Ahmed Hassoun first crossed back into Syria in August 2012, through the mountains at nightfall from Turkey where he had spent a year as a refugee. As a firm supporter of the uprising against President Bashar al-Assad, he travelled with the Free Syrian Army (FSA) but carried no gun and wore no uniform.

At risk of attack from mortars and fighter jets, Hassoun arrived at a town in rebel-held Idlib province to perform a task many see as a quixotic, even counter-revolutionary, distraction from the armed struggle: he went to defend 12 men in an ad hoc FSA court accused of supporting the Assad regime.

‘I did it because they’re human and because I’m a lawyer and if someone needs to be defended I’ll defend them,’ Hassoun tells me, claiming the men were eventually released by a tribunal that included an Islamic scholar. He worries about what happened to them next. ‘If we don’t try to apply legal process, the revolution will look as bad as the regime. Some in the FSA realise this and they invite us in. Others do not.’

Hassoun is a leading member of the Free Syrian Lawyers Association (FSLA). What started online as a Facebook group in May 2011, calling on the country’s lawyers to join the anti-Assad protests ‘out of our professional obligation’, has now taken organisational form in the refugee camps of Turkey where dozens of lawyers from northern Syria have since fled.

‘In April 2011 I was invited to join a delegation to Assad with the governor of our province,’ says 56-year-old Hassoun. ‘We were told we could make demands for water and electricity but nothing political. I objected and said of course we had political demands. They interrogated me in four different security buildings and I knew they would come for me again. I hid until 23rd June and then I knew I had to flee to Turkey.’

Over 30 Syrian lawyers spent the summer of 2012 taking testimony from refugees in the five camps that stretch along the border around Antakya, southern Turkey, hoping to lay the foundation for prosecution of the Syrian regime and State-sponsored shabiha (gangs). They have already collected evidence of thousands of rapes and hundreds of cases of torture and indiscriminate killing by the regime.

Despite being refugees themselves, they also take huge risks to return to Syria. They do so to supervise FSA interrogations of captured army soldiers, monitor rebel ‘courts’ and provide representation to defendants accused of supporting the government. ‘The ultimate aim is to set up temporary criminal courts in all liberated areas,’ says Hassoun. ‘We are still using the existing criminal and civil codes [to conduct trials] but we are arguing against the death penalty.’

**Rough justice**

It is an uneasy, limited alliance with the armed groups, including jihadist militia, who themselves stand accused of extra-judicial killings as the civil war intensifies. The lawyers are under no illusions that their influence remains fragile in such a climate. Quasi-legal initiatives by rebel commanders, such as issuing warrants for the arrest of those accused of government collaboration, have the potential to descend into arbitrary killing rather than due process.
Forced to flee the country after standing up to Assad, radical lawyers are now working to protect human rights in rebel-held areas. But the longer the conflict continues, the harder it will be to keep progressive voices heard, reports Taimour Lay from Antakya.

‘Summary executions are happening, of course,’ admits Abdul Salam Abu Khaled from the FSLAs one-room headquarters, the ground floor of a residential building in Antakya. ‘The FSA allow us to investigate and supervise verdicts but only for cases that don’t involve people directly participating in the fighting. The rest,’ he gestures with his hand, ‘is happening away from us.’

The reality is that parts of the fractious, decentralised FSA, out of conviction but also under international pressure, are becoming more open to calls for transparency and civilian involvement in the Military Provincial Councils. It is part of the positioning for money and weapons from patrons. Other armed groups are much more wary and accuse the lawyers of being paid to disrupt ‘military justice’.

The end of 2012 saw yet another shift towards fragmentation with the mushrooming of dozens of local militia and battalions whose agendas are driven more by local fighting for spoils and the competing agendas of Turkey, Saudi Arabia, Qatar, and the USA than any politics of revolution.

The left in Syria faces a huge challenge if it is to maintain a foothold. ‘The more progressive elements within the opposition have been marginalised from emerging structures, such as the Coordination Committees and the National Council, from regional opposition meetings and even from demonstrations and relief work,’ says Syrian activist and journalist Shiar Youssef.

‘Many of these leftists – former Communist Labour Party, for example, or independent young activists – have started to feel pessimistic about the future. This feeling is further enhanced by the continued infighting between various leftist factions and a fashionable obsession with pacifist “civil society” activism, which doesn’t exactly strike a cord with people at the moment, given the context of extreme violence.’

What’s left of the war
The majority of activist lawyers, who range from liberals and socialists to self-styled Baathist nationalists who resided from the severity of Assad’s crackdown, say the armed struggle is necessary but also admit that other voices are being marginalised. ‘I’m worried because extremists were not there at the beginning and they’re growing,’ warns Hassoun. ‘It can be contained now but the longer the war, the harder it will be.

The Syrian army does not now contest – at least not with ground troops – many areas of the north. In December 2012, the FSLA was able to hold a public gathering inside Syria, in Azaz, 20 miles from Aleppo near the Turkish border. Samira Sa’ae addressed her fellow lawyers, who had been invited from Aleppo. ‘Now you can see lawyers in the free parts of our homeland, and that gives… power to our people. It’s not a civil war as the West said. It’s a revolution of people.’ If that was a sign of growing confidence, it was premature - the meeting soon dispersed after an airstrike was reported nearby.

Such are the conditions for those still willing and able to pursue democratic answers. Mahmoud, a left-wing activist from Damascus, is now a refugee. He was one of the first to hit the streets in 2011 but it soon became clear that this was not going to be Tunisia or Egypt. ‘I have lost many friends,’ he says. ‘The problem is how to keep going when protest is not going to work and armed struggle against a security State has big costs.’

Over the months that Syria’s uprising remained non-violent in 2011, lawyers were playing a key legitimating role. In Aleppo one-third of the city’s 6,000 lawyers signed an FSLA petition. At the same time the Committee of Syrian Lawyers for Freedom was quickly formed in Damascus, articulating longstanding anger at the Syrian Bar Association’s record of disciplining members for even minor displays of courtroom independence.

Many recall the farce of Syrian courtrooms before the uprising. ‘There was a case when I was listening to the judgment being read out with my client,’ says Hassoun, ‘and a mukhabarat [intelligence] guy just walked up to the judge and changed the verdict!’

As in Egypt, once protests started, all access to detainees was forbidden, with the Syrian Bar Association appointing mukhabarat officials with law degrees to represent defendants in military tribunals. Once lawyers themselves began to be arrested, the refugee flight among activist advocates began in earnest.

‘They are now being targeted by shabiha in Aleppo – in August 2012 a leading woman lawyer survived an assassination attempt. Only an hour before I sit down with the FSLA, news comes in of another lawyer crossing the border into Turkey with a gunshot wound in the leg.’

People crowd round two laptops on Abdul Salam’s desk. A social network site shows photos of a torture victim. Lawyers rush in and out, mobile phones at the ready. Syria is only two hours away by road. This area of Turkey is now part of the struggle: two days before, local Alawis, the religious sect of the Assad family, protested in the town centre calling for all Syrians to be confined to the refugee camps around Antakya. There were plans for a counter-demonstration but the FSLA worry they will be picked up by Turkish police and stopped from working.

Meanwhile, the nearly 100,000 refugees in Turkish camps are facing many more months, if not years, in limbo. ‘The problem of flight has, for now, been regionalised by Western powers. “Turkey is not processing people for political asylum, they stopped in August 2011,” says Hassoun. ‘Some Syrians want to go to Europe but it’s difficult and expensive and who knows if governments will accept them.’

Limits of law
Lawyers have played a mixed role in the ‘Arab Spring’. From the courthouse radicals of Benghazi to the human rights defenders of Cairo, they have often found themselves at the forefront of change but then sidelined by the fighters and the party politicians. Other parts of the middle class profession have stuck close to the status quo for fear of losing privileges.

These activist lawyers, like many on the left in Syria, are now constrained by the war being waged around them. And yet protests and politics continue, often against the armed groups in ‘liberated areas’ as well as the regime. ‘There are still many leftists and ordinary people taking up arms and fighting the regime forces, working on the ground in self-organised groups providing much-needed relief aid and documenting what’s happening,’ adds Shiar Youssef. ‘There are many inspiring examples of acute political awareness across the country, such as the self-management of services and facilities in the “liberated town of Yabroud”. But the longer the fighting continues, the more likely it is that Islamists will dominate after the regime’s fall.’

In Antakya, Hassoun refuses to concede that the hope of revolution has slipped away. ‘The first protests were by lawyers. We were there right at the beginning, before all the violence. This is still our struggle too.’

Taimour Lay is a pupil barrister at Garden Court Chambers.

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