

SYRIAN ARAB REPUBLIC

CCPR A/32/44 (1977) 8/

113. At its 26th meeting, on 16 August 1977, the Committee considered the initial report submitted by the Government of the Syrian Arab Republic under article 40 of the Covenant.

114. In a brief oral introduction, the representative of the Syrian Arab Republic stressed that her country, which had age-old humanistic traditions, was making every possible effort to eliminate all aspects of under-development inherited from periods of foreign domination and to establish a social order fully in accordance with modern values. These efforts were being made in spite of the need to take exceptional measures to meet external aggression.

115. The questions put by members of the Committee are summarized below:

(a) Information was sought concerning the remedies available to individuals for the safeguarding of their human rights. It was indicated that there existed in the Syrian Arab Republic, on the one hand, civil and penal jurisdictions and, on the other hand, administrative courts to which individuals could submit complaints alleging violation of their rights by executive and administrative authorities.

(b) More detailed information was requested on the laws governing the equality of men and women. The representative of the Government stressed that article 45 of the Constitution guaranteed women every opportunity to contribute effectively in the economic, social, cultural and political fields. They have full opportunity for education. They are guaranteed equal pay for equal work. Efforts continue to be made by the Government to remove all obstacles which hinder their development and full participation in society, including some difficulties stemming from cultural traditions.

(c) Questions were asked concerning the offences in respect of which the death sentence may be imposed, the frequency of death sentences and how such sentences were being carried out. In reply, it was said that the death sentence may be imposed only for the most serious crimes, in accordance with the Penal Code. It was carried out rarely, only in cases of offences against society or against the security of the State. Most of the time, death penalties were commuted to imprisonment for life or hard labour.

(d) Some members asked clarification regarding the laws in force in the Syrian Arab Republic to ensure the implementation of articles of the Covenant prohibiting torture and, especially, the remedies available for victims of torture or ill-treatment. The representative of the Government stressed that, under the Constitution and the Penal Code, every person guilty of torture was severely punished. In addition, public officials guilty of arbitrary arrest would be sentenced to a term of hard labour.

(e) Information was requested concerning the prohibition of slavery and forced labour, in accordance with article 8 of the Covenant. It was said that Syria had never known slavery, because this concept runs counter to the laws of Islam. Imprisonment with hard labour was a criminal penalty which may be imposed only by a Court. In most cases, hard labour was inflicted as a result of the commutation of a death sentence.

(f) Questions were asked regarding the treatment imposed upon pre-trial detainees as distinct from that meted out to convicted prisoners. The representative of the Syrian Arab Republic stated in reply that the treatment accorded to persons suspected, formally accused, and convicted differed, notably as regards the place of detention. Suspects were usually kept in police stations, whereas accused persons were imprisoned, though separately from convicted prisoners.

(g) Some members sought more information concerning the laws on immigration, emigration and deportation. The Committee was informed that Syria, traditionally a country of transit, knew in principle no restriction as regards entering and leaving the country. Only the state of war had required limitations on such movements. The representative of the Government also said that an alien who was lawfully in the territory could only be expelled from the country if he had committed a crime or if he had entered the country illegally.

(h) Some members requested more information concerning the implementation of article 20 (1) of the Covenant on the prohibition of war propaganda. The representative of the Government replied that implementation of this article in Syria had necessarily to be viewed in the context of the present critical situation of resistance to external aggression.

(i) Questions were put on measures taken to guarantee freedom of religion and belief. The Committee was informed that there was no discrimination against Christianity and Judaism, and that the three religions - Islam, Christianity, Judaism - were freely practiced. Those who fail to respect any of these religions may be severely punished. A clear distinction was made, however, between religion, on the one hand, and subversive political movements and racist ideologies, on the other hand.

(j) Clarification was sought on policies and measures to ensure full equality of all persons before the law. The representative of Syria emphasized that the policy of Government was to eliminate or reduce inequalities stemming from wealth, property, rank or social distinctions.

(k) Clarification was further requested on the various legal categories of property rights recognized in Syria, in relation to social and political structures. In reply, the representative of Syria said that "public ownership" referred to property belonging to the people as a whole, such as essential natural resources. "Collective ownership" applied to property owned by associations. The amount of property which may be owned by any individual, quite adequate for one family, was limited to avoid the economic exploitation of others.

