

Mandates of the Special Rapporteur on freedom of religion or belief; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Ref.: UA OTH 73/2023
(Please use this reference in your reply)

9 June 2023

Mr. Sharaf,

We have the honour to address you in our capacity as Special Rapporteur on freedom of religion or belief; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 49/5, 51/8, 45/3, 44/5, 50/17 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning alleged acts tantamount to enforced disappearances of 17 members of the Bahá'í religious minority in Yemen, namely **Mr. Hassan Tariq Thabet, Ms. Areej Al-Mashary, Mr. Ibrahim Ahmed Jail, Ms. Eman Hassan Abu Jail, Ms. Rana Ibrahim Abu Jail, Mr. Ahmed Abdul Hakim Al-Malahi, Mr. Khaled Ahmed Abadi, Ms. Salwa Abdullah Al-Rahimi, Mr. Abdullah Yahya Al-Olofi, Mr. Abdullah Qayed Al-Maansy, Mr. Abdul'elah Muhammad Al-Boni, Mr. Muhammad Yahya Al-Jalub, Mr. Muhammad Bashir Abdul Jalil, Mr. Mustafa Al-Tairi, Mr. Musa Mutahar Al-Hitar, Mr. Haitham Mahmoud Radman, and Ms. Tagrid Muhammad Ismail Al-Hamzi**, who were abducted while they were peacefully convened to elect the religious community's national governing body.

According to the information received:

On 25 May 2023, a group of Baha'is believers, including five women and 12 men were peacefully gathered in a private house in Sana'a to elect the religious community's national governing body. Baha'is do not have clergy and their governing body ministers to the spiritual and administrative needs of the Yemeni Bahá'í community. Similar annual meetings take place in Bahá'í communities around the world.

The gathering was suddenly interrupted by around 50 heavily armed men in balaclavas and green uniforms, who are believed to belong to the Houthi militia. The outbreak by gunmen was video recorded.

The gunmen searched the house and seized books, laptops and other belongings and interrogated the attendees for four and a half hours. The armed men were accompanied by a man by the name of [REDACTED], who presented himself as a judge. They had a document in their possession

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that they claimed was a search order issued by the Public Prosecutor with a list of names of individuals to be captured.

Subsequently, they forcibly took the 17 Bahai's believers to an unknown location with the apparent intention to subject them to prosecution for crimes about which they were not informed. On Sunday 4 June 2023, after being disappeared for 11 days, Mr. Muhammad Yahya Al-Jalub was set free. However to date, the fate and whereabouts of Mr. Hassan Tariq Thabet, Ms. Areej Al-Mashary, Mr. Ibrahim Ahmed Jail, Ms. Eman Hassan Abu Jail, Ms. Rana Ibrahim Abu Jail, Mr. Ahmed Abdul Hakim Al-Malahi, Mr. Khaled Ahmed Abadi, Ms. Salwa Abdullah Al-Rahimi, Mr. Abdullah Yahya Al-Olofi, Mr. Abdullah Qayed Al-Maansy, Mr. Abdul'elah Muhammad Al-Boni, Mr. Muhammad Bashir Abdul Jalil, Mr. Mustafa Al-Tairi, Mr. Musa Mutahar Al-Hitar, Mr. Haitham Mahmoud Radman, and Ms. Tagrid Muhammad Ismail Al-Hamzi remain unknown.

Other individuals in the house who did not belong to the Bahai's religious community were not captured.

While we do not to prejudge the accuracy of these allegations, we wish to express our concerns at what appears to be the enforced disappearance of these 17 individuals, which appears to be motivated by their religious affiliation and the peaceful exercise of their right to freedom of religion or belief.

The Special Procedures have previously conveyed concerns about reported patterns of human rights violations depicting religious persecution against religious or belief minorities in the territories of Yemen controlled by the Ansar Allah movement. Bahá'í followers and other religious minorities have been arbitrarily detained, tortured and ill-treated and sentenced to death for professing their religion by means of judicial procedures that evidently failed to meet the guarantees for a fair trial (see for instance OTH 7/2017 and OTH 3/2018 and related press statements¹). The Special Rapporteur on freedom of religion or belief emphasised, inter alia, that the Ansar Allah movement had coerced Jewish and Bahá'í communities into leaving the country, blackmailing them by arbitrarily detaining their religious leaders, influencers and community members. (See A/HRC/49/44 paragraph 27). More recently, the Special Procedures have also addressed the de facto authorities about systematic violations of women's and girls' rights in Yemen, perpetrated in the name of religion by the Ansar Allah movement (AL OTH 124/2022).

