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ADVOKATER - INSTITUTO DE DIREITOS HUMANOS DOS ADVOGADOS EUROPEUS –
EUROPEAN BAR HUMAN RIGHTS INSTITUTE

Mr. NIZAR ASSAKKEF,
President of the Syrian Bar Association
Mayssaloun Street
Ministry of Economic Building
PO Box 7541
Damascus, Syria

Le Président

20 November 2009

URGENT APPEAL IDHAE : Case of **Muhannad Al Hasani**, president of Syrian Human Rights Organisation, SHRO (Organisation syrienne pour les droits humains)

Nos réf : 0220905 BF/CH

Mr President, Dear Colleague,

The European Bar Human Rights Institute (IDHAE). whose affiliated are the Rechtsanwaltskammer von Berlin, the Inione Forense per la Tutela dei Diritti del Uomo (Roma), the Human Rights Institutes of the Bar of Paris, Brussels, Montpellier and Bordeaux, as well as the Union Internationale des Avocats and the Polish Bar human Rights Institute, has as among its aim interventions, regardless of the limitations of borders, in favour of freedom and the fundamental rights of lawyers.

We have been informed that the Disciplinary Board of the Bar Association of Damascus has been examining since August, 11, 2009 a case concerning Mr. **Mohanad Al Hassani** and might issue its ruling on November 10, 2009.

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

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 aware that Mr. Al-Hassani is also facing criminal charges brought against him by an investigating judge at the end of July for allegedly “weakening national sentiment” and “spreading false information that could debilitate the morale of the nation and harm the reputation of the state abroad”.

Such charges have been frequently used by the judiciary to target human rights defenders and political dissidents, and we consider them politically motivated. The fact that the Bar Association’s referral of the case of Mr. Al-Hassani to its disciplinary board occurred within a week and was based on similar grounds is therefore of particular concern to us.

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. Bar Associations, and in the first row the Syrian Bar Association, - which is proud to be one of the oldest and most prestigious legal associations in the Arab world - should ensure that lawyers are not harassed or persecuted for carrying out their legitimate work as lawyers or for exercising their right to freedom of expression.

Lawyers have the right to raise concerns about the fairness of trials or other legal proceedings. It is also important that members of the legal profession pay particular regard to exceptional and special courts that operate outside the civilian judicial system and its rules and procedures. “Muhannad Al- Hassani has performed his legal functions in accordance with recognised professional duties, standards and ethics.

The disbarment of Al-Hassani also constitutes an overall attack on the legal profession in Syria and its independence. Under international standards relating to the independence of lawyers and the role of human rights defenders, including as contained in the United Nations (UN) Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998 and to the UN Basic Principles on the Role of Lawyers adopted in September 1990. Article 16 of the Basic Principles provides that lawyers must be “able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference” and that they “shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties”.

Without intending to interfere with the competencies or independence of the Syrian Bar Association we wish to share with you our strong concerns and urge you to drop all accusations against Mr. Al Hassani, as they manifestly aim at obstructing his human rights activities and his right to freedom of expression and association.

We hope that you will take this request into consideration.

Sincerely,

Bertrand FAVREAU
Président