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Syria: The Bar Association Disbarred 170 Lawyers in Daraa

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The Lawyers were dismissed for opposing the regime

Background

In March 2019, the Lawyers' Syndicate in the province of Daraa issued new decisions, which were actually amendments of previous decisions of disbarring more than a third of the province's lawyers; 250 out of 700, for their opposition to the regime-in the years prior to signing the 'settlement agreement'- or for not paying fees and not communicating with the Syndicate.

Although the number of disbarred lawyers was large and caused Daraa "depletion and critical shortage" in lawyers -in the words of Fahd al-Adawi the President of the Bar Association of Daraa-¹ the Syndicate didn't reconsider or rescind its decision even after a year of its issuance; it insisted on disbarring all those declared opposition to the government. However, on March 2019, the Syndicate issued circulars mitigating penalties, under pressure from the top, to reduce tension among people of the province and compensate for the shortages in the number of lawyers.

These circulars indicate that lawyers who have been removed from the syndicate's table due to non-payment of fees or lack of communication with the syndicate or ceased work are differently placed than those oppose the government. Thus, the disbarment decisions against the first section of lawyers can be revoked, while those involved in the conflict are prevented from returning to the bar and practicing law.

STJ learned from sources within the Syndicate that the latter clustered the lawyers who were disbarred in two lists; A and B.

The A list: includes 80 lawyers who haven't paid fees for the Syndicate or did not communicate with it or ceased work.

The B list: includes 170 lawyers whom the Syndicate named the 'stigmatized lawyers', in which it means those involved in the conflict and opposers to the regime; mainly those who worked under the Free Lawyers Syndicate of Daraa in the past few years.

¹ "The President of the Bar Association of Daraa: Lawyers Sell Cigarettes and Work in Farm to Earn Living; We Disbarred 250 Out of 700 Lawyers which caused critical shortage", al-Watan, July 22, 2018 (last visit: October 22, 2019), <https://www.alwatanonline.com/%D9%85%D8%AD%D8%A7%D9%85%D9%88%D9%86-%D9%84%D8%AC%D8%A4%D9%88%D8%A7-%D9%84%D8%A8%D9%8A%D8%B9-%D8%A7%D9%84%D8%AF%D8%AE%D8%A7%D9%86-%D9%88%D8%A7%D9%84%D8%B9%D9%85%D9%84-%D9%81%D9%8A-%D8%A7%D9%84%D9%85/>.

Earlier in July 2018, the Syrian government arbitrarily dismissed 95 teachers (males and females) in al-Qunaitra.² Besides, estimated 50 teachers and 40 employees of the Health Directorate were separated while 300 employees of the Agriculture Directorate fired without knowing why or for alleged reasons, foremost of which were; evading the reserved service, engaging in terrorist acts and collaborating with unauthorized actors.³

I. Was Lawyers' Syndicate divided?

The Lawyers Syndicate of Daraa considered one of the most important civil society institutions in the province, as it represents a large and important segment of society. It is a segment of high educational, cultural and political levels, which used to provide care and guidance and participate actively in the political, economic, social and cultural life of both the State and society during the years before the war.

However, with the onset of the protests in Syria in 2011, the Syndicate was divided into two parts, like all state and society institutions that tore between supporters and opponents to the government. That prompted a large part of its members to join the Syrian opposition institutions and to form the Free Lawyers' Syndicate as a substitute of that accused of collusion and support for the Syrian government', on December 22, 2012.

The Free Lawyers Syndicate has been active in the opposition-controlled areas in Daraa, and played an important and pivotal role in opposing the Syrian government and exposing violations committed by it. Besides, it contributed to organizing the society, setting up foundations to local governance and finding solutions to the problems that were faced by Syrian opposition institutions in the south. It also provided expertise to community institutions through several seminars, lectures and proposals that were held frequently by it.

The Syndicate and lawyers have been under pressure since its inception, and its members have been the victims of threats, arrest, murder and defamation from all actors, such as ISIL and the government forces, as well as unknown parties.

² "Mass Unfair Dismissals of Teachers in Daraa", STJ, December 11, 2018 (last visit: October 11, 2019) <https://stj-sy.org/en/1092/>.

³ "Mass Dismissals, Fines & Prison Sentences for over 400 Employees in al-Qunaitra", STJ, December 17, 2018 (last visit: October 22, 2019) <https://stj-sy.org/en/1090/>.

