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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandates of the Working Group on Arbitrary Detention 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 and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 15/18 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 situation of Mr. **Musab Al-Abood**, 26, citizen of the Syrian Arab Republic, residing in the United Arab Emirates. Mr. Al Abood works as truck driver. He is married with two children.

According to the information received:

On 6 May 2011, Mr. Al-Abood was arrested by the personnel of the Abu Dhabi security services and was sent to the State security prison in Abu Dhabi, United Arab Emirates where he was kept in solitary confinement for a period of three months. It is reported that Mr. Al-Abood was severely tortured, including by being subjected to so called "tiger position" (also known as roast chicken or *farouj*) for alleged belonging to, or of having links, with illegal or terrorist organizations. Mr. Al-Abood was reportedly interrogated while standing and holding a chair up with his hands. He was insulted and threatened with the use of an electric chair. Mr. Al-Abood was subjected to sleep deprivation and prevented from sitting for long periods of time. The cell where Mr. Al-Abood was held was cold and lit permanently with a shining flash light. Mr. Al-Abood was forced to sign papers while blindfolded.

On 8 August 2011, Mr. Al-Abood was transferred to the State Security Prosecution in Abu Dhabi, where he was interrogated about his links with the Syrian rebellion. He was also questioned about the activities he had had during his stay in Iraq between 2003 and 2004. Mr. Al-Abood denied all accusations brought against him. During the interrogation at the State Security Prosecution, fearing

further mistreatment, Mr. Al-Abood did not mention the torture he suffered. However, he claimed to have signed papers while blindfolded, which reportedly was not recorded by the investigator of the State Security Prosecution.

On 8 August 2011, Mr. Al-Abood was transferred to Al Wathba prison in Abu Dhabi, where he was held in solitary confinement for 9 days. The first court hearing took place on 22 January 2012, more than 8 months after his arrest. It is reported that following several hearings, in May 2012, Mr. Al-Abood was sentenced to 3 years of imprisonment based on the confession obtained under torture.

Mr. Al-Abood has been on a hunger strike since 27 June 2012, to protest the court verdict. It is reported that he is very weak and is currently at risk of losing consciousness.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the abovementioned person is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his 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).

Furthermore, we should like to appeal to your Excellency's Government to seek clarification of the circumstances regarding the case of the person named above. 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 UDHR.

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 your attention to article 7 of the Basic Principles for the Treatment of Prisoners, which provides that "efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged" (adopted by the General Assembly by resolution 45/111 of 14 December 1990).

Furthermore, we would like to draw your Excellency's Government's attention to paragraph 6b of Human Rights Council Resolution 8/8, which urges States "To take persistent, determined and effective measures to have all allegations of torture or other cruel, inhuman or degrading treatment or punishment promptly and impartially examined by the competent national authority, to hold those who encourage, order, tolerate or

perpetrate acts of torture responsible, to have them brought to justice and severely punished, 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 (the Istanbul Principles) as a useful tool in efforts to combat torture”.

We also recall that paragraph 6c of Human Rights Council resolution 8/8 of 2008 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”.

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 person 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. Has a complaint been lodged by or on behalf of the alleged victim?
3. Please provide the details, and where available the results, of any investigation, medical examinations, and 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.
4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please provide information on the measures undertaken to ensure that any statements on confession obtained under torture is excluded from judicial proceedings.
6. Please provide information on the steps taken by your Excellency's Government to abolish the use of solitary confinement in places of deprivation of liberty.

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 person 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.

El Hadji Malick Sow
Chair-Rapporteur of the Working Group on Arbitrary Detention

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