



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

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**Committee against Torture
Forty-eighth session**

Summary record of the first part (public)* of the 1072nd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 16 May 2012, at 10 a.m.

Chairperson: Mr. Grossman

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.1072/Add.1.

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The meeting was called to order at 10.05 a.m.

Submission of reports by States parties under article 19 of the Convention

Request to the Syrian Arab Republic for a special report

1. **The Chairperson**, speaking as Country Rapporteur, drew attention to article 19, paragraph 1, which required States parties to submit supplementary reports every four years on any new measures taken and such other reports as the Committee might request. The Committee had agreed at its forty-seventh session in November 2011 to request a special report from the Syrian Arab Republic. In his capacity as Chairperson, he had sent a letter to the Syrian authorities on 23 November 2011 stating that the Committee was deeply concerned at numerous, consistent and substantiated reports from reliable sources about widespread violations of the provisions of the Convention by the Syrian Arab Republic since the adoption of the Committee's concluding observations on the State party's initial report to the Committee (CAT/C/SYR/CO/1) in May 2010. The sources included the report of the High Commissioner for Human Rights on the situation of human rights in the Syrian Arab Republic (A/HRC/18/53), urgent appeals by special procedures of the Human Rights Council, including the Special Rapporteur on torture, statements by the High Commissioner and the Deputy High Commissioner, statements on behalf of all special procedure mandate holders, and the concluding observations of the Committee on the Rights of the Child (CRC/C/SYR/CO/3-4).
2. Those authoritative sources had mentioned gross and widespread human rights violations in the territory of the State party, such as: torture and ill-treatment of detainees, including children, who had suffered torture and mutilation while in detention; widespread or systematic attacks against the civilian population, including the killing of peaceful demonstrators and the use of excessive force against them; extrajudicial, summary or arbitrary executions; arbitrary detention by police forces and the military; enforced and involuntary disappearances; and persecution of human rights defenders and activists.
3. The massive human rights violations had allegedly taken place in a context of absolute impunity and no prompt, thorough and impartial investigations had been undertaken. Moreover, they had allegedly been conducted in response to direct orders from the public authorities, at their instigation or with their consent or acquiescence.
4. The State party's comments and responses on the Committee's concluding observations (CAT/C/SYR/CO/1/Add.1), which had been received in August 2011, failed to allay the Committee's concerns or to provide information on the implementation of its recommendations. The Committee had therefore requested a special report indicating the measures that the State party was taking to ensure effective implementation of the recommendations and of all its obligations under the Convention, besides containing information on the events in the territory of the State party referred to in the aforementioned reports and statements. The Committee had also enquired about steps taken to withdraw the State party's reservations to article 20 of the Convention. It had set 9 March 2012 as the deadline for receipt of the report.
5. The Committee had received a note verbale from the Syrian Permanent Mission to the United Nations Office at Geneva on 20 February 2012 stating that article 19 did not provide for such inquiries or the publication of press releases against the Syrian Arab Republic. The reports that the Committee was treating as established facts were mere allegations, and the request for a report on that basis amounted to the application of double standards.
6. In its reply dated 12 March 2012, the Committee had acknowledged the Syrian authorities' commitment to continued cooperation, but regretted its failure to submit a

report by the established deadline. It had invoked article 19, paragraph 1, of the Convention in support of the request for a report and reiterated its request.

7. In their response, dated 12 March 2012, the Syrian authorities complained that the Committee's decision to establish a date for a meeting was contrary to the most fundamental rules of diplomatic conduct. Instead of serving as a forum for dialogue, the Committee had assigned itself judicial authority to summon a State that had voluntarily become a party to the Convention. According to the State party, article 19 of the Convention authorized the Committee to request a supplementary report if any new measures had been taken. No reference to such measures had been made in the Committee's letters.

8. On 2 April 2012, the Syrian Permanent Mission had forwarded a copy of identical letters sent on 30 March 2012 to the United Nations Secretary-General and the President of the Security Council. The letters contained a table covering the period from the outbreak of the recent events in the Syrian Arab Republic until 15 March 2012. It provided figures for the death toll of civilians, police officers, members of the army and security forces, women, children and "directly assassinated people", amounting to a total of 6,144 deaths. It also provided figures for kidnapped civilians, army personnel and police officers and stolen Government vehicles. He welcomed the fact that the latter communication contained substantive information.

9. The reports received by the Committee from United Nations and intergovernmental sources referred to widespread killing of civilians, joint military and civilian operations with "shoot to kill" orders, numerous summary executions, the targeting of peaceful demonstrators with live ammunition, the use of disproportionate means of crowd control, including snipers on rooftops, the use of tanks and heavy machine guns mounted on anti-personnel carriers and helicopters in urban areas, raids on hospitals, widespread attempts to cover up killings, and the systematic and widespread torture of detainees. There had also been reports of security forces breaking into homes and beating civilians, including women and children, and of mass arrests. Buses and trucks were allegedly used to transport detainees to secret detention centres or public stadiums, where the victims were subjected to inhuman treatment. Individuals were allegedly subjected to torture when being transferred from one detention facility to another. There were documented cases of injured people being taken to military hospitals, where they were beaten and tortured during interrogation. Cases of deaths in custody had also been reported.

10. Numerous methods of torture had been used: beatings with batons and cables; keeping detainees in stress positions for hours and days; electric shocks; deprivation of food, water and sleep; detention in overcrowded cells; and the blindfolding and handcuffing of detainees, who were then forced to thumb-sign written confessions.

11. A number of journalists claimed that they had been detained and tortured. There had been several reports of sexual torture of male detainees. Former detainees reported beatings of genitals, forced oral sex, electric shocks and cigarette burns to the anus, and anal rape with batons. Some had witnessed the rape of boys.

12. The injured and sick had allegedly been denied medical assistance. Security agencies had systematically arrested wounded patients in State hospitals and interrogated them, often using torture. Individuals suspected of being involved in operating alternative medical facilities or providing medical supplies or treatment had also been subjected to arrest and torture. The Committee had in addition received reports of human rights violations by opposition armed groups, who were allegedly responsible for kidnappings, torture and killings. Such actions could not, of course, be condoned under any circumstances.

13. The intergovernmental sources of allegations against the Syrian authorities had not been allowed into the Syrian Arab Republic but had undertaken intensive investigations in neighbouring countries. They also reported some commendable measures by the Government, such as the lifting of the state of emergency, the enactment of an amnesty law and the announcement of amendments to existing legislation.

14. The Committee had fully complied with the provisions of article 19 of the Convention. Its request for a special report had been equivalent to an early warning designed to prevent a further deterioration in the situation in the Syrian Arab Republic. The timeliness of that request had unfortunately been borne out by subsequent events. The Committee lamented the fact that the Syrian authorities had not sent a delegation to engage in a dialogue on the situation. It would decide during the session on further action.

15. **Ms. Belmir** (Country Rapporteur) said that the tragic situation in the Syrian Arab Republic was a source of deep distress: killings, systematic torture, the disintegration of the rule of law and virtually no prospect of a political solution. International norms were being violated across the board.

16. The notes verbales from the State party were based on a highly misleading interpretation of the Committee's mandate under articles 19 and 20 of the Convention. The Committee had acted in response to reliable reports from a variety of sources. It had taken into account the findings of treaty bodies, special procedures of the Human Rights Council and the Universal Periodic Review Working Group. The Human Rights Council had held special sessions on the human rights situation in the Syrian Arab Republic and set up a Commission of Inquiry. The Security Council had also issued a statement on the situation. In addition, the Committee had received numerous reports from NGOs, which described persistent violations of human rights, including enforced disappearances, torture and killings, also of children.

17. It was of the utmost importance to pursue the Committee's dialogue with the State party in order to remind it of its international obligations and to preserve the credibility of the treaty body system and the United Nations system as a whole. She cited in that connection articles 55 and 56 of the Charter of the United Nations, which urged States to work together to ensure universal respect for, and observance of, human rights and fundamental freedoms.

18. **Mr. Mariño Menéndez** said that the Committee had acted scrupulously under article 19, paragraph 1, of the Convention as independent experts mandated to oversee States parties' compliance with their obligations under the Convention. The prohibition of torture, both in peacetime and in situations of armed conflict at the national or international level, was a peremptory norm of international law.

19. The situation in the Syrian Arab Republic was extremely complex. Grave human rights violations were being committed on a daily basis and torture almost seemed to form part of public policy. The international community, drawing on its experience in Libya, was against an armed intervention. However, in view of its responsibility to protect, it had created the Commission of Inquiry of the Human Rights Council and the United Nations Supervision Mission in Syria (UNSMIS), which was currently investigating the situation on the ground. The Committee also had an imperative duty to ensure that the Syrian Arab Republic complied with its obligations under the Convention.

20. **Mr. Bruni** said that it was not necessary to go into the details of the practice of torture in the State party, as they were set out in the concluding observations of the Committee (CAT/C/SYR/CO/1). It was stated in paragraph 7 of the responses to the concluding observations (CAT/C/SYR/CO/1/Add.1) that allegations of the routine use of torture by law enforcement and investigative officials, especially in detention facilities, were mere hearsay and were unsupported by any legal or physical evidence. In his letter to

the State party dated 12 March 2012, the Chairman had called for an interactive dialogue with the State party, so that it could provide its views on the information mentioned in his letter of 23 November 2011. Unfortunately, the State party had decided not to engage in dialogue. The Committee, therefore, needed to draw conclusions and make recommendations if it was to continue its discussions with the State party.

21. **Ms. Gaer** said that the follow-up response of the Syrian Arab Republic cited by Mr. Bruni would suggest that it considered everything the Committee had said in its concluding observations to be untrue. Reference had been made in the responses of the State party to laws or the Constitution but there was no attempt to address the factual points raised. The Committee had expressed concern over secret detention facilities and the immunity from prosecution that members of the intelligence, military and security forces enjoyed under the law. The Government had merely responded that individuals were subject to various laws and issued a blanket denial of the allegations, contradicting a number of investigative reports of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the independent international commission of inquiry and others.

22. The Committee had made a request for a special report pursuant to article 19, paragraph 1, of the Convention. In response to the concerns raised over enforced disappearances, the State party had stated that the subject was not within the purview of the Committee. The Committee had routinely expressed its concerns about minors in detention, the arrest and killing of bloggers, journalists and persons who posted material on video-sharing websites. The commission had documented cases of the torture of hospital patients by security agents. There had been reports of their dressing up as doctors in order to torture people, an offence that was particularly heinous, and threatening reprisals against or arresting members of the wanted persons' families. Threats of sexual violence against people who failed to cooperate with the authorities were common. There was ample evidence of the widespread use of such violence against prisoners. The above issues were long-standing concerns that fell within the scope of the Committee. The failure to respond to those concerns was dreadful. Even more dreadful was the continuation of such practices.

23. **Mr. Wang Xuexian** said that the Committee was entitled to request supplementary or special reports. It was not the first time that the Committee had requested such reports and, unfortunately, it would not be the last. As the request for further information had been made under article 19, not article 20, of the Convention, it did not entail confidential proceedings. It was in the interest of the State party to send a delegation to engage in dialogue with the Committee. If the State party considered the allegations made to be false, a delegation should have come before the Committee to dispel them. He regretted that none was present.

24. Leaving aside its decision not to send a delegation, however, the State party could not shirk its responsibilities and obligations under the Convention. He wished to emphasize that the situation was tragic, critical and very complicated. He noted the mediation efforts of the Joint Special Envoy for the United Nations and the League of Arab States and 300 unarmed military observers of the United Nations, including 9 observers from China. He hoped that further discussion would help to enhance the efforts of the Special Envoy and the safety of the observers. He endorsed the statement by the Chairperson condemning violence by any armed group in the country that targeted civilians.

25. **Ms. Sveaass** said that she had deep concerns about the situation in the Syrian Arab Republic. Some two years previously, the State party had sent a large, high-level delegation to meet with the Committee, which had been helpful even if their views had differed. The current, extremely difficult situation made the Syrian delegation's absence all the more regrettable.

26. She shared the concerns expressed by Ms. Gaer and Mr. Bruni concerning the widespread use of torture. As she had treated victims from the Syrian Arab Republic, she could personally attest that the allegations of the use of torture were not hearsay. She was also concerned at the legislative decrees giving security forces immunity from prosecution, at the lack of independent monitoring and inspection of places of detention and at the frequent use of secret detention centres. The reports of corpses being returned to families with severe bruises were particularly alarming. They sent out a shocking message that was intended to spread fear and hopelessness. There were deplorable reports of children forced into denouncing their parents. The lack of accountability was a matter of deep concern.

27. She wished to emphasize that there should be no impunity and places of detention throughout the State party should be opened up for monitoring and inspection. There must be an end to secret detention centres, mass arrests and the violations perpetrated even when people were detained for short periods. The Committee would be dealing with the horrible consequences of the current violence and engaged in rehabilitating people and mending wounds for many years to come.

28. **Mr. Gaye** said that the current situation was particularly tragic and complex. Nevertheless, the only means available to the Committee for addressing it was dialogue. The question was therefore how to renew discussions with the State party. The Committee had ample information about the current situation. The letter to the Committee from the Syrian Arab Republic dated 2 April 2012 was a positive step forward, as it provided an update of the human toll that the tragedy had taken, regardless of whether terrorists were responsible, as the State claimed. He suggested that members explore the available documents as a starting point to discuss the facts.

29. **Mr. Domah** said that the letter from the Syrian Arab Republic dated 21 March 2012 had stated that the State party stood ready to cooperate with the Committee. However, by declining to attend the current meeting the State party had not shown a readiness to cooperate and abide by the Convention, including article 20. If the State party did not wish to attend at the current stage and considered that the Committee was applying double standards, it should have proposed an alternative date in order to show good faith and discuss the facts with the Committee.

30. **The Chairperson** pointed out that the State party had said that it would not meet with the Committee under article 20 of the Convention. The Committee was acting in its desire to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world, as was stated in the preamble to the Convention. Article 19 explicitly established the authority of the Committee to take action for that purpose. The formal arguments advanced by the State party in its letter of 21 March did not absolve it from fulfilling its obligations under the Convention. As had been the case with the OHCHR fact-finding mission and independent international commission of inquiry, the State party had demonstrated an unwillingness to cooperate, thus following a pattern that thwarted the Committee in its efforts to perform its functions effectively. Nevertheless, the Committee would use all the information available to it, including that received from the State party, in its consideration of an appropriate course of action.

The public part of the meeting rose at 11.20 a.m.