SYRIAN ARAB REPUBLIC

Follow-up - State Reporting
(i) Action by Treaty Bodies, Including Reports on Missions

CCPR A/58/40 vol. I (2003)

CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

...
Overview of the application of the follow-up procedure

265. At its seventy-first session, in March 2001, the Committee began its routine practice of identifying, at the conclusion of each set of concluding observations, a limited number of priority concerns that had arisen in the course of the dialogue with the State party. The Committee has identified such priority concerns in all but one of the reports of States parties examined since the seventy-first session. Accordingly, it requested that State party to provide, within one year, the information sought. At the same time, the Committee provisionally fixed the date for the submission of the next periodic report.

266. As the Committee's mechanism for monitoring follow-up to concluding observations was only set up in July 2002, this chapter describes the results of this procedure from its initiation at the seventy-first session in March 2001 to the close of the seventy-eighth session in August 2003. These are described session by session, but in future reports this overview will limit itself to an annual assessment of the procedure.

State party	Date information due	Date reply received	Further action
Seventy-first session (March 2001)			
...			
Syrian Arab Republic	6 April 2002	28 May 2002	At its seventy-sixth session, the Committee decided to take no further action.

CCPR, CCPR/C/SR.2392 (2006)

HUMAN RIGHTS COMMITTEE
Eighty-seventh session
SUMMARY RECORD OF THE 2392nd MEETING
Held at the Palais Wilson, Geneva,
on Wednesday, 26 July 2006, at 11 a.m.

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FOLLOW-UP TO CONCLUDING OBSERVATIONS ON STATE REPORTS AND TO VIEWS UNDER THE OPTIONAL PROTOCOL (agenda item 7)

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Report of the Special Rapporteur for follow-up on concluding observations
(CCPR/C/87/CRP.1/Add.7)

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[Mr. RIVAS POSADA, speaking as Special Rapporteur for follow-up on concluding observations]

55. The deadlines set at the Committee's eighty-fourth session in July 2005 for the submission of additional information had just passed or fell that week. Tajikistan's response had been received and was currently being translated. Reminders would be sent to Slovenia, the Syrian Arabic Republic, Thailand and Yemen.

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CCPR, A/61/40 vol. I (2006)

CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

234. In chapter VII of its annual report for 2003 (A/58/40, vol. I), the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/60/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2006.

235. Over the period covered by the present annual report, Mr. Rafael Rivas Posada continued to act as the Committee's Special Rapporteur for follow-up to concluding observations. At the Committee's eighty-fifth, eighty-sixth and eighty-seventh sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions on a State-by-State basis.

236. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table. Over the reporting period, since 1 August 2005, 14 States parties (Albania, Belgium, Benin, Colombia, El Salvador, Kenya, Mauritius, Philippines, Poland, Serbia and Montenegro, Sri Lanka, Tajikistan, Togo and Uganda) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only 11 States parties (Equatorial Guinea, Greece, Iceland, Israel, Mali, Moldova, Namibia, Suriname, the Gambia, Uzbekistan and Venezuela) have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

237. The table below details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided to take no further action prior to the period covered by this report.

State party	Date information due	Date reply received	Further action

...

Eighty-fourth session (July 2005)

...

Syrian Arab Republic Second periodic report examined	27 July 2006 Paras. 5, 8, 10 and 17	-	A reminder will be dispatched.

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CCPR, A/62/40 vol. I (2007)

CHAPTER VII. FOLLOW-UP ON CONCLUDING OBSERVATIONS

220. In chapter VII of its annual report for 2003 (A/58/40, vol. I), the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/61/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2007.

221. Over the period covered by the present annual report, Mr. Rafael Rivas-Posada continued to act as the Committee's Special Rapporteur for follow-up to concluding observations. At the Committee's eighty-fifth, eighty-sixth and eighty-seventh sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State. In view of Mr. Rivas-Posada's election to the Chair of the Committee, Sir Nigel Rodley was appointed the new Special Rapporteur for follow-up on concluding observations at the Committee's ninetieth session.

222. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table. [1] Over the reporting period, since 1 August 2006, 12 States parties (Albania, Canada, Greece, Iceland, Israel, Italy, Slovenia, Syrian Arab Republic, Thailand, Uganda, Uzbekistan and Venezuela) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only 12 States parties (Brazil, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Mali, Moldova, Namibia, Surinam, Paraguay, the Gambia, Surinam and Yemen) and UNMIK have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

223. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided before 1 August 2006 to take no further action prior to the period covered by this report.

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Eighty-fourth session (July 2006)

...

State party: Syrian Arab Republic

Report considered: Third periodic (due since 2003), submitted on 5 July 2004.

Information requested:

Para. 6: Set limits to states of emergency (art. 4).

Para. 8: Detailed list of Lebanese and Syrian nationals and other persons taken or transferred into custody in the Syrian Arab Republic; immediate steps to establish an independent and credible commission to investigate disappearances (arts. 2, 6, 7 and 9).

Para. 9: Firm measures to stop the use of detention incommunicado and eradicate torture and ill-treatment; independent mechanism to investigate reports of torture and ill-treatment; prosecution and punishment of those responsible; redress for victims (arts. 2, 7, 9 and 10).

Para. 12: Immediate release and no further harassment of all human rights defenders; urgent steps to amend all legislation that restricts the activities of human rights organizations, in particular state-of-emergency legislation (arts. 9, 14, 19, 21 and 22).

Date information due: 27 July 2006

Date information received: 12 September 2006, complete response.

Recommended action: No further action.

Next report due: 1 August 2009

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Note

1/ The table format was altered at the ninetieth session.

Follow-up - Reporting
(ii) Action by State Party

CCPR CCPR/CO/71/SYR/Add.1 (2001)

Comments by the Government of the Syrian Arab Republic on the concluding observations of the Human Rights Committee

1. We wish to reply to your observations, in sequence, as follows:

Paragraphs 1 to 4

2. We welcome the content of the observations under the heading "Positive aspects" and wish to emphasize that the Government of the Syrian Arab Republic has always paid special attention to human rights and shares the concern of the Human Rights Committee of the United Nations in this field.

Paragraph 5

3. In response to the content of paragraph 5 of the Committee's observations, we wish to reaffirm that the laws in Syria, which always reflect the provisions of the Constitution, take the articles of the Covenant into consideration and in no way tend to restrict the scope of application of the articles of the Constitution or the Covenant, as will be explained in detail below.

Paragraphs 6 and 7

4. Paragraphs 6 and 7 of the Committee's observations refer to the fact that the Emergency Act is still in force in Syria. In this connection, we wish to point out that article 4 of the Covenant permits the proclamation of a state of emergency in time of public emergency which threatens the life of the nation. We would ask the distinguished members of the Committee whether there could be a state of emergency which threatened the life of the nation to a greater extent than the situation that Israel is creating in the region. In fact, Israel is occupying the Syrian Golan and part of southern Lebanon, is attacking, killing and displacing Palestinians and is constantly committing acts of hostility against Lebanon, as attested by the "grapes of wrath" and other brutal acts of aggression. Israel's recent attack during the night of 15 April 2001 (during the Easter holiday on the day when Christians celebrate Christ's resurrection) on a Syrian radar station in the Bekaa region of Lebanon in which dozens of its personnel were killed or wounded illustrates the state of anxiety and tension that Israel is seeking to create in the region, and particularly in Syria. Since he came to power, the threats that the present Prime Minister of Israel has made against Syria and other States of the region are a clear indication of Israel's intention to keep the entire region on the brink of the abyss and to create an atmosphere conducive to maintenance of the existing state of war.

5. How can the Human Rights Committee call for the lifting of the state of emergency while we are faced with these exceptional circumstances?

6. Nevertheless, it should be noted that, for many years, the Emergency Act has been applied only to a very limited extent in Syria and the martial law decrees filed with the Ministry of the Interior have become rare. The persons who are detained under the Emergency Act are those who commit serious offences such as murder, sabotage, armed robbery, the establishment of criminal gangs and transnational drug smuggling. The purpose of such detention, which is limited to a maximum of seven days, is to enable the security authorities to mobilize their resources in order to arrest the criminals and bring them to justice.

7. At all events, the decisions of the martial law administrator are administrative decisions that can be challenged before the administrative courts which, on the basis of appeals lodged by aggrieved citizens, have annulled a number of those decisions.

Paragraph 8

8. Paragraph 8 of the Committee's observations refers to the imposition of the death penalty in Syria, in connection with which the Committee requests statistics concerning the number of executions carried out since 1990.

9. We wish to emphasize that the death penalty is virtually in abeyance in Syria where it is enforced only on rare occasions, the last being in 1987. Although the criminal courts pass death sentences, these are soon commuted to penalties of imprisonment by the Court of Cassation (the highest court in Syria) or by the President of the Republic on the basis of a recommendation by the Board of Pardons at the Ministry of Justice. The reason for our failure to provide the Committee with statistics on the death penalty is that this penalty has not been enforced in Syria since 1987 and, consequently, the statistical departments have no record of any executions since that date.

10. If the Committee is referring to cases of extrajudicial execution, we can confirm that there are no such cases. The information that the Committee has received concerning confessions obtained in an illegal manner is false and tendentious information disseminated by bodies hostile to Syria which are seeking to cause harm and confusion.

Paragraph 9

11. With regard to paragraph 9, in which the Committee recommends that Syria should comply with article 6, paragraph 2, of the Covenant which stipulates that sentence of death may be imposed only for the most serious crimes, we wish to point out that all the crimes mentioned in paragraph 60 of the report of the Syrian Arab Republic are extremely grave and serious crimes.

Paragraph 10

12. There are no cases of disappearance of Syrian or Lebanese nationals in Syria. The Lebanese nationals who have committed security offences in Syrian territory have been handed over to the Lebanese Government. The Government of the Syrian Arab Republic is eager to prevent any violations, the perpetrators of which would be called to account in accordance with the Constitution and laws and in a manner consistent with the International Covenant on Civil and Political Rights.

Paragraph 11

13. The Syrian Government has not prohibited any non-governmental organization from monitoring the human rights situation in Syria. There is nothing to prevent any non-governmental organization from obtaining authorization to do so in accordance with the laws and regulations in force.

Paragraph 12

14. There is no truth to the allegations that the Committee has heard concerning torture in Tadmur prison. The Syrian Government is willing to investigate any specific individual incident and to call to account the persons responsible therefor.

Paragraph 13

15. The Syrian Government is constantly monitoring the measures taken to improve conditions of detention and, in particular, to ensure the availability of adequate and timely medical care for the inmates of all prisons, including military prisons. Such care, including medication, surgical operations and hospital expenses, is provided free of charge. We are amazed at the false information, contained in paragraph 13 of your observations, concerning military and other prisons in Syria.

Paragraph 14

16. Under the Code of Criminal Procedure pre-trial detention (also known as temporary or preventive detention) is subject to basic safeguards. Articles 424 and 425 stipulate that no one may be detained without being duly charged in accordance with the legal procedures. Article 104 further stipulates that the examining magistrate has an obligation to promptly question an accused person who has been summoned to appear before him and any suspect who is arrested under the terms of a warrant must be questioned within 24 hours from the time of his arrest.

17. If the examining magistrate decides to order the remand in custody of an accused person, the latter has the right to request his release and, if this request is rejected by the examining magistrate, the accused person is entitled to lodge an appeal, within 24 hours, against the decision to reject his request.

18. Anyone who violates the provisions of the Code concerning temporary detention commits the offence of arbitrary detention, which is punishable under article 358 of the Penal Code.

19. The Code of Criminal Procedure makes explicit provision for all the guarantees needed to facilitate access by accused persons to legal counsel. Under the terms of article 69 of the Code, the examining magistrate has an obligation to inform the accused person of his right to refuse to answer questions except in the presence of his lawyer and, if he requests a lawyer, the examining magistrate must call upon the President of the Bar Association to appoint one for him. Proceedings cannot be conducted before a criminal court unless the accused is accompanied by a lawyer and, if the accused is unable to appoint one, the president of the court must appoint one for him. In all cases, the lawyer so appointed acts for the accused free of charge.

20. The accused has the right to contact his lawyer at any time and to meet and communicate with him in private without surveillance by the guards.

Paragraph 15

21. In Syria judges are appointed, dismissed and disciplined in accordance with the rules laid down in the Constitution and the law which, in this connection, contain strict safeguards comparable to those in force in any other country of the world. Judges enjoy immunity from dismissal and transfer within the limits laid down in articles 92 and 93 of the Judicial Authority Act. Any information to the contrary which might have been received by your distinguished Committee is pure calumny.

22. The fact that judges of the Supreme Constitutional Court are appointed only for a short four-year term in no way implies that they are subject to pressure or dependent on the executive authority. This is a statutory and impartially chosen term.

23. In this connection, it should be noted that article 142 of the Constitution stipulates that the members of the Supreme Constitutional Court can be removed therefrom only in accordance with the provisions of the law.

24. Moreover, we wish to draw the attention of the Human Rights Committee to the fact that, since the formation of the first Supreme Constitutional Court in 1973, its judges have remained in office until the termination of their mandate through death or retirement and, during the last 28 years, the President of the Republic has never refused to renew the term of office of any of the Court's judges.

Paragraph 16

25. The State Security Court fully applies the Penal Code and the Code of Criminal Procedure. Its hearings are held in public, pleas are made verbally and the rights of defence are safeguarded, including the appointment of a lawyer to defend the accused and the latter's right to contact his lawyer without any surveillance. Article 7 of the Act establishing that Court makes explicit provision for the right of defence.

26. The allegations to the effect that the public are not permitted to attend the hearings of that Court and that the Court has rejected complaints of torture are false, since the State Security Court fully respects the articles of the Covenant and fully applies the Code of Criminal Procedure.

27. With regard to the observation, contained in paragraph 16, to the effect that State Security Court decisions are not subject to appeal, we wish to make it clear that article 8 of the Act establishing the Higher State Security Court stipulates that the decisions handed down by this Court are not enforceable until they have been ratified by a decree promulgated by the President of the Republic, who has the right to annul a decision and order a retrial or closure of the case or reduce or commute the penalty. Closure of the case is equivalent to a full pardon. Such Presidential Decrees are final and not subject to any form of appeal or review.

28. For the persons convicted by the Higher State Security Court, this provision empowering the

President of the Republic to review its decisions clearly constitutes a major safeguard which transcends a mere stipulation designating its decisions as subject to appeal.

Paragraph 17

29. There is no truth to the allegations contained in paragraph 17 to the effect that the military courts do not respect the guarantees laid down in the Covenant, since these courts have an obligation to apply the Act of 1950 promulgating the Military Penal Code and Code of Judicial Procedure which embodies all the guarantees laid down in the Covenant. The military courts also strictly apply the ordinary Penal Code and Code of Criminal Procedure and all the lawyers who plead before the military courts in Syria can testify to the fair, equitable and impartial nature of their decisions and their respect for the rights of the accused and for the laws that they apply.

30. The military judiciary consists of the following bodies:

(a) The military courts consisting of a single judge, which are competent to hear contraventions and misdemeanours (arts. 1 and 3 of the Military Penal Code and Code of Judicial Procedure);

(b) The military standing courts, consisting of a president and two members, which are competent to hear cases involving felonies, as well as actions brought against officers even if the offence of which they are accused falls within the jurisdiction of a single judge (arts. 1, 3, 4 and 34 of the Military Penal Code and Code of Judicial Procedure);

(c) The military investigating judge, who is responsible for investigating cases involving felonies and major misdemeanours (arts. 16 and 24 of the Military Penal Code and Code of Judicial Procedure);

(d) The Military Court of Cassation, one of the criminal divisions of the ordinary Court of Cassation (the highest court in Syria) in which one of the justices is replaced by an officer holding a military rank not lower than colonel (art. 31 of the Military Penal Code and Code of Judicial Procedure). The Military Court of Cassation hears appeals against judgements and decisions handed down by the military courts and the military investigating judges (art. 32);

(e) The Judge Advocate General and his assistants, who exercise all the powers vested in members of the Department of Public Prosecutions under the terms of the Code of Criminal Procedure which is applied by the ordinary courts (arts. 16-22 of the Military Penal Code and Code of Judicial Procedure).

31. The procedures followed by the military courts, the military investigating judge and the Military Court of Cassation are the same as those applied by the ordinary courts and specified in the Code of Criminal Procedure, as explicitly stipulated in articles 13, 17, 23, 33 and 69 of the Military Penal Code and Code of Judicial Procedure.

32. Article 15 of the said Code stipulates as follows:

> "1. An objection may be lodged against decisions handed down in absentia by military

standing courts or single judges within a period of five days beginning on the day following the date of notification of the decision.

2. All decisions handed down by these courts shall be subject to appeal in cassation unless otherwise explicitly stipulated."

33. In all cases, even when a decision is explicitly designated as not subject to appeal, article 81 empowers the Minister of Defence to lodge an appeal against the decision with the Court of Cassation. Article 15, paragraph 4, stipulates that decisions entailing the death penalty cannot be explicitly designated as not subject to appeal since, in all cases, such judgements are subject to appeal in cassation.

Paragraphs 18 and 20

34. The Personal Status Act promulgated in 1953 and amended by Act No. 34 of 1975 guarantees full equality between the spouses, before and during marriage and upon its dissolution, in a manner consistent with article 2, paragraphs 1 and 3, and article 26 of the Covenant. The statement concerning the existence of discriminatory elements between the spouses is exaggerated and unrealistic. Since the promulgation of the amendments in Act No. 34 of 1975, young women have the right to accept or refuse marriage, authority within the family is shared between the spouses and either spouse can institute divorce proceedings in view of the fact that anyone wishing to divorce merely has to apply to the courts to obtain a separation order and, even if a husband repudiates his wife unilaterally, this divorce does not take effect until the matter has been brought before the courts and a divorce decree has been issued.

35. The marriageable age to which the Committee referred in paragraph 20 of its observations should be viewed in the light of the following two facts:

(a) Marriage at the age of 15 for boys and 13 for girls requires the consent not only of the father but also of the judge. The status of this judge, who is the highest ranking Shariah judge (Chief Justice of the Shariah Courts) in Syria, unquestionably ensures that the physical and mental condition of the boy or girl is verified;

(b) In Islam, marriage is linked to the age of physical puberty, which differs from one geographical environment to another. In countries with a hot climate girls sometimes reach puberty at nine years of age, in contrast to countries with a colder climate in which puberty is attained at a much later age.

36. Although puberty is a clear indication of both physical and mental maturity, as already mentioned marriage at this age can take place only after the highest ranking Shariah judge has studied the physical and mental condition of the boy or girl in the light of medical reports.

37. At all events, it should be noted that the marriage of a girl between the ages of 13 and 17 is an exceptional and rare occurrence.

Paragraph 19

38. In response to the Committee's request in paragraph 19, we will be providing you, in our next report, with full information on the employment, remuneration and level of responsibility of women in the public and private sectors. However, we wish to draw the Committee's attention to the fact that, in Syria, women enjoy the same constitutional, legal, political and social rights as men. For example, they have the right to vote in public elections and to stand as candidates for membership of all councils without exception. Women have an unrestricted right to work, for which they receive remuneration equivalent to that paid to men for the same type of work. The current policy of the Government of the Syrian Arab Republic in regard to women is to take all the necessary measures to promote their role in society and the State.

Paragraph 21

39. The Syrian authorities and the Syrian embassies abroad are taking all the necessary measures for the renewal of Syrian passports when they expire. Syrian embassies do not prevent any Syrian citizen from renewing his passport. However, some Syrians residing abroad have administrative problems relating to military service, financial or administrative obligations towards the State or liabilities to others and are required to regularize their situation vis-à-vis the competent administrative authorities in Syria. This does not prevent the embassy from taking care of them and providing them with the documents needed for their continued residence in the foreign country in which they are living.

40. The Ministry of the Interior promulgated Ordinance No. 1016 of 13 November 1999, which considerably facilitates the procedures for the travel, departure and return of Syrian citizens and the issue of passports and exit visas. The Ministry of the Interior is currently studying further measures to facilitate the travel of citizens in future.

41. However, it should be clearly understood that the purpose of the exit visas needed by some citizens is not to restrict their freedom but solely to ensure that criminals do not flee the country and that persons with financial or administrative obligations do not evade the fulfilment of those obligations.

Paragraph 22

42. Decisions to expel aliens from Syria are considered very carefully by the Ministry of the Interior. No alien is expelled unless, following a thorough study of his case, it has been fully ascertained that his presence in Syria would constitute a source of danger or concern for the country. As a safeguard for aliens, the authority to issue expulsion orders is vested in the Minister of the Interior in person.

43. Nevertheless, the law offers aliens two channels through which they can appeal or protest against, and request annulment of, such orders issued by the Minister of the Interior:

(a) The administrative channel, to which an alien can resort in order to submit a complaint to the Minister of the Interior through one of our embassies abroad;

(b) The judicial channel, to which an alien can resort, after his complaint has been rejected by the Minister of the Interior, in order to bring a legal action before the Council of State for annulment of an expulsion order issued by the Minister of the Interior.

Paragraph 23

44. Our Mission has already informed you that Mr. Nizar Nayyuf has been released and now enjoys full freedom of expression and action.

45. We are surprised at the Committee's statement to the effect that the activities of human rights defenders and of journalists are restricted, since these persons enjoy full freedom, within the limits of the laws and regulations in force, to publish whatever they wish without any restrictions.

Paragraph 24

46. We have already confirmed that the promulgation of Legislative Decree No. 6 of 7 January 1965, concerning opposition to the aims of the revolution, was necessitated by exceptional circumstances. That Legislative Decree was promulgated in 1965 in conjunction with some socialist legislation in view of the fear that an armed movement might be established to resist that legislation. However, for reasons best known to the judiciary, that Legislative Decree has not been applied since that time.

47. Accordingly, there is no justification for any concern regarding the existence of that Legislative Decree, the allegations that the Committee has received in this connection being totally unfounded.

Paragraph 25

48. There are no exceptional restrictions on the holding of public meetings and demonstrations in Syria. The conditions for the authorization of public assemblies are the usual conditions laid down in all countries of the world, namely that the persons wishing to hold a meeting or demonstration must request authorization from the competent authorities in an application specifying the location, time and purposes of the meeting or demonstration and the names of its organizers. This application is studied in the light of the requirements of public order, public safety, public health and morals and the rights of others. The Syrian authorities have never rejected an application that was in conformity with the laws and regulations in force.

Paragraph 26

49. The proposed law on political parties will unquestionably be compatible with the provisions of the Covenant and will dispel the concern expressed by the Committee in paragraph 26.

Paragraph 27

50. With regard to paragraph 27, the Kurds who enter Syria from neighbouring countries are shown special concern by the Syrian authorities, who endeavour to solve their humanitarian, administrative and practical problems. Special concern is also shown for Kurdish children born in Syria, who are

treated in the same way as Syrian citizens, without any discrimination or preference. The Syrian authorities are making a very careful study of the situation of these Kurds, taking into account all the circumstances that induce them to enter and live in Syria.

Paragraph 28

51. We wish to assure the Committee that the second periodic report and the Committee's observations will be disseminated widely in Syria.

Paragraph 29

52. Although, in this reply, we have answered all the questions raised by the Committee in paragraph 29 of its observations, we wish to assure the Committee that the Syrian Mission to the United Nations will keep it abreast of any new developments relating to the matters that are giving rise to its concern. We also confirm that the Mission will continue to cooperate with the Committee in an objective manner conducive to the promotion of human rights.

CCPR, CCPR/CO/84/SYR/Add.1 (2006)

Comments by the Government of Syria on the concluding observations of the Human Rights Committee

[12 September 2006]

Paragraph 6

The Emergency Act issued in Legislative Decree No. 51 of 22 December 1962, as amended by Legislative Decree No. 1 of 9 March 1963, and which is currently in force in the Syrian Arab Republic, is an exceptional constitutional arrangement established in the presence of an imminent threat to the country's integrity. It empowers the competent authorities to take all measures provided for by law to protect all or part of the State's territory, territorial waters and airspace from the dangers inherent in an external armed attack.

Since 1948, the Syrian Arab Republic, a founding member of the United Nations, has been subjected, like other neighbouring Arab States, to a real threat of war. Indeed, on many occasions, this threat has culminated in actual aggression against the territory, territorial waters and airspace of the Syrian Arab Republic, particularly in 1967, when Israel seized part of the territory of the Syrian Arab Republic, which it is still occupying, and expelled a large proportion of the population. The most recent such Israeli attacks were the attack on Ain al-Sahib on 5 October 2003 and the violation of Syrian airspace on 28 June 2006.

This state of affairs, namely, a real threat of war, Israel's continued occupation of part of the territory of the Syrian Arab Republic, and the real threat of expansion of the occupation, all in violation of United Nations resolutions, created an exceptional situation requiring the rapid and extraordinary mobilization of Syrian forces and efforts to enable the Administration to act quickly to deal with these imminent threats in accordance with the Constitution and laws in force in the Syrian Arab Republic. It was therefore necessary to promulgate the Act and maintain it in force.

The Emergency Act is implemented in the Syrian Arab Republic in the narrowest of circumstances and under very special conditions. This in no way implies that it takes precedence over the Constitution and Syrian law or the State's other international obligations.

The legislator, out of a desire to avoid excesses in any abuse of the state of emergency, imposed restrictions on the implementation of the provisions of the Act, allowing specialized courts to overturn the decisions of military courts. The following are some examples of judgements overturning such court rulings:

– Administrative court ruling No. 140/M of 6 April 1995;
– Ruling No. 726/1 of 2002;
– Ruling No. 1242/1/2002 of 22 September 2002;

– Administrative court ruling No. 1951 of 29 December 2002 issued in case No. 2139 of 2002.

Paragraph 8

The Government of the Syrian Arab Republic took the initiative of setting up a Syrian Lebanese committee to address the issue of Syrian and Lebanese missing persons in Syria and Lebanon. From the Syrian side, the committee members are:

– Judge Taysir Qala`awad - Ministry of Justice;
– Judge General George Tahah - Military Prosecutor-General;
– General Mazahar Ahmad - Directorate of the Department of Immigration and Passports; and
– Dr. Ahmad Abd al-Aziz - Director of the Prime Minister's Office.

From the Lebanese side, the committee members are:

– Judge Joseph Mi`amari - Prosecutor-General at the Beirut Court of Appeal;
– Judge George Rizq - investigating judge at the Beirut Court of Appeal;
– General Ali Maki - Internal Security Forces;
– Mr. Abd al-Hafiz Aytani - Chief Registrar at the Prosecutor-General's office at the Beirut Court of Appeal.

The Syrian-Lebanese committee was established formally and legally. It takes whatever measures are required and enjoys complete independence.

The committee's work is the best indicator of its credibility and clearly shows that investigations into all cases of disappearance are being carried out in accordance with legal principles.

The operational strategy and effectiveness of the committee revolve around a central focus, namely, that of attempting to deal with the issue of Lebanese missing persons in Syria and Syrian missing persons in Lebanon and to devise appropriate solutions through coordination and cooperation between the two sides. The committee's work is of a humanitarian nature and is a measure of the sound fraternal relationship existing between the two fraternal States.

The committee has taken practical steps in this regard, translating its activities into concrete actions by holding a series of meetings between 3 October 2005 and 29 April 2006. The committee's work is ongoing. The Syrian side received a response from the Lebanese side concerning 1,088 missing Syrians in which the fate of only 2 persons was explained. At the same time, the Lebanese side received a response about missing Lebanese in Syria, numbering some 724 persons, according to the lists submitted by the Lebanese side. The Syrian side provided information about the fate of 10 Syrians convicted and subsequently released from prison under a presidential amnesty. The Lebanese allege that these persons are Lebanese, although they are of Syrian origin. The Lebanese side also received a reply describing the fate of 88 persons in Syrian prisons, as well as a Lebanese woman called Anhad Fayiz Nun who is incarcerated in Homs central prison for drug-trafficking

offences. It also received a reply about the execution of a Lebanese national called Bassam Riyad Muthalij, on 22 May 1995, together with an annex containing the court judgement and a reply concerning the fate of 32 Lebanese, together with details of convictions handed down against them, the sentences which they received and the date on which some of them were released.

The next meeting is scheduled for 27 May 2006. The number of Lebanese and Syrian missing persons is based on the lists submitted by the two sides.

During the course of its work, the committee took a range of practical steps which indicate its proactive approach to dealing with the issue of missing persons. These steps resulted in the production of minutes of joint meetings, underlining the determination of these mechanisms to deal with this issue in the best possible way.

The minutes show that Lebanese nationals have been surrendered to Lebanon and that the records of the Syrian authorities contain information about Lebanese detained in the country and subsequently surrendered to the Lebanese authorities between 1991 and 2005. In this connection, we should like to point out that the most important characteristics of the joint Syrian Lebanese committee's work are strict professionalism and compliance with the law. The Syrian side received a list containing the names of four missing Lebanese to be removed from the second Lebanese list after the Lebanese authorities found their bodies in a grave in Lebanese territory. The persons in question were:

1. Robert Au Sirhal;
2. George Bashur;
3. Milad al-Alam;
4. Jean Khouri.

Paragraph 9

The Syrian Arab Republic, pursuant to legislative decree No. 39 of 1/2004, acceded to the Convention against Torture and prepares a report on it every year. The Convention takes precedence over prevailing Syrian law and gives every individual or legal entity the right to invoke its provisions and demand that they be implemented in the event of any conflict with the laws in force. Syrian law prohibits law enforcement personnel from implementing laws that violate freedoms or from harming or using force and violence against persons under investigation, subject to the severe penalties that are laid down in the Criminal Code and Prisons Act.

Article 357 of the Criminal Code

Anyone who arrests or detains a person in circumstances not sanctioned by law shall be liable to a term of imprisonment with hard labour.

Article 358 of the Criminal Code

Any warden or guard of a prison, a disciplinary institution or a correctional facility and any officer acting in that function who admits a person to a facility without a court order or judgement or who keeps a person therein after the extinction of the sentence shall be liable to a penalty of from one to three years' imprisonment.

Article 359 of the Criminal Code

Any of the above-mentioned persons, and, in general, any law enforcement officer or administrative official, who refuses or fails promptly to bring a detainee or prisoner before a competent magistrate who requests him to do so, shall be liable to a penalty of from one month to one year in prison.

Article 391

Anyone who illegally batters a person in order to extract a confession to, or information about, an offence shall be liable to a penalty of from three months to three years in prison. If the violence results in illness or injury, the minimum penalty shall be one year's imprisonment.

Article 30 of the Prisons Act issued in Decree 1222 of 20 June 1929, and all the amendments thereto, and Act 496 of 1957

No official or guard may use force against prisoners; eat or drink with prisoners, even after their release, or with their family members, friends or visitors; smoke inside the prison; be in an intoxicated state; give prisoners private jobs to do or ask them to help him perform a task, unless in special authorized circumstances; accept any gift, loan or favour from prisoners or persons of similar status; carry out any commissions for, or buy or sell any item on behalf of a prisoner; and facilitate or acquiesce in any illegal correspondence or communication with third parties.

Any infringement of these prohibitions and of the rules regulating guard and custody duty shall be punished, depending on the severity of the offence, by the penalties set down in the disciplinary laws. The offender shall also be subject, as appropriate, to the penalties prescribed by the Criminal Code, particularly articles 67 et seq., concerning bribes taken by officials, as well as the articles on battery and wounding.

Any official who breaches the Convention and prevailing laws shall be subject to the following:

1. A disciplinary investigation

The person shall be brought before a tribunal or disciplinary board and shall be subject to disciplinary sanctions ranging from a caution to dismissal.

Criminal proceedings shall be brought before the Public Prosecutions Office either pursuant to a complaint, if proceedings depend on the filing of a complaint, or automatically, if no complaint is necessary.

In any case, the injured party may demand fair material and moral compensation for the injury suffered.

A number of officials have been convicted for violating law enforcement rules. The persons in question were punished and ordered to pay compensation to the injured parties.

We have already provided examples of convictions, to which we shall add those found below.

– Ruling No. 334 issued in Aleppo criminal court case No. 82 on 9 December 1999, convicting a warrant officer and a policeman of inflicting fatal injuries. The two men were sentenced to imprisonment with hard labour and the relatives of the deceased were given leave to demand compensation;
– Ruling No. 212 issued in Aleppo criminal court case No. 339 on 31 August 2002, convicting two policemen at the rank of warrant officer of inflicting fatal injuries. The two men were sentenced to imprisonment with hard labour and ordered to pay the relatives of the deceased 700,000 Syrian pounds in compensation.

Paragraph 12

The Associations and Private Institutions Act No. 93 of 1958 and its implementing regulation gave the Ministry of Social Affairs and Labour the right to decide on registration applications submitted by private associations that satisfy the legal criteria, subject to consultation with government agencies. When examining applications, the Ministry makes sure that the association's aims and activities fall within the Ministry's remit and are compatible with the State's social development goals.

In the past, particularly in the past two years, the Ministry approved the registration of a large number of private human rights associations, including those devoted to the rights of children, women and disabled persons and the welfare of prisoners and others with special needs. The Ministry runs joint programmes with these associations, delivering social welfare and implementing employment-generating development projects.

However, the Ministry has received applications from human rights associations with predominantly political aims and activities which are beyond the scope of private associations and are normally carried out by political parties. These matters are outside the Ministry's purview and are regulated by laws other than the Private Associations Act.

Here, we should like to point out that, over the past year, the Ministry has simplified procedures for associations, thereby facilitating registration of a large number of associations. The number of registered associations now stands at 1,000, while the figure in 2000 was around 500. A national committee is in the process of elaborating a new law for private associations in order to simplify registration procedures, ensure flexibility and transparency in their work, and reduce the level of direct monitoring of their activities carried out by the competent government agencies.

We attach a list of examples of the different kinds of associations that are authorized to

operate in the Syrian Arab Republic.