



NGO in Special Consultative Status with the Economic and Social Council of the United Nations since 2013

BY AIRMAIL

His Excellency Bashar al-Assad
Presidential Palace
Al Rashid Street
DAMASCUS
SYRIA, Arab Republic

Amsterdam, 18 October 2013

Subject: Mr. Khalil Ma'touq

Your Excellency,

I am writing you on behalf of the Dutch Lawyers for Lawyers Foundation to express our grave concern about the detention, treatment and condition of our colleague Mr. Khalil Ma'touq.

Khalil Ma'touq is the executive director of the Syrian Center for Legal Studies and Research and the head of the Syrian Center for the Defense of Detainees. He was working on the case of Mazen Darwish, the detained head of the Syrian Center for Media and Freedom of Expression (SCM), before he was arrested. Mr Ma'touq has defended numerous activists before and during the uprising in front of military, state security and civil courts.

Mr Ma'touq was arrested with his assistant by armed men on October 2, 2012 at a checkpoint in Sahnaya. Since then, no further information could be obtained regarding his situation and whereabouts. Neither of the men has been seen since, although even the extensive period of legal custody of 60 days elapsed. Despite repeated requests by his relatives and lawyers, the Syrian authorities have failed to provide information on Mr. Khalil Ma'touq's fate and continue to deny he is in custody.

First and foremost, we urge you to please inform us about the whereabouts of our colleague, inter alia on the following grounds:

In particular paragraphs 16 and 17 of the United Nations Basic Principles on the Role of Lawyers state that Government are under an obligation *'to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference'*. Further: *'Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities'*.

According to paragraph 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



NGO in Special Consultative Status with the Economic and Social Council of the United Nations since 2013

international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action of their membership in a lawful organization’.

These principles are universally applicable. Therefore, your government is under an obligation to adequately protect and support its lawyers.

Lawyers for Lawyers fears for Mr. Ma'touq's physical and psychological integrity and are all the more concerned since Mr. Ma'touq suffers from a serious medical condition¹, which requires specific and constant medical care.

Therefore, we urge you to provide to our colleague the standard of healthcare for prisoners and detainees, as required under UN Rules.² Specifically, we urge that, upon indication, Mr. Ma'touq shall be transferred to specialized institutions or to civil hospitals for specialist treatment.

In view of the above, Lawyers for Lawyers strongly urges your government to (i) honour its international legal obligations, (ii) immediately release Khalil Ma'touq, (iii) disclose Khalil Ma'touq's whereabouts and ensure in any event that Khalil Ma'touq is treated in line with the UN Rules.

We thank you for your attention to these very important matters. We are confident of your good will and sense of justice and will continue to monitor this case closely.

On behalf of the President of Lawyers for Lawyers, Phon van den Biesen,

Sincerely,

Lawyers for Lawyers

Adrie van de Streek
Executive director

¹ Kahlil Ma'touq suffers from a severe lung disease.

² International Covenant on Civil and Political Rights article 19 and the UN Rules as adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.