

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL

E/CN.4/1505/Add.10  
19 January 1982

Original: ENGLISH/ARABIC

---

COMMISSION ON HUMAN RIGHTS  
Thirty-eighth session

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 January 1982]

---

1/ The initial and second periodic reports submitted by the Government of the Syrian Arab Republic (E/CN.4/1277/Add.9 and E/CN.4/1353/Add.2) were considered by the Group of Three at its 1978 and 1980 sessions respectively.

The Syrian Arab Republic would like once again to reaffirm its continuous position and struggle against the crime of apartheid and similar policies and practices of racial segregation and discrimination (Article I of the Convention) such as Zionism, either on the national or on the international levels. Our people in occupied Palestine and the other Arab territories including the Syrian Golan Heights are victims of similar policies and practices to apartheid namely Zionism. \*/ The World Conference to Combat Racism and Racial Discrimination, held in Geneva from 14-25 August 1978 has also condemned the ever growing co-operation between the Zionist racist Israeli régime and the racist régime of South Africa.

As the Syrian people has always been very mindful of the suffering of the peoples of South Africa and Namibia victims of apartheid of the racist minority régime of Pretoria, therefore the Syrian Constitution has dealt with the root causes of those crimes including economic, political, social and other conditions leading to racism and racial discrimination. The Constitution refers in several of its articles to the fundamental freedoms and rights, equality, equal opportunities among all the citizens without distinction of any kind such as race, colour, sex or language. At the same time the Syrian legislation prohibits those crimes and consider them as such and are punishable in the following manner:

Paragraphs 1, 2 and 3 of the General Guidelines of the Group of Three

1. The Government of the Syrian Arab Republic in order to take further steps towards the implementation of the "International Convention of the Suppression and Punishment of the Crime of Apartheid" and in particular its Article IV has constituted a committee composed of representatives from the Ministry of Foreign Affairs, the Ministry of Justice and the Faculty of Law at Damascus University.

2. The above-mentioned Committee after having studied the said Convention particularly its Articles IV and V has reached the following:

(a) The Syrian legislation either in its principal rules which are contained in the Constitution or in its valid laws, has assured the freedoms of the citizens which are considered as sacred rights and are guaranteed by the State for all the citizens on a basis of equality. The State also respects their dignity and assures their security and emphasizes the supremacy of the law (Article 25 of the Constitution).

- Paragraph 2 of Article 28 of the Constitution states that: "No one shall be subjected to a search or inquiry, or taken into custody, except as provided by the law".
- Paragraph 3 of the same Article states that: No one shall be subjected to physical or moral torture, or to treatment outrageous to his dignity. The law shall define the penalties of such actions.

---

\*/ General Assembly resolution 3379(XXX) of 10 November 1975 by which the General Assembly determined that: Zionism is a form of racism and racial discrimination.

- Article 391 of the Penal law states that: Anyone who uses violence which is not allowed by the law against another person in order to obtain information or a confession for a crime, is punished for this act by three years in jail.

(b) The Syrian Constitution in the following articles has guaranteed the equality among all citizens without distinction of any kind such as race, colour, sex, language or religion

- Article 23 of the Constitution states that: the State shall endeavour to develop the artistic talents and propensities of all citizens.
- Article 25 of the Constitution states:
  - (1) Freedom is a sacred right. The State shall guarantee the personal freedom of citizens and safeguard their dignity and security.
  - (2) Supremacy of the law shall be a basic principle of society and the State.
  - (3) Citizens shall be equal before the law in rights and obligations.
  - (4) The State shall guarantee to citizens the principle of equal opportunities.
- Article 26 of the Constitution states: Every citizen shall have the right to participate in the political, economic, social and cultural life of the country. The law shall organize this participation.
- Article 27 of the Constitution states: Citizens shall exercise their rights and enjoy their freedoms within the limits of the law.
- Article 35 of the Constitution states:
  - (1) Freedom of belief shall be guaranteed. The State shall respect all religions.
  - (2) The State shall guarantee the freedom of performance of all religious rituals provided this does not violate public order.
- Article 45 states: The State shall guarantee to women all opportunities enabling them to make complete and full contribution to the political, social, cultural and economic life of society. It shall endeavour to remove impediments that hinder their development and their participation in the building up of Arab socialist society.

As a matter of fact, the Syrian woman has participated in these activities alongside the man and was able to become cabinet minister, member at the people's council, judge, lawyer, physician, official and worker in all fields.

3. In reviewing article II of the Convention, the Syrian Committee came to the conclusion that all these crimes referred to are of criminal nature and suggests that all offenders be brought for trial before a criminal court and that all criminal procedures be applied to them in every stage of the trial.

4. With regard to punishment committed by offenders, the Syrian committee suggests that a judgement ranging from three years to perpetual detention be left to the discretion of the court according to the circumstances of the issue and the seriousness of the crime. Those punishments could be applicable either by the "International Penal Tribunal" or by the national tribunals according to each case.

#### The International Penal Tribunal

With regard to Article V of the Convention the following draft statute for an International Penal Tribunal composed of 18 articles in Arabic is proposed by the Syrian committee to the Group of Three in case the establishment of an International Penal Tribunal would be discussed by the Group of Three. (See the Annex to the report.)

#### Paragraph 4 of the General Guidelines

- The Syrian Arab Republic adheres fully to its policy towards the white minority régime in Pretoria which was and still is based on refraining from establishing any kind of relations with that régime. That policy continuous since the independence of Syria.
- The Syrian Arab Republic supported and will continue to support any international steps or efforts towards the elimination of racism, racial discrimination and apartheid through the implementation of the VIIth Chapter of the Charter of the United Nations on the Pretoria régime either through the Security Council or other United Nations organs as that régime is denying and ignoring with prior determination all resolutions of the United Nations and other international organs. The Pretoria régime together with the Zionist entity of Tel Aviv represent two faces of the same coin in their policies and practices against the African and Arab peoples. It is well known that there is a full co-operation between the two racist régimes in all fields including the military and nuclear ones, and what encourages them to ignore the resolutions of the United Nations and other international organs is the continuous support and assistance of some western States through their transnational corporations on the one hand and on the international scene on the other.
- The Syrian Arab Republic has always supported the African liberation movements in particular SWAPO and the African National Congress in their just struggle against apartheid and will continue to do so until they achieve the full liberation of their lands from the white minority racist régime of Pretoria.

#### Paragraphs 5 and 6 of the General Guidelines

No criminal actions have occurred on the territory of the Syrian Arab Republic as referred to in Article II of the Convention and consequently the Syrian tribunals have not issued any judgement against such crimes.

#### Paragraph 7 of the General Guidelines

Copies of the above-mentioned Articles of the Syrian Constitution and penal laws are enclosed herewith. \*/

---

\*/ These documents are available for consultation in the files of the Secretariat in their original language as received from the Mission of the Syrian Arab Republic.

ANNEX

Statute of the International Penal Tribunal

Article 1: An International Penal Tribunal shall be established and attached to the United Nations system.

Article 2: The Tribunal shall be composed of seven judges and shall not include more than one member from among the nationals of any one State.

Article 3: The members of the Tribunal shall be elected, on the basis of a majority vote, by the General Assembly from a list of persons who are either judges possessing the qualifications required in their respective countries for appointment to high judicial offices or are jurisconsults of recognized professional competence, the said list to be prepared by the Secretary-General in accordance with the principle of equitable geographic distribution.

Article 4: The members of the Tribunal shall be elected for a period of seven years and may be re-elected.

Article 5: The seat of the Tribunal shall be established at ( ). This, however, shall not prevent the Tribunal from sitting and exercising its functions elsewhere whenever the Tribunal considers it appropriate.

Article 6: The Tribunal may form a chamber, composed of three judges from among its members, to examine cases brought before it, to travel to the scene of the crime, or to hear witnesses who are unable to appear at the seat of the Tribunal.

Article 7: The function of the Tribunal shall be the trial of individuals and bodies corporate who engage in the crime of apartheid, as defined in article 2 of the International Convention on the Suppression and Punishment of the Crime of Apartheid adopted by the General Assembly of the United Nations in resolution 3068 (XXVIII) of 30 November 1973.

Article 8: States and internationally recognized national liberation movements shall have the right to bring before the Tribunal complaints concerning apartheid, supported by documentary and other evidence.

Article 9: (a) The Tribunal may examine the claim and the evidence in support thereof and, if satisfied that the claim is well founded, shall request the State in which the accused is resident to extradite him for trial before the Tribunal in the State in which it has its seat. Such request by the Tribunal for extradition of the accused shall take precedence over all other requests and, in all cases, the State from which such extradition is requested shall be bound to respond to the request of the Tribunal in accordance with the laws in force in the said State regarding the extradition of criminals.

(b) If the Tribunal deems the grounds for the complaint to be insufficient, it shall order the suspension of the proceedings.

Article 10: The Tribunal may try the accused in absentia if the State in which he is resident refuses to extradite him or if it proves impossible to apprehend him or to ascertain his place of domicile.

Article 11: The Tribunal may try the accused whether he is in custody or at liberty. Detention and release orders shall have the same effect as such orders issued in the State in which the Tribunal or an investigatory chamber thereof is sitting. During their sessions, investigatory chambers may issue such orders on behalf of the Tribunal.

Article 12: The Tribunal may request of States and public international organizations information and documents relevant to cases before it. Such States and organizations shall comply with the request of the Tribunal and shall facilitate the travel of witnesses whom the Tribunal wishes to hear.

Article 13: Defendants before the Tribunal may have the assistance of counsel or advocates. Such counsel and advocates before the Tribunal shall enjoy the privileges and immunities necessary to the free and independent exercise of their duties.

Article 14: Hearings in the Tribunal shall be public, unless the Tribunal shall decide to hold its sessions in private.

Article 15: The judgement, which shall be read in open court, shall be final, without appeal, and enforceable with immediate effect.

Article 16: The Tribunal shall impose on the defendant the penalties stipulated in the International Convention concluded on .. ..... 19...

Article 17: The State in which the seat of the Tribunal is situated shall execute the judgement of the Tribunal, keep persons sentenced to imprisonment segregated from ordinary convicts, and collect fines with the assistance of the States in which the property of the convicted persons is situated. All States shall execute the judgements of the Tribunal with respect to forfeiture of civil rights.

Article 18: All complaints concerning apartheid brought before national courts, and all persons held in detention in connection therewith, shall be referred to the International Penal Tribunal as soon as the said Tribunal has been established.

---