

**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 Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the situation of human rights defenders; 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 independence of judges and lawyers; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

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

REFERENCE: UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (3-3-16) G/SO 214 (53-24) G/SO 214 (107-9) G/SO 214 (33-27)  
SYR 9/2012

2 November 2012

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the situation of human rights defenders; 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 independence of judges and lawyers; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 15/18, 17/5, 16/5, 16/4, 15/21, 17/2, and 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding various cases of arrest and incommunicado detention in the Syrian Arab Republic.

According to the information received:

**Mr. Shepal Ibrahim** is a member of the Kurdish Azadi Party. As of April 2011, he organized a number of peaceful demonstrations and protests in Qamishly and other places in the northeast part of the Syrian Arab Republic. On 22 September 2011, he was abducted in front of his house in Qamishly by persons wearing plain clothes. A week later, his family received information that Mr. Ibrahim had been brought to the National Hospital in Qamishly for urgent treatment. After that, sources informed his family that he was being detained at the branch office of the Air Force Intelligence Agency in Qamishly, and that the alleged reason for his arrest was photographic or video footage showing his participation in demonstrations against the Syrian regime. It is reported that after a few weeks, Mr. Ibrahim was taken to an undisclosed location. There are reasons to believe that he was transferred to a security branch in Deir ez-Zor, in the autumn of 2011,

and subsequently to the headquarters of the Air Force Intelligence Agency in Damascus. According to an unconfirmed report, in February 2012, Mr. Ibrahim may have been transferred to the Military Prison of Sednaya, near Damascus. Mr. Ibrahim suffers from chronic inflammation of his kidneys and is in need of constant medication. It is alleged that he has been denied such medication by the security agency holding him and he was subjected to torture while in detention. Mr. Ibrahim's family has not had access to him. Nor have they received any official notification about his place of detention or his current health condition. No lawyer has been permitted contact with Mr. Ibrahim and no charges have been pressed against him.

Mr. **Maher Fawzi al-Hamoud**, a 25-year-old Syrian man, was arrested at his workplace in Tamreedh School, Sweida, Damascus suburbs on 16 June 2012. He has been held incommunicado since then. Following a visit to enquire about his whereabouts on 19 September 2012, a member of Mr. al-Hamoud's family was told by the Syrian authorities in Sweida that he was being held at the Air Force Intelligence Branch, Harasta, Damascus. Mr. al-Hamoud has not been granted access to a lawyer nor to family and it has not been disclosed whether he faces any charges. It is alleged that during his previous period in detention from 9 October 2011 to 13 January 2012, in a branch of the Air Force Intelligence, he was subjected to torture and other ill-treatment.

Ms. **Fatma Saad**, a Syrian political and media activist, was arrested by one of the security patrols in Lattakia on 28 June 2012. The patrols entered her house and she was apprehended together with her brother and father. Shortly thereafter, her father and brother were released. The members of the patrol confiscated her equipment, including mobile phone, memory card, digital camera and a laptop. Ms. Saad was taken to the political security branch No. 291 of the general intelligence in Damascus. She was reportedly tortured which resulted in her death after having been transferred to the military hospital in Qalehah, Lattakia to receive treatment following damage to her liver.

Mr. **Osama al-Habaliy**, originally from the province of Homs, was in a friend's car on 4 April 2012 on his way to Al-Khaldiyeh when the car was hit with a mortar shell almost killing him. Mr. al-Habaliy underwent four operations as one of the shrapnel had penetrated his neck very close to the carotid artery. He suffered shrapnel wounds to other parts of his body paralysing movement of his right hand and neck. On 18 August 2012, he was detained on the Syrian-Lebanese border while returning to the Syrian Arab Republic after being treated for his injuries in Lebanon and Turkey. He was handed over to the military-security branch in Homs. It is alleged that he has been tortured and denied adequate medical treatment since then.

Mr. **Salah al-Shogre**, a 17-year-old boy was arrested and has been held incommunicado since 28 July 2012. The boy and his father were stopped at a checkpoint near their home in Baniyas. They were subsequently taken to the political security branch in Baniyas, where Mr. Salah al-Shogre was separated from his father for purposes of interrogation. The family has not received any corroborated information but it is believed that Mr. Salah al-Shogre is being held

incommunicado at the Military Security branch in the city of Tartus. The source reports that his detention may solely be linked to the activities of his older brother Mr. Anas al-Shogre, who had organized demonstrations in Baniyas and has been held in incommunicado detention since May 2011.

Ms. **Zilal Ibrahim al-Salhani**, a nineteen-year-old female student, was arrested at her home in Aleppo on 28 July 2012. This incident followed clashes between the security forces and armed opposition groups in the neighbourhood. On the day of her arrest, Ms. al-Salhani contacted her aunt, informing her that she was being held at the Criminal Security branch in the Ashrafiya neighbourhood in Aleppo. On 1 August 2012, her aunt was informed that Ms. al-Salhani may have been transferred to the Air Force Intelligence branch in Aleppo. When she went to inquire about her niece's whereabouts, she was told by officials at the branch to "forget about her". On 6 and 15 August 2012, Ms. al-Salhani's aunt received telephone calls from officials of the Criminal Security branch in Aleppo. She was informed that her niece was in their custody and was asked to bring clothes and food for her. Although she was able to do so on both occasions, she was not allowed to see her niece. The family of Ms. al-Salhani has not received any news about Ms. Al-Salhani since 15 August 2012, and it is unknown whether she faces any charges.

