



EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK  
RÉSEAU EURO-MÉDITERRANÉEN DES DROITS DE L'HOMME  
الشبكة الأوروبية - المتوسطية لحقوق الإنسان



**For immediate Release**

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**SYRIA: Conviction of Haytham Al-Maleh, a 79 years-old human rights lawyer, signals continuing persecution of Lawyers and Human Rights Defenders in Syria**

The International Commission of Jurists (ICJ), the Euro-Mediterranean Human Rights Network (EMHRN) and the Observatory for the Protection of Human Rights Defenders - a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT) - today strongly condemned the decision of the Second Military Court of Damascus to convict Mr. **Haytham Al-Maleh**, a 79 years old prominent Syrian human rights lawyer, and to sentence him 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 of the Syrian authorities over the judicial system.

The ICJ, the EMHRN and the Observatory carried out seven high-level missions to Damascus to monitor the hearings of Mr. Al-Maleh's trial before the Second Military Court of Damascus, which took place on 22 February, 8 April, 22 April, 3 June, 20 June and 4 July 2010. Over the course of these missions, the above-mentioned organisations met with the General Advocate, Ms. Amina Achamat; the President of the Syrian Bar Association, Mr. Nizar Assakkef; and other representatives of the Syrian legal and judicial systems.

*"Mr. Al-Maleh should not have been tried before a Military Court in the first place. Syrian military judges are subject to the command structure of the armed forces and cannot be considered independent. Under international standards and jurisprudence, the jurisdiction of military tribunals should not have competence to try civilians, including lawyers and human rights defenders"*, said Wilder Tayler, ICJ Secretary General. *"The trial of Mr. Al-Maleh before the Second Military Court of Damascus did not meet international standards of due process, such as the right to be presumed innocent and the right to defence"*, Wilder Tayler added.

Mr. Al-Maleh has been 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.

*“Under international standards, the right to a defence applies at all stages of criminal proceedings”, said Eric Sottas, OMCT Secretary General. “Denying Mr. Al-Maleh’s defence right, including the right to communicate and consult with his lawyers without interception or censorship and in full confidentiality in order to prepare his defence, casted serious doubts about the seriousness and fairness of the whole proceedings against Mr. Al-Maleh”, Eric Sottas added.*

Convicting Mr. Al-Maleh for charges related to public statements he made on the legal and political systems in Syria amount to a form of punishment for the exercise of his legitimate right to freedom of expression provided for by the International Covenant on Civil and Political Rights (ICCPR), to which Syria is a State party, as well as the Syrian Constitution.

*“The Military Prosecution gave no credible evidence that Mr. Al-Maleh had published any false or exaggerated information of any kind”, said Souhayr Belhassen, FIDH President. “The only evidence provided for by the Prosecution were press articles in which Mr. Al-Maleh raised his legitimate concerns regarding the state of emergency in place since 1963, now the norm rather than the exception, and the lack of independence of the judicial system in Syria”, added Souhayr Belhassen.*

Lawyers like other citizens are entitled to freedom of expression. The conviction of Mr. Al-Maleh, is part of a recent trend that aims at silencing human rights lawyers, constitutes an overall attack on the legal profession.

*“Sentencing a 79 years-old human rights lawyer, who is known to suffer from diabetes and thyroid problems, sets an example and sends a strong warning to lawyers who promote the rule of law and challenge the almost-permanent state of emergency in Syria”, said Kamel Jendoubi, EMHRN President. “This conviction comes two weeks after the Second Criminal Court of Damascus sentenced Mr. **Muhannad Al-Hasani**, a prominent Syrian human rights lawyer and Laureate of the Martin Ennals Award for Human Rights Defenders 2010, to three years imprisonment on similar charges”, Kamel Jendoubi added.*

The above-mentioned organisations call on the Syrian authorities to: abide by their obligations under international law; immediately and unconditionally release Mr. Haytham Al-Maleh; put an end to all acts of persecution against human rights lawyers in Syria, and to ensure that they are free to carry out their human rights activities without any hindrance or intimidation.

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