



For immediate Release

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**SYRIA: Muhannad Al-Hasani sentenced to three years imprisonment:
Persecution of lawyers and human rights defenders continues**

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 condemned the decision of the Second Criminal Court of Damascus to convict Mr. **Muhannad Al-Hasani**, a prominent Syrian human rights lawyer, President of the Organisation for Human Rights "*Sawasiaya*" and Laureate of the Martin Ennals Award for Human Rights Defenders 2010. The court sentenced him to three years imprisonment. This conviction was ordered on the grounds of "*weakening national sentiments and encouraging racist and sectarian feelings*", and "*transferring false and exaggerated news that weaken national sentiments*" under Articles 285, 286 and 287 of the Criminal Code.

The ICJ, the EMHRN and the Observatory amongst them carried out a total of seven high-level missions to Damascus to monitor the hearings of Mr. Al-Hasani's trial before the Second Criminal Court of Damascus. The hearings took place on 18 February, 10 March, 6 April, 4 May, 27 May, 10 June and 23 June 2010. Over the course of these missions, the organisations met with the President of the Second Criminal Court, Mr. Khaled Hamoud; 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.

"The trial of Mr. Al-Hasani before the Second Criminal Court of Damascus was a summary trial that patently failed to meet international standards of fair trial, including the right to be presumed innocent, the right to defence and the right to equality of arms," said Wilder Tayler, ICJ Secretary General. *"The President of the Court denied all defence witnesses from giving evidence and did not require the prosecution to present any kind of credible evidence to support the accusations made against Mr. Al-Hasani,"* Wilder Tayler added.

The prosecution and conviction of Mr. Al-Hasani on charges related to his professional activities as a lawyer, including his observation of and reporting on public hearings before the State Security Court, and for the statements and reports published by the Syrian Organisation for Human Rights "*Sawasiaya*" amount to a form of punishment for the exercise of his legitimate right to freedom of expression and association provided for by the International Covenant on Civil and Political Rights (ICCPR), to which Syria is a party.

“The legal provisions under which Mr. Al-Hasani was prosecuted are overly broad and vague and result in criminalizing the enjoyment of the freedom of expression and association,” said Souhayr Belhassen, FIDH President. *“This, combined with the fact that the prosecution failed to provide any credible evidence that Mr. Al-Hasani has violated any of these articles, has seriously undermined the fairness of this trial,”* added Souhayr Belhassen.

The prosecution based its accusation on three secret reports made by the General Intelligence Service. Despite the defence lawyers demonstrating that such reports were false and the charges unfounded, the prosecution did not drop its accusations against Mr. Al-Hasani.

“By imposing the burden of proof on Mr. Al-Hasani and not on the prosecution, the President of the Second Criminal Court in Damascus placed the defence at a substantial disadvantage vis-à-vis the prosecution,” said Kamel Jendoubi, EMHRN President. *“This violates the right to equality of arms in criminal proceedings and constitutes a further violation to the guarantees of fair trial”,* Kamel Jendoubi added.

Not only did the Judge abstain from requesting that the prosecution present evidence in support of the accusations made against Al-Hasani, but he also denied the right of the defence to call upon witnesses to challenge these accusations.

“Under international standards, the accused has the right to secure the attendance and examination of witnesses on his behalf under the same conditions as witnesses appearing against him,” said Eric Sottas, OMCT Secretary General. *“By denying the defence this right, the President of the Court cast serious doubts about the seriousness and fairness of the whole proceedings against Mr. Al-Hasani”,* Eric Sottas added.

The decision of the Criminal Court to convict Mr. Al-Hasani is final and can only be reviewed before the Cassation Court on procedural grounds. This limitation is a clear violation of the right to appeal, which includes the right to challenge convictions and sentences before a higher tribunal.

The above-named organisations therefore call on the Syrian authorities to immediately and unconditionally release Mr. Muhannad Al-Hasani, as he has been convicted by means of an unfair trial; to put an immediate end to all acts of harassment and persecution against human rights defenders in Syria; and to allow them to carry out their human rights activities without any hindrance, in conformity with the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (United Nations Declaration on Human Rights Defenders).

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