

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

REFERENCE:
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17 January 2019

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 and 35/15.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **Mr. Rashid Hussain Brohi**, a Pakistani national who is forcibly disappeared and at risk of being deported from the United Arab Emirates back to Pakistan, where his life would be at risk.

Mr. Brohi was the subject of a communication under the Working Group's urgent procedure on 3 January 2019, to which no response has yet been received.

According to the information received:

On the morning of the 26 December 2018, Mr. Brohi, a Pakistani national, was driving with others from Sharjah to Dubai City when they were stopped by individuals who identified themselves as members of the Special Forces of the United Arab Emirates. The Special Forces checked the identification documents of Mr. Brohi and of the persons associated with him, and took Mr. Brohi away with them.

On the evening of the 27 December 2018, Mr. Brohi, was seen handcuffed and in the custody of 15 gunmen and plainclothes officers at his residence. They searched his residence looking for his passport and mobile phones and then took Mr. Brohi away with them. Mr. Brohi has not been seen since.

On 11 January 2019, persons associated with Mr. Brohi were contacted by the Abu Dhabi PRO Services who handle the processing of government documents including visas and were requested to bring Mr. Brohi's passport to the Khalifa City Police Station by the 12 January 2019.

On 16 January 2019, persons associated with Mr. Brohi received a phone call from a person asking them to bring Mr. Brohi's passport to them. They were also

told that the he will be sent to Pakistan on 17 January 2019. Mr. Brohi's current location remains unknown.

Persons associated with Mr. Brohi are concerned about his possible deportation to Pakistan, where his life would be at risk. He reportedly fled to UAE following serious threats to his life by Pakistani security forces in Balochistan. It is further alleged that three members of his family, were also abducted in Pakistan and later killed and their bodies dumped. Houses belonging to members of Mr. Brohi's family were also reportedly demolished by security forces.

Persons associated with Mr. Brohi have contacted local police and institutions to enquire about Mr. Brohi's whereabouts, but they have not received any information. Local police confirmed to persons associated with Mr. Brohi that he had no criminal records with their offices. Persons associated with Mr. Brohi also contacted Dubai Interpol, who confirmed that there was no arrest warrant for Mr. Brohi. It is suspected that Mr. Brohi's abduction happened after Pakistan contacted UAE's officials.

While we do not want to prejudge the accuracy of the information we have received, we appeal to your Excellency's Government to seek clarification of the circumstances regarding the situation of Mr. Brohi and express great alarm at allegations that he may be deported to Pakistan where his life would be at risk. We also express serious concern that Mr. Brohi's whereabouts remain unknown.

We would like to recall the right of every individual to life and security and not to be arbitrarily deprived of his or her life, as set forth in articles 3 of the Universal Declaration of Human Rights (UDHR). The deportation of this person, if carried out, would appear to be in contravention of the principle of non-refoulement and we recall that the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (resolution 1989/65 Economic and Social Council) establish that no one shall be involuntarily returned or extradited to a country where there are substantial grounds for believing that he or she may become a victim of extra-legal, arbitrary or summary execution in that country (Principle 5).

We would like to refer your Excellency's Government to article 10 (2) of the United Nations Declaration on the Protection of All Persons from Enforced Disappearances according to which any person deprived of 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. 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. We further recall that the Declaration

establishes that no State shall practice, permit or tolerate enforced disappearances and recall that prompt and effective investigations should be carried out in order to clarify the fate or whereabouts of Mr. Rashid Hussain Brohi and to ensure that his rights are protected (article 2(1)). Finally, no State shall expel, return (refouler) or extradite a person to another State where there are substantial grounds to believe that he would be in danger of enforced disappearance (article 8 (1)).

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.

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 related to the imminent deportation of Mr. Brohi from the United Arab Emirates to Pakistan.
2. Please provide information on the whereabouts of Mr. Brohi.
3. Please provide the details and, where available, the results of any investigation which may have been carried out in relation to these allegations. If no inquiries have taken place, or if they have been inconclusive, please explain why, and how this is consistent with the international human rights obligations of the Government of the UAE.
4. Please provide information on whether the deportation of Mr. Brohi is being considered and if yes, on the assessment to be carried out by UAE authorities to ascertain whether he is at risk of being extrajudicially killed and if he is deported, and how this decision is compatible with the international standards mentioned above.
5. Please provide information on the legal grounds for the arrest and detention, the aforementioned individual and explain how these measures are compatible with international norms and standards, as stated, inter alia, in the UDHR.
6. Please indicate which concrete measures are being taken by your Excellency's Government to fulfil its obligations under the principle of non-refoulement.

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.

We intend 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 alerted to the potential human rights implications of these allegations. Any public statement on our part 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