

**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 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; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE: UA G/SO 217/1 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (53-24)  
SYR 8/2011

3 August 2011

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 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; 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 16/16, 16/4, 15/21, 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 demonstrations that have been taking place across the country since 15 March 2011.**

In a communication dated 30 March 2011, the Chair-Rapporteur of the Working Group on Arbitrary Detention; Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; 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 situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment appealed to your Excellency's Government to seek clarification concerning the excessive use of force by security forces, including live ammunition resulting in the death of several individuals (the list of individuals reportedly killed during the March protests was enclosed), wounding of hundreds of civilians, as well as arrest and secret detention of several individuals. Grave concern has been expressed concerning the use of live fire and excessive force resulting in the growing number of deaths and injuries. Further concern was expressed for the physical and psychological integrity of the individuals who have reportedly been detained in relation to their peaceful activities and

legitimate exercise of their freedom of opinion and expression. We acknowledge receipt of your Excellency's Government reply letter received on 7 July 2011. We are awaiting the official translation of the communication.

In a communication dated 26 May 2011, the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 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 drew to your Excellency's Government's attention information they had received concerning the detention; incommunicado detention; and possible enforced disappearance of a number of individuals in connection with the demonstrations taking place in the Syrian Arab Republic.

In a communication dated 17 June 2011, the Chair-Rapporteur of the Working Group on Arbitrary Detention; Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; 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 situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment reiterated their serious concern about the use of live fire and excessive force resulting in the growing number of deaths and injuries during the protests that took place throughout the country in April and May 2011. Grave concern was expressed about the execution of several protesters, including two juveniles which may be linked to their peaceful activities and legitimate exercise of their freedom of opinion and expression. Further concern was expressed for the physical and psychological integrity of the individuals who had reportedly been detained in relation to their peaceful activities and legitimate exercise of their freedom of opinion and expression, and their fate and whereabouts remain unknown.

According to the new information received and in the context of protests in Syria:

We have received further reports about the arrest by agents of the Military Intelligence Services and possible enforced disappearance, on 12 May 2011 in Baniyas of three brothers: Mr. **Bashar Al Sahyoni**, 35 years old, holder of ID card n° 662501; Mr. **Mohamed Al Sahyoni**, 21 years old, holder of ID card n° 710437; and Mr. **Ghassan Al Sahyoni**, 33 years old, holder of ID card n° 625582. According to the information received the three brothers have been arrested at their home in Mafrak Al Kal'a, Baniyas by uniformed agents belonging to the Military Intelligence Service and taken to an unknown destination. Their family has repeatedly requested information to the authorities with no success. It is further alleged that the enforced disappearances of Messrs. Bashar Al Sahyoni, Mohamed Al Sahyoni; and Ghassan Al Sahyoni may be linked to their active participation in, and organization of, demonstrations in the area of Baniyas. The fate and whereabouts of the above mentioned individuals remain unknown.

While we do not wish to prejudge the accuracy of these allegations, we wish to draw your Excellency's Government's attention to the right to physical and mental integrity of Messrs. Bashar Al Sahyoni, Mohamed Al Sahyoni; and Ghassan Al Sahyoni.

We would also like to draw the attention of your Excellency's Government to paragraph 8.b of Human Rights Council Resolution 16/23, which reminds all States that "Prolonged incommunicado detention or detention in secret places can 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 and to ensure that secret places of detention and interrogation are abolished".

Furthermore, 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 International Covenant on Civil and Political Rights (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."

We would also 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 ICCPR, 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 relation to the allegations of the enforced disappearances of Messrs. Bashar Al Sahyoni, Mohamed Al Sahyoni; and Ghassan Al Sahyoni 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, including in:

- 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);
- 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 9 (right to a prompt and effective judicial remedy to determine the whereabouts of persons deprived of their liberty);

- 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 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.

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 above-mentioned persons in compliance with the above international instruments.

Moreover, it is our responsibility under the mandate 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 above summary of the case accurate?
2. Please provide information on the fate and whereabouts of Messrs. Bashar Al Sahyoni, Mohamed Al Sahyoni; and Ghassan Al Sahyoni. If their fate and whereabouts are unknown, please provide the details on any investigation or other queries which may have been carried out. If no queries have taken place, or if they have been inconclusive, please explain why.
3. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

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.

We would like to bring to the attention of your Excellency's Government that should the source submit the allegations concerning Messrs. Bashar Al Sahyoni, Mohamed Al Sahyoni; and Ghassan Al Sahyoni as cases to the Working Group on Enforced or Involuntary Disappearances, they will be considered by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by separate correspondence.

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

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

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  
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Juan E. Méndez  
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punishment