



# **Report of a Feasibility Visit to the Syrian Arab Republic**

**4-11 December 2004**

## **Report of the BHRC Delegation's Visit to the Syrian Arab Republic**

### **I. SUMMARY**

1. The visit was organised and hosted by the British Council Syria and took place between 4-11 December 2004. The members of the Bar Council of England and Wales delegation were Andrew Hall Q.C. and Jennifer Geen, Project Co-ordinator of the Bar Human Rights Committee. The visit was facilitated by British Council and was undertaken with the co-operation of the Ministry of Justice, the Ministry of Higher Education and other authorities in Syria, to whom we owe a significant debt of gratitude. The programme of meetings was intensive, informative and extremely constructive.
2. The main aims and objectives of the visit were to:
  - deliver lectures and conduct seminars on topics suggested by the Ministry of Justice, Faculty of Law and other judicial parties in Syria, including “An Introduction the English Legal System” and “International Human Rights and Constitutional Guarantees”;
  - engage in an exchange of information and ideas about the Syrian and UK legal systems with a view to creating greater mutual understanding and awareness of the respective systems;
  - create a dialogue between legal experts, academics, government officials and others in the UK and Syria and to identify areas for projects, co-operation and exchanges, including the provision of resources.
3. The visit was successful and the aims and objectives of the visit were realised. We are very grateful to the British Council for organising a full and comprehensive timetable that allowed us to meet with the Minister of Justice, representatives from the Ministry of the Interior, the Ministry of Higher Education, the Syrian and Damascus Bar Associations, the Faculty of Law at Damascus University, the Judicial Institute, the International Committee for the Red Cross and the European Union, as well as a number of individual judges, lawyers, academics and others. All were extremely supportive of our initiative and in particular the Minister of Justice, His Excellency Mohammed Ghafari, welcomed our visit and offered his personal support and assistance in our endeavors.
4. We see this dialogue and engagement as being part of a long term and developing relationship which we hope will include judicial, legal and academic exchange visits, programmes of training conferences and skills workshops, and other capacity building and resource projects. Of particular importance will be

enduring links between academic institutions in Syria and Great Britain, and between the respective Bars of each jurisdiction.

5. The Bar of England and Wales offers itself as a resource in areas of law and practice in which it has developed particular skills and expertise. We intend to work closely with the Syrian judiciary and lawyers to identify those areas in which we can be of assistance. Already, several areas for potential collaboration have been identified, some of which are described in more detail below. These are, however, only preliminary ideas for projects that can be pursued over the first phase of our engagement. We hope that, in the course of working on such programmes with local legal sector stakeholders, longer-term strategies for collaboration will emerge and that a strong bond of mutual respect and co-operation will develop.
6. We would like to develop a relationship with civil society organisations as these develop; for example, we held a useful meeting with representatives of the Fund for Integrated Rural Development of Syria and discussed how we might assist in their educational and other work. We also discussed the legal status of such non-governmental organisations with the President of the Syrian Commission for Family Affairs and offered technical assistance in relation to this.
7. We consider that there is a strong need for mutual understanding in relation to the legal systems and practices of both of our countries. Syria is engaged upon a process of modernising its legal system and domestic laws and would be likely to benefit from seeing the experience of other jurisdictions in various areas of law and procedure, including the common law system which operates within the UK. We in Britain would also benefit from a greater understanding of the legal system which operates in Syria; in particular, the operation of Sharia within the family law context.

