

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

Brussels, 2<sup>nd</sup> August 2010

**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 Al-Maleh, a 79 years old prominent human rights lawyer.

We sent you a letter on 25 November 2009 condemning his arrest, and a second letter on 10 March 2010 expressing concern at the trial and the criminal charges that this lawyer was facing.

According to new information received, Mr. Haytham Al-Maleh has been convicted and sentenced to three years' imprisonment. This conviction was ordered on the grounds of "transferring false and exaggerated news that weaken national sentiments", under Articles 285 and 286 of the Syrian Criminal Code. The charges arise from Mr. Al-Maleh's interviews with the media in which he criticized, amongst other things, the continued use of the emergency laws in Syria and the ongoing control by the Syrian authorities over the judicial system.

Mr. Al-Maleh was arbitrarily arrested by officers of the General Intelligence Service on 14 October 2009, and held incommunicado until his interrogation by the Military Prosecutor on 20 October 2009. Mr. Al-Maleh has then been detained in jail, during which time his lawyers were not allowed to meet him without prior authorisation from the Syrian Bar Association, a non-independent organisation under the control of the Syrian authorities. On a number of occasions, such permission was refused.

The CCBE strongly condemns the conviction against Mr. Haytham Al-Maleh, which seems to us aimed merely at sanctioning his human rights activities.

In this context, the CCBE wishes to draw to your attention the following Article 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 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 urges the authorities to release Mr. Haytham Al-Maleh immediately and unconditionally, 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 read 'G. Dal', with a long horizontal line extending to the right from the end of the signature.

Georges-Albert Dal  
CCBE First Vice-President