(l) What was the legal technique of incorporation of the Covenant into domestic law?

(m) Was it open for any individual to invoke before the Courts or administrative authorities the provisions of the Covenant and claim annulment of a law or measure on grounds of

incompatibility with Covenant?

(n) Are there any derogations to the Covenant or the Constitution in force at the present time and, in the affirmative, what are the nature and effect of such derogations? The Committee would like to be informed about the laws and regulations which are in force in time of public emergency.

(o) In connection with article 6 of the Covenant, what has the State done to reduce infant mortality and improve the life expectancy of the people?

(p) Are there at present in Syria people not convicted of crime who are detained for political reasons? If so, what are the reasons for their detention and what are the conditions of custody?

(q) Are remedial procedures easily accessible to all in practice, in particular as regards the financial aspects?

(r) In article 28 of the Penal Code referring to the treatment of convicted persons, what is meant by the expression “in a manner appropriate to his conduct”.

(s) The Committee would like to have more detailed information on the implementation of the provisions contained in article 14 of the Covenant. For example, the Committee would like to see the full text of the law of criminal procedure.

(t) As regards freedom of expression, what is meant by the right to “constructive criticism, in a manner that will safeguard the soundness of the domestic structure and strengthen the socialist system”, in article 38 of the Constitution? Is the press subject to government control?

(u) What are the limitations imposed on the right of peaceful assembly?

CCPR A/34/40 (1979)

286. The Committee considered the supplementary report 10/ submitted by the Syrian Arab Republic (CCPR/C/1/Add.31) at its 158th and 160th meetings, and on 2 and 3 August 1979 (CCPR/C/SR.158 and 160). The issues were considered topic by topic.

287. The report was introduced by the representative of the State party who stated that the International Covenant on Civil and Political Rights, which had been ratified and promulgated by his Government, was compatible with its Constitutional system and was therefore an integral part of the internal law of the Syrian Arab Republic. Its provisions may be invoked by any citizen before the judicial or administrative authorities. He pointed out that his country was entitled, like any other State party which may face danger and threats to its national security, as Syria did due to the continued occupation of parts of its territory by Israel, to derogate from some of its obligations under the Covenant in accordance with article 4 thereof, to the extent strictly required by the exigencies of the situation. Citing a declaration by the President of the Syrian Arab Republic before the National Council, the representative stressed that no state of emergency existed in his country and that martial law was not applied any more except when the security of the State was in danger. He finally stated that the two reports submitted by the Syrian Arab Republic should be viewed in their proper perspective, that is to say, in the context of the conflict in the Middle East which was threatening the life of the nation and that, owing to the fact that part of the Syrian territory was under foreign occupation, his Government could not implement the provisions of the Covenant, particularly article 40 thereof, since it was unable to secure and protect the rights and freedoms of the inhabitants of its occupied territories.

288. Members of the Committee expressed their appreciation for the readiness of the Government of the Syrian Arab Republic to continue the fruitful dialogue with the Committee which started at its second session and recalled that the report of the Syrian Arab Republic was the first to be submitted and considered under article 40 of the Covenant and that that country was one of the first countries to submit a supplementary report.

289. Referring to the statement in the report as reiterated by the representative of the Syrian Arab Republic to the effect that as soon as it was ratified and promulgated by the competent authorities in his country the International Covenant on Civil and Political Rights became an integral part of the Syrian internal law, members of the Committee asked what legislative procedure had been followed to that end; whether the Constitution of the Syrian Arab Republic provided for the automatic incorporation of international treaties into the internal law of the country; whether laws that existed at the time of the ratification of the Covenant and were not consistent with its provisions were automatically abrogated by the fact of such ratification or by special laws; whether it was possible for an individual directly to invoke the provisions of the Covenant before the judicial and administrative authorities and, if so, how frequently did that occur; whether the law provided for the

10/ The initial report (CCPR/C/1/Add.1/Rev.1) was considered at the 26th meeting held on 16 August 1977 (CCPR/C/SR.26). See also Official Records of the General Assembly, Thirty-second Session, Supplement No. 44 (A/32/44 and Corr.1), paras. 113-115.

prompt implementation of judicial decisions based on the provisions of the Covenant; and whether the provisions of the Covenant were well known among members of the legal profession. In this connection the question was also asked as to which provisions would prevail if a conflict did arise before the courts between the Covenant and the Constitution or other laws, including those which came into force after the Covenant, and which courts, if any, were competent to decide on this question as well as on whether a certain law or administrative act was compatible with the provisions of the Covenant. The question was also asked as to whether written and customary laws existed side by side in Syria and, if so, whether a written law such as the Covenant would, in case of conflict, prevail over the customary law.

290. Referring to article 2 of the Covenant under which each State party undertook to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant, and referring to the fact that certain elements of the Syrian armed forces were known to be stationed outside Syrian territory, one member asked whether it was the view of the Syrian Government that the provisions of that article of the Covenant conferred a responsibility on it in respect of the acts of those forces outside Syrian territory and, if so, what instructions were given to them and in what manner.

291. Replying to the questions summarized above, the representative of the Syrian Arab Republic stated that there was no contradiction between the Covenant and the Constitution of his country; that, had that been the case, the Syrian Arab Republic would have first amended its Constitution or refrained from ratifying the Covenant, for the Constitution was supreme and any other instruments to which his country became party had to be in conformity with the Constitution; that, in case of conflict between the provisions of the Covenant and existing law, the provisions of the Covenant would prevail and automatically amend that law. Noting that the Covenant had recently come into force, he stated that, to his knowledge, its provisions have not yet been invoked before the Syrian courts. Referring to a case involving a labour dispute in which the Syrian court ruled that the provisions of the international instrument concerning prevailed over the existing law, he pointed out that he was certain that, had the Court of Cassation to decide in another case involving contradiction between a national law and the Covenant, the court would rule in favour of the latter. Replying to a question concerning the enforceability of a court decision based on the Covenant, he stated that he was not aware of any court decision which had not been executed. Replying to a question concerning the status of customary law in his country, he referred to article (I) of the Civil Code of the Syrian Arab Republic which provides that, in case there is no provision in the code relating to a matter falling within its scope, the magistrate may judge on the basis of Islamic jurisprudence or in accordance with customary law or the principles of equity.

292. Replying to the question concerning article 2 of the Covenant, the representative stated that the soldiers of Syrian nationality who served in Lebanon were part of the Arab Force of Dissuasion which was created by the League of Arab States. As it was the case with the United Nations forces stationed in Lebanon, this force was there to keep order and that it was under the direct command of the President of that country.

293. With reference to article 4 of the Covenant, it was noted that only a brief reference was made in the report to the state of emergency, and accordingly, to the derogations that may have been made under article 4 of the Covenant. More information was requested on the specific rights that may be

derogated from, the extent of such derogations and their justification; the laws and regulations which were applied in such a case and the manner in which the state of emergency affected the judiciary and the protection of those human rights that it was not possible to derogate from under article 4 of the Covenant. In this connection reference was made to paragraph 3 of article 4 of the Covenant which requires any State party to the Covenant availing itself of the right of derogation to inform immediately the other States parties to the Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the justification for the strict necessity of the derogations. Members observed that the Committee had not been made aware of such derogation and requested detailed information regarding derogations which may have been made in the Syrian Arab Republic. Information was requested on the exact nature of the state of emergency, if any existed, and, if it did exist, when would it cease to have effect.

294. Commenting on the impact of a state of emergency on the independence of the judiciary, members sought detailed information on the extent to, and manner in which, judicial institutions were functioning in the Republic. With reference to paragraph 1 of article 4 of the Covenant which requires a State party to use its right of derogation to the extent strictly required by the exigencies of the situation and to the fact that the provisions of article 14 were not included among the articles from which no derogation was permitted under article 4 of the Covenant, members sought information on the security courts that have replaced the military courts on the difference between the jurisdiction and procedures applicable to the security courts and the military courts which they have replaced; and on the guarantees enjoyed by accused persons brought before them. In this connection it was noted that States tended to resort more easily to the death penalty in emergency situations and the question was asked whether any information could be given on the use in the Syrian Arab Republic of that penalty.

