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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; the Working Group on Enforced or Involuntary Disappearances; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

REFERENCE: UA G/SO 218/2 G/SO 217/1 Terrorism (2005-4) G/SO 214 (53-24)
BHR 2/2014

17 January 2014

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; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 16/16, 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 alleged arrest and detention of Mr. **Aqeel Abdul Rasool Mohamed Ahmed**, as well as the alleged enforced disappearances of [REDACTED] and Messrs. **Ahmed Mohammed Saleh Al Arab**, **Mansoor Ali Mansoor Al Jamri**, and **Hussain Al Ghasra**.

According to the information received:

On 29 December 2013, Mr. Aqeel Abdul Rasool Mohamed Ahmed, born in June 1978, was arrested from the house of his relative by masked men in civilian clothes believed to be members of the security team of the criminal investigation department. According to that information, on 31 December 2013, the alleged perpetrators went to the house from where Mr. Ahmed was arrested to search for a bag. During the search, Mr. Ahmed was put on the phone with a person associated with him to describe the location of the bag. On 2 January 2014, Mr. Ahmed was accused of joining a terrorist group in a public announcement by the public prosecutor. According to the same announcement, Mr. Ahmed confessed having committed the crimes that he was accused of. Concerns have been raised that the confession might be a result of torture. On 6 January 2014, Mr. Ahmed informed persons associated with him that he was held at Dry Dock detention center. However, Mr. Ahmed's family has not been allowed to visit him.

On 8 January 2014, [REDACTED], born on 22 October 1996, 17 years old, was allegedly last seen in the village of “Markh” when he was visiting a friend. According to the source, after his alleged disappearance, [REDACTED] was reportedly seen at a military hospital. It was further reported that persons associated with [REDACTED] were not allowed by the security guards to visit him at the hospital. The family of [REDACTED] has not been informed of his fate and whereabouts.

On the early morning of 9 January 2014, Messrs. Ahmed Mohammed Saleh Al Arab, Mansoor Ali Mansoor Al Jamri and Hussain Al Ghasrah were allegedly abducted by police officers, from the apartment of Mr. Hussain Al Ghasrah, in Hamad Town. It was reported that Mr. Al Arab was beaten by the policemen before he was taken away with the other two individuals to an unknown location. According to the source, prior to the alleged abduction, Mr. Al Arab was on a list of wanted persons of the police, reportedly as a consequence of his participation in protests. In April 2012, Mr. Al Jamri had been previously sentenced to six-month imprisonment and was reportedly subjected to beatings and torture when he was in prison. After the alleged abduction, Mr. Al Arab’s home was reportedly raided by security forces. According to the source, the police denied holding Mr. Al Arab. At the time of the present communication, the fate and whereabouts of Messrs. Ahmed Mohammed Saleh Al Arab, Mansoor Ali Mansoor Al Jamri and Hussain Al Ghasrah remain unknown.

Concern is expressed that the confession made by Mr. Aqeel AbdulRasool Mohamed Ahmed might have resulted from torture. Grave concern is raised that the fate and whereabouts of [REDACTED] and Messrs. Ahmed Mohammed Saleh Al Arab, Mansoor Ali Mansoor Al Jamri, and Hussain Al Ghasra are unknown; and that Messrs. Ahmed Mohammed Saleh Al Arab, Mansoor Ali Mansoor Al Jamri, and Hussain Al Ghasrah are at risk of being subjected to torture. Grave concern is also expressed for the physical and mental integrity of the aforementioned individuals.

While we do not wish to prejudge the accuracy of these allegations, we should like to appeal to your Excellency’s Government to seek clarification of the circumstances regarding the cases of the persons 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 Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

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 like to draw the attention of your Excellency’s Government to article 15 of the CAT, which provides that, “Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.”

We also recall that paragraph 7c of Human Rights Council Resolution 16/23 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, and calls upon States to consider extending that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, recognizing that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;”

Without expressing at this stage an opinion on whether the detention of the abovementioned persons 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, and articles 9 and 14 of the International Covenant on Civil and Political Rights.

In relation to the allegations according to which the fate and whereabouts of [REDACTED] and Messrs. Ahmed Mohammed Saleh Al Arab, Mansoor Ali Mansoor Al Jamri, and Hussain Al Ghasra are unknown, we would like to bring to your Excellency’s Government’s attention the United Nations Declaration on the Protection of All Persons from Enforced Disappearance which sets out necessary protection by the State, and in particular:

- article 2.1 (no State shall practice, permit or tolerate enforced disappearances);
- article 3 (each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction);
- article 7 (no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances); and
- article 10 (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; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest).

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 the above-mentioned persons 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 above summary of the case accurate?
2. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
4. Please provide information on the fate and whereabouts of [REDACTED] and Messrs. Ahmed Mohammed Saleh Al Arab, Mansoor Ali Mansoor Al Jamri, and Hussain Al Ghasra. If their fate and whereabouts are unknown, please provide the details on any investigation or other inquiries which may have been carried out. If no inquiries have taken place, or if they have been inconclusive, please explain why.
5. Please provide information concerning the legal grounds for the arrest and detention of Mr. Aqeel Abdul Rasool Mohamed Ahmed, and the alleged arrest of Messrs. Ahmed Mohammed Saleh Al Arab, Mansoor Ali Mansoor Al Jamri and Hussain Al Ghasrah, and how these measures are compatible with international norms and standards as stated, inter alia, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

We undertake to ensure that your Excellency's Government's response will be available 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 persons 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.

Given the seriousness and urgency of the allegations, we would like to inform your Excellency's Government that we are considering issuing a press release on the issues contained herein in the near future.

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

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