, and the likelihood that the regime will win the war militarily, limit the prospects for comprehensively reforming the Syrian security sector. However, it is important for international actors working in and on Syria to keep in mind how Syrians envisage an ideal security sector for post-war Syria. A fair and independent justice system is crucial in this regard. Without taking these into consideration, long-term stability and peace will be doomed to fail. This, therefore, prompts several recommendations for further academic research as well as policy analysis and development:

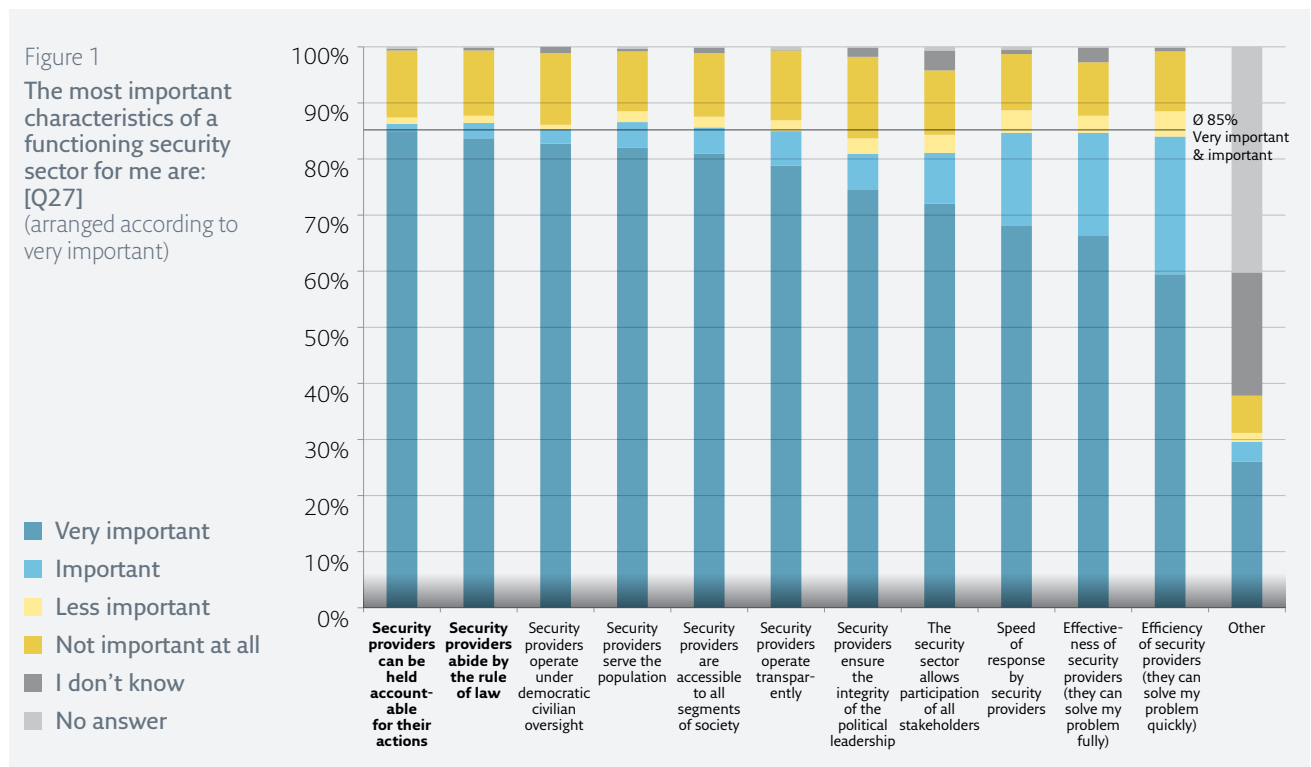
- » **Assess the Syrian state justice system** and identify all deficits that hinder it from providing justice equally and fairly to all Syrians, including analysis of non-state conflict resolution mechanisms and justice systems in Syria and their importance as alternatives to the state justice system in this assessment.
- » **Call for a comprehensive justice sector reform programme.** Security sectors are strongly interlinked with justice sectors. Reform efforts in the judicial sector will not be effective if they are not supported by relevant measures in the policing and penal systems. Furthermore, the justice system ensures that security institutions are held accountable for their actions and abide by the rule of law.
- » **Brief and prepare civil society organisations on the importance of oversight** roles and mechanisms, including civilian delegations involved in international peace talks for Syria. In addition to supporting legislative, civil society, and media representatives in particular, plan ahead to prepare for building the capacities of judges, prosecutors, lawyers, and Ministry of Justice officials on how to effectively exercise their specific oversight roles once a political window of opportunity opens.

The Importance of the Justice System for Security Sector Reform in Syria

Accountable security provision and justice go hand in hand. A fair and independent justice sector, serving the needs of all citizens, is key to achieving and sustaining justice in society. It ensures that criminals apprehended by security institutions are legally put on trial effectively and efficiently; that citizens can pursue their rights vis-à-vis state authorities; that security institutions cannot act without any enforceable boundaries; and it guarantees the separation of powers. This is based on non-discriminatory access to justice; an independent judicial system, including fair and transparent court rulings; and accountability for state authorities based on the rule of law.

Strong linkages between the justice and security sectors

Throughout the survey, results confirm this link between the security and justice sectors. Syrians demonstrate how important justice in society, the rule of law, and a functioning justice sector are for security sector reform (for more details on how Syrians experienced and perceived justice institutions in Syria, see Working Paper 4: Experiences with the Syrian Justice Sector before and during the War). Respondents, for example, rated their knowledge of five pre-selected terms of security sector governance (Question 1; *Security sector reform, Good governance, Civilian oversight, Rule of law, Human rights*). *Rule of law* ranked second, after *Human rights*. It appears that participants attributed an elevated awareness to concepts that constitute the normative foundation of societies. That *Human rights* and *Rule of law* are the best-known terms shows that the legal containment of state authority was an important principle for respondents. Also, they selected the justice sector as the second most important institutional component of a security sector (Question 16). Survey participants did not understand security sectors as consisting primarily of core security providers, but rather adopted a broad definition, including those actors that also foster human rights and rule of law.



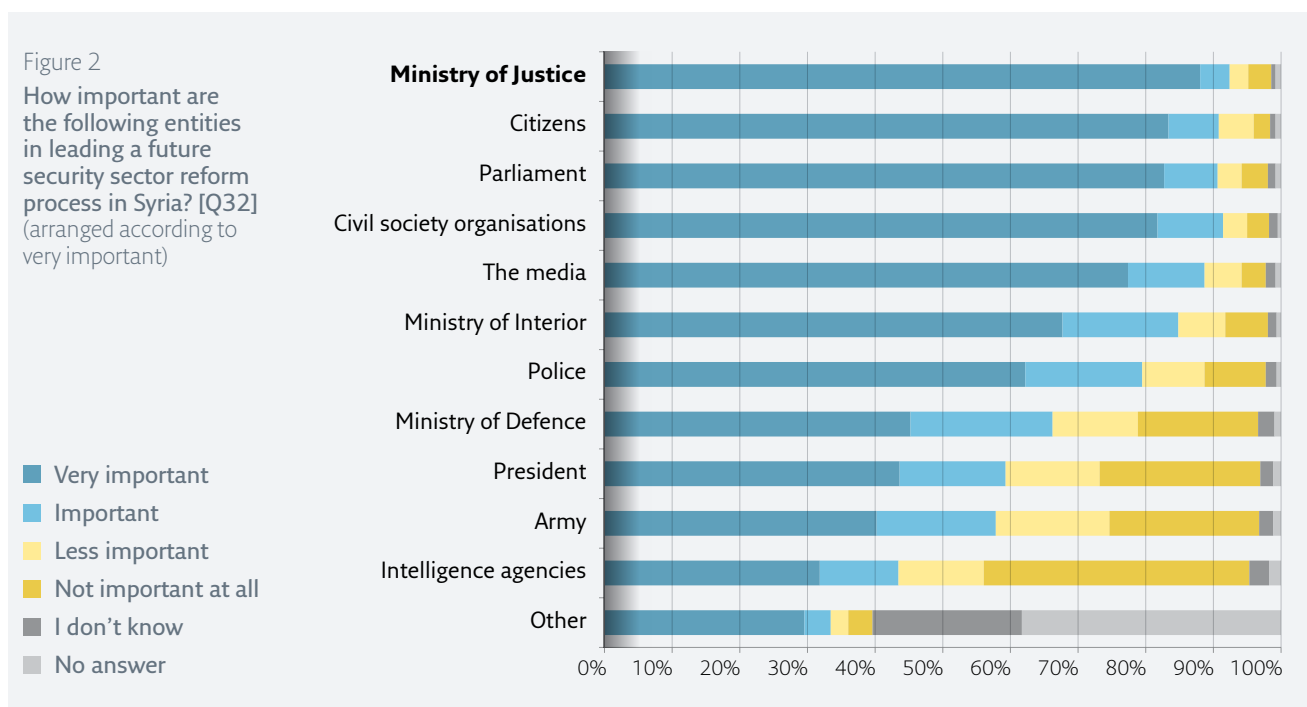
Survey participants rated eleven characteristics of a functioning security sector. The two variables directly linked to the justice sector were given the highest importance (see Figure 1): *Security providers can be held accountable for their actions* (85%) and *Security providers abide by the rule of law* (84%). The justice system plays an important role in ensuring both accountability and the rule of law. It can start investigations into abuses by security institutions or offer victims the possibility of taking their cases to court. Furthermore, the justice system safeguards the rule of law and ensures that state institutions do not take arbitrary decisions. The results of this question show that a security sector that is merely fast in response, efficient, and effective is seen as less functioning by survey participants than one that can be held accountable for its actions and abides by the rule of law. For a complete analysis of Questions 1, 16, and 27, please refer to Working Paper 6: General Notions of Ideal Security Provision.

Leading a future security sector reform process in Syria

Leading a future security sector reform process implies vision, guidance, and control. It also involves strategic planning and policymaking. Survey participants rated selected institutions and groups according to their importance for leading such a process in post-war Syria (see Figure 2).

Results confirm that survey participants want the justice sector to be closely involved in security sector reform in Syria. Most respondents selected the Ministry of Justice (88% for very important answers) as their preferred institution taking the lead in this process. Citizens (83%), the parliament (83%), civil society (82%), and the media (77%) followed. Fewer survey participants trust the core security providers or the Ministries of Defence and Interior to be able to guide, manage, and control security sector reform in Syria.

Survey participants clearly prefer a citizen-centred lead for security sector reform in post-war Syria, involving citizens, civil society organisations, the parliament, and the media. However, the question remains as to whether these actors have sufficient capacities to effectively execute this role. If not, their capacities need to be strengthened. Furthermore, the Ministry of Justice plays a special role for survey participants. Although a state institution, it appears to represent specific values, such as justice and the protection of rights, better



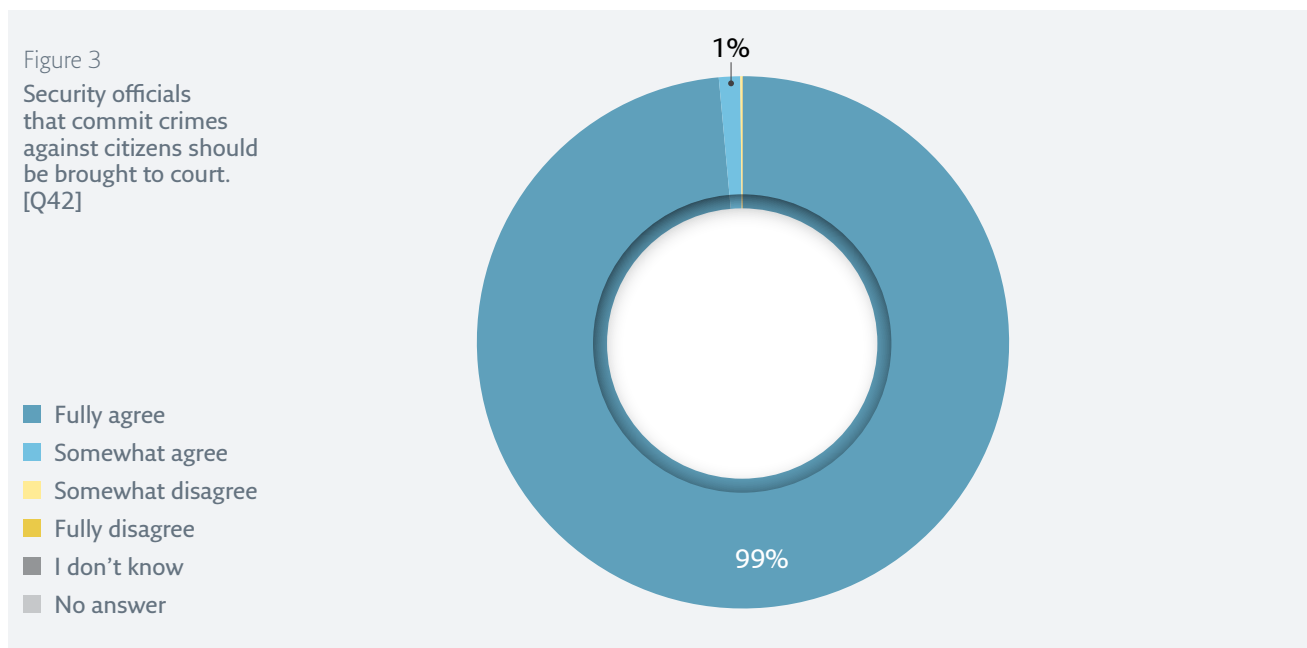
than core security providers and the Ministries of Defence and Interior. In addition, the Ministry of Justice is also exemplary for another sector: the justice sector. The Syrian justice sector itself is in dire need of reform, as affirmed by survey participants (see Working Paper 4: Experiences with the Syrian Justice Sector before and during the War). The latter express a wish for an independent and strong justice sector that protects their rights and holds security institutions accountable according to a legal framework based on international standards.

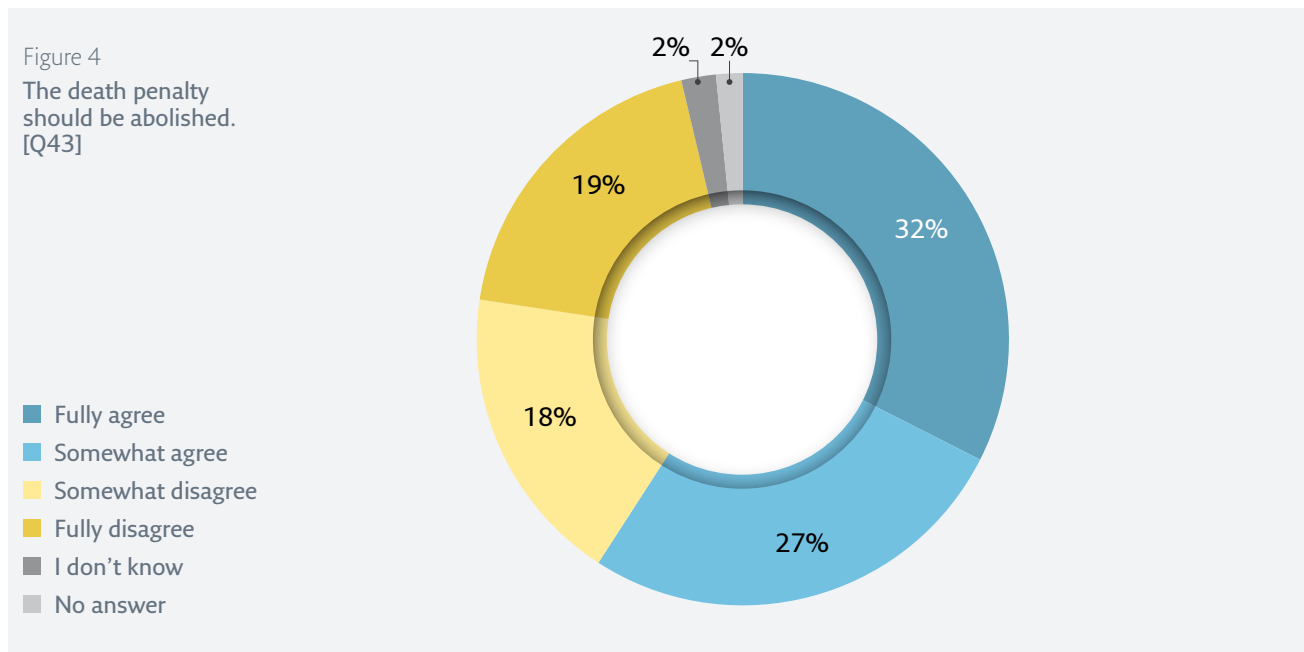
Aspects of a future legal framework

In Question 42 (see Figure 3), survey participants either agreed or disagreed with the statement that security officials who commit crimes against citizens should be brought to court. The question was deliberately framed in a manner implying crimes of the past, present, and future.

Of all questions asked throughout the entire survey, responses to this statement yielded the greatest consensus: 99% fully agreed that security officials who committed crimes against citizens should be brought to court. Even before the war, but especially during it, security institutions have been responsible for grave and frequent human rights abuses. These crimes should be addressed one day, embedded in a national reconciliation process. Transitional justice could be one option to bridge the period until a Syrian justice system based on international standards is fully operational. For the future, these results call for a strong legal framework and an independent justice system that can hold security officials accountable for their actions.

The question of whether the death penalty should be abolished (Question 43; see Figure 4) divided respondents' opinions. The majority of the survey participants would want to abolish the death penalty (32% fully agreed; 27% somewhat agreed). Around one third rejected the idea. Respondents' reasons for wishing to keep the death penalty in place remain uncertain. They may be linked to the generalised feeling of insecurity and injustice in Syria both before and during the war, and a strong need to be protected. The death penalty may be perceived as a deterrent against violent crimes. Another reason might be to attain revenge for victims of violence and injustice. Further research on this topic is needed.





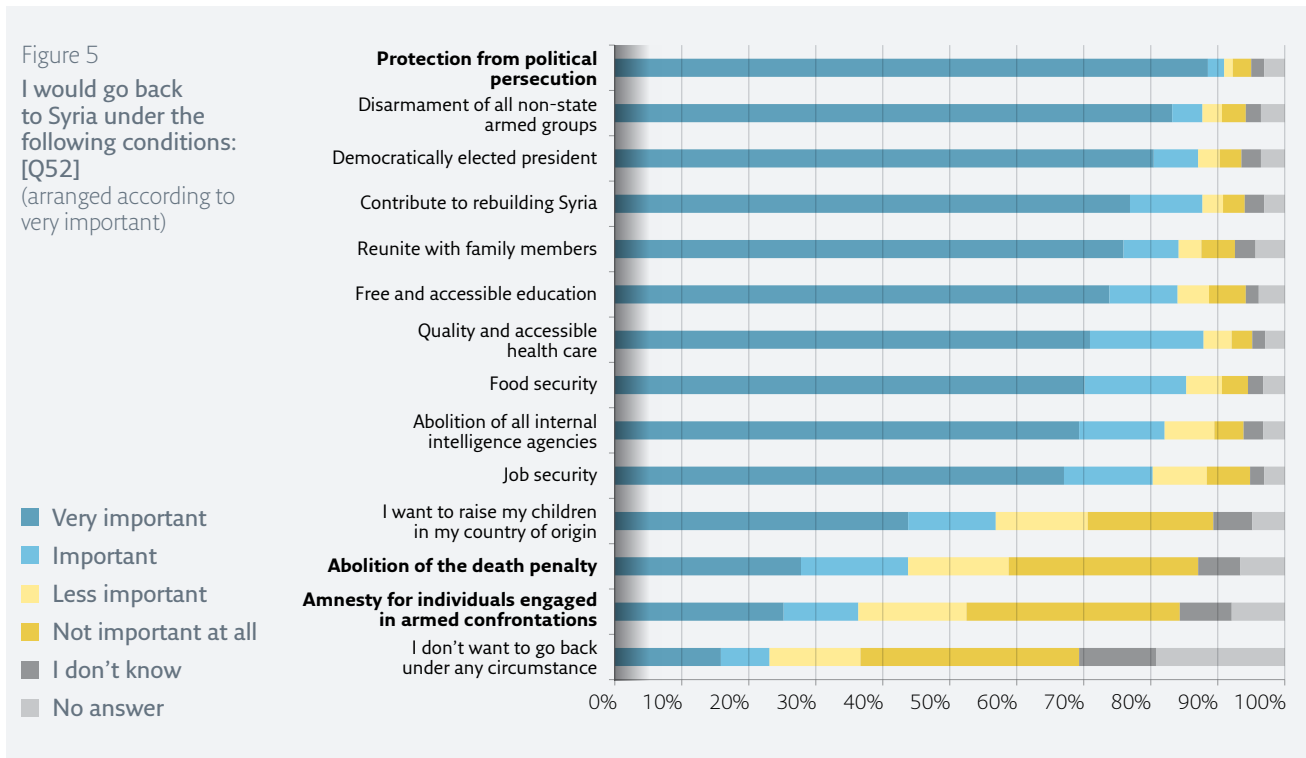
Responses differed according to the educational background and sex of participants (see Table 1). On average, more women than men would prefer to abolish the death penalty. The lower the level of education completed in Syria before leaving the country, the more likely participants were to prefer the abolition of the death penalty (except for master's graduates).

Table 1: The death penalty should be abolished. [Q43]

Values: Fully agree & fully disagree

	Fully agree (Ø 32% of all participants)	Fully disagree (Ø 19% of all participants)
Sex		
Men	31%	20%
Women	44%	12%
Level of education		
Secondary school without certificate	41%	13%
Baccalaureate	37%	20%
Technical diploma	29%	22%
Bachelor's	27%	18%
Master's	34%	19%
PhD	0%	50%

The death penalty issue was also covered in Question 52, in which participants were asked what would need to change in Syria in order for them to consider living there again (see Figure 5). One variable concerned the death penalty: *I would go back to Syria if the death penalty were abolished.* As in Question 43, answers were highly varied. For 44% (very important and important answers aggregated), the abolition of the death penalty would be a necessary condition, while nearly the same proportion of participants (43%) stated it would not.

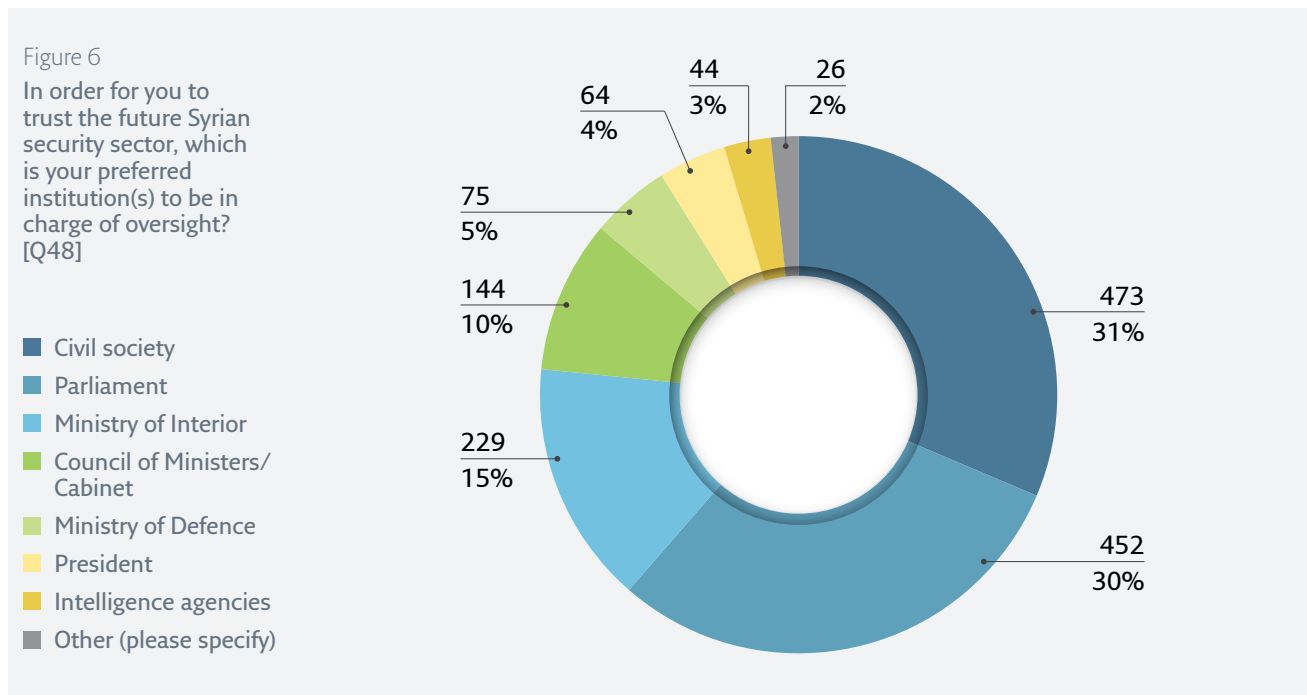


The different variables in Question 52, including the one pertaining to the abolition of the death penalty, need to be seen in relation to all other variables. The death penalty question is among the three least-relevant variables. It was important, but not nearly as much as another variable linked to the justice system: *Protection from political persecution*, which ranked first among all. As political persecution frequently occurs together with and under the cover of a politically-dependent judiciary, this variable expresses the need for an independent judiciary free of all kinds of discrimination and political abuse. When asked about the most common and serious types of insecurity and injustice in Syria, survey participants indicated they were most afraid of repression and violence by state security forces and unfair rulings by justice institutions (see Working Paper 2: Insecurity and Injustice in Syria before and during the War for a complete analysis of these threats and insecurities). It is only logical for participants to request protection from political persecution before being able to consider living in Syria again. A third variable concerning the justice system was *Amnesty for individuals engaged in armed confrontations*. However, around half of survey participants attributed a lower importance to a general amnesty as a condition for living in Syria again.

Overall, 33 participants (5%) made use of the open-ended answer option for this question. Among the newly-added elements were requests for an accessible, impartial, and effective justice system, as well as non-discriminatory legal frameworks protecting all citizens equally. One woman stated that she would only consider living in Syria again when all political prisons were closed and all political prisoners released.

Oversight of the security sector

Citizens can only benefit from a security sector they trust. Oversight prevents the abuse of power and ensures that security providers respect the rule of law. In Question 48, survey participants selected which institution(s) should exercise an oversight role in order for them to be able to trust a future Syrian security sector.



Civil society and the parliament are the actors most preferred for oversight (see Figure 6). None of the pre-defined categories was directly linked to the justice sector. However, of all participants using the open-ended variable (26 in total), 42% stated they would trust the security sector if the justice sector was in charge of oversight, mentioning either the Ministry of Justice or the Judiciary. This once more confirms the close link between the security and justice sectors.

The results reflect the different layers necessary to effectively oversee the security sector in an overarching political system. Civil society oversees the security sector through analysing policies, investigative reporting, and by bridging the gap to citizens as beneficiaries of the security sector. The parliament, for example, would exercise its oversight role by enacting laws, conducting investigations, organising hearings, and approving budgets. The justice sector is also key for oversight. The independence of the judiciary constitutes the foundation for holding security institutions and their representatives accountable for their actions and ensuring their abidance by the rule of law.

Recommendations

Current political developments in Syria, and the likelihood that the regime will win the war militarily, limit the prospects for comprehensively reforming the Syrian security sector so as to turn it from an oppressive regime-protecting sector into one that provides security in accordance with the needs of Syrian citizens. However, it is important for international actors working in and on Syria to keep in mind how Syrians envisage an ideal security sector for post-war Syria. A fair and independent justice system is crucial in this regard. Without taking these into consideration, any future approach for peacebuilding and establishing stability in Syria will be doomed to fail in the long run. This, therefore, prompts several recommendations for further academic research as well as policy analysis and development:

- » Assess the Syrian state justice system and identify all deficits that hinder it from providing justice equally and fairly to all Syrians. Include analysis of non-state conflict resolution mechanisms and justice systems in Syria and their importance as alternatives to the state justice system in this assessment. If results show that Syrians use these alternative justice systems frequently and/or for specific issues, make sure to integrate them in the design of justice sector reform processes.
 - » Call for a comprehensive justice sector reform programme. Justice sectors are strongly interlinked with security sectors. Reform efforts in the judicial sector will not be effective if they are not supported by relevant measures in the policing and penal systems. Furthermore, the justice system ensures that security institutions are held accountable for their actions and abide by the rule of law.
 - » Initiate a discussion among Syrian civil society actors in the diaspora, and where possible also inside Syria, to develop a common understanding of which entities should be participating and leading a security sector reform process, whenever possible in the future, that includes all stakeholders, security and justice institutions, as well as civil society. It is advisable not to hand over the task of leading this process to one institution alone. One option could be to create a committee in charge of guiding security sector reform in Syria, consisting of different security, government, and civilian institutions and entities. According to survey participants, the Ministry of Justice was the most trusted state institution and, thus, should be involved.
 - » Brief and prepare civil society organisations, including civilian delegations involved in international peace talks for Syria, on the importance of oversight roles and mechanisms. Request relevant actors to identify potential training needs. In addition to supporting legislative, civil society, and media representatives in particular, plan ahead to prepare to build the capacities of judges, prosecutors, lawyers, and Ministry of Justice officials on how to effectively exercise their specific oversight roles in the future.
 - » Support Syrians in setting up transitional justice mechanisms that also lay the ground for national reconciliation programmes, once a political window of opportunity opens. Dealing with human rights violations before and during the war, and achieving justice for victims, are important components for transitioning into a peaceful and inclusive Syrian society. Security officials who committed crimes against citizens need to be brought to court in keeping with the principle of universal jurisdiction, as has already happened in Germany.
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