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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 Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

REFERENCE: UA G/SO 217/1 G/SO 214 (53-24)
SYR 4/2013

16 August 2013

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 16/16 and 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the alleged enforced disappearances of Messrs. **Bassam Bahrah** and **Sameeh Bahrah**. Mr. Bassam Bahrah is 52 years old and works at the al-Mezzeh Military Hospital in Damascus. Mr. Sameeh Bahrah, son of Mr. Bassam Bahrah, is a 26-year-old medical student and peaceful political activist.

According to the information received:

On 30 April 2013, at approximately 2:00 p.m., Mr. Bassam Bahrah was allegedly seen for the last time when he left his place of work. That afternoon, Mr. Sameeh Bahrah reportedly made repeated attempts to call Mr. Bassam Bahrah. At approximately 4:00 p.m., Mr. Bassam Bahrah answered his telephone and informed Mr. Sameeh Bahrah that he would be home soon. It is reported that the authorities may have arrested Mr. Bassam Bahrah in order to use him to locate Mr. Sameeh Bahrah. That evening, Mr. Sameeh Bahrah was allegedly arrested at his family home in the al-Mezzeh district of Damascus, in relation to his peaceful political activities, by unidentified Government security service officials. Since then, he has reportedly been held incommunicado at an unknown location. According to the information received, he was allegedly arrested by two men dressed in official uniforms who appeared in security vans. Mr. Sameeh Bahrah has reportedly previously been detained twice before in relation to his political

activities. He was first arrested in July 2012 and was kept incommunicado for twenty-two days in the Palestine Branch in Damascus, a Military Intelligence run detention centre reportedly known for torture. At the time of the present communication, the fate and whereabouts of Messrs. Bassam Bahrah and Sameeh Bahrah remained unknown.

Concern is expressed that Messrs. Bassam Bahrah and Sameeh Bahrah may have been subjected to enforced disappearance and may be at risk of torture.

While we do not wish to prejudge the accuracy of these allegations, we wish to draw your Excellency's attention to the right to the physical and mental integrity of Messrs. Bassam Bahrah and Sameeh Bahrah.

In relation to the allegation according to which the fate and whereabouts of Messrs. Bassam Bahrah and Sameeh Bahrah 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);
- 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 and the right to access of competent national authorities to all places of detention); and
- 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).

We would like to draw the attention of your Excellency's Government to paragraph 8b of Human Rights Council Resolution 16/23, which reminds 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."

In this context, we would also 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."

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 Messrs. Bassam Bahrah and Sameeh Bahrah 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 victims?
3. Please provide information on the fate and whereabouts of Messrs. Bassam Bahrah and Sameeh Bahrah. If their fate and whereabouts are unknown, please provide details on any investigation or other inquiries which may have been carried out. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of any prosecutions which will be undertaken in relation to the present cases. Will penal, disciplinary or administrative sanctions be 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.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Messrs. Bassam Bahrah and Sameeh Bahrah 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.

Olivier de Frouville
Chair-Rapporteur of the Working Group on Enforced or Involuntary
Disappearances

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