



ICFUAE



Political Prisoners in the United Arab Emirates



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Introduction

In recent times, the United Arab Emirates (UAE) has projected itself as the epicentre of wealth and luxury, with Dubai thrown to the forefront as a new global centre of commerce. However, beneath the glitz and glamour lies a much darker reality in which freedom of speech and freedom of the press have all but been expelled. Though the UAE Constitution of 1971 grants freedom of opinion to all citizens, the decades that have followed have seen the introduction of new measures aimed at controlling and eliminating any criticism of the state. In light of the democratic uprisings that occurred in the Arab Spring of 2011, the UAE has adapted to evolving means of dissent by introducing the 2012 Cybercrime Law, thus giving the regime carte blanche in arresting those who advocate for reform or criticise the government online. This has led to widespread fear and use of arbitrary arrest, forced disappearances, unfair trials, torture and deportation. In conjunction with this, the vague and ambiguously drafted 2014 Terrorism Law has permitted the authorities to arrest and charge anyone who "antognises the government," allowing them to retain prisoners after completing their sentence for an indeterminate amount of time, at their own discretion. Today, it is estimated that the UAE

has detained more than 200 political prisoners - although the numbers may be more. Those detained in trials such as the UAE 94 in 2013, as well as the arrest of Ahmed Mansoor and Dr Nasser Bin Ghaith in 2017, have endured torture, solitary confinement, no access to lawyers, and threats to their family's wellbeing.

Thus, the ICFUAE calls on the UAE to reform its policies on freedom of speech and the press immediately, and to abide by international law and free its political prisoners.

Political System

Until declaring independence in 1971, the UAE were British protectorate territories known as the Trucial States. today there are seven emirates - Abu Dhabi, Dubai, Sharjah, Ajman, Umm al-Quwain, Ras al-Khaimah and Fujairah - each of which are ruled by their own respective monarchs. Politically, they operate under a bicameral system. The Federal Supreme Council (FSC) is the "highest constitutional, legislative and executive authority," and it is here that the monarchs assign the position of President and Vice-President of the UAE, draw up general policies, and approve federal legislation and appointees to the Federal Supreme Court. The President, in turn, who is de facto hereditary to the ruler of Abu Dhabi, appoints the position of Prime Minister, which is de facto hereditary to the ruler of Dubai.

¹ <http://icfuae.org.uk/news/more-200-political-prisoners-uae>

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However, the formation of political parties are strictly forbidden and the only semblance of democratic elections is through the Federal National Council (FNC), a consultative body with no legislative power composed of forty representatives, half of whom are appointed by the FSC and half of whom are elected. The judicial system, as outlined in a 2014 UN report, meanwhile, is not independent and remains 'under the de facto control of the executive branch of the government.'

Contemporary Climate

As hitherto mentioned, in the wake of the Arab Spring the Emirati authorities have systematically clamped down on freedom of expression within the Federation and embarked on a campaign of harassment of activists, journalists, students and lawyers. The dawn of this repression began with the trial of the UAE 5, who peacefully advocated greater political rights and freedom. All five were convicted in November 2011, including Ahmed Mansoor and Dr. Nasser bin Ghaith, who, although pardoned in July 2012, have since been arrested again and sentenced to -10years in prison.

The apogee of this repression, however, is reflected in the case of the UAE 94, a disparate group of academics and lawyers arrested in 2013 after accusations of plotting to overthrow the government, having signed a petition calling for democratic reform. Of these 94, 69 were found guilty and sentenced to between 7 and 15 years in prison.

Since then, the Emirati authorities have cracked down on independent non-governmental organisations, beginning with the boards of the Independent Jurists Association and the Teachers Association, both of which were dissolved after signing a joint letter with NGOs advocating reform. Further arrests were made among al-Islah, a civil society organisation outlawed and, in some cases, stripped of Emirati citizenship. This has been facilitated by the introduction of the aforementioned Cybercrime and Terrorism Laws that has given the regime the authority to arbitrarily choose who they see as "terrorists." The vague definition of "terrorism" within this law means that scores of people accused of being an "enemy of the state", as well as their families, are at great risk of arrest, torture, and expulsion from the Federation.

² <https://bit.ly/2HKUoG8>

³ <https://bit.ly/37QR6f8>

⁴ <https://bit.ly/3b9Zw7C>

Legal Framework

The UAE's Constitution was introduced in December 1971. Under the Public Freedom, Rights and Duties, the constitution declares that 'all persons are equal before the law without discrimination between the citizens.' Article 26 outlines the personal freedom of all citizens, and Article 30 ensures the 'freedom of opinion and of expressing that opinion verbally, in writing, or by any other medium of expression is guaranteed as provided by law.' However, sections 70 to 85 of the Federal Law No. 15: Governing and Publications from 1980 clearly outline that 'the person of the President of the Republic or the rulers of the Emirates may not be criticised.' In addition, any material that is 'harmful to Islam, or the system of Government in the country, or harms the country's interest or the basic systems on which the society is founded shall be prohibited.' The Penal Code further sentences anyone who 'makes use of any means of communication or information technology or any other means, to diffuse information or news or to instigate to do acts that lead to expose the State security to danger or are incompatible with public policy' and Federal Law No 15 of 1980 concerning publications and publishing allows for censorship of domestic and foreign publications.

While the constitution grants the 'freedom of assembly and the freedom to hold meetings', Article 180 of the Penal Code sentences anyone who 'establishes, founds, organises or administers an association,

organisation...that aims at calling to overthrow or take over the system of government, disrupting the application or the constitution or law provisions, fighting the fundamental principles on which is based the governing system of the state...violating the personal freedom of citizens or any other public liberties or rights protected by the constitution...or jeopardising national unity of social peace.' The vague language of the article means that anyone found participating in an organisation that the state deems unlawful can face up to ten years in prison. Article 1/180 also criminalises anyone found circulating, whether orally or in writing, the activities of the groups defined above.

The constitution also outlines the rights of prisoners, stating in Article 28 that 'an accused shall be deemed innocent until he has been convicted by a means of legal and just trial.' The article continues, stating that the 'accused shall have the right to appoint the person who shall conduct his defence during the trial.'

⁵ Article 25 <https://bit.ly/2HIJiSf>

⁶ <https://bit.ly/37Py48Q>

⁷ <https://bit.ly/38NDKSI>



' The constitution underlines that 'no man shall be subjected to torture or other indignity.' This is upheld by the Federal Law No. 35 of 1992 Concerning the Criminal Procedure Law which reiterates the above and further limits the detention period to 24 hours after which the detainee must be sent to public prosecution. While Article 100 of the Criminal Procedure Law outlines the right of an attorney for the accused, it goes back on itself, adding at the end; 'unless otherwise decided by the member of the public prosecution in the interest of the investigation.' Finally, Article 47 of the same law states that 'the public prosecution shall interrogate the accused within twenty-four hours then it shall order either his arrest or his release' Despite the laws stating the right to a

lawyer, fair trial and criminalising torture, much evidence suggests that the state does not abide by these laws. For example, during the so-called UAE 94 trial in 2013 the detainees were subjected to torture, little or no access to lawyers, and secret pretrial detention for over six months.

⁸ <https://bit.ly/2PdI19A>

⁹ <https://bit.ly/2HM72E0>

Cybercrime Law

In the wake of the state's crackdown on freedoms and rights since 2011, the authorities introduced the Cybercrime Law in 2012 that further restricts citizens' freedoms. The law covers all online activity including social media, blogs, SMS, and emails, allowing the state to further entrench and control its population in the online sphere. The articles are deliberately vague, giving the state the power to imprison anyone who they consider a threat to their rule.

Article 24, for example, imprisons anyone who 'establishes or administers or runs a website or publishes on a computer network or any information technology means which would promote or praise any programs or ideas which would prompt riot, hatred, racism, sectarianism, or damage the national unity or social peace or prejudice the public order and public morals.'

Article 26 then grants a minimum sentence of five years to whoever 'establishes, manages or runs a website or publishes information on the computer network or information technology means for the interest of a terrorist group or any unauthorized group, association, organization, or body.'

The Cybercrime Law, then, turns to penalise anyone who dares criticise the state, underlining that whoever publishes news, information, or cartoon drawings that 'endanger the national security and the higher interests of the State' will face detention.

Article 29, meanwhile, penalises anyone who publishes 'information, news, statements or rumours on a website or any computer network or information technology means 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.' The severity of the law demonstrates how the state now has the ability to sentence anyone who is part of an online group or organisation that they deem unlawful, as well as having the right to imprison anyone who criticises, in any way, the state or their allies. A pertinent example is that of Ahmed Mansoor, who was arrested on account of using his social media to, as is claimed by the state, 'publish false information that damages the country's reputation' and to spread 'hatred and sectarianism.'

¹⁷ <https://bit.ly/39V7UmQ>

¹⁸ *Ibid*

¹⁹ <https://bit.ly/2T5naGU>

²⁰ *Ibid*

On Combating Terrorism Offences: Federal Law No. (7)

In addition to the Cybercrime Law, the UAE introduced in 2014 a new counter-terrorism law that has given the state the right to accuse activists, lawyers, and critics of being "terrorists" due to its vague definitions and terms. The law defines a terrorist as 'whoever belongs to a terrorist organisation, commits a terrorist offence, participates directly or indirectly in causing its commission, or threatens of, aims at, plans, seeks, promotes or aids the commission of such commission.' Article 14 of the law grants capital punishment or life imprisonment to whoever 'commits an action or inaction intended for threatening the State's stability, safety, unity, sovereignty or security, which contradicts the basic principles underlying the governance system of the State, or with the purpose of making a coup and taking over the power, illegally invalidating the provisions of the Constitution or preventing one of the State's institutions or the public authorities from practicing their activities, or prejudicing the national unity or the social security.' The vagueness of the article thus permits the state to accuse anyone who they deem a "threat" to the State's security as being a terrorist. This is upheld in the following article that declares imprisonment to anyone who 'declares, by any means of communication, his opposition to the State, or to the ruling system therein or his non-allegiance to its leadership.

' The new law allowed the state to target peaceful activists such as Dr. Nasser Bin Ghaith, who was arrested under both the Cybercrime and counter-terrorism law for 'committing a hostile act against a foreign state' after he posted a tweet critiquing the failure to hold anyone accountable for the 2013 Raba'a Massacre in Egypt. He was further charged with 'posting false information in order to harm the reputation and stature of the state and one of its institutions' after posting claims on Twitter that he had not been given a fair trial as part of the "UAE5" case.

²¹ <https://bit.ly/2PeVJcv>

²² <https://bit.ly/2PfmVrv>

²³ *Ibid*

²⁴ *Ibid*

²⁵ <https://bit.ly/37PhZRe>



Arbitrary Arrests, Unfair Trials, and Torture

Since the government's crackdown in 2011, activists, academics, lawyers, students, professors and citizens who have spoken out against the UAE have faced a harsh backlash from the authorities in the form of arbitrary arrests, enforced disappearances, unfair trials, torture and ill-treatment, and even extended detention after completed prison sentences. This crackdown is aimed at quelling all forms of criticism against the state and discouraging others from engaging in dissident discourse. The process began with the case of UAE 69 - 94 UAE citizens who were sentenced to between 15-10 years imprisonment, having been accused of plotting against the state. They faced pre-trial detention in secret locations, restricted access to lawyers, torture, and an unfair trial.

, for an extended period of time without informing the detainee of their reason for arrest. Often, the detainees are held for extended periods in secret detention during which they are given little, if any, contact with their families, and no access to a lawyer.

Such an example is the case of Asma, Mariam, and Al Yazzyah al-Suweidi who disappeared after being called to the police station on February 15th 2015 in Abu Dhabi. Shortly after, their mother received a telephone call stating that they were in detention. However, the reason for their arrest and their whereabouts were unknown. After spending three months in incommunicado detention, they were released. The three sisters had been arrested on account of speaking out online against the unlawful arrest and imprisonment of their brother, Dr. Issa al-Suweidi.

Arbitrary Arrests and Unfair Trials

The UAE's Criminal Procedure Law clearly outlines that a detainee must be interrogated and either arrested or released within 24 hours of initial arrest. Evidence demonstrates, however, that the authorities are arbitrarily arresting and detaining citizens, often through enforced disappearance,

²⁶ <https://bit.ly/2vX2ubX>

If a detainee is presented before the court, the trial is often not fair. While Article 94 of the UAE's Constitution clearly declares that "judges shall be independent and shall not be subject to any authority but the law and their own conscience," in reality the judicial system remains non-independent, with judges being appointed, promoted, and transferred under the authority of the Minister of Justice. Article 94 also stipulates that 'justice is the basis of authority.' By leaving the rule of law to the moral discretion of the judiciary this "exacerbates ambiguity" and facilitates arbitrary application.

The Minister of Justice can, on receiving advice by the Supreme Council for the Federal Judiciary, transfer judges to other positions in government, public institutions, and international bodies, without needing consent from the judge in question. The Minister of Justice further controls the ability to evaluate and discipline judges, initiating an investigation that may end with the accused judge having to refer to a disciplinary board. Thus, judges are far from independent. Such was the case of the "UAE Five" in which five Emirati activists, Ahmed Mansoor, Nasser bin Ghaith, Fahad Salim Dalk, Ahmed Abdul Khaleq and Hassan Ali al-Khamis, were arrested in April 2011 on charges of "publicly insulting" UAE officials on an internet forum. Lawyer Jennie Pasquarella's assessment of the charges and trial,

, as documented by Amnesty International, concluded that there were "flagrant due process flaws" that denied the accused their right to a fair trial. During the trial, which began 14th June 2011, the detainees were not given access to the documents outlining the charges against them, nor the evidence to support it. The defendants were additionally denied confidential meetings with their lawyers. The first four sessions of the trial were done in secret, only allowing the State Security access. The prosecution was also heavily favoured over the defence; the prosecutors were given time to speak without interruption and their closing statements were allowed to be given before the defendants had even presented their cases.

On 27th November 2011, the five defendants were given sentences of two and three-years imprisonment. However, the following day, all five received a presidential pardon from Sheikh Khalifa bin Zayed and were released.

²⁷ pdf

²⁸ <https://bit.ly/2S0ayoM>

²⁹ <https://bit.ly/38PVZ9t>

Torture and Ill-Treatment

Despite the UAE accord to the UN Convention Against Torture, it appears that the torture and ill-treatment of political prisoners before, during and after trial is a regular occurrence. Testimonies from previous victims describe the torturous acts by the authorities pre-trial while the detainees are held in arbitrary detention. These acts of torture range from sleep deprivation, exposure to extreme temperatures, extended solitary confinement, beatings, electrocution, and insults. While the UAE's constitution clearly forbids torture, it is clear that the UAE government consistently casts a blind eye in order to undermine, threaten, and even force confessions out of political prisoners.

Political prisoners are also the target of continued torture and ill-treatment once in prison. The majority are sent to the UAE's infamous al-Razeen Prison in Abu Dhabi. Hand-written letters smuggled out of the prison and sent to organisations Alkarama, Amnesty International and Human Rights Watch describe the level of torture that members of the UAE 94 faced behind bars, that ranged from psychological to physical abuse. One prisoner described his experience accordingly: "I was tied to a chair and threatened with electrocution if I didn't talk. I was insulted and humiliated." Another outlined how he was deprived of sleep for extended periods of time and was forced to listen to other beatings and tortures occurring from his cell.

A third detainee described the physical torture he was subject to: "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."

Extended sentences

In light of the recent counter-terrorism law of 2014, political prisoners are additionally being detained even after completing their sentences for "counselling." According to Article 66 of the law, 'Munasaha Centres shall be established for the purpose of enlightenment and reform of persons convicted of terrorism offences or those are deemed to pose a terrorist threat.' The vague terminology means that anyone deemed to pose a "terrorist threat" may be held in indefinite detention in such centres which the UAE authorities claim are used for guidance, reform and therapies.

³⁰ <https://bit.ly/2VioSXU>

³¹ <https://bit.ly/2wzQNs9>

³² *Ibid*

³³ <https://bit.ly/2Pd0otw>

³⁴ <https://bit.ly/32kBn6T>

Such is the case of Osama al-Najjar, who was convicted in 2013 on the charge of “membership of a terrorist organisation.” His charge was for belonging to the group Al-Islah, spreading hatred against the state and lying about his father. Al-Najjar was arrested for posting tweets calling for his father, who is serving an 11 year sentence as part of the UAE 94, to be freed - he was sentenced to three years imprisonment and a fine of 500 Emirati Dirham. He was due to complete his sentence on 17th March 2018, however, his detention was extended for claims by the UAE authorities that he “still subscribes to extremist views (violent extremism) and it is feared that he would perpetrate a terrorist offence on release from prison.” He was eventually released on August 8th 2019 after more than a year of extended detention

calling for constitutional reform and increased political participation. It followed the crackdown on the Da’wat al Islah association (Association for Reform and Guidance). The organisation, which peacefully called for political debate and democracy, had operated legally in the country since 1974 but was later declared a “terrorist” organisation by the UAE authorities. Many of the UAE 94 were accused of having ties to the organisation. Following the trial, 69 of those accused were convicted on 2nd July 2013 and sentenced to prison terms ranging from 10-15 years. Pre-, during, and post-trial, the state denied those accused their basic rights, subjected them to torture, and ultimately presented them with an unfair trial.

94 Case Study: UAE

On 27th January 94 ,2013 activists, lawyers, academics, student leaders and teachers were put on trial for charges of “establishing and managing an organisation with the aim of committing crimes that harm State security, opposing the Constitution and the basic principles of the UAE ruling system and having links and affiliations to organisations with foreign agendas.” Many of those arrested had signed a petition two years earlier, in March 2011,

⁹⁵ <https://bit.ly/37JWDEp>

⁹⁶ <https://bit.ly/39Ve5aw>

⁹⁷ *ibid*

⁹⁸ <https://bit.ly/3802D0f>

Following their initial arrest, few of the 94 were given details of their charges, nor were their families told of their arrest or their subsequent whereabouts. During the interrogation, the majority of detainees were not given access to a lawyer and were held in unknown locations in incommunicado detention, a clear breach of their rights. Many were denied contact with their families, and some were even placed in solitary confinement, lasting in some cases for more than 236 days. During this pre-trial period, the majority of detainees were victims of torture and/or ill-treatment at the hands of the state. A report by the International Commission of Jurists underlined that the defendants were subject to severe beatings, sleep deprivation, extreme temperatures and death threats. There were further allegations that the authorities had used torture to gain forced confessions from many of the defendants.

On 6th May 2013 detainees compiled a complaint to the President of the State Security Chamber asking him to investigate the incidents of torture they had been victims of. No actions were taken to investigate such allegations. During this period, the families of those detained were also subject to harassment and intimidation. In one case, the son of one of the accused was handed a -10month prison sentence for "tweeting with bad intent about the trial."

The trial itself was unfair and the defendants were presumed guilty before it even began. The tribunal was not independent and throughout the trial the prosecution was granted the chance to call witnesses and examine them with no restrictions. In contrast, often the defence was not given permission to cross-examine and, when they were, had restricted questions. The defendants were not given access to a lawyer upon initial arrest, interrogation and pre-trial detention. The lawyers were only given access to case files a few days before the hearings began, giving them a very limited time to prepare, and the detainees who were allowed to meet with their lawyer a few days before the trial were supervised by a State Security officer. Throughout the process, many of the lawyers involved faced intimidation, harassment and even prison sentences. Additionally, the trial was not public. The few family members who were allowed into the courtroom were made to sign a statement beforehand agreeing not to discuss the details of what occurred during. Likewise, only state-run media was permitted entrance inside.

³⁹<https://bit.ly/2PhpnxU>

⁴⁰ Ibid

⁴¹ pdf

⁴² Ibid

⁴³ Ibid

International Pressure

Amidst the clampdown on human rights in the UAE since 2011, the international world has often shied away from applying pressure on the state to loosen its tight grip over the freedom and rights of its citizens. The muted international response to the imprisonment of political prisoners in the Federation and even to the UAE's part in the Saudi-led coalition in Yemen, of which it is expected to have committed war crimes, demonstrates the will of the international world to maintain, above all else, good relations with the state.[1]

That being said, in the 2018 Universal Periodic Review (UPR), almost every country involved underlined the urgency in which the UAE should ratify the International Covenant on Civil and Political Rights (ICCPR). The covenant forbids the use of torture and underlines in Article 9 that 'everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.'[2] Article 9.2 continues that 'anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.' [3] It further declares the right of everyone to a fair trial before an independent court. Other countries in the UPR highlighted the need for the UAE to adopt the International Convention for the Protection of All Persons from Enforced

Even when the UAE does concede to international pressure and agrees to ratify UN covenants, there is a clear lack of upholding such measures. As a member state of the United Nations, the UAE has failed to uphold the Universal Declaration of Human Rights. In particular, Article 5 stresses that; 'No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment'[6], Article 9 states that: 'No one shall be subjected to arbitrary arrest, detention or exile'[7], Article 10 underlines: 'Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal'[8] and Article 19 declares: 'Everyone has the right to freedom of opinion and expression.' The UAE also ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) in July 2012. This states clearly in Article 2 that 'no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.'[9]

The UAE has also ratified the Arab Charter for Human rights, which likewise forbids arbitrary arrest, freedom of thought and opinion and stresses the right of all citizens to 'freedom of peaceful assembly and association.'¹⁰ Here, it is clear that even when the UAE government does accede to international pressure, they fail to uphold the measures.

The ICFUAE thus calls on the UAE state to ratify the ICCPR and the ICCPED for the protection of its citizens and uphold the measures as agreed in the Universal Declaration of Human Rights, Arab Charter for Human Rights, and the UNCAT.

[1] <https://www.hrw.org/world-report/2018/country-chapters/united-arab-emirates>

[2] <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

[3] <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

[4] <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G40/107/18/PDF/G1810740.pdf?OpenElement>

[5] <https://www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.aspx>

[6] <https://www.un.org/en/universal-declaration-human-rights/index.html>

[7] Ibid.

[8] Ibid.

[9] <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

[10] <http://www.humanrights.se/wp-content/uploads/01/2012/Arab-Charter-on-Human-Rights.pdf>

Case Study: Ahmed Mansoor



The imprisonment of prominent human rights defender and activist, Ahmed Mansoor, clearly demonstrates the UAE state's attempt to clampdown on anyone calling for human rights and democratic change in the federation. Mansoor was one of the few credible, independent sources of information concerning human rights in the UAE and peacefully advocated for ending arbitrary detentions, torture, and unfair trials. In 2015 he was awarded the prestigious Martin Ennals Award for Human Rights. Since 2011, Mansoor has been subject to ongoing threats, attacks, and imprisonment by state authorities for his work and is currently serving a -10year prison sentence in Al-Sadr Prison, near Abu Dhabi.

Mansoor was first detained in 2011 as a member of the so-called "UAE 5" who were arrested by the Amn al Dawla (state security) and charged with Articles 176 and 8 of the Penal Code for "publicly insulting" the UAE President, Vice-President and Prime Minister for posting comments on the online forum, UAEHewarnet which had been blocked by the authorities the year before.[1] In November 2011 they were convicted

and sentenced to up to three years imprisonment after having undergone what Jennie Pasquarella, civil liberties lawyer, declared a 'fundamentally unfair' trial.

[2] During the case, the defendants were denied access to documents underlying the charges against them and were not permitted private meetings with their lawyers. There were also reports of judge bias in heavy favour of the prosecution throughout the trial.[3] Mansoor was given the highest sentence of three years, with additional charges for inciting others to; break the law, boycott elections and attend demonstrations. However, a day after their sentencing all five were officially pardoned.

On his release, the UAE state retained Mansoor's passport forcing him to remain inside the country. He was then the target of a smear campaign online in which social media and SMS messages targeted Mansoor as a "traitor," accusing him of collaborating with Iran, and sent him death threats including threats to behead him.[4] He was likewise routinely monitored online and his phone, laptop, twitter and emails were routinely hacked.[5]

This culminated in the human rights defender being dubbed the "million-dollar-dissident" in August 2016 after receiving messages on his iPhone intended to hack his device. Researchers from the digital rights watchdog, Citizen Lab connected the spyware to NSO Group, the Israel-based "cyber war" company that sells Pegasus, a spyware product sold exclusively to governments world-wide.

[6] The event forced Apple to release a security patch ensuring that another attempt would not be able to occur on any iPhones in the future.

Upon his release, Mansoor also faced physical assaults. In two separate occasions, on the 11th and 17th September 2012, Mansoor was attacked by unidentified men outside Ajam University where he was studying law. Although he made official complaints to the police, no investigations followed.[1]

On 20th March 2017, twelve members of the UAE security force stormed Mansoor's house around midnight and arrested him. His arrest was ordered by the UAE Information Technology (IT) Crimes Prosecution claiming that he had disseminated false news online against the state.[2] Prior to his arrest, Mansoor had tweeted calling for the release of Osama Al-Najjar who was being held in detention even after completing his prison sentence. Mansoor had also signed a joint letter calling for the release of all prisoners of conscious in the Middle East by the leaders of the Arab League.[3] The security forces searched every room of his house and finally took him to an unknown location, leaving his family without any knowledge of his whereabouts.

Mansoor was held in solitary confinement and refused access to legal counsel. The authorities accused him to using social media to spread "false information", "hatred" and "sectarianism".

[4] These were classified as "cybercrimes" and fell under the UAE's Cybercrime Laws. He was held in pre-trial detention for more than a year until May 2018.

During this time, he had little contact with his family. On 29th May 2018, Mansoor was sentenced to 10 years imprisonment and a fine of one million dirhams and three years of surveillance after his release.

Since his arrest, Mansoor's health and well-being has severely deteriorated, having been taken to Al-Sadr Prison. A former prisoner disclosed the conditions in which he is living, stating that Mansoor is being held in an insolation ward, in a cell 4x4 metres wide with a small window to allow three hours of sunlight in a day. There is no bed nor running water, however prisoners are still expected to use the toilet and shower within the cell. While some prisoners in the isolation ward are allowed to eat in the prison canteen, Mansoor is made to take his meals within the cell. Thus, the only time he leaves the cell are for family visits which are infrequent.[5] In protest against his unfair trial and inhumane treatment, Mansoor has twice gone on hunger strikes. The first began on 17th March 2019 to protest the poor prison conditions and the unfair trial that he faced. He ended the hunger strike after an estimated 6 weeks, in which time his health deteriorated severely.[6] Mansoor went on hunger strike once again in September 2019 after suffering severe beatings in retaliation for his protests. ICFUAE calls for the immediate release of Ahmed Mansoor.

[1] <https://www.frontlinedefenders.org/en/case/case-history-ahmed-mansoor>

[2] <https://www.frontlinedefenders.org/en/case/ahmed-mansoor-detained>

[3] <https://www.frontlinedefenders.org/en/case/ahmed-mansoor-detained>

[4]

<https://www.aljazeera.com/news/04/2018/uae-rights-activist-ahmed-mansoor-put-trial-abu-dhabi18-0418061044342.html>

[5] <https://www.gc4hr.org/news/view/2133>

[6] <http://icfuae.org.uk/news/ahmed-mansoor-ends-his-hunger-strike>

[1] file:///C:/Users/Student/AppData/Local/Microsoft/Windows/INetCache/IE/8VI99MI5/mde_25,018,2014_-_there_is_no_freedom_here_-_silencing_dissent_in_the_united_arab_emirates_uae.pdf

[2] <https://www.amnesty.org/download/Documents/32000/mde250082011en.pdf>

[3] <https://www.amnesty.org.uk/press-releases/uae-trial-observer-says-case-against-uae-5has-been-grossly-unfair>

[4] file:///C:/Users/Student/AppData/Local/Microsoft/Windows/INetCache/IE/8VI99MI5/mde_25,018,2014_-_there_is_no_freedom_here_-_silencing_dissent_in_the_united_arab_emirates_uae.pdf

[5]

file:///C:/Users/Student/AppData/Local/Microsoft/Windows/INetCache/IE/8VI99MI5/mde_25,018,2014_-_there_is_no_freedom_here_-_silencing_dissent_in_the_united_arab_emirates_uae.pdf

[6] <https://citizenlab.ca/08/2016/million-dollar-dissident-iphone-zero-day-nso-group-uae/>

Case Study: Dr Nasser bin Ghaith



Economist and university professor Dr Nasser bin Ghaith is another victim of the UAE's crackdown on human rights and free speech.

Dr. Bin Ghaith was arrested in 2011 as part of the "UAE 5" along with Ahmed Mansoor and subjected to an unfair trial followed by a two-year sentencing which was pardoned the following day. Prior to his arrest, Dr. bin Ghaith had been lecturing at the Sorbonne Abu Dhabi University (UPSAD). The university, a sister school to the Sorbonne in Paris, received international criticism for its silence during the trial.[1]

Dr. bin Ghaith was then rearrested by plain clothed security officers on 18 August 2015 and kept in solitary confinement at an unknown location for eight months. During this time, he suffered regular beatings and torture through sleep deprivation by UAE officials.[2] He was denied access to a lawyer, visitation from his family, and medical treatment throughout his pre-trial detention.[3]

His arrest followed a series of posts tweeted by Dr. bin Ghaith a few days before that criticised the Egyptian regime under President Sisi for failing to hold the perpetrators of the 2013 Raba'a Square Massacre in Cairo, accountable. The tweets were deemed by the UAE state to be "committing a hostile act against a foreign state" intended "to harm the reputation and stature" of the United Arab Emirates,[4] falling under Article 166 of the Penal Code which declares a -10year prison sentence for anyone who commits a "hostile act" against a foreign country that is detrimental to UAE diplomatic relations.[5] He was also accused of "posting false information in order to harm the reputation and stature of the State and one of its institutions" after tweeting about his unfair trial during the "UAE 5" case. Dr. bin Ghaith was further charged with "offensively criticising the construction of a Hindu temple in Abu Dhabi and inciting UAE citizens against their leaders and governments." [6] This was claimed to fall under Article 28 of the Cybercrime Law, providing a maximum of 15 years imprisonment for anyone who "may endanger the national security and higher interests of the State or afflicts its public order." [7] His final charge was for "communicating and co-operating with members of the banned al-Islah organisation" and "communicating and operating with the banned Emirates Ummah Party" [8] both of which had been labelled a "terrorist organisation" by the UAE authorities the year before. Dr. bin Ghaith strongly denied his affiliation with the Ummah Party.

After eight months of enforced disappearance, Dr. bin Ghaith was given an unfair trial. He was seen for the first time since his arrest on 4 April 2016 during his first hearing. Throughout the hearing, he was denied permission to speak with his lawyer. During the first and second hearings, Dr. bin Ghaith informed the judge of his ill-treatment and torture during his pre-trial detention. The judge reportedly responded by turning off his microphone and refusing to launch a formal inquiry.[9] The final hearing occurred on 5 December where his case was transferred from the State Security Chamber to the Federal Appeal Court, allowing the professor to appeal the charges against him.[10] During the final hearing, Dr. bin Ghaith's lawyer was interrupted during a rare cross-examination of witnesses. The judge further denied Dr. bin Ghaith the chance to speak in court.[11]

In an open-letter written from his prison cell, Dr. bin Ghaith underlined his unfair treatment and trial: I was hoping to receive a fair trial despite all the violations I have been subjected to before and during the court sessions. However, the verdict proves that there is no place for freedom of speech in this country. I was brought to court not for any crime that I had committed but for views in which I exercised my right to freedom of speech as guaranteed by national and international laws.[12]

In the letter, he further underlined the injustice and bias of the UAE court appointing him an Egyptian judge, seeing as his main charge was linked to his criticism of Egyptian President Sisi.

Dr. bin Ghaith was convicted on 29 March 2017 and sentenced to ten-years imprisonment. He was transferred to the al-Razeen maximum-security prison after his sentencing and on 2 April 2017, Dr. bin Ghaith began a forty-day hunger strike in protest.

He has since undergone two further hunger strikes in February 2018 and January 2019 each an estimated three-months long, in protest of his unfair trial and mistreatment in prison. Dr. bin Ghaith is kept in solitary confinement, regularly beaten and denied access to medical treatment for his high blood pressure. Reports suggest that his medical health has deteriorated to the point that he can no longer stand and suffers from visual impairment.[13]

ICFUAE calls on the UAE to immediately attend to Dr. bin Ghaith's health and release him from prison immediately.

[1] <https://www.hrw.org/news/2011/04/10/professor-trial-abu-dhabi-sorbonnes-complicity-silence>

[2] <http://www.icfuae.org.uk/news/dr-nasser-bin-ghaiths-case-adjourned-again>

[3] <https://www.scholarsatrisk.org/actions/nasser-bin-ghaith-united-arab-emirates/>

[4] <http://www.icfuae.org.uk/news/nasser-bin-ghaith-prisoner-conscience-remains-unjustly-imprisoned-uae>

[5] <http://www.icfuae.org.uk/research-and-publications/uae-speech-charges-violate-academic-s-rights-nasser-bin-ghaith-held>

[6] <http://www.icfuae.org.uk/news/dr-nasser-bin-ghaiths-case-adjourned-again>

[7] <http://www.icfuae.org.uk/research-and-publications/uae-speech-charges-violate-academic-s-rights-nasser-bin-ghaith-held>

[8] <http://www.icfuae.org.uk/news/dr-nasser-bin-ghaiths-case-adjourned-again>

[9] <http://icfuae.org.uk/news/trial-continues-disappeared-academic-nasser-bin-ghaith>

[10] <https://www.scholarsatrisk.org/actions/nasser-bin-ghaith-united-arab-emirates/>

[11] <http://www.icfuae.org.uk/news/dr-nasser-bin-ghaiths-case-adjourned-again>

[12] www.icfuae.org.uk/news/nasser-bin-ghaith-declares-hunger-strike-letter-sent-his-prison-cell

[13] <https://www.scholarsatrisk.org/actions/nasser-bin-ghaith-united-arab-emirates/>

Conclusion

The information above provides clear evidence that since 2011, the UAE has introduced measures to quell and discourage any attempt, no matter how small or peaceful, to speak out against or criticise the federation or its foreign allies. The state's clampdown on freedom of speech and press has gone beyond the already restrictive UAE Constitution, and now threatens anyone who dares comment- online or offline- on the actions of the state or calls for democratic change. The newly-introduced Cybercrime Law and Counter-terrorism Law have only worsened the situation, and the vague definitions and sweeping articles give the state agency to deliver long sentences to anyone attempting to advocate for greater freedoms. The systematic campaigns against activists, professors, lawyers, and students in the form of; hacking, defamation, enforced disappearance, unfair trials, torture, and threats to their family, suggests that the state not only turns a blind eye to the clear abuse of human rights, but is the puppet master behind a nation-wide strategy of silencing dissent. The ICFUAE calls on the United Arab Emirates to free all political prisoners and modify their laws to allow greater freedom of speech, press, and a transition into democratic rule.

ICFUAE recommends the following measures:

- Release all political prisoners who have been imprisoned for simply exercising their rights to freedom of speech including Ahmed Mansoor, Dr. Nasser bin Ghaith, and members of the UAE 94.
- Drastically alter the laws in the Constitution, Penal Code, and Federal Law to allow freedom of speech and press throughout the UAE.
- Disband the restrictive and vague Cybercrime Law and Counter-terrorism Law.
- Uphold state laws and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) to end unfair trials, enforced disappearances, and torture within the UAE, and undergo investigations into any claims of them by prisoners.
- Ratify immediately the International Covenant on Civil and Political Rights (ICCPR) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED).
- Ensure that the judiciary is always independent from the state.
- Ensure that all prisoners are given access to adequate medical care and provided humane living
- Allow the formation and running of NGOs and other organisations separate from the state.
- Make sure the families are immediately notified on the whereabouts of arrested relatives and the charges they face.
- Stop the threatening and harassing of families and lawyers of detainees.
- Criminalise the use of spyware and hacking against those advocating for human rights.
- End travel bans and passport confiscation against all political prisoners



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