



International Covenant on Civil and Political Rights

Distr.: General
29 July 2024

Original: English

Human Rights Committee 141st session

Summary record of the 4131st meeting

Held at the Palais Wilson, Geneva, on Friday, 12 July 2024, at 10 a.m.

Chair: Ms. Abdo Rocholl

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant
(*continued*)

Fourth periodic report of the Syrian Arab Republic (continued)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Fourth periodic report of the Syrian Arab Republic (continued) (CCPR/C/SYR/4;
CCPR/C/SYR/Q/4; CCPR/C/SYR/RQ/4)

The meeting was called to order at 10.05 a.m.

1. **The Chair**, welcoming the delegation of the Syrian Arab Republic to the meeting, explained that some members of the delegation would be participating via video link.
2. **Ms. Bassim**, referring to paragraph 10 of the list of issues, said that she would welcome information on measures taken by the State party to protect civilians in conflict areas; guarantee effective access to humanitarian aid; ensure that allegations of human rights violations were fully investigated and the perpetrators brought to justice; and provide victims with adequate reparations. She would welcome statistics on the number of complaints received, investigations carried out, cases prosecuted, sanctions imposed and reparations granted in those cases. She wondered whether there was an official register where the number of civilian casualties of the internal conflict was recorded.
3. She wished to know how many persons had been killed, wounded and displaced as a result of the 2023 earthquake in the northern part of the country, what measures the Government had taken to provide relief and humanitarian aid to the population and how it protected aid convoys from being raided by armed and terrorist groups.
4. She would be grateful for information as to whether any steps had been taken to ensure that capital punishment was imposed only for the most serious crimes, reduce the number of crimes carrying a death penalty, abolish mandatory death sentences and ensure that all death sentences could be commuted. It would be useful to obtain disaggregated statistics on the number of death sentences handed down during the reporting period and the number of persons currently awaiting execution. She wondered what criteria were used to determine whether person would be pardoned or have their sentence commuted. Did the State party envisage acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, or placing a moratorium on the death penalty? She would be interested to learn whether or not there was any public dialogue around the issue of the death penalty.
5. **Ms. Tigroudja** said that she was concerned that enforced disappearance was not established as a specific crime in the State party, especially in view of the fact that between 100,000 and 120,000 persons had reportedly disappeared since the beginning of the internal conflict. It was equally disturbing to receive reports that the authorities had issued nearly 1,700 death certificates for disappeared persons since 2018 without returning their remains to the families. She would be grateful if the delegation could elaborate on those reports and inform the Committee of the fate and whereabouts of some 600 persons sentenced to incommunicado detention and reported disappeared since August 2000.
6. According to data provided by the Working Group on Enforced or Involuntary Disappearances, approximately 85 per cent of all enforced disappearances in the State party were attributable to government forces. It would therefore be useful to know whether there were any plans to criminalize enforced disappearance as defined in the Declaration on the Protection of All Persons From Enforced Disappearance and to establish a national register of disappeared persons. It would also be interesting to hear more about the work of the Office of Missing Persons of the Ministry of Justice that had been set up in 2013. She had taken note of the information provided in the State party report (CCPR/C/SYR/4) on the binational committee tasked to address the issue of Syrian and Lebanese missing persons but would like to know whether there was any judicial follow-up, whether the families were informed of the fate and whereabouts of the disappeared and whether any reparations had been made.
7. She would welcome statistics on the number of refugees and internally displaced persons in the State party and further information on policies to facilitate the return of persons who had fled the country, the status of the reconciliation process and any special measures taken to protect internally displaced persons and persons living in camps in territories controlled by the State. She wondered whether any perpetrators of serious human rights

violations committed against internally displaced persons, including sexual violence and slavery, had been prosecuted.

8. The delegation might wish to explain why it was necessary to require security clearances for persons wishing to return to their homes and repair them so that they could either sell or live in them. It was difficult to understand how those requirements were compatible with the right to private life, family life and protection of one's own home within the meaning of the Covenant.

