

# The Observatory

for the Protection  
of Human Rights Defenders

a joint programme



Euro-Mediterranean  
Human Rights Network  
(EMHRN)



INTERNATIONAL  
COMMISSION  
OF JURISTS



MARTIN ENNALS AWARD  
FOR HUMAN RIGHTS DEFENDERS  
\* Martin Ennals Foundation

## Press Release

### **Aktham Naisse Finally Acquitted!**

*Charges against Syrian human rights defender dropped.*

*But human rights activities remain at dire risk.*

**Copenhagen – Geneva – Paris, June 28, 2005.** The Euro-Mediterranean Human Rights Network (EMHRN), the International Commission of Jurists (ICJ), 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), and the Martin Ennals Foundation (MEF) welcome the decision of the Syrian Supreme State Security Court (SSSC) on June 26, 2005, to drop all charges against Syrian human rights defender **Aktham Naisse**.

Mr. Naisse is a prominent Syrian lawyer and the President of the Committees of the Defence of Democratic Liberties and Human Rights in Syria (CDF), a member organisation of the EMHRN, FIDH and OMCT. He has been awarded the Martin Ennals Award for Human Rights Defenders (MEA) this year for his human rights work. The MEA ceremony will take place in Geneva on October 12, 2005 and the award will be handed over by Mrs. Louise Arbour, UN High Commissioner for Human Rights.

Mr. Naisse was arrested on April 13, 2004 and released on bail on August 17, 2004, following a decision by the SSSC. Mr. Naisse was charged with “opposing the objectives of the revolution” and “disseminating false information aiming at weakening the State”, and he thereby risked a prison sentence of 15 years.

On June 25, 2005, the CDF issued a press release where Mr. Naisse declared that he would not attend Sunday’s hearing. His decision was based upon the fact that the SSSC is an “exceptional, unconstitutional court” and that it fails to conform with “recognised standards of a fair trial”.

On June 26, 2005, in the absence of Mr. Naisse, the Court finally announced that Mr. Naisse was found not responsible of “the activities” of which he was charged. It is striking that the Court no longer referred to “crimes” but to “activities”.

The Court is scheduled to publish its written decision within a few days. It seems that the Court will have to reimburse Mr. Naisse the amount paid for his bail (10.000 Syrian Pounds) in August 2004.

The Court’s decision is a positive sign in an otherwise depressing human rights situation. As a matter of fact, Mr. Aktham Naisse’s case is paradigmatic of the harassment of human rights defenders through politically motivated trials and denial of registration for human rights NGOs.

Indeed, EMHRN, ICJ, the Observatory and the MEF recall that the state of emergency that has been in effect in Syria since 1963 is not consistent with international standards on states of emergency, in particular with art. 4 of the International Covenant on Civil and Political Rights (ICCPR).

The SSSC established as an exceptional court by decree 47 of 1968 pursuant to the state of emergency does not meet the minimum international standards on the independence and impartiality of tribunals and its rules of procedure do not conform to internationally recognised standards of a fair trial. As a consequence, our organisations fear that this Court will continue to be used in other politically motivated trials.

The situation for human rights organisations in Syria is very difficult. They work without registration since the authorities refuse to grant them any license to work legally. The Syrian association law is considered particularly harsh and Syria is in dire need for a modern association law that enables NGOs to gain licenses and work free from government interference and harassment.

One of the very difficult challenges facing civil society organisations that work inside Syria in particular is securing funding. Exceptional law number 6 of 1965 penalises with capital punishment any person who receives any kind of support from “outside” for any reason. The authorities keep the law as a tool to intimidate NGOs, and human rights organisations in particular.

The EMHRN, the ICJ, the Observatory and the MEF remain therefore concerned about the continued harassment of Syrian human rights defenders, especially in light of the initiation at the end of 2004 of the Association Agreement between the European Union and Syria, in which article 2 clearly states the Parties’ commitment to respect human rights.

**The EMHRN, the ICJ, the Observatory and the MEF call upon:**

**the Syrian authorities:**

- to recognise all human rights and civil society organisations in Syria;
- to put an end to harassment, intimidation, threats, and deliberate attacks on human rights defenders, and to respect their human rights commitments according to international standards and as expressed in the Barcelona Declaration to which Syria has agreed as well as the UN Declaration on Human Rights Defenders.

**the European Union and its Member States:**

- to demand that Syria respects international human rights and international laws, particularly now that the EU is expected soon to sign an Association Agreement with Syria;
- *before signing the Association Agreement with Syria*, to ask that Syria translates promises of reform into concrete action, such as and in particular recognising the rights of human rights NGOs by granting them legal registration and allowing them to work freely. The European Parliament should ask the same before giving its assent to the Agreement.

**the international community:**

- to continue expressing concern about the situation for human rights defenders and human rights organisations in Syria, and to continue supporting them.

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