

Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

REFERENCE:
UA SYR 2/2018

26 July 2018

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolution 34/18.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the situation of journalists and media professionals caught in Quneitra and Daraa Governorates.

Concerns at the civilians trapped in regions seeing an escalation of violence in Daraa Governorate between Syrian Government forces and armed opposition groups and ISIL were raised by the UN High Commissioner for Human Rights on 29 June 2018. According to reports received by the OHCHR, civilians at some government checkpoints in the southern-eastern and western parts of Daraa have only been allowed through Government-held areas for a fee. It has furthermore been reported that ISIL fighters in control of the western part of Daraa Governorate have not allowed civilians to leave areas under their control.

Daraa Governorate, located at the intersection of Jordan, the occupied Golan region and Lebanon, was declared a de-escalation zone in July 2017.

According to the information received:

Between 19 and 29 June 2018, the UN Office of the High Commissioner for Human Rights documented at least 46 civilian deaths in several towns. Thousands of civilians are reported to have fled their homes towards areas in western Daraa Governorate, and towards the Jordanian border. On 26 June 2018, the Government of Jordan announced that its border with Syria would remain closed.

On 6 July 2018, the Syrian Government and armed opposition groups signed an agreement on the surrender of the remaining opposition-held cities and towns in Daraa and Quneitra Governorates. Many journalists, as well as other civilians, fled the offensive to Daraa and Quneitra, in fear of being arrested by government forces. As many of the journalists are identified with opposition groups, they are reportedly at risk of being subjected to severe reprisals.

An estimated of 70 journalists and media professionals are reportedly caught in the demilitarized Quneitra and Daraa Governorates on the closed off borders of Israel and Jordan. They are journalists working for the Syrian TV channels *Orient News*, *Syria TV*, *Al Jisr TV* and *Halab Today TV*, as well as employees of international news agencies *AFP* and *Reuters*, and correspondents of local news networks and organizations including *Yaqeen*, *Shahed* and *Nabaa*.

The media professionals have asked for safe passage out of Quneitra and Daraa, either through the Israeli controlled Golan Heights or via the Syrian province of Idlib.

I am deeply concerned at the situation of the journalists who are currently finding themselves in Quneitra and Daraa. While acknowledging the challenges of responding to the shifting dynamics of the conflict I reiterate that the protection of civilians is a fundamental responsibility of the Syrian Government and I urge the Government to provide safe passage to those wishing to get out of Quneitra and Daraa. In case of circumstances warranting the arrest and prosecution of individuals, I call on your Excellency's Government to ensure that such arrests and prosecutions take place on the basis of due process and fair trial in accordance with the obligations of Syria under international human rights law.

I would like to appeal to your Excellency's Government to take all necessary measures to ensure the rights to liberty and personal security and the right to freedom of opinion and expression, in accordance with articles 9 and 19 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by the Syrian Arab Republic on 21 April 1969.

I would also like to remind your Excellency of the obligations of your State to protect its civilians under Common Article 3 of the Geneva Convention relating to non-international armed conflicts, which provides that "persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria." This includes the prohibition of the violence to life and person, in particular murder of all kinds, taking of hostages, and outrages upon dignity. It is important to note that internally displaced persons are part of the civilian population and are thus entitled to the protections afforded to all persons who are not, or are no longer, taking a direct part in hostilities.

I would also like to refer your Excellency's Government to the 1998 Guiding Principles on Internal Displacement, in particular Principle 3(1), according to which national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons (IDPs) within their jurisdiction,

and Principle 10(1), and (2), which guarantee and protect the inherent right to life of IDPs, and prohibit attacks or other acts of violence against IDPs who no longer participate in hostilities. IDPs shall be protected against murder, summary or arbitrary executions; and enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death. Principle 12(3) states that IDPs shall be protected from discriminatory arrest and detention as a result of their displacement.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, I 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 international instruments.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide information about the total number and names of the journalists and media professionals currently in Daraa and Quneitra.
3. Please provide information about whether any of the journalists or media professionals have been arrested or will be subjected to arrests. In particular, please provide information about the legal basis for any arrest and for measures taken to ensure that the process takes place in accordance with the guarantees of due process under international human rights law.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression