

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 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 Special Rapporteur on the situation of human rights defenders, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 25/18, 25/2, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrest, detention and risk of extradition of Mr. **Abdulrahman Khalifa Salem Binsobeih** from Indonesia to the United Arab Emirates.

Mr. Abdulrahman Khalifa Salem Binsobeih is a human rights defender from the United Arab Emirates and the former executive director of the Reform and Social Guidance Association (Al Islah), a civil society organization that worked in sectors such as education and charity and called for political reform in the United Arab Emirates, before its ban by State authorities in 2011. He was a subject of previous communications sent to the UAE Government in relation to the group of individuals known as the "UAE 94", dated 7 November 2013, see A/HRC/25/74, case no. ARE 5/2013; 6 August 2013, see A/HRC/25/74, case no. ARE 4/2013; and 16 April 2013, see A/HRC/24/21, case no. ARE 1/2013.

According to the information received:

On 2 July 2013, Mr. Abdulrahman Khalifa Salem Binsobeih was sentenced in absentia to 15 years' imprisonment by the Federal Supreme Court of the United

Arab Emirates as one of 69 individuals including human rights lawyers, judges, student leaders, academics and other members of the non-governmental organisation Al Islah, tried on charges of establishing, organizing and running a clandestine organisation to overthrow the Government. The arrest, detention and trial of the 69 individuals (so-called "UAE 94 trial") were alleged to have included numerous irregularities, including arbitrary and incommunicado detention, the use of torture and/or cruel, inhuman and degrading treatment, a lack of fair trial and due process guarantees, and a lack of independence of the judiciary.

On 2 October 2015, Mr. Binsobeih was arrested in the city of Batam, in the Riau Islands Province of Indonesia, and detained in the Police Office of the District of Batam, on allegations of illegal residency.

Immediately after Mr. Binsobeih's arrest, a request was made by the Embassy of the United Arab Emirates in Indonesia for Indonesian police to deliver Mr. Binsobeih to them, in order to facilitate his repatriation to serve his outstanding prison sentence in the UAE. This request was allegedly refused. Despite this, it is alleged that Emirati authorities, including the State's intelligence services, continue to seek cooperation of the Indonesian authorities in Mr. Binsobeih's extradition.

On 19 December 2015, Mr. Binsobeih will appear before the Batam District Court (Pengadilan Negeri Batam) for the first hearing in the residency-related case against him.

Concern is expressed that Mr. Binsobeih may be extradited from Indonesia to the United Arab Emirates, where he will be required to serve a lengthy prison sentence, which was ruled against him following a trial of alleged unfairness and fault of due process and which was allegedly based solely on his peaceful and legitimate human rights work, exercising his right to freedom of opinion and expression. Further concern is expressed that, if extradited to the United Arab Emirates, Mr. Binsobeih may face risks of being subjected to ill-treatment or torture as retaliation for fleeing from the country following the unjust proceedings against him.

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 the issues brought forth by the situation described above.

We would like to call your attention to articles 1, 2, 3, 5 and 14 of the Universal Declaration of Human Rights (UDHR), as well as articles 2 and 7 and of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Indonesia on 23

February 2006, which guarantee the rights to non-discrimination and freedom from subjection to torture or to cruel, inhuman or degrading punishment. Further we also refer to articles 19 of both UDHR and ICCPR which guarantee the right to freedom of opinion and expression.

We would also like to call your attention to the UN Convention against torture and other cruel, inhuman or degrading treatment or punishment (CAT), which was ratified by Indonesia on 28 October 1998, in particular Article 3(1) of the Convention that states that “No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” We would also like to refer to paragraph 9 of the General Comment No. 20 of the Human Rights Committee in which it states that State parties “must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of extradition, expulsion or refoulement.”

We also wish 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, and 12.

The full texts of the human rights instruments and standards recalled above are available on 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 person(s) in compliance with international instruments.

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 details as to the legal grounds for the arrest and detention of Mr. Abdulrahman Khalifa Salem Binsobeih, including the basis of the above-mentioned allegations made against him. Please provide information on how these measures are compatible with international norms and standards.
3. Please provide detailed information concerning the steps taken to assess the potential risks related to the expulsion of Mr. Abdulrahman Khalifa Salem

Binsobeih and the measures available in Indonesia for the protection of human rights defenders who may be victims of persecution in their country of origin.

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.

Michel Forst
Special Rapporteur on the situation of human rights defenders

David Kaye
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

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