

DATE
08/03/2010

Mr. President
Bashar al-Assad
Presidential Palace
al-Rashid Street
Damascus
Syrian Arab Republic

Re: **Concerns regarding the case of lawyer Mr. Haytham Al-Maleh**

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents around one million European lawyers. In addition to membership from EU bars, it has also observer representatives from a further eleven European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

We express our concern over the situation facing Mr. Haytham El-Maleh, human rights lawyer in Syria.

As we suspected in the previous letter we sent you on 25 November 2009, he was arrested and is awaiting trial.

According to the new information received, on November 3, the Military General prosecutor informed him that he was charged with "conveying within Syria false news that could debilitate the morale of the nation" and "insulting the judiciary", pursuant to Articles 286 and 378 of the Syrian Penal Code, under which he faces 15 years' imprisonment. His lawyers appealed this decision.

On January 31, 2010 the Head of the Military Chamber of the Court of Appeal of Damascus rejected the appeal. His trial will be scheduled in the coming days. Mr. Al Maleh is currently detained in Adra Prison, Damascus. He suffers from different illnesses which require medical treatment.

In this context, the CCBE wishes to draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Furthermore, Article 23 states that:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the

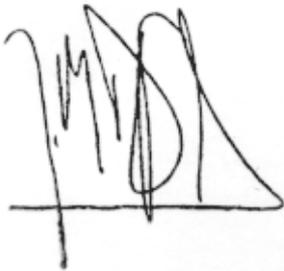
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administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or 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.

In view of the above, the CCBE expresses concern regarding Mr. Haytham El-Maleh's situation which we believe amounts to harassment for his work as lawyer, and urges the authorities to take immediate and effective steps to guarantee the protection of lawyers in order to preserve the independence and integrity of the administration of justice, to release him immediately and unconditionally if he is not to be charged with a recognisable crime; and to ensure that all attempts to discredit lawyers for the legitimate exercise of their professional duties are promptly and effectively stopped.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'J. M. Davó-Fernández', written over a horizontal line.

JOSÉ-MARÍA DAVÓ-FERNÁNDEZ
President