



THE UNITED ARAB EMIRATES: HUMAN RIGHTS IN CRISIS

BRIEFING - JULY 2017

EXECUTIVE SUMMARY

Within the last quarter, the human rights situation in the UAE appears to have worsened - numerous human rights violations have been documented within the United Arab Emirates, including negligence of prisoners' rights, arbitrary detentions and humiliating raids in prison. A number of prisoners have gone on hunger strike to protest the poor conditions at Al Razeen prison following attacks on prisoners. The recent tensions between neighbouring Gulf countries have provided a further avenue for the UAE government to further curtail freedom of expression and other rights.

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PRISON CONDITIONS AT AL-RAZEEN PRISON

Over the last couple of months, conditions at the Al-Razeen prison have rapidly deteriorated. Al-Razeen prison is 100km from Abu Dhabi and holds around 100 inmates, most of whom are prisoners of conscience. A number of the prisoners being held there were convicted during the 'UAE 94' trial.

Prison conditions are notoriously poor, and prisoners are not being held in line with the Standard Minimum Rules for Treatment of Prisoners with many inmates reporting the use of torture, solitary confinement, and starvation tactics. The UN Special Rapporteur on Torture has requested visits to inspect conditions at the prison, though the UAE authorities have denied them access.

In the early hours of Friday, 26 May, prison guards stormed the cells of prisoners held in ward no.7 of Al-Razeen prison, a section of the facility that holds prisoners of conscience, human rights activists, bloggers, and political opponents.

The UAE prison authorities instructed guards of Nepalese origin to conduct an unannounced strip search of prisoners. The detainees were ordered to remove their clothes and stand up against their cell walls, whilst guards searched them in a degrading manner, described by some as 'sexual harassment', in an act that constitutes a clear breach of international law with regards to prisoners' rights and ill-treatment.

PRISONERS ON HUNGER STRIKE

Imran Radwan:

In response to the recent raid at al-Razeen prison, Emirati prisoner of conscience, Imran Radwan began an open-ended hunger strike.

Imran Radwan was arrested in 2012 and sentenced to seven years in prison following the 'UAE 94' trial in which 94 Emirati academics, lawyers, and activists were tried and sentenced to up to 15 years for signing a petition calling for democratic reforms in the United Arab Emirates.

Sources have revealed that Radwan is suffering from sharp weight loss, losing 9kg since the beginning of the strike, as well as frequent fainting as he becomes unable to stand. Although, fellow inmates at the prison have urged him to stop his strike, Radwan is determined to continue until conditions at the prison are improved.

Nasser Bin Ghaith:

The prominent Emirati economist and political prisoner, Dr. Nasser Bin Ghaith, has been engaged in an open-ended hunger strike since 17 April after being sentenced to 10 years in prison for social media comments that were critical of the Emirati state, and having alleged links to organisations that the UAE authorities have classified as terrorist groups, claims he denies. Despite his complaints of having been tortured during the interrogation, he was not allowed to raise this in court and the allegations were never investigated.

Bin Ghaith announced the strike in a letter smuggled out of his prison cell where he detailed the unfair nature of his trial, and his refusal to recognise the Emirati legal system. He is demanding that he be released, and he and his family are allowed to leave the United Arab Emirates.

Prior to his sentencing, the prominent academic had been kept in secret detention for eight months and subjected to beatings and deliberate sleep deprivations by security officials. Subjected to an enforced disappearance by the UAE authorities in August 2015, Dr. Bin Ghaith was eventually charged in April 2016 in line with the UAE's Penal Code, 2012 cybercrime law, and 2015 counter-terror law.

A coalition of ten human rights organisations have called for Dr. Nasser Bin Ghaith's immediate and unconditional release.

THE USE OF “COUNSELLING CENTRES” TO EXTEND IMPRISONMENT OF HUMAN RIGHTS ACTIVISTS

Since the beginning of 2017, the UAE authorities have been arbitrarily detaining bloggers, government critics, and human rights activists in “counselling centres” as a means to extend their prison terms indefinitely.

Such is the case of Osama Al-Najjar, whose sentence ended on 17 March of this year, but instead of being released, UAE courts transferred him to a “counselling centre” at Al-Razin prison after considering him a “threat” to national security under Article 40 of the Federal Law No (7) on Combatting Terrorism Offences. This was in spite of the fact that Al-Najjar was originally convicted on the basis of Federal Law (5) on Combatting Cybercrimes, not terror related offences.

A similar situation holds sway over the cases of Mr. Ahmed Mohammed Al-Mulla, Mr. Badr Al-Bahri and Mr. Abdullah Al-Helou, three political activists who the UAE authorities refused to release at the end of their sentences and instead transferred them to Al-Razin Prison for “counselling services” after labelling them a “threat to the state”.

The UAE authorities claim that the use of counselling centres is to guide and reform those convicted of terrorist offences. However, the aforementioned cases illustrate that these centres are increasingly being utilised by the authorities as a means to facilitate and conceal the arbitrary detention of those whose views challenge and run counter to those of the state.

The ICJHR have subsequently demanded that UAE authorities allow international bodies such as the UN Special Rapporteur on Torture and on Human Rights Defenders, be allowed to visit the UAE's “counselling centres” to judge whether the authorities are complying with international standards and proper practices.

BRITISH PRISONERS IN THE UAE

The Case of Nico Consari

On 2 July, Nico Consari was released from arbitrary detention in the UAE on conditional bail after spending one and a half years under custody in a Dubai police station for alleged fraud offences.

In 2015, British expat worker, Mr Nico Consari, was accused of misappropriating funds from Gold Holdings Ltd, a company that he did not work for. Although Mr. Consari worked for as a personal advisor to Sheikh Sultan bin Khalifa bin Sultan Al-Nahyan, chairman of Gold Holdings Ltd, he had no connection to the company, its operations or any of its accounts. Even though Sheikh Sultan requested his immediate release and filed a case against those he felt committed the crime, Mr. Consari continued to be detained in a Dubai police station. With no criminal evidence levelled against him, Consari is yet to be officially charged or prosecuted by UAE courts, but was detained under 'police investigation' for almost two years. This stands in contravention with UAE regulations which state that a suspect cannot be detained during an investigation for any more than three weeks.

The case of Mr Nico Consari constitutes a broader narrative of British nationals being arbitrarily detained in the UAE. Earlier this year, Luisa Williams, a 41-year old British citizen suffering from cancer was unable to travel back to the UK for urgent medical treatment after the UAE authorities refused to hand over her passport due to a legal battle over a Facebook post.

RESTRICTIONS ON FREEDOM OF SPEECH AND MOVEMENT

Human rights groups have voiced increasing concern regarding violations of the rights of Gulf residents following the sea, air, and land blockade currently imposed on Qatar by the UAE, Saudi Arabia, and Bahrain.

Shortly following the blockade, the UAE Attorney-General, Dr Hamad Saif Al Shamsi issued a statement to Arabic media declaring that sympathy with Qatar was now a crime punishable by law that carries up to 15 years in jail, and a fine of up to 500,000 Dh (£106, 084).

The UAE, along with Saudi and Bahraini authorities notified their citizens that live in Qatar that they had 14 days to leave the country; at least 13,314 people were affected by this. A number of human rights violations have ensued as a result, including restrictions on the right to work, education, travel, and freedom of expression.

Amnesty International have documented a number of cases in the United Arab Emirates where families have been split up as a result of the blockade. In one case, a Qatari man, who has lived in the UAE for more than 10 years was refused entry and sent back to Qatar as he tried to return home to Dubai from Doha shortly after the measures were announced on 5 June. His wife, an Emirati national, is forbidden from travelling to Qatar, whilst his children are Qatari nationals and so are required to leave the UAE. Subsequently, his family has been completely split apart.

Amnesty International also interviewed a number of Qatari students who were concerned that they would be not be able to continue their studies in the UAE.

BAE SYSTEMS AND THE SALE OF CYBER SURVEILLANCE TOOLS TO THE UAE

A year long investigation by BBC Arabic found that UK based defence manufacturer BAE systems has been selling sophisticated cyber surveillance software to the UAE, and other repressive regimes, who have used the software to crack down on freedom of speech and detain human rights activists and political dissidents. According to a legal opinion, the sale of this equipment to the Gulf region is concerning because of the lack of a legal framework that controls its use by these governments.

The use of these imported surveillance and monitoring technologies to crack down on activists in the UAE has been allowed by the vague 'cybercrime' law of 2012 which allows authorities to heavily control and sanction online activity around social media sites.

According to a report produced last year by the Emirates Centre for Studies and Media, in 2016 alone around 300 people in the UAE were detained for comments made on social media sites. This year, journalist Tayseer al-Najjar, was sentenced to three years in prison for a Facebook comment that criticised the UAE's foreign policy, whilst the prominent Emirati economist Dr. Nasser Bin Ghaith received a ten year sentence for Twitter comments that raised questions about the coercive nature the Emirati regime. Furthermore, Ahmed Mansoor, the internationally renowned human rights activist who won the 2015 Martin Ennals award for human rights defenders is currently being detained by the authorities, and being charged by the public prosecution for cybercrimes.

RECOMMENDATIONS

The ICFUAE urges the British government to:

- ❖ Put pressure on the United Arab Emirates authorities to uphold the rights of both Emirati and non-Emirati citizens within its borders, such as the right to freedom of movement, education, and work, especially in light of the current diplomatic crisis in the Gulf.
- ❖ Launch a thorough investigation into the trade dealings of BAE systems, and to implement more stringent regulations on arms and high tech cybersecurity exports to countries with repressive governments that violate international human rights law, such as in the United Arab Emirates.
- ❖ Include the respect of human rights as a key conditionality to any future trade deals with the United Arab Emirates.
- ❖ Put pressure on the UAE authorities to release all prisoners of conscience, and to end the practice of torture of detainees inside Emirati prisons.

It is imperative that the British government open up a dialogue with the UAE on the issues laid out in this briefing and that it reconsider its relationship with the Emirati state if it fails to abide by international human rights law.



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