



The Law Society of
Upper Canada | Barreau
du Haut-Canada

February 4, 2016

Minister of Justice of the Syrian Arab Republic
Mr. Najm Hamad al-Ahmad
Al-Nasr Street
Damascus
Syrian Arab Republic

Office of the Treasurer

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DELIVERED BY EMAIL TO: moj@net.sy

Dear Minister:

Re: Persecution of human rights lawyer Khalil Ma'Touq

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the persecution of human rights lawyer Khalil Ma'Touq. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Khalil Ma'touq is a longtime and prominent human rights lawyer in Syria, and is also the director of the Syrian Centre for Legal Studies and Research. Khalil Ma'touq is known for providing legal assistance to victims of human rights violations in Syria, including the defense of hundreds of political prisoners, prisoners of conscience and journalists.

On 2 October 2012, Khalil Ma'touq and his friend and assistant Mohammed Thatha left Khalil Ma'touq's home in a suburb of Damascus, for work in the city. However, the two men did not arrive at the office and it is believed that they were detained at a government controlled checkpoint en route to work. It is believed that Khalil Ma'touq was arrested as a direct result of his human rights work.

The whereabouts of Khalil Ma'touq are still unknown. The state continues to deny that he was arrested. Khalil Ma'touq suffers from severe lung disease, which requires regular medication and constant monitoring. It is unknown whether Khalil Ma'touq is able to receive any medical care for his serious condition.

October 2015 marked the third anniversary of his disappearance. Human Rights Watch notes that Ma'touq continues to be held "...despite calls by the international community to end the practices of enforced disappearances and torture and other ill-treatment in detention facilities in Syria. UN Security Council Resolution 2139 of February 2014 demanded the release of all those arbitrarily detained, a call reiterated by a UN Security Council Presidential Statement issued on 17 August 2015."

According to reports, since Syria's civil war broke out in 2011, the government has forcibly disappeared more than 65,000 people. In October 2015, more than 50 human rights organizations, including Amnesty International, Human Rights Watch and Lawyers for Lawyers, signed a joint statement calling for the release of Khalil Ma'touq.

The Law Society of Upper Canada urges the government of Syria to comply with Articles 16 and 23 of the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover, Article 23 states:

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.

The Law Society urges the government of Syria to:

- a. Immediately and unconditionally release Khalil Ma'touq;
- b. put an end to all acts of harassment and intimidation against human rights lawyers and defenders in Syria;
- c. guarantee in all circumstances the physical and psychological safety and integrity of Khalil Ma'touq;
- d. provide Khalil Ma'touq with regular access to his lawyer, family, his physician and adequate medical care;
- e. guarantee all the procedural rights that should be accorded to Khalil Ma'touq;
- f. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Janet E. Minor
Treasurer

**The Law Society of Upper Canada is the governing body for more than 49,000 lawyers and 7,400 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Gabriela Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales