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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the right to food; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on the human right to safe drinking water and sanitation.

REFERENCE: UA G/SO 218/2 Food (2000-9) Health (2002-7) G/SO 214 (53-24) Water (2008-1)
SYR 1/2014

20 January 2014

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the right to food; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on the human right to safe drinking water and sanitation pursuant to Human Rights Council resolutions 24/7, 22/9, 24/6, 17/5, 16/23, and 24/18.

We would like to draw the attention of your Excellency's Government to information we have received regarding the **alleged denial of access to food, safe drinking water, medicines and medical care for persons detained in Aleppo Central Prison, as well as alleged cases and conditions amounting to arbitrary detention in the prison, in the context of the ongoing armed conflict.**

According to the information received:

More than 400 detainees in Aleppo Central Prison have allegedly died since April 2013, whilst some of the deaths have been caused by shelling by the military, most have died mainly as a result of their lack of access to food, safe drinking water, medicines and medical care. Reportedly, the prison, which is under Government control, houses approximately 3,500 detainees and is located in an area of heavy fighting between Government forces and opposition groups.

Reportedly, prison kitchens ceased to prepare meals about eight months ago, making food provisions entirely dependent upon food rations delivered by the Red Crescent. During an average week, the Red Crescent would reportedly visit three

times, and each time with sufficient food only for two or three meals. For the other four days of the week, detainees have to survive on small rations of bread.

We received information according to which the Red Crescent workers are prevented from delivering more frequently supplies of food and medication, including essential supplies for the preparation of meals inside the prison. Allegedly, access is denied by the Government and by a lack of agreement between the Government and opposition groups on assuring such supplies to prisoners.

The situation would appear to be exacerbated by lack of warm clothing to withstand the cold climate, diseases such as tuberculosis and chronic diarrhea, and ongoing armed confrontations between Government and opposition forces in the vicinity of the prison.

According to the source, there have been several cases of tuberculosis, and deaths as a result of the disease. It is alleged that detainees suffering from tuberculosis have either been secluded in solitary cells, without adequate treatment, or remained with other prisoners, increasing the risk of contagion. It is also alleged that there is a significant lack of medicines in the prison, and there is no operating room. It is further alleged that most of the prisoners wounded by the shelling succumb to their injuries, and others contract gangrene due to the spread of anaerobic germs and, after a localized anesthesia, their limbs are amputated. Allegedly, some of the wounded prisoners, who have died, may have been saved if they were transported to a hospital.

It is reported that parts of the prison have been effectively converted into a military barrack making the prison a centre of conflict between Government forces and armed opposition groups. Bombs have reportedly demolished part of the prison and broken water and drainage pipes. Lack of access to safe drinking water combined with the unavailability of detergents and sanitation pipes, are causing a high incidence of diarrhea and fatal dysentery.

Prisoners who have been injured from shelling reportedly succumb to their injuries because of a lack of medication and the lack of an operating room at the prison.

It is reported that more than 500 of the detainees held at Aleppo Central Prison have completed their sentences or been pardoned and should already have been released.

Concerns are expressed that the alleged denial of access to food, safe drinking water, medicines and medical care amounts to violations of the rights to adequate food, to water and sanitation, as to health, as well as to a violation of the prohibition of cruel, inhumane or degrading treatment. Moreover, if confirmed, the deprivation of liberty of

persons who have completed their sentence or been pardoned would amount to a violation of the prohibition of arbitrary detention.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the applicable international human rights norms and standards.

Article 25 of the Universal Declaration of Human Rights recognizes the right of everyone "to a standard of living adequate for the health and well-being of himself and of his family, including food."

Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) – which the Syrian Arab Republic acceded to on 21 April 1969 – stipulates that States recognize "the fundamental right of everyone to be free from hunger" (article 11(2)) and "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions", and requires them to "take appropriate steps to ensure the realization of this right" (article 11(1)).

As underlined by the Committee on Economic, Social and Cultural Rights in its General Comment No. 12 (E/C.12/1999/5), States parties are "obliged to ensure for everyone under its jurisdiction access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger" (para. 14). Moreover, States parties are required to respect the right to adequate food, by not taking any measures that result in preventing access to adequate food (para. 15). In this regard, the prevention of access to humanitarian food aid in armed conflicts or other emergency situations would amount to a violation of the right to food (para. 19).

The right to water and sanitation, as recognised by UN General Assembly resolution 64/292 of 2010, is also a component of the right to an adequate standard of living, as accepted by Human Rights Council resolution 15/9 of 2010. The human right to water and sanitation entails everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use and to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure and acceptable and that provides privacy and ensure dignity (A/HRC/24/41).

Article 12 of the ICESCR provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. This includes an obligation on the part of all State parties to ensure that health facilities, goods and services are accessible to everyone, especially the most vulnerable or marginalized sections of the population, without discrimination.

As underlined by the Committee on Economic, Social and Cultural Rights in its General Comment No. 14, States parties are under the obligation to respect the right to

health by, inter alia, refraining from interfering directly or indirectly with the enjoyment of the right to health, from denying or limiting equal access for all persons, including prisoners or detainees, to preventative, curative and palliative health services (para.34).

The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by General Assembly resolution 43/173, states that: “A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge” (Principle 24). Furthermore, the Basic Principles for the Treatment of Prisoners, adopted and proclaimed by General Assembly resolution 45/111, according to which “Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation” (Principle 9).

The Standard Minimum Rules for the Treatment of Prisoners (approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977), stipulates that “Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served” (Rule 20); that “Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers” (Rule 22(2)); that, “The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed” (Rule 25(1)).

Furthermore, we would like to draw your attention to the fact that both the Committee against Torture and the Human Rights Committee have consistently found that conditions of detention can amount to inhuman and degrading treatment.

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 Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts summarized above accurate?
2. What measures are being taken to address the alleged human rights violations against detainees in Aleppo Central Prison? Please provide the details on the measures taken, in particular, (i) to ensure the enjoyment of the right to the highest attainable standard of health, including access to medical treatment, medicines and transfer to hospital, by detainees in Aleppo Central Prison; and (ii) to ensure access to food and water that is sufficient of adequate quality to the detainees.

3. What measures are being taken, in dialogue with opposition groups, to ensure that humanitarian aid can be provided to detainees?

4. Please provide information concerning the legal grounds for the arrest and detention of the detainees in Aleppo Central Prison and how such measures are compatible with international human rights norms and standards as mentioned above.

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

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights of detainees in Aleppo Central Prison 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.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

Olivier De Schutter
Special Rapporteur on the right to food

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