

Mandate of the Working Group on Arbitrary Detention; 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 the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the situation of human rights defenders

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Excellency,

We have the honour to address you in our capacity as 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 rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, 24/6 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 alleged arbitrary arrest and detention of Mr. **Said Ali Said Jadad** (سعيد بن علي بن سعيد جداد) for his human rights activities and as an alleged continued 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, from 8 to 13 September 2014, as well as for his cooperation with international organizations. Grave concerns are raised regarding Mr. Jadad's serious and deteriorating health condition while in detention and lack of access to adequate medical treatment.

Mr. Said Ali Said Jadad is an Omani human rights defender, journalist and blogger, advocating for democratic reforms in the country. He reportedly played an important role in organizing the peaceful pro-reform demonstrations in Dhofar in December 2011.

We would like to recall the fact that the Special Procedures have already sent three previous communications transmitted to your Excellency's Government expressing concern over alleged acts of reprisal against Mr. Jadad for his cooperation with the Special Rapporteur on the rights to freedom of peaceful assembly and of association during his country visit to Oman, which took place from 8 to 13 September 2014: OMN 3/2014 sent on 11 November 2014, OMN 5/2014, sent on 16 December 2014 and OMN 1/2015, sent on 29 January 2015.

We regret that to date no response has been received to these three communications. We consider responses to our communications as an important part of the cooperation of Governments with mandate holders and urge the authorities to provide as soon as possible detailed substantive responses to all the concerns raised in the previous communications.

According to the new information received:

On 21 January 2015, Mr. Jadad was again arrested, in Salalah, reportedly as a response to his critical writing. One week later, he was transferred to and detained at the Special Division of the Omani police in Muscat. On 8 March 2015, he was convicted by the Muscat Court of First Instance for “undermining the prestige of the State, inciting the public to join an illegal gathering and publishing material that disturbs the public order via the internet” and sentenced to three years in prison and fined 1701,7 OMR (4,420 USD). During his trial before the Muscat Court, his Facebook posts (about 40) as well as an open letter that he wrote to President Obama in May 2013 on the human rights situation in Oman, were reportedly used as evidence to support the charges brought against him

On 31 March 2015, Mr. Jadad was reportedly transferred to Salalah and brought before the Court of First Instance on charges of the “the dissemination of material that would prejudice public order”, allegedly in relation to a blog post about the 2011 protests in Oman. As a result, he was sentenced to one year in prison and fined USD 520. Mr. Jadad was released in April 2015 pending appeal in both cases. After the latter conviction was upheld on 18 November 2015 by the Court of Appeals in Salalah, Mr. Jadad was again arrested, on 25 November 2015, and taken to Arzat Central Prison, in Salalah, where he remains incarcerated to date.

Medical information

Mr. Jadad suffers from [REDACTED]. His condition has continued to deteriorate throughout the most recent periods of his incarceration (January to April 2015, and November 2015 to present). Mr. Jadad has allegedly not had access to adequate medical treatment while in detention. On 21 January 2015, after he was again arrested, he began a hunger strike in protest of his arbitrary detention. On 23 January 2015, he was reportedly admitted to a military hospital in Salalah where he refused to take liquids and medication as part of his strike. As a result, his health condition deteriorated further during this time.

On 27 January 2015, he was reportedly transferred from the military hospital to Muscat in preparation of a trial hearing. The police allegedly ignored the advice of doctors not to transport him as he was judged unfit to travel. Since his transfer to Muscat at the end of January until his trial in March 2015, Mr. Jadad was held in solitary confinement at the Special Division of the police in Muscat, and his

health continued to deteriorate during that period partly due to the fact that he was denied access to an independent doctor.

In addition, reports indicate that, since his incarceration at Arzat Central Prison on 25 November 2015, Mr. Jadad's health has dramatically worsened. On 17 April 2016, Mr. Jadad experienced serious health deterioration with [REDACTED]. However, it is reported that he was only transferred to a hospital in Salalah two days later where he was able to see a doctor and receive prescribed medication. However, he was driven back to the prison an hour later, in contradiction to the doctor's advice.

