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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 Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances

REFERENCE: UA G/SO 218/2 G/SO 217/1
ARE 4/2014

12 May 2014

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention and as Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances pursuant to Human Rights Council resolution 24/7 and decision 25/116.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding **the arrest and detention of Mr. Bader Hussain al-Abdulla al-Bahri**.

According to the information received:

Mr. Bader Hussain al-Abdulla al-Bahri is an Emirati citizen and a cousin of the Minister of Cabinet Affairs, His Excellency Mohammed bin Abdullah al-Gergawi. He is the head of psychosocial rehabilitation at the Training and Rehabilitation Center. On 22 April 2014, he received a phone call from the police, informing him that they received a complaint that his wife damaged someone's car. When he contacted his wife, she denied that it happened. Nevertheless, Mr. al-Bahri reported to al-Qusais police station and he was arrested by the security agents there. The security agents accompanied Mr. al-Bahri to his house and conducted a search of his house. His passport was confiscated and his family was informed that Mr. al-Bahri was being pursued by the State Security Services.

Mr. al-Bahri has not been charged to date and has no access to lawyers. While he managed to make one brief phone call to his family, he was unable to tell them his locations and his family does not know exactly where he is detained, except that he is in the hands of the State Security Services.

Concern is expressed that Mr. al-Bahri's whereabouts are unknown and he is held at a secret location without charges or being brought before a judicial authority.

While we do not wish to prejudge the accuracy of these allegations or to express an opinion on whether or not the detention of Mr. al-Bahri is arbitrary, the above allegations appear to be in contravention of his right not to be subject to arbitrary arrest, detention or exile, as set forth in article 9 of the Universal Declaration of Human Rights (UDHR), as well as the right to a fair and public hearing by an independent and impartial tribunal, as set forth in article 10 of the UDHR.

In relation to the allegation that Mr. al-Bahri's fate or whereabouts are currently unknown and that he is kept in a secret location, 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 an officially recognized 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 (article 12)

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org /can be provided upon request.

We would also like to bring to the attention of your Excellency's Government that should sources submit the allegations of enforced disappearance mentioned in this communication as cases 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 a separate correspondence.

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 Mr. al-Bahri in compliance with the above international instrument.

Moreover, 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, when relevant to the case under consideration:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on the legal grounds for the arrest and detention of Mr. al-Bahri and explain how such measures are compatible with the international human rights law and standards.

3. Please provide information on the fate or whereabouts of Mr. al-Bahri.
4. Please provide the details, and where available the results, of any investigation, judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

We will ensure that your Excellency's Government's response to this appeal will be available in the report that 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 Mr. Bader Hussain al-Abdulla al-Bahri 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.

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

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