

Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Ref.: AL ARE 5/2023
(Please use this reference in your reply)

17 November 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, pursuant to Human Rights Council resolutions 52/4 and 51/21.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the deteriorating health condition of Syrian human rights defender, Mr. Abdulrahman Al-Nahhas**, held in prison since January 2021, and his attempt at suicide.

Mr. Abdulrahman Al-Nahhas is a human rights defender. He is the founder of Insan Rights Watch, which monitors human rights violations and international crimes in Syria. According to the information received, in 2011, Mr. Al-Nahhas was arrested in Syria by State Security forces after he had filmed human rights violations occurring in his hometown in the country. He was released in late 2012 and fled to Egypt. He moved to the UAE in July 2013.

On 23 December 2019, the UAE state security forces arrested Mr. Al-Nahhas from his home in Abu Dhabi, where he was living alone. He was reportedly forcibly disappeared and held incommunicado until his transfer to Al Wathba prison in Abu Dhabi in January 2021. During his incommunicado detention, he was reportedly forced to sign a document while blindfolded, under threat of deportation to Syria. He was also reportedly subjected to various acts of torture. Following his arrest, Mr. Al-Nahhas' fate or whereabouts was reportedly not communicated to his family. Mr. Al-Nahhas was only permitted to call his family for the first time on 7 January 2021.

On 23 March 2020, Mr. Al-Nahhas was charged with "providing false information about the country to an international organisation" and "communicating with a terrorist organisation." On 8 September 2021, the State Security Department of the Federal Court ruled to imprison Al-Nahhas for ten years on charges of belonging to a terrorist organisation and insulting the State's prestige.

Mr. Al-Nahhas was the subject of a previous communication, [AL ARE 4/2021](#), sent to your Excellency's Government by Special Procedures mandate holders. We thank your Excellency's Government for its response dated 18 August 2021.

According to the information received:

Mr. Al-Nahhas's mental health and physical health have been deteriorating since the start of his arrest and detention. He has made several attempts at

complaining about his condition but has reportedly not received any medical attention.

Six months ago, Mr. Al-Nahhas was allegedly subjected to sexual violence in prison. At around the same time, Mr. Al-Nahhas reportedly attempted to commit suicide. Details are not known at present.

Mr. Al-Nahhas's mental health has reportedly continued to deteriorate severely, particularly after the alleged sexual attacks, to the point where he reportedly depends on the help of his fellow-prisoners for basic daily tasks.

Without prejudging the accuracy of the allegations, we would like to express concern at the reports of apparent medical negligence Mr. Al-Nahhas has been subjected to, as well as allegations of sexual violence against him. We also would like to express concern that his condition in prison has allegedly led to his attempting suicide.

We would like to urge your Excellency's Government to take all the necessary measures to guarantee the right of Al-Nahhas to receive adequate access to health services and health care, including mental health care.

These acts appear to contravene articles 5 of the Universal Declaration of Human Rights (UDHR), as well as article 8 of the Arab Charter on Human Rights, ratified by the UAE in 2008, which codify the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading punishment.

In connection with the above alleged facts and concerns, please refer to the **Annex on reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information as to Mr. Nahhas's state of physical and mental health and the measures taken to ensure his right to health in detention, including through access to necessary medication and appropriate and timely treatment.
3. Please provide detailed information on the allegations that Mr. Al-Nahhas has been subjected to acts of sexual violence while in prison. Please provide details of any investigation and prosecution undertaken in this regard and whether penal, disciplinary or administrative sanctions have been imposed on the perpetrators. If no such measures have been taken, please explain how this is compatible with the UAE's international human rights obligations.

4. Please provide information as to any investigation carried out into the alleged ill-treatment of Mr. Nahhas in detention, including concerning the alleged acts of sexual violence against him, as well as lack of access to necessary medicines and health care. Please provide information as to any measures undertaken to provide redress for Mr. Nahhas and to ensure accountability in light of any investigations carried out.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting website. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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(s) responsible for the alleged violations.

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

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Tlaleng Mofokeng

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to take this opportunity to draw your attention to relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would like to refer to article 5 of the Universal Declaration of Human Rights (UDHR), which enshrines the absolute prohibition of torture. The right to protection from torture is similarly established under article 8 of the Arab Charter on Human Rights, which your Excellency's Government ratified on 15 January 2008.

Furthermore, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture, and other cruel, inhuman or degrading treatment or punishment as codified in articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which the UAE acceded on 19 July 2012.

In addition, we would like to encourage your Excellency's Government to ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR), whose article 12, coupled with article 2.2 of ICESCR, enshrines the right of everyone, including prisoners and detainees, to the enjoyment of the highest attainable standard of physical and mental health. This includes an obligation on the part of all States parties to ensure that health facilities, goods and services are accessible to everyone, especially the most vulnerable or marginalized sections of the population, without discrimination. Accordingly, States have the obligation to refrain from denying or limiting equal access for all persons, including prisoners or detainees, to health preventive, curative and palliative services (Committee on Economic, Social and Cultural Rights (Committee), General Comment No. 14, para. 34). The Committee also indicated that "The creation of conditions which would assure to all medical service and medical attention in the event of sickness" (art. 12.2 (d)), both physical and mental, includes the provision of equal and timely access to basic preventive, curative, rehabilitative health services and health education and the provision of essential drugs (General Comment No. 14, para. 17).

We would further like to recall that international human rights law and standards require States to treat all persons under any form of detention or imprisonment with humanity and with respect for the inherent dignity of the human person (article 20, Arab Charter on Human Rights; principle 1, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; and General Assembly resolution 43/173 of 9 December 1988).

We would specifically like to recall rules 24 – 27 of the updated United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules, 2015) on guaranteeing the provision of health care for prisoners, and rule 31 that guarantees access by physicians or health-care professionals to prisoners who complain of physical or mental health issues. In this connection, we would like to also refer your Excellency's Government to the General Basic Principles for the Treatment of Prisoners, adopted

and proclaimed by General Assembly resolution 45/111, according to which “Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation” (Basic Principles for the Treatment of Prisoners. Principle 9).

Finally, we would also like to refer to 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, also known as the UN Declaration on Human Rights Defenders, in particular articles 1 and 2 which state that “everyone has the right individually or in association with others, 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, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”. Article 12, paragraphs 2 and 3, provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.