

The Permanent Mission of the Kingdom of the Netherlands in Geneva, Switzerland, wishes to draw the attention of the Permanent Mission of the Syrian Arab Republic in Geneva, Switzerland, to the following.

The Kingdom of the Netherlands is deeply concerned by the human rights situation in the Syrian Arab Republic. Human rights, including in particular the prohibition of torture and other cruel, inhuman or degrading treatment or punishment as well as related obligations affecting the Syrian population incumbent on the Syrian Arab Republic under international law have been violated. It has appeared that violations of these obligations result from, *inter alia*, the conduct of persons and entities that is attributable to the Syrian Arab Republic. The violations include, but are not limited to, non-compliance with provisions of the 1984 United Nations Convention against Torture (UNCAT).

The Kingdom of the Netherlands and the Syrian Arab Republic have both ratified the UNCAT, in 1988 and 2004 respectively. Article 1 of this Convention defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity". The Convention obliges States to take measures to prevent and punish any acts of torture in any territory under their jurisdiction.

In particular, based on evidence available to it, the Kingdom of the Netherlands considers that the Syrian Arab Republic, through its failure to prevent and punish acts of torture by its public officials or other person acting in an official capacity, has breached several obligations enshrined in the Convention against Torture owed to the Kingdom of the Netherlands as a State Party to this Convention. These breaches of international law constitute internationally wrongful acts for which the Syrian Arab Republic bears responsibility. That responsibility gives rise to legal consequences for the Syrian Arab Republic to:

- 1) Accept fully its responsibility for those internationally wrongful acts;
- 2) Cease those acts forthwith;
- 3) Provide the Kingdom of the Netherlands with appropriate assurances and guarantees of non-repetition of those acts; and
- 4) Provide the individual victims full reparation for the injury they have suffered as a consequence of those internationally wrongful acts.

Especially with reference to Article 30 of the UNCAT, the Kingdom of the Netherlands requests that the Syrian Arab Republic enter into negotiations with the former in relation to these breaches of international law by the latter and the legal consequences that flow from them. The Kingdom of the Netherlands requests a prompt response from the Syrian Arab Republic to this request.

The Permanent Mission of the Kingdom of the Netherlands in Geneva, Switzerland, avails itself of this opportunity to convey to Permanent Mission of the Syrian Arab Republic in Geneva, Switzerland, its salutations.