Against this backdrop, we express our serious concern about the fact that these persons seem to have been abducted, and since then subjected to enforced disappearance by the de facto authorities of Yemen, to prosecute them in connection with the legitimate exercise of their rights, including the right to freedom of religion or belief and peaceful assembly. We are concerned that these individuals could be subject to violations of their human rights, including the risk of torture and other cruel, inhuman or degrading treatment and of the death penalty.

In this last respect, there is a growing movement worldwide to abolish the death penalty in law or de facto and that, when it is nonetheless applied, it should

¹ <https://www.ohchr.org/en/news/2019/04/yemen-court-must-not-punish-faith-death-un-experts>;
<https://www.ohchr.org/en/press-releases/2020/04/un-experts-appeal-immediate-and-unconditional-release-bahais-yemen>

only be imposed for the most serious crimes and pursuant to a final judgment rendered by a competent court, following compliance with a strict set of substantive and procedural requirements and guarantees of a fair trial, including access to adequate legal assistance at all stages of the proceedings – conditions that have not been complied with in this instance. Blasphemy or religious practice does not meet the threshold of most serious crimes (CCPR/C/PAK/CO/1, para. 17; resolution 2005/59 of the Commission on Human Rights, para. 7 (f)).

The right to freedom of thought, conscience and religion is formulated in art. 18 of the Universal Declaration on Human Rights. It encompasses the freedom to have or to adopt a religion or belief of one's choice, and freedom, either individually or in community with others and in public or private, to manifest one's religion or belief in worship, observance, practice and teaching. Peacefully manifesting one's religion or belief in compliance with international human rights standards cannot be considered a crime, least of all one of the most serious crimes; the application of the death penalty in this case would be tantamount to arbitrary deprivation of life under international law.

We are appealing to de facto authorities to ensure the right to life, liberty and security of person, the prohibition of torture or cruel, inhuman or degrading treatment or punishment, the right to fair trial and equality before the law, the right not to be subjected to arbitrary arrest, freedom of thought, conscience and religion, freedom of expression, freedom of peaceful assembly and association, which are enshrined in art. 6, 7, 8, 9, 10, 11, 18, 19, 21 and 22 of the Universal Declaration on Human Rights (UDHR) and which appear to have been violated or at risk of violation in the abovementioned circumstances. The right to life constitutes an international customary law and jus cogens norm from which no derogation can be made under any circumstances (CCPR/C/GC/36, para. 2). We would also like to stress the absolute and non-derogable prohibition of enforced disappearances has attained the status of jus cogens.

The full texts of the human rights instruments and standards recalled above are available on 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 to safeguard the rights of the aforementioned persons 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 or comments you may have on the above-mentioned allegations.
2. Please provide promptly detailed information about the fate and whereabouts of these seventeen persons, and about their current physical and psychological condition.
3. Please provide the information about the legal and factual grounds related to the apprehension of the persons.

4. Please provide detailed information about the steps taken to protect those persons against the risk of ill-treatment while detained, and of the imposition of death penalty for the legitimate and peaceful exercise of their rights, including the right to freedom of religion or belief.
5. Please provide information on the urgent steps taken to ensure that these persons can be visited in detention by lawyers of their choice and their relatives.
6. Please provide precise information about measures taken to ensure that the rights of persons belonging to religious minorities, including members of the Bahá'í Faith, are respected and protected.

We would appreciate receiving a response as soon as is possible, considering the risk of human rights violations while the fate and whereabouts of 16 of the 17 above-mentioned concerned persons are unknown.

This communication and any response received from you 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.

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 would like to bring to your attention that, should sources submit the allegations concerning these 17 persons for the consideration of the United Nations Working Group on Enforced or Involuntary Disappearances under its humanitarian procedure, the cases will be examined by the Working Group according to its methods of work, in which case the de facto authorities in Yemen will be informed by separate correspondence.

We would like to underline that this letter addressed to the de facto authorities in Yemen does not in any way imply the expression of any opinion concerning the legal status of any territory, city or area, or of its authorities. Please be informed that a copy of this letter is transmitted to the Government of Yemen.

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

Nazila Ghanea
Special Rapporteur on freedom of religion or belief

Matthew Gillett
Vice-Chair of the Working Group on Arbitrary Detention

Aua Baldé
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

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

Clement Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment