

October 19, 2009

To the attention of:

- **Mr. Mohammad Jihad Al Lahham, Lawyer, President of the Bar Association of Damascus and**
- **Mr. Mohammad Walid Al Tach, Lawyer, President of the Bar Association of Syria**

Dear Sirs,

We have been informed by the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), in the framework of their joint programme, the Observatory for the Protection of Human Rights Defenders, as well as by the Euro-Mediterranean Human Rights Network (EMHRN) that the Disciplinary Board of the Bar Association of Damascus has been examining since August, 11, 2009 a case concerning Mr. **Mohanad Al Hassani**, a lawyer.

As human rights defenders, we wish to share our strong concern in relation to the fate of Mr. Al Hassani, a human rights lawyer, President of the Syrian Organization for Human Rights "Swasiya" and member of the Damascus Bar Association for 15 years.

According to our information, Mr. Al Hassani is accused of having failed to request the President of the Bar Association's authorisation to create the above-mentioned human rights organisation, of having attended hearings before the Supreme State Security Court (SSSC) within the framework of his judicial observation activities related to the respect of international standards on fair trial in the absence of any authorisation, and of having expressed slanderous comments undermining the image of the State.

We are very concerned to learn that disciplinary proceedings, which seemingly directly arise from the criminal charges faced by M. Al Hassani, have been initiated against the latter for his failure to comply with professional ethics.

These proceedings, in themselves, appear to us contrary to the United Nations (UN) Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998 and notably :

Article 1 pursuant to which *"everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels"*.

Article 8.2: *"the right [...] to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms"*.

Article 9.1: *"in the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the [...] Declaration, everyone has the right [...] to benefit from an effective remedy and to be protected in the event of the violation of those rights"*.

Article 9.3: *"everyone has the right [...] (b) to attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments; and (c) to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms"*.

Moreover, we take this opportunity to recall the principles concerning the protection of Mr. Al Hassani's profession as laid down in the Basic Principles on the Role of Lawyers adopted by the United Nations in September 1990, and in particular Principle 23 on "Freedom of expression and association" according to which:

23. Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.

Said provisions merely confirm the fact that no criminal proceedings should be brought by the Public Prosecution against our fellow colleague for activities undertaken in the framework of his judicial observation activities. These proceedings are all the more concerning as they are conducted by a disciplinary board which, in no circumstances, may substitute itself to the Prosecution.

On the contrary, the role of the Bar Association is to defend the role of lawyers in the society, in particular in their capacity as human rights defenders, and to promote debates on the law and its implementation.

Without pretending to interfere with the powers held by the Bar Association of Damascus, which is of course sovereign, we wish to share with you our strong concerns and urge you to drop all charges against Mr. Al Hassani, as they manifestly aim at sanctioning his human rights activities.

We hope that you will take this request into consideration.

Sincerely,

Mr. Abdulla ALDERAZI, General Secretary of the Bahrain Human Rights Society (BHRS), Bahrain
Mr. Nabeel RAJAB, President of the Bahrain Centre for Human Rights (BCHR), Bahrain
Mr. Hafez ABU SAADA, Lawyer and General Secretary of the Egyptian Organization For Human Rights (EOHR), Egypt
Mr. Sliman BOUCHIGUIR, General Secretary of the Lybian League for Human Rights (LLH), Libya
Mr. Nizam ASSAF, Director of the Amman Centre for Human Rights Studies (ACHRS), Jordan
Mr. Wadih EL ASMAR, Lebanese Centre for Human Rights (CLDH), Lebanon
Ms. Amina BOUAYACH, President of the Moroccan Organisation for Human Rights (OMDH), Morocco
Ms. Sihem BEN SENDRINE, Spokesperson of the National Council for Freedoms in Tunisia
Mr. Mokhtar Trifi, Lawyer and President of the Tunisian League for Human Rights (LTDH), Tunisia
Mr. Mostefa BOUCHACHI, Lawyer and President of the Algerian League for the Defense of Human Rights (LADDH), Algeria