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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders

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Excellency,

We have the honour to address you in our capacity as 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; and the Special Rapporteur on the situation of human rights defenders pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/16, 16/4, 15/21, and 16/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding Mr. **Sheick Mohammad Abdel Razzak Al-Sadick**, Dr. **Ali Hussein Al-Hamadi**, Dr. **Shahin Abdallah Al-Huwsseni**, Mr. **Hussein Mounif Al-Jaberi**, Mr. **Hassan Mounif Al-Jaberi**, Mr. **Ibrahim Hassan Marzouki**, Mr. **Ahmed Gheith Sweidi**, Dr. **Ahmed Yousef Al-Zaabie**, members of the Society for Reform and Social Guidance (Islah Association), and Sheikh Dr. Sultan Bin Kayed Al-Qasimi, the Chairman of the same organization.

We would also like to bring to the attention of your Excellency's Government new information we have received about the case of Mr. **Saleh Al-Dhufairi**, an online activist, general manager of the Holy Koran Foundation and also member of the Islah Association. Mr. Al-Dhufairi was the subject of an urgent appeal sent to your Excellency's Government on 18 April 2012.

According to the information received:

Dr. Ali Hussein Al-Hamadi, Dr. Shahin Abdallah Al-Huwsseni and Messrs. Sheick Mohammad Abdel Razzak Al-Sadick, Hussein Mounif Al-Jaberi, Hassan Mounif Al-Jaberi, Ibrahim Hassan Marzouki, Ahmed Gheith Sweidi were

summoned to the immigration office in Abu Dhabi in December 2011. They were allegedly informed that their United Arab Emirates nationality had been revoked and were instructed to turn in all identification documents, including their passports, driver's licenses, National Registration Books, medical cards and national identifications cards. It is reported that they were not shown a copy of the decree authorizing the action taken. It is further reported that they needed to find sponsors, as they no longer had any legal status in the United Arab Emirates. They were allegedly warned that if they could not find such sponsors, they would be in violation of the law and may face imprisonment.

Subsequent reports indicate that an order was issued by the President on 4 December 2011 to revoke their citizenships because they had committed acts posing a threat to the security and safety of the State, due to alleged links with groups that fund terrorism. It is reported that the 1972 Naturalization Law allows naturalized citizenship to be withdrawn if a person "commits or attempts to commit an act that poses threat to the security and safety of the State". All seven individuals are reportedly reform activists and members of the Islah Association, whose board of directors was reportedly dissolved by the authorities in 2011 and replaced by representatives appointed by the State. Members of the Islah Association subsequently brought a case to the courts seeking for this decision to be reversed. It is reported that some of the subjects of this urgent appeal had signed a reform petition, directed at the Head of State in March 2011, which called for reforms of the legislature, including electoral reforms and more transparent procedures for decision-making.

On 25 March 2012 it is alleged that Mr. Al-Sadick was arrested by the Al-Sharjah Emirate police at 5 a.m. It is alleged that prior to his arrest Mr. Al-Sadick had criticized a speech given by the Governor of Sharjah on his Twitter account. He was released a few hours later.

It is further alleged that on 26 March 2012 Mr. Sweidi and Dr. Ahmed Yousef Al-Zaabie were surrounded by security forces in six cars on the outskirts of Abu Dhabi. The security forces reportedly intended to arrest Mr. Sweidi, but upon the request of Dr. Al-Zaabie they were not able to provide an arrest warrant. The security forces proceeded to arrest both individuals. It is further reported that on 30 March 2012 Dr. Al-Zaabie was charged with obstructing public officials from enforcing the law.

It is further reported that a court order calling for the release of Dr. Al-Zaabie was issued on 15 April 2012, and that he was eventually released on bail on 17 April 2012. However, his family reportedly remains unaware of his whereabouts since his alleged release.

On 9 April 2012, Dr. Al-Hamadi, Dr. Al-Huwsseni and Messrs. Al-Sadick, Marzouki, Hussein Al-Jaberi and Hassan Al-Jaberi were reportedly told by the Ministry of the Interior to report to the Department of Immigration and

Citizenship in Abu Dhabi. When they presented themselves at the immigration authority, they were reportedly told to sign a document stating that they were in the country illegally and that they had two weeks to seek another nationality in order to legalise their presence in the country. The six individuals allegedly refused to sign the document, maintaining that they are UAE nationals. They were arrested as a result and are reportedly being held in Al-Shahama jail in Abu Dhabi.

On 20 April 2012, Sheikh Dr. Sultan Bin Kayed Al-Qasimi was arrested by security authorities in Ras Al Khaimah. Allegedly the security officials did not present a warrant upon the arrest. Sheikh Dr. Al-Qasimi was brought to the Governor's Palace where he is reportedly being held in solitary confinement.

Mr. Saleh Al-Dhufairi was arrested at a mosque in Ras al-Khaimah on 29 April 2012 by 10 plain-clothes officials. It is reported that no arrest warrant was presented at the time of the arrest. The officials did reportedly not respond to a request by Mr. Al-Dhufairi's son, who was present during the arrest, to reveal where his father was being taken. It is alleged that one of the group of 10 identified himself as a policeman and another one as a member of the Amn al-Dawla (State Security) agency. Attempts by his family to search for him at the Ras al-Khaimah police station were unsuccessful, as the officers at the station reportedly denied any knowledge of his arrest. Mr. Al-Dhufairi had previously been questioned for three hours on 23 April 2012 at the Public Prosecution Office in Abu Dhabi, in reference to his posts put on Twitter criticizing the State Security apparatus.

Serious concern is expressed that the withdrawal of nationality of the aforementioned individuals concerned is linked to their legitimate activities in defence of human rights and promotion of democratic reform in the United Arab Emirates. Concern is further expressed about their continued detention and lack of fulfilment of their basic rights, including the right to work and right to social protection, as a result of having their nationality revoked. Concern is further expressed about the solitary confinement of Sheikh Dr. Al-Qasimi and the disappearance of Dr. Al-Zaabie and Mr. Al-Dhufairi. Serious concern is also expressed that the measures taken against the aforementioned individuals seem to target the Islah Association in an attempt to intimidate and silence it.

Without in any way implying any determination on the facts of the case, we would like to refer your Excellency's Government to the fundamental principles set forth in 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, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political

and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice."

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 6, points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.
- article 12, paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

In relation to the allegations according to which the fate and whereabouts of Dr. Al-Zaabie and Mr. Al-Dhufairi 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 (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 6 (no order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance); and
- article 10 (right to access of competent national authorities to all places of detention; 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).

- article 11 (all persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability fully to exercise their rights are assured).

We would further like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the Universal Declaration of Human Rights which provides that "[e]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Moreover, we wish also to reiterate the principle enunciated in Human Rights Council Resolution 12/16, which calls on States, while noting that the exercise of the right to freedom of opinion and expression carries with it special duties and responsibilities, to refrain from imposing restrictions including on (i) discussion of government policies and political debate; reporting on human rights, government activities and corruption in government; engaging in election campaigns, peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

We would also like to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of assembly, as recognized in article 20(1) of the Universal Declaration of Human Rights, which provides that "[e]veryone has the right to freedom of peaceful assembly and association."

In this context, we would like to refer to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that "Calls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely... including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law."

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.

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. Has a complaint been lodged by or on behalf of the alleged victims?
3. 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.
4. Please provide full details of the legal grounds for revoking the nationality of Mr. Sheick Mohammad Abdel Razzak Al-Sadick, Dr. Ali Hussein Al-Hamadi, Dr. Shahin Abdallah Al-Huwsseni, Mr. Hussein Mounif Al-Jaberi, Mr. Hassan Mounif Al-Jaberi, Mr. Ibrahim Hassan Marzouki, Mr. Ahmed Gheith Sweidi, and for their continued detention.
5. Please provide full details of the legal grounds for the detention of Sheikh Dr. Sultan Bin Kayed Al-Qasimi.
6. Please provide any details as to the whereabouts and physical condition of Dr. Ahmed Yousef Al-Zaabie and Mr. Saleh Al-Dhufairi.
7. Please provide information concerning the legal grounds for the revocation the board of directors of the Islah Association and how these measures are compatible with international norms and standards as stated in the Universal Declaration of Human Rights
8. Please indicate what measures have been taken to ensure that human rights defenders, including civil society and activists, can operate in an enabling environment and can carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind.

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.

Please accept, Excellency, the assurances of our highest consideration.

Olivier de Frouville
Chair-Rapporteur of the Working Group on Enforced or Involuntary
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