295. Replying to the questions concerning article 4 of the Covenant, the representative of the Syrian Arab Republic stressed that the conditions under which a state of emergency could be proclaimed were contained in a decree dated 22 December 1962. In accordance with this decree, a state of emergency may be declared in the event of war or in a situation conducive to war, when the security of the State or public order (*ordre public*) was threatened. The representative pointed out that a state of emergency could only be proclaimed by a decision of the Council of Ministers chaired by the President of the Republic; that it could be declared for the entire territory of the Republic or for only some parts of it; and that, once proclaimed, the state of emergency would restrict such personal freedoms as those of assembly and movement and would also allow the preventative detention of suspects who may endanger the security of the State or public order.

296. Replying to the questions concerning military and security tribunals, the representative pointed out that the military tribunals had been abolished and that only the Superior Tribunal of Security was in existence. As to the rights of the accused before this Tribunal, he referred to a decree which provided that, without prejudice to the right of defence stipulated in the laws in force, the State Security Tribunals were not bound to conform with the procedures provided for in existing legislation in all procedural stages of investigation and judgement. He also pointed out that judgements of the State security courts were not executed unless approved by the Head of State. In this connection and with reference to the question on the use in Syria of the death penalty in emergency situations, he stated that the death penalty was provided for in the Penal Code in connection with premeditated murder and crimes against the security of the State. The imposition

of this penalty was relatively rare and those condemned to death could appeal for pardon.

297. In connection with articles 9 and 14 of the Covenant the question was asked whether there were still any persons held for political reasons in prison without trial and if so how many, for how long and since when. Information was requested by members of the Committee on the procedure and conditions applied in the appointment and dismissal of judges, on the measures taken to ensure their independence and on whether women could be appointed as judges in Syria.

298. In replying to questions raised with reference to the provisions of article 14 of the Covenant, the representative of the Syrian Arab Republic stressed that the Constitution guaranteed the independence of the judiciary from the executive. He pointed out that judges were appointed by the President of the Syrian Arab Republic, and that once appointed judges became immune and could only be dismissed by a decision of the Supreme Judicial Council if and when they themselves violated the law. He further stated that there were in fact women judges in courts having jurisdiction over young persons.

299. The representative of the State party informed the Committee that he would transmit its request for further clarifications to his Government.

CCPR A/56/40 (2001)

81. Syrian Arab Republic

(1) The Committee considered the second periodic report of the Syrian Arab Republic (CCPR/C/SYR/2000/2) at its 1916th and 1917th meetings, held on 30 March 2001, and adopted the following concluding observations at its 1924th meeting, held on 5 April 2001.

Introduction

(2) The Committee has considered the second periodic report of the Syrian Arab Republic. It welcomes the submission of the report, which contains detailed information on Syrian legislation in the area of civil and political rights, and the opportunity to resume the dialogue with the State party after an interval of 24 years. It regrets the considerable delay in submitting the report, which was due in 1984, and the lack of information on the human rights situation in actual fact, which makes it difficult for the Committee to determine whether the State party's population is able fully and effectively to exercise its fundamental rights under the Covenant.

Positive aspects

(3) The Committee welcomes the information given by the delegation that a large number of political prisoners have been released since the early 1990s and, more recently, in July and November 2000.

(4) The Committee has noted evidence of developments within the State party that reflect some relaxation of political restraints that have raised serious questions of gross violations of rights protected by the Covenant.

Subjects of concern and recommendations

(5) The Committee has noted the status of the Covenant in the State party's internal legal framework. It also takes note of the assurances given by the State party's delegation, without adding further details or citing precise cases, that the Covenant may be directly invoked before the Syrian courts. It notes that the provisions of the Constitution of the Syrian Arab Republic frequently refer to the law. The law, however, rather than being an additional guarantee of the rights and freedoms proclaimed in the Constitution and ensuring that the provisions of the Covenant are given full effect, often tends to restrict the scope of application of the Covenant's provisions.

The State party should review its legislation in order to render it compatible with all the provisions of the Covenant. The Committee wishes to receive from the State party more precise information about the number of cases in which the Covenant was in fact invoked before the Syrian courts.

(6) The Committee is concerned at the fact that Legislative Decree No. 51 of 9 March 1963 declaring a state of emergency has remained in force ever since that date, placing the territory of the Syrian Arab Republic under a quasi-permanent state of emergency, thereby jeopardizing the guarantees of article 4 of the Covenant. It also regrets that the delegation did not provide details of

the application of the state of emergency in actual situations and cases.

While noting the information given by the State party's delegation that the state of emergency is rarely put into effect, the Committee recommends that it be formally lifted as soon as possible.

(7) The Committee notes that the information given by the State party concerning the conditions for proclaiming a state of emergency is still not sufficiently precise. It remains concerned that some of the provisions of the 22 December 1962 Legislative Decree referred to in the report are too vague and imprecise and do not appear to be compatible with the requirements of article 4 of the Covenant, and that the legislation does not provide remedies against measures limiting citizens' fundamental rights and freedoms.

The State party should take appropriate steps to bring its state of emergency legislation fully into line with the requirements of article 4 of the Covenant, and the Committee requests detailed, precise information in this regard.

(8) The Committee takes note of the delegation's explanations that the death penalty is rarely imposed and even more rarely carried out. It nevertheless remains seriously concerned at the number of offences punishable by the death penalty and at the absence of any information on the number of death sentences imposed in the past 10 years and the number of executions carried out during the same period. This situation is particularly disturbing in the light of precise, consistent reports alleging that a large number of death sentences have been passed and executions carried out following unfair trials in which the accused were sentenced although evidence was used that had been obtained through confessions which had been made under torture.

The Committee calls upon the State party to ensure respect for articles 6, 7 and 14 (3) (g) of the Covenant and recommends that it reduce the number of offences punishable by the death penalty. The State party should also provide the Committee with statistics on the number of death sentences passed since 1990, the number and identity of persons executed during that period, the dates of execution and the grounds for their sentence.

(9) The Committee is concerned that the characterization of some of the political offences referred to in paragraph 60 of the report and punishable by the death penalty is vague and imprecise and includes common law offences.

The State party should make its legislation conform to article 6, paragraph 2, of the Covenant, which provides that sentence of death may be imposed only for the most serious crimes.

(10) The Committee is deeply concerned about allegations of extrajudicial executions and disappearances, on which the delegation failed to give sufficient and precise explanations and information. These allegations concern the disappearance of many Syrian nationals and of Lebanese nationals arrested in Lebanon by Syrian forces, then transferred to the Syrian Arab Republic.

The Committee urges the State party to establish an independent commission of inquiry on the above-mentioned disappearances. This commission should publish the results of its investigations

within an appropriate time-frame, and the State party should ensure that its conclusions are acted upon, including, where applicable, through the indictment of law enforcement personnel identified in the results of such an investigation.

(11) The Committee is concerned about the absence of any independent oversight body and of non-governmental organizations in a position to consider the implementation of the human rights guaranteed by the Constitution and governed by law.

The State party should take the necessary measures to arrange for the monitoring of respect for human rights in its territory by an independent agency.

(12) The Committee is deeply concerned about constant and duly substantiated allegations of violations of article 7 of the Covenant, to which the delegation did not respond, which are attributed to law enforcement personnel. It notes with concern the many allegations that torture is practised in Syrian prisons, particularly Tadmur military prison.

The State party should ensure that complaints of torture and other abuses committed by agents of the State are considered by an independent body. The State party should institute a system of independent oversight of all detention facilities with a view to preventing all acts of torture and other abuses of power by law enforcement personnel.

(13) The Committee takes note of the information provided by the delegation on the conditions of detention in Syrian prisons. It nonetheless remains concerned about the many allegations of inhumane prison conditions and inadequate medical care in a number of prisons, particularly military prisons, including Tadmur prison.

The State party should take steps to improve prison conditions in the facilities referred to above. It must ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person. The State party must ensure that appropriate and timely medical care is available to all detainees.

(14) The Committee is concerned about the number of people held in pre-trial detention, some of whom are in solitary confinement. Hundreds of people have reportedly been arrested and detained without an arrest warrant or indictment, only to be released without judicial procedures having been initiated and, in many cases, after many years in detention.

The State party must ensure that anyone arrested or detained on a criminal charge is brought promptly before a judge (article 9, paragraph 3, of the Covenant). The State party must ensure that all other aspects of its practice are consistent with the provisions of article 9 of the Covenant and that detainees have access to counsel and are permitted to contact their families. The next report should contain precise statistics on the number of people held in pre-trial detention and on the duration of and reasons for such detention.

(15) The Committee has noted the delegation's explanations to the effect that the independence and impartiality of the judiciary in the Syrian Arab Republic are fully assured. It nonetheless remains concerned about certain aspects of the appointment of judges which pose problems with regard to

article 14, paragraph 1, of the Covenant. This is the case of the four-year renewable term of the members of the Supreme Constitutional Court (article 141 of the Constitution), which, as currently formulated, may compromise their independence vis-à-vis the executive branch. The Committee is also concerned that proceedings may be held in camera in circumstances not authorized by article 14, paragraph 1.

The State party should take appropriate measures to ensure and protect, at all levels, the independence and impartiality of the judiciary.

(16) In the Committee's view, the procedures of the State Security Court are incompatible with the provisions of article 14, paragraphs 1, 3 and 5. The public nature of proceedings before the State Security Court is not guaranteed. The Committee is also concerned about allegations, to which the delegation did not respond, that the Court has rejected complaints of torture, even in flagrant cases, and that some legal representatives have withdrawn in protest against the failure to respect the rights of the defence. Moreover, the Committee notes that the State Security Court's decisions are not subject to appeal.

The State party should ensure that the procedures of the State Security Court scrupulously respect the provisions of article 14, paragraphs 1 and 3, of the Covenant and should grant accused persons the right to appeal against the Court's decisions (article 14, paragraph 5, of the Covenant).

(17) The Committee observes that its questions on the composition and jurisdiction of military courts received summary responses, and notes the delegation's explanation that the procedures of military courts do not differ from those of civil courts. It nonetheless remains concerned about numerous allegations that the procedures of military courts do not respect the guarantees laid down in article 14 of the Covenant.

The Committee calls upon the State party to provide it with additional information on the composition, the jurisdiction and the procedures of military courts.

(18) The Committee notes that, notwithstanding the provisions of article 25 of the Constitution and the explanations given by the delegation in this regard, problems remain with respect to gender equality in the Syrian Arab Republic. In the Committee's view, the Personal Status Act No. 34 of 1975 contains provisions which are not compatible with articles 2, paragraph 1, 3 and 26, of the Covenant. The Committee notes, in particular, that the provisions on the rights and obligations of spouses during marriage and upon its dissolution include discriminatory elements.

The Committee recalls its General Comment No. 28 on equality of rights between men and women, and urgently calls upon the State party to take all necessary measures to make its legislation consistent with articles 2, paragraph 1, 3 and 26, of the Covenant.

(19) The Committee notes the absence, in the State party's report, of adequate information and statistical data on the status of women, particularly with regard to employment, remuneration and level of responsibility in both the public and the private sectors.

The State party should provide the Committee with such information and pertinent statistical data

in its next periodic report.

(20) The minimum marriageable age is 17 years for girls and 18 for boys. The fact that the minimum age can be reduced by a judge to 15 years for boys and 13 for girls with the father's consent poses a problem with regard to the State party's obligation, under article 24, paragraph 1, to protect minors. Marriage at such a young age hardly seems compatible with article 23 of the Covenant, whereby no marriage shall be entered into without the free and full consent of the intending spouses.

The State party should amend its legislation to bring it into line with the provisions of articles 3, 23 and 24 of the Covenant.

(21) The Committee notes the promulgation of Ordinance No. 1016 of 13 November 1999, which facilitates the travel, departure and return of citizens. It remains concerned that many Syrians living abroad, as well as their children, have been denied a Syrian passport. This situation, which deprives them of the right to return to their own country, is incompatible with article 12, paragraph 4; the denial of a passport to children of exiled Syrians constitutes a violation of articles 24 and 26 of the Covenant. Moreover, the fact that many designated categories of nationals are still required to obtain an exit visa each time they wish to leave the country is a matter of concern to the Committee and constitutes a violation of article 12, paragraph 2, of the Covenant.

The State party should facilitate the return to the country of Syrian citizens wishing to do so and should eliminate the exit visa requirement as a general rule and require it only in individual cases that can be justified in relation to the Covenant.

(22) In the Committee's opinion, the discretionary power of the Minister of the Interior to order the expulsion of any alien, without safeguards, if security and the public interest so require poses problems with regard to article 13 of the Covenant, particularly if the alien entered Syrian territory lawfully and has obtained a residence permit. Protests lodged by the expelled alien with Syrian diplomatic and consular missions abroad are not a satisfactory solution in terms of the Covenant.

Before expelling an alien, the State party should provide him or her with sufficient safeguards and an effective remedy, in conformity with article 13 of the Covenant.

(23) The Committee remains concerned that the activities of human rights defenders and of journalists who speak out for human rights remain subject to severe restrictions. In this context, it refers to the case of Nizar Nayyuf, who in 1992 was sentenced to 10 years' imprisonment for his non-violent expression of opinions critical of the authorities. Such restrictions are incompatible with freedom of expression and opinion as provided for in article 19 of the Covenant.

The State party should protect human rights defenders and journalists against any restriction on their activities and ensure that journalists can exercise their profession without fear of being brought before the courts and prosecuted for having criticized government policy.

(24) The Committee notes the assurance given by the delegation that the provision adopted under article 38 of the Constitution, which subjects the expression of opinions to limitations such as

“constructive criticism” and “the integrity of the country and the nation” without establishing precise criteria, has never been applied and may be repealed. It also notes the delegation’s statement that the provision of the 1965 legislative decree which makes opposition to the aims of the revolution a political offence has fallen into disuse and has apparently never been applied. The Committee remains nonetheless concerned by numerous allegations it has received in this respect.

The State party should revise its legislation in this particular area.

(25) The Committee has noted the delegation’s explanation that freedom of assembly is fully respected in Syria. It remains concerned, however, at the restrictions on the holding of public meetings and demonstrations (see articles 335 and 336 of the Penal Code). In the Committee’s view, such restrictions exceed those authorized by article 21.

The Committee requests the State party to provide it with additional information on the conditions for authorizing public assemblies and, in particular, to indicate whether and under what conditions the denial of an authorization can be appealed.

(26) While noting the explanations provided by the delegation regarding the exercise of the right to freedom of association, the Committee is concerned at the absence of specific legislation on political parties and at the fact that only political parties wishing to participate in the political activities of the National Progressive Front, led by the Baath party, are allowed.

The Committee is also concerned at the restrictions that can be placed on the establishment of private associations and institutions (paragraph 307 of the report), including independent non-governmental organizations and human rights organizations.

The State party should ensure that the proposed law on political parties is compatible with the provisions of the Covenant. It should also ensure that the implementation of the Private Associations and Institutions Act No. 93 of 1958 is in full conformity with articles 22 and 25 of the Covenant.

(27) The Committee remains concerned about the situation of a large number of persons of Kurdish origin who have entered Syria from neighbouring countries. It is also concerned about the fate of Kurds born in Syria whom the Syrian authorities treat either as aliens or unregistered persons and who encounter administrative and practical difficulties in acquiring Syrian nationality. The Committee considers this discriminatory situation to be incompatible with articles 24, 26 and 27 of the Covenant.

The State party should take urgent steps to find a solution to the statelessness of numerous Kurds in Syria and to allow Kurdish children born in Syria to acquire Syrian nationality.

(28) The State party must ensure that its second periodic report and these concluding observations are disseminated widely.

(29) The State party should indicate within one year, in accordance with rule 70, paragraph 5, of the Committee’s rules of procedure, the measures it has taken or envisages to take to lift the state

of emergency (para. 6) and submit the information requested on cases in which the Covenant has actually been invoked before the Syrian courts (para. 5), the number of death sentences passed since 1990, the number and identity of persons executed during that period, the dates of execution and the grounds for their sentence (para. 8). The State party should also submit information on disappeared persons, as well as on the problem of extrajudicial executions (para. 10). Within the same period of one year, it should provide additional information on the composition, the jurisdiction and procedures of military courts (para. 17). It should equally provide information on the measures taken to remedy the situation of statelessness of numerous Kurds in Syria.

(30) The Committee requests that the information relating to its other recommendations and to the Covenant as a whole should be included in the third periodic report of the Syrian Arab Republic, to be submitted by 1 April 2003.