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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 the situation of human rights defenders.

REFERENCE: UA G/SO 217/1 G/SO 214 (107-9)
SYR 7/2013

17 December 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 the situation of human rights defenders pursuant to Human Rights Council resolutions 16/16 and 16/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the **alleged abductions of Ms. Razan Zaitouneh, Mr. Wa'el Hamada, Mr. Nazem Hamadi and Ms. Samira Khalil.**

Ms. Zaitouneh, born in 1977, is a founding member of Violations Documentation Center (VDC), an organization which documents human rights abuses in the country, and Local Development and Small Projects Support (LDSPS), which provides humanitarian assistance, particularly to medical centres in areas like Eastern Ghouta. Mr. Hamada, born in 1974, is part of VDC, helping in the documentation of human rights violations. Mr. Hamadi, born in 1971, is a lawyer, activist and poet, who works with VDC. Ms. Khalil, born in 1961, is an activist and a former political prisoner for a period of four years before the conflict.

According to the information received:

On 9 December 2013, Ms. Razan Zaitouneh, Mr. Wa'el Hamada, Mr. Nazem Hamadi and Ms. Samira Khalil, were allegedly abducted by unknown individuals from a joint office for the Violations Documentation Center (VDC) and the Local Development and Small Projects Support (LDSPS), located in Douma in Rif Dimashq, Syrian Arab Republic.

Prior to the alleged abduction, it was reported that Mr. Hamada, Ms. Zaitouneh's husband, was imprisoned for several months before being released. In addition, a person associated with aforementioned individuals was reportedly detained by the Air Force intelligence services.

It was further reported that Ms. Zaitouneh was forced into hiding in 2011 after having received threats from Syrian authorities due to her activities in documenting human rights violations. It was also reported that during the past months, Ms. Zaitouneh received threats from at least one armed opposition group in the Eastern Ghouta area.

At the time of the present communication, the fate and whereabouts of Ms. Razan Zaitouneh, Mr. Wa'el Hamada, Mr. Nazem Hamadi and Ms. Samira Khalil remain unknown.

Concerns are expressed that the alleged abductions of Ms. Razan Zaitouneh, Mr. Wa'el Hamada, Mr. Nazem Hamadi and Ms. Samira Khalil might be related to their work in defending human rights and documenting human rights violations in the Syrian Arab Republic.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government to the fundamental principles set forth in the United Nations Declaration on the Protection of All Persons from Enforced Disappearances 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); and
- 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).

We would also 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 6 point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; and

- 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 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 Ms. Razan Zaitouneh, Mr. Wa’el Hamada, Mr. Nazem Hamadi and Ms. Samira Khalil 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 cases accurate?
2. Please provide information on the fate and whereabouts of Ms. Razan Zaitouneh, Mr. Wa'el Hamada, Mr. Nazem Hamadi and Ms. Samira Khalil. 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 will be available 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 sources submit the allegations concerning Ms. Razan Zaitouneh, Mr. Wa'el Hamada, Mr. Nazem Hamadi and Ms. Samira Khalil 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.

Ariel Dulitzky
Chair-Rapporteur of the Working Group on Enforced or Involuntary
Disappearances

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders