

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Working Group on Enforced or Involuntary Disappearances

REFERENCE:
AL LBY 2/2019

23 December 2019

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Working Group on Enforced or Involuntary Disappearances, pursuant to Human Rights Council resolutions 34/18 and 36/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged short-term enforced disappearance, and then detention of journalist Mr. **Reda Fhelboom**.

Mr. Reda Fhelboom is a journalist and the founder of the Libyan Organization for Independent Media that focuses on freedom of opinion and expression.

According to the information received:

On 14 December 2019, Mr. Fhelboom was arrested shortly after arriving at Mitiga airport in Tripoli. He was reportedly returning from Tunisia where he had taken part in activities in celebration of the Human Rights Day. His family reportedly received no information from him for several days.

Reports indicate that Mr. Fhelboom may have been arrested and detained by a Tripoli-based armed group. In a statement released after his arrest, the Interior Ministry stated that the General Intelligence in Tripoli had arrested Mr. Fhelboom. The Office of the Prosecutor General also stated that Mr. Fhelboom is currently detained at the General Intelligence Department, but did not specify the detention facility.

We wish to express our grave concerns regarding the alleged enforced disappearance of Mr. Fhelboom for three days. We are particularly concerned that his arrest and detention may be directly connected to his dissenting voice and his work as a journalist. In the absence of clear information on potential charges brought against him, we wish to express our serious concerns for his safety and physical and psychological integrity.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** 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 any comment you may have on the above-mentioned allegations.
2. Please provide information on the situation of Mr. Reda Fhelboom, including the exact location of his current place of detention and specific details about his current state of health.
3. Should an investigation be ongoing, please provide information on the preliminary findings or conclusions of the investigation. If no inquiries have taken place, please explain why.
4. Please indicate what steps have been taken to ensure that Mr. Fhelboom is able to meet with family members and legal representation.
5. Please indicate what measures have been taken to ensure that journalists and human rights defenders are able to carry out their peaceful and 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. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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.

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

Luciano Hazan
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Annex
Reference to international human rights law

In relation to the above facts and concerns, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee the right of Mr. Reda Fhelboom not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), acceded by your Excellency's Government on 15 May 1970. We further refer your Excellency's Government to take all necessary measures to ensure the realisation of article 19 of the ICCPR, which protects the right to freedom of opinion and expression.

In relation to his enforced disappearance for three days, we recall the relevant provisions of the UN Declaration on the Protection of All Persons from Enforced Disappearances, which establishes that no State shall practice, permit or tolerate enforced disappearances. The Declaration also proclaims that each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction. In particular, we wish to refer to article 10 of the Declaration which establishes the obligation of the detaining authorities to make available accurate information on the individual's detention, including specific places of detention and transfers, to his family, counsel or other persons with a legitimate interest.