

## **In Defense of the Independence of the Legal Profession in Syria**

The eternity of the Assads has fallen, leaving behind a shattered present for the country. Among the victims of this devastation is the Syrian Bar Association, alongside other professional associations, which have borne a significant share of this destruction. Stripped of its essential role, the Bar Association, together with the judiciary, has ceased to act as the guardian of society's rights and a check on the arbitrariness of rulers.

Syrian lawyers still remember their pioneering role between 1978 and 1980 in emphasizing the rule of law and defending human rights. Through their social activism and academic publications, they opposed the state of emergency, arbitrary arrests, and torture, culminating in a general strike with other professional associations in 1980. The regime's response was brutal: it stormed the Lawyers' Hall in the Justice Palace, arrested the head of the Bar Association, mistreated its members, dissolved the General Conference of the Bar Association and its Branch Councils, and repealed the Bar's old law, replacing it in 1981 with one designed to turn the Association into a tool of control and repression against lawyers rather than a protector of their independence and professional immunity.

This lack of independence for the Bar Association opened the gates to horrors such as Palmyra and Sednaya prisons and countless other unaccountable detention centers scattered across Syria.

Today, with the collapse of the deposed regime, the Bar Association must no longer be subordinate to the whims of any ruler. It is imperative that it reclaim its rightful role in public life and empower its members to defend the rights of individuals and safeguard society's existence, even against the most powerful authorities. Syrians, including lawyers, will not accept being crushed by the ruler's will again.

The Syrian Bar Association and its branches across the governorates cannot restore their societal role merely by replacing the bar councils with others lacking electoral legitimacy, no matter the competence of those appointed. This approach would simply substitute one form of authoritarianism for another, perpetuating the suppression of the Bar's vital role in oversight and protection of rights.

At this critical transitional moment, it is essential to organize free and independent elections for the Central Bar Association and its branches across the governorates without delay. These elections can be held under the existing Law No. 30 of 2010, despite its shortcomings, by suspending specific provisions that tethered the Bar Association's independence to the deposed regime and its apparatuses—notably the Baath Party, the security services, and the executive authority. The provisions to be suspended include the introduction to Article 4, Article 11(b)(1), (4), and (5), Article 37(a) and (b), Article 49(5), Article 107, and Article 108. These suspensions can be enacted by a declaration from the interim government.

The Central Bar Council, currently nominated to manage the affairs of the Association, should immediately convene the Bar's branches in the governorates to hold extraordinary general meetings. These meetings should focus solely on electing new branch councils in accordance with Article 49(3) of the Law. The electoral process must allow open candidacies and transparent presentation of programs, ensuring that elections are free and fair, with special attention to equitable representation, including that of female members. This will enable the formation of branch councils with true representative legitimacy.

Once the branch councils are elected, an extraordinary session of the General Conference of the Bar Association should be convened, in line with Article 35(3) of the Law. The purpose of this session will be to elect a centralized Bar Council capable of effectively managing the Bar Association and representing the legal profession with integrity.

We firmly reject the imposition of unelected Bar Association councils or any continuation of such appointments, as this would perpetuate the stagnation and subjugation from which Syria has fought to liberate itself. The country has paid the ultimate price for freedom—in lives lost, in displacement, in imprisonment, and in homelessness. The Bar Association must honor these sacrifices by reclaiming its independence and ensuring the immunity of its members.

Only through free and democratic elections can the Bar Association protect its members' independence and resume its rightful role in rebuilding and defending a grieving Syrian society.

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