

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE:
UA OTH 190/2021

16 April 2021

Dear Mr. Sharaf,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 44/5, 42/22, 43/4, 42/16, 43/16 and 43/20.

In this connection, we are writing to follow-up on the case of Mr. **Akram Al Walidi**, born on 23 July 1984, a human rights defender who worked at the Human Rights Centre of Sana'a, a non-governmental organization monitoring the human rights situation in the city; Mr. **Tawfiq Al Mansouri**, born on 5 January 1986, a graphic designer who worked as an art director for the Daily Source newspaper, in Sana'a; Mr. **Harith Hamid**, born in 1989, editor of the Spring Net website, who also worked for the Sana'a Human Rights Centre; and Mr. **Abdul Khaliq Amran**, born in 1985, a graduate of the media faculty at Sana'a University and editor of the Reform Online website.

These four cases, together with others, were raised in an allegation letter sent to you on 6 October 2020 (AL OTH 66/2020)¹. On that occasion, concern was expressed that Mr. Akram Al Walidi, Mr. Tawfiq Al Mansouri, Mr. Harith Hamid and Mr. Abdul Khaliq Amran had allegedly been arbitrarily arrested and detained, including for some periods of time in secret detention places and incommunicado, reportedly in retaliation for their legitimate work and the exercise of their right to freedom of opinion and expression. It was further alleged that they had been sentenced to the death penalty on 11 April 2020, in violation of due process and fair trial guarantees, including possibly the admission at trial of torture-induced statements or confessions, for offences (“treason” and “espionage”) that would not meet the

¹ See AL OTH 66/2020:
<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25543>.

Mr. Hisham Sharaf
Sana'a
Yemen

threshold of the “most serious crimes”². The letter also referred to the cases of other individuals who had also been reportedly arbitrarily arrested and detained, as well as tortured or subjected to other cruel, inhuman or degrading treatment, without access to medical care, and with no subsequent investigation having been conducted on any of these allegations.

Unfortunately, in spite of the seriousness of the concerns expressed, these do not appear to have been adequately taken into consideration and we regret that, thus far, no reply has been received to our letter.

We therefore respectfully call on you to take decisive and resolute action to address the allegations which have been brought to your attention in our previous communication and to prevent any further possible violation as highlighted below.

According to the information received:

The above-mentioned four individuals are currently held at the Sana’a Political Security Centre “Al-Amn Al-Siyassi”.

It is reported that their detention conditions have significantly deteriorated over time, including because they can no longer be visited by their lawyer and/or families due to the final nature of the sentence they received.

Furthermore, at an unspecified date in March 2021, prison authorities reportedly notified them that the death sentences would be enforced shortly, without further information.

It is therefore feared that their execution may be imminent.

While we do not wish to prejudge the accuracy of these allegations, we nevertheless reiterate all the concerns already expressed in our letter of 6 October 2020 and stress, once again, that, if carried out in the circumstances of the present cases, the execution of the death sentences imposed on Mr. Akram Al Walidi, Mr. Tawfiq Al Mansouri, Mr. Harith Hamid and Mr. Abdul Khaliq Amran would amount to an arbitrary deprivation of life and an irreparable violation of their human rights.

We therefore call on you to promptly intervene **to halt any decision or plan to execute the four persons concerned; to take all the necessary steps to address any allegation of torture, arbitrary detention and violation of fair trial and due process guarantees that they may have suffered; and to ensure, at a minimum, that they are retried in full compliance with international legal standards.**

² Under international law, the death penalty may be imposed only for the “most serious crimes”, involving intentional killing and only following strict adherence to fair trial and due process guarantees. This is what distinguishes capital punishment from an arbitrary execution. See, among others, Human Rights Committee, General Comment no. 36, Article 6: right to life (CCPR/C/GC/36): <http://doctstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrdB0H115979OVGGb%2bWPAXhNI9e0rX3cJImWwe%2fGBLmVrGmT01On6KBOgqmxPNlJrLLdefuuQjN19BgOr%2fS93rKPWbCbgoJ4dRgDoh%2fXgwn>.

We also appeal on you **to refrain from applying the death penalty under all circumstances.**

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request³.

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 updated and detailed information on the present state of physical and mental integrity of Mr. Akram Al Walidi, Mr. Tawfiq Al Mansouri, Mr. Harith Hamid and Mr. Abdul Khaliq Amran and on their current health status. Within this context, please provide information on measures taken, or envisaged to be adopted, to protect their life and preserve their safety and well-being, including access to adequate medical care, as appropriate.
3. Please provide updated information on any investigation undertaken, or being conducted, with regards to the allegations of arbitrary, secret and incommunicado detention, torture and/or other cruel, inhuman or degrading treatment reportedly suffered by the above-mentioned four individuals, with a view to ensuring accountability of those responsible. Please also provide information on measures taken to ensure access of the victims/their families to adequate reparation, as appropriate. If no investigation was or is being conducted, and no reparation afforded, please explain the reasons why.
4. Please provide updated information on the conduct of the proceedings brought against the above-mentioned four individuals, including on the legal basis for their arrest and detention. Please explain how the legal process was compatible with applicable international human rights standards, particularly with regard to due process and fair trial requirements. Please explain whether the four persons concerned could appeal the death sentences imposed on them and/or seek pardon or commutation.
5. Please explain whether, at present, the above-mentioned four individuals can be visited by their families and lawyers. If not, please explain the reasons why and how this would be compatible with applicable international human rights standards.

³ Relevant international legal instruments and applicable standards are also referred to in the Annex on Reference to international humanitarian and human rights law included in AL OTH 66/2020.

6. Please provide information on the compliance of their detention with international human rights law, in particular the right to freedom of opinion and expression.

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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with you to clarify the issue/s in question.

We would also like to inform you that after having transmitted an urgent appeal, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such letters in no way prejudice any opinion the Working Group may render. It is required to respond separately to the allegation letter and the regular procedure.

Kindly note that a copy of the present urgent appeal will be transmitted to the authorities of the Republic of Yemen. Please also note that this letter does in no way imply the expression of any opinion concerning the legal status of any country, territory, city or area, or of its authorities.

This communication and any response received will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Mr. Sharaf, the assurances of our highest consideration.

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Elina Steinerte
Vice-Chair of the Working Group on Arbitrary Detention

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment