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Summary record of the 4132nd meeting

Held at the Palais Wilson, Geneva, on Friday, 12 July 2024, at 3 p.m.

Chair: Mr. Abdo Rocholl

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The meeting was called to order at 3 p.m.

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)*

1. *At the invitation of the Chair, the delegation of the Syrian Arab Republic joined the meeting.*
2. **Mr. Gómez Martínez** said that the Committee would like to know who appointed the judges of the counter-terrorism court and how long the term of those judges was. It would also be interesting to learn how many persons had been granted amnesty for terrorism offences pursuant to Legislative Decree No. 7 of 2022 and how many were awaiting amnesty.
3. While the abolition of military field courts was a positive step, he wished to know to which military courts the cases formerly under the field courts' jurisdiction had been transferred, how many cases were involved and whether those cases would be tried under the new Criminal Code. He wondered how many persons were being detained in connection with those cases and whether their files were publicly accessible. It would also be useful to know who appointed the judges presiding over the military courts to which such cases had been transferred, what procedural guarantees were provided by military courts and what measures were in place to ensure that all courts applied the procedural safeguards provided for in article 14 of the Covenant.
4. He wondered whether the 2023 amendment to article 50 of the Military Criminal Code could lead to impunity for members of informal troops or militias accused of offences by civilians, given that complaints against such persons could not be made without the approval of senior military officials. Was it true that, over the preceding 13 years, the Government had never prosecuted any member of the armed forces for acts committed in the context of the armed conflict in the country?
5. As various important matters relating to the status of judges and public prosecutors came under the jurisdiction of the Ministry of Justice, he wished to know how the State party ensured the judiciary's independence from the executive branch, particularly given the fact that the Supreme Judicial Council was composed of officials of both the executive and judicial branches. Could the delegation confirm that judges were transferred in the same way as any other public servant who might be assigned to a different post?
6. With regard to freedom of association, the Committee wished to know whether the Government had the power to refuse registration to civil society organizations and non-governmental organizations on the grounds that their services were not necessary or were contrary to public morals. It would also be interesting to learn whether such organizations could fundraise or receive foreign funding without government permission and whether the Government had the authority to appoint representatives to attend the annual general assemblies of such organizations or to sit on their executive boards.
7. **Mr. Teraya** said that he wondered whether the State party had considered introducing a civilian, non-punitive alternative to mandatory military service, whether the option given to Syrian men living abroad to buy their way out of military service was available to refugees and how many persons had been detained for the purpose of forcible conscription. It would also be useful to know how the decrees on amnesty for deserters and draft evaders were implemented and how many individuals had been granted amnesty pursuant to such decrees.
8. In the light of reports that the Syrian Telecommunications Establishment and private Internet service providers were censoring online content using commercially available software, he wished to know what form such censorship took, which websites were affected, which State agency decided what should be censored and what measures the State party took to ensure freedom of expression and freedom of the media, especially with regard to media outlets critical of the Government. He would welcome statistics on the number of attacks against journalists committed during the reporting period and on the measures taken to protect journalists, human rights defenders, humanitarian workers, bloggers and media

professionals from threats, physical attacks and other forms of intimidation and to ensure that those responsible for such acts were brought to justice.

9. Given the reported exclusion of journalists and other media professionals from the drafting process for Act No. 19 of 2024 on the establishment of the new Ministry of Information, it would be useful to learn what the scope of that law would be and whether the oversight mechanisms in place were in line with the Syrian Constitution and international standards regarding the independence of the media.

10. As Syrian law imposed harsh penalties for criticism of the Government or security forces, he wondered whether the State party had considered decriminalizing defamation and, if not, whether it would consider making the penalties more proportionate. Further, given the vagueness of the terms used to describe the limitations on freedom of expression set out in article 19 (3) of the Media Act, he wished to invite the delegation to comment on the compatibility of those provisions with article 19 of the Covenant.

11. It would be interesting to know why voter turnout in the 2020 legislative elections had been so much lower than in the elections held in 2016 and 2012 and what the voter turnout had been in the 2021 presidential elections. It would further be useful to receive information on the measures taken to promote women's participation in politics and on the number of women elected to political positions other than those in local councils.

12. Lastly, he wished to know how the Supreme Judicial Committee for Elections and its subcommittee monitored national elections, how many members of those bodies were affiliated with the current Administration or the Baath Party and how the State party ensured their neutrality and independence.

13. **Mr. El Haiba** said that, in the light of reports regarding excessive and unwarranted restrictions on the freedom of peaceful assembly, the Committee would appreciate detailed information on the laws governing the right to freedom of peaceful assembly and would be interested in hearing an explanation of how they were seen to be compatible with the relevant provisions of the Covenant and the Committee's general comment No. 37. He further wondered whether any peaceful protests had ever been banned or dispersed through the excessive use of force and, if so, whether the officials who had used excessive force had been brought to justice.

14. **Ms. Tigroudja** said that, while the Committee recognized the responsibility of European States regarding the non-repatriation of children in the camps in the northern part of the country, it would be interested to know what scope for action was open to the State party and what it was doing to facilitate repatriation. In addition, she would like to know what the responsibilities of the National Committee for the Rights of the Child were, what progress had been made towards finalizing the proposed action plan to protect children during armed conflict and what measures the plan would contain. She also would like to know what the State party did to ensure that all births, including those in conflict zones, the camps and rural areas, were legally registered.

The meeting was suspended at 3.35 p.m. and resumed at 4 p.m.

15. **A representative of the Syrian Arab Republic** said that the return of Syrian refugees was a priority for the Government. Measures to facilitate the return of those who had left the country, including arrangements related to military service, civil registration and the issuance of travel documents, remained in place and were regularly reviewed. Work to restore basic services and rebuild infrastructure was another aspect of the effort to encourage Syrians to return to their country. His Government had publicly declared its intention to continue to cooperate with the Office of the United Nations High Commissioner for Refugees (UNHCR) to address concerns regarding refugees and to enable refugees and displaced persons to make informed decisions to return at a time and to a place of their choice. Several regional UNHCR offices were now operating in the country's provinces and working to give full effect to the agreements reached on the subject.

16. Increased support from the international community and more sustained assistance and recovery programmes were required in order to address social and economic obstacles and to create sustainable and safe conditions for the return of Syrians. Refugees and returnees were not subjected to any form of discrimination with respect to seeking asylum or residence in areas outside government control and, indeed, received increased government support.

17. **A representative of the Syrian Arab Republic** said that the Judiciary Act, promulgated by Legislative Decree No. 98 of 1961, regulated the appointment of judges and their rights, obligations and immunities. The Supreme Judicial Council was headed by the President of the Republic, and its members included senior judges who had been serving for over 30 years. It was the highest judicial authority and guaranteed the independence of the judiciary. Decisions of the Council regarding the appointment, promotion, transfer, sanctioning and retirement of judges were subject to decrees issued by the President, not the Minister of Justice, and to judicial oversight by senior and high-ranking judges. The five-step process for selecting judges included computerized and written examinations; papers were marked by more than one examiner and, where there were significant discrepancies between the marks, results were reviewed in order to ensure transparency and professionalism. Candidates studied for two years at the Higher Judicial Institute.

18. The counter-terrorism court was made up of high-ranking judges, and its decisions were subject to reconsideration and revision. Under the Judiciary Act, the functions of the Supreme Judicial Council were reviewed in July of each year. Appointments to the counter-terrorism court were made exclusively by the Council. Legislative Decree No. 7 of 2022 regulated all matters relating to terrorist acts.

19. **A representative of the Syrian Arab Republic** said that Legislative Decree No. 61 of 1950 set out the offences that could be tried by military courts. As with any other judges, those in the military court system were appointed as independent officials on the basis of the results of public examinations and a competitive process open to law graduates. Under Act No. 29 of 2023, civilians must be tried by ordinary criminal or civil courts and were therefore no longer tried by military courts. All cases that had been before the military field courts had been transferred to the regular military courts, which provided guarantees for all the rights afforded by the Constitution and other laws, including those pertaining to evidence and legal representation.

