

**Mandates of 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.**

REFERENCE: UA  
OMN 5/2014:

16 December 2014

Excellency,

We have the honour to address you in our capacity as 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 torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 24/7, 27/1, 25/2, 24/5, 25/13, 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 arrest, detention and enforced disappearance of human rights defender Mr. Said Ali Said Jadad (سعيد بنعلي (بن سعيد جداد)**, as an alleged act of reprisal **for his cooperation with 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. Jadad is an Omani human rights defender advocating for democratic reforms in the country. According to reports, he played an instrumental role in organizing and leading the peaceful pro-reform protests in the region of Dhofar in 2011. Mr. Jadad has also been an active blogger and signed several petitions calling for democratic reform in Oman.

A previous communication concerning acts of alleged reprisals against Mr. Jadad for cooperating with the Special Rapporteur on the rights to freedom of peaceful assembly and of association during his country visit to Oman in September 2014, was sent to your Excellency's Government by 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, on 11 November 2014, case no. OMN 3/2014.

Another reported case concerning acts of intimidation and reprisals towards another individual related to the visit of the Special Rapporteur on the rights to freedom of peaceful assembly and of association to Oman in September 2014, was the subject of an earlier communication sent to your Excellency's Government by 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, on 26 September 2014, case no. OMN 2/2014.

We regret that to date no response has been received to either of these two communications. The Special Rapporteurs consider responses to their communications as an important part of the cooperation of Governments with their mandates and urge the authorities to provide as soon as possible detailed responses to all the concerns raised in the above communications.

According to the information received:

On 10 December 2014, at 9 a.m., Mr. Said Ali Said Jadad was arrested at his house in Salalah.

The group of officers who came to his house was composed of officers of the Oman Royal Police, wearing police uniforms, and members of the Internal Security Forces, in plain clothes. They reportedly did not inform Mr. Jadad of the charges brought against him nor showed an arrest warrant.

The family of Mr. Jadad has been denied access to him since the arrest and the fate or whereabouts of Mr. Jadad remain unknown.

While we do not wish to prejudge the accuracy of these allegations, grave concerns are expressed regarding the arrest and incommunicado detention of Mr. Jadad, and the lack of information about his current fate or whereabouts.

Serious concern is expressed that the arrest and detention of Mr. Jadad by the Oman Royal Police and the Internal Security Forces constitute acts of intimidation and reprisals for his cooperation with 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. This arrest and detention appears 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). Grave concern is expressed about the psychological and physical integrity of Mr. Jadad in light of the fact that his fate and whereabouts have been unknown since 10 December 2014. Concern is further reiterated at the reported increased and more severe control by Omani security and intelligence services over civil society operating in the country and at the impact these restrictions have on 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.

In relation to the allegations according to which the fate and whereabouts of Mr. Jadad are currently unknown, we would like to bring to the attention of your Excellency's Government the United Nations Declaration on the Protection of All Persons from Enforced Disappearance, and in particular its articles 2, 3, 6, 7, 10 and 12. In this regard, should the sources submit the allegations concerning Mr. Jadad as a case to the Working Group on Enforced or Involuntary Disappearances, they will be considered by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by separate correspondence.

The above mentioned allegations also 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.

Furthermore, Human Rights Council resolutions 12/2 and 24/24 inter alia, condemn all acts of intimidation or 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 and call on States to ensure adequate protection from such acts. .

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." (paragraph 48).

Furthermore, prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture or other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment in contravention with the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as codified in articles 1 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://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 on the fate and whereabouts of Mr. Jadad, as well as detailed information concerning the legal grounds for the arrest and detention of that individual and how these measures are compatible with Oman's international obligations, in particular concerning the right not to be arbitrarily deprived of liberty, as enshrined in the Universal Declaration of Human Rights.
3. Please provide information on the details and results of any investigation, and judicial or other inquiries in relation to the above mentioned allegations related to surveillance, reprisals, arbitrary arrest, arbitrary detention and enforced disappearance, as a result of his work as human rights defender and his contact with United Nations human rights mechanisms. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please explain what steps have been taken in this case to ensure that undue delays in judicial proceedings are prevented to the maximum possible extent, and that swift, thorough and impartial proceedings are guaranteed.
5. 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 these allegations, 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 would also like to inform you that 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, along with the repetition of these alleged acts of reprisals, 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 issues 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.

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Chair-Rapporteur of the Working Group on Arbitrary Detention

Ariel Dulitzky  
Chair-Rapporteur of the Working Group on Enforced or Involuntary  
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