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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION  
AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under  
article VII of the Convention

Addendum

SYRIAN ARAB REPUBLIC 1/

[18 December 1979]

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1/ The initial report submitted by the Government of the Syrian Arab Republic (E/CN.4/1277/Add.9) was considered by the Group of Three at its 1978 session.

In submitting its report, the Government of the Syrian Arab Republic wishes to reiterate its solemn pledge to intensify and widen, at both national and international levels, its struggle against Apartheid by all means at its disposal. The obligations arising under this convention are but one of the effective means to contribute to this struggle. However the effective struggle against Apartheid should primarily remain in the hands of the national liberation movement of the oppressed people of South Africa, which we strongly support, until final victory against Apartheid is achieved; the same applies to the struggle of the peoples of Namibia and Southern Rhodesia.

It is to be noted that despite the growing tide of the anti-Apartheid movement throughout the world, the white minority regime in Pretoria is intensifying its oppressive policies and practices within South Africa and at the same time it is escalating its military aggression against neighbouring African countries. It goes without saying that imperialist powers are determined to continue to use South Africa in addition to its ally Israel to strengthen the grip of imperialist interests in Africa and the Middle East. Therefore the implementation of the international Convention has become a necessity for self-defence as well as a weapon in the over-all strategy for eliminating Apartheid, which among other things, poses a grave threat to world peace and security. It is to be reminded that South Africa with the help of the racist regime of Tel-Aviv, is hectically racing for the development of military nuclear capabilities in order to threaten the very existence of the peoples of Africa.

The Camp David Accords and the Washington Treaty of March 1979 between Egypt, Israel and the United States of America have increased the dangers that threaten the independence, the sovereignty and the territorial integrity of many African and Arab countries. The Accords and the Treaty are directed against the interests of both the peoples of Africa and the Middle East for they constitute a "military alliance" whose aim is to protect, through the use of force and military intervention those foreign interests diametrically opposed to the interest of the developing countries in Africa and in the Middle East.

The Government of the Syrian Arab Republic while formulating the present report took into consideration as much as possible the general guidelines set in document E/CN.4/1286 as well as the important discussions and suggestions among the members of the Group of Three during its last two sessions.

#### DOMESTIC MEASURES:

With regard to paragraphs 1, 2, 3 and 4 of the Guidelines, the Government of the Syrian Arab Republic wishes to state that as of the day of ratification, the Convention has acquired the force of law in the territory of the Syrian Arab Republic. Therefore any of the acts enumerated under article II of the Convention is considered a criminal act. Persons or organizations charged for these acts shall be tried by the competent penal tribunals.

In addition - and apart from the fact that Apartheid or similar practices are alien to the history of our civilization as well as to our cultural tradition and to our socio-economic structure, it is to be noted that the political, economic, social and cultural system of modern Syria is entirely based on the principle that all human beings are born free and are equal in dignity and rights. The

fundamental principles of the Constitution and the entire body of laws which govern Syria, whether they be constitutional, political, economic or cultural are predicated upon freedom, equal opportunity, equality without any distinction, restriction or preference based on race, colour, descent, national and ethnic origin or religion.

It is pertinent to bring to the attention of the Group of Three the following legislative provisions which are guaranteed by the Constitution.

Right to security of person and protection by the State against violence or bodily harm whether inflicted by an individual, group, or institution

The Penal Code of the Syrian Arab Republic envisages penalties against any person or group of persons who commits any act of violence or inflicts bodily harm of any nature against any person or a group of persons. One example is Article 555 of the Penal Code which inflicts a penalty of two to six years' imprisonment term on any person who deprives another person of his personal freedom. If such an act were to result in bodily harm, or in mental or moral injury, the penalty is to be more severe.

Incitement to racial prejudice as an offence punishable by law

The Penal Code, in its Articles 285, 307 and 308, specifically condemns incitement to racial prejudice and considers it a grave offence. Article 285 declares incitement to civil war or to religious or sectarian strife as punishable crimes.

While Article 307 considers "any act or written statement or oral pronouncement intended to incite racial or sectarian prejudices or to instigate strife among sects or other national factions ... as offences punishable by law".

A penalty of two to six years' imprisonment is foreseen in accordance with Article 308 of the Code "for any person belonging to an organization with similar objectives or ideas. The same law is to be encountered in the law of the Press of 8 October 1949, Article 65".

Likewise, Article 2 of the law on Associations and Private Organizations of 1958 prohibits the establishment of associations for a purpose contrary to law and ethnics; Article 3 provides for the immediate dissolution of an association if it carries out activities of a sectarian or racist nature affecting State security.

The Syrian Penal Code provides in Article 30 that no one should be extradited except in those cases provided for by the law or in the implementation of a convention which has acquired the force of law. The International Convention has acquired the force of law as stated before. Therefore persons charged with the crime of Apartheid can be extradited to the parties concerned.

Prohibition of forced labour:

Under Syrian Legislation forced labour is totally prohibited (Penal Code and Labour Law).

Prohibition of recruitment of mercenaries:

Article 280 of the Syrian Penal Code considers the recruitment of mercenaries as a punishable offence.

Sanctions against South Africa:

The Syrian Arab Republic has never established any kind of relations with the racist regimes of southern Africa. Since its independence the Syrian Arab Republic has refrained from establishing diplomatic, consular and trade relations with the Pretoria regime. As of 1963, the Government of the Syrian Arab Republic, by Decree No. 1247 dated 15 October of the same year prohibited all imports and exports to and from South Africa. Moreover no Syrian citizen has ever been permitted to travel to South Africa as well as to Rhodesia.

Campaign against Apartheid:

The Syrian Arab Republic whether through governmental or non-governmental organizations has continuously imparted information on the dangers that the policies of Apartheid and racism pose to the freedom and to the equality and dignity of man as well as to world peace and security. School text books and all information media have been systematically denouncing the evils of Apartheid as a system of colonial economic exploitation as well as a gross violation of the basic principles of human rights. Having suffered from the evils of Zionist racist settler-colonialism in Palestine as well as in the occupied Arab territories the people of the Syrian Arab Republic are deeply involved in the support of the struggle of the African peoples against racism. The alliance between Zionism and Apartheid and their mutual co-operation in all fields, particularly in the military one, have deepened the conviction of the Syrian people that the struggle of the Arabs and that of the peoples of southern Africa is one and the same, particularly that both Pretoria and Tel-Aviv draw their aggressive strength from the same quarters and were born under the settler-colonialist system.

RACISM AND RACIAL DISCRIMINATION IN SYRIAN TERRITORY OCCUPIED BY ISRAEL SINCE 1967

It is our duty to inform the contracting parties as well as the Group of Three and the Commission on Human Rights that institutionalized racist practices similar to or identical with, the policies and practices of South Africa, are being systematically carried out by Israel in the occupied Syrian lands - as well as in all occupied Arab territories. The crimes listed under article II of the International Convention on the Suppression and Punishment of the Crime of Apartheid have been and are being openly and officially committed in the occupied Golan. It is because of Israel's military occupation that the Government of the Syrian Arab Republic is unable to fulfil its obligations under the International Convention in the territories occupied by Israel. But Israel remains in all circumstances accountable before the contracting parties for criminal acts similar to Apartheid perpetrated in the occupied Syrian territory.

Therefore, we cannot but call upon the international community as a whole and in particular upon the Contracting Parties to assist us not only in condemning and denouncing Israel's violation of international law and the Fourth Geneva Convention of 1949 but to take concrete measures similar to those taken against South Africa under this Convention and other instruments.

It is relevant to recall that the Committee on the Elimination of Racial Discrimination has already adopted a number of resolutions on the racist practices of Israel in the occupied Syrian Golan, on the basis of the periodic reports of the Government of the Syrian Arab Republic with regard to the implementation of the aforementioned International Convention.

By raising this issue under the International Convention on the Suppression and the Punishment of the Crime of Apartheid, we intend to focus attention to the criminal dimensions of policies and practices similar to Apartheid and carried out in a territory, which despite foreign occupation, remains under full Syrian sovereignty. There is no doubt that the International Convention can be invoked.

Moreover, the principle of the universality of human rights requires that a crime against humanity in one part of the world should also be considered a crime if committed elsewhere. Our people under occupation are subjected to the same systematic criminal practices enumerated in paragraphs a, b, c, d, e and f, of article II. The Israeli settler-colonialists deny as a matter of principle the rights of the Arabs whether they are under Israeli occupation or in forced exile. No wonder the General Assembly of the United Nations determined in its resolution 3379 of 10 November 1975 that "Zionism is a form of racism and racial discrimination". This resolution was adopted as a part of the Programme for the Decade for Action to Combat Racism and Racial Discrimination. The world Conference to Combat Racism and Racial Discrimination, held in Geneva in August 1978, has put Zionism and Apartheid in the same category.

No one can deny that Israel and South Africa are settler-colonialist entities whose very existence depends on domination, occupation and exploitation, as well as on the racist theory of the superiority of one group of people over the others. The one difference that exists between the institutionalized system of domination, between Israel and South Africa, is that Israel's ultimate aim is the establishment of a pure and exclusive "Jewish State". Yet, it is to be noted that the Camp David Accords and the subsequent Washington Treaty between Israel, Egypt and the United States seek, through the so-called "Administrative self-rule" for the Arab population under occupation since 1967, to impose in Palestine a system similar to the Bantustan system in South Africa.

The close co-operation between the two racist regimes of Tel-Aviv and Pretoria in all fields, including nuclear armaments, a co-operation that has been condemned on several occasions in various International Conferences, is in itself an irrefutable proof of their common identity and their evil design towards the Africans and the Arabs alike. This close co-operation should be viewed in the light of the Contracting Parties' obligations under articles III, IV, V and VI of the International Convention vis-à-vis any act which falls within the scope of the International Convention.

#### THE INTERNATIONAL TRIBUNAL:

It is obvious that the implementation of articles IV and V constitute the core of this Convention, which is by definition, a penal international code. Its applications in good faith would complement the political, economic and other international measures taken against Apartheid.

Although the International Convention is integrated in our domestic law and extradition under the International Convention is already acquired, we should like to submit suggestions on the implementation of articles IV and V. Such suggestions are also requested by the Commission on Human Rights in its resolution 10 (XXXV) of 5 March 1979.

The following two suggestions may be of interest:

1. The establishment of the International Tribunal referred to in article V requires the convening of an International Conference of the Contracting Parties. The provisional agenda of Conference may be drawn by the Secretary-General of the United Nations in consultation with the Contracting Parties. The Conference should work such modalities for the establishment of the Tribunal, its mandate, membership and the related matters such as the setting up of a uniform system of penalties for offences and infractions.
2. As the establishment of the Tribunal may require time, it is desirable that a selected group of the Contracting Parties should start formulating a standard draft legislation for the Suppression and the Punishment of the Crime of Apartheid. Such an approach would enable the Contracting Parties to inflict similar penalties for the same crime.

CONCLUSION:

The Government of the Syrian Arab Republic, which strongly supports and assists by all means at its disposal the legitimate struggle of the peoples of southern Africa to eliminate once and for all the vestiges of colonialism, particularly Apartheid, should like to stress that the Apartheid regime would certainly collapse if the following steps were taken:

- Increased support and assistance to the legitimate armed struggle of the oppressed people of southern Africa against their oppressors.
- If the Security Council were to impose - and it should impose - effective measures, particularly mandatory economic sanctions and other measures under chapter VII of the United Nations Charter. It is obvious that the life of the Pretoria regime could not have lasted for such a long period if certain members of the Security Council and the major trading partners of South Africa had taken concrete action against Pretoria rather than indulging in rhetorical condemnations.
- If a larger number of countries were persuaded to accede to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

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