As in January 2017, the Dawa and Mosques office of Khalid ibn al-Walid Army in Daraa, affiliated with ISIL, threatened the lawyers and all those studied Law, and ordered them to repent within a certain time, which put them in the risk of the organization's abuses.⁴ Human rights organizations documented the arrest of dozens of lawyers in Daraa by the security forces of the Syrian government since the beginning of the Syrian conflict.

The conditions of Daraa lawyers have become worse after the government regained control over the province in July 2018, and disbarred large numbers of them rendering them unemployed. That prompted a large part of them to work in trade and agriculture, others opted to emigrate.

Some lawyers opt to work under an assumed name in disguise, in this regard the Lawyer Anwar M. spoke to STJ saying:

“Being disbarred, the lawyer can no longer practice law or to appear before any judge in the country. Thus, some lawyers opt to use a twisted way to earn a living by impersonating another lawyer whom haven't been included in the dismissals, using his/her Syndicate membership card, under mutual agreement and with the knowledge of the Syndicate.”

He added:

“The judiciary in Syria and all its institutions are in a state of great flaccidity today. Corruption have taken root in the daily lives of Syrians, whom reluctantly used to. Many judges and a number of judicial staff are aware of this circumvention and have no problem with it since it is done in return for money. This is very serious; the lawyer to turn into compromiser to secure a living, that would primarily affect his clients.”

Thus, lawyer Anwar, like other lawyers in Daraa, sees such decisions as a flagrant violation of the settlement agreement in southern Syria.

⁴ “Khalid ibn al-Walid Army in Daraa Calls Lawyers to Repent within 10 Days!”, RT, January 18, 2017 (last visit: October 18, 2019) <https://arabic.rt.com/news/859174-%D8%AF%D8%B1%D8%B9%D8%A7-%D8%AC%D9%8A%D8%B4-%D8%AE%D8%A7%D9%84%D8%AF-%D8%A8%D9%86-%D8%A7%D9%84%D9%88%D9%84%D9%8A%D8%AF-%D9%8A%D8%AF%D8%B9%D9%88-%D8%A7%D9%84%D9%85%D8%AD%D8%A7%D9%85%D9%8A%D9%86-%D9%84%D9%84%D8%AA%D9%88%D8%A8%D8%A9-%D8%AE%D9%84%D8%A7%D9%84-10-%D8%A3%D9%8A%D8%A7%D9%85/amp/>.

II. Violating the settlement agreement

The Settlement Agreement signed in Daraa between the Syrian government and the armed opposition in July 2018, provided for the immunity of all members of professional associations formed in the province during the war, including the Free Lawyers' Syndicate of the Syrian opposition in Daraa.

Lawyers see that disbarring their colleagues for opposing the government, clearly violates the settlement agreement on legal and moral bases and demonstrate a lack of respect for the states brokered it.

The agreement says:

“signing such agreements is a right of every Syrian citizen including military defectors, armed civilians, civilian activists, government employees, members of professional unions, humanitarian and relief workers, civil defense personnel, individuals arrested in connection with the war events, Palestinians in refugee camps, media workers, mandatory and reserve military service evaders, students who have dropped out or been dismissed in addition to refugees and diaspora.”

Accordingly, the agreement provides for the immunity of all the above categories from instituting public and personal rights claims, by any individual and from any judicial, administrative, military or civil authority during the conflict. This settlement grants all the above categories the right to full citizenship, and allows the return of all those who have been discharged to their jobs.

The agreement included Russian promises to protect signatories from arrest and reprisals against them by the Syrian government and its security branches for reasons like their opposition to the regime, as well as writing off the wanted and re-operate the government institutions.

The reality however is much different, as the role of lawyers has been significantly marginalized, and they have been incorporated into internal regulations depending on the degree of the offences committed and if it was political or an administrative offense.

III. Daraa lawyers categorized

Soon after the Syrian government took back control of Daraa,⁵ lawyers of the province hastened to establish their membership in their Syndicate, prompted by the settlement agreement that allows them to do so. But since then, even a year after the agreement, the vast majority of them were unable to practice law again, for political or administrative reasons. Many of them filed repeated but useless appeals and objections, which compelled them to lodge their complaint with the Russian guarantor through intermediaries who were former armed opposition leaders settled with the government. Mulham al-Hourani, a civilian activist in Daraa, suggested that to be the reason behind the Syndicate's issuing "mitigatory circulars", cancelling the write-offs against those proved not involved in the conflict, and who was fired due to non-payment of fees or lack of communication with the Syndicate.

According to STJ field researcher, the pressure on the Syndicate of Daraa comes at a time when the Syrian government is seeking to ease tensions in the province, which is experiencing a security chaos that claimed the lives of dozens in August and September 2019. As attacks targeted security posts and branches, persons belonging to the Air Force Intelligence and the 4th Division, people known for their absolute loyalty to the Syrian government, including informants, reconciliation delegation members, former officials of the Baath Party branch in Daraa, people who worked for the former armed opposition, and others belonging to Iran and its militias.

STJ field researcher learned from sources within the Syndicate that 250 members were put in two lists; A and B, according to the nature of their violation. The A list includes 81 lawyers who did not pay the fees or communicate with the Syndicate during the war years while about 169 lawyers were included in list (B), described by the Syndicate as "stigmatized lawyers", which means those involved in the conflict.

Procedures to reinsertion the lawyers who didn't get involved in the conflict started at about early 2019, as the 81 members applied for a return to the Syndicate and to practice law, so they had to undergo security procedures and studies conducted by the relevant security services.

⁵ In August 2018, government forces, in cooperation with Auxiliary armed opposition forces and with the support of the Russian Air Force, managed to fully control Daraa, after the expulsion of Khalid ibn al-Walid Army from its last stronghold west of Daraa in the Yarmouk Basin area.

STJ has documented the reinsertion of 28 lawyers out of 81 as of October 2019 after a year of disbarment, while the rest are still waiting for their security studies to be done.

IV. Statements from affected lawyers

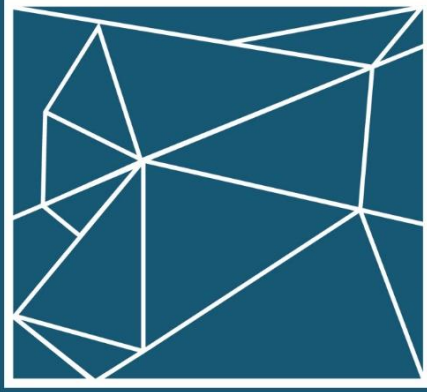
STJ met some of those lawyers disbarred though signed the settlement agreement, Yusuf H., a 50-year-old resident of the city of Jasim north of Daraa, married with children, was one of the lawyers disbarred in July 2018, even though he was not a member of the Free Lawyers' Syndicate of the opposition. He was forced to work in the car trade and sale. In this regard, he spoke to STJ saying:

“After I signed the settlement agreement, I filed several grievances with the Central Syndicate to which my decision to return is due, but I did not get any result. After that in September 2018, a decision disbarred me without providing any further details. When the number of disbarred lawyers increased, we all filed mass grievances in more than one way and for more than one court, after which a part of us were summoned to undergo intensive security studies. For me, I went to several security branches in Damascus. However, I am still awaiting a decision from the National Security Office.”

Noureddine G., 53, a resident of the western countryside of Daraa, married with four children. He was disbarred from Lawyers' Syndicate for previous activities in the Free Lawyers' Syndicate of the opposition. Signing the settlement agreement was not enough for the government to allow his practice law again, he said:

“What crime have we committed? Opposing the regime! Where is the problem in that? In all the countries of the world, even the most underdeveloped, there is opposition. I am a jurist and I am well aware of the law, and when it provides for the expulsion of a lawyer in case of practicing another profession, or the loss of one of the conditions for his registration in the syndicate. Lawyers' Syndicates all over the world are completely independent, and thus the disbarment considers a disciplinary decision of the branch council, which is open to appeal before the central syndicate of the central Bar Association. Our case is different; disbaring us is a clear violation of the public law and the settlement agreement.”

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Syrians
For Truth
& Justice



History

Syrians for Truth and Justice was conceived during the participation of its co-founder in the Middle-East Partnership Initiative (MEPI) Leaders for Democracy Fellowship program, who was driven by a will to contribute to Syria's future. Starting as a humble project to tell the stories of Syrians experiencing enforced disappearances and torture, it grew into an established organisation committed to unveiling human rights violations of all sorts.

Convinced that the diversity that has historically defined Syria is a wealth, our team of researchers and volunteers works with dedication at uncovering human rights violations committed in Syria, in order to promote inclusiveness and ensure that all Syrians are represented, and their rights fulfilled.

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