

DECISION No. 11/1993 (SYRIAN ARAB REPUBLIC)

Communication addressed to the Government of the Syrian Arab Republic on 6 November 1992.

Concerning Muhammad Munir Missouti, Abdullah Quabbara and Nash' At Tuma, 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 to date no information has been forwarded by the Government concerned in respect of the cases in question. With the expiry of more than 90 (ninety) days since 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 cooperation 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) Muhammad Munir Missouti, detained on 9 May (or 5 September) 1987, Abdullah Quabbara, detained on 4 May 1987, and Nash' At Tuma, detained on 25 February 1989, all lawyers and members of the Central Committee of the Communist Party, have been deprived of their freedom, without any charge or accusation being brought against them, in accordance with the provisions of the Martial Law which has been in force in the Syrian Arab Republic since 1963;
 - (b) Proceedings before the State Security Supreme Court have been instituted only against Muhammad Munir Missouti, and then only since September 1992;
 - (c) The detention, regardless of the grounds therefor, is arbitrary within the meaning of the terms of category II of the principles referred to in paragraph 3 of this decision. The only reason for the detention in actual fact - and this has not been contradicted by the Government - is that they belong to a particular political party, which is a legitimate exercise of freedom of expression, opinion and political association and of the right to

take part in public affairs set out in articles 19, 20 and 21 of the Universal Declaration of Human Rights and 19 and 22 of the International Covenant on Civil and Political Rights;

(d) Furthermore, the Working Group, in its latest report to the Commission on Human Rights (E/CN.4/1993/24), expressed concern because very often declarations of constitutional states of emergency tend to be used continually, which is "a fruitful source of arbitrary arrests". This is the case with the Syrian Arab Republic.

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

The detention of Muhammad Munir Missouti, Abdullah Quabbara and Nash' At Tuma is declared to be arbitrary, being in contravention of articles 19, 20 and 21 of the Universal Declaration of Human Rights and articles 19 and 22 of the International Covenant on Civil and Political Rights and falling within category II of the principles applicable in the consideration of the cases submitted to the Working Group.

7. Consequent upon the decision of the Working Group declaring the detention of the person in question 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.

Adopted on 30 April 1993