

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

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

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

**Mandates of 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**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (53-24)  
SYR 6/2011

29 June 2011

Excellency,

We have the honour to address you in our capacities as 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 the 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 16/4, 15/21, 16/5 and 6/23.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning **the arrest of 13 human rights activists** from the Assyrian Democratic Organization (ADO), following the peaceful protest which took place on 20 May 2011 in Qamishli city, located in the north-western part of the Syrian Arab Republic. ADO is a national, political and democratic movement working to promote the rights of the Assyrian people.

According to the information received:

On 20 May 2011, around 20 armed agents from the Political Security services and Military Intelligences services raided ADO's headquarters in Al-Wusta, Qamishli and arrested 13 activists, without presenting any judicial warrant. The group of 13 was taken to an unknown place. These same agents returned to ADO's headquarters the same day and confiscated computers, documents and furniture. In the context of the police operation the following persons were arrested:

1. Mr Malak Yaqoub, Vice-President of ADO
2. Mr Gabriel Romanos, school teacher and a member of ADO
3. Mr Karam Dawle, an electrical engineer and a member of ADO
4. Mr Samir Ibrahim, a member of ADO's Central Committee
5. Mr Barsom Yousif, a lawyer and member of ADO

6. Mr Gawrieh Shabo, a school teacher and member of ADO
7. Mr Yaqoub Gharibo, a photographer and is a member of ADO
8. Mr George Isho, a student in fourth year at university and a member of ADO
9. Mr Ghandi Safar Saado, a university student and a member of ADO
10. Mr Hanna Sanharib Shab, a university student and a member of ADO
11. Mr Hanna Ishaq, a carpenter and is a member of ADO
12. Mr Fahad Yousif, usually lives in Qamishli
13. Mr David Habib, usually lives in Qamishli

On 26 May 2011, these activists were released without any charges. They were detained incommunicado a total of six days at the Political Security branch of Al-Hasakah. According to the information received, some were brutally beaten and insulted by State security's agents.

It is alleged that these activists were arrested for their participation or calls for peaceful demonstrations taking place in the country. During these allegedly peaceful protests, thousands of political opponents, demonstrators, human rights defenders, including bloggers and journalists, have been arrested and reportedly tortured and ill-treated by State security agents for having exercised their right to the freedom of opinion, expression and peaceful assembly.

Concern is expressed about the physical and psychological integrity of the aforementioned human rights activists and members of ADO and the allegations received indicating that they were arrested and ill-treated in connection to their membership with ADO and their activities in defence of human rights and fundamental freedoms. Further, serious concern is expressed about the current situation in the Syrian Arab Republic where thousands of political opponents, demonstrators, human rights defenders, including bloggers and journalists, are being arrested and reportedly tortured and ill-treated by State security agents for having exercised their right to the freedom of opinion, expression and peaceful assembly.

While we do not wish to prejudge the accuracy of these allegations, we would also like to draw the attention of your Excellency's Government to paragraph 7.c of Human Rights Council Resolution 8/8 of 18 June 2008, which reminds all States that "Prolonged incommunicado detention or detention in secret places may facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and the dignity of the person".

In this connection, we would like to refer your Excellency's Government to the fundamental principles set forth in 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, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental

freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the Declaration:

- article 5, point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully.

- article 5, points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations.

- article 12, paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Without in any way implying any conclusion as to the facts of the case, I should like to appeal to your Excellency’s Government to seek clarification of the circumstances regarding the cases of the persons named above. I would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In this context, we would like to draw your Excellency’s Government’s attention to paragraph 1 of Human Rights Council Resolution 8/8 which “Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.”

We would 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 Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, 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 like to appeal to your Excellency's Government to take all necessary steps to ensure the right of peaceful assembly as recognized in article 21 of the International Covenant on Civil and Political Rights, which provides that "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (ordre public), the protection of public health or morals of the protection of the rights and freedoms of others.

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the aforementioned persons are respected and that accountability of any person guilty of the alleged violations is ensured. We also request that your Excellency's Government adopts effective measures to prevent the recurrence of these acts.

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:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please indicate whether compensation has been provided to the victims or the family of the victims.

6. Please indicate what measures have been taken to ensure that the legitimate right to meet and assembly peacefully is respected and that the physical and psychological integrity of those exercising this right is guaranteed.

We would appreciate a response within sixty days. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

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

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders

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