

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders

REFERENCE: AL
SAU 16/2014:

6 January 2015

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 25/2 and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of a travel ban imposed on a woman human rights defender in reprisal for her cooperation with the United Nations Human Rights Council.**

Ms. Samar Badawi is a human rights defender advocating for the rights of women to vote and to drive in Saudi Arabia. She has also advocated for the release of her spouse, human rights lawyer Mr. Waleed Abu al-Khair, who was the subject of four previous communications sent by various Special Procedures, dated 3 May 2012, 12 July 2012, 24 April 2014, and 8 December 2014. While we acknowledge the response from your Excellency's Government received 12 December 2014, we regret that no response has been received to either of the previous communications.

According to the information received:

On 16 September 2014, Ms. Badawi delivered a statement at the 27th session of the Human Rights Council, in which she advocated for the release of her spouse, Mr. Al-Khair and other human rights defenders and political prisoners held in detention in Saudi Arabia. Reportedly, she also spoke against the Saudi Arabian policies that restrict women's rights to vote, to run for election and to drive. It is reported that during her statement, she was interrupted twice by representatives of the Saudi Arabian delegation. Following her participation and human rights advocacy at the Council, Ms. Badawi has reportedly received threats for publicly raising the subject of her spouse's detention.

According to sources, on 3 December 2014, Ms. Badawi was prevented by security officials in King Abdulaziz International Airport in Jeddah from travelling to attend the 16th European Union NGO Human Rights Forum held in Brussels, Belgium, on 4-5 December 2014, to which she had been formally invited. She was allegedly informed by the officials that the Ministry of the Interior had issued a travel ban against her for an indefinite period of time.

Grave concern is expressed at the allegations that the travel ban against Ms. Samar Badawi was imposed in reprisal for her cooperation with the United Nations, its mechanisms and representatives in the field of human rights, namely the Human Rights Council.

In connection to the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations concerning reprisals against Ms. Samar Badawi.
2. Has a complaint been lodged by or on behalf of the alleged victim?
3. Please provide information concerning the legal grounds for the travel ban issued against Ms. Badawi and how is measure are compatible with Saudi Arabia's international human rights obligations.
4. Please indicate what measures have been taken to ensure that the legitimate rights to freedom of expression and to communicate with international organizations are respected.
5. Please kindly indicate what measures have been taken to ensure that human rights defenders in Saudi Arabia, in particular women human rights defenders, can operate in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort, including travel restrictions, and can interact with the United Nations without fear of reprisals of any kind.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Michel Forst
Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the following human rights standards:

We would also like to refer to 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, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 5, 6, 8 and 9.

We would also like to draw your Excellency's Government's attention to article 19 of the International Covenant on Civil and Political Rights, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Furthermore, we wish to refer to Human Rights Council resolution 24/24 which calls on States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its mechanism and representatives in the field of human rights; and Human Rights Council resolution 22/6, which provides for the right to "unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms".

We would also like to refer to Human Rights Council resolution 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, the 2014 report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights pursuant to Human Rights Council resolution 12/2 (A/HRC/27/38) reiterates the Secretary-General's "firm position that any act of intimidation or reprisal against individuals or groups, or anyone linked to them, for cooperating with the United Nations, its representatives and mechanisms in the field of human rights is unacceptable and must be stopped." (para.48).

We would like to draw your attention General Assembly resolution 68/181 whereby States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a

gender perspective into their efforts to create a safe and enabling environment for the defence of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women defenders. Such policies and programmes should be developed with the participation of women defenders themselves.