On 15 May 2016, Mr. Jadad's health again deteriorated seriously but prison officials reportedly refused to take him back to the hospital. Mr. Jadad's health condition remains critical with [REDACTED], and for which he is not allowed to access the care he needs. Mr. Jadad has continued his hunger strike during the past months but in an intermitten manner due to his fragile health.

Serious concern is expressed at the allegations of arbitrary deprivation of liberty, including incommunicado detention, of Mr. Jadad. Serious concern is also expressed at the alleged lack of access to adequate medical treatment while in detention, in particular taking into account his decision to engage in a hunger strike as a form of protest against his detention. Grave concern is expressed that these events may constitute continued acts of intimidation and reprisal 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, as well as with international organizations. Concerns are also expressed at the allegation that his detention resulted from his legitimate exercise of the right to freedom of opinion and expression and connected to his activities in the promotion of human rights. We express concern that the legal basis for the charges brought against Mr. Jadad are not in compliance with the permissible limitations to the right to freedom of expressio under international human rights standards.

While we do not wish to prejudge the accuracy of these allegations or to express an opinion on whether or not the detention of Mr. Jadad is arbitrary, the above allegations appear 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), as well as the right to fair proceedings before an independent and impartial tribunal, as set forth in article 10 of the UDHR.

We would also like to draw the attention of your Excellency's Government to rule 8(b) of the Standard Minimum Rules for the Treatment of Prisoners adopted on 30 August 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and approved by the Economic and Social Council by its

resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, which provides that untried prisoners shall be kept separate from convicted prisoners.

The allegations that the arrest and detention of Mr. Jadad are connected to his human rights activities 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.

With regard to the allegations that the described events constitute acts of reprisal against Mr. Jadad for his cooperation with the Special Rapporteur on the rights to freedom of peaceful assembly and of association, we would like to recall Human Rights Council resolutions 12/2 and 24/24, which condemn all acts of intimidation or reprisal by Governments and non-State actors against individuals 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 2015 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/30/29) reiterates the Secretary-General's firm position that "any act of intimidation or reprisal against individuals or groups for their engagement with the United Nations, its mechanisms and representatives in the field of human rights is completely unacceptable and must be halted, immediately and unconditionally" (para. 47).

Furthermore, we would like to refer your Excellency's Government to the rights to freedom of opinion and expression and freedom of peaceful assembly and of association, guaranteed under articles 19 and 20 of the UDHR.

Regarding the health situation of Mr. Jadad, we are extremely concerned at allegations received indicating that he may not be receiving adequate medical attention given the circumstances and his decision to use hunger strike as a form of protest against his situation, which should include medical assistance with his full and informed consent. In this connection, we would like to refer Your Excellency's Government to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules 2015) which lay out generally accepted principles and practice in the treatment of prisoners and prison management, in particular Rules 24.1, 27.1 and 32.1. We would also like to refer to the World Medical Assembly's Declaration of Malta on Hunger Strikes (adopted in November 1991, revised in October 2006). In this connection, we would like to underline that the best way to try to end a hunger strike is to address the underlying human rights violations that are the basis of the protest. Authorities have a duty to look for solutions to extreme situations created by a hunger strike, including

through good faith dialogue about the grievances, always respecting the wishes of those who use this form of protest.

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 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 concerning the legal grounds for the arrest and detention of Mr. Jadad, and how these measures are compatible with Oman's international obligations. In particular, please explain how the charges are compatible with the permissible limitations to the right to freedom of expression under international human rights standards.
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to the above-mentioned allegations related to surveillance, reprisals, arbitrary arrest and arbitrary detention as a result of Mr. Jadad's work as human rights defender and his cooperation with international organizations and the United Nations human rights mechanisms. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please indicate what measures have been taken to ensure that Mr. Jadad receives adequate health care to treat his deteriorating health condition, including medical assistance with his full and informed consent.
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 the content

of this communication, we will consider to communicate the incident to the Coordination Committee of the Special Procedures and to the President of the Human Rights Council.

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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Vice-Chair-Rapporteur of the Working Group on Arbitrary Detention

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

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