

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders.**

REFERENCE: UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (3-3-16)  
SYR 12/2011

18 August 2011

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 17/2, 16/4, 15/21, and 16/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the disciplinary procedure initiated against Mr. **Mustafa Osso** (مصطفى أوسو), aged 47 and living in Al Hasaka with his wife and four children, allegedly for his activities as a human rights lawyer and defender, for his participation in peaceful protests and for denouncing, in the media, human rights violations.

According to the information received:

On 1 August 2011, Mr. Mustafa Osso was questioned at the headquarters of the Al Hasaka branch of the Bar Association, primarily about statements he had recently made in the media on the loss of credibility of the Syrian government due to its violent and unlawful reaction to the protests. Mr. Osso had defended prisoners before the Supreme Security Court before boycotting it on 9 March 2011. He also participated in a peaceful protest held in front of the court of Al Hasaka calling for the release of individuals being detained for having taken part in protests.

It is reported that the Bar Association considered these public positions to be a breach of the purposes and principles of the Bar Association – namely articles 2

and 4 of law No. 30 of 2010 regulating the legal profession – and to be tarnishing the image of the country. The Bar Association is reportedly examining Mr. Osso's file to determine the course of action to be adopted.

Concern is expressed that the disciplinary procedure initiated against Mr. Osso may result in him facing criminal charges and his disbarment from the Bar Association. Concern is further expressed that Mr. Osso has been targeted for his activities as a human rights lawyer and defender, and for his denunciation of human rights violations by the Government in the media and for his participation in a peaceful protest.

In this connection, we should like to appeal to your Excellency's Government to take all necessary measures to safeguard the rights and freedoms of Mr. Mustafa Osso and wish to draw to the attention of your Excellency's Government the international principles and norms applicable to the present case.

According to principle 14 of the Basic Principles on the Role of Lawyers (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990) "lawyers, in protecting the rights of their clients and in promoting the cause of justice, shall seek to uphold human rights and fundamental freedoms recognized by national and international law and shall at all times act freely and diligently in accordance with the law and recognized standards and ethics of the legal profession."

In this context, we wish to stress that lawyers, like any other citizen, are entitled to freedom of expression and freedom of peaceful assembly according to articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), as well as article 23 of the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990. Article 23 of the aforementioned instrument adds that lawyers "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."

In order for lawyers to promote the cause of justice and uphold human rights and fundamental freedoms, it is incumbent upon Governments to 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." according to principle 16 of the Basic Principles on the Role of Lawyers.

With regard to the disciplinary procedure initiated against Mr. Osso, we wish to remind your Excellency's Government, according to principles 27 to 29 respectively, that:

- Charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures. Lawyers shall have the right to a fair hearing, including the right to be assisted by a lawyer of their choice;

- Disciplinary proceedings against lawyers shall be brought before an impartial disciplinary committee established by the legal profession, before an independent statutory authority, or before a court, and shall be subject to an independent judicial review; and

- All disciplinary proceedings shall be determined in accordance with the code of professional conduct and other recognized standards and ethics of the legal profession and in the light of these principles.

Furthermore, we wish to draw your Excellency's attention to the right to physical and mental integrity of Mr. Mustafa Osso.

In addition, given our concern that Mr. Osso has been targeted for his denunciation of human rights violations by the Government in the media, we would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the ICCPR, which provides that "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."

We would also like to appeal to your Excellency's Government to take all necessary steps to ensure the right of peaceful assembly as recognized in article 21 of the ICCPR, which provides that "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (*ordre public*), the protection of public health or morals of the protection of the rights and freedoms of others."

In this connection, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice."

In addition, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 6, points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; and

- article 12, paras. 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Mustafa Osso are respected and given the alarming pattern of violations against human rights defenders and lawyers drawn to our attention, to immediately adopt effective measures to prevent the recurrence of these acts.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Government to safeguard the rights of Mr. Mustafa Osso in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide detailed information on the disciplinary proceedings initiated against Mr. Osso, on the charges or breaches of professional ethics retained against him. Please indicate how these comply with the aforementioned instruments and in particular with the Basic Principles on the Role of Lawyers.
3. Please indicate what measures are taken to ensure that Mr. Osso can discharge his functions as a lawyer without improper interference, threats or intimidation.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Gabriela Knaul  
Special Rapporteur on the independence of judges and lawyers

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to freedom of  
opinion and expression

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and of  
association

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders