

**OPINION No. 15/2006 (SYRIAN ARAB REPUBLIC)**

**Communication: addressed to the Government on 19 January 2006.**

**Concerning: Mr. Ryad Hamoud Al-Darrar.**

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

1. (Same text as paragraph 1 of Opinion No. 38/2005.)
2. The Working Group conveys its appreciation to the Government of the Syrian Arab Republic for having forwarded the requested information.
3. (Same text as paragraph 3 of Opinion No. 38/2005.)
4. In the light of the allegations made, the Working Group welcomes the cooperation of the Government. The Working Group transmitted the reply provided by the Government to the source. However, to date, the latter has not provided the Working Group with its comments. The Working Group believes that it is in a position to render an Opinion on the facts and circumstances of the cases, in the context of the allegations made and the response of the Government thereto.
5. Mr. Ryad Hamoud al-Darrar; born in 1954 at Deir Ezzor; married with six children; Professor of Arab literature; a member of the National Forum for the Democratic Dialogue, was arrested on 4 June 2005 at his home by members of the Political Security Agency. It was reported that Mr. Al-Darrar was arrested without a warrant clearly specifying the charges against him. In spite of his bad health, he was held during the first 25 days of his detention in solitary confinement and in incommunicado detention. Later, he was transferred to Section No. 2 (Political) of 'Adhra Prison, near Damascus.
6. It was reported that Mr. Al-Darrar is in urgent need of appropriate medication and specialist medical care. He is suffering from severe diabetes needing permanent treatment with insulin. It was alleged that, in prison, his health could deteriorate further.
7. According to the information received, on 20 May 2005, Mr. Al-Darrar chaired a public meeting at Deir Ezzor of more than 200 members of the National Forum for the Democratic Dialogue. Following this meeting, he wrote a communication to the tenth local Congress of the

governmental party asking for constitutional reform; for the establishment of a multi-party democracy; the end of the state of emergency; and for several political reforms, including the return of the exiles and the liberation of political detainees. On 3 June 2005, Mr. Al-Darrar denounced the death in detention of Mr. Mohamed Mashouq Al-Khiznaoui, calling for an exhaustive investigation of his death. The source alleges that these were the reasons for his arrest.

8. On 4 December 2005, Mr. al-Darrar appeared for his first hearing before the Supreme State Security Court (SSSC) (*Mahkamat Amn Al Dawla Al Ulya*), where he was charged with infractions of articles 285, 286 and 287 of the Penal Code, concerning offences of a political character, mainly membership in a non-authorized political organization and disturbing the nation's harmony. The next session of the trial was scheduled for 15 January 2006.

9. The source alleges that his defence lawyers were not authorized to visit him. His relatives were authorized only once to visit him and solely on the basis of an authorization of an exceptional character. His lawyers complained that, contrary to article 275 of the Code of Criminal Procedures, they were not allowed access to the charge sheet and other documents relevant to the case.

10. According to the source, this is a case of a politically motivated arbitrary arrest. Mr. Al-Darrar is being held in detention solely for the expression of his conscientiously held beliefs and for the exercise of his rights of freedom of expression and association. The judicial procedures of this defendant before the SSSC are seriously flawed and fall far short of international standards of fairness. The SSSC, which was created under 1963 emergency legislation, is not bound by the rules of the Syrian Code of Criminal Procedures. Magistrates, especially the President of the Court, have been granted wide discretionary powers. In addition, defendants have restricted access to defence lawyers. Lastly, the SSSC verdicts are not subject to appeal.

11. The source recalls that in April 2001, the United Nations Human Rights Committee expressed concern about the procedures of the SSSC. It stated that these procedures were "incompatible with the provisions of Article 14, paragraphs 1, 3 and 5 of the International Covenant on Civil and Political Rights"; that the SSSC rejects torture allegations even in flagrant cases and that its decisions are not subject to appeal (CCPR/CO/71/SYR/Add.1, para. 16).

12. The source further considers that the SSSC has been conceived as an institution of the state of emergency. It is solely dependant on the executive branch of the Government; it is placed outside the ordinary criminal justice system and is accountable only to the Minister of the Interior. Its powers are limited to the courtroom and it is unable to ensure that those acquitted are actually released.

13. The Government, in its response, states that Mr. Al-Darrar has been charged on account of his membership in a non-authorized secret organization, diffusion of false information and perturbing the Nation's concord, as stated in articles 225, 226 and 328 of the Criminal Code. His hearing will take place on 5 March 2006.

14. The Working Group takes notice that the Government does not contest that the criminal charges were pressed against Mr. Al-Darrar because he hosted a public meeting, issued a communication and denounced a death in prison. These activities were held without violence and are rights protected under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

15. The facts described show that Mr. Al-Darrar was holding an opinion and imparting information, which is a right that he is entitled to in article 19 of the Universal Declaration of Human Rights. Having a public meeting without violence is a right to which he is entitled until article 20, which enshrines the right to freedom of peaceful assembly. He is detained on the sole basis of exercising these rights.

16. Furthermore, it is not contested that Mr. Al-Darrar's detention was conducted without a warrant and that he was held in incommunicado detention for 25 days, that his lawyers were not permitted to have contact with him and that they were not given the pertaining documents of the case, and that he did not benefit from a fair and impartial trial, as the procedure before the SSSC is described.

17. In the light of the foregoing, the Working Group renders the following Opinion:

The deprivation of liberty of Mr. Ryad Hamoud Al-Darrar is arbitrary, as 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 the cases submitted to the Working Group.

18. Consequent upon the Opinion rendered, the Working Group requests the Government to take the necessary steps to remedy the situation of Mr. Ryad Hamoud Al-Darrar and bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights.

Adopted on 12 May 2006.