



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

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URGENT CALL FOR ICJ WORLD-WIDE INTERVENTION: HUMAN RIGHTS LAWYER BARRED FROM LEAVING HIS COUNTRY

The Centre for the Independence of Judges and Lawyers of the International Commission of Jurists (ICJ/CIJL) urges the Members, National Sections and Affiliated Organisations of the International Commission of Jurists to immediately request their respective Governments to intervene with the Government of Syria to allow Mr. Haythem al-Maleh, a Syrian lawyer and human rights activist, to leave the country. Mr. Al-Maleh has been subjected to repeated harassment by the Syrian authorities for over two years.

On 11 February, Mr. al-Maleh was barred from leaving Syria for the United Arab Emirates, where he was going on a family visit. The ban was reportedly linked to a lecture Mr. Al-Maleh delivered at the Human Rights Committee of the German Parliament last December in which he criticised the human rights situation in Syria.

A day before his intended departure, Mr. Al-Maleh was summoned twice for interrogation by security agents for more than four hours. Mr. al-Maleh was told that his lectures spread lies about the Government and the situation in Syria. This is the second time that Mr. al-Maleh has been prevented from leaving the country.

The ICJ/CIJL is alarmed at the travel restrictions imposed on Mr. al-Maleh, which are in clear violation of the International Covenant on Civil and Political Rights (ICCPR), to which Syria is a party. The ICCPR establishes each person's right to leave his or her own country and also defines the only permissible restrictions that can be imposed on this right:

Article 9.2. *Everyone shall be free to leave any country, including his own.*

Article 9.3. *The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.*

None of these restrictions apply to Mr. al-Maleh.

The ICJ/CIJL has closely followed this lawyer's case for more than two years and repeatedly expressed its deep concern at the continuous harassment he has been subjected to by the Syrian authorities. On 31 July 2002, in response to Mr. al-Maleh's disbarment by the Damascus Lawyers' Disciplinary Council, the ICJ/CIJL addressed a letter to the Syrian Government expressing its concern at this disbarment. As Mr. al-Maleh was not able to attend his disciplinary hearing and as the Minister of Justice maintains supervisory authority over the Disciplinary Council, this body cannot be considered to be either independent or impartial.

A month after his disbarment, the Military Prosecutor filed charges against Mr. al-Maleh for, among other things, establishing a human rights association without the approval of the Ministry of Social Affairs and Labour and distributing a magazine without permission. On 26 September 2002, the ICJ/CIJL urged the Government of Syria to drop all charges against the lawyer. Nevertheless, Mr. al-Maleh was tried by a military court on 12 July 2003. He was amnestied on 16 July.

Despite the amnesty, a pre-existing secret order banning Mr. al-Maleh from leaving Syria remained in force. The ICJ/CIJL demanded that the travel restrictions be lifted and that all harassment be stopped.

On 20 November 2003, in violation of a judicial ruling, the Office of Immigration refused to issue Mr. al-Maleh a passport on the grounds that he was not allowed to leave the country. The ICJ/CIJL again urged the Syrian Government to fulfil its obligations under article 12 of the ICCPR and to issue Mr. al-Maleh a passport.

The ICJ/CIJL has not received a reply to any of its four letters.

The ICJ/CIJL, therefore, calls upon its Members, National Sections and Affiliate Organisations to write to the Government of Syria to immediately cease all harassment of Mr. Haythem al-Maleh and to allow him to leave the country. The ICJ/CIJL also urges its Members, National Sections and Affiliate Organisations to write to their own Governments to request their intervention with the Government of Syria on behalf of Mr. al-Maleh.

Please write to your own Ministry of Foreign Affairs and to the Syrian Government:

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