

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on minority issues;
and the Special Rapporteur on freedom of religion or belief**

REFERENCE: UA YEM 3/2016:

30 September 2016

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on minority issues; and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 24/7, 25/5, and 22/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrest of sixty individuals attending a youth event organized by the Yemeni Bahá'í community and the indictment and deferred trial of Mr. **Hamid Kamali** (Hamid Kamali Bin Haydara) since 3 December 2013. Mr. Hamid Kamali, a Bahá'í follower in Yemen, was a subject of previous communications (YEM 5/2014 and YEM 1/2016) to which we deeply regret that yet no reply has been received from the Government.

According to the information received:

Sixty people arrested

In early August 2016, the Yemeni Bahá'í community organised a nine-day event of moral and educational youth programmes in Jud Organization building in Sana'a. Bahá'í and non-Bahá'í participants across the country attended the event which was sponsored by Nida Foundation for Human Development, a civil society organisation in Yemen.

On 10 August 2016, the last day of the event, at 11:30 a.m., a large group of masked and armed soldiers from the Yemeni National Security Office raided the building and arrested sixty people, including children between the ages of ten and fifteen. The arrest was allegedly ordered by a prosecutor who is currently involved in the case of another Bahá'í individual, Mr. Kamali. The arrested individuals were both Bahá'í and non-Bahá'í participants.

Except for the younger girls who were all released on the same day, all non-Bahá'ís detainees were released subsequently. A number of Bahá'í detainees were also released in the following days; some were released on bail while others were instructed not to leave their homes and were told that they might be recalled to prison. Meanwhile, a few family members of the Bahá'í detainees who were requested to collect the detainees at the National Security Office ended up getting arrested instead. It was noted that those Bahá'í detainees who remained in custody were all members of the leadership of the Bahá'í community in Yemen.

It was reported that during the arrest and detention, individuals had faced harsh treatment by the National Security staff. Some Bahá'í detainees were allegedly

kept in solitary confinement as well. Interrogation of the detainees was mainly about the allegations of the source of funding of Bahá'í activities from Israel and the proselytization of youth at the event. Some of these interrogations were reported to be carried out by senior clerics in the country.

As of 13 September 2016, out of the sixty people detained on 10 August at the National Security Prison in Sanaa, the following three Bahá'ís remain incarcerated in prison: **Mr. Nadim Tawfiq Al-Sakkaf, Mr. Nader Tawfiq Al-Sakkaf and Mr. Kaiwan Mohamed Ali Qadri.** The family and friends of the three detained men have been pressured to provide a large amount of money to the National Security, in order to secure the release of the three men. The agents of the National Security have collected USD14.000 from homes of the relatives of the detainees.

Raids and blocked access of Bahá'í Centre

On 4 September 2016, some concurrent raids of Bahá'í homes, office and the Bahá'í centre took place and the authority reportedly confiscated around USD 50,000 as well as all personal computers, tablets, phones and SIM cards. The Bahá'í Centre was locked up and sealed, consequently, the Bahá'ís have no access to the centre since then.

Mr. Hamid Kamali Bin Haydara

Mr. Hamid Kamali was a subject of previous communications YEM 5/2014 and YEM 1/2016. Mr. Kamali was arrested on 3 December 2013, and remains incarcerated in the National Security Prison for “compromising the independence of the Republic of Yemen”, including spreading the Bahá'í faith in the Republic of Yemen.

His trial has been postponed on numerous occasions; as a result, he faces prolonged incarceration. Moreover, it was reported that Mr. Kamali is suffering from serious health conditions that require proper medical attention.

We express our concerns of the arrest and detention of the aforementioned individuals, all of whom are Bahá'ís and some with a central administrative role within the Bahá'í community in Yemen, who are targeted based on their religion. We remain concerned that the due process for Mr. Kamali's case has fallen below the fair trial standards as guaranteed by international human rights law. We are also concerned about the harsh treatments of the detainees and the health conditions of Mr. Kamali in prison.

Without expressing at this stage an opinion on the facts of the case and on whether the arrests of the aforementioned individuals are arbitrary or not, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of liberty and to fair proceedings before an independent and impartial tribunal, as set forth in articles 9 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by the Republic of Yemen on 9 February 1987.

We are appealing to your Excellency's Government to ensure the right to freedom of religion or belief, in accordance with article 18 of the ICCPR and the UDHR. Article 2 (1) of the 1981 Declaration of the General Assembly also emphasizes that no one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other beliefs.

Recognizing that those individuals affected are members of religious minorities in the Republic of Yemen, we would like to bring to your Excellency's Government attention the international standards regarding the protection of the rights of persons belonging to religious minorities, in particular to article 27 of the ICCPR, that guarantees minorities, inter alia, the right to profess and practice their own religion. Moreover, the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities requires States to protect the existence and identity of religious minorities within their territories, to adopt appropriate legislative and other measures to achieve those ends (article 1) and to ensure that persons belonging to minorities may exercise their human rights without discrimination and in full equality before the law (article 4.1). Furthermore, we draw the attention of your Excellency's Government to the Recommendations of the sixth session of the Forum on Minority Issues, on "Guaranteeing the rights of religious minorities" (2013).

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 the aforementioned person(s) 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 aforementioned allegations.
2. Please provide information concerning the legal grounds for the arrest of the sixty individuals on 10 August 2016, specifying how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR.
3. Please provide information concerning the legal grounds for the arrest and detention of Mr. Kamali on 3 December 2013 and the reasons for the postponement of his trial, indicating how it is compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR.
4. Please indicate what measures have been taken to ensure that persons belonging to religious minorities, including members of the Bahá'ís, can freely and without discrimination exercise their right to freedom of religion and belief.

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.

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

Rita Izsák-Ndiaye
Special Rapporteur on minority issues

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