

Mandates of the Working Group on Arbitrary Detention; 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; the Special Rapporteur on the situation of human rights defenders; 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

REFERENCE:
UA ARE 1/2017

27 March 2017

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; 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; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 33/30, 27/1, 25/2, 32/32, 25/18, 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 the **arrest, secret detention, and risk of enforced disappearance of Mr. Ahmed Mansoor**, a prominent human rights defender and blogger in the United Arab Emirates (UAE). Considering Mr. Mansoor's collaboration with the Human Rights Council, its special procedures, the universal periodic review mechanism and treaty bodies, we are concerned that the measures adopted against him may amount to acts of intimidation and reprisal for his cooperation with the United Nations and its mechanisms.

Mr. Ahmed Mansoor is a renowned human rights defender in the UAE, and a member of the Advisory Board of the Gulf Centre for Human Rights, as well as of the Advisory Committee of Human Rights Watch's Middle East and North Africa Division. He was a laureate of the Martin Ennals Award in 2015, and he has made valuable contributions to the work of the UN human rights mechanisms by providing substantial collaboration.

Mr. Mansoor was the subject of three joint urgent appeals sent on 20 June 2013 (ARE 3/2013), 18 April 2012 (ARE 2/2012), and on 25 November 2011 (ARE 8/2011), concerning acts of reprisals for cooperation with UN human rights mechanisms, as well as intimidation and prosecution under national security charges. We regret that your Excellency's Government did not reply to these communications.

According to the information received:

In the early morning of 20 March 2017, 12 security agents arrived at Mr. Mansoor's apartment in Ajman and began to search the family home. After the security broke into the apartment, laptops and other equipment were confiscated and Mr. Mansoor was arrested and taken to an unknown location.

The reasons behind his arrest, and the alleged charges against him, remain unknown to date. No information is available concerning his place of detention. He has reportedly had no contact with his family or a lawyer and has not been presented before a court of law since the date of his arrest.

Prior to his arrest, Mr. Mansoor had called for the release of another Emirati human rights activist on a *Twitter* post. He had likewise signed a letter, along with other activists in the region, addressed to the Arab leaders during the Arab Summit in Jordan, calling for the release of all prisoners of conscience in the Middle East.

Mr. Mansoor was previously arrested by Emirati authorities in March 2011, when he, along with 132 other men and women, signed a petition calling for democratic reform in the UAE, including universal suffrage. On that occasion, Mr. Mansoor was sentenced to three years' imprisonment but later pardoned and released. However, he has been banned from travel and had his passport confiscated ever since.

We express serious concern at the alleged arrest, secret detention, and risk of enforced disappearance of Mr. Ahmed Mansoor, which appear to be related to his work as a human rights defender, and to the expression of support for fellow human rights defenders who are detained. Likewise, we express serious concern at the fact that these acts may constitute acts of intimidation and reprisal for his collaboration with UN human rights mechanisms. Further, we express deep concern at the possibility that Mr. Mansoor, who is allegedly being held in secret detention, might currently be subjected to cruel, inhumane and degrading treatment, or treatment amounting to torture. We express additional concern at the reported lack of an arrest warrant and judicial oversight of his arrest and detention, representing a breach of fundamental principles of due process under international human rights law. We reiterate our concerns at the travel ban against Mr. Mansoor and the confiscation of his passport. Finally, we express our profound dismay at the context of harassment and intimidation existing in the UAE for human rights defenders.

While we do not wish to prejudice 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 this situation.

In particular, we would like to refer your Excellency's Government to articles 3, 5, and 9 of the Universal Declaration of Human Rights (UDHR), largely regarded as reflecting customary international law, as well as articles 5, 8, 13, and 15 of the Arab

Charter on Human Rights, ratified by the UAE in 2008. These provisions establish the rights to life, liberty and security of person, as well as the prohibition of torture or cruel, inhuman or degrading treatment, and arbitrary arrest. Similarly, articles 10 and 11 of the UDHR and article 14 of the Arab Charter determine that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, and that everyone charged with a penal offence has the right to be presumed innocent until proven guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

Furthermore, articles 1, 2 and 16 of the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, acceded by your Excellency's Government in 2012, establish the absolute and non-derogable prohibition of torture and other ill-treatment.

Likewise, we would like to remind your Excellency's Government that incommunicado detention in a secret detention place jeopardizes the presumption of innocence, may facilitate the perpetration of torture or other forms of cruel, inhumane and degrading treatment or punishment, and can amount in itself to ill-treatment.

Moreover, we would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression, as well as the right to freedom of association, in accordance with fundamental principles as set forth in article 19 and 20 of the UDHR. We highlight that this right applies online as well as offline.

In relation to the allegations according to which the fate and whereabouts of Mr. Mansoor are currently unknown, we are referring your Excellency's Government to the prohibition to practice, permit or tolerate enforced disappearance, as enshrined in the United Nations Declaration on the Protection of All Persons from Enforced Disappearances (article 2); the obligation to take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance (article 3); that no order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance (article 6); that 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 (article 7); the 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 and the obligation to make available accurate information on the detention of persons and their place of detention to their family, counsel or other persons with a legitimate interest (article 10); and the obligation to maintain in every place of detention an official up-to-date register of detained persons (article 12).

We would like to further 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, usually referred to as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration, which state that everyone has the right 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.

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 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 detailed information of the fate and whereabouts of Mr. Mansoor, including the place of his detention, the conditions under which he is being held, and the measures adopted to protect him from torture and cruel, inhumane or degrading treatment.
3. If his fate and whereabouts are unknown, please provide the details on any investigation or other queries which may have been carried out. If no queries have taken place, or if they have been inconclusive, please explain why.
4. Please provide information about the legal basis for the arrest and the charges brought against Mr. Mansoor, and explain how these are compatible with international human rights standards. Likewise, please provide information on the measures taken by your Excellency's Government to ensure that he is granted access to a lawyer, and that his detention is reviewed by an independent court of law.

While awaiting a reply, we urge your Excellency's Government to take all necessary measures to ensure that the rights and freedoms of Mr. Ahmed Mansoor are fully respected, and that accountability by the responsible person(s) for these actions is ensured. We call on your Excellency's Government to immediately inform the family and legal representation of Mr. Mansoor of his place of detention and the charges pending against him and allow them to visit him. Further, we request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

We would like to bring to the attention of your Excellency's Government that should the sources submit the allegations concerning Mr. Mansoor as a case 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 separate correspondence.

We would also to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such urgent appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

We would further like to inform your Excellency's Government that we are intending to publicly express our concerns on the matter in the near future as we are of the view that the information upon which the press release will be based is sufficiently reliable to warrant immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

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

José Guevara
Vice-Chair of the Working Group on Arbitrary Detention

Houria Es-Slami
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

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

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