

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the human rights of migrants

REFERENCE:
UA LBN 4/2016

21 December 2016

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; 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 human rights of migrants, pursuant to Human Rights Council resolutions 24/7, 24/5, 25/18 and 26/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrest and arbitrary detention of two women human rights defenders, Ms. **Rose Limbu** and Ms. **Sujana Rana**, as well as the forced deportation of the latter, which appear to be related to their legitimate human rights activities aimed at defending the rights of migrant workers in Lebanon and the exercise of their right to freedom of association.

Ms. **Rose Limbu** and Ms. **Sujana Rana** are women human rights defenders and representatives of the broad domestic migrant community in Lebanon. They are Nepalese nationals and are active members of the Domestic Workers Union. Both human rights defenders have played a key role in documenting violations against other domestic migrant workers belonging to the Nepali community in Lebanon.

The **Domestic Workers Union** is a trade union, which advocates for equal labour rights for migrant workers and combats discrimination facing such workers in Lebanon. The Union is believed to be the first of its kind in the Middle East. It is not officially recognized by the Government of Lebanon and is considered as an illegal entity.

According to the information received:

*Concerning Ms. **Sujana Rana***

On 30 November, 2016, Ms. Rana was arrested by the General Security Agency of Lebanon at her employer's home and taken to a detention centre of the Lebanese General Security. She was allegedly detained without charge. Ms. Rana

has a legal residential status in Lebanon and a work authorization. While in detention for ten days, she was not allowed visits by her lawyer, acquaintances or civil society organisations. On 10 December 2016, she was forcibly deported to Nepal.

*Concerning Ms. **Rose Limbu***

On 5 December 2016, Ms. Limbu was allegedly arrested by the General Security Agency of Lebanon at her employer's home and taken to a detention centre. Ms. Limbu has been detained without charge or trial since then. She has not been ensured access to legal counsel, acquaintances or civil society organisations during her detention. Her residence is officially recognized and she has a work authorization in Lebanon. There is concern of imminent deportation of Ms Limbu to Nepal.

Serious concern is expressed about the alleged arbitrary arrest and detention of Sujana Rana and Rose Limbu, the deportation of the former to Nepal, and the risk of deportation of the latter. We are particularly concerned that these measures against them appear to be related to their legitimate human rights activities and exercise of their right to freedom association.

We are also concerned that the detrimental actions against these two human rights defenders will send a chilling effect to civil society and human rights defenders who work to ensure equal rights and protect domestic migrant workers in Lebanon.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government to the articles 9, 13, 14, and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified to by Lebanon on 3 November 1972, which guarantee the rights not to be deprived arbitrarily of one's liberty; to fair proceedings before an independent and impartial tribunal and to freedom of association, respectively.

With regards to the relation of the alleged violations to the human rights work of the above-mentioned individuals, we recall 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, also known as the UN Declaration on Human Rights Defenders, in particular Articles 1, 2, 5, and 12.

In addition, we would like to refer your Excellency's Government to principle 7 of the Basic Principles on the Role of Lawyers according to which, all arrested, detained or imprisoned persons shall have access to lawyer within 48 hours of detention.

We also wish to draw the attention of your Excellency's Government UN General Assembly Resolution 68/181 as well as Human Rights Council Resolution 31/32, in which States pledged to take all necessary measures to ensure the protection of women human rights defenders.

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

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the legal basis for the arrest and detention of Ms. Limbu and Ms. Rana, as well as the deportation of Ms. Rana. Please explain how those measures are compatible with Lebanon's obligations under international human rights law, in particular the ICCPR
3. Please provide information about the legal basis for denying access to lawyers and visitors to the above-mentioned individuals, and explain how those restrictions are compatible with Lebanon's obligations under international human rights law.
4. Please indicate what measures have been taken to ensure that women human rights defenders in Lebanon are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation, harassment and prosecution of any sort.

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. In particular, we respectfully urge your Excellency's Government to stop any measure of deportation against Ms. Limbu.

We would like to inform your Excellency's Government that after having joined an urgent appeal like the present one, the Working Group on Arbitrary Detention may transmit the case to the Government through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Joining urgent appeals in no way prejudices any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

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.

José Guevara
First Vice-Chair on behalf of the Working Group on Arbitrary Detention

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

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