

Mandates of 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: AL
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10 May 2016

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; 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 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 harassment and arbitrary arrest of human rights defender, Mr. **Abdulrasheed al-Faqih**, as well as smear campaign on the Internet against him and the **Mwatana Organisation for Human Rights**.

Mr. Abdulrasheed al-Faqih is the Director of the Mwatana Organisation for Human Rights, an independent Sana'a based organisation that monitors and documents human rights violations in Yemen. The organisation also provides support to victims to ensure accountability for violations of human rights and prevention of repetition of such violations. Mr. Al-Faqih was previously a consultant and field researcher for Human Rights Watch and Amnesty International.

According to the information received:

On 4 March 2016, Mr. Abdulrasheed al-Faqih was returning from Jordan, where he had participated in an international conference organised by the Yemen Journalists' Syndicate, the International Federation of Journalists, and the Arab Federation of Journalists to discuss challenges confronting journalists in Yemen and strategies to help protect journalists.

Upon arrival at Sana'a International Airport on that day, Mr. Al-Faqih was held and interrogated by Houthi militia. He was interrogated for twenty minutes, and his belongings were inspected. The Houthi militias were reportedly in control of the western region of Yemen, including Sana'a and its airport. Mr. Al-Faqih was questioned about the purpose of his trip to Jordan, his relationship with

international non-governmental organisations, his activities in Yemen, and a previous trip that he had made to Turkey. He was subsequently released, after having his passport confiscated.

On 9 August 2015, Mr. Al-Faqih was arrested by Houthi authorities and detained in Al-Judairee police station, where he was interrogated for five hours and beaten by five militia members before being released. His presence at the police station was subsequently denied by militia members.

On 19 September 2015, Mr. Al-Faqih was arrested and detained for ten hours along with other colleagues from the Mwatana Organisation, after being beaten by Houthi women, following a peaceful demonstration that called for the release of political detainees and justice for victims of enforced disappearance.

Back in 2007, Mr. Al-Faqih was refused a legal license to establish the Mwatana Organisation for Human Rights, due to the nature of its work and only in 2013 was he able to obtain a license. The organisation has regularly been targeted by Houthi militia as a result of its human rights work, including through an online smear campaign. Mr. Al-Faqih and his spouse, who is the President of the Mwatana Organisation for Human Rights, were accused of treason in favour of foreign countries and were subjected to various forms of slander on the Internet.

Concern is expressed about the repeated harassment and allegedly arbitrary arrests of Mr. Abdulrasheed Al-Faqih as measures of retaliation and intimidation against his legitimate and peaceful human rights work at the Mwatana Organisation for Human Rights. Further concerns is expressed at the smear campaign on the Internet directed at Mr. Al-Faqih and the Mwatana Organisation for Human Rights and the deterrent effect it may have on the rights to freedom of expression and freedom of association.

In connection with 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.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information concerning the legal grounds for the alleged arbitrary arrests and interrogations of Mr. Abdulrasheed al-Faqih and explain how these are compatible with international human rights norms and standards.

3. Please provide information about the legal grounds for confiscating Mr. Al-Faqih's passport, and explain how this measure is compatible with international human rights norms and standards.
4. Please provide the details, and where available the results, of any investigation, judicial or other inquiries which may have been carried out in relation to the above allegations, in particular the attacks against Mr. Al-Faqih's physical integrity. If there have been no such investigations or inquiries, please explain why.
5. Please indicate what measures have been taken to ensure that human rights defenders in Yemen are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent the re-occurrence the alleged violations 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.

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

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

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we wish to draw your Excellency's Government's attention to the articles 1 and 2 of the Universal Declaration of Human Rights (UDHR), which provide that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We would also like to remind you of articles 9, 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Yemen on 9 February 1987, which provide for the right not to be subject to arbitrary arrest and detention; the right to freedom of expression; and the right to peaceful association.

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 and 2 which provide for the right to promote and to strive for the protection and realization of human rights and fundamental freedoms and each state has a responsibility to protect, promote and implement all human rights and fundamental freedoms. Moreover, article 5 and 6 provide for the rights to form, join and participate in non-governmental organizations; and the right to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms.

We would also like to refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

We would also like to recall Human Rights Council resolution 24/5 (operative paragraph 2), in which the Council "reminds States of their obligation to respect and fully protect the rights of all individuals to... 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."