

OPINION No. 10/2005 (SYRIAN ARAB REPUBLIC)

**Communication addressed to the Government of the Syrian Arab Republic
on 3 February 2005.**

Concerning Mr. Farhan al-Zu'bi.

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

1. (Same text as paragraph 1 of opinion No. 20/2004.)
2. The Working Group regrets that the Government did not provide it with the requested information, despite repeated invitations to do so. The Working Group believes that it is in a position to render an opinion on the facts and circumstances of the case.
3. (Same text as paragraph 3 of opinion No. 20/2004.)
4. According to the information received, Mr. Farhan al-Zu'bi, a citizen of the Syrian Arab Republic, born on 30 December 1942, was tried before a special military court in 1967 on charges of having taken part in a conspiracy to overthrow the Government that culminated in the attempted coup d'état of 8 September 1966. He was acquitted. In 1970 he was a lieutenant in the Syrian Armed Forces. In September 1970, Syria participated in the conflict in Jordan opposing the Palestine Liberation Army and the Jordan Arab Army. Lieutenant al-Zu'bi was part of the Syrian Armed Forces in Jordan, where he was captured and detained by the Jordanian governmental forces.
5. Mr. al-Zu'bi's wife, Ms. Sabah Damer at-Turkmani, was informed by the authorities of Syria that her husband was missing in action, and started to receive a monthly payment from the Government as a widow of a fallen soldier. In 1974, the authorities of Jordan handed Mr. al-Zu'bi over to the authorities of Syria. His family was not informed of this.
6. The source adds that in February 1995, however, the Syrian authorities stopped the monthly payments to Ms. at-Turkmani and informed her that her husband was alive. His place of detention was not disclosed to her, and neither she nor anyone else has been allowed to visit or otherwise contact Mr. al-Zu'bi.
7. In July 1999, Lieutenant-General Ali Issa Douba, then Head of the Syrian Military Intelligence Department (SMID), ordered the military police to transfer Mr. al-Zu'bi to the detention facility "Branch No. 293", where he is currently detained in solitary confinement. According to the source, Branch No. 293 (the so-called Officers' Branch) is a detention facility under the authority of the Ministry of Defence, located within the new residence of the SMID leadership, between the Al-Baramkah and Kufr Susah neighbourhoods in Damascus.
8. The source alleges that Mr. al-Zu'bi's detention is without any legal basis. Mr. al-Zu'bi was acquitted of the charges against him in connection with the attempted coup d'état of 8 September 1966. Moreover, Mr. al-Zu'bi has been held in unacknowledged incommunicado detention for more than 30 years.

9. The Government, which had the possibility of answering these questions, did not contest the allegations.

10. The Working Group observes that this is a case in which no possible legal basis can be found to justify Farhan al-Zu'bi's long detention, which is in serious contravention of the principle that no one shall be subjected to arbitrary detention and no one shall be deprived of liberty except on such grounds and in accordance with such procedures as are established by law.

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

Mr. Farhan al-Zu'bi's deprivation of liberty is arbitrary, being contrary to article 9 of the Universal Declaration of Human Rights and article 9 of the International Covenant on Civil and Political Rights, and falls within category I of the categories applicable to the consideration of the cases submitted to the Working Group.

12. Consequent upon the opinion rendered, the Working Group requests the Government to take the necessary steps to remedy the situation and bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 26 May 2005