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Commission internationale de juristes - Comisión Internacional de Juristas

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Your Excellency,

The International Commission of Jurists (ICJ) consists of jurists who represent all the regions and legal systems in the world working to uphold the rule of law and the legal protection of human rights. The ICJ's Centre for the Independence of Judges and Lawyers (CIJL) is dedicated to promoting the independence of judges and lawyers throughout the world.

We are writing to you to express our concern at the arrest and detention of Mr. Akhtam Naisse, a lawyer and President of the Committees for the Defence of Democratic Freedoms and Human Rights in Syria (CDF), who has been accused of "undermining the Revolution, the Arab Unity and Socialism". Mr. Naisse's arbitrary detention constitutes a violation of Syria's obligations under international law.

According to the information we have received, Mr. Naisse was arrested in Latakia on 13 April by members of the military security service. The reported ground for the arrest was the publication of CDF's annual report denouncing human rights violations in Syria and a number of press statements made by CDF members denouncing human rights violations against Kurdish citizens in the north of the country. Upon his arrest, Mr. Naisse reportedly suffered a stroke and was taken to a military hospital in Tishrin, where he received medical treatment. On 21 April Mr. Naisse was transferred to Saidnaya prison, where he remains in an isolated individual cell. Mr. Naisse, who needs daily medical treatment due to his condition, has been allegedly denied access to a lawyer and is not allowed to communicate with his family.

The ICJ/CIJL is concerned that Mr. Naisse's detention is unlawful. The International Covenant on Civil and Political Rights (ICCPR), which Syria has ratified, unequivocally prohibits arbitrary detention. The charges brought against Mr. Naisse, although established by law, amount to a form of punishment for the exercise of his legitimate right to freedom of expression, which is also recognised by the ICCPR. Articles 9 and 19 of the ICCPR state:

Article 9

*1. Everyone has the right to liberty and security of person. **No one shall be subjected to arbitrary arrest or detention.** No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.*

Article 19

1. Everyone shall have the right to hold opinions without interference.

*2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and **impart** information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

The ICJ/CIJL considers that denouncing human rights violations cannot, under any circumstances, be deemed to fall under any of the exceptions permitted by the ICCPR.

Lawyers have the right to voice their concern when they consider that human rights violations have taken place. In this regard, we would like to draw your attention to the *United Nations Basic Principles on the Role of Lawyers*, which were adopted by the U.N. General Assembly in 1990. Principle 23 recognises the right of lawyers to express their opinion, particularly on matters concerning human rights

*23. Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right 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 organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.*

We therefore urge your Government to immediately and unconditionally release Mr. Naisse. We furthermore urge your Government to ensure that Mr. Naisse is not harassed or prosecuted for his legitimate exercise of his right to freedom of expression.

Finally, we request that your Government take all necessary steps to review the legislation under which Mr. Naisse was arrested with a view to bringing that legislation into line with international human rights standards.

Please receive the assurances of my highest consideration.

Nicholas Howen
Secretary General

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