20. **A representative of the Syrian Arab Republic** said that coordination and cooperation with other countries had led to the successful return of children from refugee camps and illegal detention facilities in the north-east of the country. The Syrian Arab Republic had accepted a technical visit from the former Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, which had also improved the situation. Some States repatriated only children or women, but the situation would only be resolved if States repatriated all individuals without discrimination, in line with international law and in full respect of the sovereignty and territorial integrity of the Syrian Arab Republic. The Syrian Arab Republic rejected all visits to the north-east of the country carried out under false pretences by other States, including the United States of America. All bodies addressing the situation, including human rights treaty bodies, should take care not to accord legitimacy to such illegal activities or to promote partial solutions, such as the deprivation of nationality, which were in violation of international law and would only prolong the difficult situation.

21. **A representative of the Syrian Arab Republic** said that, under Legislative Decree No. 37 of 2023, persons outside the Syrian Arab Republic aged 40 or over who had not yet completed their military service could pay a cash indemnity in return for exoneration from their duty; that payment was not made to “buy one’s way out of military service”, but was rather a fee to be paid to reflect those persons’ wish to not complete their military service. In line with its new vision for military service, the Government was reviewing relevant legislation and had considered revisiting the concept of compulsory military service and establishing a distinct professional army and a voluntary service army. Compulsory military service had been extended owing to the war, but the possibility of shortening it was now under consideration. All amnesty laws, including Legislative Decree No. 7 of 2022, took account of deserters from military service within Syrian territory or abroad; to benefit from

the amnesty under Legislative Decree No. 7 of 2022, however, they had to report in person to the Ministry of Defence.

22. The recruitment of children by armed groups should not be confused with recruitment by the Syrian army. Legislative Decree No. 30 of 2007, which governed military service, established that only those aged 18 years or over were required to complete military service, and the Children's Rights Act (Act No. 21 of 2021) explicitly prohibited the recruitment of children. Children who had been recruited by armed groups were considered to be victims, and a national plan for assisting them was in place. A law on restorative justice for minors, which incorporated the content of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, would soon be adopted and would address all matters relating to justice for minors and the prosecution of children in conflict with the law. In a recent case, a terrorist armed group in the southern part of the country had been detained and had admitted to recruiting children. Those children had been located and treated as victims, and those responsible for their recruitment had been prosecuted pursuant to Act No. 11 of 2013. Investigations into the exploitation of those children had been conducted, and the victims were being rehabilitated.

23. Owing to the circumstances in which the country found itself, legal action had been necessary to ensure the registration of all children. Act No. 13 of 2021, promulgating the new Civil Status Act – which had replaced the Civil Status Act promulgated by Legislative Decree No. 26 of 2007 – governed birth registration and had been amended to provide for the registration of children born out of wedlock. Legislative Decree No. 2 of 2023 provided for the protection of children of unknown parentage. Under Act No. 13 of 2021, children could be registered in any civil registry office anywhere in the nation, whereas previously they had had to be registered in their place of residence. Birth registration for children born outside the country or in refugee camps had also been facilitated to avoid statelessness.

24. **A representative of the Syrian Arab Republic**, noting that some sources lacked objectivity and were seeking to undermine the work of his Government, said that the electoral process was laid out in detail in the 2012 Constitution and General Elections Act No. 5 of 2014. Elections, including those for the presidency and for seats in the People's Assembly, were overseen by the judiciary through the Supreme Judicial Committee for Elections, which comprised seven independent judges, each chosen for a four-year term. The Judicial Committee itself was overseen by the Supreme Constitutional Court. The media were legally guaranteed the right to cover the entire electoral process, and anyone compromising the integrity of the process was penalized. Foreign observers had monitored the presidential elections of 2014 and 2021. Over 2,100 women had been elected in the 2022 municipal elections. Women thus represented 12 per cent of the total number of elected municipal office holders, which was around twice as many as had been elected in the 2018 elections.

25. **A representative of the Syrian Arab Republic** said that, under the 2012 Constitution, Syrians enjoyed the right of peaceful assembly and the right to strike. Applications for authorization to demonstrate peacefully were regulated by Legislative Decree No. 54 of 2011 on the right to peaceful demonstration. Protests that breached the conditions laid down in that decree were dealt with by the government of the governorate where the protest in question was taking place and by unarmed law enforcement officials. Private individuals enjoyed the right to peaceful assembly, as did political parties and non-governmental organizations. Between 2015 and 2018, at least 80 authorizations for demonstrations had been requested; the number of requests had fallen somewhat in recent years, however.

26. With regard to the 2023 demonstrations, it seemed that the Committee had obtained inaccurate information. Rather than a peaceful demonstration, the events in question had been acts of sabotage targeting a number of different State organs. The Government had intervened swiftly, but with great discipline. In particular, it had contacted local community leaders, whose involvement had helped to achieve a peaceful resolution to the matter. Since the incident had not resulted in any deaths, he was stunned to hear that there had been reports to the contrary; he wondered what the source of such information could be.

27. **Mr. Gómez Martínez** said that, since the Supreme Judicial Council was made up of the President and six experienced judges, he would like to know whether the judges on the Council were chosen by the President or by other judges. He would be grateful for statistics on the number of cases that had been transferred from the military field courts to the regular military courts since the former's abolition in 2023. In addition, he wished to know which laws established the procedures used in the counter-terrorism court and the military courts.

28. **Mr. El Haiba**, emphasizing that a variety of published and unpublished sources were used by all treaty bodies and throughout the United Nations human rights machinery, said that he would be interested to learn in which specific department of the Ministry of the Interior the committee for considering applications to hold demonstrations was located and whether that committee had areas of authority or functions that were not subject to judicial oversight. In addition, it would be useful to know how many cases had been referred to the courts after the committee had denied an application for authorization.

29. **Ms. Tigroudja** said that she hoped European States would heed the delegation's call for such States to accept, without discrimination, the return of all their nationals who were housed in the camps in the north-east of the Syrian Arab Republic. Additionally, she would be grateful for information about the activities and mandate of the National Committee for the Rights of the Child.

30. **Mr. Teraya** said that he would appreciate further information on how the State party ensured the independence of the Supreme Constitutional Court in its fulfilment of its electoral oversight role.

31. **A representative of the Syrian Arab Republic** said that, if the committee in question rejected an application to hold a demonstration, the organizers had one week in which to appeal to an administrative court, which then had a week in which to decide whether or not to overturn the rejection; accordingly, the administrative courts had oversight over the committee's decisions. The activities of the National Committee for the Rights of the Child included the formulation of a plan to protect children in the Syrian Arab Republic that covered every matter dealt with by Children's Rights Act No. 21 of 2021. The Committee also issued guidelines on such subjects as parental care and early childhood and was responsible for the establishment of an early childhood strategy. With regard to Act No. 19 of 2024 on the establishment of the new Ministry of Information, in view of the apparent confusion among Committee members between that law and two other laws, his Government would provide further details in writing.

32. **A representative of the Syrian Arab Republic** said that the Supreme Judicial Council was made up of highly experienced judges. It included the president of the Court of Cassation, who had been on the bench for over 30 years; the two most senior vice-presidents of the Court of Cassation; the head of the Judicial Inspection Department; and the Prosecutor General, the country's most senior prosecutor.

33. **A representative of the Syrian Arab Republic** said that his Government would continue working with human rights mechanisms that paid heed to the principles of non-selectivity, impartiality and objectivity and that did not overstep their mandates. The delegation had endeavoured to reply to all questions, even those based on false and unfounded reports, propagated with the purpose of undermining his Government's efforts to preserve the sovereignty, stability and security of the Syrian Arab Republic. Such efforts impeded his Government's work to protect Syrian nationals, achieve justice for them and meet their needs amid significant challenges caused by years of fighting terrorism and the imposition of unilateral coercive measures. It was to be hoped that entities of the United Nations system, including the Committee, would not accept at face value all the information that they received about the Syrian Arab Republic.

34. There were a number of preconditions for improving the humanitarian and human rights situations of the Syrian people: an end to the unilateral coercive measures that were violating the rights of all Syrians, including the right to life, which was a matter that had notably not been discussed during the dialogue; the reconstruction of the country's infrastructure, which had been devastated by armed terrorist groups; the withdrawal of foreign powers from their illegal occupation of Syrian territory, including Syrian Golan, in accordance with the relevant Security Council resolutions; and an end to support for armed groups and to the plundering of his country's natural resources. His Government would be able to uphold human rights much more effectively in accordance with the Covenant if those preconditions were met.

The meeting rose at 5.05 p.m.