

NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the rights to freedom of peaceful assembly and of association

UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

REFERENCE: UA G/SO 217/1 G/SO 214 (67-17) Assembly & Association (2010-1)
SYR 5/2013

29 August 2013

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the rights to freedom of peaceful assembly and of association pursuant to Human Rights Council resolutions 16/16, 16/4, and 15/21.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the alleged enforced disappearances of Messrs. **Youssef Abdelke** and **Adnan al-Dibs**, as well as the alleged arrest of Mr. **Toufiq Umran**. All three men are members of the National Coordination Body for Democratic Change and recently signed a declaration calling for peaceful democratic change in the Syrian Arab Republic. Mr. Abdelke has also criticised some decisions of the Syrian Government in the media.

Members of the National Coordination Body for Democratic Change were the subject of an urgent appeal sent by the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the rights to freedom of peaceful assembly and of association on 8 November 2012. A response was received from your Excellency's Government, dated 24 April 2013.

According to the information received:

On 18 July 2013, Messrs. Abdelke, Al-Dibs, and Umran were reportedly arrested by Syrian security forces at a Military Intelligence checkpoint when entering the coastal city of Tartus. The three men were allegedly subsequently taken to the local Military Intelligence Branch. On 3 August 2013, Mr. Toufiq Umran was reportedly released. Mr. Al-Dibs, who requires regular medication due to high blood pressure, was allegedly transferred to another detention facility, possibly in Damascus. Mr. Abdelke was also reportedly transferred, possibly to the State

Security Branch in Tartus. Inquiries were made concerning Mr. Youssef Abdelke at the detention centres where he had allegedly been held. However, members of the security forces reportedly denied that he was detained there. At the time of the present communication, the fate and whereabouts of Messrs. Abdelke and Al-Dibs remained unknown.

Concern is expressed that Messrs. Youssef Abdelke and Adnan al-Dibs may have been subjected to enforced disappearance. Further concern is expressed for the physical and mental integrity of Messrs. Abdelke and Al-Dibs, in particular given that Mr. Al-Dibs requires regular medication. Concern is also expressed that the alleged enforced disappearance of Messrs. Abdelke and Al-Dibs, as well as the arrest of Mr. Umran, may be related to their activities in relation to the National Coordination Body for Democratic Change, exercising their legitimate rights to freedom of expression and of association.

While we do not wish to prejudge the accuracy of these allegations, we wish to draw your Excellency's attention to the right to physical and mental integrity of the above-mentioned persons.

In relation to the allegations according to which the fate and whereabouts of Messrs. Youssef Abdelke and Adnan al-Dibs are unknown, we would like to bring to your Excellency's Government's attention the United Nations Declaration on the Protection of All Persons from Enforced Disappearance which sets out necessary protection by the State, and in particular:

- article 2.1 (no State shall practice, permit or tolerate enforced disappearances);
- article 3 (each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction);
- article 7 (no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances);
- article 10 (right to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest)

We would also like to bring to the attention of your Excellency's Government that should sources submit the allegations of enforced disappearance mentioned in this communication as cases to the Working Group on Enforced or Involuntary Disappearances, they will be considered by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by a separate correspondence.

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance

with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights (ICCPR), which provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

We would further like to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of association, as recognized in article 22 of the ICCPR, which provides that “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”.

In this connection, we would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide information on the fate and whereabouts of Messrs. Youssef Abdelke and Adnan al-Dibs. If their fate and whereabouts are unknown, please provide the details on any investigation or other inquiries which may have been carried out. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of any prosecutions which will be undertaken in relation to the present cases. Will penal, disciplinary or administrative sanctions be imposed on the alleged perpetrators?
5. Please provide the legal basis for the arrest and the detention of the alleged victims.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Olivier de Frouville
Chair-Rapporteur of the Working Group on Enforced or Involuntary
Disappearances

Frank La Rue
Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of
association