## **II. BACKGROUND**

1. For a number of years the Bar and BHRC has collaborated with colleagues throughout the world and the British Council to deliver legal sector capacity building projects and other training initiatives. These draw primarily upon legal and technical skills provided *pro bono* by members of the UK Bar, but also derive support from other agencies, including the Solicitors' profession in England, the UK Courts and academic institutions as well as the British legal publishers. Following on from successful initiatives we have run in partnership with the British Council, we were contacted with a view to collaborating with the legal profession and academics in Syria to initiate dialogue and develop legal capacity.
2. Prior to the visit, a meeting was set up between Paul Doubleday, Director of the British Council Syria, and a steering committee comprised of representatives of

the Ministry of Justice, the Ministry of Higher Education, the Ministry of the Interior, the Syrian Bar Association, the Faculty of Law at Damascus University and the Judicial Institute to negotiate the terms of the visit and propose a timetable. It was agreed that the British Council would collaborate with the Faculty of Law at Damascus University in hosting two lectures delivered by Andrew Hall Q.C, and the British Council would put together a timetable of meetings based upon topics that were identified during the meeting. (Annex 2-List of the Steering Committee, Annex 3-Letter sent announcing the initiative)

### **III. RECOMMENDATIONS**

1. There is much scope for mutual benefit in this process of engagement. In the first instance, we hope that the supply of comparative law materials to libraries in strategic locations, including the Faculty of Law, would assist in this exercise and provide a resource to both academics and legislators. We are particularly interested in enthusing lawyers about using modern technologies to access knowledge and materials and hope to present an exhibition of modern electronic legal materials with which UK lawyers now routinely work. In the longer term, we hope to develop lawyer and academic exchanges, and more enduring institutional links.
2. Syria played an important role amongst the Arab States in establishing the International Criminal Court. It is important that its lawyers and judges are fully equipped to play a full part in the operation of this special international tribunal, but they advise us that few, if any, have the relevant experience of appearing in existing special courts such as those in the Hague, Arusha or Sierra Leone. The UK Bar has played a leading role in the training of lawyers from many jurisdictions – including many European countries – in the special procedures and jurisprudence of such courts, which are characterised by adversarial proceedings and a common law approach unfamiliar to many practitioners from the French or Roman-Dutch tradition. Our proposal – to deliver an intensive training course on the practice and procedure of international humanitarian tribunals – received widespread support during our visit. It is an area of training that we would like to offer over the course of the coming year.
3. As international trade and commercial activity develops with European partners, there will be a need for lawyers and judges in Syria to be fully up to date with the law relating to relevant topics including e-commerce, banking, intellectual property and the like. Great Britain is a leading centre for commercial activity and the practice of commercial law and has a wealth of practitioner experts with international reputations who may be of assistance. We will look to the Syrian Bar and judiciary to identify their needs and make proposals as to areas of training which might be well received and valuable. As commercial activity and banking systems become more complex, there is also a need to ensure that Syria is

protected from sophisticated criminal activity in the commercial sphere. Money laundering and complex commercial fraud, are areas in which British lawyers have long and specialised experience. In other jurisdictions we have been able to assist by providing advice on money laundering and other regulatory legislation, and by offering training for investigators and prosecutors in relation to complex commercial crime. We have noted considerable interest in this area from lawyers and Syrian police authorities and would wish to offer such assistance if it is considered to be of value.

4. Syria is engaged in ensuring that its domestic laws and arrangements are consistent with international treaty obligations in relation to the protection of women and children. Our meeting with Dr. Mouna Ghanam in the Prime Minister's office confirmed the energy and enthusiasm with which this task is being approached. We would like to offer our support and assistance in this regard, in the first instance by providing literature and comparative materials on relevant subject areas and by offering consultancy assistance as and when the need arises. Much recent work, for example, has been done in the UK in relation to the protection of women and minors from sexual and other forms of abuse, and ensuring that victims and vulnerable witnesses are treated with sensitivity during the investigatory and trial processes. Following lengthy consultations, UK legislation is now in place which provides for special procedures to be followed when children or other vulnerable witnesses give evidence. The UK Bar worked intensively, with one of the major organisations responsible for the protection of children, to produce training materials for lawyers, judges and other stakeholders about these procedures. We may have much to offer in this area by way of discussing our experience, explaining our legislation, and developing appropriate training programmes for local lawyers.
5. The Law Society of England and Wales, together with the Arab Lawyers' Union, ran a weeklong International Law Training Programme in Damascus for Syrian lawyers in October 2003. (See Annex 4 for the programme). This training was focused on international standards including fair trials, independence of the judiciary, the role and independence of prosecutors and defence lawyers and international human rights principles. The Syrian and Damascus Bar Associations and the EU spoke highly of the training but reported that there had not been any follow up, and indicated that further intensive programmes of training for practitioners would be of assistance. We note the existence of a three year project along similar lines, run by the Arab Centre for the Independence of the Judiciary and the Legal Profession (ACIJLP) in Egypt. The project plans the training of 720 lawyers across 12 governates. In the longer term, we should like to seek funding for such a programme, in partnership with relevant local stakeholders. Such a project would fit well with the proposed development of a Masters Degree programme at the Law Faculty of the University of Damascus.

#### **IV. PROGRAMME**

During the weeklong visit we had meetings with the Minister of Justice, judges, lawyers, academics, members of the Bar Association, diplomatic personnel and others. We delivered two public lectures and participated in question and answer sessions with lawyers, academics, law students and journalists. We visited the Faculty of Law, the Bar Association, Ministry of Justice, Ministry of the Interior and the Ministry of Social Affairs in Damascus. We also called on the Palais de Justice where we had the opportunity to view courtrooms and visit a judge who was hearing cases. In addition to the formal visits and meetings, we had the opportunity to meet with many of the academics and lawyers informally, which provided an extremely useful opportunity to interact and establish social links with our Syrian hosts.

We should like to express our sincere gratitude to all those who made such important contributions to our thinking and the recommendations we have made.

#### **V. ACKNOWLEDGEMENTS**

We are extremely grateful to British Council for providing funding, hosting our visit and facilitating a comprehensive schedule of meetings and discussions. Without this assistance and support our visit would not have been the success it has been. Paul Doubleday, Dr. Mouna Alsayed and Vanda Hamarneh went to considerable lengths to be supportive, generous and helpful. We thank them for that and very much look forward to continuing collaboration on the various projects we have outlined.

We have also received considerable help from all of those we interviewed, in particular those key stakeholders who are listed in Annex 1. Each has made an important contribution to our thinking and planning efforts. Again, we look forward to renewing acquaintances as the work progresses.

**Andrew Hall QC**

[hallaj@aol.com](mailto:hallaj@aol.com)

**Jennifer Geen**

[bhrc@compuserve.com](mailto:bhrc@compuserve.com)

**Damascus, Syria  
December 2004.**

## ANNEX 1

### LIST OF CONTACTS AND CONTRIBUTORS

His Excellency. Mohammed. Ghafari	Minister of Justice
Mhd. Abou Koura	Judicial Institute
Judge Yousef Hazori	Judge, Cassation Court
Judge Amneh Shamaat	Judge, First Instance Court
Dr. Mouna Ghanem	President, Syrian Commission for Family Affairs
Dr. Fouad Dib	Dean of the Faculty of Law, Damascus University
Dr. Imad Katlan	Vice-Dean, Faculty of Law, Damascus University
Dr. Abboud Al-Sarraaj	Ex-Dean and Professor, Faculty of Law, Damascus University
Dr. Ahmad Al Harrki	Vice-Dean, Faculty of Law, Damascus University
Majed Al-Hamwi	Lawyer, Professor, Faculty of Law, Damascus University
Dr. Moussa K. Mitry	Lawyer, Lecturer, Faculty of Law, Damascus University
Nizar Ali-Alskeif	Secretary General, Syrian Bar Association
Mhd. Waleed Al-Tesh	Chairman, Damascus Bar Association
Nouar al-Shara	External Relations Officer, Fund for Integrated Rural Development of Syria
Ali Aydi	General Director, Assad National Library
Paul Doubleday	Director, British Council
Dr. Mouna Alsayed	Projects Manager, British Council
Vanda Hamarneh	Projects Manager, British Council
Nicola Davies	Political/Information Officer, British Embassy
Aliya Mawani	Second Secretary (Political), Canadian Embassy

Jean-Jacques Frésard	Director, International Committee of the Red Cross
Fabienne Bessonne	First Secretary, Social & Human Development, European Union
Roddy Drummond	Deputy Head of Mission, British Embassy
Bassel Mashoosh	Director of Public Relations & Translator, Ministry of Justice
Haytham Diab	Interpreter, Minister of Interior
Major Ahmad Al Baaly	Ministry of the Interior

## ANNEX 2

### STEERING COMMITTEE IN DAMASCUS

Meeting for Human Right in Higher Education

**Monday 25 October 2004 at 10AM**

Mhd Badee Khattab (MFA)

Dr Abdulrahman Al Attar, Director General of Red Crescent Association

Damascus University:

Dr Fouad Dib / Dean

Dr Imad Kattan/Vice Dean

Dr Mousa Mitry/ Chev

Col Nicola Maaloula, Ministry of Defence

Col Abdulraouf Mhd Al Sheikh, National Army

Mr Mohammad Abou Koura/ Deputy Minister of Justice

Jihad Al Laham, The Bar Association

Mhd Badee Khattab, Head of leagal management at MFA

Ministry of Interior

Lut Ismael Ghazali,

Majed Abbas

Chevening:

Anas Ghazi

### ANNEX 3

#### LETTER FROM BRITISH COUNCIL ANNOUNCING INITIATIVE

Prof. Issam Al Awwa  
Rector of Damascus University  
Damascus

07 November 2004

#### **Human Rights in Higher Education**

Dear Prof. Al Awwa,

The British Council is in the process of running a project with the Faculty of Law in Damascus and other interested parties under the title Human Rights in Higher Education. The project has been initiated after some negotiations with Dr. Fouad Dib, the Dean of the Faculty of Law and Dr. Imad Sabouni Vice Dean.

The following three activities came up as important:

- a. Post graduate curricula development at the Faculty of Law, Damascus University
- b. The provision of and training on an e-library resource for the justice sector
- c. A series of professional seminars on international human rights instruments for the legal sector

On the 25<sup>th</sup> of October 04, a steering committee meeting took place at the British Council. The meeting was attended by the following senior people:

Faculty of Law, Damascus University: Dr Fouad Dib / Dean, Dr Imad Kattan/Vice Dean and Dr Mousa Mitry  
Ministry of Foreign Affairs: Mr. Badee Khattab  
Ministry of Defence Col Nicola Maaloula  
National Army: Col. Abdulraouf Mhd Al Sheikh,

Deputy Minister of Justice , Mr Mohammad Abou Koura  
The Syrian Bar Association: Jihad Al Laham and Marwan Sabbagh  
Dr Abdulrahman Al Attar, Director General of Red Crescent Association  
Ministry of Interior: Lut Ismael Ghazali, Majed Abbas

During the meeting, we discussed the project as a whole and came up with the following themes for the seminars:

- a. refugee law
- b. issues that arise out of implementing HR law - controversy and conceptual issues
- c. The judasprudence for major regional courts (EU and US) and how they rule on them.
- d. The right to development in a global world.
- e. e-law/legislation
- f. Sharia and English Common Law
- g. How to establish a law firm - structure and policy, associates versus partners.

Andrew Hall QC, Head BHRC, will be visiting Syria in December for a scoping visit to meet the main stakeholders and to discuss in more details the programme we might be able to deliver early in 2005 - including library resources and a seminar programme. He would deliver a couple of talks ( 90 minutes with time for questions )

Proposed themes are as follows:

1. A comparative look at the English Common Law System
2. A broad discussion of the international courts as mechanisms for enforcing basic rights (against the background of varying domestic legal systems).

We would be much obliged if you grant your approval for the programme in general, and for Andrew Halls visit, which will take place soon.

Yours Sincerely

Paul Doubleday  
Director of British Council - Syria

Copy to Dr. Fouad Dib, Dean of the Faculty of Law.

**ANNEX 4**

**INTERNATIONAL LAW WEEK TRAINING PROGRAMME**