

Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the situation of human rights in Eritrea; 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 torture and other cruel, inhuman or degrading treatment or punishment.

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Dear Mr. Woldeyohannes,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the situation of human rights in Eritrea; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolution 24/7, decision 25/116, and resolutions 23/21, 24/6, and 25/13.

In this connection, we would like to draw the attention of your Government to information we have received concerning reports that security personnel in plain clothes arrested H.E. Mr. **Mohamed Ali Omaro**, Ambassador of Eritrea to Nigeria, on 29 April 2014 in Asmara. It is believed that he is still being held incommunicado, without charge or trial.

According to the information received:

H.E. Mr. Mohamed Ali Omaro, Eritrea's Ambassador to Nigeria, was arrested by security officers in Asmara on 29 April 2014 during late afternoon or early evening.

Reportedly, he was taken to an unnamed location and is detained incommunicado. It is reported that H.E. Mr. Omaro has not been formally charged and has not been brought before a judge. The authorities have not publicly acknowledged the arrest or provided any reasons.

He has been denied family visits and access to a lawyer and doctor.

In view of alleged prolonged incommunicado detention of H.E. Mr. Omaro, concern is expressed about his well-being and that he may be at risk of torture or other forms of ill-treatment. Additional concern is expressed that his detention is politically motivated.

Grave concern is also expressed that he does not receive urgent medication and medical care, despite his old age and his serious heart condition for which he underwent heart surgery two years ago and requires regular medication and medical care. Reportedly, there is an acute shortage of medicine in Eritrean hospitals and pharmacies, and detainees in general, and political detainees in particular, do not receive any medication and medical care.

While we do not wish to prejudge the accuracy of these allegations, these allegations appear to be in contravention of H.E. Mr. Omaro's right not to be deprived arbitrarily of his liberty, as set forth in article 9 of the Universal Declaration of Human Rights (UDHR) and article 9 of the International Covenant on Civil and Political Rights (ICCPR), as well as the right to fair proceedings before an independent and impartial tribunal, as set forth in article 10 of the UDHR and article 14 of the ICCPR.

In relation to the allegation that the fate and whereabouts of H.E. Mr. Omaro are currently unknown, we would like to bring to your Excellency's Government's attention the rights and obligations set out in the United Nations Declaration on the Protection of All Persons from Enforced Disappearance. In particular, the prohibition to practice, permit or tolerate enforced disappearance (article 2), the obligation to take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance (article 3), the right to be held in officially recognised place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention and the obligation to make available accurate information on the detention of persons and their place of detention to their family, counsel or other persons with a legitimate interest (article 10) and the obligation to maintain in every place of detention an official up-to-date register of detained persons.

Paragraph 8b of Human Rights Council Resolution 16/23 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.

Finally, the allegations of the denial of medical care to H.E. Mr. Omaro appear to be in contravention of his right to the enjoyment of the highest attainable standard of physical and mental health, as set forth in article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as enunciated in the United Nations Standard Minimum Rules for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the Basic Principles for the Treatment of Prisoners.

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 Government to safeguard the rights of H.E. Mr. Omaro 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 comment you may have on the above mentioned allegations.
2. Has a complaint been lodged?
3. Please provide information on the legal grounds for the arrest and detention of H.E. Mr. Omaro. Please explain how such measures were compatible with Eritrea's legal obligations under the ICCPR.
4. Please provide information on the fate and whereabouts of H.E. Mr. Omaro.
5. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
6. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
7. Please indicate any remedial action taken vis à vis the victim or his family.
8. Please provide the details of the measures taken to ensure H.E. Mr. Omaro's enjoyment of the right to health, including access to adequate medical care.

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 Government's response will be made available in a report to be presented 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 H.E. Mr. Omaro as a case to the Working Group on Enforced or Involuntary Disappearances, it 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, Mr. Woldeyohannes, the assurances of our highest consideration.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

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