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UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

REFERENCE: UA G/SO 217/1 G/SO 214 (53-24)
ARE 7/2013

30 December 2013

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 16/16 and 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the alleged abduction of Mr. Abdulrahman al-Jaidah.

According to the information received:

On 23 December 2013, Mr. Abdulrahman al-Jaidah, aged 25, a Qatari national, was abducted by unknown individuals outside the Federal Supreme Court in Abu Dhabi, United Arab Emirates (UAE).

It was reported that Mr. al-Jaidah was attending a session of his father's trial in the Federal Supreme Court in Abu Dhabi when he was told to go outside by a member of the UAE's State Security apparatus. Once outside the Court, he was reportedly threatened with arrest.

It was further reported that Mr. al-Jaidah was beaten by State Security officers and then taken to an unknown place where he may be at risk of torture or other ill-treatment.

At the time of the present communication, the fate and whereabouts of Mr. Abdulrahman al-Jaidah remain unknown.

Serious concern is expressed regarding the enforced disappearance of Mr. Abdulrahman al-Jaidah and on the allegations of mistreatment of Mr. Abdulrahman al-Jaidah by State Security officers. Acute concern is also expressed regarding the risk of further abuse and mistreatment while in secret detention. Furthermore, concern is expressed that the alleged abduction of Mr. Abdulrahman al-Jaidah may be related to his public campaign on his father's case, drawing attention to his father's prolonged detention without charge and alleged torture.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government to the fundamental principles set forth in the United Nations Declaration on the Protection of All Persons from Enforced Disappearances which sets out necessary protection by the State, and in particular:

- article 2 (no State shall practice, permit or tolerate enforced disappearances);
- article 3 (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);
- article 6 (no order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance); and
- article 10 (right to access of competent national authorities to all places of detention; to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest).

Furthermore, and without in any way implying any conclusion as to the facts of this case, we would like to appeal to your Excellency's Government to seek clarification of the circumstances regarding the cases of Mr. Abdulrahman al-Jaidah. We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which your Excellency's Government acceded on 19 July 2012.

In this context, we would like to draw the attention of your Excellency's Government to paragraph 8b of Human Rights Council Resolution 16/23, which reminds States that "Prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and the dignity of the person and to ensure that secret places of detention and interrogation are abolished."

We would also like to draw the attention of your Excellency's Government to paragraph 1 of Human Rights Council Resolution 16/23 which "Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

It is our responsibility under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide information on the fate and whereabouts of Mr. Abdulrahman al-Jaidah. If his fate and whereabouts are unknown, please provide the details on any investigation or other queries which may have been carried out. If no queries have taken place, or if they have been inconclusive, please explain why.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

We would like to bring to the attention of your Excellency's Government that should the sources submit the allegations concerning Mr. Abdulrahman al-Jaidah as case to the Working Group on Enforced or Involuntary Disappearances, they will be considered by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by separate correspondence.

Please accept, Excellency, the assurances of our highest consideration.

Ariel Dulitzky
Chair-Rapporteur of the Working Group on Enforced or Involuntary
Disappearances

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment