

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; 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

Ref.: AL SYR 1/2023
(Please use this reference in your reply)

30 June 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; 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 52/4, 51/8, 52/9 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning a physical attack against, and targeted intimidation of **Mr. Jdea Abdullah Nawfal** apparently in connection to his human rights work.

Mr. Jdea Abdullah Nawfal, 72 years old, is the Director of the Centre for Democracy and Civil Rights in Syria, established in 2011 and which aims to promote the culture of human rights in the Syrian Arab Republic.

Mr. Nawfal has been the subject of a previous communication sent by Special Procedures mandate holders to your Excellency's Government, SYR 8/2014, on 21 November 2014, which expressed concern about the alleged arbitrary arrest and incommunicado detention in reprisal for his cooperation with the Office of the High Commissioner for Human Rights as well as his participation in a United Nations workshop in Beirut, Lebanon. We regret that no reply was received.

According to the information received:

From as far back as the start of his activities in the 1990s, Mr. Nawfal has been subjected to arrests, harassment and targeted intimidation in connection to his peaceful work as a human rights defender.

On 17 January 1992, he was sentenced by the State Security Court to five years in prison with hard labour, which he served at Sednaya military prison. He was released on 27 January 1997.

On 31 October 2014, he was arrested by Syrian security forces at the Lebanese Syrian border crossing and held for around eight hours at the Syrian immigration post on his way back from a United Nations human rights event in Beirut. He was then moved to the Syrian State Security intelligence agency in the area of Mazzah, near Damascus, and remained in incommunicado detention with no access to a lawyer or medical care, despite a heart condition and diabetes that required attention. He was released three months later, at which point he was suffering from poor health.

On 1 April 2016, Mr. Nawfal was arrested by Syrian security forces at the Lebanon border immigration office while on his way to a human rights workshop in Beirut. He was detained at a military intelligence branch in Damascus and denied access to a lawyer or to his family. He was released on 23 April 2016.

Mr. Nawfal was also subjected to other acts of intimidation and targeting. Since 2016, he has not been allowed to travel or to freely access his properties, and since 2021, he has been subjected to monitoring by unknown men, and by security officers, who have been seeking his whereabouts, thus obliging him to move from one town to another.

In more recent events, on 03 May 2023 at 11:00, Mr. Nawfal was struck forcefully by an unknown male assailant while he was outside in the city of Suwayda. He fell to the ground and, before losing consciousness, he heard the assailant threatening him, saying “if I ever find you here again, you will see [what will happen to you].” He was unable to see what type of weapon the assailant may have used to attack him. He was then taken to a public hospital to treat his injuries, most notably a deep wound to the head he had sustained when he hit the ground. He was moved to a private hospital where he underwent surgery for fractures to his thigh, and treatment to his head. On 5 May 2023, Mr. Nawfal was discharged from hospital.

A complaint was lodged with the Suwayda police station. There has been no indication of any police investigation having taken place at the time of writing.

On 22 May 2023, Mr. Nawfal was admitted to hospital again as he urgently needed a blood transfusion. He was released four days later and is currently recuperating at his home. It is believed he will need three months to be strong enough to walk normally again.

Without wishing to prejudge the accuracy of the above-mentioned allegations, we are concerned that the attack against Mr. Nawfal was carried out with impunity and that the police showed no response to the complaint. We are also concerned at the continued pattern of harassment and targeted intimidation, including by State officials in retaliation for his human rights work.

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 information regarding any investigation carried out with regard to the above-mentioned allegations, and if none has been conducted, please explain why.
3. Please provide the legal and factual basis for the alleged travel ban on Mr. Nawfal and the control of his properties.
4. Please explain what measures have been taken to ensure that human rights defenders can exercise their legitimate human rights work and that civic space is protected, including in relation to political and Government affairs, without fear of reprisals, judicial prosecution or criminalization of any kind.

We would appreciate receiving a response within 60 days. Past 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.

We would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Matthew Gillett
Vice-Chair of the Working Group on Arbitrary Detention

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

Clement Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we respectfully call your Excellency's Government's attention to the relevant provisions enshrined in the Universal Declaration of Human Rights (UDHR) and in the International Covenant on Civil and Political Rights (ICCPR) that the Syrian Arab Republic ratified on 23 March 1976. More specifically, we consider the international human rights standards applicable under articles 19, 21 and 22 of the ICCPR and articles 19 and 20 of UDHR, which guarantee the universally recognized rights to freedom of opinion and expression and freedom of peaceful assembly and association. We also consider article 2 of the ICCPR, whereby the State is under a duty to adopt laws that give domestic legal effect to the rights and adopts laws as necessary to ensure that the domestic legal system is in compliance with the Covenant.

We would like to recall that article 19 of the ICCPR guarantees the right to opinion and expression. In the general comment 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of opinion and expression, including inter alia 'political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism', subject only to admissible restrictions as well as the prohibition of propaganda for hatred and incitement to hatred, violence and discrimination.

Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19(3), that is, they must be provided by law, pursue a legitimate aim, and be necessary and proportionate. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant.

We would also like to draw your attention to article 22(2) of the ICCPR, which stipulates that "no restrictions may be placed on the exercise of the right [to freedom of association] other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."

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, in connection with above alleged facts and concerns, we would like to refer to general comment 36 of the Human Rights Committee. The committee affirmed in this comment that the obligation of States parties to respect and ensure the rights to life extends to foreseeable threats, including those emanating from private persons and entities. The duty to protect the right to life requires States parties to adopt

special measures of protection for persons in vulnerable situations who have been put at particular risk because of specific threats, including human rights defenders.