

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

**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

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

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

REFERENCE: UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (33-27) G/SO 214 (53-24)
SYR 9/2011

4 August 2011

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 17/5, 16/4, 15/21, 16/5, and 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning the situation in the Syrian Arab Republic in relation to the continued violent crackdown against demonstrations that have been taking place across the country since 15 March 2011.

We have previously brought to the attention of your Excellency's Government our concerns relating to allegations on the use of excessive force which has resulted in killings and injuries; allegations of torture, arbitrary arrests and detention of protestors; targeting of human rights defenders; and unjustified limitations on freedoms of peaceful assembly and expression. On 17 June 2011, we wrote to your Excellency's Government concerning the worsening situation in the cities of Daraa Latakia, Bab Houd, Damascus, Izra, Barzah, Hama, Sa'aba, Jableh, Harf el Hourani, which resulted in at least several hundred deaths and numerous injuries. We attached a list of the individuals allegedly killed and arbitrarily detained. We acknowledge receipt of your Excellency's Government's reply letter received on 7 July 2011. We confirm that we are waiting for the official translation of the communication.

On 15 April 2011, several Special Rapporteurs issued a press release which called on your Excellency's Government to urgently end the violent crackdown and implement reforms. We are gravely concerned that despite our repeated engagement with your Excellency's Government the alleged human rights violations which have been the subject of concern continue unabated. We are informed that since the protest began at least 1,500 people have been killed by security forces and the Army.

We have now received information on the following continued violations:

(A) Continued use of excessive force

Between 31 July and 1 August 2011, security forces launched an attack against the city of Hama which resulted in the killing of at least 52 people including four children. We are informed that security forces had retreated from the city of Hama about a month ago. Allegedly on 31 July 2011, they re-entered the city attacking residential areas with shells and machine-gun fire. In other parts of Syria, including the eastern city of Dayr al-Zor, violent clashes led to the death of at least 11 individuals.

It was allegedly reported in the State media that resistance armed groups in Hama and Dayr al-Zor had allegedly shot dead six members of the army and attacked public and private property.

(B) Continued arrests and arbitrary detention

We have also received information concerning the following individuals:

(a) Mr. **Moutaz Mourad**, a human rights defender involved in activities including the promotion of peaceful democratic reforms was arrested on 1 May 2011, in Darya. It is reported that he was taken to a detention centre which is operated by a branch of the Syrian Air force. According to information received Mr. Mourad has not been charged with any offence and he is being held incommunicado with no access to his family or lawyers.

(b) Mr. **Mohamed Najati Tayara** who was the subject of an urgent appeal of 26 May 2011, continues to be held in detention. He is a human rights defender and former member of the Syrian Association for human rights. It is reported that following the second general amnesty on 21 June 2011, the referral judge dropped all charges against Mr. Mohamed Najati Tayara. These charges reportedly related to 'spreading false information' and 'weakening national sentiments' contrary to articles 286 of the Criminal Code of Syria. However, allegedly the Court Prosecutor appealed this decision and Mr. Tayara remains in detention in the Central Prison of Homs, pending the decision of the Court of Cassation in Damascus. The Special Rapporteurs regret that no response has yet been received from your Excellency's Government to this communication.

(c) Mr. **Anas Al-Shughri**, a human rights defender also involved in activities including the promotion of peaceful democratic reforms, was reportedly arrested

by security forces while taking part in a security operation near Banyas on the night of 14-15 May 2011. According to information received the Syria authorities have not disclosed the location at which he is being held, however it has been reported that he may be held in solitary confinement at the Military security branch in the city of Tartus, south of Banyas.

(d) Mr. **Sabri Mirza** is a Kurdish political activist and human rights lawyer. He has reportedly regularly provided legal representation to Kurdish activists targeted by Syrian authorities and has recently participated in peaceful demonstrations in Qamishly. Mr. Mirza was arrested by local police in Qamishly, and subsequently handed over to the Political security forces. It is reported that he did not receive any food during the first 48 hours of his detention. On 15 June 2011 Mr. Mirza was allegedly taken to Damascus where he was held incommunicado. He was allegedly then transferred to Dayr al-Zor for one day before being moved to a prison in al-Hasakah. According to information received, Mr. Mirza was released on 23 June 2011 but is required to report to a police station every two weeks. It is further reported that he was unable to obtain medication during his last two days of detention which he required to control his diabetes and heart disease and as a result was hospitalised following his release. The long standing travel ban which was imposed on Mr. Mirza has reportedly been renewed.

(e) Mr. **Rami Mohamed Dalati** a social activist who has worked at documenting and monitoring recent human rights violation in Syria, was arbitrarily arrested at a security checkpoint in Homs by members of the security forces on 7 July 2011. It is further reported that he was detained incommunicado at an undisclosed location with no access to his lawyers or family until he was released on 19 July 2011. However, according to information received after he was released, it emerged that Mr. Dalati had been detained at the central Prison of Homs. Allegedly no charges were brought against him and he never appeared before a court. It is reported that at the end of May 2011 the offices and home of Mr. Dalati had been searched by security forces who confiscated his personal and professional computer as well as some personal documents.

(f) Mr. **Osama Nasser**, a human rights defender, also involved in activities including the promotion of peaceful democratic reforms. He was reportedly arrested at his home in Darya by a group of armed security forces who allegedly entered his home without a warrant on 1 May 2011. It is reported that he is being held incommunicado and he has not been charged with any offence. Mr. Nasser was the subject of an urgent appeal dated 30 March 2011. The Special Rapporteurs acknowledge receipt of the response transmitted by your Excellency's Government regarding the aforementioned communication dated 6 July 2011.

(g) Mr. **Danial Saoud**, the President of the Committee for the Defence of the Democratic Freedoms and Human Rights (CDF), was prohibited from leaving Syria and travelling to Cairo where he was to attend a meeting of the Executive

Committee of the Euro-Mediterranean Human Rights Network (EMHRN) scheduled for 24-26 June 2011. Allegedly no reason was given for the imposition of this travel ban on Mr. Saoud. According to information received Mr. Saoud had been previously restricted from leaving Syria, when in June 2009 he was prevented from travelling to Geneva where he was to take part in a seminar organised by the World Organisation Against Torture (OMCT).

(h) Mr. **Mouhammad Alamm**, a human rights defender, was arrested by securities officials on 3 May 2011. Allegedly he was held incommunicado until 11 May 2011 when his family was informed that he was being detained in Adra prison, Damascus. He has reportedly been charged with ‘damaging the prestige of the state’, ‘holding secret unauthorised meetings’, ‘spreading news that might weaken the morale of the nation’, and ‘weakening national sentiment or inciting racial or sectarian strife made during times of war or in anticipation of war’.

Without prejudging the accuracy of the information reported to us, we note that the pattern of on-going human rights violations remains the same, as was raised with your Excellency’s Government in previous communications. We wish to express our concerns in the strongest terms regarding the continued killing, wounding, arrest and detention of protesters.

We reiterate our previous calls that your Excellency’s Government immediately adopts the following measures:

a) Respect the right to life in accordance with Article 6 of the International Covenant on Civil and Political Rights;

b) Cease the excessive use of force in the policing of peaceful assemblies in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990) in particular principles 4, 12 and 13;

c) Investigate, identify and bring to justice all those responsible for the arbitrary executions that have occurred since the start of the protests, including in the chain of command in line with the Basic Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;

d) Adopt necessary measures to guarantee the right of individuals not to be deprived arbitrarily of their liberty and to guarantee fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR), and articles 9 and 14 of the International Covenant and Civil and Political Rights (ICCPR) ;

e) To implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment in accordance with Human Rights Council Resolution 16/23, paragraph 1;

f) To have all allegations of torture or other cruel, inhuman or degrading treatment or punishment promptly and impartially examined by the competent national authority and to hold those responsible accountable in line with paragraph 8a of Human Rights Council Resolution 16/23;

g) To take all necessary steps to secure the rights to freedom of opinion and expression, and freedom of peaceful assembly, in accordance with fundamental principles as set forth in articles 19 and 20 of the UDHR;

h) To protect the rights and fundamental freedoms of all human rights defenders, including Messrs. Osama Nasser, Moutaz Mourad, Mouhammad Alammar, Anas Al-Shughri, Mohamed Najati Tayara, Sabri Mirza, Danial Saoud and Rami Mohamed Dalati, in line with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms in particular articles 1, 2 and 12.

We will continue to monitor events related to this case. We would appreciate a response on the accuracy of the allegations raised and on the initial steps taken by your Excellency's Government to implement the measures outlined above in compliance with international obligations. In addition to an expeditious first reply, we would greatly appreciate being informed about further developments related to the on-going situation in the Syrian Arab Republic.

Since we are expected to report on this case to the Human Rights Council, we would be grateful for your cooperation and your observations. We undertake to ensure that your Government's response is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

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

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment