



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE

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SUMMARY RECORD OF THE 2292nd MEETING

Held at the Palais Wilson, Geneva,
on Monday, 18 July 2005, at 3 p.m.

Chairperson: Ms. CHANET

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT AND OF COUNTRY SITUATIONS
(agenda item 6) (continued)

Third periodic report of the Syrian Arab Republic (continued) (CCPR/C/SYR/2004/3;
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1. At the invitation of the Chairperson, the members of the delegation of the Syrian Arab Republic resumed their places at the Committee table.
2. Mr. JA'AFARI (Syrian Arab Republic) said it had been his delegation's understanding that the objective of the consideration of Syria's third periodic report (CCPR/C/SYR/2004/3) was to assess progress made in the implementation of the Covenant since the submission of the previous report; it was therefore somewhat surprising that some members of the Committee had referred back to the previous report. The answers to some of the questions raised at the previous meeting were contained in the written replies to the list of the issues. Unfortunately, it had not been possible to submit that document in time for it to be translated into the Committee's working languages.
3. The National Committee for International Humanitarian Law set up in March 2005 was the first body of its kind in Syria. It had been set up under the auspices of the Minister of State for the Affairs of the Red Crescent and was composed of representatives of civil society and the ministries concerned. It was mandated to coordinate national action to promote integrated awareness of international humanitarian law; monitor violations of human rights; and follow the activities of the Syrian Arab Red Crescent. It did not have legal competence to investigate cases of alleged human rights violations, the investigation of such cases falling within the responsibility of the courts. The establishment of a fully independent national human rights institution was currently under consideration.
4. In 2004, the International Covenant on Civil and Political Rights had been incorporated for the first time into university curricula as an optional subject.
5. His Government was committed to the fight against terrorism and had acceded to a number of relevant United Nations instruments. It also cooperated actively with the Counter-Terrorism Committee established in pursuance of Security Council resolution 1373 (2001). Syria had been one of the first countries to call for the convening of an international conference to establish a clear definition of terrorism, bearing in mind the necessary distinction between terrorism and a people's legitimate struggle for self-determination. His country valued international cooperation in the fight against terrorism and complied with the relevant Security Council resolutions. Accordingly, suspected terrorists were extradited to be brought to justice in their country of origin and certain categories of persons were refused entry.
6. Questions had been asked about Lebanese detainees in Syria. Any perpetrator of an offence was liable to punishment under the legislation of the State in which the offence had been committed. Syrians living in Lebanon who had violated Lebanese legislation had been

prosecuted and punished accordingly; in certain cases the death penalty had even been applied. Syria, on the other hand, had not executed any Lebanese citizens who had committed a serious crime in Syria.

7. With regard to the disappearance of persons, he said that Syria had released a large number of Lebanese prisoners when withdrawing its troops from Lebanese territory. Allegations that Syria was responsible for the disappearance of Lebanese citizens were entirely unfounded. Civilians had been taken captive by rival Lebanese militia during the civil war. Those groups had later laid the blame for the disappearances on the Syrian intelligence services in an attempt to discredit his Government. Thousands of Syrians had also gone missing during the civil war, which had caused tremendous suffering.

8. The Committee had enquired why Syria had not informed the relevant United Nations body of the promulgation of the State of Emergency Act in 1962. At the time, Syria had not yet acceded to the Covenant and had thus been under no obligation to communicate that information. The situation since the introduction of the Act had changed significantly and at present there was rarely any need to invoke its provisions.

9. Mr. AL SARAJ (Syrian Arab Republic) said that some Committee members had criticized the fact that certain paragraphs in the current report were identical to those contained in the second report. The paragraphs in question referred to Syrian legislation and constitutional provisions, which had not changed since. The Committee's recommendations following the consideration of the previous report had been taken into consideration in the drafting of the current report. While the report might not be comprehensive, considerable efforts had been made to provide more specific information. Many changes had occurred since the submission of the second report, in particular the introduction of amendments to legislation concerning law enforcement officials and public servants who had been accused of violating the provisions of the Covenant. In accordance with the new amendments, those persons were brought to justice and were liable to be ordered to pay compensation to the victims.

10. At present, the provisions of the State of Emergency Act were invoked only in extremely rare cases, for example in connection with acts of terrorism. Terrorism was an international threat and the implementation of counter-terrorism measures, including the application of the State of Emergency Act, was entirely legitimate. To date, responsibility for adjudicating violations of its provisions had lain with the Higher State Security Court. The procedures applied did not differ from those applied by ordinary courts. However, a committee had been set up to amend legislation governing that Court with a view to transforming it into a court of appeal.

11. Ms. MOURAD (Syrian Arab Republic) said that the Syrian Constitution and legislation guaranteed the right of all citizens, including women, to participate in the political, social, economic and cultural life of the country. According to UNDP statistics for 2002, the majority of academic staff working in higher education were women. Women also participated actively in the Government, parliament and the judiciary. One of the prosecutors at the Court of Cassation was a woman, and women accounted for 12 per cent of members of parliament. The

National Strategy for Women had been introduced to ensure the implementation of constitutional provisions concerning gender equality. Most ministries had a special department for the advancement of women, and associations of women working in trade and industry had been formed to enhance women's role in business undertakings. Several measures had been taken by civil-society organizations to increase women's participation in trade and industry, and soft or interest-free loans were available to women working in the agricultural sector.

12. Polygamy was less common than it had been in the past. A man required judicial approval before he could marry a second wife, and approval was usually granted only if the first wife was seriously ill or unable to bear children. Women had the same inheritance rights as men.

13. Mr. JA'AFARI (Syrian Arab Republic) said that all court procedures were open and transparent. Anyone could attend trials as an observer, as foreign diplomats often did, and all defendants had the right of appeal.

14. It was clear that Committee members sometimes received inaccurate information. The case Ms. Wedgwood had mentioned involved a woman who had been arrested after her granddaughter's body had been discovered in her home. She had confessed to killing her granddaughter, but had later sworn in court that the confession had been extracted from her under torture. The judge had ordered that the case should be re-heard, and the allegation of torture fully investigated.

15. Demonstrators had been arrested in front of the UNICEF office on 25 March 2003 because they had not received the authorities' permission to demonstrate. They were currently being held in Adra prison, where their lawyers and families had visited them, and their cases would soon be heard.

16. Given the need to defend Syrian territory in the light of the Israeli occupation, his Government had been forced to mobilize the population. While there was no right to conscientious objection as understood in European countries, young men living abroad could make a payment to the Government in exchange for doing their military service. There were no Syrian Jews of conscription age.

17. Details of all death sentences had been provided in the written replies. The increase in recourse to capital punishment had been a direct result of the increase in terrorism.

18. Mr. LALLAH said that it was difficult to understand why, when it had acceded to the Covenant, the reporting State had not informed the other States parties that it had declared a state of emergency. All the information required by article 4 of the Covenant could have been provided at that stage. The reporting State should now consider notifying the Secretary-General, and through him the other States parties that it no longer derogated from any provisions of the Covenant, and that normal law was again applicable.

19. Ms. WEDGWOOD said that, as was customary at the end of hostilities, the reporting State should carry out a systematic accounting, person by person, of the fate of all detainees who

might have been taken in Lebanon. Her advice was based on the knowledge that such a process would ease the suffering of victims' families, cast credit on the Government, and stop the questions as to the fate of the victims.

20. With regard to the woman who had allegedly confessed under torture to her granddaughter's murder, the issue was not her guilt, but rather whether the person responsible for torturing her had been brought to justice. Similarly, the issue at stake regarding the UNICEF demonstrators was the fate of the seven persons who had allegedly been imprisoned and tortured.

21. Mr. JA'AFARI (Syrian Arab Republic) said that, because the kidnappings and murders in Lebanon had begun after the Israeli invasion of Beirut in 1982, those atrocities should be attributed to Israel. His Government had provided the Lebanese Government with a list of names of those concerned every time Lebanese citizens had been released, and the lists had been published in the Lebanese press.

22. Mr. KHABBAZ-HAMOUI (Syrian Arab Republic), responding to question 21, said that articles 131 and 133 of the Constitution guaranteed the independence of the judiciary. Given that the State Security Higher Court had been established during the particular context of 1967, the law governing that Court was no longer relevant and was under review. The amended legislation would guarantee the rights of all persons brought before that Court, and all decisions reached by the Court would require endorsement by the Head of State.

23. Several human rights associations had been established under article 133 of the Constitution, including a group providing welfare to prisoners and their families, and associations for older and disabled persons.

24. The court trying the human rights defender Aktham Naisse had thrown out the first charge against him, and he had received an official pardon for the second charge.

25. The legislation governing publications, enacted under Legislative Decree No. 50 of 2001, was currently under review. The amended law would take into account electronic and audio-visual media.

26. Ms. MOURAD (Syrian Arab Republic), replying to question 25 of the list of issues on freedom of opinion, said legislative steps had been taken to encourage a multi-party political system and further steps would be taken to modernize legislation, including reform of Legislative Decree No. 50 of 2001 with a view to protecting freedom of expression. She acknowledged that article 23 of the Publications Act prohibited the publication of certain materials, as listed in the report (para. 298); those exceptions to the general principle of freedom of expression were, in the opinion of her Government, in conformity with article 19, paragraph 3, of the Covenant.

27. As to authorization of public assemblies (question 27), she said that article 38 of the Constitution guaranteed all citizens the right to express their views and engage in constructive criticism of the State so long as national security was not jeopardized. Article 39 of the Constitution guaranteed the right to meet and demonstrate; if for any reason a demonstration was not authorized, the organizers had the right to appeal that decision to the administrative courts.

28. Mr. AL SARAJ (Syrian Arab Republic), replying to question 28 on minority rights, said all citizens had equal rights and responsibilities under the law and no distinction was made between groups on the basis of whether or not they might be members of the majority or a minority. With regard to the right to Syrian nationality, he recalled his delegation's reply to question 10. He noted that at its tenth regional conference, the Baath party had adopted recommendations for the development of Al Hasakeh governorate in the east of the country, where there were large ethnic minorities.

29. Turning to questions 29 and 30 on dissemination of information relating to the Covenant and the Optional Protocol, he said that, information on his delegation's dialogue with the Committee would be published in the media and forwarded to the ministries concerned. Upon his country's accession to the Covenant, its provisions had become an integral part of domestic law, and the act of accession had been published in the official gazette and the media and distributed to all courts and judicial authorities, along with information on implementation of its provisions. The police received training in human rights and international humanitarian law; human rights was also an integral part of the training provided at the faculty of international and diplomatic relations and was an option available to other students, in particular those studying political science.

30. Mr. CASTILLERO HOYOS, referring to questions 19 and 20 on freedom of movement, said he had information according to which former political prisoners, human rights advocates and representatives of human rights organizations had in fact frequently been prevented from leaving the country. He wondered how such actions could be explained, especially since the delegation claimed that there were no restrictions on the rights of Syrian citizens to travel.

31. With regard to article 25 of the Covenant on the freedom to vote, participate in public affairs and have access to the public service, he wondered how article 8 of the Constitution, which enunciated the leading role of the Baath party, could be considered to be in conformity with the Covenant. He requested information on the extent to which that party dominated the Government, parliament, the armed forces and the public service, on the number of legally recognized political parties and their representation in parliament, on the level of representation of the Jewish, Christian, Armenian and other minorities in public affairs and the public service and society in general, and on the ethnic and religious diversity of the Baath party itself and its affiliates.

32. Given that 10 per cent of the population was Kurdish, he wondered to what extent they were represented in public office, the public service and civil society in general and what the participation rate was in Kurdish areas during elections. He also requested information on whether the "maktoumeen", or unregistered group of Kurds deprived of their Syrian citizenship by the 1962 census, had the right to vote and hold public office and to what extent they exercised that right.

33. Mr. BHAGWATI wondered what mechanisms existed whereby prisoners could appeal to the courts if they were mistreated, whether legal aid was available to them and how many such cases had been heard. He asked which laws had been suspended during the state of emergency

and whether the State party had met all relevant obligations under article 4 of the Covenant. He would also appreciate more information on any measures such as affirmative action to improve the situation of women, in particular with regard to equal employment rates.

34. Turning to question 21 on the right to a fair trial, he stressed the importance of an impartial and independent judiciary for the rule of law, and the duty of the State party to ensure that judicial impartiality and independence existed not only in theory but in practice. Noting that judges were appointed by the Higher Council of the Judiciary, he asked who the members of that Council were, how they were appointed, for what term and what their qualifications were, because it was important that competent judges be appointed in order to ensure public confidence in the judicial system and provide a guarantee that their decisions would be sound. The involvement of the Ministry of Justice in investigating judges for the purposes of disciplinary action by the Council constituted unacceptable interference by the Executive and was not compatible with a truly independent judiciary. He asked for information on steps taken to ensure that the judiciary was truly independent and impartial.

35. The report described the three situations in which the Supreme Constitutional Court could be asked to rule on the constitutionality of a law (para. 218 (g)) but, with regard to the third situation, he wondered who had the right to appeal to the Court for a ruling on the constitutionality of a law. Were there any restrictions on that right or could any citizen appeal to the Court? Did the constitutionality of a law have to be challenged within a certain time limit? And could the delegation provide any examples of laws which had been declared unconstitutional as a result of a challenge filed by a citizen? Finally, he enquired whether any form of legal aid system existed for individuals who could not afford legal counsel.

36. Mr. O'FLAHERTY, referring to question 23 of the list of issues, stressed that human rights advocates and organizations, as well as journalists, were often subject to intimidation and their rights must be protected. He therefore requested more information on the legal framework for registration of such groups and individuals, and why some, such as the Arab Organization for Human Rights in Syria and an independent journalist working with the Arab media, had, as of August 2004 and December 2004 respectively, still not been accredited, the latter in spite of having the support of the Ministry of the Interior. He expressed concern at information that some human rights organizations had not been authorized to send representatives to attend the current session of the Committee and enquired as to the reasons for that refusal. Provisions of the Penal Code which made participation in international organizations illegal made it difficult for human rights organizations to coordinate with the international network of human rights defenders.

37. He welcomed the acquittal of Mr. Aktham Naisse but wondered on what grounds he had been prosecuted in the first place and whether he had been granted any compensation or other form of redress in accordance with article 2 of the Covenant. Human rights defenders and journalists in general must be protected and he requested information on the situations of: Nizar al Ristawani, a human rights activist and founding member of the Arab Organization for Human Rights in Syria, abducted in April 2004 and still held incommunicado at an unknown location; Mohamed Raadoun, likewise a member of the Arab Organization for Human Rights in

Syria, abducted in May 2005 by the political security police and still not charged or brought before a legal authority; and a group of eight human rights activists, including Arif Dalila, Habib Salih and Habib Issan, sentenced in 2002 to 10 years' imprisonment and still in solitary confinement at the end of 2004.

38. With regard to questions 24, 25 and 26, he requested information on the process followed to determine whether laws relating to freedom of opinion and expression were in conformity with article 19 of the Covenant and whether any explanation was given for decisions taken as a result of that process. He welcomed the State party's intention to reform and modernize Legislative Decree No. 50 of 2001 and stressed the need to eliminate the most repressive aspects of that decree and the Publications Act, such as the draconian regulations governing the licensing of publishers, including distinctions between the public and private press, censorship of articles before publication, and provisions preventing the publication of materials which might affect the dignity of the State, the morale of the armed forces or the stability of the monetary system. Those were certainly violations of the Covenant. Furthermore, some provisions were discriminatory in that the owners of publishing houses were required to be Arab.

39. He had information on a number of cases which showed that there were real problems with regard to freedom of expression and opinion in the State party, particularly in relation to the Internet. For example, Abdel Rahman Shagouri, arrested in February 2003 for downloading and e-mailing to others material critical of the Government, was allegedly being held in solitary confinement, had been tortured and was not expected to be released until August 2005. He wondered if the delegation could provide any new information on that individual, including if he had in fact been tortured, and steps taken to punish the guilty parties, given the delegation's assertion that torture would no longer be tolerated. Massud Hamid, a Syrian-Kurdish journalism student and photographer, had posted on the Internet photos of a June 2003 demonstration in favour of Kurdish children's rights in front of the UNICEF office and had allegedly been detained and held incommunicado since 24 July 2003 and sentenced to five years' imprisonment. He wondered how the delegation could explain that a journalist and photographer had been arrested for what appeared to be simply doing his job.

40. Other examples of limitations on freedom of expression and opinion were the arrest in May 2005 of Habib Saleh of the Tartus Forum for National Democratic Dialogue, for publishing a series of open letters on Internet sites in advance of the Baath party's regional conference; and the case of Ali al-Abdallah, of the al-Atassi Forum who, early in May 2005, had been abducted and held without charge or access to lawyers after participating in a seminar on political reform. More information on those cases would be most appreciated.

41. Turning to question 27, he reiterated the Committee's request for information on how many public assemblies had been refused authorization and on the results of any appeals against those decisions. He also requested information on any assemblies at which criticism had been expressed of the Baath party or its affiliates. He had information that in June 2004 a demonstration by human-rights and civil-society groups against the holding of political prisoners had been violently repressed, with some participants having been briefly detained. In addition, in May 2003 several young men had allegedly been arrested and sentenced to three to

four years' imprisonment for participating in silent protests against Israeli and United States policies, and other offences such as establishing a free library, showing videos and distributing anti-smoking and anti-bribery materials. They remained in prison and had allegedly been subjected to torture and other ill-treatment.

42. Finally, with regard to question 28 on the rights of minorities, he recalled that the Covenant required the State party to protect the rights of all individuals within its jurisdiction, including stateless persons and not simply its citizens, and stressed that everyone should have equal rights to citizenship. He also requested more information on a riot between Kurdish and Arab supporters at a football match in eastern Syria during which the police had violently attacked and arbitrarily detained Kurdish supporters.

43. Mr. KHALIL said he wished to know whether decrees that intensified the state of emergency and dated back to 1969 had been annulled. Since the founding members of the Arab Organization for Human Rights in Syria had been imprisoned, he wondered what legal status that organization had and whether the Syrian authorities continued to limit its activities. He asked how the State would ensure recognition of the freedom of such organizations to advocate human rights.

44. Sir Nigel RODLEY said that the Committee's lack of follow-up questions to the delegation's written replies did not indicate that it was satisfied with those replies, but rather that not all Committee members had been able to read them, since they had only been submitted that morning, in Arabic. In the event that the written replies did not address particular issues raised by the Committee, the Committee would assume that the information on which its questions had been based was correct.

45. Mr. SHEARER was particularly concerned about allegations of arbitrary detention and disappearance. He wished to know why human rights, including the rights contained in the Covenant, were not a compulsory part of the syllabus at the law faculty of Damascus university. He asked what percentage of law students at the university chose to study that part of the syllabus. He wished to know whether human rights training programmes existed for law enforcement officials, and whether the Committee on International Humanitarian Law could establish human rights training courses, with the ultimate aim of encouraging the development of a human rights culture.

46. Mr. JA'AFARI (Syrian Arab Republic) said that the Committee had not allowed the delegation enough time to answer all of its questions. Any outstanding information would therefore be submitted in writing. His Government had sent memoranda to the United Nations Commission on Human Rights on the status of the cases involving the individuals whose names had been mentioned during the current meeting. The Committee's concerns about those cases would be taken into account, although further information could be found in the delegation's written replies to the list of issues.

47. Syria was a nation composed of a variety of civilizations and cultures, and the Government was striving to promote diversity, as described in the Covenant. The Committee should not enquire about the ethnic or religious composition of the Government or the army, since analysis of ethnic and religious representation highlighted divisions in society that ran

counter to the concepts of democracy and diversity which his country valued. Syria recruited its government officials and military staff on the basis of their personal aptitude, rather than on the basis of their religion or ethnicity. The Covenant prohibited discrimination on grounds of religion and ethnicity, and he was disappointed that the Committee's questions had departed from that principle and been based on preconceived ideas.

48. His Government had lists of persons whose freedom of movement was restricted because they were in the process of being prosecuted, waiting to serve a sentence or had been prosecuted for administrative reasons, such as being in breach of a contract of employment. The list was not discriminatory, but rather had been prepared by the Ministry of the Interior on the basis of judicial sentences. Turning to the case of Mohammed Raadoun, which had been raised by several Committee members, he said that Mr. Raadoun had been prosecuted in May 2005 for having published false information about the death of a prisoner in the media. The prisoner concerned had not died as a result of ill-treatment in detention, but during open-heart surgery. Responding to the Committee's question on the case of Nizar al Ristanawi, he said that that person had been detained for publishing information about State security on the Internet. Such information was confidential and he had therefore been in breach of the law. Internet use was regulated by the President of the Republic, and the use of the Internet and other communication technologies was encouraged in Syria.

49. Turning to the issue of the participation of the Kurdish population in public life, he said that the People's Assembly and parliament had 250 members, 90 of whom were independent and did not belong to political parties. There were 1.5 million Syrians of Kurdish origin, who held 10 seats in parliament. There were 27 members of the People's Assembly who were of Kurdish origin; that was greater than the proportion of Kurdish Syrians within the population.

50. Human rights training courses had been organized for law enforcement officials, and the Committee on International Humanitarian Law had recently held a meeting at which it had decided to run courses in human rights in all government ministries, law faculties and police academies. A course on international humanitarian law had recently been held in Damascus, and meetings had been held with representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross. The Covenant had been incorporated into postgraduate study programmes in the law faculty of the Damascus university.

51. Progress had been made in the field of human rights, and the Government required the Committee's support in order to continue its good work. A presidential injunction had been issued for the separation of the State from the Socialist Arab Baath Party. Studies were being carried out on the inclusion of new political parties in the Government, on condition that they were representative of all sectors of the population. Emphasis was placed on the fact that political parties should not aim to divide the people of Syria on ethnic, cultural or religious grounds.

52. Mr. AL SARAJ (Syrian Arab Republic) said that detainees who considered themselves to have been victims of cruel or inhuman treatment could contact the Prisoners' Care Association to file a complaint. The association would contact a lawyer and a case against perpetrators of ill-treatment would be brought before the courts. A number of prisoners had made use of that service, the costs of which were met by the association.

53. Ms. MOURAD (Syrian Arab Republic) said that accused persons had the right to meet the judge sitting at their trial, and could inform him of any ill-treatment they had suffered, which would then be investigated. Judicial monitoring and visits to detention facilities were carried out on a monthly basis. Judges from courts and the Public Prosecution Office could hold inquiries into complaints of cruel or inhuman treatment, the results of which were conveyed to the Attorney-General. All detainees could file complaints and communicate with judges free of charge.

54. Judges were trained for a period of two years in judicial institutes. Candidates for training were selected from university law faculties, on condition that they were over the age of 28, of Syrian nationality and did not have a criminal record. Written and oral examinations were set and the results sent to the President's Office.

55. The CHAIRPERSON said that the Committee would take account of the progress made by Syria during the reporting period and since the submission of the report, and requested that written replies to the remaining questions be submitted as soon as possible.

56. Mr. JA'AFARI (Syrian Arab Republic) said that every effort would be made to submit further information in writing in due course, and invited members of the Committee to contact his delegation concerning any further questions that might arise.

The meeting rose at 6.15 p.m.