

Decision No. 52/1993 (Iraq)

Communication addressed to the Government of the Republic of Iraq on 3 August 1993.

Concerning: Aziz Al-Syed Jasim, on the one hand, and the Republic of Iraq, 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 appreciation the information forwarded by the Government concerned in respect of the case within ninety (90) days of the transmittal of the letter by the Working Group.
3. (Same text as para. 3 of decision No. 43/1993.)
4. In the light of the allegations made, the Working Group welcomes the cooperation of the Government of the Republic of Iraq. The Working Group transmitted the reply of the Government to the source and received their comments. The Working Group believes that it is in a position to take a decision on the facts and circumstances of the case, in the context of the allegations made and the response of the Government thereto.
5. According to the communication submitted by the source, a summary of which was forwarded to the Government, Aziz Al-Syed Jasim, journalist, writer, editor-in-chief and author, around 49 years old, was reportedly arrested without charge by plainclothes members of the Iraqi security forces in Baghdad on 14 April 1991. After being taken to the Mudiriyat al-Amn al-Amma, the General Security Directorate in Baghdad, he was allegedly held in solitary confinement and tortured. In July 1992 he was reportedly transferred on grounds of ill-health to the Iraqi intelligence headquarters in Baghdad where he was still believed to be detained without charge or trial. It was alleged that the reason for his detention was his refusal to write articles supporting the Iraqi invasion of Kuwait, despite repeated demands made to that effect by the Iraqi Secret Service. It was reported that Aziz Al-Syed Jasim had previously been detained for short periods in 1978 and 1980 on account of his activities as a journalist and a writer, and his detention, according to the source, could also be related to his peaceful activities as a writer and a journalist.
6. The Government in its response of 13 October 1993, asserted that Aziz Al-Syed Jasim was not in detention and that the authorities had no information concerning him.
7. Considering the specificity of the details in the allegations made, the response of the Government comes as a surprise. It is relevant to note that the Government has not asserted that Aziz Al-Syed Jasim was never detained. Allegations as to his previous detentions have also not been commented upon.

8. The source has in turn reported that there has been no substantial information on the plight of Aziz Al-Syed Jasim since his reported transfer in 1992 to Iraqi intelligence headquarters in Baghdad. In the absence of any authentic information it is difficult, on the basis of these facts, to come to a final conclusion that Aziz Al-Syed Jasim continues to be in detention.

9. Nevertheless, on the alleged facts, and taking into account the response of the Government, the Working Group is of the opinion that the detention of Aziz Al-Syed Jasim was arbitrary from its inception. His detention was actuated by his refusal to write articles supporting the Iraqi invasion of Kuwait, despite demands made to that effect by the Iraqi Secret Service. His refusal to write the articles is protected by article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights to which Iraq is a party. Aziz Al-Syed Jasim's consequent detention without charge or trial was also in violation of articles 8 and 9 of the Universal Declaration of Human Rights and articles 9 and 10 of the International Covenant on Civil and Political Rights.

10. Since the facts in relation to Aziz Al-Syed Jasim's continued detention are unconfirmed, and the Government has stated that it has no information concerning him, the Working Group considers it appropriate, in accordance with its Methods of Work, to refer his case to the Working Group on Enforced or Involuntary Disappearances.

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

(a) The detention of Aziz Al-Syed Jasim is declared to be arbitrary being in contravention of articles 8, 9 and 19 of the Universal Declaration of Human Rights and articles 9, 10 and 19 of the International Covenant on Civil and Political Rights to which the Republic of Iraq is a Party and falling within category II of the principles applicable in the consideration of the cases submitted to the Working Group.

(b) The Working Group decides, furthermore, to transmit the case to the Working Group on Enforced or Involuntary Disappearances for further consideration.

12. Consequent upon the decision of the Working Group declaring the detention of Aziz Al-Syed Jasim to be arbitrary, the Working Group requests the Government of Iraq 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 7 December 1993.