

Decision No. 54/1993 (Syrian Arab Republic)

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

Concerning: Jihad Khazem, Ibrahim Habib and Najib Atalayga, 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 the succinct information forwarded by the Government concerned in respect of the cases in question within 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 and the succinct reply of the Government of the Syrian Arab Republic, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the cases, 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, the three persons mentioned above were arrested, without a warrant, on 27 February 1992 by the State Security in Lattaquiyeh. All of them were said to be currently held in the prison of Sednaya. The source added that the persons concerned were members of prohibited organizations called "Committees for the Defence of Democratic Freedoms and Human Rights". They were allegedly accused of membership of an illegal organization, and of demanding that it be legalized, in conformity with article 48 of the Constitution of the Syrian Arab Republic. It was not reported whether they had been formally charged with any specific offences, and whether they had stood trial.
6. In its reply, the Government of the Syrian Arab Republic confines itself to stating that the Syrian citizens Jihad-al-Khazem, Ibrahim Habib and Najib Atalayga have been brought before the State Security Court, without further comment. In the circumstances, the Working Group considers that the only reason for the detention of the persons mentioned in the communication was their membership of "Committees for the Defence of Democratic Freedoms and Human Rights", a prohibited organization, the legalization of which they were demanding, in conformity with article 48 of the Constitution. It is not reported that in doing so they used violence or called on others to do so. It thus appears that they are being detained solely for having exercised freely and peacefully their right to freedom of association, a right guaranteed by article 20 of the Universal Declaration of Human Rights and article 22 of the International Covenant on Civil and Political Rights.

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

The detention of Jihad Khazem, Ibrahim Habib and Najib Atalayga is declared to be arbitrary being in contravention of article 20 of the Universal Declaration of Human Rights and article 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.

8. Consequent upon the decision of the Working Group declaring the detention of Jihad Khazem, Ibrahim Habib and Najib Atalayga 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 7 December 1993.