



To Permanent Representatives of Member and Observer States of the UN Human Rights Council

Geneva, 2 September 2015,

Re: Call on the Human Rights Council to step up its action towards the release of all arbitrarily detained persons in Syria

Your Excellency,

At the upcoming 30th regular session of the United Nations Human Rights Council (14 September-2 October 2015), we call on your delegation to support a country- and issue-specific resolution that addresses the fate of all arbitrarily detained persons in Syria, in particular those who have been detained as a result of their peaceful activism, including human rights defenders, or other professional (e.g. humanitarian, medical, journalistic) activities. As the next report of the independent international Commission of Inquiry (CoI) on Syria will be dedicated to the fate of journalists and human rights defenders, the Council should take this step to make a significant contribution to shedding light on the situation of peaceful activists and professionals and putting an end to violations perpetrated against them, in particular arbitrary detention, torture and other ill-treatment and enforced disappearance. The Human Rights Council should adopt a resolution that:

- ***Strongly condemns*** the practices of arbitrary detention and enforced disappearance, as well as the torture and other ill-treatment committed against any person by the Syrian authorities, and ***demands*** the immediate and unconditional release of all those held solely for exercising their rights to freedom of expression, peaceful assembly or association or for carrying out their professional activities, including peaceful activists, members of non-governmental organizations, human rights defenders, civil society activists, lawyers, journalists and media professionals, artists, doctors and medical workers, and aid workers;
- ***Strongly condemns*** the abductions, hostage-taking and enforced disappearances committed by all parties, including all armed groups, and ***demands*** the immediate end of these practices and the release of arbitrarily detained persons;
- ***Demands*** that the Syrian authorities and all armed groups detaining any person publish a list of all detention facilities, ensure that conditions of detention comply with applicable international law, and immediately allow access of independent monitors to all detention facilities;
- ***Urges*** the Syrian authorities to refrain from using the overly broad Anti-Terrorism Law to detain and prosecute members of non-governmental organizations, human rights defenders, civil society activists, lawyers, journalists and media professionals, artists, doctors and medical workers, as well as aid workers, and to ensure that individuals who are prosecuted are tried only for recognizably criminal offences that are defined precisely and in a manner that meets international standards on the right to a fair trial, and ***urges*** the Syrian authorities to cease prosecutions of civilians before military courts;

- ***Urges* all parties to immediately provide information on the whereabouts of all arbitrarily detained, forcibly disappeared and abducted persons and to ensure that all detainees are protected from torture and other ill-treatment and have adequate access to their family members, lawyers and medical and aid personnel;**
- ***Urges* all parties to provide immediate and unhindered access to international detention monitors to all detention facilities, official and unofficial, without prior notification;**
- ***Encourages* the Envoy of the United Nations and the Arab League to Syria to actively engage on the issue of arbitrary detention and enforced disappearances in Syria, and to engage with relevant parties to ensure the release of all arbitrarily detained and forcibly disappeared persons; and**
- ***Emphasizes* the need to ensure that all those responsible for crimes under international law are brought to justice in fair trials and without recourse to the death penalty, and *stresses* the need to pursue practical steps towards this goal, including by urging the UN Security Council to refer the situation in Syria to the Prosecutor of the International Criminal Court (ICC).**

Syria has been on the agenda of the Human Rights Council since it held its 16th special session, on 29 April 2011. Since then, the Council has held three more special sessions and one urgent debate, and adopted no less than 17 resolutions on the human rights situation in Syria.¹ At the same time, the armed conflict has shown no sign of abating. Since the brutal repression of the March 2011 popular protest movement by the Syrian Government, the conflict has claimed the lives of at least 230,000 persons and displaced more than half of the Syrian population. Daily reports of atrocities committed by government forces and armed opposition groups, including extremist groups such as the so-called “Islamic State,” and the scale of the humanitarian crisis, shed a painful light on the international community's failure to bring the conflict to an end and to live up to the promise of the Charter of the United Nations. However, within the UN, the Human Rights Council has played an important role since it first took action on Syria, in particular by establishing and supporting an independent international Commission of Inquiry (CoI).

Over the years, the CoI has put the spotlight on the humanitarian and human rights situation in Syria and documented gross, widespread and systematic violations of international humanitarian and human rights law committed by all parties to the conflict, including attacks on civilians and the use of prohibited weapons and means and methods of warfare, some of which may amount to war crimes and crimes against humanity. The CoI has also contributed to advancing accountability by listing avenues for holding perpetrators of international crimes to account, including the International Criminal Court and the exercise of universal jurisdiction by national courts and tribunals.

Beyond reports and figures, which testify to the tremendous suffering endured by the Syrian people, large numbers of civil society activists have been specifically targeted by the government as well as armed opposition groups. Hundreds of them continue to be arbitrarily detained. Many have plainly disappeared. Several of our organizations are part of a group of six international human rights NGOs² that came together to launch the “Free Syria's Silenced Voices” campaign (www.free-syrian-voices.org). This campaign aims at obtaining the release of human rights defenders, activists, lawyers, journalists, media professionals, artists, doctors and aid workers who have been arbitrarily detained by the government and armed opposition groups in Syria, as a result of their peaceful activities. Many of them have been detained in conditions that amount to enforced disappearance. Others have been tried by counter-terrorism and military courts. Many have been subjected to torture and ill-treatment. The Free Syrian Voices collective has been working to raise awareness about the fate of these activists and professionals and to build pressure on the Syrian authorities and non-state armed groups that detain these activists.

1 Namely HRC resolutions [S.16-1](#), [S.17-1](#), [S.18-1](#), [19/1](#), [19/22](#), [S.19-1](#), [20/22](#), [21/26](#), [22/24](#), [23/1](#), [23/26](#), [24/22](#), [25/23](#), [26/23](#), [27/16](#), [28/20](#) and [29/16](#).

2 Amnesty International, the International Federation for Human Rights (FIDH), Front Line Defenders, Human Rights Watch, Reporters Without Borders and the Euro-Mediterranean Human Rights Network.

Their voices will be key to building the rule of law in Syria. They must be at the heart of any conflict settlement and peacebuilding process. With this in mind, in May 2013 the UN General Assembly adopted resolution 67/262, which demanded that the Syrian authorities release all persons arbitrarily detained, including members of the Syrian Centre for Media and Freedom of Expression (SCM), publish a list of all detention facilities, ensure that conditions of detention comply with applicable international law, and immediately allow access of independent monitors to all detention facilities. In February 2014, by adopting resolution 2139 (2014), the UN Security Council unanimously demanded the release of all arbitrarily detained persons. In July 2015, in resolution 29/16 the Human Rights Council strongly condemned all arbitrary detention of individuals by the Syrian authorities and demanded the immediate release of all persons arbitrarily detained, including members of the SCM.³

Yet, a “Syria fatigue” has become obvious at the Human Rights Council. At its last regular session (29th regular session, 15 June-3 July 2015), the interactive dialogue with the CoI on Syria was the shortest in two years, lasting 2 hours 57 minutes and 20 seconds (counting technical problems and breaks in).⁴ Only 51 States took the floor to deliver statements – a sharp decrease from previous sessions.⁵ There is more that the Human Rights Council can do.

While in the framework of their respective mandates other UN bodies and mechanisms have recently demonstrated their ability to adopt innovative approaches towards documenting and settling the Syrian conflict,⁶ the Human Rights Council should not content itself with the routine resolutions it has come to adopt, session after session. It should demonstrate its relevance as the main UN body in charge of promoting and protecting human rights by adopting issue-specific resolutions (which could be in addition to, or temporarily replace, its “omnibus” resolutions), for instance on issues such as avenues and options for accountability, the use of prohibited weapons, refugees, or the situation of Syrian civil society.

We are writing to call on you to take such a step at the upcoming session, by adopting a resolution that is focused on the fate of all those deprived of their liberty in Syria for their peaceful activism, as well as human rights defenders and others who have been detained, subjected to enforced disappearance or abducted as a result of their professional (humanitarian, medical or journalistic or other peaceful) activities, and that calls for their release.

3 Recent steps taken by the Syrian authorities, such as the release of SCM members Hussain Ghrer, Hani Al-Zaitani and Mazen Darwish, have not addressed the systemic character of violations committed against peaceful activists and professionals. In June 2014, President Assad announced a general amnesty that should have resulted in the release of all those detained for peaceful activism; yet only a few of the dozens of detainees whose cases we have been tracking and whose grounds for detention are covered by the amnesty law have been released (see www.fidh.org/International-Federation-for-Human-Rights/north-africa-middle-east/syria/syria-selective-application-of-amnesty-leaves-mazen-darwish-in-jail; www.fidh.org/International-Federation-for-Human-Rights/north-africa-middle-east/syria/syrian-authorities-must-drop-charges-against-three-human-rights). The fate of others who have been detained by government forces, including lawyer Khalil Maatouq and writer Hussein Esso, remains unknown, as is the fate of activists abducted by armed opposition groups, such as Razan Zaitounah (www.fidh.org/International-Federation-for-Human-Rights/north-africa-middle-east/syria/syria-human-rights-organizations-mark-birthday-of-razan-zaitounah).

4 Webcast recording available at webtv.un.org/search/id-commission-of-inquiry-on-syria-21st-meeting-29th-regular-session-of-human-rights-council/4315034270001?term=syria&languages=English&sort=date and webtv.un.org/search/id-commission-of-inquiry-on-syria-contd-22nd-meeting-29th-regular-session-of-human-rights-council/4315034281001?term=syria&languages=English&sort=date

5 At the Council's 28th regular session, 56 States delivered oral statements during the ID on Syria. At its 27th session, 57 did so; and 55 at its 26th session, 57 at its 25th session, 67 at its 24th session, and 62 at its 23rd session's urgent debate (plus 53 during the ID with the CoI held at the same session).

6 On 17 August 2015, the UN Security Council adopted a presidential statement – its first unanimous position on the political process in Syria in two years – which *inter alia* demands that all parties cease attacks on civilians and indiscriminate use of weapons in populated areas, including such use involving shelling and barrel bombs, and demands an immediate end to arbitrary detention, torture, kidnappings, abductions and enforced disappearances of civilians and the immediate release of those arbitrarily detained. In September 2015, the CoI on Syria will present its next report to the Human Rights Council (A/HRC/30/48), which will be dedicated to the fate of journalists and human rights defenders – an important step in shedding light to the situation of peaceful activists and professionals, including those whom we have been tracking as part of the Free Syrian Voices campaign.

Sincerely,

International Federation for Human Rights (FIDH)
Cairo Institute for Human Rights Studies
Euro-Mediterranean Human Rights Network
Front Line Defenders
Human Rights Watch
Reporters Without Borders