

The International Campaign for Freedom
in the United Arab Emirates



HUMAN RIGHTS IN THE UNITED ARAB EMIRATES BRIEFING



ICFUAE



www.icfuae.org.uk



TABLE OF CONTENTS

INTRODUCTION	02
BACKGROUND	02
ENFORCED DISAPPEARANCES	03
FREEDOM OF EXPRESSION	04
USE OF TORTURE	05
CITIZENSHIP REVOCATION	06
RECOMMENDATIONS TO THE UAE GOVERNMENT	07

INTRODUCTION

The United Arab Emirates presents a carefully cultivated global image of a modern, dynamic, forward-thinking nation amongst the turmoil of other countries in the Gulf and the Middle East. Yet, beneath the “glitz, the gloss, and the glamour”¹, there is a very different reality where human rights violations are systematic and committed on a regular basis. In recent years, the country has seen a wave of arbitrary arrests, unfair trials and infringement of civic freedoms with the aim of silencing any dissenting voices. However, due to the extremely oppressive power exerted by the authorities, many cases remain undisclosed and unheard by the international community.

Although the UAE has signed the **Universal Declaration of Human Rights** (UDHR) and the UN’s **Convention Against Torture** there are numerous cases of unfair arrest and inhumane prisoner treatment, particularly of government critics and pro democracy activists, that have been reported within the UAE. These cases often include:

- Unexplained and arbitrary arrests
- Enforced disappearances for months to unknown locations
- Criminalisation of basic freedom of speech
- Torture and other ill-treatment of prisoners resulting in false confessions
- Unfair trials without legal representation
- Citizenship revocation and deportations without legitimate reasons

BACKGROUND

The UAE was established as an independent nation-state in 1971, it was previously a British protectorate of sheikhdoms known collectively as the Trucial States. The UAE is now ruled by its royal family who make all legislative decisions and hold power over the confederation of the seven different Emirates. Political processes in the UAE operate within a framework of a federal, presidential, absolute monarchy where representatives of the state are appointed by the royal family. Under federal authority, responsibilities include foreign affairs, security and defence, nationality and immigration issues, education, public health, currency, postal, telephone and other communications services, air traffic control, licensing of aircraft, labour relations, banking, delimitation of territorial waters and extradition of criminals. In the UAE, the only partially elected body is the Federal National Council. The UAE does not have democratically-elected institutions and citizens do not have the right to elect a government or form political parties.

The government’s repression of political dissent and violations of human rights law became more visible as the Arab Spring swept across the Middle East. In 2011, Emirati activists and reformers presented a petition to the government calling for democratic reform by way of free and fair elections, increased legislative powers to the Federal National Council and the establishment of an independent judiciary. The government responded with brutal repression, and 94 of the 133 Emirati academics, lawyers, teachers and activists who signed

1. www.amnesty.org.uk/sites/default/files/mde_25.018.2014_-_there_is_no_freedom_here_-_silencing_dissent_in_the_united_arab_emirates_uae.pdf

the petition were arrested, subjected to enforced disappearance or arbitrarily detained. They became known as the 'UAE 94'. The trial was conducted in secrecy and was described by the International Commission of Jurists (ICJ) as 'manifestly unfair'.²

ARBITRARY DETENTION

Arbitrary detention has become an increasingly common practice in the UAE, and typically takes the form of an arrest by police or undercover security agents without a warrant nor any reasonable explanation as to why the arrest is taking place. Victims are held indefinitely with no information given as to their whereabouts, no contact with their family nor any legal representation. This puts them at great risk of torture and ill-treatment. Arbitrary detention is illegal according to Article 9 of the Universal Declaration of Human Rights, which states that "No one shall be subjected to arbitrary arrest or detention".

Reprieve interviewed 124 detainees in the UAE and found that 96% did not have a lawyer present when initially questioned by the police, whilst 95% were denied legal representation throughout the entirety of the interrogation process³. If prisoners do eventually receive a trial, this is often conducted in a grossly unfair manner. Prisoners are often held for months without even knowing the charges that they are being held on, some prisoners only meet their lawyers for the first time at their trial and crucial evidence is often withheld, making it impossible to prepare a defence. During trials the judiciary is composed of government representatives and judgements made by the Federal Supreme Court cannot be appealed.

28-year-old activist **Osama Al-Najjar** was arrested in March 2014 and was sentenced to three years in prison after posting comments on Twitter expressing concern about the ill-treatment of his father in prison. Following his arrest, he was denied access to a lawyer for six months. Although Al-Najjar and three other prisoners were supposed to be released in March 2017, they were instead transferred to a "counselling centre" where they are currently being held indefinitely. According to the Emirates Media and Studies Center, by the end of 2016, there were 261 'prisoners of conscience' from 21 different nationalities in UAE prisons⁴.

ENFORCED DISAPPEARANCES

Enforced disappearance is the imprisonment or abduction of an individual by the state, followed by a refusal to acknowledge that individual's fate or well-being, with the intention of placing them outside the protection of the law. **The Rome Statute of 2002** prohibits enforced disappearances under **Article 7 of Crimes against humanity**. This was further enforced in 2006 by the UN's International **Convention for the Protection of All Persons from Enforced Disappearances**. The UAE has failed to ratify either one of them, and continues to use the practice of enforced disappearance against journalists, activists, and anyone seen to criticise or offend the rulers.

2. https://www.icj.org/wp-content/uploads/201310/UAE-report-4-Oct-2013smallpdf.com_.pdf

3. http://www.reprieve.org.uk/wp-content/uploads/201528_10_2013/03/_INT-UAE-Torture-Report-final.pdf

4. <http://www.emasc-uae.com/news/view/7687>

Victims of enforced disappearances are exposed to an increased risk of torture or inhumane and degrading treatment as they are held in secret locations without legal counsel or representation. Joe Stork from Human Rights Watch maintains that the UAE's use of enforced disappearances is indicative of their "increasingly repressive behaviour."⁵ Enforced disappearances are emblematic of the complete absence of transparency in the UAE's legal system, as it gives the authorities the opportunity to act with impunity without being held accountable for their actions.

Emirati academic **Nasser bin-Ghaith** was subjected to an enforced disappearance in August 2015 after he was accused of violating the 2012 cybercrime law, the penal code and the 2014 terrorism law due to six tweets in which he criticised the actions of the Egyptian and the UAE government against their own people. He was also falsely accused of involvement with banned reformist groups such as Al-Islah. He was held incommunicado for nearly 2 years until a court appearance in April 2017, when he claimed to have been tortured in custody. The trial made little progress during the year, and bin-Ghaith remains in an unknown location to this day, at great risk of torture and other ill-treatment.

FREEDOM OF EXPRESSION

Government censorship and advanced cyber surveillance in the UAE means that freedom of expression is routinely violated. Online content relating to human rights and independent news outlets are heavily monitored and censored, like in the case of the Huffington Post, Al-Araby and Middle East Eye. After analysing various factors including transparency, press freedoms and violence inflicted upon journalists, the 2017 'Freedom in the World' ranking conducted by Freedom House classified the UAE as 'not free'⁶. The UAE also invests in cyber surveillance technology from firms such as UK-registered BAE systems, which allows them to monitor activists' private communications. Under the guise of protecting individual and state security, use of applications including WhatsApp and Snapchat is now subject to state surveillance and a number of people in the UAE have been arrested and charged for criticising government views on social media.

The Emirati **Federal Law No.7 of 2014 on Combatting Terrorism Offences** and the **Cybercrime Law No.5 of 2012** allow the authorities to arrest, persecute and imprison both Emirati and foreign nationals and peaceful government critics for simply expressing their opinions. **Article 30 of the UAE Constitution** guarantees "Freedom of opinion and expression in speech and writing, and all means of expression", nevertheless in 2016 alone 300 people were arrested for publishing comments on social media that criticised the government or the ruling family⁷.

These practices directly contravenes human rights conventions such as **Article 19** of the **UDHR** as well as the **International Covenant on Civil and Political Rights (ICCPR)**, which stipulate that "no one shall be subject to arbitrary or unlawful interference with his or her privacy, family, home and correspondence" and protect the individual's right "to hold opinions without interference". The UAE has not ratified the ICCPR, although it is bound to comply with the UDHR.

5. <https://www.hrw.org/news/201405/10/uae-reveal-whereabouts-disappeared-libyans>

6. <https://freedomhouse.org/report/freedom-world/2017/united-arab-emirates>

7. <http://www.emasc-uae.com/news/view/7687>

Prominent human rights activist and winner of the 2015 Martin Ennals Award for Human Rights Defenders, **Ahmed Mansoor**, was targeted by the UAE authorities due to his continuous efforts to reveal and report on human rights violations in the UAE. He was subject to methods of intrusive surveillance which turned his iPhone into a mobile spyware device that could track his movement, record his phone calls, and control his phone camera and microphone. On 20 March 2017, he was arrested in a night raid by undercover officers and taken to an unknown location where he had no contact with the outside world. It has since been revealed that he is being held in solitary confinement with no access to a lawyer, which puts him at great risk of torture and ill-treatment.

USE OF TORTURE

Article 5 of the **UDHR** states that, “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”. Despite the fact that the UAE is legally obliged to abide by this international law, there have been numerous reports in recent years of torture and ill-treatment in Emirati prisons. A study carried out by Reprive found that 75% of the prisoners they interviewed had been physically abused by prison officers. Prisoners reported being subjected to electric shocks, death threats, sexual abuse, beatings and being kept in conditions of confinement and stress positions⁸. According to a Freedom of Information Request in June 2015, between June 2010 and June 2015, 43 British nationals complained of torture and mistreatment at the hands of the UAE authorities⁹. Additionally, it is essential to remember that many cases remain unknown because torture victims are afraid that their family will suffer consequences if they speak out.

The UAE is one of 83 countries to have signed the UN’s **Convention Against Torture of 2012**; therefore, it is responsible for monitoring and investigating any allegations of torture. Organisations such as Amnesty International have accused the Emirati government of deliberately disregarding the requirements of this convention. However, the UAE fiercely rejects any allegations of torture and have repeatedly denied access to UN and other international observers. Due to this, the majority of allegations of torture and ill-treatment are not investigated at all by the authorities.

Kamal and Mohamed Eldarat, Salami Alaradi, Adel Rajab Nasef and Moad al-Hashmi were detained by the UAE authorities in August 2014 for allegedly supporting militants fighting in Libya. They were held incommunicado in secret detention centres without trial for more than a year. A report carried out by the UN in February 2016 claimed that there is enough credible evidence to prove that all five prisoners were subject to torture¹⁰. Alaradi claims that he was subjected to sleep deprivation, chained in a stress position, hung upside down and beaten in an attempt to force him to confess. Separately, British businessman **David Haigh** was unfairly detained in May 2014 and imprisoned for 22 months. Haigh claims that during his time in prison he was punched and tasered by the police, as well as regularly witnessing the mistreatment of other prisoners by the authorities.

8. http://www.reprive.org.uk/wp-content/uploads/201528_10_2013/03/_INT-UAE-Torture-Report-final.pdf

9. <https://www.hrw.org/news/201604/11/royal-visit-uae-will-miss-out-british-prisoners>

10. <https://www.hrw.org/world-report/2017/country-chapters/united-arab-emirates>

CITIZENSHIP REVOCATION

Citizenship revocation has become an increasingly common practice in the UAE, particularly since the Arab Spring. The International Centre for Justice and Human Rights (ICJHR) report that over the course of 2016 there were 60 individuals who were stripped of their Emirati citizenship¹¹. The practice is a violation of Article 15 of the **UDHR**, the 'Right to Nationality', and without citizenship status in the UAE individuals are not allowed to receive an education, hold a job, nor drive or access healthcare. They cannot have a bank account nor own property, rendering them completely dependent on friends and relatives to live their daily lives.

Typically, this process happens with no warning or official record, which makes it difficult to document or report on. Individuals whose citizenship is revoked are summoned to the police station with all documents which confirm their status as a citizen of the UAE, such as their passport and driving licence. These documents are confiscated on arrival, leaving the individual with no record of their identity and no channel through which to access their basic rights.

In March 2016 the **Al-Saddiq siblings** (Asma, 29, Doa'a, 25 and Omar, 23) had their citizenship revoked with no explanation or reason. Their father, Mohammed Abdulrazzaq al-Saddiq, is one of the 'UAE 94' activists and is serving a ten year prison sentence. It is not uncommon for the family members of activists to be targeted and persecuted. Similarly, in April 2016, the UAE authorities revoked the citizenship of the **Al-Ka'abi family**. The father, **Abid Al-Ka'abi**, is a former political prisoner who was given no reason for his detention.

11. <http://ic4jhr.org/en/activites/reports/619-uae-revocation-of-nationalities-in-the-united-arab-emirates-2.html>

RECOMMENDATIONS TO THE UAE GOVERNMENT

- 1.** Immediately and unconditionally release all prisoners of conscience in UAE jails;
- 2.** Ensure that the rights of prisoners are respected, including access to a lawyer and family visits;
- 3.** Respect the right of citizens to enjoy freedom of expression in accordance with the UAE Constitution and international law;
- 4.** Review the laws on cybercrime of 2012, on anti-terrorism of 2014, and on discrimination of 2015 and ensure they meet international standards of freedom of expression;
- 5.** Allow international bodies and independent organisations to monitor trials and court proceedings;
- 6.** Abide by the International Convention Against Torture 2012 and end the ill-treatment of prisoners;
- 7.** Conduct prompt and impartial investigations into all allegations of torture;
- 8.** Ratify the International Covenant on Civil and Political Rights;
- 9.** Ratify the International Convention for the Protection of all Persons from Enforced Disappearances;
- 10.** Adopt an adequate legal framework that regulates the use of cyber-surveillance technologies against abuse.