

Opinion No. 12/2009 (Lebanon)

Communication addressed to the Government on 11 May 2009

Concerning Mr Nawar Ali Abboud

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

1. (Same text as paragraph 1 of Opinion No. 17/2008.)
2. The Working Group acknowledges the cooperation of the Government with regard to the allegations formulated. The reply of the Government was transmitted to the source, which made relevant observations. The Working Group considers that it is in a position to render an opinion on the facts and circumstances of the case, in view of the formulated allegations, the Government's reply and the observations of the source.
3. (Same text as paragraph 3 of Opinion No. 17/2008.)

4. The case referred to below was reported to the Working Group as follows: Nawar Ali Abboud (Mr. Abboud hereafter), Syrian citizen, 45 years old, resident of Tripoli, Lebanon, is a leader of the Syrian political opposition and treasurer of a Syrian organization called United National Alliance, a political group affiliated with the organization Ref' at al-Asad.
5. According to the information received, Mr. Abboud, who is the uncle of the President of the Syrian Arab Republic, Bashar Al-Asad, was arrested on 24 December 2008, around 6.0 or 7.0 p.m., close to his office, located on Maarad Street, Tripoli, by intelligence agents of the Lebanese army.
6. According to the source, on that day, while he returned to his office after having distributed gifts during a Christian event at the Bechara Church, Mr. Abboud was arrested with his driver and his bodyguard of Lebanese nationality, by persons in civilian clothes, who identified themselves as members of the military intelligence services. At the same time, his car was confiscated. All three were taken to the Al Qubbeh military intelligence headquarters, where they were held for one day, following which the bodyguard and the driver were released.
7. After the arrest, agents of the military intelligence services reportedly went to Mr. Abboud's office to confiscate electronic material, CDs, CD-ROMs and DVDs. They returned to the office three days later to confiscate a second car belonging to Mr. Abboud.
8. According to the source, Mr. Abboud's fate and legal situation remain unknown since that date. His two cars and the confiscated electronic material have not been returned to his relatives.
9. According to the source, the continued detention of this person at an unknown place, for an indefinite period and without indictment or trial violates the rules of the right to a fair trial and contravenes the provisions of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which Lebanon is a party.
10. Moreover, the source has expressed concern over Mr. Abboud's possible exit from the Lebanese territory and illegal transport to the Syrian Arab Republic. According to the official Lebanese agency responsible for aliens and borders, there is no record of Mr. Abboud's possible exit from the Lebanese territory.
11. The Government, in a short reply dated 18 May 2009, simply stated that Nawar Ali Abboud had actually been arrested by the intelligence services of the army and had been released on the following day with his two vehicles.
12. The source, to which this reply was communicated, made the following observations:
13. Mr. Abboud does not seem to have been released, since he has neither returned to his home nor contacted his relatives or his lawyer. After the indicated date of release, his cars continued to be parked in front of the general headquarters of the intelligence services of the army. In particular, the source adds, the Government does not offer any evidence of his release.
14. The Government's reply does not mention the grounds for Mr. Abboud's arrest nor the authority having ordered the arrest.
15. Lastly, suspecting that Mr. Abboud did not leave the general headquarters free, the source requests further inquiries with the Lebanese authorities in order to find out which authority and on what grounds had ordered the arrest, and the exact circumstances of his release.

16. The Working Group considers that the attitude of the Government, which, in contrast to the quite precise and concrete allegations made by the source, provided such a short and vague reply despite the seriousness of the matter, is such as to lend credence to the source's claims.

17. That view is all the more plausible since the Government, which is regarded as the main guarantor of respect for human rights, should be able to provide detailed information on a person arrested by its services, on the grounds for such an arrest and on the action to be taken with regard to such a case.

18. In the absence of such information, the Working Group renders the following Opinion:

The detention of Nawar Ali Abboud is arbitrary, violating the provisions of articles 9 and 10 of the Universal Declaration of Human Rights and of articles 9 and 14 of the International Covenant on Civil and Political Rights, and falls into Category III of the criteria used in considering cases submitted to the Working Group.

19. Consequent upon the Opinion rendered, the Working Group requests the Government to clarify the circumstances and conditions under which Nawar Ali Abboud was arrested, to provide specific evidence of his release or, if need be, to bring him as soon as possible before a competent court, in full compliance with the Government's international commitments.

Adopted on 2 September 2009