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

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

REFERENCE: AL G/SO 214 (67-17) G/SO 214 (33-27) G/SO 214 (53-24)
SYR 6/2012

28 June 2012

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolution 17/5, 16/23, and 16/4.

In this connection, we would like to draw the attention of your Excellency's Government to information received regarding the death in custody of Mr. **Aladdin Al Doori** (علاء الدين الدوري) by military forces. Mr. Al Doori, aged 43, was a Syrian national who lived with his wife and four children in Qalaat Al Madiq, Hama Governorate, Syrian Arab Republic. He actively supported the Syrian opposition movement and worked as a social media activist.

According to the information received:

In the evening of 14 April 2012, as Mr. Al Doori and another activist were passing the military barrier close to the village of Bab Al Taqa, near Qalaat Al Madiq, the soldiers present at the checkpoint opened fire. Mr. Al Doori was hit by a bullet and severely injured. After being shot, he was arrested and transferred to an unknown place. His companion was able to flee the scene.

Two days later, in the morning of 16 April 2012, Mr. Al Doori reportedly succumbed to his injuries. As indicated by traces visible on his body, he had allegedly been subjected to severe torture which, together with the gunshot wound, caused his death. Despite its request, the family was denied access to the body by the authorities.

We remain gravely concerned about the alleged ongoing pattern of extrajudicial killings in the Syrian Arab Republic. We wish to bring the present case to the attention of

your Excellency's Government to seek clarification of the circumstances of Mr. Al Doori's death.

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 Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

As stated in previous communications, the right to life is a fundamental right protected under article 6 the ICCPR - which the Syria Arab Republic acceded to on 21 April 1969 - and article 3 of the UDHR, to which no limitation is permitted.

It is the State's duty to ensure that security forces do not infringe upon this right. Force may only be used in strict compliance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990), in particular with the principles of proportionality and necessity as laid down in principles 4, 5 and 9: "Law enforcement officials, in carrying out their duty ... may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result." However, information received suggests that Mr. Al Doori did not represent an imminent threat in the present case. We further wish to recall that exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles, as stated in provision 8.

Furthermore, we wish to underline that when the State detains an individual, it is held to a heightened level of diligence in protecting that individual's rights. In instances where an individual dies as a consequence of injuries sustained while in State custody, there is a presumption of State responsibility (*Dermot Barbato v. Uruguay*, communication No. 84/1981, para. 9.2). In order to rebut the presumption of State responsibility for a death resulting from injuries sustained in custody, there must be a "thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances" (principle 9 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions adopted by Economic and Social Council 1989/65). This principle was recently reiterated by the Human Rights Council in its resolution 17/5 and added that this obligation includes the duty "to identify and bring to justice those responsible, ... to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and prevent the recurrence of such executions" (OP 4).

With respect to the allegation according to which Mr. Al Doori was subjected to torture, 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 wish to underline that “[t]he autopsy shall, at a minimum, attempt to establish the identity of the deceased and the cause and manner of death. The time and place of death shall also be determined to the extent possible. ... The autopsy report must describe any and all injuries to the deceased including any evidence of torture.” (Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, principle 13).

Concerning the allegation that Mr. Al Doori’s family was denied access to the body by the authorities despite its request, we wish to stress that the body of the person deceased shall be returned to his or her family upon completion of the investigation in accordance with principle 16 of the aforementioned instrument. Additionally, “[f]amilies of the deceased and their legal representatives shall be informed of, and have access to any hearing as well as to all information relevant to the investigation, and shall be entitled to present other evidence.”

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.”

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 summary of the case accurate?
2. Has a complaint been lodged by the victim’s family?
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. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please indicate whether an independent forensic autopsy was performed following the death in custody of Mr. Al Doori, and if the family was provided with a copy of the forensic autopsy.

6. Please indicate whether compensation has been or will be provided to the family of the victim.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report 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 carry out a prompt, impartial and thorough investigation into the alleged violations and guarantee that the rights of Mr. Al Doori's family are respected.** 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.

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Frank La Rue
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression