



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE: cc/jmnf/jli/follow-up/CAT

21 December 2012

Your Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to the consideration by this Committee, in the absence of a special report requested pursuant to article 19, paragraph 1, *in fine*, of the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the Syrian Arab Republic. At the end of its 48<sup>th</sup> session, held from 7 May to 1 June 2012, the Committee's Concluding Observations (CAT/C/SYR/CO/1/Add.2) were transmitted to your Permanent Mission. In paragraph 24 of those Concluding Observations, the Committee requested that the State party submit, by 31 August 2012, a special follow-up report on the measures taken to implement the recommendations included in its Concluding Observations (see extracts annexed).

At its 49<sup>th</sup> session, held from 28 October to 22 November 2012 in Geneva, the Committee acknowledged receipt of the note verbale, dated 11 June 2012 and noted that no information had yet been supplied in response to the measures referenced above, despite its request. The Committee has received a note verbale of 10 December 2012, reporting on the kidnapping and/or killing of judges and employees of the Ministry of Justice, and on attacks on the Ministry. While these matters are regrettable and of concern to the Committee, it is my responsibility as Rapporteur for Follow-up to note that the State party has not yet provided relevant information in response to the Committee's specific requests.

To elaborate, the Committee had requested information on the following points: measures taken to unambiguously reaffirm the absolute nature of the prohibition of torture (para. 22 (a)); steps taken to revoke decrees affording immunity for acts of torture committed by members of security forces (para. 22 (b)); progress made towards establishing an independent system to monitor and inspect places of detention and to allow regular and unannounced visits by national and international monitors (para. 22 (c)); measures taken to release all arbitrarily detained persons and to ensure that no one is detained in secret detention facilities (para. 22 (d)); investigations of every reported case of enforced disappearances and communication of the results of investigations to the families of missing persons (para 22(e)); action taken to cease all attacks against

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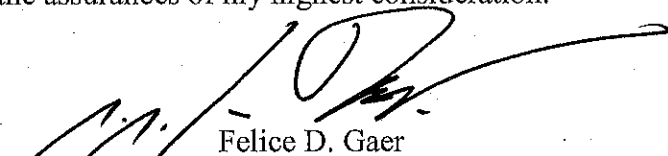


journalists and human rights defenders, to ensure that all such persons are protected from intimidation or violence as a result of their activities, to ensure investigations of such acts, to prosecute the perpetrators, and to provide redress to victims (para 22(f)); adoption of protective measures for all victims of torture and ill-treatment, including expedited access to medical care, and provision of redress to all victims of torture and ill-treatment (para. 22 (g)).

The concluding observations also included a number of urgent recommendations: that the State party immediately fulfil its obligation under the Convention to prevent and protect all individuals from torture and ill-treatment (para. 23 (a)); that the State party put an immediate end to attacks against civilians and cease widespread, gross and continued human rights violations (para. 23 (b)); that the State party establish, with the assistance of the international community, an independent commission of inquiry into the serious allegations of human rights violations committed by security forces and armed groups acting under the control of or with the consent or acquiescence of State authorities, suspend members of the security forces against whom there are credible allegations of human rights abuse pending completion of investigations and ensure that individuals or groups who cooperate with the commission of inquiry are not subjected to reprisals as a consequence of cooperation (para. 23 (c)); and that the State party ensure that all allegations of summary execution, enforced disappearance, arbitrary arrest and detention, torture or ill-treatment by State agents or non-State actors, up to the highest levels in the chain of command, are investigated and that those responsible are prosecuted and punished with sanctions proportionate to the gravity of their crimes (para. 23 (d)). The Committee further called on the authorities of the Syrian Arab Republic to cease its clear breach of the obligations under the Convention and to undertake an immediate and vigorous programme to establish compliance with the Convention, including through prompt and direct cooperation with the Committee (para. 24).

The State party has not provided the information sought by the Committee although more than six months have elapsed from the transmittal of the Committee's Concluding Observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture ([cat@ohchr.org](mailto:cat@ohchr.org)). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

Accept, Your Excellency, the assurances of my highest consideration.

  
Felice D. Gaer  
Rapporteur for Follow-up on Concluding Observations  
Committee against Torture

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture**  
*(Extracts for follow-up of CAT/C/SYR/CO/1/Add.2)*

**SYRIAN ARAB REPUBLIC**

(...)

**D. Recommendations**

22. The Committee reiterates its previous recommendations addressed to the Syrian Arab Republic (CAT/C/SYR/CO/1) following its first periodic report to:

- (a) Unambiguously reaffirm the absolute nature of the prohibition against torture and immediately cease and publicly condemn widespread and systematic practices of torture, especially by security forces, accompanied by a clear warning that anyone committing such acts, or otherwise complicit or participating in torture will be held personally responsible before the law for such acts and will be subject to criminal prosecution and appropriate penalties;
- (b) As a matter of urgency, take vigorous steps to revoke the decrees affording immunity for crimes committed on duty which result, in practice, in impunity for acts of torture committed by members of security services, intelligence agencies and police;
- (c) Establish a national independent system to effectively monitor and inspect all places of detention and follow up on the outcome of such systematic monitoring, including by allowing regular and unannounced visits by national and international monitors, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment;
- (d) Release all persons arbitrarily detained and ensure that no one is detained in secret detention facilities under the de facto effective control of States authorities; investigate and disclose the existence of any such facilities, the authority under which they have been established and the manner in which detainees are treated in such facilities; as well as proceed immediately to close all such facilities;
- (e) As a matter of urgency, investigate every case of reported enforced disappearances and communicate the results of the investigations to the families of missing persons;

- (f) Immediately cease all attacks against journalists and human rights defenders and advocates, and take all necessary steps to ensure that all persons, including those monitoring human rights, are protected from any intimidation or violence as a result of their activities and exercise of human rights guarantees, to ensure the prompt, impartial and effective investigation into such acts, and to prosecute and punish perpetrators and provide redress including compensation to victims;
- (g) Immediately adopt protective measures for all victims of torture and ill-treatment, including expedite access to medical care; and provide all victims of torture and ill-treatment with redress, including fair and adequate compensation and as full rehabilitation as possible.

23. Furthermore, the Committee stresses as a matter of urgency, and in view of the extensively documented actions in violation of the Convention that continue unabated, that it is necessary that the Syrian Arab Republic:

- (a) Immediately fulfil its obligations under the Convention to prevent and protect all individuals under its jurisdiction from torture and other cruel, inhuman and degrading treatment or punishment; the Committee recalls, in this regard, that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture;
- (b) Put an immediate end to all attacks against its population, especially peaceful demonstrators, women, children and the elderly; ensure that all acts in violation of the Convention are brought to a halt; and cease widespread, gross and continued human rights violations of all persons under its jurisdiction, especially the systematic denial, in some areas, of the basic requirements of human life, such as food, water and medical care;
- (c) Establish, with the assistance of the international community, an independent commission of inquiry into the serious allegations of human rights violations committed by security forces and armed groups acting under the control or with the consent or acquiescence of State authorities; suspend members of the security forces against whom there are credible allegations of human rights abuse pending completion of investigations; and ensure that individuals or groups who cooperate with the commission of inquiry are not subjected to any reprisals, ill-treatment or intimidation as a consequence of this cooperation;

- (d) Ensure prompt, impartial and thorough investigations into allegations of summary execution, enforced disappearance, arbitrary arrest and detention, torture or cruel, inhuman or degrading treatment or punishment, by State agents or non-State actors, prosecute those responsible before independent and impartial courts that meet international fair trial standards, and punish them according to the severity of their crimes. Prosecution of members of security forces involved in serious human rights violations and alleged crimes against humanity should comprise investigations up to the highest levels in the chain of command.

24. The Committee calls upon the authorities of the Syrian Arab Republic to cease its clear breach of the obligations under the Convention. The Committee requests the State party to end its current practices in violation of the Convention, which are completely unacceptable, and to undertake an immediate and vigorous programme to establish compliance with the Convention, including through prompt and direct cooperation with the Committee. To this effect, the Committee, pursuant to article 19, paragraph 1, in fine, of the Convention, requests that the Syrian Arab Republic submit a special follow-up report to the Committee on the measures taken to implement the above-mentioned recommendations no later than 31 August 2012.

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