

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; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and the Special Rapporteur on the situation of human rights defenders

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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 24/7, 25/2, 24/5, and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged arbitrary arrest and detention of Mr. Said Ali Said Jadad (سعيد علي سعيد جداد) for his human rights activities and as an alleged act of reprisal for his cooperation with international organizations as well as the Special Rapporteur on the rights to freedom of peaceful assembly and of association during his country visit to Oman between 8 and 13 September 2014.**

Mr. Said Ali Said Jadad is an Omani human rights defender, journalist and blogger, advocating for democratic reforms in the country. He reportedly played an important role in organizing the peaceful pro-reform demonstrations in Dhofar in December 2011. Mr. Jadad was arrested on 14 January 2013. He was released at the end of June 2013, but was banned from publishing articles in the national media. In August 2013, he reportedly faced charges of "undermining the status and prestige of the state" after he had called for political reforms and had met with members of the European Parliament. In October 2014, a travel ban was imposed on Mr. Jadad and he was prevented from leaving the country to attend a workshop for human rights defenders in Istanbul.

We would like to recall two other communications expressing concern for acts of alleged reprisals against Mr. Jadad for his cooperation with the Special Rapporteur on the rights to freedom of peaceful assembly and of association during his country visit to Oman in September 2014. On 11 November 2014, 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 sent a communication regarding this case (OMN 3/2014). Another communication was sent jointly to your Excellency's Government on 16 December 2014 (OMN 5/2014) by the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances, 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, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on the situation of human rights defenders, raising concerns about the alleged arbitrary arrest of Mr. Jadad on 10 December 2014.

We regret that to date no response has been received to either of these two communications. We consider responses to our communications as an important part of the cooperation of Governments with mandate-holders and urge the authorities to provide as soon as possible detailed responses to all the concerns raised in our communications.

According to the information received:

Following his arrest on 10 December 2014, Mr. Jadad was released on 22 December on bail and his son's passport was confiscated as a guarantee.

On 14 January 2015, Mr. Jadad was held and interrogated by the Special Branch Police in Muscat in relation to his human rights and journalistic activities. No charges were brought against him.

On 18 January 2015, a person associated with Mr. Jadad received a telephone call from the Muscat Public Prosecutor, informing that Mr. Jadad would be summoned to the Muscat Court on 25 January 2015, for the first hearing of his trial in connection to the charges of undermining the prestige of the state, incitement to sit-ins and demonstrations, steering up sectarian strife and offending state officials.

On 21 January 2015, Mr. Jadad was arrested at 4.30 p.m. by a group of about 20 members of the Special Forces of the Royal Omani Police from his home in Salalah. Mr. Jadad was not given any reasons for the arrest nor was he presented with an arrest warrant. He has been held incommunicado since the arrest. The

authorities later informed his family members that Mr. Jadad would be tried in Salalah on separate charges within the scope of the Cyber Crimes Law.

In protest against repeated arrests and politically motivated charges, Mr. Jadad went on hunger strike immediately after the arrest on 21 January and has refused to take medicine for his heart condition since then. His health condition has deteriorated and he was transferred to Sultan Qaboos Hospital in Salalah on 24 January. On the next day, the Special Forces police decided to move Mr. Jadad to the Military Hospital in Salalah, in preparation to transfer him to Muscat to attend the court hearing. Despite two medical recommendations against transferring Mr. Jadad due to his weak condition, the police moved him to the Military Hospital on that day. As there were no adequate medical facilities at the Military Hospital to treat Mr. Jadad's condition, he was transferred back on the same day to the Sultan Qaboos Hospital.

On 26 January, Mr. Jadad was taken to the Police Headquarters in Salalah before the scheduled transfer by plane to Muscat where he is due to appear in court in the coming days.

Serious concern is expressed that the arrest and detention of Mr. Jadad constitute acts of intimidation and reprisals for his cooperation with international organizations and the United Nations, its mechanisms and representatives in the field of human rights, namely with the Special Rapporteur on the rights to freedom of peaceful assembly and of association. Grave concerns are expressed regarding the arrest and incommunicado detention of Mr. Jadad and the lack of information about his mental and physical wellbeing, especially in the light of Mr. Jadad's decision to go on hunger strike until he is released. Serious concern is expressed on the allegations that the arrest and detention of Mr. Jadad result from his legitimate exercise to the right to freedom of opinion and expression, especially to his activities in the promotion of human rights.

While we do not wish to prejudge the accuracy of these allegations or to express an opinion on whether or not the detention of Mr. Jadad is arbitrary, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of his liberty as set forth in article 9 of the Universal Declaration of Human Rights (UDHR).

We would also like to draw the attention of your Excellency's Government to rule 8(b) of the Standard Minimum Rules for the Treatment of Prisoners adopted on 30 August 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, which provides that untried prisoners shall be kept separate from convicted prisoners.

The allegations that the arrest and detention of Mr. Jadad are connected to his human rights activities appear to be in contravention with 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, in particular with the following articles: 1, 2, and 5 (c), 6 (b) and (c) and 9 (4a) which include the provision for the right to unhindered access and communication with international bodies.

With regard to allegations that the reprisals against Mr. Jadad relate to his cooperation with the United Nations and its mechanisms, we recall Human Rights Council resolutions 12/2 and 24/24, which condemn all acts of intimidation or reprisal by Governments and non-State actors against individuals who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights and call on States to ensure adequate protection from such acts. The 2014 report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/27/38) reiterates the Secretary-General's firm position that any act of intimidation or reprisal against individuals for cooperating with the United Nations, its representatives and mechanisms in the field of human rights is unacceptable and must be stopped (paragraph 48).

Concern is expressed at limitations to the enjoyment of the right to freedom of peaceful assembly and of association and the right to freedom of opinion and expression, as enshrined in the articles 19 and 20 of the Universal Declaration of Human Rights.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. **Said Ali Said Jadad** in compliance with international instruments.

As 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 be grateful for your observations on the following matters:

1. Please provide any additional information and any comments you may have on the above-mentioned allegations.
2. Please provide information concerning the legal grounds for the arrest and detention of Mr. Jadad, and how these measures are compatible with Oman's international obligations.
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to the above-mentioned allegations related to surveillance, reprisals, arbitrary arrest and arbitrary detention as a result of Mr. Jadad's work as human rights defender and his cooperation

with international organizations and the United Nations human rights mechanisms. If no inquiries have taken place, or if they have been inconclusive, please explain why.

4. Please indicate what measures have been taken to ensure that human rights defenders in Oman can operate in a safe and enabling environment and interact freely with the United Nations without fear of harassment, stigmatization or restrictions of any kind.

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 responsible of the alleged violations. Given the seriousness of the content of this communication, we will consider to communicate the incident to the Coordination Committee of the Special Procedures and to the President of the Human Rights Council.

We are intending to publicly express our concerns in the near future as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue in question.

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.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

David Kaye
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
of association

Michel Forst
Special Rapporteur on the situation of human rights defenders