

DECISION No. 35/1993 (SYRIAN ARAB REPUBLIC)*

Communication addressed to the Government of the Syrian Arab Republic on 22 February 1993.

Concerning: Mujalli Nasrawin, 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 case 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 the case 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. Mr. Mujalli Nasrawin, born in 1939, a lawyer of Jordanian nationality, was reportedly arrested in 1970 and has since been held at Mazze prison in Syria. Mr. Nasrawin is said to have obtained his law degree from Damascus University, Syria. He worked in Jordan as a Justice of the Peace in 1967 and then returned to Syria where he joined the Arab Socialist Baath Party and became a member of its Syrian Executive. Reportedly two months after having visited Jordan for a period of 24 hours in 1970, he was imprisoned in Syria together with the former Syrian President Nureddin al-Atasi. Mr. Nasrawin has reportedly been held without charge or trial. He is said to be in extremely poor health and suffering from chronic ailments due to the conditions of detention.

6. The facts clearly suggest that Mr. Nasrawin has been detained only for his political views and opinions. The fact that he has not been charged since his arrest in 1970 and that no trial till date has taken place further proves the arbitrary nature of his detention. His poor health and chronic ailments are obviously the result of poor conditions of detention. In the circumstances, it is clear that Mr. Nasrawin's detention is in violation of

* The Syrian Arab Republic addressed a reply to the above case, in Arabic, dated 12 October 1993.

articles 5, 9, 10, 18 and 19 of the Universal Declaration of Human Rights and articles 7, 9, 14, 18 and 19 of the International Covenant on Civil and Political Rights.

7. In the light of the above the Working Group decides:

(a) The arrest of Mr. Mujalli Nasrawin and his continued detention, without charge or trial, cannot be justified on any legal basis. It is declared to be arbitrary being in contravention of articles 5, 9, 10, 18 and 19 of the Universal Declaration of Human Rights and articles 7, 9, 14, 18 and 19 of the International Covenant on Civil and Political Rights, to which the Syrian Arab Republic is a party, and Principle 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. His continued detention in the absence of any charge or trial cannot further be justified on any legal basis, and falling within categories I, II and III of the principles applicable in the consideration of cases submitted to the Working Group.

(b) The Working Group decides, furthermore, to transmit the information concerning the alleged poor conditions of detention to the Special Rapporteur on the question of torture.

8. Consequent upon the decision of the Working Group declaring the detention of Mr. Mujalli Nasrawin 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 provisions and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 29 September 1993