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

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

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

**Mandates 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; and the Special Rapporteur on the rights to freedom of peaceful assembly and of association**

REFERENCE: UA G/SO 217/1 G/SO 214 (67-17) Assembly & Association (2010-1)  
SYR 10/2012

8 November 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 promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the rights to freedom of peaceful assembly and of association pursuant to Human Rights Council resolutions 16/16, 16/4, and 15/21.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the alleged enforced disappearance of Messrs. **Abdelaziz al-Khayer, Iyas Ayash** and **Maher Tahan**. Mr. Al-Khayer is 61 years old and Head of the National Coordination Body for Democratic Change (NCB) Foreign Affairs Office. Mr. Ayash is 49 years old, a member of the NCB Executive Committee and a leading figure of the Arab Socialists Movement. Mr. Maher Tahan is 33 years old and also a member of the NCB.

According to the information received:

On 20 September, at approximately 5:30 p.m., the car in which Messrs. Al-Khayer, Ayash and Tahan were travelling from Damascus International Airport was reportedly stopped at an Air Force Intelligence checkpoint. The individuals were reportedly brought to one of the branches of Air Force Intelligence. The Government has allegedly denied having these individuals in custody. At the time of the present communication, the fate and whereabouts of Messrs. Al-Khayer, Ayash and Tahan were unknown.

Serious concern is expressed about the allegations that Messrs. Abdelaziz al-Khayer, Iyas Ayash and Maher Tahan may have been subjected to enforced disappearance. Further concern is expressed for the psychological and physical integrity of Messrs. Abdelaziz al-Khayer, Iyas Ayash and Maher Tahan.

In relation to the allegations according to which the fate and whereabouts of Messrs. Abdelaziz al-Khayer, Iyas Ayash and Maher Tahan are currently 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 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).

While we do not wish to prejudge the accuracy of these allegations, we would 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."

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".

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 forementioned persons in compliance with the noted 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 the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide information on the fate and whereabouts of Messrs. Abdelaziz al-Khayer, Iyas Ayash and Maher Tahan. 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.

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. Abdelaziz al-Khayer, Iyas Ayash and Maher Tahan 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

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