



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

**List of issues to be taken up in connection with the consideration of the third
periodic report of the SYRIAN ARAB REPUBLIC (CCPR/C/SYR/2004/3)**

**Constitutional and legal framework within which the
Covenant is implemented (art. 2)**

1. Please provide precise and detailed examples of cases, if any, in which provisions of the Covenant were directly invoked before the courts, and with what results.
2. Please elaborate on the implementation in practice of the right to an effective remedy. What steps have been taken to ensure that victims have access to effective and enforceable remedies?
3. Please provide details of the cases in which administrative tribunals have revoked decisions by the martial law administrator after appeals from the affected citizens (paragraph 69 (6) of the report and CCPR/CO/71/SYR/Add.1, para. 7).
4. Please elaborate on the activities, existing and proposed, of the newly established National Committee for International Humanitarian Law established pursuant to decision No. 2989 of 2 June 2004, as well as on its composition, human rights law-related functions and its budget. Is there an independent body responsible for ensuring respect for human rights?

Counter-terrorism measures and respect of Covenant guarantees

5. Please address the compatibility with the Covenant of counter-terrorism measures taken by the State party, including those reported pursuant to Security Council resolution 1373 (2001) (see S/2001/1204, S/2002/1046 and S/2003/725).

State of emergency (art. 4)

6. Please provide detailed and precise information on the conditions for proclaiming a state of emergency. With reference to paragraph 68 of the report, please clarify whether there has been any derogation of Covenant rights and if so, please indicate which rights and the scope of the derogation. Has the State party notified other States parties, through the intermediary of the Secretary-General of the United Nations, of this/these derogation(s), in accordance with article 4 (3) of the Covenant; if so, when? How is compliance with article 4 of the Covenant, read in the light of the Committee's general comment No. 29, secured? Please provide details of the cases in which the Emergency Act has been applied (para. 67).

Non-discrimination and equality between sexes (arts. 2 (1), 3, 24 and 26)

7. What measures have been taken or are foreseen to enhance the participation of women in public life, particularly in the political area and public service? Please provide further information and statistical data on the status of women in the economic sector, especially in senior positions.

8. What measures has the State party adopted to guarantee equal treatment of men and women and to provide legal remedies in cases of discrimination against women? What steps have been taken by the State party to bring its legislation into line with articles 2, paragraph 1, 3 and 26 of the Covenant, in particular regarding certain provisions of the Personal Status Act about the rights of spouses in relation to marriage, divorce and custody of children? Please explain how the State party's legislation, which provides for reduced sentences in "honour crimes", complies with the provisions of the Covenant.

9. Please describe the measures, existing and proposed, to combat and eliminate violence against women, including domestic violence, by appropriate legislation. What measures have been taken to increase public awareness of these issues and of the assistance available to victims?

10. Please indicate the current status of the proposed amendment to the Nationality Code, which would grant Syrian nationality to the children of a Syrian woman who is married to a non-Syrian man (paragraph 367 of the report). What measures, if any, have been taken to address the issue of the statelessness of numerous Kurds in Syria and to allow Kurdish children born in Syria to acquire Syrian nationality (concluding observations of March 2001, paragraph 27).

**Right to life; prohibition of torture; right to liberty and security
of the person; treatment of detainees (arts. 6, 7, 9 and 10)**

