

**Mandates of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; 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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ARE 4/2015:

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/6, 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 detention, incommunicado detention, torture and ill-treatment, of 6 Libyan businessmen, namely Mr. Salim Alaradi and Mr. Mohamed Alaradi, brothers and both Libyan-Canadian citizens, Mr. Kamal Ahmed Al Darrat and Mr. Mohamed Kamal Al Darrat, father and son, both Libyan-American citizens, Mr. Adel Rajab Beleid Nasef, Libyan citizen, and Mr. Moad Mohamed Al Hashmi, Libyan citizen, in the United Arab Emirates (UAE).**

According to the information received:

***Mr. Salim Alaradi***

On 28 August 2014, Mr. Salim Alaradi, a Libyan-Canadian citizen, born 10 February 1968, was arrested by United Arab Emirates State Security officials while on vacation with his family in Dubai. Mr. Alaradi had been lawfully residing in the UAE for years, without facing any restrictions.

He was not shown an arrest warrant. He was initially held in a secret detention centre and his whereabouts remained unknown to his family for the first four months of his detention, as the UAE authorities refused to provide information, until a phone call was received and details of his location were provided.

Mr. Alaradi has not been charged with any crime to date. He has not had access to a defence lawyer nor has he been presented to a judge. He has only been presented to a federal prosecutor who has renewed his detention order every thirty days since. During the detention renewal hearings no observers were allowed and Mr. Alaradi has had no assistance from a lawyer.

Mr. Alaradi was initially subjected to 114 days of solitary confinement following his arrest in a secret detention location. He was detained in a cell without a bed or mattress but only the bare concrete floor. He was denied access to water for lengthy periods. His cell was monitored by cameras and exposed to light 24 hours a day. On 19 December 2014, he was moved to a shared cell in the al-Wathba prison in the Emirate of Abu Dhabi.

Mr. Alaradi was subjected to regular interrogations during which he was tortured in order to establish his alleged ties with the Libyan revolution and Muslim Brotherhood. The torture comprised beatings, suspension and hanging, pulling off nails, skin burning, pouring cold and hot water over his body and exposing him to air-conditioning and fans, and putting hard clips on his ears and neck. He was also deprived of sleep for several consecutive days. Furthermore, the interrogators threatened to rape Mr. Alaradi, his wife, his daughter and his mother. Mr. Alaradi was also sat on an electric chair and threatened to be electrocuted.

Mr. Alaradi suffers from serious health conditions, some pre-existent and others due to the prison conditions, including asthma, high cholesterol and vulnerabilities due to an open-heart surgery, an eye infection and bronchitis. He also lost a lot of weight and has developed a new condition in his back. He is given minimal medical care, and requests to see a doctor were rarely approved. Mr. Alaradi's health is deteriorating fast and he is reportedly in critical condition.

Lately, Mr. Alaradi has been visited by representatives of the Canadian consulate twice.

***Mr. Mohamed Alaradi***

On the same day as Mr. Salim Alaradi's arrest, his brother Mr. Mohamed Alaradi was also arrested and detained. During his detention, he was also subjected to torture and ill-treatment, similar to that described above. On 27 December 2014, Mr. Mohamed Alaradi was released along with three other Libyan detainees without explanation and deported.

***Mr. Kamal Ahmed Al Darrat***

Mr. Kamal Ahmed Al Darrat, who holds dual Libyan and American citizenship, born on 15 October 1957, businessman residing in the Dubai, United Arab Emirates, was arrested by UAE State Security officials on 26 August 2014.

He was not shown an arrest warrant nor was he informed of the charges against him. Mr. Al Darrat was only presented to the Prosecutor after 3 months of detention. Mr. Al Darrat's family hired a legal counsel to represent Mr. Al Darrat but he was refused access to his client. The State Security furthermore refused to provide the lawyer with any information about the case against Mr. Al Darrat, and did not allow him to be present during the interrogations of his client. Mr. Al Darrat has not been brought in front of a judge.

Mr. Al Darrat was initially subjected to detention in a secret detention location and held incommunicado. He was detained in a cell, blindfolded, and had his hands cuffed and legs shackled. On 19 December 2014, he was moved to a shared cell in the al-Wathba prison in the Emirate of Abu Dhabi.

Mr. Al Darrat was able to make a phone call to his family for the first time on 4 November 2014, more than two months after his arrest, and he has since continued to be able to make supervised calls to his family once or twice a month. His family was then able to visit him on 4 February 2015 and again on 1 April 2015 – both visits took place in the State Security Prosecutor's office in the presence of a police officer.

Mr. Al Darrat was allegedly subjected to regular interrogation under torture, including by kickings, beating with sticks, beating on his feet, whipping, electrocution, as well as by making him stand for long hours under air-conditioning with raised hands. This caused pain in his neck. He was threatened that the women in his family would be subjected to [REDACTED]. He was subjected to death threats with guns to his head and to strangulation with a rope

around his neck. Mr. Al Darrat was forced to make confessions under torture – he was blindfolded and forced to appoint his fingerprint on a document he was not able to read.

Mr. Al Darrat's health condition is very concerning. He suffers from spinal back pain, has undergone 3 back surgeries and is in constant need of physiotherapy. He has severe pain in his legs, suffers from pain in his neck and numbness in his upper body. Multiple requests to see a doctor during the first 4 months of detention were rejected. After his transfer to the al-Wathba prison in December 2014, in February 2015, he was able to see a doctor and has seen a specialist in April 2015 in the Almafrag Hospital who recommended physiotherapy. Mr. Al Darrat then saw another doctor in August 2015 who decided, contrary to the facts, that Mr. Al Darrat had finished his physiotherapy.

Mr. Al Darrat has been visited 3 times by representatives from the American consulate, the last time on 15 March 2015.

***Mr. Mohamed Kamal Al Darrat***

Mr. Mohamed Kamal Al Darrat (M.K. Al Darrat), a dual Libyan and American citizen, born on 25 June 1981, son of Mr. Kamal Al Darrat, businessman residing in Dubai, was arrested in Dubai on 28 August 2014. On 28 August, he received a phone call at home requesting him to go to the Bur Dubai police station without any explanation. He complied with the request. About two hours after going to the police station, Mr. M.K. Al Darrat was escorted back home by approximately 20 plain clothes members of the UAE State Security, who searched his house without a warrant and confiscated IT equipment, identification and other documents. They then proceeded to arrest him. He was not presented with an arrest warrant nor informed of the reasons for his arrest.

Mr. M.K. Al Darrat was blind-folded, his hands were cuffed, his feet were shackled and he was brought to a secret detention location where he was held incommunicado in solitary confinement. Mr. M.K. Al Darrat was able to make a phone call to his family for the first time on 4 November 2014. On 19 December 2014 he was moved to the al-Wathba prison in the Emirate of Abu Dhabi, where he was given a prisoner card.

Mr. M.K. Al Darrat was allegedly subjected to torture while undergoing regular interrogation. The torture included sleep deprivation, punching, slapping, beatings, whippings, and the use of laser beams causing extreme headaches. He was also drugged. During the interrogations he was blindfolded and his legs and

feet were chained. Ice cold water was poured over him and he was put in a freezer for several hours. Mr. M.K. Al Darrat was threatened as well as his family.

Mr. M.K. Al Darrat was forced to make confessions under torture – he was blindfolded and forced to appoint his fingerprint on a document he was not able to read.

Following this treatment, Mr. M.K. Al Darrat has a broken tooth and an infected ear. He was able to see a specialist for his ear but only given vitamins, and was not able to see a dentist.

Mr. M.K. Al Darrat's lawyer was not allowed access to his client, nor was he informed of the case against his client. Mr. M.K. Al Darrat was visited for the first time by a US consulate representative in March 2015.

***Mr. Adel Rajab Beleid Nasef***

Mr. Adel Rajab Beleid Nasef, a Libyan citizen, born on 22 February 1971 and usually residing in Ain Zara, Tripoli, Libya, was arrested on 24 August 2014 in a coffee shop in Dubai by UAE State Security agents. Mr. Nasef was not shown an arrest warrant.

Mr. Nasef has been held in a secret detention location for seven and a half months. To date, his family has not been notified his detention. Despite requesting legal representation, Mr. Nasef was denied access to a lawyer.

Mr. Nasef was subjected to torture and ill-treatment including [REDACTED]. He was subjected to 30 days in solitary confinement, without any human contact or communication of any sort, while being continuously interrogated. Furthermore, he was subjected to beatings, including on the face, and made to sit on an electric chair. This resulted in severe pain in his jaw and the loss of teeth. His feet and legs are still swollen from the hits. He was not provided with a blanket or mattress and had to sleep on the bare floor in his cell. He remains in detention.

***Moad Mohamed Al Hashmi***

Mr. Moad Mohamed Al Hashmi is a Libyan citizen, born on 8 September 1987 in Jeddah, Saudi Arabia. He usually resides in Dubai, United Arab Emirates. He was arrested on 28 August 2014 during a work meeting with his company by officers of the UAE State Security. He was not shown an arrest warrant. Mr. Al Hashimi

was denied phone calls for approximately 10 months, and he was denied access to a lawyer.

Following his arrest, Mr. Al Hashimi was then held incommunicado in solitary confinement in a secret detention location for approximately 7 and a half months. He was subjected to continuous interrogations during the first month in detention. He was denied sleep, access to the washroom for 2-3 days, and placed in a refrigerator. During interrogation, the interrogators would pour insects on Mr. Al Hashimi's body that would bite him while he was forced to confess offences imputed to him.

The torture and ill-treatment that Mr. Al Hashimi was subjected to included the pulling off of nails, electrical basin, suspension and hanging from the waist and chest with a chain, and whipping. He was blindfolded and subjected to hitting, fist punching and beating with sticks and belts by about 20 people which caused bruises all over his body. Mr. Al Hashimi was stripped off his clothes and threatened with [REDACTED]. Mr. Al Hashimi lost two nails on his feet and had two broken teeth.

After 7 and a half months Mr. Al Hashimi appeared before the federal Prosecutor General who he informed of the torture and ill-treatment he was subjected to in detention, but was nevertheless returned to the same detention location. He remains in detention.

We express our grave concern regarding the allegations of arbitrary arrest and detention, incommunicado detention and solitary confinement for prolonged periods, torture and ill-treatment, as well as extraction of confessions under torture of Mr. Salim Alaradi, Mr. Mohamed Alaradi, Mr. Kamal Al Darrat, Mr. Mohamed Kamal Al Darrat, Mr. Adel Nasef and Mr. Moad Mohamed Al Hashmi. Additional concerns are raised about the health conditions of Mr. Salim Alaradi, Mr. Kamal Al Darrat, Mr. Mohamed Kamal Al Darrat, Mr. Adel Nasef and Mr. Moad Mohamed Al Hashmi who are still in detention; and about the lack of respect for the most basic due process guarantees throughout their respective arrests and continued detention.

Without expressing at this stage an opinion on the facts of the case and in particular on whether the deprivation of liberty of the above named individuals is arbitrary or not, we 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 be afforded 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. With

regard to the allegations that these persons were not granted access to a lawyer to ensure the protection of their rights, we would like to refer your Excellency's Government to article 16 of the Arab Charter on Human Rights. The right to have access to a lawyer is also enshrined in the UN Basic Principles on the Role of Lawyers.

Furthermore, we are recalling the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which the UAE accessed on 19 July 2012. QArticle 15 of the CAT prohibits the use of information obtained under torture as evidence in any proceeding. Furthermore, paragraph 27 of General Assembly Resolution 68/156 reminds states that prolonged incommunicado detention or detention in secret can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment.

With regards to the allegations of solitary confinement, we refer to the report by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/66/268), which asserts that the use of prolonged solitary confinement amounts to torture in itself and runs afoul of this absolute prohibition. Due to the prisoner's lack of communication, and the lack of witnesses, solitary confinement enhances the risk of other acts of torture or ill-treatment

Last, Principle 9 of the United Nations Basic Principles for the Treatment of Prisoners, adopted and proclaimed by General Assembly resolution 45/111, recommends that all prisoners should have access to the health services available in the country. Additionally, Rules 22(2) and 25(1) of the Standard Minimum Rules for the Treatment of Prisoners refer to the responsibility of the authorities to ensure access to appropriated medical care and treatment.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

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 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 any comment you may have on the above mentioned allegations.
2. Please provide information concerning the legal grounds for the arrest and detention of Mr. Salim Alaradi, Mr. Mohamed Alaradi, Mr. Kamal Al Darrat, Mr. Mohamed Kamal Al Darrat, Mr. Adel Nasef and Mr. Moad Mohamed Al Hashmi, and explain how these measures are compatible with international and regional human rights norms and standards as stated, inter alia, in the UDHR and the Arab Charter on Human Rights.
3. Please provide information relative to the measures taken to ensure the physical and psychological integrity of Mr. Salim Alaradi, Mr. Mohamed Alaradi, Mr. Kamal Al Darrat, Mr. Mohamed Kamal Al Darrat, Mr. Adel Nasef, and Mr. Moad Mohamed Al Hashmi, including their access to adequate medical care and treatment.
4. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to the allegations of torture and ill-treatment. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators? If no inquiries have taken place, or if they have been inconclusive, please explain why.
5. Please provide information on steps taken by the relevant authorities to ensure that no confession of guilt extracted under torture is being used in judicial proceedings against these individuals, and that their right to due process and fair trial are effectively respected.
6. Please provide information on steps taken to prevent similar violations from reoccurring in the future.

In light of the nationalities of the above-named victims, a copy of this letter will be shared with the governments of Libya, Canada and the United States of America.

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.

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.

Dainius Puras

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highest attainable standard of physical and mental health

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