

Mandates of the Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

REFERENCE: UA
USA 11/2014:

10 July 2014

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 resolution 24/7 and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received regarding the alleged arbitrary, incommunicado detention and possible disappearance of Mr. Sharif Mobley, a U.S. citizen who was initially apprehended in January 2010 upon suspicion of involvement in "terrorist" activities. I have written in this connection to the Government of Yemen.

According to the information received:

Mr. Sharif Mobley is a citizen of the United States of America, born on [REDACTED]. He went to live in Yemen with his wife and young daughter in mid-2008. However, they decided to return to the United States in late 2009, because of the deteriorating security situation in Yemen.

When Mr. Mobley presented himself at the U.S. Embassy in Sana'a, the U.S. officials refused to process the family's travel documents and interrogated him about his contacts and activities in Yemen. After he left the Embassy, he noticed that he was being followed to his home. The family returned to the Embassy several times for assistance to no avail.

On the morning of 26 January 2010, two white vans pulled up in front of a small shop on Souq al-Maqaleh Street in Sana'a where Mr. Mobley had tea. Eight armed men dressed in black and with balaclavas came out of the vans and tried to apprehend him. They did not identify themselves nor did they show a warrant. Mr.

There, for the first time, he was able to contact his family by phone on 12 April 2010, and a lawyer on 19 May 2010.

In about September 2010, Mr. Mobley was transferred to the Central Prison in Sana'a. He was last seen by his lawyers there on 27 February 2014 and his fate and whereabouts have been unknown since then. His lawyers, who visited the Central Prison on 22 March 2014, were told that he had been transferred to the Political Security prison; however, they could not find him there. They submitted a request to the Central Prison for information about him, and whilst the administration confirmed his transfer out they did not provide information about his destination. The administration denied that he was in either the Political Security prison or the National Security prison. Mr. Mobley's disappearance occurred the night before a court hearing was scheduled, in which his defense lawyers intended to introduce extensive evidence about the United States' role in his arbitrary and prolonged incommunicado detention.

On 7 April 2014, Mr. Mobley's lawyers requested U.S. Embassy officials to locate him and to facilitate their access to him. The U.S. officials indicated that they were aware that he had disappeared but the Government of Yemen refused to disclose his whereabouts because of "security concerns".

On 10 April 2014, Mr. Mobley's lawyers enquired about him at a detention facility run by Yemen's Central Security organization, a paramilitary force allegedly equipped and funded by the U.S. Government to combat Al-Qaeda. Authorities there denied detaining him. The lawyers wrote to the Minister of Interior on the same day, requesting access to him. On 14 April 2014, they wrote to the U.S. Embassy, reiterating their request for information about his whereabouts, noting the possibility that he may be held by the Central Security organization. The U.S. officials did not provide any information about his whereabouts.

On 10 and 25 June 2014, Mr. Mobley was scheduled to appear in court for hearings. However, on both occasions, the Yemeni authorities did not produce him, invoking deteriorating security conditions. To date, neither his family nor his lawyers have been informed of whereabouts.

We express serious concern that Mr. Mobley, who is a US citizen, has allegedly been detained without charge or trial since 16 January 2010, that he been held almost continuously incommunicado since, and that his whereabouts are currently unknown to his family and his lawyers. We are also concerned at allegations that he has been interrogated repeatedly, physically ill-treated or even tortured and subject to various threats against him and his family, including allegedly by the US officials.

2) any new charges that may have been brought against him in connection with his attempted escape and alleged killing of a security guard;

3) the legal grounds for his repeated interrogation by the US officials in the various places where he was detained without contacts with his lawyers and family;

4) the allegations that the US officials who visited him subjected him to threats of various forms of ill-treatment or even torture, including vis-à-vis his family, and in how these interrogations and alleged threats are compatible with the international human rights law obligations of Your Excellency's Government under the treaties it has ratified;

5) the substance of any investigation, judicial or otherwise, which the US authorities may have conducted into what appears to be the arrest, detention, including incommunicado detention, and ill-treatment of this person, and into the alleged collaboration of the US officials in these proceedings.

This appeal and 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 my highest consideration.

Mads Andenas
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