

DECISION No. 6/1992 (SYRIAN ARAB REPUBLIC)

Communication addressed to the Government of the Syrian Arab Republic on 14 October 1991.

Concerning: Riad Al Turk, and the following 59 women:

Bayan Sulaiman Allaf, Laila Sulaiman al-Ali, Wafa Sulaiman al-Ali, Khadija Hussein al-Ali, Lina Muhammad Ashur, Nuha Ahmad Ismail, Hala Muhammad Fattum, Ramla Ali Abu Ismail, Huda Mustafa Kakhi, Malak Sulaiman Khaluf, Julia Matanius Mikhail, Barzan Nuri Shaikhmous, Wafa Muhammad Tarawiyya, Salwa Muhieddin Wannus, Mariam Abdul Rahman Zakariyya, May Abdul Qadir al-Hafez, Raghida Hassan Mir Hassan, Samira Ibrahim Abbas, Muna Muhammad al-Ahmad, Nadiya Muhammad Badawiyya, Salafa Ali Barudi, Fatima Muhammad Khalil, Munira Abbas Huwaija, Sahar Abbas Huwaija, Than Abdo Huwaija, Wafa Hashim Idris, Najiya Muhammad Shihab Jir'atli, Gharnata Khalid al-Jundi, Asmahan Yaseen Majarisa, Rana Ilyas Mahfudh, Sawsan Faris al-Ma'az, Hiyam Hassan al-Mi'mar, Lina Rif'at Mir Hassan, Wafa Said Nassif, Wijdan Sharif Nassif, Hiyam Sulaiman Nuh, Afaf Walim Qandalaft, Asia Abdul Hadi al-Saleh, Munira Kamil al-Sarem, Fadia Fuad Shalish, Sahar Hassan Shamma, Umayma Daoud Shamsin, Sahar Wajih al-Bruni, Rimah Ismail al-Bubu, Intisar al-Akhras, Abir Barazi, Rabi'a Barazi, Rajia Dayub, Lina Ismail, Abir Ismandar, Yasmin Istanbuli, Intisar Mayya, Valentina Qandalaft, Tawfiqa Rahil, Malaka Rumia, Sana Sa'ud, Aida Wannus, Wafa Murtada on the one hand and the Syrian Arab Republic on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it (E/CN.4/1992/20, chapter II), and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication, received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.

2. The Working Group notes with appreciation the information forwarded by the Government concerned in respect of the case in question within 90 days of the transmittal of the letter by the Working Group.

3. (Same as in Decision No. 1/1992.)

4. In the light of the allegation made, the Working Group welcomes the cooperation of the Government of the Syrian Arab Republic. In the context of the information received from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of this case, taking account of the allegation and of the Government's reply.

5. The Working Group considers that:

(a) It is alleged that Mr. Riad Al Turk, aged 60 years, a lawyer by profession, has been detained without charge or trial since 28 October 1980 and has been held incommunicado and in solitary confinement following his arrest on the basis of article 4 (a) of the Law on the State of Emergency, and has been denied access to his family and to a legal counsel. He is said to be the First Secretary of the Communist Party. The allegation claims that there has been an infringement of the rights and guarantees enshrined in articles 9, 10, 11, 19 and 20 of the Universal Declaration of Human Rights, articles 9, 14, 19 and 21 of the International Covenant on Civil and Political Rights, to which the Syrian Arab Republic is a party, and principles 9, 11, 15, 19, 32 and 38 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;

(b) The reply of the Government of the Syrian Arab Republic disputes only one of these allegations. It maintains that Mr. Riad Al Turk's case has been referred to the courts, the charge being that he belonged to a clandestine organization lending support to terrorist groups which are involved in assassination and violence in Syria. The reply does not identify the court dealing with the charge, the organization which is described as clandestine, the terrorist group it is supporting, or the assassinations or acts of violence attributed to it. It is not denied that Mr. Riad Al Turk has been held incommunicado for many years, without visits or a legal counsel. The reply does, in any event, confirm that the detention began in October 1980;

(c) In these circumstances, the detention of the lawyer Mr. Riad Al Turk must be considered arbitrary, since it falls within category II of the categories listed in paragraph 3 of this Decision, in that it concerns the exercise of freedoms protected by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, in particular freedom of political association and of expression and opinion. In fact, the only reason for depriving him of his freedom seems to be his involvement in the Communist Party;

(d) Mr. Riad Al Turk's history also constitutes a case of arbitrary detention involving a grave non-observance of the right to a fair trial, since he has been denied the rights enshrined in principle 11, paragraphs 1 and 3, and principle 17 of the Body of Principles adopted in General Assembly resolution 43/173, through the failure to allow him to be heard promptly by a

judicial or other authority, the impossibility of his exercising the right of defence and the absence of judicial review of the detention order, which has continued for almost 12 years. Furthermore, unduly prolonged incommunicado detention is an infringement of principle 15 of the Body of Principles;

(e) As regards the above-mentioned 59 women, the Government, in its reply, informed the Group that they are no longer in detention. This fact was confirmed by the source.

6. In the light of the above, the Working Group decides:

(a) The detention of Mr. Riad Al Turk is declared arbitrary, being in contravention of articles 9, 10, 11, 19 and 20 of the Universal Declaration of Human Rights and articles 9, 14, 19 and 21 of the International Covenant on Civil and Political Rights, and falling within categories II and III of the principles applicable in the consideration of cases submitted to the Working Group;

(b) With regard to the above-mentioned 59 women, the Working Group, in the context of the information received by it and having applied its mind to the available information, is of the opinion that no special circumstances warrant the Group to consider the nature of the detention of those released. The Working Group, without prejudging the nature of the detention, decides to file the case of these persons under the terms of paragraph 14 (a) of its methods of work.

7. Consequent upon the decision by the Working Group declaring the detention of Riad Al Turk to be arbitrary, the Working Group requests the Government of the Syrian Arab Republic to take the necessary steps to remedy the situation, in order to bring it into conformity with the norms and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

(See also annex II, decision No. 6/1992.)

Annex IIDECISION ON CASES OF REPORTEDLY RELEASED DETAINEES
AND LIST OF SUCH PERSONS

In the course of its consideration of some of the cases of alleged arbitrary detention which it transmitted to Governments, the Working Group was informed, either by the Government concerned or by the source of the allegation, and in some cases by both, that the person(s) concerned is (are) no longer in detention.

Paragraph 14 (a) of its methods of work states that the Working Group, in the light of the information examined during its investigation, shall take one of the following decisions:

"(a) If the person has been released, for whatever reason, since the Working Group took up the case, the case is filed; nevertheless, the Working Group reserves the right to decide, on a case-by-case basis, whether or not the deprivation of liberty was arbitrary, notwithstanding the release of the person concerned".

The following list contains the cases of persons who are reportedly no longer in detention and regarding whom the Working Group, after having examined the available information, is of the opinion that no special circumstances warrant the Group to consider the nature of their detention. The Working Group, without prejudging the nature of the detention, therefore decides to file their cases, in the terms of paragraph 14 (a) of its methods of work.

(The names of the persons listed below are preceded by the number of the decision regarding them, by order of its adoption by the Working Group, and the country concerned. The signs (X), (Y) and (Z) following each name indicate whether the information of that person's release was provided by the Government (X), the source (Y), or both (Z).)

Decision No. 6/1992 (SYRIAN ARAB REPUBLIC): Bayan Sulaiman Allaf (Z), Laila Sulaiman al-Ali (Z), Wafa Sulaiman al-Ali (Z), Khadija Hussein al-Ali (Z), Lina Muhammad Ashur (Z), Nuha Ahmad Ismail (Z), Hala Muhammad Fattum (Z), Ramla Ali Abu Ismail (Z), Huda Mustafa Kakhi (Z), Malak Sulaiman Khaluf (Z), Julia Matanius Mikhail (Z), Barzan Nuri Shaikhmous (Z), Wafa Muhammad Tarawiyya (Z), Salwa Muhieddin Wannus (Z), Mariam Abdul Rahman Zakariyya (Z), May Abdul Qadir al-Hafez (Z), Raghida Hassan Mir Hassan (Z), Samira Ibrahim Abbas (Z), Muna Muhammad al-Ahmad (Z), Nadiya Muhammad Badawiyya (Z), Salafa Ali Barudi (Z), Fatima Muhammad Khalil (Z), Munira Abbas Huwaija (Z), Sahar Abbas Huwaija (Z), Than Abdo Huwaija (Z), Wafa Hashim Idris (Z), Najiya Muhammad Shihab Jir'atli (Z), Gharnata Khalid al-Jundi (Z), Asmahan Yaseen Majarisa (Z), Rana Ilyas Mahfudh (Z), Sawsan Faris al-Ma'az (Z), Hiyam Hassan al-Mi'mar (Z), Lina Rif'at Mir Hassan (Z), Wafa Said Nassif (Z), Wijdan Sharif Nassif (Z), Hiyam Sulaiman Nuh (Z), Afaf Walim Qandalaft (Z), Asia Abdul Hadi al-Saleh (Z), Munira Kamil al-Sarem (Z), Fadia Fuad Shalish (Z), Sahar Hassan Shamma (Z), Umayma Daoud Shamsin (Z), Sahar Wajih al-Bruni (Z), Rimah Ismail al-Bubu (Z),

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Intisar al-Akhras (Z), Abir Barazi (Z), Rabi'a Barazi (Z),
Rajia Dayub (Z), Lina Ismail (Z), Abir Ismandar (Z), Yasmin Istanbuli (Z),
Intisar Mayya (Z), Valentina Qandalaft (Z), Tawfiqa Rahil (Z),
Malaka Rumia (Z), Sana Sa'ud (Z), Aida Wannus (Z), Wafa Murtada (Z). (See
also Chapter II, decision No. 6/1992.)