

# “THERE IS NO FREEDOM HERE”

SILENCING DISSENT IN THE UNITED  
ARAB EMIRATES (UAE)

**AMNESTY**  
INTERNATIONAL



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*Cover photo: Skyline view of Downtown Dubai showing the Burj Khalifa and Dubai Fountain on Oct 15, 2010 in Dubai, UAE. © Sophie James / Shutterstock.com*

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# CONTENTS

1. INTRODUCTION .....	5
2. BACKGROUND .....	13
3. ARRESTS AND DETENTIONS .....	16
4. TORTURE AND OTHER ILL-TREATMENT .....	23
5. UNFAIR TRIALS .....	33
6. HUMAN RIGHTS DEFENDERS .....	44
7. HARASSMENT AND INTIMIDATION .....	49
8. RECOMMENDATIONS .....	58
9. APPENDIX .....	76



# 1. INTRODUCTION

**“Westerners come here and see the malls and the tall buildings and they think that means we are free. But these businesses, these buildings – who are they for? This is a dictatorship. The royal family think they own the country, and the people are their servants. There is no freedom here.”**

Prisoner of conscience and prominent lawyer Dr Mohammed al-Mansoori, speaking in 2009.<sup>1</sup>

In recent years, the government of the United Arab Emirates (UAE) has portrayed the country internationally as a dynamic, forward-looking state, burgeoning economic power, and political safe haven amid the turmoil and conflict affecting other states in the Gulf region and the Middle East. Dubai now boasts the world's tallest building, the 829-meter high Burj Khalifa, has announced its ambition to become the world's most visited city, and is due to become the first city in the region to host the World Expo trade fair in 2020, under the theme 'Connecting Minds, Creating the Future.' Abu Dhabi hosts, among other international events, the only "day to night" Formula One Grand Prix race each year in November.

Yet, beneath the glitz, the gloss and the glamour of the facade that the UAE's rulers present to the outside world there is a much uglier reality, where activists who dare to challenge the authorities or speak out in favour of greater democracy and government accountability are thrown into jail. There, they are cut off from the outside world for months at a time before they are tried and sentenced to long prison terms by courts that do little more than rubber stamp the decisions of the UAE executive.

Over the past three years, with the world's attention placed firmly on the mass popular protests that swept aside long established authoritarian rulers in Egypt and Tunisia and threatened the stability of other Arab governments, the UAE authorities have quietly mounted an unprecedented clampdown on dissent within the country. This has seen scores of arrests and detentions; enforced disappearances; torture and other ill-treatment of detainees; grossly unfair trials and the imposition of long prison sentences on government critics, and continuing harassment and persecution of their families.

In some cases, the authorities have arbitrarily withdrawn individuals' UAE citizenship, depriving them of the rights and privileges associated with that status in the UAE and

rendering them stateless. They have also exiled at least two activists and deported a number of foreign journalists. In other cases, the authorities have banned individuals from travelling abroad or harassed them through other means, such as engineering the cancellation of their personal bank accounts, terminating their employment or hindering university studies. They have subjected some critics to oppressive surveillance, or publicly denigrated them as “Islamists” in smear campaigns in the local media and on social media platforms that aim to delegitimize their calls for political accountability and reform. The government has also introduced new “cybercrimes” legislation to penalize internet-based criticism and dissent, and a repressive new anti-terrorism law that can be used to imprison peaceful activists.

More than 100 peaceful activists and critics of the government have been prosecuted or jailed on broad and sweeping national security-related or “cybercrimes” charges in the UAE since the current crackdown began in 2011. As of November 2014, at least 67 of these activists remain in prison. They include prisoners of conscience.

This clampdown was sparked by a March 2011 petition from a group of 133 people addressed to the UAE President and the Federal Supreme Council, which is formed of the rulers of the seven emirates. In their petition, the signatories urged the UAE authorities to begin a process of democratic reform, so as to allow for greater power sharing between the families that rule the seven emirates that comprise the UAE federation, and who currently enjoy sole power, and the population that they govern.<sup>2</sup> The signatories included a number of leading citizens, among them three current or former judges, lawyers, as well as university academics, journalists and engineers. Nineteen of the signatories were women.

The petition called for an evolutionary process of reform, including, among other things, universal suffrage and for the advisory Federal National Council to be transformed into a directly elected parliament with full legislative and regulatory powers. The response of the authorities was uncompromisingly repressive. Many of the petition’s signatories have been imprisoned or harassed by the authorities in the three years since they put their names to their call for reform.

The crackdown began in April 2011 when the UAE’s State Security Apparatus, or *Amn al-Dawla* (State Security),<sup>3</sup> the security body mandated to protect the State and its rulers, arrested five activists – known collectively as the “UAE 5” – who had called for greater political rights and freedoms. They included **Ahmed Mansoor**, a prominent human rights activist and signatory of the March 2011 petition, and **Nasser bin Ghaith**, an economist and university lecturer.<sup>4</sup> The authorities prosecuted the men on charges of “publicly insulting” the UAE’s President, Vice-President and Crown Prince in comments posted on an online discussion forum, which the authorities had blocked a year earlier. All five were convicted in November 2011 after a trial that failed to satisfy international standards of fair trial, and sentenced to prison terms up to three years. The day after the court passed sentence on them, the five men were released under a presidential pardon (although it remains unclear whether their convictions were ever expunged from the official record).<sup>5</sup> In July 2012, the authorities expelled from the country one of the five, **Ahmed Abdul Khaleq**, a blogger and activist from the UAE’s stateless Bidun minority, sending him to Thailand.<sup>6</sup>

The government also directed its ire at independent non-governmental organizations (NGOs) that had voiced calls for change. In 2011, the authorities dissolved the boards of both the

UAE's independent Jurists' Association<sup>7</sup> and Teachers' Association.<sup>8</sup> Both organizations had signed a joint letter to the government from a number of NGOs that called for reforms. By summarily dismissing their executive boards and appointing government nominees to replace them, the authorities compromised the independence of the two organizations and effectively sent a warning to other NGOs to toe the line or risk opening themselves to similar government intervention.<sup>9</sup> The official decree dissolving the Jurists' Association accused the NGO of violating Article 16 of the Law on Associations and Domestic Institutions of Public Interest (Law on Associations), which prohibits "interference in political matters".<sup>10</sup> In 2012, the government closed the local offices of four foreign-based organizations, including two pro-democracy groups, accusing them of violating the terms of their business licences, and refused to renew the business licence of a fifth.<sup>11</sup>

In December 2011, the authorities arbitrarily stripped six government critics of their UAE nationality. They included signatories of the March 2011 petition. Months later, in April 2012, the authorities told all six and another man whose UAE citizenship they had previously withdrawn, that their continuing presence in the UAE was unlawful and that they were required to provide the authorities with signed undertakings of their intention to seek some other nationality if they wished to remain. When they declined to make such undertakings, they were arrested and detained at al-Shahama Prison in Abu Dhabi.

The authorities carried out a fresh wave of arrests beginning in March 2012. They targeted many people linked to the long-established Reform and Social Guidance Association, or *al-Islah*, a local grassroots civil society organization that promoted peaceful social and political debate. Prior to the crackdown, al-Islah had operated openly in the country for nearly 40 years,<sup>12</sup> attracting popular support among prominent members of the judiciary, lawyers, university academics and others.

On 15 July, the UAE Attorney General declared that the country's national security was under threat from a group of people with ties to "foreign organizations and agendas" – a clear reference to Egypt's Muslim Brotherhood organization. The Attorney General accused this group of plotting "crimes against state security" and of opposing "the UAE constitution and ruling system."<sup>13</sup> The authorities then rounded up dozens more people, including prominent human rights lawyer and law professor, **Dr Mohammed al-Roken**, whose son and son-in-law were also detained, and other widely-known and respected members of the legal profession, university professors, student leaders and civil society activists. Prior to their arrest, some of those detained had used online blogs and social media to advocate reforms and calls for greater rights and freedoms. After arrest, most detainees were held incommunicado for months and denied access both to lawyers and to contact with their families.

In January 2013, the authorities arrested 13 women, including several relatives of those already detained. The women were questioned, then released on bail, but later charged with serious offences and brought to trial jointly with the detained men.<sup>14</sup> The same month, the Attorney General told the official Emirates News Agency that prosecutors had completed their investigation into the "accused." They, he said, were accused of establishing and operating a "secret" organization – an allusion to al-Islah – whose "undeclared objectives were to seek to succeed in taking over the authority in the country and oppose the fundamental principles on which it is based". The Attorney General said the detainees had sought to turn public opinion against the government, and that they had been formally charged and would stand trial

before the State Security Chamber of the Federal Supreme Court.<sup>15</sup>

The trial to which the Attorney General referred – the “UAE 94” trial - saw a total of 94 defendants, including eight who were charged *in absentia*, stand trial *en masse* on charges of establishing an organization that aimed to bring about the government’s overthrow by force. The defendants included many people who had achieved prominence in the UAE in their respective fields in the law, education and academia, business, and as government advisers.

The UAE 94 trial opened before the State Security Chamber of the Federal Supreme Court in Abu Dhabi on 4 March 2013. It held a number of sessions over the following months, concluding on 2 July 2013, when the court convicted 69 defendants, including the eight tried *in absentia*, and imposed prison sentences ranging from seven to 15 years. The court acquitted 25 defendants, including the 13 female defendants.

The UAE 94 trial was marred by serious procedural irregularities. The court accepted prosecution evidence that consisted largely of “confessions” made by defendants in pre-trial detention and did so without taking steps to investigate defendants’ claims that State Security interrogators had forced them, under torture or other ill-treatment, to make false statements incriminating themselves and others during months when they were held incommunicado in secret locations and without access to lawyers or the outside world. In its judgement, the court declared the defendants’ claims “baseless”, ironically grounding this assessment on their conformity with the prosecution’s case but without carrying out any forensic examination to determine their veracity. The trial failed to conform to international fair trial standards also inasmuch that the defendants were denied a right of appeal to a higher tribunal; under UAE law, Federal Supreme Court judgments are final and not subject to appeal.

During the course of the trial, the authorities took steps to prevent independent reporting of its proceedings. They barred the attendance of international media and independent trial observers, but allowed state-controlled national media and representatives of pro-government NGOs to attend the court. Security authorities refused to allow an independent trial observer delegated by Amnesty International entry to the UAE immediately prior to the opening of the trial,<sup>16</sup> and turned away all other international observers who sought to enter the building in which the court convened.<sup>17</sup> Authorities also barred some of the defendants’ relatives from the courtroom; others who were permitted to attend were harassed or arrested after they criticized the proceedings and publicized torture allegations made by the defendants on the Twitter social media website. **Abdullah al-Hadidi**, the son of one of the defendants, was arrested and prosecuted on a charge of publishing details of the trial proceedings “without probity and in bad faith”; in April 2013, a court sentenced him to 10 months’ imprisonment. **Obaid Yousef al-Zaabi**, whose brother, **Dr Ahmed al-Zaabi**, a law professor and former judge, was another of the UAE 94 trial defendants, was arrested in July 2013 and again in December 2013, and charged in connection with his use of Twitter. In June 2014, he was acquitted of all charges but, despite this, the authorities failed to release him. He remained in detention without charge or trial in November 2014.<sup>18</sup>

In November 2013, the UN Working Group on Arbitrary Detention condemned the UAE authorities’ treatment of the UAE 94 trial defendants, declaring in a formal Opinion that the arrest and detention of the 61 still imprisoned resulted directly from their legitimate exercise



of the rights to freedom of opinion, expression, peaceful assembly and association guaranteed in the Universal Declaration of Human Rights (UDHR). The Working Group on Arbitrary Detention also concluded that the UAE authorities had deprived the 61 of their right, guaranteed under UDHR Article 10, to receive a fair trial as they had no right of appeal and because the UAE's courts could not be considered independent of the executive branch of government. It declared the arrest and detention of the 61 to be "arbitrary" and called for the UAE government to release them and afford them appropriate reparation.<sup>19</sup> In response to earlier Communications from various UN Special Rapporteurs and the UN Working Group on Arbitrary Detention, the UAE authorities asserted that their Communications involved "serious and unfounded allegations which falsely imply the existence of severe restrictions on the rights and freedoms of the 61 UAE nationals in question." The UAE government said that the matter did "not merit the attention of the various Special Rapporteurs and the Working Group on Arbitrary detention."<sup>20</sup> In a 30 October 2014 letter to Amnesty International, the UAE government also refuted the unfair trial allegations, insisting that the defendants had received "all of the due process guarantees to which they were entitled under the UAE Constitution and laws," and that they had been convicted "following a free and fair trial in accordance with international standards."<sup>21</sup>

The UAE 94 trial proved to be the centrepiece of the authorities' broader crackdown targeting expressions of dissent and advocacy of greater public participation in the governance of the UAE and other reform. At one stroke, the authorities removed their most prominent critics and the country's leading advocates of reform from the public arena, while signalling to other potential dissenters that they will not tolerate open political debate in the UAE, where no political parties are permitted, or public criticism of the small group of ruling families that continue enjoy a monopoly of power.

Further unfair trials have followed since the conclusion of the UAE 94 trial. In one, the authorities prosecuted 10 of those convicted at the UAE 94 trial in separate proceedings alongside 20 Egyptians, for allegedly establishing an "international" branch of Egypt's Muslim Brotherhood organization, and stealing and distributing secret state documents. The 30 defendants, including six who were tried *in absentia*, went on trial before the State Security Chamber of the Federal Supreme Court in November 2013. In court, many of the defendants complained that State Security officials had subjected them to torture and other ill-treatment during their lengthy pre-trial detention, when they were held incommunicado. Some said they had been coerced into signing "confessions" or other incriminating statements, which prosecutors submitted to the court as evidence against them. The court failed to conduct a proper investigation into the defendants' allegations but agreed to accept the contested confessions as evidence, and in January 2014, convicted all 30 defendants. They received prison sentences ranging from one to five years. The court ordered that the Egyptian defendants should be deported once they had completed their prison terms.<sup>22</sup>

The al-Islah-related arrests and detentions, followed by the UAE 94 trial and other prosecutions before the Federal Supreme Court, augured in an unprecedented climate of repression in the UAE to which the government added in November 2012 with its enactment of a tough new law on "cybercrimes". This criminalized various forms of expression using social media and other types of information technology, prescribing penalties of imprisonment and substantial fines. Since it took effect, the authorities have used the law to prosecute activists for using Twitter and other social media platforms to criticize the UAE's

human rights record or to call for greater freedoms. The law’s provisions are so broad and sweeping that they effectively criminalize all peaceful criticism of the government using online platforms.<sup>23</sup>

Increasingly, the government has framed its attacks on freedom of expression and association under a pretext of national security threats. By labelling activists who peacefully advocated for political reform and greater human rights a threat to state security and imprisoning them on security-related charges, the UAE authorities successfully evaded the wide international criticism that the UAE authorities formerly provoked with their arrest and prosecution of the UAE 5 activists in 2011. In essence, the UAE 94 trial set the mould for a series of politically-motivated trials of government critics, preceded by months in which those accused by the government are detained for long periods without access to lawyers and their families, and then sentenced to prison terms on spurious charges by courts that failed to accord them fair trials and from which there is no right of appeal.<sup>24</sup>

A new anti-terrorism law approved by the President in August 2014 comprehensively updated the previous 2004 law, increasing the scope of the death penalty and providing other penalties.<sup>25</sup> It also has the potential to be used against peaceful activists and government critics due to the broad ambit of its provisions, their vague definition, and the range of actions that may be considered under the law to amount to terrorism.

In November 2012, the UAE was elected by other states to serve a three-year term as a member of the UN Human Rights Council<sup>26</sup> after the UAE government pledged to introduce legal and other reforms to promote and protect human rights in accordance with international standards.<sup>27</sup> Far from living up to these pledges, however, the UAE authorities have embarked on a ruthless crackdown on their critics and reform advocates, which has seen a scale of human rights violations not previously seen in the country.

The international community, meanwhile, has been conspicuous only by its silence in response to the events unfolding in the UAE and the stifling of peaceful dissent. On the face of it, the UAE’s main allies within the Western democracies appear to have bought in to the UAE authorities’ efforts to depict their clampdown on peaceful dissent as a measured response to a serious and imminent threat to the country’s security.<sup>28</sup> For the most part, they have preferred to turn a blind eye to the repressive undercurrent that has now taken hold in the UAE than to speak out on behalf of its victims and the values that international human rights law proclaims and represents.

## ABOUT THIS REPORT

This report is based on information that Amnesty International has obtained from a wide and diverse range of sources, both public and private, with direct knowledge of the human rights situation in the UAE, including activists, journalists, families of prisoners, and UAE-based organizations. Some of this information was gathered during two field visits that Amnesty International has conducted to the UAE since 2011; other information is based on interviews conducted outside the UAE. In March 2013, an independent observer was delegated by Amnesty International to observe proceedings of the UAE 94 trial but was denied entry to the UAE by security officials without explanation.

Amnesty International has also drawn extensively on public information sources, including

submissions made by the UAE government to the UN Human Rights Council and UN treaty bodies, as well as to the findings of those bodies in relation to the UAE, statements by UAE government officials; media reports, and reports of other international human rights NGOs.

Amnesty International also sought meetings with and requested information from the UAE authorities while conducting the research for this report. While in the UAE in November 2013, Amnesty International requested meetings with the Minister of Justice, the Minister of Interior, the Attorney General, and other officials, and requested authorization to conduct a visit to al-Razeen Prison in Abu Dhabi, where most of the prisoners relevant to this report are serving their sentences. Amnesty International received no response to these requests. Nor did the UAE's ambassador to the UK respond to an Amnesty International request to meet him in London.<sup>29</sup>

Amnesty International made a further attempt to obtain the government's perspective and clarification on a number of issues in October 2014, and was pleased to receive in response a letter dated 30 October 2014 from the Assistant Foreign Minister for Legal Affairs, included as an Appendix to this report.<sup>30</sup> The Minister's reply makes assertions that run counter to information that Amnesty International obtained from a wide range of other, unofficial sources.

Many interviewees provided information to Amnesty International on condition that they not be identified in case this could place them at risk. Consequently, Amnesty International is withholding the identities of all those who provided information on this condition and of others who, if named, could be put at risk.

Amnesty International gratefully acknowledges the assistance of all those who contributed information to this report.

## SUMMARY OF RECOMMENDATIONS

### **Amnesty International is calling on the UAE government to:**

- Immediately and unconditionally release all prisoners of conscience – that is, persons imprisoned solely for the peaceful exercise of their rights to freedom of expression, association or assembly or other legitimate exercise of their human rights;
- Ensure that all persons convicted by the State Security Chamber of the Federal Supreme Court are promptly re-tried, in full conformity with international standards for fair trial; all allegations of torture or other ill-treatment should be impartially and thoroughly investigated and where persons were convicted solely on the basis of "confessions" obtained through torture, their convictions must be quashed;
- Take effective measures to prohibit and prevent all forms of torture and other cruel, inhuman or degrading treatment or punishment, and ensure that those suspected of such actions are investigated and, where sufficient admissible evidence is found, tried in proceedings that adhere to international fair trial standards;

- End arbitrary arrests and all harassment and intimidation of human rights defenders, including lawyers who are seeking to uphold their own and others’ rights;
- Amend the law relating to the Federal Supreme Court in order to institute a right of appeal to a higher judicial tribunal, guarantee the court’s independence and bring its proceedings into conformity with the requirements of international fair trial standards, including by reaffirming that statements or “confessions” obtained under torture or other duress may never be used as evidence except in the context of the perpetrators facing prosecution;
- Amend and make consistent with international human rights law, all legislation that unduly restricts the rights to freedom of expression, association and assembly; accede to the International Covenant on Civil and Political Rights and its Optional Protocols, as well as the International Convention for the Protection of all Persons from Enforced Disappearance.

**Amnesty International is calling on the international community, especially those states that enjoy close political, diplomatic, trade and economic, and other relations with the UAE, including the USA, the UK and other EU countries to:**

- Ensure that business and other interests are not prioritised over serious human rights violations, and use their influence to urge the UAE government to ensure that all prisoners of conscience are released immediately and unconditionally and that the UAE authorities observe their obligations under international law to guarantee freedom of opinion and expression, freedom of association and assembly and other human rights.

## 2. BACKGROUND

**“We will continue to demand a stop to the encroachment of authoritarian security forces on our lives and their purging of our freedoms and rights, their promotion of a culture of fear in society, and their halting of a free and dignified life. We will continue to demand our rights until they are implemented in a free country that we can live in with dignity and full rights, with just organizations, and a complete parliamentary system in a society free of fear.”**

Political activist and prisoner of conscience, Obaid Yousef al-Zaabi, posting on Twitter on 4 December 2013, one week before his arrest.

### POLITICAL STRUCTURE OF THE UAE

Founded on 2 December 1971, the UAE is a federation of seven semi-autonomous emirates – Abu Dhabi, Dubai, Sharjah, Ajman, Um al-Quwain, Ras al-Khaimah, Fujairah – located in the south-east of the Persian Gulf. Only around a tenth of its population of just over nine million people are UAE nationals, with migrants from South Asian countries forming the largest proportion of non-UAE nationals.<sup>31</sup>

The UAE lacks democratic institutions – all the seven emirates are ruled by monarchs. Although there is no explicit prohibition of political parties in statute law, the Law on Associations warns that associations and their members are prohibited from “interfering in politics or matters harming the security of the State and the governing regime,”<sup>32</sup> preventing the effective functioning of independent political parties. The only direct elections are to the Federal National Council, a consultative body, half of whose 40 members have been elected since 2006 by a small electorate selected by the authorities.

The media is strictly censored, the government blocks access to websites deemed critical of the UAE, and restrictive press laws allow for pre-publication censorship by the authorities

and prohibit criticism of the UAE’s ruling families and friendly foreign governments.<sup>33</sup>

Civil society is weak and the authorities do not permit independent human rights organizations and other NGOs to operate freely. As a result, the space for public debate, even before the current crackdown, was severely limited.

The UAE’s federal authorities comprise the Federal Supreme Council, the President and Vice-President, the Council of Ministers (or the Cabinet), the Federal National Council, and the Federal Judicial Authority.

The Federal Supreme Council, composed of the rulers of the seven emirates, is the UAE’s highest constitutional, legislative and executive authority.<sup>34</sup> The Council selects the President and Vice-President of the UAE from among its members; they are appointed for renewable five-year terms.<sup>35</sup>

The President appoints the Prime Minister<sup>36</sup> and all judges of the Federal Supreme Court, subject to approval by the Federal Supreme Council,<sup>37</sup> and the Council of Ministers,<sup>38</sup> whose members are supposedly citizens selected for their competence and experience<sup>39</sup> – in practice, they include members of the seven ruling families. Despite a provision in the Constitution, which provides for the independence of judges,<sup>40</sup> the judiciary is not independent. In February 2014, the United Nations (UN) Special Rapporteur on the independence of judges and lawyers issued a statement following an official visit to the UAE, in which she expressed concern that the UAE’s judicial system remains under the *de facto* control of the executive branch of government.<sup>41</sup>

The President is empowered to grant pardons to prisoners or commute their sentences at the proposal of the Minister of Justice and after approval of a Committee, headed by the Minister of Justice and composed of six members chosen by the Council of Ministers from “among learned and qualified citizens”, whose deliberations are secret.<sup>42</sup> The President must also approve all death sentences before they can be carried out.<sup>43</sup>

The 40-member Federal National Council is a consultative body with no legislative or oversight powers. It may discuss any general subject relating to the affairs of the state, except where the Council of Ministers determines “that such discussion is contrary to the highest interests of the Federation.”<sup>44</sup> It may also approve, amend or reject draft laws but the President is nevertheless empowered to promulgate the law after ratification by the Federal Supreme Council. In fact, legislation can be passed even when the Federal National Council is not in session, though it must be notified of the law at its next meeting.<sup>45</sup>

Half of the Federal National Council’s members are appointed by the rulers of the seven emirates; since 2006, the other half have been directly elected by a small minority of UAE citizens handpicked as eligible to vote. The ruler of each of the seven emirates selects a small Electoral College whose members have the right to participate in the election, as well as stand as candidates.<sup>46</sup> In 2006, less than seven thousand people were allowed to vote in the election, though this number was increased in the 2011 election to allow nearly 130,000 people to vote – around 12 per cent of UAE nationals.<sup>47</sup>

## LEGAL FRAMEWORK

The UAE has ratified several international human rights instruments, including the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (Convention against Torture), the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). It has also ratified the Arab Charter on Human Rights (Arab Charter).

The UAE is one of relatively few states worldwide that has yet to ratify other key human rights treaties, notably the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Nor has it become party to the International Convention for the Protection of all Persons from Enforced Disappearance. Nonetheless many of the provisions of the two covenants are drawn from the UDHR of 1948, which have over time become part of customary international law and are therefore binding on all states.

The Constitution and statute law of the UAE contain some important safeguards of rights and freedoms that are guaranteed in the international instruments to which the UAE is a state party, including those relating to freedom of expression and association, fair trials, and freedom from torture and other forms of ill-treatment. These safeguards seek to ensure that all individuals enjoy equal rights under law, and the human dignity that follows from this.

However, the UAE has failed to date to bring many of its laws and practices into conformity with international law and standards on human rights. Restrictive, contradictory, and overly-broad and vaguely worded provisions contained in the Constitution, Penal Code, Criminal Procedure Law, and other laws continue to undermine full exercise of the rights to freedom of expression and association, to freedom from torture and to due process, as Amnesty International has documented in this report.

### 3. ARRESTS AND DETENTIONS

**“You do not have the right to take a son from his father...a father from his son...a teacher from his students...a preacher from his audience...and imprison them unlawfully.”**

Blogger and university student, Khalifa al-Nuaimi, a prisoner of conscience, writing on his blog about the wave of mass arrests by the UAE's State Security Apparatus in July 2013, a few days before his own arrest the same month.

Security authorities in the UAE have arbitrarily arrested scores of peaceful government critics and reform advocates since the start of the crackdown in early 2011 and subjected many of them to lengthy incommunicado detention. Many have been victims of enforced disappearance, held in secret locations by authorities who refused to acknowledge their detention or disclose any information to their families – such as the reasons and legal basis for their imprisonment, where they were being held, and in what conditions – and also denied them access to legal counsel. Such conditions breach both the UAE's own laws, as well as customary international law, which defines enforced disappearance as a crime. Many of those arrested have been held in solitary confinement and tortured or otherwise ill-treated while under interrogation; some, when brought to trial, told the court that they were forced under torture or other duress to put their signatures to statements that their interrogators did not permit them to read and which were then presented to the court as their “confessions”.

Despite this, the State Security Chamber of the Federal Supreme Court, before which most of them were tried, generally dismissed their allegations out of hand. The court took no meaningful steps to investigate defendants' allegations of torture in pre-trial secret detention and accepted “confessions” that they repudiated in court as evidence of their guilt, despite the international prohibition on the acceptance by courts of evidence obtained under torture.<sup>48</sup>

International law states that everyone has the right to life, liberty and security of person.<sup>49</sup> Arbitrary arrest is prohibited under Article 9 of the UDHR and Article 9 (1) of the ICCPR. Domestic laws authorizing arrest and detention and setting out their procedures must conform to international standards.<sup>50</sup> Article 9 of the ICCPR also provides that anyone deprived of their liberty shall be promptly informed of the reasons for their arrest and shall have the right to challenge before a court the lawfulness of their detention.

The UAE's Constitution guarantees, in Article 26, the personal liberty of all citizens and provides that “No person may be apprehended, frisked, detained or imprisoned except in



accordance with the law."<sup>51</sup> This is affirmed in Article 2 of the Criminal Procedure Law, which stipulates that detention and imprisonment may only occur in places especially reserved for these purposes and only for the period specified in the order issued by the competent authority.<sup>52</sup>

Article 101 of the Criminal Procedure Law provides that the public prosecution must "according to circumstances" issue a judicial warrant to the arrested person.<sup>53</sup> In practice, as Amnesty International documents in this report, this qualification means that detainees held on political or security grounds are frequently not informed of the reasons for their arrest and detention for weeks or months and in breach also of Article 109 of the Criminal Procedure Law, which stipulates that all persons detained and suspected of having carried out a crime have the right to permanently contact and consult private with a lawyer.<sup>54</sup>

Article 110 of the Criminal Procedure Law provides for extended detention when this is authorised by a judge. Initially, a detention order issued by the public prosecution may not exceed 21 days, but this may be repeatedly extended every 30 days by a judge if it is deemed "in the interest of the investigation".<sup>55</sup> Article 47 of the Criminal Procedure Law requires that a detainee be taken before the public prosecutor within 48 hours of arrest,<sup>56</sup> but this is overridden by Article 28 of the Law on the State Security Apparatus that the authorities have not made public, which allows State Security to hold a detainee for up to 90 days without referring his case to the Office of the Prosecutor if this is authorised by the Chief of the SSA.<sup>57</sup> Even then the detainee can continue to be held effectively indefinitely if this is authorised by a judge.

In practice, as the cases described here indicate, the State Security and other UAE authorities have routinely flouted requirements of international law and some safeguards in UAE law, and they have been permitted to do so with impunity. Despite the government's assertion in a 30 October 2014 letter to Amnesty International that "detainees are held in recognized places of detention" where they are entitled to regular telephone contact with their families and also to visits from them, and that their questioning is "carried out by the Public Prosecution",<sup>58</sup> the organization has found that the security authorities routinely deny detainees in their custody access to legal counsel and any contact with their families, and generally hold detainees in secret locations. This system facilitates serious abuses; it creates conditions for enforced disappearance as well as torture and other ill-treatment of detainees, and the extraction of information and "confessions" under duress.

In the UAE 94 case, for example, the families of the detainees were not informed of the whereabouts of their relatives and discovered only by chance that their relatives were being transferred from secret detention once a month to the Federal Supreme Court to have a judge repeatedly extend their detention orders



Families of detainees gather at the State Security Prosecution office in Abu Dhabi in November 2012 to seek information about their relatives. @Private

**Saleh Mohammed al-Dhufairi**, a blogger and former teacher who had used his blog and Twitter account to criticize the conduct of the State Security forces and to call for greater freedoms, was first arrested when police raided his home in Ras al-Khaimah emirate in the early hours of 6 March 2012. According to a Dubai police spokesperson, he was arrested for “spreading ideas by speech, writing and other means that provoke strife and hurt national unity and social peace.”<sup>59</sup> He was charged in connection with his activities on Twitter but released on bail after two weeks in custody. He was at liberty only briefly. On 29 April 2012, 10 plain-clothed security officers arrested him without producing a judicial warrant and took him to the palace of Sheikh Saud Bin Saqr al-Qassimi, the Ruler of Ras al-Khaimah. He remained there without charge under armed guard for some 133 days. During this period, he was permitted visits from his family but they were prevented from discussing his whereabouts with anyone outside their immediate family.



Blogger and prisoner of conscience Saleh Mohammed al-Dhufairi. @Private

The authorities did not inform Saleh Mohammed al-Dhufairi of the reason for his detention, and under what law he was held, or whether they intended to bring charges against him. He was not allowed to meet with a lawyer or taken before any judge or court during this time. On 9 September 2012, the security authorities moved him to a new place of detention, whose location they did not disclose to his family, where they held him in solitary confinement in a freezing cold cell that they kept permanently lit, causing him extreme discomfort and making it difficult for him to sleep.

At monthly intervals during this period of detention, officers handcuffed his wrists, shackled his feet and put a hood over his head and drove him to appear before an extension judge of the State Security Chamber of the Federal Supreme Court, who renewed his detention order for a further 30-day period. This pattern continued for nearly six months until 4 March 2013 when Saleh Mohammed al-Dhufairi was taken from detention to stand trial before the Federal Supreme Court as one of the defendants in the UAE 94 trial. Prior to this, throughout his detention, the UAE authorities denied him access to a lawyer and to limited contact with his family.

On 2 July 2013, the Federal Supreme Court sentenced Saleh Mohammed al-Dhufairi to 10 years' imprisonment, followed by three years' probation, after convicting him, under Article 180 of the Penal Code, of establishing and managing an association that aimed to overthrow the government. He was then brought to trial for a second time and charged together with 20 Egyptians and nine other UAE nationals also from the UAE 94 case. On 21 January 2014, the Federal Supreme Court sentenced him to a further four years and three months' imprisonment – which he will serve after his initial 10-year sentence is complete – after convicting him and the other defendants in connection with the establishment of an "international" branch of the Muslim Brotherhood; distributing secret state documents; failing to notify the authorities about the theft of the documents; and failing to notify them also about the establishment of the Muslim Brotherhood branch.

Amnesty International considers Saleh Mohammed al-Dhufairi a prisoner of conscience, imprisoned solely for peacefully exercising his rights to freedom of expression and association, and calls for his immediate and unconditional release.

**Sheikh Dr Sultan Kayed Mohammed**

**al-Qassimi**, a senior member of the ruling family in Ras al-Khaimah emirate who helped found Ittihad University in the UAE and headed the board of directors of al-Islah, was arrested on 20 April 2012 by armed State Security officers who raided his home and failed to produce a judicial warrant for his arrest. They took him to the palace of Sheikh Saud Bin Saqr al-Qassimi, the Ruler of Ras al-Khaimah, and then held him there without charge or trial for five months during which the authorities denied to his family that they were holding him there and refused to disclose any



Prisoner of conscience Sheikh Dr Sultan Kayed Mohammed al-Qassimi. @Private

information as to his whereabouts. A victim of enforced disappearance, he was kept in solitary confinement in a locked room and watched over by armed guards. In September 2012, the security authorities moved him to a secret detention facility, where he remained until he went on trial as one of the UAE 94 defendants. Throughout his detention, the authorities denied him access to a lawyer and contact with his family. He was only moved to a recognized prison, al-Sadr Prison in Abu Dhabi, on 7 March 2013, after the start of the

UAE 94 trial. He is currently serving a 10-year prison sentence, followed by three years’ probation, following his conviction at the mass trial, and was transferred in May 2014 to al-Razeen Prison, where he has been ill-treated.<sup>60</sup>

Sheikh Dr Sultan Kayed Mohammed al-Qassimi, who holds a PhD in Political Education and Development from the UK’s University of Manchester, is a prominent figure in the UAE and had been vocal for a number of years in calling for peaceful dialogue within UAE society.

Amnesty International considers him a prisoner of conscience, imprisoned solely for peacefully exercising his rights to freedom of expression and association, and calls for his immediate and unconditional release.

**Khalid al-Shaiba al-Nuaimi**, a 62-year-old businessman, was arrested by a group of State Security officers whose faces were concealed by balaclavas on 16 July 2012 at his home in Sharjah emirate. The officers produced no judicial warrant for the arrest, nor did they provide an explanation as to the reason for his arrest. They removed electric devices such as computers from his home and took him to an undisclosed location where he was kept in incommunicado detention and ill-treated for the next eight months. He was kept in a solitary confinement cell with no windows where he was deprived of sunlight and subjected to freezing cold temperatures. He was routinely forced to wait for hours to be escorted to use the communal bathroom, for which he was forced to strip all his clothes and permitted to wear only a small sheet around his waist.



Prisoner of conscience Khalid al-Shaiba al-Nuaimi.  
@Private

Despite his family’s visits to the State Security Prosecution’s office in Abu Dhabi and to other officials, the authorities denied any knowledge of his whereabouts. His family received a brief telephone call from him one month after his arrest, during which, he later told them, he was forced by the State Security officers to say that he was “in a farm” and that he was being given good food. In November 2012, when seeking information about his whereabouts at the State Security Prosecution office, his family happened by chance to see him being led, handcuffed and blindfolded, into the building for questioning. He appeared to be in poor health and had lost so much weight that his family found him almost unrecognizable. Khalid al-Shaiba al-Nuaimi remained in a secret detention facility until he went on trial as one of the UAE 94 defendants in March 2013. He was convicted and sentenced to 10-years’ imprisonment, followed by three years’ probation. His brother Ahmed al-Shaiba al-Nuaimi was one of the eight men to be convicted *in absentia* at the same trial.

Amnesty International considers Khalid al-Shaiba al-Nuaimi a prisoner of conscience, imprisoned solely for peacefully exercising his rights to freedom of expression and association, and calls for his immediate and unconditional release.

**Obaid Yousef al-Zaabi**, a political activist and the brother of Ahmed al-Zaabi, another one of the UAE 94 trial defendants, was arrested on 2 July 2013 after he posted a series of tweets criticizing the mass trial. Authorities charged him on numerous counts for his Twitter-related activities. He was released on bail on 4 August 2013 because of his poor health, but then re-arrested in December 2013 after the US TV news station CNN interviewed him about a case in which a US national had been imprisoned in the UAE for making a spoof video about Dubai. In the interview, Obaid Yousef al-Zaabi said he had been using Twitter to express his opinions, defend human rights, including those of detainees held by the State Security, and advocate political reform.<sup>61</sup> He was held in conditions amounting to enforced disappearance for several weeks after he was arrested – the authorities refused to reveal his whereabouts to his family members. He remained under the detention of the State Security in an Abu Dhabi hospital, where he received medical treatment for arthritis. His family was not told where he was despite enquiring about him with the relevant police authorities, and he had no access to a lawyer during this time and at any point during pre-trial detention.<sup>62</sup>



Blogger and prisoner of conscience Obaid Yousef al-Zaabi. @Private

In March 2014, Obaid Yousef al-Zaabi's case was transferred to the State Security Chamber of the Federal Supreme Court where his trial began, on charges brought under Articles 27 and 28 of the cybercrimes law.

He was accused of "founding and maintenance of an electronic page on Twitter...disseminating his thought and stories that stir hate and disturb public order by libelling the State Security Apparatus with torture allegations"; making false

statements "concerning the rulers of the UAE using phrases that lower their status and accusing them of oppression"; disseminating "ideas and news meant to mock and damage the reputation of a governmental institution"; libelling the Federal Supreme Court by suggesting that it "resembles a court martial and that its law is flawed and incomplete, and that the proceedings are comic, and that the judiciary is dishonest, incompetent, and scheming"; libelling "the State Security Apparatus by calling them stupid, and by calling them the citizen terrorizing apparatus"; and spreading "slander concerning the rulers of the UAE using phrases that lower their status, and accusing them of oppression."

The court acquitted him of these charges on 23 June 2014. Despite his acquittal, however, Obaid Yousef al-Zaabi has not been released. He and his family have not been informed why he is still in detention and on what legal basis. He has been allowed only one family visit since his arrest in December 2013 and has had no access to a lawyer since his acquittal. He is currently held in the prisoners' ward of Sheikh Khalifa Medical City Hospital in Abu Dhabi, as he continues to suffer from advanced arthritis and rheumatism and has difficulty walking.

Amnesty International understands that during the first few weeks after his arrest, a senior

State Security Prosecution official told Obaid Yousef al-Zaabi that he would not be released even if he went to trial and a court found him innocent. His detention is arbitrary under international law as there is no legal basis for depriving him of his liberty.<sup>63</sup>

Amnesty International considers Obaid Yousef al-Zaabi a prisoner of conscience, imprisoned solely for peacefully exercising his rights to freedom of expression and association, and calls for his immediate and unconditional release.

## 4. TORTURE AND OTHER ILL-TREATMENT

**“Your honour, I ask for protection for myself and my family, because what I am about to say will cost me my life. I hereby deny all the charges against me. I am scared. Scared for my life and for my family, and I request the court to extend its protection because I am denying all these charges.”**

Prisoner of conscience, Dr Ahmed Ghaith al-Suwaidi, one of the UAE 94 defendants, speaking to the judge at the first trial session on 4 March 2013.

Although the UAE has acceded to the UN Convention against Torture,<sup>64</sup> and torture is absolutely prohibited under customary international law, as well as under the UAE Constitution and statute law, the UAE authorities continue to turn a blind eye to allegations of torture and other ill-treatment of detainees. These abuses appear to have become almost routine in cases involving political prisoners.

Many of the UAE 94 defendants and other defendants standing trial before the State Security Chamber of the Federal Supreme Court have alleged in court that they were tortured or otherwise ill-treated in pre-trial detention, when they were often held incommunicado for months in secret State Security detention facilities.

According to sources who were present at the UAE 94 trial when it opened on 4 March 2013 and during subsequent sessions, some of the defendants said that interrogators had pulled out their fingernails; beaten them severely and suspended them upside down for long periods; torn hair from their beards and chests; and threatened them with electric shock torture, rape and death. Many of the defendants described the other methods used: prolonged solitary confinement, often in uncomfortably hot or cold conditions; sleep deprivation through exposure to continuous bright fluorescent lighting; hooding during questioning and when being moved to and from their cells; and verbal abuse and insults. In response, the judge reportedly instructed that the complainants should undergo medical



examinations but no such examinations were carried out.<sup>65</sup>

Economist, **Dr Ahmed Ghaith al-Suwaidi**, one of the UAE 94 defendants and one of seven activists whose UAE nationality the authorities had revoked in 2011, pleaded with the court at the opening of the UAE 94 trial to protect him and his family from the State Security.<sup>66</sup> He said that he had been tortured while in incommunicado detention for almost a year and forced to sign a false “confession” that al-Islah had aimed to execute a coup and overthrow the government – his “confession” formed a key element of the prosecution’s case against the 94 defendants. At the opening session of the trial in March 2013, when he appeared in what sources who knew him who were present in the courtroom described as a severely weakened physical and mental state, Ahmed Ghaith al-Suwaidi denied the charges and entered a plea of not guilty; he also told the presiding judge that State Security officers had threatened him and his family with death if he should “dare” to plead not guilty. No investigations were ordered into his allegations of torture.



Economist and prisoner of conscience Dr Ahmed Ghaith al-Suwaidi. @Private

Dr Ahmed Ghaith al-Suwaidi, who is a former employee of the Abu Dhabi government’s finance department, was arrested on 26 March 2012 and taken to al-Shahama Prison before being transferred to an unknown location on 26 April 2012 where he was placed in solitary confinement without any access to his family or legal counsel for several months, during which time he was interrogated repeatedly for long periods. He was only transferred to an official prison nine days after the start of the UAE 94 trial. He is now serving a 10-year prison sentence, followed by three years’ probation, imposed at the end of the trial.

Amnesty International considers Dr Ahmed Ghaith al-Suwaidi a prisoner of conscience, imprisoned solely for peacefully exercising his rights to freedom of expression and association, and calls for his immediate and unconditional release.

Another defendant, **Dr Ahmed al-Zaabi**, a university professor and former judge who also received a 10-year prison sentence, followed by three years of probation, at the end of the UAE 94 trial, told the court at trial that he had been tortured by State Security officers while detained incommunicado and without access to legal counsel between 17 April 2012 and 10 March 2013, after the trial had already begun. He said that on or about 18 April 2012, security officials had hung him upside down and beat him on the soles of his feet until they became swollen, and on his body, causing extensive bruising. He said he was repeatedly questioned for up to eight hours at a time while blindfolded and that interrogators tore hair from his head and pulled out his fingernails. At one stage, he said he had seen blood in his urine, apparently due to the intensity of the beatings inflicted on him. He said he was deprived of sleep for long periods, with bright lights kept constantly shining in his cell, placing him under extreme stress and causing him to hallucinate, and that officials confiscated his spectacles and kept him partially naked, allowing him to wear only a small towel when they escorted him to the bathroom.



During his first questioning by an official from the State Security Prosecution, which took place on 12 July 2012 – over three months after his arrest – Ahmed al-Zaabi said the following:



University professor and former judge Dr Ahmed al-Zaabi. @Private

*"They [State Security officers] put me in a separate prison and they interrogated me about the organization [al-Islah]. They used force with me to compel me to sign statements that I have no idea about. They compelled me to sign and give my finger prints and they threatened me with revocation of my nationality."*

When the official questioned him about his visible injuries, he said:

*"[I have] some signs of beating on my left foot sole and bruises on [my] nails. Officers in the State Security beat me. They tied my feet with a machine that lifts feet...to make me confirm what they have written in their report. I was blindfolded and I did not see who inflicted the injury or who beat me."*

Amnesty International considers Dr Ahmed al-Zaabi a prisoner of conscience, imprisoned solely for peacefully exercising his rights to freedom of expression and association, and calls for his immediate and unconditional release.

At the UAE 94 trial, Dr Ahmed Ghaith al-Suwaidi, Dr Ahmed al-Zaabi, Ahmed Rashid al-Tabour and one other defendant submitted a petition of complaint to the court and asked it to investigate their torture allegations but the court failed to do so. According to the trial judgement, the presiding judge rejected defendants' allegations of torture, describing them as "baseless claims," and accepted as evidence "confessions" and other statements that defendants said they had made under torture or other duress in pre-trial detention. In fact, in refuting the defence's statement that the "confessions" of two of the defendants, Dr Ahmed Ghaith al-Suwaidi and Ahmed Rashid al-Tabour, were invalid because they had been obtained under physical and mental torture by interrogators, the court judgement said:

*"This court is confident that the confession of the two defendants was proper, as it matches the reality apparent from other elements of the case. The court's opinion is that the confessions have been truthful, willing, and given with sound mind. The apologetic note of the confessions add to the court's confidence. The lack of convincing evidence presented by the defendants is yet another factor. The length of the investigative sessions was necessary and may have caused some foreseeable issues with the mental state of the defendants, something that is necessary due to the nature of the crime."*

During the trial, the court refused to allow psychiatric examinations of Dr Ahmed Ghaith al-Suwaidi and Ahmed Rashid al-Tabour, and said in its judgement:

*"The court has not seen any evidence of a mental problem other than what is normally*

*observed amongst prisoners. Mental problems are a common defence tactic."*

Twenty-two of the 94 trial defendants provided further information about their alleged torture and other ill-treatment in handwritten letters that they smuggled out of detention and passed to Amnesty International and other international human rights organizations in June 2013, shortly before their trial concluded on 2 July 2013. All 22 said they had been held in solitary confinement in cells that were kept brightly lit, both day and night, making sleep difficult; 16 of the 22 complained that they had been exposed to temperature extremes and were blindfolded during interrogations. Some detainees described being beaten with plastic tubes and said their interrogators had threatened to use electric shock torture against them, while others described being insulted and humiliated and hearing muffled screams, suggesting the torture of other detainees.<sup>67</sup>

During the trial, no less than 71 of the defendants complained that they had been subjected to torture and other ill-treatment during lengthy periods of incommunicado detention by State Security.<sup>68</sup> In its letter to Amnesty International dated 30 October 2014, the government denied that detainees had been subjected to torture and other ill-treatment and claimed that this had been confirmed by the Emirates Human Rights Association (EHRA), which has close links to the authorities, whose representatives had been allowed to visit them in detention and had "not only found no evidence of any mistreatment, but were also assured by the overwhelming majority of the accused themselves that they had not been subjected to any such mistreatment."<sup>69</sup>

Similar allegations of torture and other ill-treatment in pre-trial detention to those made by the UAE 94 trial defendants were made by some of the Egyptians accused in the trial of 10 UAE nationals and 20 Egyptians that began before the State Security Chamber of the Federal Supreme Court on 5 November 2013.

In handwritten letters handed to a defence lawyer in September 2013 after they had been moved out of secret detention and into al-Wathba Prison in Abu Dhabi, seven of the Egyptian detainees described the torture and ill-treatment to which they had been subjected by the State Security in secret detention. They said they had been beaten on their heads and all over their bodies with a wooden stick; forced to sit in an electric chair and subjected to electric shock to different parts of their bodies; continuously slapped and punched in the face; hung from different parts of their bodies with metal chains and cuffs; forced to hold stress positions for long periods; and subjected to extreme temperatures. The letters also said they had been interrogated while blindfolded with their hands and feet bound and while tied to a chair; held in solitary confinement for prolonged periods in undisclosed locations; and subjected to humiliating treatment including being forced to kneel on the ground while being beaten with a stick on their backs and buttocks.

The detainees said interrogators had also made various threats against them including threatening to kill or rape them with instruments; infect them with HIV; falsely accuse them of being terrorists or spies; delete their children's education records; and hold them in solitary confinement for 25 years.

At trial, many of the defendants told the court that State Security officers had subjected them to torture and other ill-treatment to force them to sign "confessions", which they

repudiated in court.<sup>70</sup> However, despite the seriousness of their allegations, the presiding judge failed to order an investigation, and accepted as evidence the "confessions" they had repudiated and said interrogators had extracted from them through torture or other coercion.

Torture and other ill-treatment have also been reported in other cases too.

**Dr Mahmoud al-Jaidah**, a Qatari national and medical doctor, was detained without a judicial warrant by State Security officials on 26 February 2013 as he waited in transit at Dubai International Airport for a flight to Qatar after arriving from Thailand. He was subjected to enforced disappearance; the authorities held him in a secret location and refused to reveal his whereabouts to his family. He was eventually permitted limited visits with them; he was transferred from secret detention to the State Security Prosecution building in Abu Dhabi for these visits and then transferred back again to secret detention. In April 2013, the UAE authorities refused to allow four Qatari lawyers, whom his family had appointed to defend him, to meet with him. The UAE authorities also did not respond to an Amnesty International request for information about him sent in the same month.



Qatari national and medical doctor, Dr Mahmoud al-Jaidah, a prisoner of conscience.  
@Private

At his trial before the State Security Chamber of the Federal Supreme Court, which began on 4 November 2013, Mahmoud al-Jaidah alleged that interrogators had beaten him on his face and on the soles of his feet, deprived him of sleep, constantly exposed him to bright light, forced him to drink an unidentified liquid that he feared could damage his health, and threatened to pull out his fingernails and hang him upside down until he died. His interrogators threatened him, he said, that because he had been permitted no phone or other contact with the outside world, if he should disappear "no-one would even know you are gone". He said that on 11 March 2013 he was forced by his interrogators to make a statement on video. They assured him that they would then release him and allow him to return home to Qatar, but they continued to keep him in detention. At other times, he said, interrogators forced him under duress to sign and put his fingerprints on numerous documents that they did not permit him to read.

Mahmoud al-Jaidah was denied access to a lawyer until his trial had already begun and, even then, he was only allowed to meet with his lawyer twice, both occasions in the presence of a security official. He was only transferred out of secret detention on 17 November 2013, after the start of his trial, to al-Razeen Prison in Abu Dhabi. His lawyer Abdulhamid al-Kumity was harassed and placed under heavy surveillance during the trial. Before engaging Abdulhamid al-Kumity, Mahmoud al-Jaidah's family had previously engaged three other UAE lawyers to represent him. The first withdrew after one day, the second after a few months, and the third also after one day. They all cited "personal reasons" for withdrawing from his case, though it appears they may have been harassed by the UAE authorities in an attempt to intimidate them and stop them from working on his case.

Despite Mahmoud al-Jaidah’s allegations of torture and their broad consistency with allegations made by defendants in other trials before the State Security Chamber of the Federal Supreme Court, the court failed to order an independent investigation and accepted his repudiated “confession” as evidence of his guilt. The court convicted Mahmoud al-Jaidah under Article 180 of the Penal Code for allegedly providing financial support to families of the members of al-Islah who were detained following their arrests in 2012. The court sentenced him to seven years of imprisonment, and sentenced several other defendants in the same trial to lesser prison terms.

Amnesty International considers Mahmoud al-Jaidah a prisoner of conscience and calls for his immediate and unconditional release.

In another case, **Saud Kulaib**, a member of al-Islah from Ras al-Khaimah emirate who had posted messages on Twitter in support of those detained following the mass arrests, was himself arrested on 29 December 2012 and subjected to enforced disappearance until 27 May 2013 when he was moved to al-Sadr Prison in Abu Dhabi. From there, he told members of his family and other prisoners that security officials had beaten him, cut his hand with a razor blade, held him by turns in extremely hot and cold conditions, deprived him of sleep and threatened to pull out his fingernails. He said that the authorities also tried to break him down by misleading him into believing that his wife was also detained and on hunger strike.

**“I was suspended several times from the legs by an iron rod in an extremely painful position between two chairs, while my hands were tied with an iron chain, leaving marks that are still visible today. I was then severely beaten on the legs for more than half an hour. Next, cold water was poured over my head and body. At times my clothes were taken off, leaving only my under-shorts, to torture me in the manner already described.”<sup>71</sup>**

Saud Kulaib, speaking of his torture.

On 3 February 2014, the State Security Chamber of the Federal Supreme Court convicted Saud Kulaib under the cybercrimes law for charges including “purchasing data devices that contain State Security Apparatus secrets”, and sentenced him to three years’ imprisonment, a conviction he did not have the right to appeal. Amnesty International understands that the court failed to order an investigation into allegations that he had been subjected to torture and other ill-treatment.

Amnesty International considers Saud Kulaib a prisoner of conscience, imprisoned solely for peacefully exercising his rights to freedom of expression and association, and calls for his immediate and unconditional release.

## IMPUNITY

Freedom from torture and other ill-treatment is an absolute right enshrined in international law. Torture and other ill-treatment are absolutely prohibited, at all times, by international human rights law, including the Convention against Torture.<sup>72</sup> Acts of torture and certain types of other ill-treatment are crimes under international law.

As a state party to Convention against Torture, the UAE must ensure that torture allegations are promptly, impartially, independently and thoroughly investigated, that victims have access to an effective remedy and receive reparation, and that those responsible are brought

to justice.<sup>73</sup> Article 15 provides that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.<sup>74</sup>

Article 26 of the UAE Constitution also prohibits torture and degrading treatment of detainees,<sup>75</sup> as does Article 48 of the Law Concerning the Federal Supreme Court.<sup>76</sup> Article 28 of the Constitution<sup>77</sup> and Article 2 of the Criminal Procedure Law<sup>78</sup> expand this prohibition to include causing moral harm to detainees. Articles 242 and 245 of the Penal Code make it a crime punishable by imprisonment and/or a fine for any public servant to torture or threaten an accused person in order to make him confess to a crime or, when acting in his official position, to use force against, dishonour or cause a person bodily pain.<sup>79</sup> Article 259 of the Penal Code also makes it a crime to torture, force or threaten a person to remain silent or to give untrue statements or information to a judicial body.<sup>80</sup>

In practice, however, the authorities do not enforce this legislation, particularly with respect to the detention practices of the State Security, and the State Security Chamber of the Federal Supreme Court has failed to adequately investigate defendants' allegations of torture despite the mounting evidence of abuse of detainees by the State Security Apparatus. In cases that Amnesty International has documented, most detainees held by the State Security are generally taken into secret detention facilities where they are held incommunicado for weeks or months with no access to their families or lawyers and where they are often tortured or otherwise ill-treated. Detainees held in such conditions or subject to incommunicado detention are extremely vulnerable and are more susceptible to making "confessions" under duress and which are then accepted in court as evidence of their guilt.

Despite that, and with a large number of allegations and mounting evidence of torture of detainees that emerged at the UAE 94 and other trials since 2011, in addition to previous cases documented by Amnesty International and other human rights organizations,<sup>81</sup> the UAE authorities appear to have taken no steps to conduct independent investigations, or to hold to account security officials responsible for torture and other ill-treatment of detainees.

On the contrary, the UAE authorities effectively facilitate the use of torture and other ill-treatment by allowing State Security officials to continue their practices of enforced disappearance and incommunicado detention at secret locations. Even UAE courts appear unwilling to challenge the security authorities when confronted with allegations of torture made by detainees.

Amnesty International knows of no cases where members of the State Security have been investigated, let alone prosecuted or held criminally liable for alleged torture or other ill-treatment of detainees, or for subjecting detainees to the crime, under international law, of enforced disappearance. In October 2014, Amnesty International wrote to the UAE authorities to seek information about the steps, if any, they have taken to investigate allegations of torture and other ill-treatment made during the trials of alleged members of al-Islah or in other proceedings before the Federal Supreme Court and whether any State Security officials or other officials have faced disciplinary action or criminal prosecution for alleged abuses, against detainees since 2011. In response, the UAE government told Amnesty International that it "vigorously denies" allegations that detainees in the UAE 94 case were subjected to torture and other ill-treatment while in detention. The government

also said that the Federal Supreme Court had addressed the defendants' allegations of torture and other ill-treatment and found them "to be without merit."<sup>82</sup>

In February 2014, the UN Special Rapporteur on the independence of judges and lawyers reported that she had received credible evidence of torture and other ill-treatment of detainees held incommunicado in secret detention facilities, and urged the UAE authorities to prosecute the torturers rather than allowing any information obtained from torture to be used as evidence against the victims. She recommended that the UAE authorities establish an independent committee of experts experienced in medical forensics, psychology and post-traumatic stress to investigate allegations of torture and other ill-treatment of detainees.<sup>83</sup> To date, however, the UAE authorities have taken no such steps.<sup>84</sup>

## ILL-TREATMENT IN PRISON

Most political prisoners in the UAE, many of whom have been sentenced under broad and sweeping national security provisions in the Penal Code, are held at the high security al-Razeen Prison, which is situated in the middle of the Abu Dhabi desert and is effectively under the control of the State Security, rather than the Ministry of Interior – the official body legally responsible for the oversight of correctional facilities. Prisoners are continually harassed and ill-treated, in an apparently deliberate attempt by the authorities to break their spirits and that of their families.

Prisoners complain that guards frequently conduct raids on their cells, often when inmates are absent attending Friday prayers, and confiscate personal items such as clothes, phone cards, radios, notebooks containing personal writings, and letters. Some prisoners who have refused to surrender their own clothes or other belongings to the prison authorities have been reportedly beaten by prison guards and moved to solitary confinement cells and held without adequate food or water as a punitive measure. Others have been arbitrarily held for days in solitary confinement or had their visitations and calls cancelled for weeks or months for no apparent reason – in some instances, prisoners' children or grandchildren have been arbitrarily stopped from visiting them while others have had their twice-weekly phone calls to their families arbitrarily cut.

Prisoners have also complained that prison authorities have withheld soap and other sanitary items from them for months, and have delayed and then returned letters that prisoners had written to their families. The prayer room in at least one prison ward, which also stores medicine, has reportedly been closed for several months, preventing some prisoners from obtaining the medication they need

**Khalifa al-Nuaimi**, a university student and blogger sentenced to 10 years of imprisonment, followed by three years' probation, at the end of the UAE 94 trial, has been beaten on at least two occasions and denied visits from his family. He has also been placed in solitary



Blogger and student Khalifa al-Nuaimi, a prisoner of conscience. @Private

confinement on four separate occasions for up to eight days – without any process whatsoever. The first time was in March 2014 after he questioned the prison authorities' reason for ordering the confiscation of the prisoners' own clothes, when he was beaten by guards on the orders of a prison officer, and then placed in solitary confinement for eight days without adequate food or water. On the second occasion, he was again beaten and placed in solitary confinement when he objected to guards taking away prisoners' underwear and other personal belongings. He was also banned from receiving family visits for one week as a further punitive measure and went on hunger strike until he was removed from solitary confinement. In September 2014, he was barred, without explanation, from making calls to his family for six weeks or having visits from them for one month. Prior to his arrest, Khalifa al-Nuaimi had kept an active blog and Twitter account, which he used to criticize the heavy-handed approach of the security forces and to call for greater freedoms.

Amnesty International considers Khalifa al-Nuaimi a prisoner of conscience, imprisoned solely for his peaceful exercise of his rights to freedom of expression and association, and calls for his immediate and unconditional release.



Prominent lawyer, law professor, and prisoner of conscience Dr Hadeef al-Owais. @Private

Previously, 18 prisoners convicted at the end of the UAE 94 trial went on hunger strike together in July and August 213 in protest at their alleged ill-treatment in al-Razeen Prison. Among the hunger strikers were several prisoners of conscience, including high profile lawyer **Dr Mohammed al-Mansoori**; judge **Mohammed Saeed al-Abdouli** and former judge **Dr Ahmed al-Zaabi**; prominent lawyer and law professor **Dr Hadeef al-Owais**; lawyer **Salem al-Shehhi**; brothers **Abdulla al-Hajri** and **Fahad al-Hajri**; teacher **Najeeb al-Amiri**; **Dr Saif Muhammad Al-Ajlah**; and **Abdulrahman al-Hadidi**.<sup>85</sup>

Prisoners and their families have said that the political prisoners in al-Razeen Prison are discriminated against as compared to prisoners held in other correctional facilities. The prisoners have complained to the authorities about their conditions, as have their families, but with no discernible results. On 25 March 2014, for example, the families of prisoners held at al-Razeen Prison addressed a joint letter to Abu Dhabi's Attorney General, asking that he investigate alleged abuses against the prisoners. As yet, however, they have received no response. Likewise, they received no response from the Minister of Interior, to whom they had written in August 2013 to call his attention to the alleged ill-treatment of the prisoners.

In November 2013, an Amnesty International delegation visiting the UAE asked the Emirates Human Rights Association about the conditions of detention of the UAE 94 prisoners. The Emirates Human Rights Association told Amnesty International that they had written a report based on their inspections 18 months earlier of the conditions in a number of prisons and detention centres in the UAE and had found that most of them to resemble those of "five star hotels". They refused to share their findings with Amnesty International, however, stating that

they were “internal”.<sup>86</sup> Further, Amnesty International received no response to letters sent to the authorities ahead of a visit to the UAE in November 2013 requesting to visit al-Razeen Prison to meet with several prisoners and to make an independent assessment of their treatment and conditions of detention.



## 5. UNFAIR TRIALS

**“Despite progress, the current judicial system in the [UAE] still faces challenges that directly affect the delivery of justice, the enforcement of peoples’ human rights and the public’s confidence in the judiciary. Such challenges should not be ignored, but rather they should be assessed and addressed as a matter of urgency in order to bring the administration of justice...in line with international human rights standards.”**

Preliminary observations made by the United Nations Special Rapporteur on the independence of judges and lawyers following her visit to the UAE between 28 January and 5 February 2014.

Scores of peaceful activists and critics of the government have been imprisoned on broad and sweeping charges in the UAE since the current crackdown began in 2011. In many cases they were convicted and sentenced after unfair trials before the State Security Chamber of the Federal Supreme Court.

The Federal Supreme Court, whose judges are appointed by executive decree, has shown itself to be neither independent nor impartial when trying cases brought largely under broad and sweeping national security provisions in the Penal Code or the cybercrimes or counter-terrorism laws. Trials



Federal Supreme Court, Abu Dhabi, UAE. @Amnesty International

before the Federal Supreme Court raise particular concern because its judgements cannot be appealed to a higher court, as international human rights law requires, so defendants who are wrongly convicted have no judicial means of remedy.

Although the UAE government has told Amnesty International that the independence of the judiciary is guaranteed under the Constitution,<sup>87</sup> the UN Special Rapporteur on the Independence of Judges and Lawyers has described the UAE’s entire judicial system as “under the *de facto* control of the executive branch of government”, describing this as an “important challenge for the independence and impartiality of the judiciary.”

