



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

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Consideration by the Committee against Torture of the implementation of the Convention in the Syrian Arab Republic in the absence of a special report requested pursuant to article 19, paragraph 1, *in fine*

Concluding observations of the Committee against Torture

Syrian Arab Republic

1. The Committee against Torture considered the implementation of the Convention in the Syrian Arab Republic in the absence of the special report requested by the Committee at its 1072th meeting (CAT/C/SR.1072), held on 16 May 2012, and adopted at its 1089th meeting (CAT/C/SR.1089), held on 30 May 2012, the following concluding observations.

A. Introduction

Request of the Committee

2. By letter of 23 November 2011, addressed to the Permanent Mission of the Syrian Arab Republic, the Committee invited the Syrian Arab Republic to submit a special report on measures taken to ensure that all its obligations under the Convention were fully implemented and expressed its deep concern about numerous, consistent and substantiated reports from reliable sources about widespread violations to the provisions of the Convention by the authorities of the Syrian Arab Republic, including:

- (a) Torture and ill-treatment of detainees, including children who were subjected to torture and mutilation while detained;
- (b) Widespread or systematic attacks against the civilian population, including killing of peaceful demonstrators and the excessive use of force against them;
- (c) Extrajudicial, summary or arbitrary executions;
- (d) Arbitrary detentions by police forces and the military;
- (e) Enforced and involuntary disappearances; and

(f) Persecution of human rights defenders and activists.

3. The Committee noted that these reports of massive human rights violations take place in a context of total and absolute impunity as prompt, thorough and impartial investigations have not been undertaken by the Syrian authorities in these cases. It further noted that these generalized abuses are allegedly conducted under the direct order from public authorities, at their instigation or with their consent or acquiescence.

4. The Committee considered that the follow-up comments and responses to the concluding observations of the Committee (CAT/C/SYR/CO/1/Add.1) did not provide information that would be sufficient to dismiss the concerns of the Committee about the widespread violations of the provisions of the Convention.

5. The special report was requested pursuant to article 19, paragraph 1, *in fine*, of the Convention, which provides that States parties shall submit “such other reports as the Committee may request”.

6. The Committee reiterated its request to the Syrian Arab Republic by letter of 12 March 2012, inviting the State party to identify the representatives who would attend the meetings of 16 and 18 May 2012, for a review of compliance and an interactive dialogue with the Committee.

Responses of the Syrian Arab Republic

7. By note verbale of 20 February, 2012, the Permanent Mission of the Syrian Arab Republic stated that its Government would inform the Committee about the measures it had taken to implement its undertakings under the Convention in its next periodic report, which was due in 2014, and that the Syrian Arab Republic considered that article 19 of the Convention did not provide for the possibility for the Committee to request a special report.

8. By note verbale of 21 March 2012, the Permanent Mission of the Syrian Arab Republic indicated, among other reasons, that article 19 of the Convention gave the Committee the right to request a supplementary report only if there are any new measures, a matter to which the Committee had made no reference. The Syrian Arab Republic requested that the Committee withdraw its request for a special report and cancel the meetings at which such report would be considered.

9. By note verbale of 2 April 2012, the Permanent Mission of the Syrian Arab Republic informed the Secretary-General, the Security Council and the Committee, about the human and material losses that have occurred in the Syrian Arab Republic since the beginning of the events in the State party until 15 March 2012, caused by the “actions of armed terrorist groups”.

10. By note verbale of 24 May 2012, the Permanent Mission of the Syrian Arab Republic provided an official response in reference to the public meeting held by the Committee on 16 May 2012.

11. The letters of the Committee and the notes verbales of the Permanent Mission of the Syrian Arab Republic are available for consultation at www.ohchr.org.

Committee’s authority to request a special report

12. The Committee recalls that article 19, paragraph 1, *in fine*, explicitly provides that States parties shall submit “such other reports as the Committee may request”. This procedure was used by the Committee in the past.

13. This request clearly falls entirely within the purview of the Committee’s functions under the Convention. The Committee’s request is fully consistent with the object and purpose of the Convention to prevent, suppress and make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment.

B. Consideration of the implementation of the Convention in the Syrian Arab Republic, in the absence of the special report requested by the Committee

14. On 16 May 2012, in a public meeting, the Committee considered the situation of the implementation of the Convention in the Syrian Arab Republic on the basis of the information available.

15. The Committee regretted that the State party did not submit the requested report. It also regretted that the State party did not send a delegation to attend the meeting of 16 May 2012.

16. The Committee considered the implementation of the Convention in the State party on the basis of the available information from numerous credible and reliable sources, including:

(a) The reports of the International Commission of Inquiry on the Syrian Arab Republic of the Human Rights Council (A/HRC/S-17/2/Add.1 and A/HRC/19/69);

(b) The report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Syrian Arab Republic (A/HRC/18/53);

(c) The urgent appeals from the special procedures of the Human Rights Council, namely the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and of expression, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (UA G/SO 218, G/SO 217/1, G/SO 214 (76-17), G/SO 214 (107-109), 214 (53-24)); the allegation letter sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment ((G/SO 214 (33-27), G/SO 214 (53-24));

(d) The report of the Working Group on the Universal Periodic Review on the Syrian Arab Republic (A/HRC/19/11);

(e) The concluding observations of the Committee on the Rights of the Child on the third and fourth periodic reports of the Syrian Arab Republic under the Convention on the Rights of the Child (CRC/C/SYR/CO/3-4);

(f) Public reports submitted by United Nations specialized agencies and non-governmental organizations.

17. The Committee also took note of information in the following resolutions about the situation in the State party:

(a) General Assembly resolutions 66/253 and 66/176;

(b) Security Council resolutions 2043 (2012) and 2042 (2012);

(c) Human Rights Council resolutions, including at three special sessions 19/22, 19/1, S-18/1, S-17/1 and S-16/1.

C. Principal subject of concerns

18. The Committee is deeply concerned at consistent, credible, documented and corroborated allegations about the existence of widespread and systematic violations of the provisions of the Convention against the civilian population of the Syrian Arab Republic committed by the authorities of the State party and by militias (e.g. shabiha) acting at the instigation or with the consent or the acquiescence of the authorities of the State party.

19. The Committee takes into account the finding of the International Commission of Inquiry on the Syrian Arab Republic that “a reliable body of evidence exists that ... provides reasonable grounds to believe that particular individuals, including commanding officers and officials at the highest levels of Government, bear responsibility for crimes against humanity and other gross human rights violations” (A/HRC/19/69, para. 87). It also takes note of the statement of the United Nations High Commissioner for Human Rights of 27 May 2012, according to which, “indiscriminate and possibly deliberate killing of villagers in the El Houleh area of Homs in Syria may amount to crimes against humanity or other forms of international crime”.¹

20. The Committee expresses its grave concern about the prevalence, continuation and un-rebutted occurrence of violations of the Convention in the State party, as documented in the above-mentioned reports:

(a) Widespread use of torture and cruel and inhuman treatment of detainees, individuals suspected of having participated in demonstrations, journalists, web bloggers, defectors of security forces, persons wounded or injured, women and children (arts. 2, 11, 13 and 16);

(b) The habitual use of torture and cruel and inhuman treatment as a tool, which appears to be deliberate and part of State’s policy, to instil fear and to intimidate and terrorize civilian population (arts. 2 and 16) and the complete disregard by State party authorities of the requests from authoritative international bodies and experts to cease these violations (art. 2);

(c) The extensive reports of sexual violence committed by public officers, including against male detainees and children (arts. 2, and 16);

(d) The extensive gross violations of children’s rights committed by the Syrian authorities, including the torture and ill-treatment of children, the killing of children during demonstrations and their arbitrary detention;

(e) Reports of at least 47 missing children, some as young as 15 years old who may have disappeared since their detention (art. 16);

(f) Cruel, inhuman or degrading conditions of detention, including severe overcrowding of facilities (arts. 11 and 16);

(g) The reported existence of secret places of detention; as well as reports on the lack of access to places of detention by international and national monitors and organizations; such secret detention centres are per se breaches of the Convention and lead inevitably to cases of torture and ill-treatment contrary to the Convention (arts. 2, 11, 12, 13 and 16);

(h) Large-scale attacks by security forces against civilians across the country, resulting in numerous summary executions, including the killings of the elderly, women and children trying to flee the attacks on towns and villages (art. 2);

(i) The appalling and tragic events which took place in El-Houleh, on 25 May 2012, in which more than 100 persons, including at least 34 children under the age of 10 were killed as a result of an indiscriminate attack to the village (art. 2);

(j) Excessive use of force, including use of heavy lethal weapons against demonstrators participating in peaceful manifestations, and the artillery bombardments of residential areas, used consistently by units of the Syrian armed forces and diverse security

¹ “Syria: Pillay says El Houleh killings may amount to international crimes”, Geneva, 27 May 2012. Available from www.ohchr.org.

forces, and the coordinated nature of these attacks, including the deliberate demolition and destruction of houses, as a mean of retaliation or punishment (arts. 2 and 16);

(k) Regular raids conducted by security forces in hospitals to search for and kill injured demonstrators; as well as routine denial of access to medical assistance for wounded protesters, sometimes resulting in death (arts. 2, 11, 12, 13 and 16);

(l) Killings of journalists, lawyers, human rights defenders and activists (arts. 2, 13 and 16);

(m) Widespread attempts to cover up killings by the security forces, including the use of mass graves (arts. 12 and 13);

(n) Widespread practice of arbitrary and unlawful arrest and subsequent unlawful detention of civilians, including the elderly, children and women (arts. 2 and 16);

(o) The entry into force, on 21 April 2011, of the Legislative Decree No. 55/2011 amending article 17 of the Code of Criminal Procedure to allow for suspects to be held for up to seven days pending investigation and the interrogation of suspects for certain crimes, renewable for up to a maximum of 60 days (arts. 2 and 16);

(p) Arbitrary arrests not formally acknowledged and suspects often held incommunicado without their families being notified about their arrest or whereabouts (arts. 2 and 16);

(q) Numerous reports of enforced disappearances and death in custody of detainees following severe infliction of torture (arts. 2, 11, 12, 13 and 16);

(r) Arbitrary arrests of activists who participated or helped to organize demonstrators and whose names appeared on security forces lists; arbitrary arrests of family and acquaintances of wanted individuals as a measure of intimidation and retribution (arts. 2, 12, 13 and 16);

(s) Continued granting of immunity from prosecution for members of the security forces which promotes a long-standing culture of abuse and impunity, as evidenced by the fact that Legislative Decree No. 14, of January 1969, and Decree No. 69, of September 2008, are still in force (arts. 12 and 13).

21. The Committee is also seriously concerned by the allegations received concerning acts of torture, and cruel and inhuman treatment, summary executions and abductions committed by armed opposition groups.

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.
