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UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders.

REFERENCE: UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9)
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20 June 2013

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 15/18, 16/4, 15/21, and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning alleged **physical attack and acts of intimidation and reprisal against Mr. Ahmed Mansoor for having cooperated with the United Nations, its representatives and mechanisms in the field of human rights.**

Mr. Mansoor is a member of the Human Rights Watch Middle East and North Africa Advisory Committee, a blogger and poet who advocates for political reform. He was arrested on 8 April 2011 reportedly in connection with comments made on an online political forum and, on 27 November 2011, he was found guilty of publicly insulting State officials under articles 8 and 176 of the Penal Code and sentenced to three years' imprisonment. On 28 November 2011, a pardon was issued by the authorities, and Mr. Mansoor was released.

On 16 April 2013, the situation of Mr. Mansoor was raised with your Excellency's Government through an urgent appeal sent by Chair-Rapporteur of the Working Group on Arbitrary Detention; Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human

rights defenders; and Special Rapporteur on the independence of judges and lawyers regarding the trial of 94 individuals on charges of state security offences in the Federal Supreme Court in Abu Dhabi, case number 17/2013. We acknowledge receipt of the response by your Excellency's Government to this communication dated 11 June 2013.

In 2011, the situation of Mr. Mansoor was also raised with your Excellency's Government through various communications sent by various mandate-holders regarding the detention of a group of five individuals, known as "UAE5", namely Messrs. Ahmed Mansoor, Nasser bin Ghaith, Fahad Salim Dalk, Hassan Ali al-Khamis and Ahmed Abdul Khaleq.

The situation of this group of individuals was the subject of an urgent appeal sent by the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the promotion and protection of the right to freedom of expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on 27 September 2011. Two other urgent appeals were sent by the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of expression and the Special Rapporteur on the independence of judges and lawyers on 25 November 2011 as well as on 26 April 2011. We regret that to date no reply to these communications has been transmitted by your Excellency's Government.

Moreover, the Working Group on Arbitrary Detention further adopted Opinion 64/2011 (United Arab Emirates) on 22 November 2011, which considered the detention of Mr. Ahmed Mansoor as arbitrary and in contravention of articles 9, 10 and 19 of the Universal Declaration of Human Rights. In its Opinion, the Working Group called for Mr. Mansoor's release and for adequate reparation to be accorded to him. While the Working Group notes with appreciation the release of Mr. Mansoor on 28 November 2011, it is deeply concerned at the allegations of ongoing reprisals he has been suffering and wishes to address this matter with utmost urgency.

According to the information received:

On 17 September 2012, Mr. Mansoor delivered a statement by video to a side-event during the 21st session of the UN Human Rights Council, during which the second review of the United Arab Emirates by the Universal Period Review (UPR) mechanism took place. The same day, he was physically assaulted by unknown individuals.

According to the information received, on 17 September 2012, right after his intervention in the mentioned side-event, Mr. Mansoor was attacked at Ajman University at about 4:30 p.m.. It appears the attacker had information that he was at the university even though classes had not yet started.

According to reports, Mr. Mansoor was on his way to his car, when he was approached by someone who asked him if he was Ahmed Mansoor. When he replied, assuming it was a fellow student, and extended his hand to shake his, the person spat into Mr. Mansoor's face and pushed him strongly backwards, so that Mr. Mansoor fell on his side on the concrete. The attacker attempted to hit him further, but Mr. Mansoor stood up, frightening the attacker, who ran off. Mr. Mansoor ran after him to take down his car plate number, but a third person stood between the two trying to stop him from catching the attacker. The latter ran towards a car that was parked on the main road inside the university, pulled off the rear car plate from the car and jumped inside. The car drove off immediately, as it had been waiting for him.

According to the sources, Mr. Mansoor had been previously attacked on 11 September 2012, in a similar manner, when he was leaving the building of the Ajman University and heading to his car.

As a consequence of these attacks, Mr. Mansoor sustained injuries and bruises on his head, neck, right arm, knee and foot. Mr. Mansoor reported both incidents and filed two complaints, together with the corresponding medical reports, at a police station in Ajman. According to the information received, no action has been taken on the complaints to date.

In addition to these specific acts of intimidation and reprisals against Mr. Mansoor, it is reported that, since his release, he has been under surveillance and there has been unauthorized access of this email account. Moreover, reports indicate that Mr. Mansoor has been the subject of an online discrediting campaign led by persons affiliated with State Security forces. This campaign allegedly intensified after his intervention in the mentioned side-event.

Furthermore, it is reported that Mr. Mansoor lost his job after his release in 2011 and was denied a certificate of good standing, a prerequisite for any job, and has been unemployed since. Moreover, information received indicates that in January 2013, Mr. Mansoor had large amount of money stolen from his bank account by an unknown person who used a forged document. On 23 January 2013, his car was stolen from the parking space of the public prosecutor's building where he went to report the theft of his money. It is reported that police investigation into these events, following complaints filed by Mr. Mansoor, have been excessively protracted. For example, the police have not yet issued the necessary documents for Mr. Mansoor to claim an insurance pay out for his car, a process which reportedly takes about three days. The first hearings regarding the theft of his money took place in April and May 2013.

Mr. Mansoor was the only Emirati national to attend the review of the United Arab Emirates by the UPR mechanism of the UN Human Rights Council in 2008 and 2009. He was prevented from attending the second UPR of the UAE in 2012 due to his passport being confiscated by the authorities since 2011. Mr. Mansoor

met with various Special Procedure mandate-holders in 2009 and 2012 during their visits to the country and met the High Commissioner for Human Rights during her visit to the country in April 2010.

Serious concern is expressed at the allegations received indicating physical acts of intimidation and reprisals against Mr. Mansoor for having cooperated with the United Nations, its representatives and mechanisms in the field of human rights, in particular with the UN Human Rights Council. In this connection, very serious concern is expressed about the physical and psychological integrity of Mr. Mansoor given that he was physically attacked due to this cooperation. In addition, concern is expressed at the current situation of Mr. Mansoor given allegations received indicating that he has been denied a certificate of good standing, a prerequisite to be able to look for a job, and the existence of an on-going discrediting campaign against him.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the Universal Declaration of Human Rights (UDHR) which provides that "[e]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

We would like to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of assembly, as recognized in article 20 of the UDHR, which provides that "Everyone has the right to freedom of peaceful assembly and association."

We would also like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that "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, 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."

Regarding allegations received indicating that the situation of Mr. Mansoor is related to his work defending and promoting human rights and fundamental freedoms, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental

Freedoms, and in particular articles 1 and 2 which state that “everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the Declaration:

- article 5 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations; and

- article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We also wish to recall the provisions of resolution 12/2 of the Human Rights Council (A/HRC/RES/12/2), which, inter alia, “condemns all acts of intimidation on reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (OP 2) and “calls upon all States to ensure adequate protection from intimidation or reprisals for individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (...)” (OP 3).

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?

2. Has a complaint been lodged by or on behalf of the alleged victim?

3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why. In this connection, kindly provide updated information regarding the two complaints that Mr. Mansoor reportedly filed in connection with the two attacks that he suffered in September 2012.

4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

5. Please provide information on the on-going discrediting campaign against Mr. Mansoor and on the measures taken to address this.

6. Please kindly indicate what measures have been taken to ensure that human rights defenders are able to carry out their legitimate work, including by cooperating with the United Nations, its representatives and mechanisms in the field of human rights, without fear of threats or acts of intimidation or reprisals of any sort.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Ahmed Mansoor are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

El Hadji Malick Sow
Chair-Rapporteur of the Working Group on Arbitrary Detention

Frank La Rue
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and
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