

Mandates of the Working Group on Arbitrary Detention; 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 Chair-Rapporteur of the Working Group on Arbitrary Detention; 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 24/7, 26/7, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of arbitrary arrest, incommunicado detention and enforced disappearance of Mr. Amer Alshava, a Turkish national, by the United Arab Emirates (UAE) State Security Agency.**

According to the information received:

Mr. Amer Alshava, born on 29 April 1964, a Turkish citizen of Palestinian origin, was arrested by members of the State Security Agency of the UAE on 2 October 2014 in the Dubai International Airport. Mr. Alshava was travelling to the UAE to attend a family wedding.

On 3 October 2014, following inquiries at the airport and at the Al Barsha police station, Mr. Alshava's family was informed that he was being detained in the airport by the UAE's State Security Agency.

On 8 October 2014, Mr. Alshava's spouse contacted the Turkish Embassy in Abu Dhabi requesting their help in finding out what happened to her husband.

On 9 October 2014, Mr. Alshava's spouse went to the Ministry of Interior in Abu Dhabi to submit a complaint, at which time she was referred to the Abu Dhabi Police Headquarters to attain her husband's case number. The police allegedly refused to accept her complaint on the grounds that their office would not accept any official communication in English and without an assigned case number. She was informed that neither the Abu Dhabi Police Headquarters nor the Criminal Investigation Department had any record of the arrest or detention of Mr. Alshava and that his passport number was not registered in their files.

On 12 October 2014, Mr. Alshava's spouse returned to the Abu Dhabi Police Headquarters to submit the complaint in Arabic. Allegedly, the police refused to accept the document as it was not assigned to a case number. On the same day, she sent the complaint letter to the UAE Ministry of Interior. Over the following days, Mr. Alshava's wife sent different letters to Turkish and UAE authorities, as well as to several international and national human rights organizations in the Middle East region, calling for their support in clarifying her husband's fate and whereabouts.

Furthermore, despite having contacted several law firms in the UAE to secure a lawyer for her husband, Mr. Alshava's spouse has been unable thus far to hire legal counsel as they reportedly all refused to take a case concerning the State Security Agency.

On 14 October 2014, Mr. Alshava was allowed to make a telephone call to his spouse. The call appeared to have been made under supervision. During the telephone call, Mr. Alshava told his wife that he was being treated well and that he would be kept for a few more days due to formalities. He provided no information on his whereabouts or on who was detaining him. Mr. Alshava has been incommunicado since that date and his fate or whereabouts remain unknown.

Grave concern is expressed about the alleged arbitrary arrest, incommunicado detention and enforced disappearance of Mr. Amer Alshava, in particular as his fate or whereabouts are currently unknown. Further serious concern is expressed regarding the physical and psychological integrity of Mr. Alshava, in particular as he is held in incommunicado detention which puts him at high risk of torture or other ill-treatment.

While we do not wish to prejudice the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to these issues brought forth by the situation described above.

The allegations described above appear to be in contravention from Mr. Alshava's right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 13 and 14 of the Arab Charter on Human Rights, ratified by the UAE in 2008.

Regarding allegations that Mr. Alshava did not have proper access to a lawyer, we would like to refer your Excellency's Government to Article 16 of the Arab charter on Human Rights which stipulates that the accused must be promptly informed the nature and cause of the charge against him, to have adequate time and facilities to prepare his defence and contact relatives, to be tried in front of a judge and to defend himself or through legal assistance of his own choosing or with the assistance of his lawyer with whom he can freely and confidentially communicate. The right to be assisted by a lawyer is also set forth in the Basic Principles on the Role of Lawyers.

Moreover, we would like to remind your Excellency's Government that prolonged incommunicado detention in secret places can facilitate the perpetration of torture or other cruel, inhumane or degrading treatment or punishment and can in itself constitute a form of such treatment. In this context, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which the UAE accessed on 19 July 2012.

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 to the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Alshava in compliance with international instruments.

As it is our responsibility, under the mandates provided to use 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 comment which you may have on the above mentioned allegations.
2. Please provide detailed information on the fate and whereabouts of Mr. Alshava.
3. Please provide information concerning the legal grounds for the arrest and detention of Mr. Alshava and explain how these measures are compatible

with international and regional norms and standards as stated, inter alia, in the UDHR and the Arab Charter on Human Rights.

4. Please provide information concerning Mr. Alshava's access to legal representation and how these measures are compatible with international norms and standards as stated, inter alia, in the Arab Charter on Human Rights and the Basic Principles on the Role of Lawyers.
5. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to Mr. Alshava's detention. If no inquiries have taken place, or if they have been inconclusive, please explain why.
6. Please provide information relative to the measures taken to ensure the physical and psychological integrity of Mr. Alshava.

While awaiting your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Alshava 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. In particular, we urge that the fate and whereabouts of Mr. Alshava be immediately clarified and his family notified.

We also take this opportunity to inform your Excellency's Government that a copy of this letter will be shared with the authorities of the Republic of Turkey.

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.

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

Gabriela Knaut
Special Rapporteur on the independence of judges and lawyers

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Special Rapporteur on torture and other cruel, inhuman or degrading
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