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HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandates of the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 17/2 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 torture and ill-treatment and the denial of access to a lawyer of three British nationals, Mr. **Grant Cameron**, Mr. **Suneet Jeerh**, and Mr. **Karl Williams**, in Dubai by police officers of the Dubai Criminal Investigation Department (CID).

According to the information received:

On 10 July 2012, Mr. Grant Cameron, Mr. Suneet Jeerh, and Mr. Karl Williams, were arrested by police officers of the Dubai Criminal Investigation Department (CID) on suspicion of being in possession of illegal drugs. It is alleged that the officers immediately separated them and drove them to a deserted location.

It is reported that all three men were placed in a separate vehicle, where the officers beat them, repeatedly kneed them in the testicles and used a taser to electrocute them. It is reported that each of the men were beaten by officers upon arriving to a deserted location, and that this continued for about 30 to 45 minutes. It is then reported that the officers transported all three men to the Media Rotana Hotel where Mr. Williams and Mr. Cameron had been staying.

Upon arrival, it is alleged that the officers brought the men to Mr. Cameron and Mr. Williams's room, where the officers again separated the men. It is reported that Mr. Cameron was taken to the front room where he was tasered with an electric baton, while another officer pulled out a gun and threatened to kill him.

It is also reported that Mr. Williams was shown what appeared to be a battery with wires on it by the officers, and was told that if he did not give them information, they would ensure that “he could never have kids.” It is also reported that Mr. Williams was blindfolded with a towel, severely kicked, and threatened with death. It is reported that Mr. Williams had a bone in his hand snapped as a result of these beatings. It is further alleged that the officers placed Mr. Williams on the bed and electrocuted his testicles using an electric baton, after which they threatened him with death at gun point.

Furthermore, it is reported that Mr. Jeer was taken to the bathroom where he was subjected to beatings and shocks with an electric baton.

It is reported that following the events at the hotel, the three men were brought to the CID headquarters and forced to sign documents in Arabic, which none of them understood. It is reported that the men initially refused, but eventually signed out of fear that the beatings and torture would continue if they did not. It is alleged that Mr. Williams wrote below his signature “I do not understand what I am signing.”

While at the CID headquarters, it is reported these men were intimidated by guards and denied food, water, or adequate sleeping space for some of this time. After initially being denied the ability to contact the British Embassy, or a lawyer, it is reported that the men met with Embassy staff on 15 and 16 July 2012, at which time notes were taken of their various injuries. It is reported that, despite requests from Mr. Williams as well as Mr. Jeer, no photos of their injuries were taken. While Mr. Williams does allegedly state that he received surgery to place a metal rod in his hand to aid in his recovery from the broken bone, requests to remove the rod at the scheduled time have been ignored, leading to great discomfort for Mr. Williams. It is further reported that all three men suffer from symptoms of Post-Traumatic Stress Disorder (PTSD).

It is alleged that the authorities informed that they had conducted an independent investigation finding no evidence of torture, but the report has not been made public. It is reported that the authorities provided information indicating that the Human Rights Section of the Dubai Police had conducted an investigation into the allegations of torture. Other details about the methods of this investigation appear to suggest that it was undertaken by other members of the police force, and that no statements by the men themselves were ever considered. Additionally, photographs alleged to have been considered in the report do not appear to exist. Comprehensive medical evaluations for the purposes of investigation have also reportedly been denied.

According to the information received, no complaint was filed on behalf of any of the men, because the public prosecutor allegedly denied the local lawyer who was intending to file the complaints, access to the men, which prevented the lawyer to get the requisite powers of attorney. This would indicate that significant breaches of lawyer-client privilege may have taken place.

It is also reported that the all three men have now been sentenced. The “intent to supply” charges against them were reportedly dropped, and they were all respectively sentenced to four years for possession and consumption of “Spice”. It is alleged that the documents signed by the three men under duress have been used as evidence during the trial.

According to new information received the public prosecutor recently showed a new willingness to allow domestic complaints to be filed on behalf of the three men. However, with regard to the court hearings, which have already taken place it is unclear if the defendants were afforded an opportunity to meet with the lawyers representing them prior to the start of the hearings.

We are deeply concerned at the allegations received indicating that torture practices and cruel, inhuman or degrading treatment may have occurred during the arrest and pre-trial detention. Severe concerns are raised about the fact that the persons named above have been allegedly coerced into signing documents, which they were not able to understand. Very serious concern is also expressed that breaches of the principles of equality of arms and lawyer-client privilege may have occurred, thus raising concerns that international minimum standards for fair trial conduct may not have been adhered to at all times.

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. Grant Cameron, Mr. Suneet Jeerh, and Mr. Karl Williams. 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 (UDHR) 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 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.”

We would also like to draw the attention of your Excellency’s Government to paragraph 8a of Human Rights Council Resolution 16/23, which reminds States that “Intimidation and coercion, as described in article 1 of the Convention against Torture, including serious and credible threats, as well as death threats, to the physical integrity of the victim or of a third person can amount to cruel, inhuman or degrading treatment or to torture;”

We would further like to draw your Excellency’s Government’s attention to article 12 of the CAT, which requires the competent authorities to undertake a prompt and impartial investigation wherever there are reasonable grounds to believe that torture has been committed, and article 7 of the CAT, which requires State parties to prosecute

suspected perpetrators of torture. In this context, we would also like to draw your Excellency's Government's attention to paragraph 7b of Human Rights Council Resolution 16/23, which urges States "(t)o take persistent, determined and effective measures to have all allegations of torture or other cruel, inhuman or degrading treatment or punishment investigated promptly, effectively and impartially by an independent, competent domestic authority, as well as whenever there is reasonable ground to believe that such an act has been committed; to hold persons who encourage, order, tolerate or perpetrate such acts responsible, to have them brought to justice and punished in a manner commensurate with the gravity of the offence, including the officials in charge of the place of detention where the prohibited act is found to have been committed; and to take note, in this respect, of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the updated set of principles for the protection of human rights through action to combat impunity as a useful tool in efforts to prevent and combat torture."

Regarding allegations received indicating that confessions were obtained under torture, we would further like to draw the attention of your Excellency's Government to article 15 of the CAT, which provides that, "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made." In this context, we also recall that paragraph 7c of Human Rights Council Resolution 16/23 urges States "To ensure that no statement established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, and calls upon States to consider extending that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, recognizing that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;"

In this context, we would also like to refer your Excellency's Government to the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, and in particular guideline 16, which states: "When prosecutors come into possession of evidence against suspects that they know or believe on reasonable grounds was obtained through recourse to unlawful methods, which constitute a grave violation of the suspect's human rights, especially involving torture or cruel, inhuman or degrading treatment or punishment, or other abuses of human rights, they shall refuse to use such evidence against anyone other than those who used such methods, or inform the Court accordingly, and shall take all necessary steps to ensure that those responsible for using such methods are brought to justice." Moreover, guideline 12 states: "Prosecutors shall, in accordance with the law, perform their duties fairly, consistently and expeditiously, and respect and protect human dignity and uphold human rights, thus contributing to ensuring due process and the smooth functioning of the criminal justice system."; and guideline 13, which states: "In the performance of their duties, prosecutors shall: (a) Carry out their functions impartially and avoid all political, social, religious, racial, cultural, sexual or any other kind of discrimination; (b) Protect the public interest, act with objectivity, take proper account of the position of the suspect and the victim, and

pay attention to all relevant circumstances, irrespective of whether they are to the advantage or disadvantage of the suspect.”

We would also like to refer your Excellency's Government to the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985, and in particular principle 6, which states: “The principle of the independence of the judiciary entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected.”

Moreover, the right to be assisted by a lawyer is set forth in the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, in particular in principle 1, which states: “All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings”; and principle 5, which states: “Governments shall ensure that all persons are immediately informed by the competent authority of their right to be assisted by a lawyer of their own choice upon arrest or detention or when charged with a criminal offence.”

In addition, principle 7 of the Basic Principles on the Role of Lawyers stipulates: “Governments shall further ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention.” In turn, principle 8 of the Basic Principles affirms: “All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality. Such consultations may be within sight, but not within the hearing, of law enforcement officials.”

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 above-mentioned persons in compliance with the above international instruments.

Moreover, 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. 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 summary of the case accurate?
2. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to reported allegations of torture and cruel, inhuman or degrading treatment. Please provide information on the Human Rights Section of the Dubai Police’s investigation and the findings of this

investigation. If no inquiries have taken place, or if they have been inconclusive, please explain why.

3. Please explain the measures that have been taken regarding the written statements allegedly signed by these three men under coercion, and whether these statements have been considered as evidence in their trials.

4. Please provide details of the alleged denial of the access to a lawyer and information about the legal representation of the three men during their trials.

5. Please explain whether or not the court ordered an independent investigation into the allegations of torture and ill-treatment prior to the rendition of the verdict.

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

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

Gabriela Knaul
Special Rapporteur on the independence of judges and lawyers

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