9. **Mr. Teraya** asked how the State party ensured that perpetrators of acts of torture were brought to justice, given that Prevention of Torture Act No. 16 of 2022 did not set out any clear investigation mechanisms. It would therefore be useful to learn how the State party facilitated prompt, thorough and impartial investigations into all allegations of torture and ill-treatment. The Committee was concerned that State security officers were granted immunity for crimes committed in the exercise of their duties and that the Prevention of Torture Act contained no provisions for its retroactive application, thus failing to address decades of human rights violations. He was curious to know whether perpetrators of past violations did indeed enjoy impunity. The Act also lacked clear provisions on compensation, and the delegation might therefore wish to clarify whether victims of torture, or their families in the event of their death, were provided with redress. He also wondered how the State party protected witnesses and survivors of torture and what measures were being taken to prevent torture in places of detention. Did the State party envisage the establishment of an independent mechanism to oversee and enforce the Prevention of Torture Act?

10. The fact that civil society organizations were denied access to places of detention fuelled doubts about the accuracy of data provided by the State party, which differed considerably from information received from other sources. He wondered whether the information provided in the State party's report concerned the entire territory of the country and included persons held in government detention facilities. The delegation might wish to comment on reports that torture in places of detention was widespread and that 285 persons had died in custody as a result. He would like to know whether the State party envisaged allowing independent monitoring bodies to visit places of detention in the future and whether there were any plans to abolish the practice of prolonged solitary confinement in line with international standards.

11. **Ms. Bassim** said that she would be grateful for information on measures taken to prevent arbitrary detention and do away with secret detention centres. She also wished to know what steps the State party took to guarantee due process and fair trials and whether complaints mechanisms and judicial remedies were available to victims of illegal or arbitrary detention. She wondered whether the law established limits on the maximum duration of police custody and pretrial detention and, if so, how the State party enforced those limits. Were all arrests duly registered so that detained persons' families could obtain information on their whereabouts?

12. She would welcome further information on the steps taken to release persons detained in connection with ordinary offences. In that regard, it would be interesting to know how the State party defined an ordinary offence and what criteria the public authorities used to decide whether or not to release a detainee and to determine who would be covered by an amnesty decree.

13. It would be useful to know what measures were being taken to improve conditions in civilian and military prisons. In particular, she would be interested to hear about the steps taken to improve hygiene and sanitation, to provide drinking water and proper meals, to ensure that prisoners with serious health issues received adequate treatment and to allow visits by family members and representatives of embassies and consulates. The delegation might also like to confirm whether the prison authorities were taking appropriate steps to keep children separated from adults. She wished to know what measures were being taken to prevent violence among inmates and to ensure that detainees with mental and psychological conditions received the specialist treatment they required.

14. She would welcome further information on the conditions facing women deprived of their liberty. She wished to hear to what extent they suffered from poor hygiene and sanitation, malnutrition and overcrowding. It would also be useful to know what health-care

services were provided for women detainees and whether special support was available for pregnant women and women with babies or young children.

15. The Committee would welcome updated information on the number of persons who had recently died in places of detention, disaggregated by age, sex and nationality, and on the causes of death. She would like to know whether the State party took the necessary steps to ensure that family members were informed when a person died in a place of detention. If so, it would be interesting to know whether measures were also taken to inform them of the cause of death, to provide them with a death certificate and to return the remains in a dignified manner. She would welcome further information on any action taken to limit the impact of the coronavirus disease (COVID-19) pandemic at places of deprivation of liberty, including efforts to prevent the spread of the disease, to administer vaccinations and to treat infected persons.

16. The Committee would welcome updated information on the specific measures taken within the scope of decree No. 3 of 2010 on the prevention of trafficking in persons, including those taken by the National Committee to Combat Trafficking in Persons. In 2020, the State party had informed the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families that it was in the final stages of drafting a bill on illegal immigration. Had the bill now passed into law and, if so, what difference had it made on the ground?

17. She would welcome further information on the action taken to implement the National Plan to Combat Trafficking in Persons 2023–2026, including any awareness-raising or training activities for law enforcement officials. It would be interesting to know whether any mechanisms had been established to enable trafficking victims to submit complaints and what measures were taken to ensure that all reports of trafficking were investigated and that victims were correctly identified, treated as such and had access to all necessary support. The Committee would also appreciate additional information on the steps taken by the State party to promote regional and international cooperation in the fight against trafficking in persons.

18. **Mr. El Haiba** said that he would like to know whether the State party was considering developing a comprehensive anti-discrimination law. He also wished to know whether it had put in place a comprehensive human rights education programme, in particular to raise awareness of gender equality issues. Given that Syrian law treated members of the Muslim, Christian and Jewish communities differently when it came to the issue of inheritance, it would be interesting to know whether there had been a public debate on the idea of introducing a more flexible interpretation of sharia law to ensure equal inheritance rights for all. Lastly, he wished to know to what extent the Government intended to cooperate with the branch of the Office of the United Nations High Commissioner for Refugees in Damascus in order to develop a system of international protection that was in line with the Convention relating to the Status of Refugees and its additional protocol, as well as with the State party's other international commitments.

The meeting was suspended at 10.45 a.m. and resumed at 11.15 a.m.

19. **A representative of the Syrian Arab Republic** said that a national commission had been established in 2019 to examine his country's legislative approach to accession to international treaties and their implementation. According to a manual that had been issued by the commission, legislators must take the necessary steps during drafting procedures to ensure that all new laws and amendments were compatible with the international obligations of the Syrian Arab Republic. The Ministry of Justice had organized a training workshop on the guidelines contained in the manual, and all government departments and other parties involved in preparing new legislation were obliged to comply with them.

20. Unlawful imprisonment in all its forms was a crime and, in recent years, harsher penalties had been introduced for anyone found to have illegally deprived another person of his or her liberty. It was established in the Code of Criminal Procedure that all forms of detention were subject to judicial oversight and that the police and other authorized officials could conduct criminal investigations only under the supervision of the Public Prosecution Service. Under article 17 of the Code, police and officials charged with investigating a crime affecting the security and stability of the State could not detain persons for more than seven days. The case would then be passed to the Public Prosecution Service, which had the

authority to extend the detention. However, the total period of detention must not exceed 60 days. Although enforced disappearance was not defined as a stand-alone offence in Syrian law, the offence of deprivation of liberty was set out in articles 555 and 556 of the Criminal Code. Pursuant to recent amendments introducing harsher punishments for that crime, perpetrators now faced a prison sentence of between 3 and 15 years if the period of deprivation of liberty exceeded one month. Furthermore, Legislative Decree No. 20 of 2013 prescribed a life sentence or even the death penalty for an act of kidnapping if it led to sexual assault or resulted in death or serious injury, and any prison official found guilty of admitting a person into custody without a judicial warrant faced a sentence of between 1 and 3 years.

21. In 2024, the Ministry of Justice had issued a decree authorizing the monitoring of conditions in prisons and places of detention. Periodic reports on detention conditions would be published and any facilities found not to be complying with regulations would face sanctions.

22. **A representative of the Syrian Arab Republic** said that the Government had adopted a firm stance with respect to cooperation with international bodies concerning disappeared persons or any other issue if those organizations were proposing mechanisms that targeted a specific country or countries and that did not have the approval of the countries concerned. The national authorities were perfectly capable of addressing all cases of enforced disappearance in an effective manner.

23. **A representative of the Syrian Arab Republic** said that acts of torture and ill-treatment carried out during interrogations or in other settings were offences that had been covered under various provisions of the Criminal Code. For example, it was prohibited under article 391 to subject a person to harsh treatment prohibited by law with a view to obtaining a confession. However, with the entry into force of the Prevention of Torture Act in 2022, all such provisions had been brought together in a single piece of legislation. The definition of torture contained in the Act was based on the one set out in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and had been expanded to include acts carried out by terrorist groups or other groups, either individually or collectively. It was a piece of criminal legislation; it had been developed to establish a clear definition of a set of criminal acts and ensure that anyone responsible for such acts was brought to justice. The Act was implemented in accordance with the Code of Criminal Procedure and the Code of Civil Procedure, which set out the rules governing all stages of the criminal justice process, from arrest to sentencing. The Act also established procedural safeguards for persons arrested on suspicion of torture offences, including the right to prompt access to a lawyer and the right to be informed of the charges against them.

24. If a court had found that a given individual had been a victim of torture, that person had a right to compensation. Government authorities had issued instructions emphasizing the importance of accurately applying the provisions of Prevention of Torture Act No. 16 of 2022. Complaint mechanisms for reporting cases of torture had been established under that law, and all individuals had the right to submit a complaint. A number of complaints related to the use of force during investigations were currently under review.

25. **A representative of the Syrian Arab Republic** said that the Criminal Code clearly stated that the death penalty should be imposed only for the most serious crimes. Trials must be public, and the sentence must be issued in the presence of the defendant and his or her lawyer. The death penalty was issued in a very limited number of cases, and it was possible for an amnesty or pardon to be granted. Death penalty sentences were automatically referred to a court of appeal even if the sentence had not been challenged. The Ministry of Justice was under an obligation to refer such cases to a court presided over by judges of the highest rank, who would then confirm or commute the sentence. Seven death sentences had been carried out in 2022, nine in 2023 and five in 2024; one death sentence had been commuted in 2024.

26. **A representative of the Syrian Arab Republic** said that the Syrian Arab Army had been given orders to take every possible measure to protect civilians during military operations and received ongoing training on the key tenets of international humanitarian law. The Government had set up safe corridors equipped with medical equipment and means of transportation for the evacuation of civilians from areas under terrorist control. It had also established shelters.

27. The Ministry of the Interior issued identity documents to individuals who had lost or left behind their documentation when fleeing occupied areas. All new births were registered, and a remedial curriculum had been established for children who had been living in areas under terrorist control. The Government had created humanitarian aid chains to deliver aid to combat zones and was attempting to maintain basic key services, such as medical and vaccination services.

28. The Ministry of Defence had developed an action plan to remove explosive ordnance with the support of international partners so that civilians could safely return to their normal lives. It was important to verify land and property ownership rights before allowing civilians to move back into properties in previously occupied zones, but no form of security clearance was required.

29. **A representative of the Syrian Arab Republic** said that amnesty decrees were applied objectively according to the type of offence, rather than on a case-by-case basis. For example, Legislative Decree No. 7 of 2022 had extended a general amnesty for all terrorist offences committed before 30 April 2022, with the exception of those that had led to loss of life. Convicted persons who had not committed a serious offence and who had a chronic illness, such as diabetes or cancer, could benefit from amnesty decrees.

30. **Mr. Teraya** said that he wondered whether immunity or amnesty decrees were ever granted in cases of torture. The data provided by the State party indicating that few cases of torture had been tried in the courts could be seen as an indication that the State party was not doing enough to punish perpetrators of torture. He would appreciate clarification.

31. **Ms. Bassim** said that she wished to know whether minors were held separately from adults in the country's prisons and what support was provided to female prisoners, particularly if they were pregnant or had young children with them. She would also be grateful if the State party could confirm whether it had held consultations with the public and civil society concerning a moratorium on the death penalty.

32. **A representative of the Syrian Arab Republic** said that around 60 prison visits were conducted each year by the International Committee of the Red Cross. After each visit, a meeting was held between the Committee's team and a specialized team from the Ministry of the Interior to discuss how protection measures in prisons could be strengthened.

33. Juvenile detention centres were separate from adult prisons. Temporary wings and schools for minors had been set up in prisons when juvenile detention centres had had to be closed as a result of the war. Women's prisons were separate from men's prisons, and the necessary care was provided to female prisoners and any young children living with them.

34. State Security Department employees did not have immunity from prosecution. Immunity could be granted as a provisional measure while an inquiry into an alleged offence was carried out. Solitary confinement could be used only as a disciplinary penalty for offences committed by prison inmates. However, clear conditions, including a fixed time limit, were always set out in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

The meeting rose at noon.