

OPINION No. 6/2004 (SYRIAN ARAB REPUBLIC)

Communication addressed to the Government on 13 February 2004.

Concerning: Mohammad Shahadeh, Hassan Qi Kurdi, Bashshar Madamani, Haytham Al Hamoui, Yahia Shurbaji, Tarek Shurbaji, Mou' taz Mourad, Abdel Akram Al-Sakka, Ahmad Kuretem, Mohammed Hafez and Moustafa Abou Zeid.

The State is a party to the International Covenant on Civil and Political Rights

1. (Same text as paragraph 1 of opinion No. 20/2003.)
2. The Working Group regrets that the Government did not reply within the 90-day time limit.
3. (Same text as paragraph 3 of opinion No. 20/2003.)
4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government. In the absence of any information from the Government, the Working Group believes that it is in a position to render an opinion on the facts and circumstances of the cases, especially since the facts and allegations contained in the communication have not been challenged by the Government.
5. The cases summarized hereafter have been reported to the Working Group on Arbitrary Detention as follows:
 - (a) Mohammad Shahadeh, born in 1978 and living in Darayya, a Syrian citizen, assistant professor at the Faculty of English Literature of Damascus University, was arrested on 14 May 2003 in Darayya by members of the Intelligence Service of the army;
 - (b) Hassan Qi Kurdi, born in 1976 in Darayya, a Syrian citizen living in Al Tal, was arrested on 8 May 2003 in Darayya by members of the Intelligence Service of the army;
 - (c) Bashshar Madamani, born in 1979 in Darayya, a Syrian citizen living in Darayya-Kornishe Raissi, was arrested on 3 May 2003 in Darayya by members of the Intelligence Service of the army;
 - (d) Haytham Al Hamoui, born in 1976 in Damascus, a Syrian citizen living in Darayya, researcher and assistant professor at the Faculty of Medicine of Damascus University, was arrested on 3 May 2003 in Darayya by members of the Intelligence Service of the army;
 - (e) Yahia Shurbaji, born in 1979 and living in Darayya, a Syrian national, a student at the Faculty of Administration of Damascus University, was arrested on 3 May 2003 in Darayya by members of the Intelligence Service of the army;
 - (f) Tarek Shurbaji, born in 1976 in Darayya, a Syrian citizen living in Sahnaya, a graduate of the Faculty of Economics of Damascus University, was arrested on 3 May 2003 in Darayya by members of the Intelligence Service of the army;

(g) Mou'taz Mourad, born in 1978 and living in Darayya, a Syrian citizen, a student at the Faculty of Engineering of Damascus University, was arrested on 3 May 2003 in Darayya by members of the Intelligence Service of the army;

(h) Abdel Akram Al-Sakka, born in 1944 and living in Darayya, a Syrian citizen, researcher and writer and owner of a publishing house, was arrested on 3 May 2003 in Darayya by members of the Intelligence Service of the army. He is reportedly suffering from serious illnesses;

(i) Ahmad Kuretem, born in 1977 and living in Darayya, a Syrian citizen, a graduate of the Faculty of Engineering of Damascus University, was arrested on 3 May 2003 in Darayya by members of the Intelligence Service of the army;

(j) Mohammed Hafez, born in 1970 and living in Darayya, a Syrian citizen, a graduate of the Institute of Technology, was arrested on 3 May 2003 in Darayya by members of the Intelligence Service of the army; and

(k) Moustafa Abou Zeid, a factory worker, born in 1967 in Yabroud, a Syrian citizen living in Darayya, was arrested on 3 May 2003 in Darayya by members of the Intelligence Service of the army.

6. According to the information received, these 11 persons were arrested solely for their political and social convictions. They had agreed to start a programme to "clean up" Darayya, encouraging local civil servants to refrain from accepting bribes and the townspeople to stop smoking.

7. The source adds that these persons were exposed to physical and psychological pressure after their arrests and during the interrogation period and were held in incommunicado detention for long periods in Sednaya prison. They were reportedly compelled to sign pledges to give up their political and religious activities as a condition of their release. Later, they were accused of membership in a non-authorized organization. They were not allowed to contact their relatives, medical doctors or defence lawyers.

8. Some months later, they were tried before a military court and sentenced to terms of three and four years' imprisonment. According to the source, it was the first time since 1984 that civilians were tried before a military court for their social activities. During their trial, they were not allowed to be assisted by defence lawyers. No family members were permitted to attend the trial. There was no possibility of appealing the sentences since they were issued by a military court.

9. The Government has not contested the allegations made by the source, despite having had an opportunity to do so.

10. The fact that these persons have been prevented from consulting lawyers, and the fact that the subsequent proceedings were also held without the presence of lawyers, in a military court and with no possibility of appeal, constitute very serious breaches of the right to due process and the right to a fair trial recognized in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

11. The grounds for their arrest, and the fact that they were tried and sentenced to prison terms of three or four years for the simple act of exercising their civil liberties, also constitute serious violations of the right to freedom of opinion, expression and association.

12. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Mohammad Shahadeh, Hassan Qi Kurdi, Bashshar Madamani, Haytham Al Hamoui, Yahia Shurbaji, Tarek Shurbaji, Mou'taz Mourad, Abdel Akram Al-Sakka, Ahmad Kuretem, Mohammed Hafez and Moustafa Abou Zeid is arbitrary, being in contravention of articles 9, 10, 19 and 20 of the Universal Declaration of Human Rights and articles 9, 14, 19 and 21 of the International Covenant on Civil and Political Rights, and falls within categories II and III of the categories applicable to the consideration of cases submitted to the Working Group.

13. The Working Group, having rendered this opinion, requests the Government to take the necessary steps to remedy the situation, which could have irreparable consequences, in order to bring it into conformity with the standards and principles contained in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Adopted on 26 May 2004