

## **Sri Lanka**

363. JUA 12/09/2012. Case no. [LKA 4/2012](#). State Reply: None to date. Allegations of violations against human rights defenders, including attempted abduction, surveillance and intimidation.

364. JUA 10/12/2012. Case no. [LKA 6/2012](#). State Replies: [12/12/2012](#) and [15/02/2013](#). Alleged unlawful arrest of members of the Asian Federation Against Involuntary Disappearances (AFAD) in Colombo.

### **Observations**

365. The Special Rapporteur thanks the Government of Sri Lanka for its responses to his communication of 10 December 2012. He however regrets that no reply has been received from the Government of Sri Lanka to the three previous communications he has sent. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communications.

366. The Special Rapporteur urges the authorities to take all relevant measures to ensure that any individual and legal entity can peacefully exercise their rights of freedom of peaceful assembly and of association. He recommends that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances. A thorough and independent investigation into any allegations of any alleged human rights violations, including acts of intimidations or harassments, committed against those exercising their rights to freedom of peaceful assembly and of association, should be conducted; those responsible should be held accountable; and victims should be provided with full redress.

367. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

368. The Special Rapporteur reminds the Government of Sri Lanka of his country visit request sent in September 2011, to which a response is yet to be received. In this connection, OP6 of resolution 15/21 states that the “Human Rights Council... [c]alls upon States to cooperate fully with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, ... and to consider favourably his or her requests for visits”.

## **Sudan**

369. JUA 08/06/2012. Case no. [SDN 3/2012](#). State Replies: [26/06/2012](#); [03/07/2012](#). Allegation of arbitrary detention and ill-treatment of human rights defender.

370. JAL 06/07/2012. Case no. [SDN 4/2012](#). State Reply: None to date. Allegations of excessive use of force during peaceful protests and of torture and ill-treatment of detainees.

371. JUA 03/08/2012. Case no. [SDN 5/2012](#). State Reply: None during the reporting period. Allegations of excessive use of force in the context of peaceful demonstrations resulting in killings, injuries and torture and ill-treatment, and mass arrests.

372. JUA 12/10/2012. Case no. [SDN 7/2012](#). State Reply: None to date. Allegations of charges brought against a political activist and human rights defender.

373. JAL 17/01/2013. Case no. [SDN 1/2013](#). State Reply: [15/03/2013](#). Alleged arbitrary closure of several human rights associations.

### **Observations**

374. The Special Rapporteur wishes to thank the Government of Sudan for the replies it transmitted to three of the communications he sent during the reporting period, but he regrets that two communications have remained unanswered. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communications.

375. The Special Rapporteur is gravely concerned about the physical and psychological integrity of individuals exercising their rights to freedom of peaceful assembly and association in Sudan. He is seriously concerned about reports indicating that on the occasion of demonstrations largely peaceful that have been taken place during the reporting period, law enforcement officials used teargas, rubber bullets and batons to disperse and arrest peaceful protesters; and that several demonstrators were subject to torture while in detention. The Special Rapporteur is particularly disturbed about allegations of deaths during demonstrations. He reminds that the right to life and to be free from torture or cruel, inhuman or degrading treatment or punishment are a non-derogable right in international human rights law, including in the context of assemblies. In this regard, he refers to Article 5 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1990), which provides that “whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall minimize damage and injury, and respect and preserve human life.” He also underlines that “States Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.” (Article 14 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the Syrian Arab Republic is a State party). He calls upon the authorities to carry out a thorough and independent investigation; to hold accountable those responsible; and to provide full redress to victims. He further calls upon the authorities to release immediately and unconditionally all persons convicted for exercising their legitimate rights and freedoms. He requests the Government to keep him informed about the investigations conducted in relation to the aforementioned cases.

376. Furthermore, the Special Rapporteur is concerned about the closure of several human rights associations in the country. He notes the reply transmitted by the Government of Sudan, but he remains preoccupied that these measures may be related to the human rights work carried out by the concerned associations and may be a direct attempt to silence and intimidate independent civil society actors. He urges the authorities to take positive measures to ensure individuals can freely exercise their right to freedom of association and of peaceful assembly and are not subject to, or threaten to be subject to, discrimination, threats or use of violence, harassment, persecution, intimidation or reprisals.

377. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights”.

## **Swaziland**

378. JAL 26/04/2012. Case no. [SWZ 2/2012](#). State Reply: None to date. Alleged de-registration of a trade union and excessive use of force during demonstrations.

379. JAL 20/09/2012. Case no. [SWZ 3/2012](#). State Reply: None to date. Alleged excessive use of force against student protesters.

### **Observations**

380. The Special Rapporteur regrets that no reply has been received from the Government of Swaziland to the communications he sent on 26/04/2012 and on 29/09/2012. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communications.

381. The Special Rapporteur is concerned about increasing restrictions on freedom of peaceful assembly and of association in the country. The Special Rapporteur considers crucial that individuals can take part in associations, including political parties, unions or civic organisations, to express their opinions and views, including in relation to economic, social and cultural rights. He urges the authorities to reconsider the decision to de-register the Trade Union Congress of Swaziland and to take steps to secure the right to freedom of association and of peaceful assembly.

382. In this context, the Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights”.

## **Syrian Arab Republic**

383. JUA 27/03/2012. Case no. [SYR 4/2012](#). State Reply: None to date. Allegations of arbitrary arrest, incommunicado detention and possible enforced disappearances.

384. JUA 02/11/2012. Case no. [SYR 9/2012](#). State Reply: None to date. Allegations of arbitrary arrests, incommunicado detention, killings and torture.

385. JUA 08/11/2012. Case no. [SYR 10/2012](#). State Reply: [24/04/2013](#). Alleged enforced disappearance of representatives of associations.

### **Observations**

386. The Special Rapporteur deeply regrets that, in light of the gravity of the allegations received, the Government of the Syrian Arab Republic only replied to one of the communications he sent during the reporting period. He considers responses to his communications as an important part of the cooperation of Governments with his mandate,