

## DECISION No. 53/1992 (SYRIAN ARAB REPUBLIC)

Communication addressed to the Government of Syrian Arab Republic on 1 July 1992.

Concerning: Khalil Brayez, 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, 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 concern that till date no information has been forwarded by the Government concerned in respect of the cases in question. With the expiration of more than ninety (90) days of the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of each of the cases of alleged arbitrary detention brought to its knowledge.

3. (Same text as paragraph 3 of Decision No. 43/1992).

4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of the Syrian Arab Republic. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the case, especially since the facts and allegations contained in the communication have not been challenged by the Government.

5. The Working Group considers that:

(a) According to the allegation, Khalil Brayez, former commander of the Air Force and author of numerous books, was abducted by the Syrian security forces from his home in Beirut (Lebanon) in November 1970 and taken to Syria. After being detained in many prisons, he is at present in the Al-Mazze prison, Damascus. He was sentenced in 1971 to 15 years of deprivation of freedom for the publication of his books in which he criticized the Syrian army. Shortly before the expiration of his sentence, new charges were brought which have already resulted in further deprivation of freedom for seven years, without any notification to him of a new sentence.

(b) It is alleged that the detention is arbitrary since it fails to respect, inter alia, articles 9, 10 and 19 of the Universal Declaration of Human Rights, articles 9, 14 and 19 of the International Covenant on Civil and Political Rights, to which the Syrian Arab Republic is a party, and principle 2 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

(c) The above facts have not been disputed by the Syrian Government.

(d) On the basis of the above, the Working Group concludes that the undisputed facts show that Khalil Brayez has been deprived of his freedom since 1970; that the reason for the deprivation of his freedom is his criticism of the Syrian army contained in books written by him; that the sentence which imposed 15 years of deprivation of freedom should have ended in 1985; that he continues to be deprived of his freedom and that no new charges have been established against him by a court decision.

(e) The Principles for the consideration of cases submitted to the Group regard as arbitrary any detention which manifestly cannot be linked to any legal basis, such as, by way of example, the continued detention of a person, despite the fact that he has fully served the sentence imposed upon him (Category I). It is also considered illegal to deprive a person of his freedom as a consequence of the legitimate exercise of specific rights recognized in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, including the freedoms of opinion, expression and conscience.

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

The detention of Khalil Brayez is declared to be arbitrary, being in contravention of articles 9, 10 and 19 of the Universal Declaration of Human Rights, and articles 9, 14 and 19 of the International Covenant on Civil and Political Rights to which the Syrian Arab Republic is a Party, and falling within category II (for the period between 1970 and 1985), and categories I and II (since 1985) of the principles applicable in the consideration of the cases submitted to the Working Group.

7. Consequent upon the decision declaring the detention of Khalil Brayez, to be arbitrary, the Working Group requests the Government of the Syrian Arab Republic, to take the necessary steps to remedy the situation, so as to comply with the provisions and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 9 December 1992