Mr. **Badr Ka'ake**, was arrested at the Al Manara army checkpoint and shot in his foot on 27 August 2012. He is believed to be held at the Air Force Intelligence military prison at Aleppo's military airport. His two brothers, Messrs. **Yahia Ka'ake** and **Ahmad Ka'ake**, were also arrested at a Syrian army checkpoint on 29 September 2012. Ahmad's body was found on the same day by a relative in the Aleppo University hospital morgue. According to the relative, the body had four bullet wounds in the chest and lower abdomen. Their fourth brother Mr. **Abd al-Ghani Ka'ake** was also fatally shot while filming security forces firing on a demonstration in Aleppo on 4 May 2012.

On 2 October 2012, a group of armed men in civilian clothes arrested Mr. **Khalil Matouk**, human rights lawyer and executive director of the Syrian Centre for Legal Studies and Research and his friend Mr. **Mohammed Thatha**. Mr. Matouk is renowned for his work in defending human rights defenders detained in the Syrian Arab Republic. Their arrest occurred at a checkpoint on the Syria/Jordan international highway while Mr. Matouk and Mr. Thatha were driving from Sahnaya to their office in Damascus. Following their arrest, Mr. Matouk and Mr. Thatha were taken into incommunicado detention. They are believed to be held at a branch of the Syrian Air Force Intelligence in Damascus. Mr. Matouk has recently had his back treatment outside the country and needs constant medical care. He suffers from advanced lung disease and has severe breathing difficulties due to reduced lung function.

On 7 October 2012, at approximately 5:00 a.m., Mr. **Omar Mohammed Mamoun Arnous**, was arrested along with his wife Ms. **Maya Aljokhdar** and his two-year old son **Abdulrahman Omar Arnous**. The incident took place at their home situated in the Mashro Dumar district, bloc 3, building 2, floor 7, in

Damascus. Mr. Omar is a human rights activist, member of the Syrian Network for Human Rights and a dentist working on his PhD.

We express grave concern at the aforementioned cases which form part of a much broader pattern of ongoing arrests and disappearances, on a daily basis, in the Syrian Arab Republic since protests broke out in February 2011. Our concerns are reinforced by serious reasons to believe that many of the detained or disappeared may have been tortured, otherwise ill-treated or denied adequate medical treatment. We are further concerned of the reported deaths in the aforementioned cases.

Without expressing at this stage an opinion on the facts of the cases and on whether the detention of the aforementioned individuals is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to 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 on Civil and Political Rights (ICCPR) that your Excellency's Government acceded to on 21 April 1969.

Furthermore, we would like to appeal to your Excellency's Government to seek clarification of the circumstances regarding the cases of the persons named above. We 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 UDHR, the ICCPR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

We would also like to draw the attention of your Excellency's Government to the Standard Minimum Rules for the Treatment of Prisoners. Rule 22(2) provides 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. Furthermore, Rule 25(1) provides 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." (Approved by the Economic and Social Council by resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.)

In this context, we would like to draw the attention of your Excellency's Government to paragraph 1 of Human Rights Council Resolution 16/23 which "Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

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 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.”

Furthermore, we would 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”; and to ensure the right to freedom of peaceful assembly, as recognized in article 21 of the ICCPR, which stipulates 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”.

Regarding the afore mentioned individuals who did not have access to a lawyer and were not informed of the charges against them, in particular those held incommunicado, we would like to refer Your Excellency's Government to the Basic Principles on the Role of Lawyers, 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, and in particular principle 8, which states: “All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality. Such consultations may be within sight, but not within the hearing, of law enforcement officials.” Moreover, we would like to refer your Excellency's Government to article 14(3) of the International Covenant on Civil and Political Rights, which states: “In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him”. Article 9(2) of the International Covenant on Civil and Political Rights also states: “Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.”

Regarding Mr. Khalil Matouk who is a human rights lawyer, we would like to refer Your Excellency's Government to the Basic Principles on the Role of Lawyers, and in particular principle 16, which states: “Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.”; principle 17, which states: “Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.”; and principle 18, which states: “Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.”

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".

With regard to the reported deaths of Ms. Fatma Saad, as well as of Messrs. Ahmad Ka'ake and Abd al-Ghani Ka'ake, we would like to refer to Article 6 of the ICCPR, which provides that every individual has the right to life and security of the person, that this right shall be protected by law and that no person shall be arbitrarily deprived of his or her life. We would like to further draw the attention of your Excellency's Government to the duty to investigate, prosecute and punish violations of the right to life, in line with the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. In particular, Principle 9 stipulates that there shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, while Principle 18 provides that "Governments shall ensure that persons identified by the investigation as having participated in extra-legal, arbitrary or summary executions in any territory under their jurisdiction are brought to justice".

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 individuals who are the subjects of this communication 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 cases accurate?
2. Has a complaint been lodged by or on behalf of the individuals subject of this communication?
3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.

4. Please indicate which measures are being taken by the authorities to ensure the safety of the individuals subject of this communication. In particular, please provide information on their health condition and the measures taken to ensure adequate medical care.

5. Please provide information concerning the alleged incommunicado detention without any charges or trial of the aforementioned individuals. Please explain how these measures are compatible with international norms and standards as contained in the ICCPR and the UDHR.

Given the gravity of the aforementioned allegations, 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.

El Hadji Malick Sow  
Chair-Rapporteur of the Working Group on Arbitrary Detention

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

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 of association

Gabriela Knaul  
Special Rapporteur on the independence of judges and lawyers

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