

Mandates of the Working Group on Enforced or Involuntary Disappearances; and the Special Rapporteur on extrajudicial, summary or arbitrary executions

REFERENCE:
UA ARE 3/2018

6 December 2018

Excellency,

We have the honour to address you in our capacity as Working Group on Enforced or Involuntary Disappearances; and Special Rapporteur on extrajudicial, summary or arbitrary executions, pursuant to Human Rights Council resolutions 36/6, 35/15.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the continuous enforced disappearance and alleged death of Ms. Sheikha Latifa al Maktoum**.

Ms. Sheikha Latifa Mohammed Al Maktoum is an Emirati national, daughter of the Vice President and Prime Minister of the United Arab Emirates (UAE), and ruler of Dubai, Sheikh Mohammed bin Rashid al-Maktoum.

Ms. Latifa has been the subject of an urgent action procedure sent to your Excellency's Government with a copy to the Government of India, on 2 May 2018, by the Working Group on Enforced or Involuntary disappearance (A/HRC/WGEID/115/1, para.115-116). We regret that no reply has been received in relation to this communication.

The Working Group notes that the new information received about her alleged killing raises additional concern as to her fate and whereabouts.

According to the information received:

Ms. Sheikha Latifa Mohammed Al Maktoum was reportedly abducted aboard a US-flagged yacht, The Nostromo, while she was attempting to flee from Dubai to the United States through Oman and India, in order to claim asylum, during the night of 3 to 4 March 2018.

According to witnesses, the yacht, was intercepted by the Indian Coast Guard. Ms. Sheikha Latifa Mohammed Al Maktoum was reportedly initially detained by Indian officials off the coast of Goa, and handed with the other occupants of The Nostromo over to the UAE authorities. This was the last time that Ms. Sheikha Latifa Mohammed Al Maktoum was seen.

The Nostromo occupants were reportedly taken back to the UAE, detained in a military base for two weeks during which they were interrogated, threatened with

death and forced to sign false statements. They were later all released except Ms. Sheikha Latifa Mohammed Al Maktoum who has disappeared since her arrest.

Reports from reliable sources alleged that Sheikha Latifa may be dead. It is believed that she was killed shortly after the Nostomo came under attack and before the other occupants were forcibly returned to the UAE.

Serious concern is expressed over the continuous enforced disappearance and alleged killing of Ms. Sheikha Latifa al Maktoum.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government to article 10 (2) of the Declaration on the Protection of All Persons from Enforced Disappearance according to which any person deprived of his or her liberty shall be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention to determine the grounds and legality of his/her detention. Accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned.

Should the allegations of disappearance and death of Ms. Sheikha Latifa al Maktoum be confirmed, they would violate the right of every individual to life and security and not to be arbitrarily deprived of his or her life as set forth in article 3 of the Universal Declaration of Human Rights (UDHR). Principle 15 of the UN Basic Principles on the Use of Force and Firearms by Law Officials, as well as The UN Standard Minimum Rules for the Treatment of Prisoners (also known as the "Mandela Rules"), in its Rule 82, reaffirm that law enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened. In the custodial context, States have a heightened duty to ensure and to protect the right to life. In cases when an individual dies in State custody, whether through acts of commission or omission, there is a presumption of State responsibility. The above alleged facts amount to a life-threatening situation and the risks of irreparable harm, including death, are immense. The responsibility of your Excellency's Government to protect Ms. Sheikha Latifa is thus deeply engaged.

In this regard, we furthermore refer to the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (ECOSOC resolution 1989/65 of 24 May 1989). Principle 4 specifies that effective protection of persons at risk of being killed should be guaranteed through judicial and other means. Principle 9 recalls the duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary execution.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

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 comment(s) and/or any additional information you may have on the above-mentioned allegations.
2. If Ms. Sheikha Latifa al Maktoum is alive please provide evidence that she is as well as information on her current whereabouts.
3. If she is detained, please provide evidence that she is, including information on the factual and legal grounds of her detention, her place of detention, the location of that place, the authorities in whose custody she remains, and evidence that she is detained there.
4. Please provide information on any investigation conducted into the disappearance of Ms. Sheikha Latifa al Maktoum, its findings and conclusions.

While awaiting a reply, we urge that all necessary measures be taken to protect that person against any further violation of her rights and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible.

We may wish to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be informed about these matters. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

Bernard Duhaime
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions