

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and the Special Rapporteur on the situation of human rights defenders**

REFERENCE:  
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17 March 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 43/4, 44/5, 42/16 and 43/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the killing of journalist and human rights defender Mr. Hussain Khattab.

Mr. Hussain Khattab, also known as Kara Al-Safrani, was a journalist and human rights defender who worked with several media outlets, including the Turkish TV channel TRT Arabic. He was a member of the executive office of the Aleppo Media Union. Mr. Khattab had reported on sensitive human rights issues including the Covid-19 restrictions, victims of chemical attacks and internally displaced people in Syria.

According to the information received:

On 12 December 2020, Mr. Hussain Khattab was shot by two masked gunmen on a motorbike in the cemetery area of Al-Bab, in the countryside of Aleppo. Mr. Khattab was shot in the head and chest, killing him instantly. It is reported that Mr. Khattab was preparing a video report for the Turkish Radio and Television Corporation TRT Arabic on the spread of the Coronavirus in the region. The two perpetrators of the attack reportedly managed to escape the scene and, at the time of the sending of this communication, have yet to be identified and brought to justice.

Prior to the attack, Mr. Khattab had been subjected to death threats. According to the information we received, Mr. Khattab had explicitly posted information on social media about the identity of the individual who had reportedly threatened him with a firearm. Following this incident he moved to a different city. Reportedly, a week before his death, a reconciliation meeting was held between the individual who threatened him and Mr. Khattab.

Without prejudging the accuracy of the allegations, we express our utmost concern about the killing of Mr Khattab, which appear to be directly connected to his professional work as a journalist and human rights defender, with the clear objective of silencing him when he was preparing a video on COVID-19 spread in the region, and

of intimidating others. We are further seriously concerned at the reported lack of effective investigation and prosecution of the perpetrators, which creates a vicious cycle of impunity. We remind the authorities about their obligation to open full and thorough investigation into all killings of journalists and human rights defenders with a view to ensuring accountability and bringing perpetrators to justice, in line with Human Rights Council resolution 45/18 on the protection of journalists (para. 10).

We are also troubled about information we received indicating that at least seven other Syrian journalists have been murdered in the past months. We are gravely concerned about the security situation of individuals in Syria, notably journalists. We are alarmed that these cases could have the effect of further silencing other journalists, human rights defenders, civil society activists seeking to independently document and report on events in the country, and of generally deterring others from exercising their right to freedom of expression.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As 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, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide the details, and where available the results, of any investigation carried out in relation to the aforementioned killing. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. In the event that alleged perpetrator(s) have been identified, please provide full details of any prosecutions undertaken so far and any remedy and financial compensation afforded to the victims' families.
4. Please indicate what measures have been taken to ensure the safety of journalists and human rights defenders and to guarantee that they can pursue their work free from threats and attacks.
5. Please provide information on the policies and procedures in place to ensure that security agencies and other relevant actors are meeting their due diligence obligation to protect the right to life of those who may be targeted by States and non-State actors including in relation to responding to threats when reported.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we 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(s) responsible for the alleged violations.

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

Irene Khan

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

Agnes Callamard

Special Rapporteur on extrajudicial, summary or arbitrary executions

Tlaleng Mofokeng

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

## **Annex**

### **Reference to international human rights law**

In relation to the above facts and concerns, we would like to draw your attention to the following human rights norms and standards:

The above mentioned allegations appear to be in contravention of articles 6 and 19 of the International Covenant on Civil and Political Rights which was acceded by Syria on 21 April 1969 that guarantee the rights of every individual to life, to freedom of opinion and expression and freedom of peaceful assembly, respectively.

In its General Comment 6, paragraph 3, the Human Rights Committee noted that it considers article 6 (1) of the ICCPR to include that States parties should take measures to prevent and punish deprivation of life by criminal acts. In addition, in its General Comment No. 31, the Committee stated that there is a positive obligation on States Parties to ensure the protection of the rights contained in the Covenant against violations by private persons or entities, which includes the duty to take appropriate measures to prevent, investigate, prosecute and punish those responsible and repair the damage caused by private persons or entities (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18). A failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR.

Similarly, in General Comment 36, the Human Rights Committee observed that the duty to protect the right to life requires States parties to take special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence including human rights defenders (see also para. 53 below) and journalists. States parties must respond urgently and effectively in order to protect individuals who find themselves under a specific threat, by adopting special measures such as the assignment of around-the-clock police protection, the issuance of protection and restraining orders against potential aggressors and, in exceptional cases, and only with the free and informed consent of the threatened individual, protective custody.

We would further like to refer to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on the Investigation of, accountability for and prevention of intentional State killings of human rights defenders, journalists and prominent dissidents (A/HRC/41/36, paragraph 38), which observes that the jurisprudence on the implementation of the due diligence principle and its operationalization by police forces point to consideration of several elements including;

- a) Whether there are credible threats that are objectively verifiable; in other words, whether they are supported by reference to a range of sources of information;
- (b) Whether the perpetrators have the intention to implement their threats, whether they are in a position, including physical proximity, and have the capabilities to carry out the threats;
- (c) Whether the risk is immediate, meaning continuing and soon;
- (d) Whether the identity of the victim places the victim in specific situations of vulnerability or risk;
- (e) Whether there are patterns of violence against groups of individuals by virtue of their identities.

The report calls on states to review and, if needed, strengthen policies and procedures to ensure that security agencies and other relevant actors are meeting their due diligence obligation to protect the right to life of those who may be targeted by States and non-State actors for their peaceful expression and activities, both online and offline (para 89 (h)).

Moreover, the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions establish the obligation of States to conduct a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions (Principle 9), and to ensure effective protection to those who receive death threats and are in danger of extra-legal, arbitrary or summary executions (Principle 4).

Furthermore, we underscore the need to prevent targeted attacks and ensure security of the journalists by protecting and promoting the right to freedom of opinion expression, as enshrined in Article 19 of the ICCPR. We recall that the Human Rights Committee has affirmed that “States parties should put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression”. (General Comment 34 para. 23) Attacks on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19. (id.) Journalists and those who publish human rights-related reports are frequently subjected to threats, intimidation and attacks because of their activities. “All such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress.” (id.) Under no circumstance, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19 of the ICCPR.

We also make reference to resolution 12/16 of the Human Rights Council, which calls upon States to investigate effectively threats and acts of violence, including terrorist acts, against journalists, and to bring to justice those responsible to combat impunity. In this regard, we also refer to Human Rights Council resolution 45/18 on safety of journalists adopted on 6 October 2020, in which the Council expressed “deep concerns about all attempts to silence journalists and media workers, including by legislation that can be used to criminalize journalism, by the misuse of overbroad or vague laws to repress legitimate expression, including defamation and libel laws, laws on misinformation and disinformation or counter-terrorism and counterextremism legislation, when not in conformity with international human rights standards, and by business entities and individuals using strategic lawsuits against public participation to exercise pressure on journalists and stop them from critical and/or investigative reporting”.

We would 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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right 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.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- and article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone 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.

We would like to finally refer to article 12 of the International Covenant on Economic, Social and Cultural Rights ratified by the Syrian Arab Republic on 21 April 1969, which protects the right to health. In its General Comment No. 14 the Committee on Economic, Social and Cultural Rights clarifies that the right to health is inclusive and closely linked to and dependent on other rights, such as the right to request, receive and disseminate information and ideas about health-related issues (E/C.12/2000/4, paras 11 and 12.b.iv). Violations of the right to health result from, inter alia, the deliberate withholding or misrepresentation of information vital to health protection or treatment (para 50). Moreover, States should respect, protect, facilitate and promote the work of human rights advocates and other members of civil society with a view of assisting others in the realization of their right to health (para 62).