

**Mandates of the Working Group on Enforced or Involuntary Disappearances; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on violence against women, its causes and consequences; and the Working Group on discrimination against women and girls**

REFERENCE:  
UA ARE 2/2021

6 April 2021

Excellency,

We have the honour to address you in our capacity as Working Group on Enforced or Involuntary Disappearances; Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on violence against women, its causes and consequences; and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 45/3, 42/22, 44/5, 43/20, 41/17 and 41/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arbitrary arrest, enforced disappearance, and continued incommunicado detention of **Sheikha Latifa bint Mohammed bin Rashid Al Maktoum** who is reportedly in imminent danger of further human rights violations, including her right to life.

Sheikha Latifa bint Mohammed bin Rashid 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.

The case of Sheikha Latifa was addressed by the Working Group on Enforced or Involuntary Disappearances under its individual humanitarian case procedure, and first transmitted to Your Excellency's Government on 2 May 2018.<sup>1</sup>

Sheikha Latifa was also the subject of a subsequent joint urgent appeal (UA ARE 3/2018) transmitted to your Excellency's Government on 6 December 2018 by the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. We thank you for your reply dated 18 December 2018 in which it was indicated that Sheikha Latifa was alive and safe and remained in her residences in Dubai. However, concerned at the lack of official information in relation to her status after the initial mentioned reply, as well as at the recent allegations regarding the continued violations of her rights, we request

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<sup>1</sup> The case of Sheikha Latifa bint Mohammed bin Rashid Al Maktoum was transmitted by the Working Group under the Urgent Action Procedure on 2 May 2018 (*cite PS report*, paras. 115-116). During the 122<sup>nd</sup> session of the Working Group, in September 2020, and based on information provided by the source indicating that Sheikha Latifa bint Mohammed bin Rashid Al Maktoum was held in incommunicado detention at her family home in Dubai, the case was clarified under the humanitarian procedure (*122 ps report* para.157).

Your Excellency's Government to provide further information, including assurances of her safety and well-being.

According to the information received:

During the night of 3 to 4 March 2018, Sheikha Latifa 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 her detention, which was reportedly carried out directly by an Emirati lieutenant along with Emirati and Indian military personnel, Sheikha Latifa was kicked in the head and handcuffed. She was taken off the yacht despite her fierce objections and attempts to resist, whereupon she was injected with a liquid that tranquilized her. Subsequently she was taken on a small boat with 12 to 15 armed Indian and Emirati military personnel and two Emirati lieutenants and then transported to a naval ship. In order to avoid further transfer to Dubai, she stated on board the navy ship that she had been held captive for 3 ½ years and tortured after an earlier failed escape attempt at the age of 16. She was nevertheless taken to a helicopter, where she was injected tranquilizers twice, and then to a private jet. It is also reported that, throughout the ordeal, the lieutenant in charge of the operation and other Emirati military personnel hit her while her hands were tied and sat on her. After being tranquilized a third time, and losing consciousness, Sheikha Latifa did not wake up until she had already landed in Dubai, whereupon she was driven to Al Awir prison.

Following her forced return, Emirati authorities held Sheikha Latifa in cell 291, located in the National Security Section 13, at Al Awir Prison, until May 2018. During this time, she was under constant surveillance by police officers. In addition, she was allegedly held under continuous bright fluorescent lights which were not turned off even at night and denied any medical assistance after her detention. During the first two weeks of her detention, she was reportedly interrogated several times.

On 4 May 2018, Sheikha Latifa was transferred to a detention facility believed to be Villa 96 in Jumeirah Dubai, located in close proximity to the Dubai Tolerance Bridge and Emirates Hospital, where she remained until at least July 2020, when outside contact with her was stopped. She was reportedly held in solitary confinement with no access to medical care. The doors and windows of the villa were fully locked and guarded. There was no trial or recognition of charges related to her detention following her arrest in March 2018. As a result of the allegations of her enforced disappearance, she was pressured into recording a video demonstrating that she was voluntarily staying at the villa, which she refused to do. She also refused any further cooperation with Emirati authorities despite death threats and threats of being held in solitary confinement for the rest of her life.

On 18 December 2018, Emirati authorities informed the relevant UN mechanisms of Sheikha Latifa's well-being, citing a lunch with Mrs. Mary Robinson, the former United Nations High Commissioner for Human Rights, and Princess Haya bin Hussein hosted on 15 December 2018 at one of Princess Haya's residences as evidence of her life and wellbeing. The detention of Sheikha Latifa and any violation of her rights were denied at that time, while it was stated that her case was a private matter and she was residing in the residences of her family in Dubai. However, in newly obtained footage, Sheikha Latifa herself claimed that the lunch took place while she was detained and unable to exercise her rights. Furthermore, she allegedly attended the meeting only under the assumption that she would be released as a result of her cooperation with Princess Haya. The photos and videos taken on that occasion were disclosed to the public without her consent. Mrs. Mary Robinson who attended the meeting later understood the meeting as having been staged, and thus that it could not be considered a proof of Sheikha Latifa's actual well-being.

In March 2019, Sheikha Latifa managed to reestablish contact with persons associated with her. She was able to gain access to a cell phone, which she used to record videos and voice memos that were forwarded from her place of detention to people associated with her and served to document the violations against her rights as well as her alleged arbitrary detention.

On 11 December 2019, a UK court stated that Sheikha Latifa was last seen in the premises of her family home in Dubai on 18 January 2019.<sup>2</sup> It was further indicated that other family members had been in similar situations of deprivation of liberty on an indefinite basis and that the conditions in which she remains were 'akin to a prison.'<sup>3</sup>

On 23 July 2020, contacts with Sheikha Latifa were again lost as her cell phone appeared to have been confiscated. That interruption of contacts with the outside world exacerbated concerns for her safety and well-being. In addition, there are fears that the recent publication of evidence demonstrating violations against her rights could lead to retaliation against her.

On 19 February 2021, following the public release of footage in which she confirms the human rights violations committed against her and the request by the UN Office of the United Nations High Commissioner for Human Rights for further information on Sheikha Latifa's situation, Your Excellency's Government authorities issued a statement indicating that she was being 'cared for at home,' while no evidence of life or assurances regarding her well-being was provided. Emirati authorities are monitoring actions by persons associated with Sheikha Latifa seeking her release from her alleged incommunicado detention.

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<sup>2</sup> Approved Judgment of the High Court of Justice Family Division [2019] EWHC 3415 (Fam) para. 126.

<sup>3</sup> Ibid. para. 120.

Persons associated with Sheikha Latifa have expressed concern about her life as they have reportedly received information indicating that she may be dead.

While we do not want to prejudge the accuracy of the information we have received, we are respectfully requesting your Excellency's Government to clarify the current situation of **Sheikha Latifa**. We are troubled at the allegations of further violations of her rights, including a possible threat to her life. Her continued incommunicado detention may expose her to the risk of physical and psychological consequences, which may amount to cruel, inhuman or degrading treatment. We recall that incommunicado detention constitutes a "serious violation of the norm protecting the right to liberty of human being under customary international law," as the individual is "left outside the cloak of any legal protection" (A/HRC/22/44, para. 60). We also recall that the prohibition of arbitrary deprivation of liberty is non-derogable under both treaty law and customary international law; that indefinite or prolonged solitary confinement is prohibited according to Rule 43 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (also known as the "Nelson Mandela Rules"); and that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment (General Assembly resolution 68/156).

If these allegations were turning correct, they would violate her right to liberty and security of person as universally protected by article 3 of the Universal Declaration of Human Rights (UDHR). These would also contravene the protections provided for by articles 2 and 12 of the Convention against Torture, ratified by the United Arab Emirates on 19 July 2012 and article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, ratified on 6 October 2004.

They may also violate her right to life, also protected by article 3 of the UDHR. Additionally, they would be contrary to Rule 82 of the Standard Minimum Rules for the Treatment of Prisoners (The "Nelson Mandela Rules") which affirm 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 responsibility engaging the State.

Prolonged incommunicado detention is considered a form of torture, cruel and inhuman treatment and puts a person at increased risk of multiple human rights violations, including enforced disappearance. In this regard article 10 (2) of the United Nations Declaration on the Protection of All Persons from Enforced Disappearances recalls States that any person deprived of liberty shall be held in an officially recognized place of detention and, in conformity with national and international law, be promptly brought before a judicial authority after arrest to determine in an independent manner the legality of the detention. Accurate information on the detention of such persons and their place or places of detention shall be made promptly available to 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. The same Declaration establishes that no State shall practice, permit or tolerate enforced disappearances. It recalls that prompt and effective investigations should be carried out in order to clarify the circumstances of the detention and possible disappearance anyone in the custody of the State, to ensure that their rights are protected.

Under international law, all States have a strict obligation to respect, protect, promote and fulfil all human rights, including the right of women to be free from discrimination and violence (A/HRC/WGEID/98/2 para. 3). In relation to the allegations of Sheikha Latifa's continuous incommunicado detention, we further underline that the "prohibition of arbitrary deprivation of liberty is non-derogable and recognized in all major international and regional instruments for the promotion and protection of human rights" (A/HRC/22/44, para. 42).

In light of the above, and considering that Sheikha Latifa is being detained without charge or trial, seemingly arbitrarily, we respectfully urge your Excellency's Government to take immediate steps to allow independent verification of Sheikha Latifa's life and well-being and to release her without delay.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://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 these allegations.
2. Please provide credible information that verifies that Sheikha Latifa is alive, enjoys her freedom and well-being;
3. Please provide the details and, where available, the results of any investigation which may have been carried out in relation to the detention and subsequent enforced disappearance of Sheikha Latifa from The Nostromo on 4 March 2018 and her alleged ill-treatment. Please also clarify the reasons for her initial and continued deprivation of her liberty. 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. If Sheikha Latifa is currently deprived of her liberty, please provide information on the factual and legal grounds for such measures, including the precise location where she is being held, the charges against her that justifies her deprivation of liberty, and the authorities in whose custody she remains and explain how these measures are

compatible with international human rights norms and standards, as stated, inter alia, in the UDHR and the Declaration on the Protection of All Persons from Enforced Disappearances.

We would like 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 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.

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.

Tae-Ung Baik  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Elina Steinerte  
Vice-Chair of the Working Group on Arbitrary Detention

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