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## MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on human rights in Syria: with special regard to the case of Haythan Al-Maleh

**Hélène Flautre, Frieda Brepoels, Jean-Paul Besset, Heidi Hautala,  
Barbara Lochbihler, Keith Taylor, Sven Giegold**  
on behalf of the Verts/ALE Group

**European Parliament resolution on Hélène Flautre, Frieda Brepoels, Jean-Paul Besset, Heidi Hautala, Barbara Lochbihler, Keith Taylor, Sven Giegold**

*The European Parliament,*

- - having regard to its previous resolutions on Syria, in particular those of 8 September 2005 on political prisoners in Syria, 15 June 2006 on human rights in Syria, 24 May 2007 on human rights in Syria and 17 September 2009 on Syria: the case of Muhammad al-Hassani,
  - having regard to the Universal Declaration of Human Rights of 1948;
  - having regard to the United Nations Declaration on Human Rights Defenders of 1998,
  - having regard to the International Covenant on Civil and Political Rights, to which Syria is a party,
  - having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was ratified by Syria on 18 September 2004;
  - having regard to the report containing the European Parliament's recommendation to the Council on the conclusion of a Euro-Mediterranean Association Agreement between the European Community and its Member States, of the one part, and the Syrian Arab Republic, of the other part adopted by the European Parliament on 10 October 2006
  - having regard to Articles 3 and 21 of the TFEU,
  - having regard to the European Union Guidelines on Human Rights, and in particular to the European Union Guidelines on Human Rights Defenders, adopted in June 2004, and reviewed in 2008,
  - having regard the report on EU policies in favour of human rights defenders adopted by the European Parliament on 14 May 2010,
  - having regard to the EU Declaration by HR Ashton on Syria human rights cases of 26 July 2010,
  - having regard to Rule 122 of its Rules of Procedure,
- A. Whereas Syria is of geostrategic importance in the region of the Near and Middle East and has a crucial role to play in finding lasting peace and stability in the region;
- B. Whereas the Association Agreement between the European Community and its Member States, of the one part, and the Syrian Arab Republic, of the other part, is still to be signed since October 2009; whereas the signature of this Agreement has been delayed at the request of Syria;

C. Whereas respect for human rights constitutes an essential part of this Agreement and stressing that priority must be given to ensuring that the promotion of human rights as both a basic value and an objective of the Union's foreign policy is duly mirrored in the continuing dialogue between the EU and Syria and in their contractual relations;

D. Whereas Mr Haytham Al-Maleh, an 80 year-old human rights lawyer, has been arbitrarily arrested by officers of the General Intelligence Service on 14 October 2009, held incommunicado until his interrogation by the Military Prosecutor on 20 October 2009 and tried before the Second Military Court of Damascus despite the fact that military tribunals should not have competence to try civilians;

E. Whereas Mr Muhannad Al Hassani, a Syrian lawyer, President of the Syrian Organisation for Human Rights "Sawasiya" and Commissioner of the International Commission of Jurists (ICI) was arrested by the Syrian Authorities on 28 July 2009; whereas the prosecution based its accusation on three secret reports made by the General Intelligence Service which were demonstrated by defence lawyers as false;

F. Whereas Mr Haytham Al-Maleh and Mr Muhannad Al Hassani were sentenced respectively on 4 July 2010 and 23 June to three years' imprisonment on the grounds of "transferring false and exaggerated news that weaken national sentiment", under Articles 285 and 286 of the Syrian Criminal Code;

G. Whereas trial monitoring missions organised by international civil society organisations clearly reported that both trials failed to meet with international standards of fair trial, including the right to be presumed innocent, the right to defence and the right to equality of arms;

H. Whereas the prosecution and conviction of Mr Haytham Al-Maleh for charges related to public statements he made on legal and political systems in Syria and of Mr Muhannad Al Hassani for charges related to his professional activities as a lawyer, including his observation and reporting on public hearings before the State Security Court amount to a form of punishment for the exercise of their legitimate right to freedom of expression provided by the ICCPR, to which Syria is a party;

I. Whereas Mr Al-Maleh suffers from arthritis, diabetes and thyroid problems and is deprived of any regular access to medication; whereas his health condition seriously deteriorated during the summer;

J. Whereas writer Ali Al-Abdullah, one of the 12 signatories of the Damascus Declaration, still remains imprisoned although he was supposed to be released on 14 June 2010 after having completed his sentence;

K. Whereas the practices of harassment, restrictions of freedom of movement and arbitrary arrest are part of a persistent policy of repression conducted by Syrian authorities towards human rights defenders; whereas the continued application of the Emergency Law is effectively limiting citizens in the exercise of the right to freedom of expression, association and assembly;

L. Whereas Kurds are the largest non-Arab ethnic minority in Syria estimated at

approximately 1.7 million; whereas a number of leading Kurdish political activists have been arrested, detained and referred to military court or to the Supreme State Security Court for prosecution under charges of “inciting strife” or “weakening national sentiment”;

1. Urges the Syrian authorities to immediately and unconditionally release MM. Al-Maleh, Al Hassani and Al-Abdullah;

2. Expresses once again its deepest concern at the significant repression human rights defenders in Syria still face and the absence of progress in respect for human rights by Syrian authorities; calls on the Syrian authorities to ensure that human rights defenders are free to carry out their activities without any hindrance or intimidation;

3. Calls on the Syrian authorities to put an end to this policy of persecution and harassment of human rights defenders and their families and to immediately release all prisoners of conscience, human rights defenders and peace activists, including Anouar Al Bunni and Kamal Labwani;

4. Calls on the Syrian authorities to abide by their obligations under international human rights law and to put an end to the Emergency state decreed in 1963;

5. Calls on the Syrian authorities to cease harassment of peaceful Kurdish activists, remove discriminatory laws and policies on Kurds and ensure that Syria’s Kurds have the right to enjoy their own culture and use their own language;

6. Stresses that, according to Article 218 of the TEU, Parliament should be fully informed at all stages of the negotiations of international agreements; calls therefore on the Commission to report back to the Parliament on the state of discussions with Syrian authorities concerning the signature of the Association Agreement;

7. Sees the prospect of signing the Association Agreement as an important opportunity for addressing ongoing human rights violations and strengthening the reform process in Syria; calls on the Council and the Commission to make full use of this crucial leverage by adopting a bilateral Human Rights and Democracy Action Plan which clearly articulates specific human rights improvements it expects from the Syrian authorities;

8. Instructs its President to forward this resolution to the Council, the Commission, the government and Parliament of the Syrian Arab Republic and to the relevant bodies of the EMPA;