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HUMAN RIGHTS COMMITTEE

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

**SYRIA\***

**Addendum**

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

[12 September 2006]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

**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.

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