The trial of the UAE 94 was deeply flawed and unfair. The prosecution case was based largely on “confessions” obtained from some defendants while they were held in prolonged incommunicado detention at secret locations and were denied access to legal counsel. The court admitted these “confessions” as evidence of the defendants’ guilt, although the defendants repudiated them in court and alleged that State Security interrogators had extracted them through torture or other duress. The court failed to investigate these allegations. According to the judgement, the court considered the key confessions of Ahmed Ghaith al-Suwaidi and Ahmed Rashid al-Tabour to be “truthful, willing, and [given] with sound mind,” and that their “apologetic” nature supported this conclusion. The court held also that the prolonged length of the investigative sessions had been “necessary....given the nature of the crime”, although “it may have caused some foreseeable issues with the mental state of the defendants.”<sup>88</sup>

The defendants continued to be detained at an undisclosed location, where they had no access to lawyers, until shortly after the commencement of the trial. They were moved to a regular prison only at the direction of the presiding judge after defence lawyers and defendants complained to the court that they were being held incommunicado in secret detention facilities. Defence lawyers also complained that they were permitted insufficient time to prepare the defence: although the defendants had been in custody for months, some for up to one year, defence lawyers were given access to the court documents only four days before the opening of the trial.

Additionally, several senior officials made public statements prior to the start of the trial proclaiming the guilt of the detainees thus undermining their right to the presumption of innocence. For example, in August 2012, Sheikh Saud bin Saqr al-Qasimi, the Ruler of Ras al-Khaimah emirate, announced:

*“Today we have the right to cast blame upon this group and to reject their plans to harm their country, its leadership and their own people. Reform<sup>89</sup> means building the country, not destroying it.”<sup>90</sup>*

Likewise, Hamad bin Mohammed al-Sharqi, the Ruler of Fujairah emirate, was reported in August 2012 to have said that:

*“Such an ungrateful category of people...does not care about development and reforms as they claim, but corruption in the land, and to transfer the diseases of other communities and its crises to this nation. We confirm that we all stand together, people and officials...in all the procedures designed to protect our country and our people from all bad and evil things (both obvious and hidden), and deter anyone who wants to deviate*

*from the community approach and the state system or interfere in its achievements.*"<sup>91</sup>

During the trial, according to the judgement issued on 2 July 2013, it emerged that one female defendant had been wrongly arrested and charged because the authorities had mistaken her identity for that of another woman.<sup>92</sup> Despite the prosecution apparently having become aware of their error in investigating her as early as 30 December 2012, she was nevertheless questioned in January 2013. The presiding judge also failed to discharge the female defendant, even after her true identity had been made known to the judge at the start of the trial, and she remained on trial until it concluded, when she was among those acquitted.

Defendants also challenged the validity of certain incriminating statements that the prosecution submitted as evidence; many denied having signed the statements in pre-trial detention and alleged that their signatures had been forged. The court dismissed these allegations, but without taking any steps to have the signatures expertly examined and verified. In fact, according to information available to Amnesty International, the lawyer who had raised the complaint was asked by the Court to withdraw it.

Like all defendants convicted by the Federal Supreme Court, these defendants were denied the right to appeal the court's verdict and their sentences to a higher judicial tribunal. International human rights law requires that everyone convicted of a criminal offence has the right to have their conviction and sentence reviewed by a higher tribunal.<sup>93</sup> The right to review ensures that there will be at least two levels of judicial scrutiny of a case, the second of which is by a higher tribunal than the first. However, in contravention of international human rights law, UAE law does not permit defendants tried before the Federal Supreme Court to appeal the court's decisions, which are final, binding and not subject to challenge.

Despite evidence to the contrary, the UAE government continues to assert that the defendants "received all of the due process guarantees to which they are entitled under the UAE Constitution and laws" and that they had contact with freely chosen lawyers "who had access to and conducted interviews with the accused in private and without the presence of security personnel." In addition, the government has told Amnesty International that lawyers "were given ample time to prepare their defence as the list of charges was made available to them in good time,"<sup>94</sup> even though they were not given access to the case documents until a few days prior to the start of the trial.

The trial of 10 Emiratis and 20 Egyptians that began before the State Security Chamber of the Federal Supreme Court on 5 November 2013 bore many of the same flaws. Again, the defendants were charged and brought before the court after many months in which they were subject to enforced disappearance and detained incommunicado at an undisclosed location in conditions widely recognized to be conducive to torture and other ill-treatment and abuse.

Many of the defendants were denied access to lawyers throughout their pre-trial detention, and allowed only limited opportunities to consult with their lawyers once the trial got underway. Defence lawyers were not given access to the case files until shortly before the trial began and were given inadequate time to prepare their defence. Many of the defendants refused to appear in court in protest at not being allowed to meet with their lawyers or have access to their case documents.

In his defence statement at the penultimate trial session on 17 December 2013, the lawyer acting for many of the defendants Abdulhamid al-Kumity (or al-Kumaiti) highlighted what he argued was a lack of due process and inconsistencies in the prosecution’s case against them. He argued that the dates on which some of the defendants were first detained differed from the arrest dates officially recorded in court documents. The defendants claimed that these dates had been falsified and that they were arrested without judicial warrants being presented to them. They repudiated “confessions” that they said State Security interrogators had obtained from them through torture or other duress during their prolonged detention in secret detention facilities.<sup>95</sup> Abdulhamid al-Kumity complained to the court that “confession” statements had also been plagiarised. He said:

*“The answers have been copied and pasted from one defendant to another. The same commas, periods and spelling mistakes are found on all the pages for each defendant”.*<sup>96</sup>

The court, however, dismissed these allegations without taking adequate steps to investigate them, and ruled that the defendants’ pre-trial “confessions” should be admitted as evidence.

Since the crackdown began in 2011, activists and government critics have increasingly being tried before the Federal Supreme Court, whose judgements are inherently unfair, because defendants have no legal means to challenge its decisions, in contravention of international human rights law.

**Abdulla al-Hajri**, a graduate and student leader who signed the March 2011 petition and is married to the daughter of Dr Mohammed al-Roken, stood trial as part of the UAE 94 before the State Security Chamber of the Federal Supreme Court. He was arrested by State Security officers on 16 July 2012, together with his brother-in-law, Rashid Mohammed al-Roken, and was then detained incommunicado and in solitary confinement at an undisclosed location for eight months. He has said that he was tortured and otherwise ill-treated by interrogators who beat him, forced him to sit in an electric chair and threatened to give him electric shocks if he did not “cooperate” and “confess” to what they dictated to him, and at times did not permit him to use the communal bathroom, forcing him to urinate and defecate in a corner of his cell. He collapsed in his cell at one point but received no attention for several hours, although the cell was constantly monitored by CCTV camera. Eventually, State Security officers allowed him to make one short weekly phone call to his family but told him to say that he was “fine” and that “everything would be OK”. The court convicted Abdulla al-Hajri and sentenced him to a



Student and prisoner of conscience Abdulla al-Hajri with his father-in-law, prominent human rights lawyer and law professor Dr Mohammed al-Roken, who is also a prisoner of conscience.  
@Private

seven-year prison term, which he is now serving at al-Razeen Prison. He had no right to appeal the court verdict.

Amnesty International considers Abdulla al-Hajri a prisoner of conscience, imprisoned solely for his peaceful exercise of his rights to freedom of expression and association, and calls for his immediate and unconditional release.

Business graduate, **Fahad al-Hajri**, brother of Abdulla al-Hajri, was also prosecuted by the Federal Supreme Court in the UAE 94 trial. He had been arrested on 2 March 2013, two days before the start of the trial, and placed in solitary confinement in an undisclosed location until he was transferred to al-Razeen Prison on 10 March 2013. During the trial, the prosecution had claimed that an al-Islah meeting had been held in his home in Dubai but acknowledged that Fahad al-Hajri had not attended the meeting. This appears to have been the only piece of "evidence" against him, yet the court convicted him and sentenced him to seven years' of imprisonment.

Amnesty International considers Fahad al-Hajri a prisoner of conscience and calls for his immediate and unconditional release.

**Hussain Ali al-Najjar al-Hammadi**, a science teacher, has been subject to two unfair mass trials since 2013. He was arrested without a judicial warrant by State Security officers on 16 July 2012 at a family home in Fujairah emirate and kept blindfolded in a car with his hands and feet cuffed and with a bag over his head for nine hours while the officers searched his house. They then took him to another family home in Ajman emirate, which they searched for a further four hours, before transferring him to an unknown location, where he remained in solitary confinement for the next eight months – in conditions amounting to enforced disappearance. The authorities did not disclose his whereabouts or any other information to his family during this period or allow him access to a lawyer.



Science teacher and prisoner of conscience Hussain Ali al-Najjar al-Hammadi. @Private

Hussain Ali al-Najjar al-Hammadi's family made a number of visits to the offices of officials, including the State Security Prosecutor and the Ministry of Interior, and were told that his details could not be found on the prisoner database, which is kept by the Ministry.

He reappeared from detention, where he was tortured and otherwise ill-treated, later as one of the accused in the UAE 94 trial, at which he was convicted on charges of plotting to overthrow the government and sentenced to a 10-year prison term, followed by three years’ probation. Subsequently, he faced further charges and stood trial again with nine other UAE nationals and 20 Egyptian nationals, accused of seeking to establish a secret cell of the Muslim Brotherhood in the UAE. In January 2014, the State Security Chamber of the Federal Supreme Court convicted him and sentenced him to a further 15 months in prison, which he will serve after his initial 10-year sentence is complete. He did not have the right to appeal either of his convictions.



Hussain Ali al-Najjar al-Hammadi is a well-known figure in his field and was featured in al-Khaleej newspaper. The headline says: “Hussain al-Najjar: I dream of uniting the philosophy of education in the Arab world.” @Private

Hussain Ali al-Najjar al-Hammadi’s 25-year-old son, **Osama al-Najjar**, is also facing charges before the State Security Chamber of the Federal Supreme Court that stem from his activities on Twitter defending his father. Osama al-Najjar was detained on 17 March 2014 when a force of 10 State Security officers raided his family’s home in Ajman emirate the day after he posted several messages on Twitter that were critical of the authorities. In these, he accused the authorities of ill-treating his father and other political prisoners held at al-Razeen Prison in Abu Dhabi, and responded to comments that the Ruler of Sharjah emirate had made in a radio broadcast. Security officials searched the family home and took away a number of the family’s possessions, including iPads and laptops.



Twitter activist and prisoner of conscience Osama al-Najjar.  
@Private

Following his arrest, security officials held Osama al-Najjar in solitary confinement at a secret detention facility for four days while denying him any contact with his family or a lawyer. His mother’s requests to the authorities for information about him received no response. He says security officials questioned him every day from early evening until after sunrise, and tortured and ill-treated him during his detention, including by punching him repeatedly to make him reveal his mobile phone password. He said they beat him on his face, ears, and body,

sometimes using a cable, until a wound on his leg resulting from surgery that he had received the day before his arrest began to bleed. He said interrogators also made him hold a cable and threatened to give him electric shocks if he refused to "cooperate," and threatened to detain his mother and younger siblings. He was transferred from the secret detention facility four days after his arrest to al-Wathba Prison in Abu Dhabi. Three weeks before his arrest, Osama al-Najjar had tweeted the Minister of Interior expressing concern about his father's alleged ill-treatment in prison and seeking the Minister's response to a letter that he had sent to him.

Osama al-Najjar is facing numerous charges before the State Security Chamber of the Federal Supreme Court, including "designing and running a website on social networks with the aim of publishing inaccurate, satirical and defaming ideas and information that are harmful to the structure of State institutions"; "offending the State"; and "instigating hatred against the State". He is also accused of "contacting foreign organizations and presenting inaccurate information" about the UAE 94 trial and living conditions inside al-Razeen Prison. If found guilty, he will not have the right to appeal.

Amnesty International considers father and son, Hussain Ali al-Najjar al-Hammadi and Osama al-Najjar, prisoners of conscience, imprisoned solely peacefully exercising their rights to freedom of expression and association, and calls for their immediate and unconditional release.

Twitter activist **Waleed al-Shehhi** was convicted by the Federal Supreme Court on 18 November 2013 and sentenced to two years' imprisonment and a fine of 500,000 dirhams (US \$136,000) after he was prosecuted for his online activities. He was detained on 11 May 2013 in Ajman emirate by State Security officers, who failed to produce a judicial arrest warrant, after he took to Twitter to criticize the conduct of the UAE 94 trial and the authorities' failure to look into the defendants' torture allegations. He was held at a secret location for 10 days before being moved to al-Wathba Prison in Abu Dhabi to await trial.<sup>97</sup> He was then tried by the State Security Chamber of the Federal Supreme Court under both the cybercrimes law and the Penal Code on various charges, including "insulting the judiciary," based on his activities on Twitter. He was not allowed to appeal the court's verdict. Waleed al-Shehhi was the second person in 2013 to be prosecuted for posting remarks on Twitter that were critical of the authorities' handling of the mass trial.

Amnesty International considers Waleed al-Shehhi a prisoner of conscience, imprisoned solely for peacefully exercising his rights to freedom of expression and association, and calls for his immediate and unconditional release.

Another Twitter user, **Mohammed al-Zumer**, aged 18 at the time of his arrest, was also tried before the State Security Chamber of the Federal Supreme Court. He was arrested by State Security officers in Sharjah emirate on 5 December 2012 and held in incommunicado detention at an unknown location until his transfer to al-Sadr Prison, Abu Dhabi, on 23 May 2013. The first time he was questioned by the State Security Prosecution was on 15 May 2013 – more than five months after his arrest.

Mohammed al-Zumer was tried with two other defendants – Abdulrahman Omar Bajubair, who was being tried *in absentia*, and Khalifa al-Nuaimi – after being accused of insulting

UAE officials by making videos about the alleged torture of detainees and posting them on YouTube and Twitter. On 25 December 2013, Mohammed al-Zumer was sentenced to three years’ imprisonment and a fine of 500,000 dirhams (US \$136,000) on charges including “defaming the State Security Apparatus” and “insulting the country’s leaders.”

Amnesty International understands that Mohammed al-Zumer alleged that he had been subjected to torture and other ill-treatment while held in secret detention but that the court failed to order an investigation into these allegations.

Abdulrahman Omar Bajubair, was sentenced in absentia under the cybercrimes law to five years’ imprisonment *in absentia* on charges stemming from his activities on Twitter, including “offending the honour of the judges of the Federal Supreme Court”, and “publicly breaching the prestige of the court.” Khalifa Al-Nuaimi was acquitted. Mohammed al-Zumer and Abdulrahman Omar Bajubair cannot appeal their verdicts.

Amnesty International considers Mohammed al-Zumer a prisoner of conscience, imprisoned solely for his peaceful exercise of his rights to freedom of expression and association, and calls for his immediate and unconditional release.

In addition, the trials of Abdulrahman Omar Bajubair and others raise additional serious concerns about fairness – there should be no trials *in absentia*. The function of a criminal trial is to determine objectively the guilt or innocence of individuals accused of crimes and the burden to establish guilt rests on the prosecution. Anything which fundamentally prejudices the ability of the court to make this decision should, as a matter of principle, be avoided and the accused should be present to hear the full prosecution case, to examine or have examined witnesses, refute facts and present a full defence. With anything less the reliability of the verdict will always remain in doubt.

On 10 March 2014, **Khalifa al-Rabee’a** and **Othman al-Shehhi** were sentenced by the State Security Chamber of the Federal Supreme Court to five-year prison terms and fines of 500,000 dirhams (US \$136,000) for their support of the UAE 94 prisoners. Both men were arrested in July 2013 and held in undisclosed locations in solitary confinement for months prior to the start of their trial. They were convicted under both the cybercrimes law and the Penal Code on charges of “joining the secret organization [meaning al-Islah]” and “creating and managing websites [accounts] on the social networking site Twitter and disseminating news and ideas that provoke hatred and disturbing public order.” The court refused to order an investigation into claims by both men that they had been tortured and otherwise ill-treated in detention.

Khalifa al-Rabee’a had been arrested on 23 July 2013 by a woman in military uniform and 12 men in plain clothes who presented him with an arrest warrant that did not explain the reason for his arrest and did not have an official signature or stamp from the Public Prosecution. His family were not informed of his whereabouts for months after his arrest and he did not have access to a lawyer during this time. As if to make a case against him, the day after his arrest, a video from the pro-government news website, ‘24 Media’, was shown on its YouTube channel showing posts from his Twitter account that supported the UAE detainees and highlighting hashtags that activists and prisoners’ families were using to campaign for their relatives, including the hashtag “Free Emirates”.<sup>98</sup>



## RIGHT TO FAIR TRIAL IN UAE AND INTERNATIONAL LAW

The right to a fair trial is recognised in Article 10 of the UDHR and, being part of customary international law, is binding upon all states. The right to a fair trial has been elaborated in Article 14 of the ICCPR and is also included in Article 13 of the Arab Charter on Human Rights. The Working Group on Arbitrary Detention has also reiterated that a trial which is not compliant with the international norms of fair trial may lead the deprivation of liberty to be considered arbitrary. All persons deprived of their liberty have the right to the assistance of a lawyer, and effective legal counsel must be provided to them if they cannot afford one.<sup>99</sup> International human rights law also requires that detainees should have access to a lawyer from the start of their detention, including during questioning.

Article 28 of the UAE Constitution states that an accused shall be presumed innocent until proven guilty in a legal and fair trial.<sup>100</sup> It also provides the right to legal counsel, though it qualifies this by stating that the "law shall prescribe the cases in which the presence of a counsel for defence is a must".<sup>101</sup> Article 47 of the Criminal Procedure Law further undermines this right, however, by shifting the burden of proof onto an arrested person to produce evidence of their innocence within 48 hours of arrest or face transfer to the public prosecution for interrogation.<sup>102</sup> This contravenes international fair trial standards, according to which the burden of proof rests on the prosecuting authorities, not the accused.<sup>103</sup>

Article 100 of the Criminal Procedure Law states that an accused person's lawyer must be allowed to attend the questioning and have access to the investigation papers "unless otherwise decided by the member of the public prosecution in the interest of the investigation."<sup>104</sup> This qualification effectively undercuts the right set out in the first part of the article and enables the State Security and prosecuting authorities, in practice, to interview and interrogate suspects without allowing them access to legal advice.

The principle of equality of arms has also been undermined during the trials that Amnesty International documents in this report. For example, in the UAE 94 trial, defence lawyers had no access to the defendants, their clients, throughout their detention, when the authorities alleged that they made "confessions" and other incriminating admissions, and received the case papers only a few days before the commencement of the trial, although it had evidently been in preparation for months. This is inconsistent with international human rights, including Article 16 of the Arab Charter on Human Rights.

By allowing the State Security to detain suspects indefinitely, in undisclosed detention facilities and in isolation from the outside world, UAE law effectively facilitates torture and other ill-treatment and creates a "confession culture" whereby State Security investigators seek to obtain "confessions" and other incriminating statements from those in their custody as a basis for securing their conviction at trial. There is no independent oversight of the conditions in which the State Security holds detainees, often for many months, or the methods they use in seeking and obtaining "confessions." The unequal contest is made worse by the Federal Supreme Court's repeated failure to conduct thorough investigations when defendants have alleged at trial that the State Security tortured or coerced them into making the "confessions" that often represent the prosecution's main or only evidence against them.

Article 230 of the Criminal Procedure Law<sup>105</sup> provides a right of appeal to a higher court for

defendants in most criminal cases, whereas Article 101 of the Constitution<sup>106</sup> and Article 67 of the law concerning the Federal Supreme Court<sup>107</sup> deny this right to defendants tried before that court, declaring that its judgements are final, binding and not open to challenge. This flouts the UAE’s human rights obligations, including under Article 16(7) of the Arab Charter on Human Rights.

Despite some safeguards contained in the Constitution and other laws, the UAE authorities continue to fail in their duty to protect the rights of the many individuals, especially those detained on national security related charges or those who have peacefully expressed criticism of the government, throughout the different stages of legal proceedings. The cases documented in this report show how international human rights obligations are routinely flouted by the UAE security and judicial authorities. In its opinion on the case of the 61 people imprisoned following the UAE 94 trial, the UN Working Group on Arbitrary Detention concluded that their right to a fair trial had been violated because they had been detained incommunicado without legal justification, the charges against them were vague and imprecise, and they did not have the opportunity to appeal the verdict.<sup>108</sup> The WGAD reiterated that deprivation of liberty is arbitrary where it is incompatible with other human rights such as the rights to freedom of thought, conscience and religion; opinion and expression; peaceful assembly and association; the right to take part in public affairs; and where it interferes with the right of detainees to a fair trial.

## **VAGUE AND BROAD DEFINITION OF CRIMINAL OFFENCES**

**Not only do some provisions in UAE law severely restrict rights, their definitions of criminal offences are also so vague and broad that they lend themselves to abuse, thereby facilitating the prosecution of people in trials that are already flawed and unfair because they fail to meet international standards of fair trial. Such provisions flout the principle of legality, which requires that all criminal offences and restrictions must be precise and clear.**

For example, Article 180 of the Penal Code is so sweeping and broad that it can criminalize any form of peaceful criticism of the government or activities by associations, organizations, or groups that are remotely political. The article makes it a crime to establish, found, organize or administer an association that aims at “calling to overthrow or take over the system of government”, “ disrupting the application of the constitution or law”, opposing the “fundamental principles” on which the UAE’s “governing system” is based, preventing “one of the State organizations or one of the public authorities” from performing “their duties”, violating the “personal freedom of citizens or any other public liberties or rights protected by the constitution or the laws,” or jeopardizing “national unity or social peace.” Article 180 also criminalizes and prescribes a penalty of up to 10 years of imprisonment for: “whoever joins one of these associations...or cooperates or participates with it in any manner whatsoever, or provides it with financial or material assistance...”<sup>109</sup> This article was used to prosecute the defendants in the UAE 94 trial on account of their alleged links to al-Islah and the prosecution’s contention that it sought to overthrow the government.

Article 197/2 of the Penal Code punishes by imprisonment and a fine whoever “makes use of any means of communication...to diffuse information or news or to instigate to do acts that...expose the State security to danger or are incompatible with public policy”.<sup>110</sup> The fact that “public policy” is not defined in the Penal Code leaves this provision open for broad interpretation and abuse.

Article 14 of the new law on Combatting Terrorist Crimes punishes with death or life imprisonment:

*"whoever commits or refrains from committing an act meant or intended to undermine the stability, safety, unity, sovereignty or security of the State, or if it was intended to countervail the State's fundamental principles of the ruling regime, or if it was meant to topple the regime or seize power, unlawfully renders the constitution defunct or prevents a state institution or authority to perform its functions, or if it was meant to undermine national unity or social peace."*<sup>111</sup>

Article 15 of the same law provides temporary imprisonment for "Whoever declares by any public means his enmity to the State or regime, or his non-allegiance to its leadership, shall be punished by temporary imprisonment."<sup>112</sup>

The definition of a "terrorist outcome" provided in the new anti-terror law is also broad and sweeping. It defines a terrorist as any person who causes a "terrorist offence", which is described as any act perpetrated for a "terrorist purpose". A "terrorist purpose" is described in the law as:

*"When the perpetrator's intent is prone toward committing or refraining from committing an act that is criminalized by law and if perpetrated with the intent of creating a direct or indirect terrorist outcome, or when the perpetrator knows that committing or refraining from committing the act would result in achieving a terrorist outcome."*

A "terrorist outcome" is defined as:

*"Stirring panic among a group of people... disrupting/undermining the social domestic or international security, antagonizing the State, impacting the public authorities in the State or other states or international organizations as they go about exercising their duties or receiving from the State or other states or organizations a benefit or privilege of any kind."*

In the context of national security laws, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has explained that the principle of legality, whereby crimes must be enshrined in legal provisions that are clear, ascertainable and predictable, means that legislation "must be framed in such a way that: the law is adequately accessible so that the individual has a proper indication of how the law limits his or her conduct; and the law is formulated with sufficient precision so that the individual can regulate his or her conduct."<sup>113</sup> Similarly, the Working Group on Arbitrary Detention has expressed particular concern about "extremely vague and broad definitions of terrorism in national legislation", stating, "[i]n the absence of a definition of the offence or when the description of the acts or omissions with which someone is charged is inadequate... the requirement of a precise definition of the crimes – the key to the whole modern penal system – is not fulfilled and that the principle of lawfulness is thus violated, with the attendant risk to the legitimate exercise of fundamental freedoms."<sup>114</sup> This principle ensures that provisions in the law are not subject to interpretations that unduly broaden the scope of the prohibited conduct, where otherwise overly broad or vague definitions of terrorism may be used by states as a means to criminalize peaceful activism or dissent.

The above provisions and others detailed in this report fail to satisfy the requirement that any restrictions on the rights to freedom of expression and association must be narrow and necessary for the protection of national security or one of the other legitimate grounds specified by international human rights law. They equip the UAE authorities with powers to restrict and criminalize expression and the right to freedom of association in a selective and arbitrary manner and without clearly informing the public as to what specific conduct or expression is prohibited.

## 6. HUMAN RIGHTS DEFENDERS

“An activist might be praised, might be congratulated for his work, might be secretly supported, but there will be no uproar if something happens to him [in the UAE].”

Prisoner of conscience and human rights lawyer Dr Mohammed al-Roken writing in 2007 about the life of activists in the UAE.

Amnesty International has documented increasing harassment and intimidation of human rights defenders by the UAE authorities over several years to deter or prevent them from continuing their human rights activism. Human rights defenders who criticize human rights violations by the authorities are subject to harassment, arbitrary arrest, detention and imprisonment, confiscation of passports and bans on travel abroad.

In her February 2013 report, the Special Rapporteur on the situation of human rights defenders expressed profound concern about the situation of human rights defenders in the UAE and said that the information she had received indicated “a pattern of harassment, arbitrary detention, enforced disappearances and prison sentences handed to human rights defenders legitimately exercising their right to freedom of expression and freedom of association.” She considered “the allegations very serious as they refer to undue restrictions on a number of rights and freedoms which are fundamental to the activities of human rights defenders” and regretted that the government had failed to reply to any of the communications she had sent.<sup>115</sup>

The Special Rapporteur highlighted the case of **Dr Mohammed al-Roken**, a university professor, prominent human rights lawyer and former president of the UAE Jurists’ Association, who was sentenced in July 2013 to 10 years’ imprisonment, followed by three years’ probation, at the end of the UAE 94 trial. The Special Rapporteur referred the government to the provisions outlined in the Declaration on Human Rights Defenders, which call for the state to protect individuals against any violence, threats, retaliation, or other arbitrary action as a consequence of their legitimate exercise of their rights.<sup>116</sup>

Dr Mohammed al-Roken was arrested in the early hours of 17 July 2012 by State Security officers in several vehicles who forced him to stop his car as he was driving to a Dubai police station to inquire about his son, Rashid Mohammed al-Roken, and his son-in-law, Abdulla al-Hajri, who had been arrested hours earlier. The next day, 17 State Security officers took him to his house, searched it and removed laptops and other computers, as well as books and other publications, family video recordings, and photograph albums. For the next three

months, his family had no knowledge of his whereabouts. He was subjected to enforced disappearance and detained in solitary confinement at an undisclosed location. His lawyer repeatedly requested access to him but his requests were denied. The authorities permitted Dr Mohammed al-Roken to see members of his family for the first time more than three months after his arrest; for this first and for subsequent visits, he was taken to the State Security Prosecution office in Abu Dhabi and State Security officers remained present throughout each family visit. Dr Mohammed al-al-Roken was not permitted to see the documents relating to his case until the second hearing of the UAE 94 trial on 11 March 2013.

On the day that Dr Mohammed al-Roken was arrested, a spokesperson for the UN's Office of the High Commissioner for Human Rights expressed concern about the "crackdown on human rights defenders through harassments, denial of travel, termination of work contracts, arrests, denaturalization and expulsion from the country" and urged the UAE government to release those detained for the peaceful exercise of their human rights and provide them with the protection to ensure they can carry out their work.<sup>117</sup>



Prisoner of conscience Dr Mohammed al-Roken. @Private

Prior to his arrest, Dr Mohammed al-Roken had been a target of government harassment because of his work as a human rights lawyer, his criticism of the UAE's human rights record and his advocacy of democratic reforms. He had been arrested and detained several times; placed for some time on a travel ban; barred from giving public lectures, writing in newspapers, and giving interviews to local media; and subjected to official surveillance. In 2004, he applied to the Ministry of Social Affairs to licence and register an independent human rights organization but without success; the Ministry neither accepted nor rejected the application, in contravention of the UAE's own laws.<sup>118</sup> By contrast, the Ministry accepted and approved a licensing application made by a pro-government group, the Emirates Human Rights Association.<sup>119</sup> Prior to his arrest, Dr Mohammed al-Roken had defended the "UAE 5" at their trial in 2011 and represented the seven activists who were stripped of their citizenship by the UAE authorities in 2011.

Amnesty International considers Mohammed al-Roken a prisoner of conscience, imprisoned solely for his peaceful exercise of his rights to freedom of expression and association, including his work as a human rights lawyer defending activists, and calls for his immediate and unconditional release.

**Dr Mohammed al-Mansoori**, a prominent lawyer and former head of the UAE's Jurists' Association, was detained by a group of State Security officers whose faces were concealed by balaclavas on 16 July 2012 near his home in Ras al-Khaimah emirate. The officers took

him first to his home, which they searched for six hours, and then to an undisclosed location where they detained him incommunicado and in solitary confinement for eight months. At his trial as one of the UAE 94, the prosecution submitted a "confession" that they said he had signed while he was held in incommunicado detention as evidence against him; he told the court that it was untrue that he had signed the statement and testified that he had not signed any documents when he was in pre-trial detention. The court took no steps to order an expert examination of the signature to verify it but accepted the confession as evidence. It then returned a guilty verdict against Dr Mohammed al-Mansoori and sentenced him to 10 years imprisonment, followed by three years' probation. He stood trial again with nine other UAE nationals and 20 Egyptian nationals and was convicted in January 2014, receiving an additional 15-month prison sentence, which he is to serve after his initial 10-year sentence is complete. In the second mass trial, he had refused, along with many of the other defendants, to attend a number of the court proceedings, in protest at not being allowed to access to his case documents.

Prior to his arrest in July 2012, Dr Mohammed al-Mansoori had been harassed by the authorities over several years. He was arrested without a judicial warrant in 2006 for allegedly "insulting the Public Prosecutor", although the charge seems not to have been pursued.<sup>120</sup> He was placed on a travel ban in 2007 and had his passport confiscated in 2008. He was arrested again in June 2009 but released without questioning the same day and, in December of that year, he was dismissed from his post as a legal adviser to the Ruler of Ras al-Khaimah, after he criticized the lack of free speech in the UAE on the al-Hiwar television channel. Though barred from giving interviews to local media, he had also criticized the UAE's human rights record in previous interviews that he gave to Arab satellite television channels.



Prisoner of conscience Dr Mohammed al-Mansoori. @Private

**"So I was hauled in by the secret police and told: shut up, or you will lose your job, and your children will be unemployable. But how could I be silent? I have been blacklisted and so have my children. The newspapers are not allowed to write about me."**

Prisoner of conscience and prominent lawyer Dr Mohammed al-Mansoori, 7 April 2009.<sup>121</sup>

In September 2006, the Special Representative of the UN Secretary-General on the situation of human rights defenders sent a joint appeal together with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the independence of judges and lawyers, regarding the arrest and detention of Dr Mohammed al-Mansoori and Dr Mohammed al-Roken, expressing concern that they may have been detained on account of their peaceful activities in defence of human rights, and that this was part of a campaign of harassment and intimidation of human rights defenders in the UAE.<sup>122</sup>

Amnesty International considers Dr Mohammed al-Mansoori a prisoner of conscience, imprisoned solely for his peaceful exercise of his rights to freedom of expression and association, including his work as a lawyer, and calls for his immediate and unconditional release.

**Ahmed Mansoor**, a blogger, prominent human rights activist, and one of the "UAE 5" activists convicted, following a deeply flawed trial that failed to meet international fair trial standards,<sup>123</sup> of "publicly insulting" officials, has faced repeated intimidation and harassment since his arrest in April 2011 and subsequent release from prison under a presidential pardon in November the same year. The pardon was never confirmed in writing and it remains uncertain whether his criminal record has been expunged. In the months following his arrest in April 2011, Ahmed Mansoor was the target of a vicious smear campaign via social media sites and SMS messages that circulated in the UAE, labelling him a "traitor" who had spoken out against the country's President. He received death threats on Facebook, Twitter and other websites from people threatening to "chop off" his head and messages saying that "Ahmed Mansoor should be hanged from a street pole."

He was physically assaulted twice, once on 11 September 2012 and again on 17 September 2012, by men at Ajman University where he was studying law. Other forms of harassment have included the fraudulent withdrawal of money from his bank account in January 2013 and the theft of his car in the same month. Ahmed Mansoor filed a number of complaints with the police and other official bodies about these incidents but has to date received no information about any progress of the investigations into the assaults, death threats, and other harassment.

To date, the authorities have also failed to return his passport, which they confiscated in April 2011 while he was in detention. The authorities have given him contradictory reasons for failing to return it. As he now lacks a passport, he is prevented from travelling outside the UAE, in breach of his right to freedom of movement. Additionally, the authorities have failed since 2012 to furnish him with a "certificate of good conduct", which is a prerequisite to obtain employment in the UAE, although the waiting time for processing these certificates is normally around three working days.

Ahmed Mansoor has been subjected to heavy physical and electronic surveillance; his computer, and email and Twitter accounts have been hacked, and his phone is monitored.<sup>124</sup> Amnesty International is concerned that the continuing harassment and intimidation of Ahmed Mansoor is linked to his activism and is an attempt by the authorities or their supporters to stop him from being able to peacefully exercise his rights to freedom of expression and association, including his work as a human rights activist.

**Abdulhamid al-Kumity**, a human rights lawyer who acted as defence counsel for most of those accused in the UAE 94 trial and who has represented other activists accused under national security-related laws, has been under increasingly heavy surveillance in recent years and is continuously followed by vehicles that he believes belong to the State Security. He has been the victim of a campaign of harassment and intimidation by both the authorities and their supporters, who have called him a "traitor" and opened pages on social media sites, including Facebook, calling for his death, in an apparent attempt to stop him from being able to carry out his work as a lawyer and human rights advocate. He lodged numerous complaints

with the police after receiving death threats from several different people via Facebook and email but the authorities appear to have failed to investigate these serious threats against him.

The authorities have also expelled from the country a number of foreign lawyers working as part of Abdulhamid al-Kumity’s legal team in the UAE. In 2011, the authorities expelled two UAE-based Egyptian lawyers, Osama Labib and Mahmoud Badawi, citing “national security” reasons. In 2012, Sameh Muktar, another Egyptian lawyer who worked with Abdulhamid al-Kumity, was arrested in Dubai on 8 August 2012 and later deported on “national security” grounds.

The UAE authorities’ harassment, intimidation, imprisonment, and expulsion of human rights defenders has resulted in there now being very few lawyers who are willing to defend activists and others charged with national security-related offences.



## 7. HARASSMENT AND INTIMIDATION

**"I am greatly saddened by this situation, and by what we have come to... I never imagined that the injustice would affect girls and children. First, the withdrawal of the father's passport, getting him fired, then imprisoned, then getting the son fired and banning him from travel. And now it's the girls and children's turn, denying them their education... What next?! What's the idea behind all of this?!"**

Mohammed al-Jabri, son of prisoner of conscience Hussein al-Jabri, writing on Twitter on 2 May 2014.

In addition to the arbitrary arrest and detention, enforced disappearance, torture and other ill-treatment, government critics, activists, and those campaigning on behalf of their imprisoned relatives have faced other forms of harassment and intimidation by state authorities and their supporters since 2011.

One of the most egregious forms of harassment, which the UAE government uses against UAE nationals who are activists, linked to activists, or those with even the remotest link to al-Islah, is the arbitrary revocation of their citizenship.

Amnesty International has received credible information that the government has a list containing the names of scores of UAE nationals whose citizenships they plan to revoke, though the organization has been able to obtain only a small number of the names on the list. Some of the people whose nationality was revoked have never been prosecuted for a criminal offence and have been provided with no explanation as to why their citizenship has been revoked.

The seven men, or the "UAE 7", as they became known, who had their citizenships arbitrarily withdrawn in 2011, were no longer able to work or reside legally in the country. They were punished because of their political activity as members of the al-Islah association in an attempt to intimidate them and others from exercising their right to freedom of expression

and association. The government’s decision amounted to an arbitrary deprivation of their right to nationality and left them stateless, in breach of the UAE’s obligations under international human rights law.

The seven men were all added in 2013 to the UAE 94 trial, in which they were convicted and sentenced to 10-years’ imprisonment each, followed by three years’ probation. They are: economist **Dr Ahmed Ghaith al-Suwaidi**; brothers **Hussein al-Jabri**, a teacher, and **Hassan al-Jabri**, a former long-term employee of the Ministry of Presidential Affairs; teacher **Ibrahim Hassan al-Marzouqi**; former teacher **Sheikh Mohammed al-Sadeeq**; **Dr Shahin Abdullah al-Hosni**; and **Dr Ali Hussain al-Hammadi**.



Prisoners of conscience (from left to right): Ibrahim Hassan al-Marzouqi, Sheikh Mohammed al-Sadeeq, Dr Ali Hussain al-Hammadi, Dr Shahin Abdullah al-Hosni, Hussein al-Jabri, Hassan al-Jabri. @Private

Amnesty International considers all seven men prisoners of conscience, imprisoned solely for their peaceful exercise of their rights to freedom of expression and association, and calls for their immediate and unconditional release.

**“It appears that national security is increasingly being used as a pretext to clamp down on peaceful activism, to stifle calls for constitutional reform and on human rights issues such as statelessness. A number of activists openly critical of the Government have been arbitrarily deprived of their Emirati nationality.”**

Rupert Colville, spokesperson for the UN Office for the High Commissioner for Human Rights (OHCHR), speaking at a press conference in Geneva on 17 July 2012.<sup>125</sup>

## POLITICAL PRISONERS’ FAMILIES

Amnesty International has documented a number of cases in which family members of imprisoned activists have been subjected to various forms of harassment in an apparent attempt to silence their peaceful advocacy on behalf of their relatives. Family members have been arbitrarily arrested, detained and prosecuted, barred from traveling abroad, refused

necessary security clearance for jobs, and barred from higher education. Several family members have received threatening messages on social media platforms, where they have campaigned on behalf of their relatives, either from named individuals believed to be connected with the State Security or from anonymous accounts, suspected to be linked with state agencies.

**Abdulrahman al-Jaidah**, 25, the son of the Qatari doctor, Mahmoud al-Jaidah, was detained on 23 December 2013 by State Security officers who asked him to step outside the courtroom as he attended his father's trial. The security officials handcuffed him, placed a bag over his head so that he could not see, and drove him to an undisclosed location where they questioned him about his public campaigning for the release of his father. He asked for access to a lawyer, but this was denied. Other members of his family who had been accompanying him did not learn that he was missing until a break in the court session. The State Security officers took Abdulrahman al-Jaidah's fingerprints, scanned his irises, and made him sign a written apology for "talking badly about the UAE" before deporting him the next day, under escort, by air to Qatar.

**Aisha Ibrahim al-Zaabi**, the wife of former judge and public prosecutor Mohammed Saqer al-Zaabi, one of the defendants convicted in absentia to 15-years' imprisonment at the UAE 94 trial, was arrested by State Security officials in January 2014 at a checkpoint on the UAE's border with Oman, as she was travelling with her father and infant son. She was held in solitary confinement in secret detention for five days, during which security officials denied her access to a lawyer and to any contact with her family. The authorities then released her apparently without charge but kept her money, phone, and passport, and have yet to inform her whether she faces any criminal charges. In 2012, UAE security officials at Abu Dhabi International Airport prevented Aisha Ibrahim al-Zaabi and her five children from boarding a flight out of the country and informed her that her name was included on a list of people that the authorities had banned from travelling abroad. The authorities provided her with no written notification of the ban, or of its legal basis. Such bans, which violate the right to freedom of movement, are imposed administratively and cannot be challenged in the courts.<sup>126</sup>

Amnesty International fears that the arrest and detention of Aisha Ibrahim al-Zaabi was intended simply to harass and intimidate her and her family, and silence Mohammed Saqer al-Zaabi, who has been an outspoken critic of the human rights violations in the UAE.

## RIGHT TO CITIZENSHIP AND FREEDOM OF MOVEMENT

The right to a nationality is enshrined in Article 15 of the UDHR, Article 24 of the ICCPR, Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),<sup>127</sup> and Article 29 of the Arab Charter on Human Rights, which provide that everyone has the right to a nationality, and no-one shall be arbitrarily deprived of his nationality.

The UN Human Rights Council passed a resolution in June 2012 reiterating that arbitrary deprivation of nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, is a violation of human rights and fundamental freedoms, and arbitrarily depriving a person of his or her nationality may lead to statelessness.<sup>128</sup>

Article 8 of the UAE Constitution states that citizens shall have a single nationality fixed by law and that they shall enjoy the protection of the “government in accordance with the international principles in effect.” However, it qualifies this by stipulating that the authorities may withdraw a person’s UAE nationality in “exceptional circumstances provided for in the law.”<sup>129</sup>

The Law Concerning Nationality and Passports states that nationality can be withdrawn from the naturalized citizen if “he commits or attempts to commit any act deemed dangerous against State’s security and safety”<sup>130</sup> upon the proposal of the Minister of Interior and the approval of the Council of Ministers.<sup>131</sup> Articles 41 and 42 of the same law permit the withdrawal of passports for “special reasons” following a decision from the Minister of Interior, including if the person’s “nationality is lost, or if the withdrawal or deprivation of his nationality is decided.”<sup>132</sup>

Article 110 (5) of the Penal Code states that “deportation from the State” may be one of the penalties restricting freedom for individuals convicted of a criminal offence.<sup>133</sup> Article 121 of the Penal Code<sup>134</sup> and Article 42 of the Cybercrimes Decree<sup>135</sup> both allow the authorities to deport foreigners who commit crimes in the UAE but neither article provides a legal basis for the authorities to take such action against UAE citizens.

The right to freedom of movement is a fundamental human right to be accorded to all individuals. The right to freedom of movement includes the right to move freely within a country, which includes the right to choose where to live in the country, the right to leave any country, regardless of your citizenship, and the right to enter the country in which you are a citizen.<sup>136</sup> The above-mentioned rights are only subject to restrictions that are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights.<sup>137</sup>

Members of prisoners’ families have also experienced many other forms of harassment and pressure at the hands of, or apparently orchestrated by, the authorities. The authorities’ main aim appears to be to deter families from publicizing their imprisoned relatives’ cases and the UAE’s violation of their rights, but their actions also appear calculated to heighten the suffering of prisoners by targeting those dear to them.

**“The main thing now is they want to murder us socially. Lots of our [relatives] and friends are scared to socialize with us... They are trying to ruin our reputation, what’s left of it.”**

A family member of an activist in prison.

Some prisoners’ relatives have been dismissed from their jobs or excluded from higher education apparently on account of their links to their imprisoned relatives. Still others have been denied the official security clearance required for employment in any government service job. Under this procedure, in force since May 2009, all candidates for civil service posts are required to complete a security clearance form after passing the interview and other stages of recruitment, which potential employers must then submit to the State Security for approval before confirming employment. Employers are bound by the State Security’s decision, and cannot appoint a candidate without first obtaining approval. This approval process appears to have been used to discriminate against activists and their families.

Human rights lawyer Dr Mohammed al-Roken was engaged in challenging this requirement before the courts in the weeks preceding his arrest in July 2012, following which lawyer Abdulhamid al-Kumity took the matter forward. On 22 April, 2013, the Federal Supreme Court ruled the regulation unconstitutional. Despite this, reports received by Amnesty

International suggest that the practice continues to be widely used and its scope may even have been extended to the private sector.

The 18-year-old daughter of Hussein al-Jabri, **Ayesha Hussein al-Jabri**, was barred from registering for the Common Educational Proficiency Assessment (CEPA), required for admission to any state university, apparently because of her link to her father. Her brother, Mohammed al-Jabri, who had recently been dismissed from his job, apparently because of his link to his father, described his sister's rejection in messages he posted on Twitter on 2 May 2014, including the response he received on 27 April 2014 when he visited the Ministry of Higher Education and Scientific Research to find out about the barring of his sister. He was told, he reported, that "the issue was due to instructions from outside the Ministry," which he understood to mean the State Security. On 29 April, he submitted a formal complaint to the Ministry, only to be told two days later that the Ministry had rejected his complaint. He wrote on Twitter: "I have no other way of getting more information or getting her registered".

Another prisoner's relative – who asked not to be named – told Amnesty International that university administrators informed her that the State Security had withdrawn her security clearance, so preventing her continuing her studies. One week later, however, she learned that she had again been registered and could continue her study course.

Much of the harassment of family members of prominent reform activists goes back several years. One family member told Amnesty International that, despite being accepted for a scholarship, his application was refused at the federal level by the Ministry of Higher Education and Scientific Research, which told him that his security clearance had not been approved. He was told that "he could not receive a scholarship until they [the Ministry] receive word that he can."

Amnesty International has been informed about a number of other similar cases but has not been able to obtain confirmation from the individuals concerned, possibly because they fear to speak out.

The authorities also appear to have caused the bank accounts of some prisoners' families to be frozen, including bank accounts held by prisoners' children. According to information received by Amnesty International, the UAE's Central Bank appears to have ordered the suspension of some bank accounts, including those of some prisoners' wives and children, at the request of the UAE's Attorney General. As well, the authorities have taken other steps, such as suspending trade licenses held by prisoners' families.

The UAE's strictly controlled and pro-government media also plays a role, often dismissing or demeaning prisoners' families' pleas for attention and justice, and ignoring or vilifying those who question or criticize the UAE's record on human rights.

Organizations that claim to be independent but appear to have close links to the UAE authorities, which have proliferated since 2011, have also ignored families' pleas for help and taken the authorities' side, publicly dismissing human rights violations and lauding the government's actions.

In November 2013, a pro-government group calling itself the International Association – International Gulf Organization (IA-IGO) produced a propaganda film entitled “The Road to July 2<sup>nd</sup> – Revealing the Truth of the UAE Secret Organization Trial”, which it released in the UAE. The film strongly endorsed the government’s contention that those associated with al-Islah and convicted following the UAE 94 trial had been engaged in plotting to overthrow the government while dismissing their denials and ignoring the serious violations of their human rights that had occurred. The film was launched at a press conference held at a hotel in Dubai, but prisoners’ families who tried to attend were barred from the venue. An Amnesty International delegation who attended the event was not given the opportunity to speak during the public Question and Answer session that followed the screening of the film and were falsely reported on the organization’s website to have endorsed the film.

## **RIGHT TO FREEDOM EXPRESSION AND ASSOCIATION**

**The UAE authorities’ unprecedented crackdown on the right to freedom of expression and association since 2011 has violated the rights of scores of activists, government critics, and their families, in violation of the UAE’s obligations under international human rights law.**

### **RIGHT TO FREEDOM OF OPINION AND EXPRESSION**

Freedom of opinion and freedom of expression are essential for any society: a necessary condition for the realization of the principles of transparency and accountability that are essential for the promotion and protection of human rights.<sup>138</sup> They form the foundational basis for a wide range of other rights, and are closely interlinked to the rights to freedom of assembly and association.

The right to freedom of opinion and expression is set out most fully in the ICCPR, Article 19 of which states, in part:

1. *Everyone has the right to hold opinions without interference;*
2. *Everyone shall have the right to freedom of expression; this right includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*

Any restrictions on this right must conform to the strict tests of necessity and proportionality. Article 19(3) stipulates that states may restrict these rights only on specified grounds – for the protection of national security or public order, or of public health or morals, or for respect of the rights or reputations of others – which must be provided by law and be necessary.<sup>139</sup>

Although the UAE has not ratified the ICCPR, it is effectively bound to uphold the right to freedom of expression, which is also set out in Article 19 of the UDHR and recognized as a norm of customary international law, binding upon all states.<sup>140</sup> Article 32 of the Arab Charter on Human Rights also guarantees the right to information and to freedom of opinion and expression, as well as the right to seek, receive and impart information and ideas through any medium.<sup>141</sup>

Article 30 of the UAE Constitution guarantees freedom of expression but only “within the limits of the law”<sup>142</sup> and the right is further constrained in practice by a raft of Penal Code provisions and other laws, most of which are so vaguely-worded and broadly-framed that they allow the authorities wide discretion to penalize

virtually all peaceful dissent. For example, Article 176 of the Penal Code provides for imprisonment of up to five years "whoever publicly humiliates the State President, its flag or national emblem"<sup>143</sup> and Article 8 widens this to include the Vice-President and members of the Federal Supreme Council.<sup>144</sup>

Penal Code Article 265 makes it a crime to publish "without probity and in bad faith, that which occurred in public trial sessions"<sup>145</sup> while Article 198/1 prohibits the dissemination of "false or tendentious news, information or rumours" or "provocative propaganda" that could lead to the "disturbance of public security, throw panic among people or be prejudicial to the public interest."<sup>146</sup>

Article 156 of the Penal Code makes it a crime punishable by imprisonment for life to communicate with international organizations or an "alien government" about the affairs of the State and "deliberately" conduct "negotiations against the State interests."<sup>147</sup> This provision appears so broad as to have the potential that it could be used to imprison activists for merely reporting human rights abuses to international organizations.

### **RIGHT TO FREEDOM OF EXPRESSION – THE PRESS AND THE INTERNET**

Freedom of expression applies to audiovisual material, the media and the internet, as well as traditional forms of communication. In its General Comment No. 34 on Article 19, issued in September 2011, the UN Human Rights Committee – the expert body mandated to interpret the provisions of the ICCPR – said: "A free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights." The committee also stated that freedom of expression includes expression and receipt of communications of every form of idea and opinion capable of transmission to others, including political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse.<sup>148</sup>

UAE law is extremely restrictive, both in respect of the press and the internet. The 1980 Law Concerning Publications and Publishing<sup>149</sup> regulates all aspects of the media in the UAE. It is highly restrictive and contains many provisions empowering state authorities to control and censor both domestic and foreign publications prior to distribution.

Article 70 prohibits criticism of the President or any of the rulers of the seven emirates;<sup>150</sup> Article 71 prohibits the publication of any materials that the government deems offensive or damaging to "the higher interests of the State or the principal regulations of the society,"<sup>151</sup> Article 72 prohibits the publication of any opinions that violate "public morals", or calls for or promotes "the espousal of destructive principals";<sup>152</sup> Article 73 prohibits the publication of anything that "spreads dissension between the society members;"<sup>153</sup> Article 75 makes it a crime to publish with "bad faith any distortion" of trial proceedings;<sup>154</sup> and Article 76 prohibits publication of any information considered to "disgrace" the President of any friendly state.<sup>155</sup>

Other provisions prohibit publishing in bad faith any "false" news (Article 80);<sup>156</sup> any phrases, pictures or drawings "against public morals or which may mislead the audience" (Article 82);<sup>157</sup> and material that the authorities consider may cause confusion over the economic situation of the country (Article 81).<sup>158</sup> Violations of the media law can result in fines and prison sentences.

The Federal Decree on Combatting Cybercrimes, which came into force in November 2012, contains broad and sweeping provisions that severely constrain free expression, which the authorities have used to prosecute activists who criticized the government's human rights record on Twitter and other social media platforms.<sup>159</sup>

Article 38 criminalizes the dissemination of “incorrect, inaccurate or misleading information which may damage the interests of the State or injures its reputation, prestige or stature” to any organization, authority or other entity,<sup>160</sup> thus facilitating the prosecution of activists who pass information that the authorities deem untrue or misleading via emails or other means of electronic communication to international organizations.

Article 29 effectively punishes, with imprisonment and a fine of up to one million dirhams (USD \$272,000), anyone who criticizes the UAE authorities. It punishes:

*“whoever publishes information, news statements or rumours on a website...with intent to make sarcasm or damage the reputation, prestige or stature of the State or any of its institutions or its President, Vice-President, any of the rulers of the Emirates, their crown princes, or the deputy rulers of the Emirates, the State flag, the national peace, its logo, national anthem or any of its symbols.”<sup>161</sup>*

Article 28 provides the same punishment to anyone who “manages or runs a website or uses information on a computer network or information technology means with intent to incite acts or publishes or transmits information, news or cartoon drawings or any other pictures which may endanger the national security and the higher interests of the State or afflicts its public order.”<sup>162</sup>

Article 30 makes it a crime punishable by imprisonment for life to establish, manage or run a website, or publish information, which aims or calls to overthrow or change the government, disrupt the provisions of the constitution or existing laws, or oppose the basic principles on which the government is based.<sup>163</sup>

What seems to underlie all of these laws is a premise that any criticism of the government is itself to be interpreted as criminal; such laws are not narrowly tailored to any specific threat to national security or public order and do not contain any limitation on their severe restriction of political expression. Criminalizing political expression and/or criticism of the authorities is not necessary to maintain national security; in fact, increasingly, such restrictive laws are being used only as a means to silence peaceful dissent.

## **RIGHT TO FREEDOM OF ASSOCIATION**

The UDHR in Article 20, the ICCPR in Article 22, and Article 24 of the Arab Charter on Human Rights all guarantee freedom of association, including the right to form and join trade unions.<sup>164</sup> The only restrictions permissible on the right to freedom of association are those that are prescribed by law, “necessary in a democratic society,” and “in the interest of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.”<sup>165</sup>

The right to freedom of association is also considered part of customary international law, and is binding upon the UAE. Article 33 of the UAE Constitution states that freedom of association shall be guaranteed “within the limits of the law;” such limits imposed by the UAE’s statute law severely restrict this right.

NGOs operating in the UAE are severely limited by the 2008 Law on Associations, Article 16 of which prohibits NGOs and their members from “interfering” in politics, thereby effectively stopping any form of political discourse and/or peaceful criticism of the government.<sup>166</sup> In addition, the law provides no definition of the terms “interfere”, “harm” or “security of the State” so the provision is used to justify penalizing a broad range of activities carried out by associations. In April 2014, press reports indicated that the UAE authorities were drafting a new federal bill to regulate the activities of regional and international NGOs. The UAE’s Minister of State for Foreign Affairs told the Federal National Council on 8 April 2014 that the new bill would be ready for



application by 2015.<sup>167</sup> In 2014, a number of staff members from Human Rights Watch, an international human rights organization, were told they were banned from entering the UAE.

Article 17 states that associations may participate in conferences and meetings outside the country but only after first obtaining the approval of the Ministry of Social Affairs.<sup>168</sup> Article 18 further restricts the activities of associations by requiring them to obtain prior government approval to hold conferences, symposiums, or other gatherings within the UAE attended by people from abroad,<sup>169</sup> thus removing their ability to operate independently of the State.

Article 14 of a 2003 Law on the State Security Apparatus, which Amnesty International has seen and reviewed, although it has not been published in the UAE's Official Gazette, gives the State Security broad powers to detect, follow-up and gather information on:

*"Any political or organizational activities of a person, organization, party, association or the like should such activities undermine the safety and security of the State or its regime, or should they jeopardize its national unity or involve any... counterproductive propaganda..."<sup>170</sup>*

The 2003 law also empowers the State Security to investigate other internal or external activities deemed "harmful" to the economy of the state or "that could undermine, weaken the position of, stir animosity against or undermine trust in the State."<sup>171</sup> The UN Special Rapporteur on the independence of judges and lawyers has criticized the authorities' failure to publish this law in the official gazette, and that lawyers do not have copies of the law, even though it appears to be regularly invoked in criminal cases, in violation of the principle of legality. The Special Rapporteur pointed out that it is fundamental to all legal systems that laws that are not published cannot be applied in court.<sup>172</sup>

## 8. RECOMMENDATIONS

**“The UAE have come a long way since their independence in 1971. While the achievements should be acknowledged and commended, the country must address the gaps and shortcomings in its legal and judicial systems which may undermine peoples’ exercise of their human rights and present obstacles to the country’s further economic growth and stable political development.”**

The statement of the United Nations Special Rapporteur on the independence of judges and lawyers on 5 February 2014, following her visit to the UAE.<sup>173</sup>

In its letter to Amnesty International, dated 30 October 2014, the UAE government affirmed its commitment to the promotion and protection of human rights. Amnesty International acknowledges the government’s statement that the promotion of human rights is an ongoing process requiring continuous effort and welcomes the news that the government has begun the work of following up on the recommendations that it accepted during its Universal Periodic Review at the UN Human Rights Council in January 2013.

**To this end, Amnesty International provides the following recommendations to the UAE government:**

### RESTRICTIONS ON THE RIGHTS TO FREEDOM OF EXPRESSION AND ASSOCIATION

- Immediately and unconditionally release all prisoners of conscience – that is, persons imprisoned solely for the peaceful exercise of their rights to freedom of expression, association or assembly or other legitimate exercise of their human rights, and drop all charges that are pending against any individuals which stem solely from their peaceful exercise of these rights;
- Uphold the right to freedom of expression for all, including by protecting the freedom to

seek, receive and impart information and ideas of all kinds, regardless of frontiers and through any media;

- Ensure a narrow and clear definition of internationally recognizable offences; in particular amend the overly broad provisions in the law to combat extremist activities which criminalize the peaceful exercise of freedom of expression, association and assembly;
- Ensure that restrictions in law and practice on the formation and operation of NGOs are lifted so that the law enables the exercise of the right to freedom of association, and desist from passing legislation that would further restrict their activities;
- Amend any legislation which impermissibly restricts the rights to freedom of expression, association and assembly, including in the Penal Code, cybercrimes decree, Press and Publications law, the Law on Associations, and the new anti-terror law, with a view to bringing all of these laws into full conformity with the UAE's obligations under international human rights law;
- Ensure that all those who have been arbitrarily dismissed from their civil service jobs for exercising their rights to freedom of expression or association are reinstated and that their dismissal does not affect their financial and other employment rights and benefits, including pensions and retirement entitlements;
- Sign and ratify the International Covenant on Civil and Political Rights and its Optional Protocols, and other international treaties protecting freedom of expression and association, among other rights.

#### ADMINISTRATION OF JUSTICE

- Ensure that no one is arbitrarily arrested or detained, including by ensuring that all individuals are: detained only on the basis of clearly defined, internationally recognizable offences in laws that are themselves consistent with international human rights law and standards; are promptly brought, in person, before a regular, independent court; and have the right to challenge the lawfulness of their detention before a regular, independent court that is authorized to order their release if the detention is found to be unlawful;
- Ensure that detainees have immediate access – by law and in practice – to the outside world, in particular to their lawyers and families, as well as to adequate medical care when required;
- Establish and maintain a central register of all detainees to ensure that they can be promptly traced by their families; and bring appropriate sanctions against officers responsible for the unlawful detention of detainees, including failure to keep proper records of detainees;
- Ensure that all arrested people are promptly notified of the charges against them and have access to a lawyer of their choice immediately following their arrest;
- Ensure that all persons deprived of liberty, including on grounds of suspected involvement in acts of violence, promptly and in full equality, receive a fair and public

hearing by a regular, independent and impartial court in accordance with international human rights standards without recourse to the death penalty, and with an effective opportunity to exercise their rights of defence and appeal. This should include all prisoners currently serving sentences imposed by the State Security Chamber of the Federal Supreme Court, who have been denied a right of appeal to a higher judicial tribunal;

- Ensure in law and practice that no one is coerced into testifying against themselves or others or to confess guilt and that no such “confessions” are accepted as evidence in court, except against a person accused of torture or other ill-treatment as evidence that the “confession” or other statement was made;
- Establish independent and impartial bodies to investigate allegations of human rights violations promptly, thoroughly and effectively, and provide adequate reparation to victims and affected families in accordance with international human rights law and standards;
- Guarantee the independence of the judiciary and ensure that effective safeguards are in place to prevent interference by security forces or agencies in all cases;
- Ensure that all person convicted of a criminal offence have the right to appeal the judgement before a higher court or tribunal.

#### ENFORCED DISAPPEARANCES, INCOMMUNICADO DETENTION, TORTURE AND OTHER ILL-TREATMENT

- Show political will and demonstrate your opposition to torture by condemning it unreservedly whenever it occurs;
- Take effective measures to prohibit and prevent all forms of torture and other cruel, inhuman or degrading treatment or punishment, including ensuring that all complaints or allegations of torture and other ill-treatment are immediately, promptly, and thoroughly investigated, and where sufficient admissible evidence is found, those suspected of such actions are tried in proceedings that adhere to international fair trial standards;
- Prohibit the practice of secret detention and institute safeguards against torture and other ill-treatment, breaking down the isolation in which these abuses occur and establishing institutional responsibility for the welfare of prisoners;
- Allow regular, unannounced, independent and unrestricted inspections by national and international independent expert bodies to all places where people are or may be deprived of their liberty;
- Ensure that detainees who lodge complaints about torture and other ill-treatment can do so without fear of any kind of reprisal or prosecution;
- Root out the causes of torture by taking effective legislative, administrative, judicial or other measures to prevent torture, including ending the practice of incommunicado detention;
- Sign and ratify the International Convention for the Protection of all Persons from

Enforced Disappearance, and ensure that enforced disappearances constitute a criminal offence.

#### PROTECTION OF HUMAN RIGHTS DEFENDERS

- End all harassment and intimidation, discrimination and arbitrary arrest of human rights defenders and their family members, including lawyers who are seeking to uphold their own and others' rights;
- Adhere to the UN Declaration on Human Rights Defenders as a part of domestic legislation;
- Investigate fully, promptly and impartially any reported human rights abuses against civil society activists and members of groups or associations, and bring to justice anyone suspected of involvement in such abuses, in trials which meet international standards of fair trial and without recourse to the death penalty.

#### RIGHT TO CITIZENSHIP AND FREEDOM OF MOVEMENT

- Lift all travel bans imposed arbitrarily against political and human rights activists, families and relatives of prisoners and against any other individuals exercising their rights to freedom of expression and association, and enable them to exercise their rights to freedom of movement and to travel freely outside the UAE;
- Cease arbitrary revocation of citizenship and reinstate the nationality of those whose citizenship were previously revoked.

#### COOPERATION WITH UN HUMAN RIGHTS MECHANISMS

- Cooperate fully with, accept all outstanding requests by, and extend invitations to UN Special Rapporteurs to visit the United Arab Emirates, in particular the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Special Rapporteur on the situation of human rights defenders, and the Working Group on Arbitrary Detention.

#### **Amnesty International provides the following recommendation to the international community:**

- Ensure that business and other interests are not prioritised over serious human rights violations and use their influence to urge the UAE government to ensure that all prisoners of conscience are released immediately and unconditionally and that the UAE authorities observe their obligations under international human rights law to guarantee freedom of opinion and expression, and freedom of association and other human rights.

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## ENDNOTES

<sup>1</sup> Johann Hari, The Independent, The Dark Side of Dubai, 7 April 2009, <http://www.independent.co.uk/opinion/commentators/johann-hari/the-dark-side-of-dubai-1664368.html>

<sup>2</sup> “Emiratis submit a petition to the rulers of the UAE demanding total reform of the parliamentary system”, 3 March 2011, <http://www.ipetitions.com/petition/uaepetition71/>

<sup>3</sup> The State Security Apparatus reports directly to the President of the UAE and its headquarters are located in the federal capital, Abu Dhabi, though it has sections across all the other six emirates. The body derives its powers from a non-public law – Federal Law No 2 of 2003, Regarding the State Security Apparatus – which mandates it to protect the security of the State and its rulers. Article 14 (1)(a) of the law gives the body the right to detect and gather information on “any political or organizational activities of a person, organization, party, association...should such activities undermine the safety and security of the State or its regime, or should they jeopardize its national unity...” Article 14 (1)(c) authorizes the body to detect and gather information on “all [persons] that could undermine, weaken the position of, stir animosity against, or undermine trust in the State”.

