

**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 Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and Special Rapporteur on the situation of human rights defenders**

REFERENCE: UA G/SO 217/1 Assembly & Association (2010-1) Health (2002-7) G/SO 214 (107-9)  
SYR 1/2012

3 February 2012

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 rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and Special Rapporteur on the situation of human rights defenders pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/16, 15/21, 15/22 and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the alleged shooting and subsequent arbitrary arrest and incommunicado detention of Mr. Mohamed Anwar Dabbas on 1 January 2012. Mr. **Mohamed Anwar Dabbas** is an activist who has reportedly been campaigning for democratic reform since the beginning of the unrest. According to sources, Mr. Anwar Dabbas was previously arrested in September 2011, before being released a short while later. It is further reported that Mr. Anwar Dabbas' brother-in-law, Mr. Ghiath Al Matar, was arrested by Syrian security forces on 6 September 2011 and that his body was returned to his family four days later.

According to the information received:

On 1 January 2012, Mr. Mohamed Anwar Dabbas was participating in a peaceful pro-reform protest organized by demonstrators expecting the arrival of Arab League observers in the centre of Daraya in Damascus' suburbs, when at least three snipers are reported to have opened fire on the protesters. It is alleged that Mr. Anwar Dabbas was shot in the upper body.

According to the information received, Mr. Anwar Dabbas was initially taken to a small private hospital in Daraya, before being transferred to the National Hospital in Daraya because of the seriousness of his injuries. It is alleged that he was being prepared for an operation to remove a bullet lodged in his lung when twelve individuals dressed in plain clothes arrived at the hospital and ordered the hospital staff to prepare the patient for transport. It is reported that these individuals were recognised by an eye-witness as members of the Air Force Intelligence (AFI) and their vehicles as also belonging to the AFI.

It is alleged that these individuals told the family members of Mr. Anwar Dabbas that they intended to take him to a larger hospital in Damascus. Reports are that Mr. Anwar Dabbas was taken away in an ambulance while under anaesthetic and that his family members were not permitted to accompany him. Allegedly, the ambulance driver later told his family members that he had been ordered to drive to a military hospital in al-Mezzeh, on the outskirts of Damascus.

It is reported that Mr. Anwar Dabbas has not been heard from since he was taken from the National Hospital in Daraya. Members of his family are reported to have asked about him at the 601 Military Hospital. However, officials at the hospital have allegedly denied that Mr. Anwar Dabbas is a patient there and claimed that they know nothing about his arrest.

Concern is expressed that Mr. Mohamed Anwar Dabbas' injuries may have been sustained as a direct consequence of his legitimate activism in the defence of human rights, particularly his participation in peaceful protests for democratic reform. Concern is further expressed that the alleged arbitrary arrest and incommunicado detention of Mr. Anwar Dabbas may also be directly related to these legitimate activities. Concern is also expressed for the physical and psychological security of the aforementioned human rights defender in light of the seriousness of his injuries and his urgent need for specialist medical care.

We would appreciate information from your Excellency's Government on the steps taken by the competent authorities with a view to ensuring the right to the highest attainable standard of health of Mr. Mohamed Anwar Dabbas. This right is enshrined, inter alia, in the article 12 of the International Covenant of Economic, Social and Cultural Rights (acceded on 21 April 1969) that provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. This includes

an obligation to ensure that health facilities, goods, and services are accessible to everyone, especially the most vulnerable or marginalized sections of the population, without discrimination. We also wish to refer your Excellency's Government to General Comment No. 14 of the Committee on Economic, Social and Cultural Rights, which holds that States are under the obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees, minorities, asylum seekers and illegal immigrants, to preventive, curative and palliative health service.

Furthermore, we would 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". Moreover, 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." We would also like to refer your Government to 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).

With regard to the family's access and communication with Mr. Dabbas, we would like to refer your Excellency's Government to Rule 37 of the Standard Minimum Rules for the Treatment of Prisoners, which provides that "Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits." In this context, we also wish to draw the attention of your Government to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly on 9 December 1988, according to which "A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world [...]" (Principle 19).

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 Mr. Dabbas.

In relation to the allegations according to which the fate and whereabouts of Mr. Dabbas 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 (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); and
- article 6 (no order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance).
- 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 access of competent national authorities to all places of detention; 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); and
- article 12 (right to the maintenance in every place of detention of official up-to-date registers of all detained persons).

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 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.

In addition, we would like to refer to the 2006 report to the General Assembly (A/61/312) (of the Special Representative of the Secretary-General on the situation of human rights defenders) and in particular to paragraph 98 which states that "in conformity with article 15 of the Declaration [on Human Rights Defenders], the Special Representative urges States to ensure that law enforcement agencies and their members are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies, including the Declaration on Human Rights Defenders, the Code of Conduct for Law Enforcement Officials and other relevant treaties, declarations and guidelines. The Special Representative also advises all States that all allegations of indiscriminate and/or excessive use of force by law enforcement officials should be properly investigated and appropriate action taken against the responsible officials."

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.

In this context, we would like to refer to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that "Calls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely... 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."

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Dabbas 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.

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 Mr. Dabbas 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 victim?
3. Please provide information concerning the legal grounds for the use of force, and for the arrest and detention of Mr. Mohamed Anwar Dabbas and how these measures are compatible with international norms and standards as stated, *inter alia*, in the Universal Declaration of Human rights and the International Covenant on Civil and Political Rights.
4. Please provide information on the whereabouts of Mr. Anwar Dabbas, and whether he has access to family members, legal counsel, and medical personnel.
5. Please provide the full 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.
6. Please indicate what measures have been taken to ensure that the legitimate right to meet and assemble peacefully is respected and that the physical and psychological integrity of those exercising this right is guaranteed.
7. Please provide details of any measures taken to to ensure the enjoyment of the right to physical and mental health of Mr. Anwar Dabbas.

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.

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

Jeremy Sarkin  
Chair-Rapporteur of the Working Group on Enforced or Involuntary  
Disappearances

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

Anand Grover  
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Margaret Sekaggya  
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