11. With reference to the death penalty referred to in paragraphs 92 and 93 of the report, please provide detailed statistics on the number of death sentences pronounced in the past five years, the number and identity of the persons sentenced to death, the grounds for their sentences, the number of persons whose sentences have been commuted, the number of persons awaiting execution, and the number and identity of the persons executed and the dates of execution. Has the State party taken any steps to reduce the number of offences punishable by death and to bring its legislation into line with article 6 (2) of the Covenant?
12. Please provide information on the measures that the State party has taken to implement the conclusions and recommendations of the Human Rights Committee of March 2001 with regard to allegations of extrajudicial executions, disappearances, torture, acts of cruel, inhuman or degrading treatment or punishment by law enforcement personnel and arbitrary detention.
13. Please provide information on steps taken to establish an independent commission of inquiry on the alleged disappearances of Syrian nationals and Lebanese nationals arrested in Lebanon by Syrian forces, then transferred to Syria (concluding observations of March 2001, paragraph 10).
14. Have prompt, impartial and full investigations been conducted into allegations of article 7 by law enforcement personnel and, in the affirmative, have the perpetrators been prosecuted and punished? Has compensation been awarded to victims or their families? Please provide precise examples.
15. Are procedures in place to pursue complaints of criminal conduct against members of the police and prison guards and to obtain compensation when such claims are upheld? Please provide statistics on the number of such cases that have been brought, details of any such cases and their results (para. 104). Has the State party established an independent mechanism for the investigation of complaints?
16. Please provide information on the number of claims received from accused persons to the effect that their confessions were made under duress, the number of investigations carried out into such claims and the results of such investigations (para. 105).
17. What measures have been taken to improve prison conditions and to investigate deaths in custody? Please provide information on any investigations carried out into those deaths. Please provide statistics on the number of prisoners, disaggregated by age, sex, and type of offence committed.
18. Please provide detailed information on the practice of police custody and pre-trial detention, and explain what measures have been taken to ensure that the rights recognized in article 9 are guaranteed in practice. Detailed statistics on the number of people held in pre-trial detention and on the duration of and reasons for such detention should be provided.

Freedom of movement (art. 12)

19. Please specify in what circumstances restrictions may be imposed on the right to leave the country. Please comment on allegations that individuals have been prevented from leaving the country. Also please describe any measures taken to address the Committee's concern expressed in paragraph 21 of the concluding observations of March 2001.

20. What procedures are in place to ensure that aliens, before their expulsion, enjoy the safeguards and an effective remedy, in conformity with article 13 of the Covenant?

Right to a fair trial (art. 14)

21. What measures are in place to ensure the independence and impartiality of the judiciary and security of tenure of judges?

22. Please explain the operation of the Field Military Courts and the Supreme State Security Court, the compatibility of their procedures with article 14, and the fact that their verdicts are not subject to appeal to a higher tribunal.

**Rights to freedom of opinion, expression, assembly
and association (arts. 19, 21 and 22)**

23. Please provide additional information on the legal framework enabling human rights NGOs and human rights defenders to be recognized and to operate freely. What measures have been taken to ensure the protection of human rights defenders and journalists against any restrictions on their activities? Please comment specifically on the trial of human rights defender Aktham Naisse and the charges against him.

24. Please provide additional information on Legislative Decree No. 50 of 2001, particularly with regard to publishing offences and penalties (para. 296).

25. What steps has the State party taken to review its legislation on limitations on the expression of opinions, as recommended by the Committee in paragraph 24 of its previous concluding observations of March 2001?

26. Please comment on the extent to which the restrictions on or prohibition of publications mentioned in paragraph 298 of the report are considered compatible with article 19 of the Covenant.

27. Please provide additional information on the conditions that govern the approval or authorization of public assemblies and, in particular, indicate whether and under what conditions the denial of an authorization can be appealed. In how many cases have denials of authorization been appealed, and in how many cases have such appeals been rejected, and on what grounds?

**Non-discrimination and rights of persons belonging to minorities;
rights of the child (arts. 26 and 27)**

28. Please elaborate on the measures taken by the State party to protect the rights of the Kurdish minority, including on the statement in paragraph 412 of the report that “all citizens of Kurdish origin enjoy Syrian nationality under our new laws or statutes that are specific to Kurds”. Please provide copies of the relevant laws/statutes. In addition, please provide further information on and copies of the “directives that have been issued recently to resolve the situation of those who do not carry Syrian nationality” (paragraph 413 of the report).

**Dissemination of information relating to the Covenant and
the Optional Protocol (art. 2)**

29. Please indicate the steps taken to disseminate information on the submission of the third periodic report.

30. Please provide information on training and education on the Covenant provided to public officials, in particular the judiciary, law enforcement and prison officials, and schoolteachers. Please elaborate on steps taken to increase the awareness and understanding of the Covenant and the reporting procedure amongst the general public, including ethnic and linguistic minorities.