<sup>4</sup> See Amnesty International’s Annual Report 2012: The State of the World’s Human Rights, (POL 10/001/2012), <http://www.amnesty.org/en/region/uae/report-2012>

<sup>5</sup> Amnesty International, UAE: Expunge Activists’ Convictions, (Index: MDE 25/010/2011) 30 November 2011, <http://www.amnesty.org/en/library/info/MDE25/010/2011/en>; Amnesty International, Urgent Action, UAE: Further information: “UAE Five” pardoned by President (Index: MDE 25/011/2011) 14 December 2011, <http://www.amnesty.org/en/library/info/MDE25/011/2011/en>.

<sup>6</sup> Amnesty International: UAE: Bidun blogger forced to leave country, raising alarm after wave of arbitrary arrests, 16 July 2012, <http://www.amnesty.org/en/news/uae-bidun-blogger-forced-leave-country-raising-alarm-after-wave-arbitrary-arrests-2012-07-16>. The increasing government harassment, intimidation, prosecution of activists or those with links to the Reform and Social Guidance Association, or *al-Islah*, has led several people to leave the country to seek international protection in third countries.

<sup>7</sup> The authorities had already restricted the activities of the Jurists’ Association over several years, including by prohibiting its representatives from participating in meetings outside the UAE and had required the Association to cancel planned seminars without giving reasons. Some of its members had also come under pressure by security officials to resign. On 23 December 2011, Amnesty International and Human Rights Watch wrote jointly to the Minister of Social Affairs to express dismay at the Ministry’s decision to dissolve the board of the Jurists’ Association and replace it with state appointees. Amnesty International received no reply in response.

<sup>8</sup> The National Staff, The National, Ministry dissolves Teachers’ Association board, 3 May 2011, <http://www.thenational.ae/news/uae-news/ministry-dissolves-teachers-association-board>

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<sup>9</sup> Amnesty International Joint Public Statement, UAE: Government suspension of Jurist Association board part of ongoing crackdown on civil society (Index: MDE 25/003/2012) 6 January 2012, <http://www.amnesty.org/en/library/info/MDE25/003/2012/en>; Amnesty International, United Arab Emirates: Crackdown on fundamental freedoms contradicts human rights commitments: Amnesty International Submission to the UN Universal Periodic Review, (Index: MDE 25/009/2012) 1 July 2012, <http://www.amnesty.org/en/library/info/MDE25/009/2012/en>.

<sup>10</sup> Decree issued by the Ministry of Social Affairs, dated 21 April 2011, reference J.N./338/2011 (2011/338/ج.ن).

<sup>11</sup> The government shut down the offices of the National Democratic Institute, a non-profit organization linked to the Democratic Party in the United States, and the Konrad Adenauer Stiftung, a think-tank linked to Germany's Christian Democratic Union (both bodies promote the exchange of ideas and political debate as the foundation of democracy), as well as the Abu Dhabi office of the RAND Corporation, an American policy research institute, and the Gallup Center, a branch of the US polling and research firm. Independent think tank, the Gulf Research Centre, was also forced to close its office in Dubai after the emirate's Department of Economic Development apparently refused to renew its professional licence due to "objections by the Dubai government to various aspects" of the organization's work. See: US Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2013 - United Arab Emirates, pages 20-21, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dclid=220380#wrapper>; Gulf News, Gulf Research Center moves out of Dubai, 2 June 2011, <http://gulfnews.com/news/gulf/uae/gulf-research-center-moves-out-of-dubai-1.816420>; New York Times, Gulf States Cast Dim Eye on Reform After Tumult, 18 April 2012, <http://www.nytimes.com/2012/04/19/world/middleeast/gulf-states-cast-dim-eye-on-reform-after-tumult.html?adxn1=1&adxnlx=1414767977-juenC7TEAy8SK/qKwymNOg>

<sup>12</sup> Al-Islah (Reform and Social Guidance Association) is a grassroots association which was legally founded in 1974 with the approval of Sheikh Rashid bin Saeed al-Maktoum, the Ruler of Dubai. It is not known to have used or advocated violence.

<sup>13</sup> Amnesty International, UAE: Human rights lawyers among 13 detained as crackdown intensifies, 18 July 2012, <http://www.amnesty.org/en/news/uae-5-lawyer-among-11-activists-detained-crackdown-intensifies-2012-07-17>; Emarat al-Youm, Investigation of a group that established and managed an organization to commit crimes against state security, 16 July 2012, <http://www.emaratyouth.com/local-section/accidents/2012-07-16-1.499336>; AlBayan, The Public Prosecution is investigating an organization which threatens the security of the state, 15 July 2012, <http://www.albayan.ae/across-the-uae/2012-07-15-1.1689041>

<sup>14</sup> Emirates News Agency, Attorney General of the State: the Public Prosecution has begun its probe with female leading members in the secret organization, 9 January 2013, <http://www.wam.ae/ar/news/emirates/1395239574876.html>;

<sup>15</sup> Emirates News Agency, A press statement by the public prosecutor regarding the case of the organization that aimed to fight the fundamental principles on which the ruling regime is based in the country and to take it over, 27 January 2013, <http://www.wam.ae/ar/news/emirates/1395239605671.html>; Ola Salem, The National, 94 Emiratis

charged with compromising UAE security, 28 January 2013, <http://www.thenational.ae/news/uae-news/politics/94-emiratis-charged-with-compromising-uae-security>

<sup>16</sup> See Amnesty International press release, Amnesty International trial observer denied entry into UAE (Index: PRE01/103/2013) 3 March 2013, <http://www.amnesty.org/en/for-media/press-releases/amnesty-international-trial-observer-denied-entry-uae-2013-03-03>

<sup>17</sup> Two independent observers sent by the International Commission of Jurists were turned away by plain-clothed security officials before they reached the court building. See press release by International Commission of Jurists, United Arab Emirates: ICJ condemns blatant disregard of the right to a fair and public trial, 12 March 2013, <http://www.icj.org/united-arab-emirates-icj-condemns-blatant-disregard-of-the-right-to-a-fair-and-public-trial/>. Another international observer, Melanie Gingell, sent on behalf of a coalition of human rights organizations was also denied access to the final trial hearing on 2 July 2013, despite an earlier indication by the authorities that she would be allowed to attend. See: Doughty Street Chambers, UAE denies International Legal Observer access to verdict in show trial of UAE 94, 1 July 2013, <http://www.doughtystreet.co.uk/news/article/uae-denies-international-legal-observer-access-to-verdict-in-show-trial-of->

<sup>18</sup> Amnesty International, UAE: Political activist acquitted, but not released: Obaid Yousef al-Zaabi (Index: MDE 25/015/2014) 22 July 2014, <http://www.amnesty.org/en/library/info/MDE25/015/2014/en>; Amnesty International, UAE: Political activist detained, health at risk: Obaid Yousef al-Zaabi (Index: MDE 25/011/2013) 19 December 2013, <http://www.amnesty.org/en/library/info/MDE25/011/2013/en>.

<sup>19</sup> United Nations General Assembly, Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary detention at its 68<sup>th</sup> Session (13-22 November 2013), UN Doc A/HRC/WGAD/2013/60.

<sup>20</sup> Letter from the Permanent Representative of the United Arab Emirates to the United Nations office in Geneva: Response of the Government of the United Arab Emirates to the joint follow-up Communication from various UN Special Rapporteurs and the Chair-Rapporteur of the Working group on Arbitrary Detention dated 6 August 2013; Response of the Government of the UAE to the Communication from the Chair-Rapporteur of the Working Group on Arbitrary Detention dated 9 September 2013, (Ref: 2/3/32-366, 20 November 2013).

<sup>21</sup> Letter from Assistant Foreign Minister for Legal Affairs, Ministry of Foreign Affairs, 30 October 2014, reference number 200/2014.

<sup>22</sup> Amnesty International, UAE: End downward cycle of unfair political trials (PRE01/024/2014), 20 January 2014, <http://www.amnesty.org/en/for-media/press-releases/uae-end-downward-cycle-unfair-political-trials-2014-01-20>; Amnesty International, UAE: Further information: Men convicted after unfair mass trial in UAE (MDE 25/007/2014) 14 February 2014 <http://www.amnesty.org/en/library/info/MDE25/007/2014/en>.

<sup>23</sup> On Combatting Cybercrimes, Federal Decree - Law no. 5 of 2012, Issued on 13 August 2012 (Cybercrimes Decree).



<sup>24</sup> See: Amnesty International press release, UAE: End downward cycle of unfair political trials (PRE01/024/2014) 20 January 2014, <http://www.amnesty.org/en/for-media/press-releases/uae-end-downward-cycle-unfair-political-trials-2014-01-20>

<sup>25</sup> Federal Law No 7 of the Year 2014 on Combating Terrorism Crimes was approved by the President on 20 August 2014 and came into force on 21 August 2014.

<sup>26</sup> United Nations General Assembly, Elections and Appointments: Election of the Human Rights Council, <http://www.un.org/en/ga/67/meetings/elections/hrc.shtml>

<sup>27</sup> United Nations General Assembly, 67th Session, Item 111 (d) of the preliminary list\*, Elections to fill vacancies in subsidiary organs and other elections: election of eighteen members of the Human Rights Council, Letter dated 13 March 2012 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the President of the General Assembly, 9 May 2012 (A/67/85) [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/67/85](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/67/85)

<sup>28</sup> In October 2012, the European Parliament adopted a resolution in which it expressed concern about the arrests of human rights defenders, political activists and other civil society actors for peacefully exercising their rights to free speech and assembly, but such criticism has been rare. See European Parliament resolution of 26 October 2012 on the human rights situation in the United Arab Emirates (2012/2842(RSP)).

<sup>29</sup> In June 2011, Amnesty International was able to meet with the UAE Attorney General to discuss the administration of justice in the trial of the UAE 5 activists.

<sup>30</sup> Letter from Assistant Foreign Minister for Legal Affairs, Ministry of Foreign Affairs, 30 October 2014, reference number 200/2014.

<sup>31</sup> Bureau of Democracy, Human Rights, and Labor, Country Reports on Human Rights Practices for 2013: United Arab Emirates, page 1, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220380#wrapper>

<sup>32</sup> Article 16, Federal Law No.2 of 2008, Concerning Associations and Domestic Institutions of Public Interest (Law on Associations).

<sup>33</sup> In its 2014 report on the state of media freedom around the world, Freedom House categorized the UAE's media as "not free". See: Freedom House, Freedom on the Net 2013, United Arab Emirates, <http://www.freedomhouse.org/report/freedom-world/2014/ united-arab-emirates-0#.VCGLayvNFps>. In April 2014, Ugandan journalist Yasin kakande was fired from his post at state-owned newspaper, The National, and banned from returning to the UAE after writing a book in which he described media censorship and the conditions of migrant workers in the UAE. See his book: *The Ambitious Struggle: An African Journalist's Journey of Hope and Identity in a Land of Migrants*, Florida Academic Press (7 Oct 2013). A number of other journalists have also been deported from the UAE since 2011 after falling foul of the country's strict censorship rules. On 20 May 2014, a UAE newspaper company that prints and distributes the International New York Times in the UAE refused to print the paper because it deemed an article about migrant workers "too sensitive for local printing." See: Tom McGeeveran, Capital New York,

U.A.E. printer stops presses on International New York Times, 20 May 2014,  
<http://www.capitalnewyork.com/article/media/2014/05/8545694/uae-printer-stops-presses-eminternational-new-york-timesem>

<sup>34</sup> Articles 46 – 50, UAE Constitution (Issued on 18/07/1971).

<sup>35</sup> Articles 51 – 52, UAE Constitution.

<sup>36</sup> Article 54, UAE Constitution.

<sup>37</sup> Article 96, UAE Constitution.

<sup>38</sup> Article 54, UAE Constitution.

<sup>39</sup> Article 56, UAE Constitution.

<sup>40</sup> Article 94 of the Constitution states that “Justice is the basis of rule. In performing their duties, judges shall be independent and shall not be subject to any authority but the law and their own conscience.”

<sup>41</sup> Office of the High Commissioner for Human Rights, Preliminary observations on the official visit to the United Arab Emirates by the United Nations Special Rapporteur on the independence of judges and lawyers (28 January-5 February 2014),  
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14223&LangID=E>

<sup>42</sup> Article 107, UAE Constitution.

<sup>43</sup> Article 54, UAE Constitution.

<sup>44</sup> Article 92, UAE Constitution.

<sup>45</sup> Article 110, UAE Constitution.

<sup>46</sup> United Arab Emirates National Election Committee, About FNC elections,  
<http://www.uaenec.ae/en/about-us/about-fnc-elections.aspx> (accessed 23 September 2014). The first Federal National Council election was held in December 2006 under Decree no.3 of 2006 issued by the President and based on Federal Supreme Council Resolution no.4 of 2006, which stipulated the method of selecting Federal National Council members.

<sup>47</sup> Inter-Parliamentary Union, United Arab Emirates, Majlis Watani Itihadi (Federal National Council),  
[http://www.ipu.org/parline/reports/2333\\_E.htm](http://www.ipu.org/parline/reports/2333_E.htm)

<sup>48</sup> Article 15, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture).

<sup>49</sup> See: Article 3 of the Universal Declaration of Human Rights (UDHR), Article 9(1) of the International

Covenant on Civil and Political Rights (ICCPR), Article 14(1) of the Arab Charter on Human Rights, and Article 37(b) of the Convention on the Rights of the Child.

<sup>50</sup> Article 9, ICCPR.

<sup>51</sup> Article 26, UAE Constitution.

<sup>52</sup> Article 2, Federal Law No.35 of 1992, Criminal Procedure Law, Issued on 15 June 1992 (Criminal Procedure Law).

<sup>53</sup> Article 101, Criminal Procedure Law.

<sup>54</sup> Article 109, Criminal Procedure Law.

<sup>55</sup> Article 110, Criminal Procedure Law.

<sup>56</sup> Article 47, Criminal Procedure Law.

<sup>57</sup> Article 28, Federal Law No.2 of 2003, Regarding the State Security Apparatus.

<sup>58</sup> Letter from Dr Abdulrahim Yousif Al-Awadi, Assistant Foreign Minister for Legal Affairs, Ministry of Foreign Affairs, 30 October 2014, reference number 200/2014.

<sup>59</sup> Reuters: UAE arrests activist for "provoking strife", 6 March 2012, <http://www.reuters.com/article/2012/03/06/uae-activist-arrest-idINDEE8250CV20120306?irpc=984>

<sup>60</sup> Amnesty International, United Arab Emirates: Prisoners of conscience ill-treated (MDE 25/013/2014) 12 June 2014, <http://www.amnesty.org/en/library/info/MDE25/013/2014/en>.

<sup>61</sup> Obaid Yousef al-Zaabi's CNN interview is available online. See: CNN, U.S. Man in Jail in Dubai Over Parody Video, 11 December 2013, <http://newday.blogs.cnn.com/2013/12/11/u-s-man-in-jail-in-dubai-over-parody-video>

<sup>62</sup> Amnesty International, UAE: Political activist detained, health at risk: Obaid Yousef al-Zaabi (MDE 25/011/2013) 19 December 2013, <http://www.amnesty.org/en/library/info/MDE25/011/2013/en>

<sup>63</sup> Amnesty International, United Arab Emirates: Further information: Activist awaits verdict after unfair trial: Obaid Yousef al-Zaabi (MDE 25/012/2014) 16 May 2014, <http://www.amnesty.org/en/library/info/MDE25/012/2014/en>; Amnesty International, UAE: Political activist acquitted, but not released: Obaid Yousef al-Zaabi (MDE 25/015/2014) 22 July 2014, <http://www.amnesty.org/en/library/info/MDE25/015/2014/en>

<sup>64</sup> The UAE acceded to the UN Convention against Torture in July 2012. It did not recognize the competency of the UN Committee against Torture to investigate allegations of torture. The government also made a declaration on the Convention, stating that in its view "the lawful sanctions applicable under national law, or pain or suffering arising from or associated with or incidental to these lawful sanctions,

do not fall under the concept of ‘torture’ defined in article 1 of this Convention or under the concept of cruel, inhuman or degrading treatment or punishment mentioned in this Convention.”

<sup>65</sup> Amnesty International, Press Release, UAE: Reports of systematic torture in jails (PRE01/319/2013) 27 June 2013, <http://www.amnesty.org/en/for-media/press-releases/uae-reports-systematic-torture-jails-2013-06-27>

<sup>66</sup> Amnesty International, Press Release, UAE: Reports of systematic torture in jails (PRE01/319/2013) 27 June 2013, <http://www.amnesty.org/en/for-media/press-releases/uae-reports-systematic-torture-jails-2013-06-27>

<sup>67</sup> Amnesty International, Press Release, UAE: Reports of systematic torture in jails (PRE01/319/2013) 27 June 2013, <http://www.amnesty.org/en/for-media/press-releases/uae-reports-systematic-torture-jails-2013-06-27>; Amnesty International, UAE: Unfair Trial, Unjust Sentences. 69 Government Critics (MDE25/007/2013) 3 July 2013, <http://www.amnesty.org/en/library/info/MDE25/007/2013/en>

<sup>68</sup> International Commission of Jurists, Mass Convictions Following an Unfair Trial: The UAE 94 Case, 2013, [http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2013/10/UAE-report-4-Oct-2013smallpdf.com\\_.pdf](http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2013/10/UAE-report-4-Oct-2013smallpdf.com_.pdf)

<sup>69</sup> Letter from Assistant Foreign Minister for Legal Affairs, Ministry of Foreign Affairs, 30 October 2014, reference number 200/2014.

<sup>70</sup> Amnesty International, UAE: New trial marred by human rights violations (MDE 25/012/2013) 23 December 2013, <http://www.amnesty.org/en/library/info/MDE25/012/2013/en>; Amnesty International, UAE: End downward cycle of unfair political trials, 20 January 2014, <http://www.amnesty.org/en/news/uae-end-downward-cycle-unfair-political-trials-2014-01-20>

<sup>71</sup> Amnesty International, UAE: Reports of systematic torture in jails (PRE01/319/2013) 27 June 2013, <http://www.amnesty.org/en/for-media/press-releases/uae-reports-systematic-torture-jails-2013-06-27>

<sup>72</sup> See: the Convention Against Torture; Article 5 of the UDHR; Article 7 of the ICCPR; and Article 8 of the Arab Charter on Human Rights.

<sup>73</sup> See: Article 8 of the UDHR; Articles 2 and 7 of the ICCPR; Articles 12-14 of the Convention against Torture; Article 23 of the Arab Charter on Human Rights; United Nations Human Rights Committee, 80<sup>th</sup> Session, General Comment No. 31 [80] The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, 26 May 2004 (CCPR/C/21/Rev.1/Add. 13), paras 15-16.

<sup>74</sup> Article 15, Convention against Torture.

<sup>75</sup> Article 26, UAE Constitution.

<sup>76</sup> Article 48, Federal Law No.10 of 1973, Concerning the Federal Supreme Court, Issued on 25 July 1973.

<sup>77</sup> Article 28, UAE Constitution.

<sup>78</sup> Article 2, Criminal Procedure Law.

<sup>79</sup> Articles 242 and 245, Federal Law No.3 of 1987, Concerning the Penal Code, Issued on 8 December 1987 (Penal Code).

<sup>80</sup> Article 259, Penal Code.

<sup>81</sup> Amnesty International, United Arab Emirates: 17 Indians tortured, sentenced to death (MDE 25/001/2010) 22 April 2010, <http://www.amnesty.org/en/library/info/MDE25/001/2010/en>; Amnesty International, United Arab Emirates: International observers highlight need for fair trial, (MDE 25/006/2009) 17 July 2009 <http://www.amnesty.org/en/library/info/MDE25/006/2009/en>; Amnesty International, United Arab Emirates (UAE): Further information on incommunicado detention/fear of torture or ill-treatment: new concern: unfair trial: 'Abdullah Sultan al-Subaihat (m) (MDE 25/003/2007) 5 October 2007, <http://www.amnesty.org/en/library/info/MDE25/003/2007/en>

<sup>82</sup> Letter from Assistant Foreign Minister for Legal Affairs, Ministry of Foreign Affairs, 30 October 2014, reference number 200/2014.

<sup>83</sup> Office of the High Commissioner for Human Rights, Preliminary observations on the official visit to the United Arab Emirates by the United Nations Special Rapporteur on the independence of judges and lawyers (28 January-5 February 2014), <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14223&LangID=E>

<sup>84</sup> In response to the findings of the Special Rapporteur, the UAE's Assistant Foreign Minister for Legal Affairs said in February 2014 that the government would consider her comments and recommendations as part of efforts to strengthen the UAE's judicial system and its implementation of human rights. However, he also added: "We regret that some comments of the Special Rapporteur were based on information from undisclosed sources and were consistent with the politically motivated campaign of certain groups to tarnish the reputation of the UAE, making it difficult to evaluate the credibility and impartiality of this information and hence the validity of the issues raised." See: The National, UN legal expert recommends improvements to UAE judiciary, 5 February 2014, <http://www.thenational.ae/uae/courts/un-legal-expert-recommends-improvements-to-uae-judiciary>

<sup>85</sup> Amnesty International, United Arab Emirates: Jailed government critics on hunger strike (MDE 25/009/2013) 3 September 2013, <http://www.amnesty.org/en/library/info/MDE25/009/2013/en>

<sup>86</sup> Meeting between Amnesty International and the Emirates Human Rights Association (EHRA), Dubai, 18 November 2013.

<sup>87</sup> Letter from Assistant Foreign Minister for Legal Affairs, Ministry of Foreign Affairs, 30 October 2014, reference number 200/2014.

<sup>88</sup> Judgement in case number 17/2013, State Security Chamber of the Federal Supreme Court, 2 July 2013.

<sup>89</sup> This is a reference to the al-Islah association – the Arabic word "al-Islah" means "reform".

<sup>90</sup> The National Staff, RAK Ruler attacks group 'trying to destroy' UAE, 9 August 2012, <http://www.thenational.ae/news/uae-news/rak-ruler-attacks-group-trying-to-destroy-uae>

<sup>91</sup> Emarat al-Youm, The Ruler of the Emirate of Fujairah: We affirm our loyalty to Khalifa's leadership, 5 August 2012, <http://www.emaratallyoum.com/local-section/other/2012-08-05-1.503072>. In the same month, the Ruler of Sharjah emirate, Dr Sheikh Sultan bin Mohammad al-Qasimi, said during a telephone message to Sharjah TV: “There are some bad hearts with black spots...If you have a son and you intend to educate him, you give him advice if he makes a mistake...you ban him from going outside because he might hit us, harm people in the street...if the state has taken such measures, they are to protect the sons (youngsters)... please let us sort out the issue... we will not hurt your son...the youngster has made a mistake so we will sort it out...[God willing] they will become good citizens. They have been caught in the airports, in Oman or Qatar's borders. Where are you going? Where are you escaping to? We are going to set up a foreign organization [his own answer]. We don't care about what is abroad [foreign organizations] but if they manipulate our kids, we have to protect them. There are some hands that seek to ruin their minds. We call mothers, daughters and sisters to be patient, it's a matter of rehabilitation and not punishment.” See: YouTube, Proud Emirati Channel, The issue of the plotters, 2 August 2012, [http://www.youtube.com/watch?feature=player\\_embedded&v=kR9ZBQezhGM](http://www.youtube.com/watch?feature=player_embedded&v=kR9ZBQezhGM)

<sup>92</sup> Judgement in case number 17/2013, State Security Chamber of the Federal Supreme Court, 2 July 2013.

<sup>93</sup> Article 14(5) of the ICCPR provides that “everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law”. Article 11 (1) of the UDHR states that “Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.” Article 16 (7) of the Arab Charter on Human Rights states that everyone must have the right “to file an appeal in accordance with the law before a higher tribunal.”

<sup>94</sup> Letter from Assistant Foreign Minister for Legal Affairs, Ministry of Foreign Affairs, 30 October 2014, reference number 200/2014.

<sup>95</sup> Amnesty International, UAE: New trial marred by human rights violations (MDE 25/012/2013) 23 December 2013, <http://www.amnesty.org/en/library/info/MDE25/012/2013/en>

<sup>96</sup> Ayesha Al Khoori, UAE Brotherhood trial: Lawyer claims court is unconstitutional, 17 December 2013, <http://www.thenational.ae/uae/courts/uae-brotherhood-trial-lawyer-claims-court-is-unconstitutional#ixzz3GbC3vyTz>

<sup>97</sup> Article 262 of the Penal Code punishes by imprisonment and/or a fine “whoever, by any means of publicity, violates the dignity of a magistrate or a member of the public prosecution...”

<sup>98</sup> 24 Media You Tube channel, A look into the account of Khalifa Rabee'a of the Muslim Brotherhood, 24 July 2013, [https://www.youtube.com/watch?v=yccOiiN\\_JC8](https://www.youtube.com/watch?v=yccOiiN_JC8)

<sup>99</sup> For example, see 17(2)(d), Convention on Enforced Disappearances; 16(4) Arab Charter on Human Rights.

<sup>100</sup> Article 28, UAE Constitution.

<sup>101</sup> Article 28, UAE Constitution.

<sup>102</sup> Article 47, Criminal Procedure Law.

<sup>103</sup> In its General Comment No. 32, the UN Human Rights Committee said that the presumption of innocence "imposes on the prosecution the burden of proving the charge." See: UN Human Rights Committee, 19th Session, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial 9 – 27 July 2007, CCPR/C/GC/32, para 30.

<sup>104</sup> Article 100, Criminal Procedure Law.

<sup>105</sup> Article 230, Criminal Procedure Law.

<sup>106</sup> Article 101, UAE Constitution.

<sup>107</sup> Article 67, Federal Law No.10, Concerning the Federal Supreme Court, Issued on July 25,1973.

<sup>108</sup> United Nations, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary detention at its sixty-eighth session (13-22 November 2013), UN Doc A/HRC/WGAD/2013/60, 2 April 2014, Para 2.

<sup>109</sup> Article 180, Penal Code.

<sup>110</sup> Article 197/2, Penal Code.

<sup>111</sup> Article 14, Federal Law No. 7 of the Year 2014 on Combating Terrorism Crimes.

<sup>112</sup> Article 15, Federal Law No. 7 of the Year 2014 on Combating Terrorism Crimes.

<sup>113</sup> Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Report to the Commission on Human Rights, UN Doc E/CN.4/2006/98, 28 December 2005, para. 46.

<sup>114</sup> Working Group on Arbitrary Detention, Report to the Commission on Human Rights, UN Doc E/CN.4/2004/3, 15 December 2003, paras 64-65.

<sup>115</sup> UN Human Rights Council, Twenty-second Session, Report of the Special Rapporteur on the situation of human rights defenders, (27 February 2013), A/HRC/22/47/Add.4, para. 441 – 449.

<sup>116</sup> The Special Rapporteur referred the UAE government to Article 6 (b) and (c), and Article 12 (2) and (3) <http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>

<sup>117</sup> UN News Centre, UN calls on United Arab Emirates to guarantee protection of rights defenders, 17 July 2012, <http://www.un.org/apps/news/story.asp?NewsID=42492#.VEPTPvldXu1>

<sup>118</sup> Article 7 of the Law on Associations states that the Ministry of Social Affairs will examine the application and issue, within 60 days from the date of submission, a decision of approval or refusal, recommendations it deems necessary, or the referral of the application to other competent authorities.

<sup>119</sup> The Emirates Human Rights Association was founded in March 2006 as the first group in the country given permission by the government to establish a human rights organization. In practice, the EHRA is closely linked to the government and does not appear willing or able to challenge human rights violations committed by the authorities. Throughout the UAE 94 trial, the EHRA made several statements insisting that the trial was fair and that the detainees had been treated well in detention.

<sup>120</sup> Amnesty International, United Arab Emirates: Harassment of human rights activists must stop (Index: MDE 25/007/2006) 24 August 2006, <http://www.amnesty.org/en/library/info/MDE25/007/2006/en>

<sup>121</sup> Johann Hari, The Independent, The Dark Side of Dubai, 7 April 2009, <http://www.independent.co.uk/opinion/commentators/johann-hari/the-dark-side-of-dubai-1664368.html>

<sup>122</sup> United Nations, General Assembly, Human Rights Council, Report of the Special Representative of the Secretary-General on the situation of human rights defenders, Hina Jilani, A/HRC/4/37/Add.1, Para 705. (27 March 2007) <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/122/01/PDF/G0712201.pdf?OpenElement>

<sup>123</sup> On 22 November 2011, the UN Working Group on Arbitrary Detention found that Ahmed Mansoor had been arbitrarily detained because of his “peaceful exercise of the right to freedom of opinion and expression” and that he faced an unfair trial. It called on the UAE government to release him and provide adequate reparation. See United Nations, General Assembly, Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its sixty-second session, 16–25 November 2011, No. 64/2011, A/HRC/WGAD/2011/64 (United Arab Emirates).

<sup>124</sup> Bloomberg, Spyware Leaves Trail to Beaten Activist Through Microsoft Flaw, 10 October 2012, <http://www.bloomberg.com/news/2012-10-10/spyware-leaves-trail-to-beaten-activist-through-microsoft-flaw.html>

<sup>125</sup> UN News Centre, UN calls on United Arab Emirates to guarantee protection of rights defenders, 17 July 2012, <http://www.un.org/apps/news/story.asp?NewsID=42492#.VEPTPvldXu1>

<sup>126</sup> Amnesty International, UAE: Wife of activist missing after arrest (MDE 25/003/2014) 10 January 2014, <http://www.amnesty.org/en/library/info/MDE25/003/2014/en>; Amnesty International, UAE: Further information: Activist’s wife released: Aisha Ibrahim al-Zaabi released (MDE 25/004/2014) 22 January 2014, <http://www.amnesty.org/en/library/info/MDE25/004/2014/en>

<sup>127</sup> The UAE acceded to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) on 20 June 1974.

<sup>128</sup> UN Human Rights Council, 20th Session, Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, 29 June 2012, A/HRC/20/L.13.



<sup>129</sup> Article 8, UAE Constitution

<sup>130</sup> Article 16, Federal Law No 17 of 1972, Concerning Nationality and Passports (Law Concerning Nationality and Passports).

<sup>131</sup> Article 20, Law Concerning Nationality and Passports.

<sup>132</sup> Articles 41 and 42, Law Concerning Nationality and Passports.

<sup>133</sup> Article 110 (5), Penal Code.

<sup>134</sup> Article 121, Penal Code.

<sup>135</sup> Article 42, Cybercrimes Decree.

<sup>136</sup> Article 13 UDHR; Article 12 ICCPR; Article 27 Arab Charter on Human Rights.

<sup>137</sup> Article 12 (3) ICCPR.

<sup>138</sup> UN Human Rights Committee, General Comment No. 34 on Article 19, 12 September 2011, CCPR/C/GC/34, para. 4.

<sup>139</sup> Article 19, ICCPR.

<sup>140</sup> Article 19 of the UDHR states that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

<sup>141</sup> Article 32, Arab Charter on Human Rights.

<sup>142</sup> Article 30, UAE Constitution.

<sup>143</sup> Article 176, Penal Code.

<sup>144</sup> Article 8, Penal Code.

<sup>145</sup> Article 265, Penal Code.

<sup>146</sup> Article 198/1, Penal Code.

<sup>147</sup> Article 156, Penal Code.

<sup>148</sup> UN Human Rights Committee, 102nd Session (11-29 July 2011), General Comment No. 34 on Article 19, 12 September 2011, CCPR/C/GC/34, para. 11.

<sup>149</sup> Federal Law No.15 of 1980, Concerning Publications and Publishing, issued on 16 November 1980 (Law Concerning Publications and Publishing).

<sup>150</sup> Article 70, Law Concerning Publications and Publishing.

<sup>151</sup> Article 71, Law Concerning Publications and Publishing.

<sup>152</sup> Article 72, Law Concerning Publications and Publishing.

<sup>153</sup> Article 73, Law Concerning Publications and Publishing.

<sup>154</sup> Article 75, Law Concerning Publications and Publishing.

<sup>155</sup> Article 76, Law Concerning Publications and Publishing.

<sup>156</sup> Article 80, Law Concerning Publications and Publishing.

<sup>157</sup> Article 82, Law Concerning Publications and Publishing.

<sup>158</sup> Article 81, Law Concerning Publications and Publishing.

<sup>159</sup> The UAE came 118 out of 180 countries in the World Press Freedom Index 2014 produced by Reporters Without Borders. See <http://rsf.org/index2014/en-index2014.php>

<sup>160</sup> Article 38, Cybercrimes Decree.

<sup>161</sup> Article 29, Cybercrimes Decree.

<sup>162</sup> Article 28, Cybercrimes Decree.

<sup>163</sup> Article 30, Cybercrimes Decree.

<sup>164</sup> Article 20 UDHR; Article 22 ICCPR; Article 24 Arab Charter on Human Rights.

<sup>165</sup> Article 22 (2) ICCPR.

<sup>166</sup> Article 16, Law on Associations.

<sup>167</sup> UAE Interact, NGOS Bill on the Anvil: Gargash, 9 April 2014, [http://www.uaeinteract.com/docs/NGOs\\_bill\\_on\\_the\\_anvil\\_Gargash/61012.htm](http://www.uaeinteract.com/docs/NGOs_bill_on_the_anvil_Gargash/61012.htm)

<sup>168</sup> Article 17, Law on Associations.

<sup>169</sup> Article 18, Law on Associations.

<sup>170</sup> Article 14, Federal Law No.2 of 2003, Regarding the State Security Apparatus.

<sup>171</sup> Article 14, Federal Law No.2 of 2003, Regarding the State Security Apparatus.

<sup>172</sup> Office of the High Commissioner for Human Rights, Preliminary observations on the official visit to the United Arab Emirates by the United Nations Special Rapporteur on the independence of judges and lawyers (28 January-5 February 2014),  
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14223&LangID=E>

<sup>173</sup> Office of the High Commissioner for Human Rights, UN human rights expert urges the United Arab Emirates to strengthen the independence of its judiciary, 6 February 2014. See  
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14237&LangID=E#sthash.yCWTxKEV.dpuf>

## 9. APPENDIX

LETTER FROM ASSISTANT FOREIGN MINISTER FOR LEGAL AFFAIRS, 30 OCTOBER 2014.

UNITED ARAB EMIRATES  
MINISTRY OF FOREIGN AFFAIRS  
ASSISTANT FOREIGN MINISTER  
FOR LEGAL AFFAIRS



الإمارات العربية المتحدة  
وزارة الخارجية  
مساعد وزير الخارجية  
للشؤون القانونية

Number: 200/2014  
Date: 30 Oct 2014

Mr. Said Boumedouha  
Interim Deputy Director  
Middle East and North Africa Programme  
Amnesty International

Your ref: TG MDE 25/2014.016

23 October 2014

Dear Mr. Boumedouha,

Thank you for your letter of 14 October 2014 regarding your forthcoming report on the rights to freedom of expression and association in the UAE. Please find below information in response to your questions which we hope you will find helpful.

At the outset, allow me to begin by emphasizing that the UAE is firmly committed to the promotion and protection of human rights both at home and around the world. In its short, 42 year existence to date, the UAE has made impressive progress in developing its governance institutions and building a tolerant and multicultural society in which people of more than 200 different nationalities live harmoniously together.

We know that promoting human rights is an ongoing process that requires continuous efforts to review legislation and strengthen institutions. Last year, the UAE underwent its second Universal Periodic Review by the UN Human Rights Council. We appreciate the opportunity the UPR provides to engage in a constructive dialogue with the international community and generate ideas for further improvement. We have now begun the work of following-up on the one hundred recommendations that we accepted and the additional seven that we partially accepted.

As a Member of the UN Human Rights Council, the UAE is particularly committed to cooperate with the Council's Special Procedures. Earlier this year, as part of our on-going efforts to strengthen our judicial system, we welcomed the UN Special Rapporteur on the Independence of Judges and Lawyers, and look forward to studying her report when it is completed.

The independence of the judiciary is guaranteed by Articles 94 and 97 of the Constitution of the UAE. Federal Supreme Court judges are nominated by the Supreme Judicial Council and appointed by the UAE Head of State upon the agreement of the Federal Supreme Council. Judges, in discharging their duties, are subject to no authority other than the law and their own conscience. The removal of judges from office during the exercise of their functions is prohibited.

Freedom of opinion and expression is protected under the Constitution of the UAE. Significant progress has been made to enhance media transparency and freedom in the United Arab Emirates, update media laws and develop a media infrastructure to keep pace with global

1

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changes in information and communications technology and to create new free zones for the media.

The arrest and detention of the individuals in question resulted from thorough investigations by the security forces and the office of the Attorney General, which found that the accused were not part of a peaceful association calling for political debate, but rather were members of an organization aligned with the Muslim Brotherhood whose objective is to seek the overthrow of the UAE Government by force. No state can simply stand idly by in the face of such a threat to its national integrity. The detention of and charges against them were therefore based on several legal grounds as codified by Article 180 of the UAE Criminal Code (as amended), promulgated in 1987. Under this Article, they were charged with setting up, establishing, organizing and running a clandestine organization, veiled under cover of a civil society organization, which aims at and calls for the overthrow of the government. These legal provisions are fully compatible with international human rights law, which permits the restriction of certain rights, including the freedoms of expression and association, when confronted with activities which threaten national security, public safety or public order.

In response to your specific questions:

1. No. The individuals in question received all of the due process guarantees to which they were entitled under the UAE Constitution and laws. The accused were entitled to telephone contact with their families three times per week, and to regular family visits as well as visits from national human rights organizations while in detention. The accused were represented by their freely chosen counsel who had access to and conducted interviews with the accused in private and without the presence of security personnel. Moreover, the defence counsel were given ample time to prepare their defence as the list of charges was made available to them in good time. The trial was held in public and observed by numerous witnesses, including family members, national media and human rights organizations. A special chamber was set up by the Court to accommodate 500 observers. While, given the public interest in the trial, some spectators may not have been able to enter and witness the proceedings, the Court made an extraordinary effort to allow a large public audience to witness the trial. The accused benefitted from the presumption of innocence, as guaranteed by Article 28 of the UAE Constitution, and were tried for crimes specifically prohibited by the law, in accordance with Article 27 of the UAE Constitution. The individuals in question were convicted of serious offences following a free and fair trial in accordance with international standards.
2. The UAE Constitution prohibits torture and degrading treatment (Article 26) and the UAE became a State party to the UN Convention Against Torture (CAT) in 2012. Personnel involved in the administration of justice receive human rights training. Detainees are visited by the Emirates Human Rights Association, a registered non-governmental organization which monitors conditions of detention and reports publicly on its findings. Detainees are held in recognized places of detention, which are administered by relevant authorities. Questioning of detainees is carried out by the

2

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Public Prosecutor, while relevant prison authorities are responsible for the custody of detainees. Detainees are medically examined upon admission to custody and thereafter have access to medical examination and treatment as required. The conditions in which the accused in question and those convicted have been held were monitored by the Emirates Human Rights Association, which publicly reported that the conditions of detention were fully satisfactory, including access to health care and a good standard of food.

3. While some of the accused have raised the allegation that they were subject to physical abuse while in detention, the Government vigorously denies this. Representatives of the Emirates Human Rights Association visited and interviewed the accused on a regular basis during their trial and pre-trial detention and not only found no evidence of any mistreatment, but were also assured by the overwhelming majority of the accused themselves that they had not been subjected to any such mistreatment. Moreover, these allegations, which were raised during the trial and laid before the Court by the accused, were addressed by the Court in its judgment and found to be without merit.
4. All criminal judgments issued by courts of first instance in the UAE are subject to appeal and review on points of law. In cases in which, by law, the Federal Supreme Court, which is the highest level in the judiciary, is vested with original competence (as in the case in question given the serious nature of the criminal charges), judgments are also subject to review, but the scope of review is necessarily limited to judicial reconsideration in accordance with the specific requirements of the Federal Supreme Court Law.

In closing, allow me to assure you that the UAE remains committed to the promotion and protection of human rights and fundamental freedoms and to engaging constructively with international human rights mechanisms to strengthen their implementation.

Yours truly,

Dr. Abdulrahim Yousif AL Awadi.

Assistant Foreign Minister for Legal Affairs.

3

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## **“THERE IS NO FREEDOM HERE”**

### **SILENCING DISSENT IN THE UNITED ARAB EMIRATES (UAE)**

In March 2011, a group of 133 women and men, including a number of leading citizens, among them judges, lawyers, university academics, and journalists, put their names to a petition that they addressed to the President of the United Arab Emirates (UAE), calling for democratic reform, including the right to vote. The petition sparked an uncompromisingly repressive official response from the authorities who have since mounted an unprecedented clampdown on dissent and assault on human rights. Those targeted have included activists and peaceful advocates of democratic reform, including one of the country’s foremost human rights lawyers, and members of their families who have campaigned to expose the state’s violations. The crackdown has seen the introduction of new “cybercrimes” and anti-terrorism laws that penalize criticism of the government; scores of arrests and detentions, including enforced disappearances; allegations of torture and other ill-treatment to force “confessions” from detainees held in secret prisons; grossly unfair trials of government critics, and continuing harassment and persecution of their families. The authorities have placed people on travel bans, arbitrarily withdrawn individuals’ UAE citizenship, rendering them stateless, and summarily exiled activists from the country. This report documents how the UAE authorities have thrown out the rule-book of international law to stigmatize peaceful critics and imprison them using provisions that equate advocacy of reform with threats to national security. In exposing the grim reality behind the face of modernity and glitz that the UAE projects to the outside world, Amnesty International seeks to break the silence surrounding the human rights violations now unfolding and to mobilize international action in support of its victims. The report ends with recommendations to the UAE government and the international community.

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November 2014

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