

**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 defenders; 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**

REFERENCE: UA  
ARE 1/2015:

20 February 2015

Excellency,

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 defenders; 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, 27/1, 25/18, 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 three sisters; Ms. **Asma Khalifa al-Suwaidi**, Ms. **Meriem Khalifa al-Suwaidi** and Ms. **AlYazyeh Khalifa al-Suwaidi** by the United Arab Emirates State Security forces in Abu Dhabi.

The three women named above are the sisters of Dr. Issa Khalifa al-Suwaidi, who is the former Director of the Abu Dhabi Educational Zone and who has been sentenced to 10 years imprisonment as part of the so-called "UAE 94 trial", which raised serious concerns regarding due process and fair trial. The three women have actively advocated on the internet in defense of their brother Dr. Issa Khalifa al-Suwaidi.

Dr. Issa Khalifa al-Suwaidi was the subject of two previous joint urgent appeals. The first joint urgent appeal was sent on 7 November 2012 by the Chair-Rapporteur of the Working Group on Arbitrary Detention; Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the

rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on the independence of judges and lawyers. The second joint urgent appeal was sent on 16 April 2013 by the Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. We acknowledge receipt of the responses of your Excellency's Government dated 26 March 2013 and 10 June 2013. Dr. Issa Khalifa al-Suwaidi was also the subject of an Opinion adopted by the Working Group on Arbitrary Detention at its sixty-eighth session, from 13 to 22 November 2013, and sent on 9 September 2013, where the Working Group found that his detention was arbitrary.

According to the information received:

On the morning of Sunday 15 February 2015, Ms. Asma Khalifa al-Suwaidi went to the State Security offices in Abu Dhabi accompanied by her mother as she had been summoned. Her mother was asked to leave the premises, which she did. In the afternoon of Sunday 15 February 2015, Ms. Asma Khalifa al-Suwaidi's two sisters, Ms. Meriem Khalifa al-Suwaidi and Ms. AlYazyeh Khalifa al-Suwaidi went to the State Security offices in Abu Dhabi as they had also been summoned. The three women have reportedly not been seen since then.

After 9 p.m. on 16 February 2015, their mother received a telephone call from an anonymous caller, who merely stated, "Your daughters are fine". The caller did not disclose any further information. The family of the three sisters has not heard from them, nor been informed of their fate or whereabouts, and therefore they have been unable to hire a lawyer to defend them.

It is alleged that the above named individuals may have been arrested and disappeared for their activities on the internet in defense of their brother.

Grave concern is expressed about the physical and psychological integrity of Ms. Asma Khalifa al-Suwaidi, Ms. Meriem Khalifa al-Suwaidi and Ms. AlYazyeh Khalifa al-Suwaidi, in particular as their fate and whereabouts are reportedly unknown to date. Additional concern is expressed that they may be at high risk of torture or other ill-treatment.

While we do not wish to prejudge 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.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the individuals named above is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their 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. In addition, we would like to refer your Excellency's Government to principle 7 of the Basic Principles on the Role of Lawyers according to which, all arrested, detained or imprisoned persons shall have access to lawyer within 48 hours of detention.

In relation to the allegation that the fate and whereabouts of the three sisters are currently unknown, we would also like to draw attention to 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). We are also drawing your Excellency's Government's attention to the Working Group's General Comment on women affected by enforced disappearances (A/HRC/WGEID/98/2), which underlines that enforced disappearance of women and girls is an exacerbation of the violation of the multiplicity of rights protected by the Declaration on the Protection of All Persons from Enforced Disappearance and an extreme form of violence against children.

Moreover, we would like to remind your Excellency's Government, that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture or other cruel, inhuman 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 United Arab Emirates ratified on 19 July 2012.

We would also like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 6 and 12.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) / [www.wgeid.org](http://www.wgeid.org) or 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 Ms. Asma Khalifa al-Suwaidi, Ms. Meriem Khalifa al-Suwaidi and Ms. AlYazyeh Khalifa al-Suwaidi 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 comment which you may have on the above mentioned allegations.
2. Please provide information on the fate or whereabouts of Ms. Asma Khalifa al-Suwaidi, Ms. Meriem Khalifa al-Suwaidi and Ms. AlYazyeh Khalifa al-Suwaidi.
3. Please provide information concerning the legal grounds for the arrest and detention of Ms. Asma Khalifa al-Suwaidi, Ms. Meriem Khalifa al-Suwaidi and Ms. AlYazyeh Khalifa al-Suwaidi and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the Arab Charter on Human Rights.
4. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to these case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
5. Please provide information relative to the measures taken to ensure the physical and psychological integrity of Ms. Asma Khalifa al-Suwaidi, Ms. Meriem Khalifa al-Suwaidi and Ms. AlYazyeh Khalifa al-Suwaidi.

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. In particular, we urge that the fate and whereabouts of Ms. Asma Khalifa al-Suwaidi, Ms. Meriem Khalifa al-Suwaidi and Ms. AlYazyeh Khalifa al-Suwaidi be immediately clarified and their families notified.

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

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

Michel Forst  
Special Rapporteur on the situation of human rights defenders

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