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# Citizenship stripping in the United Arab Emirates

*Statelessness as a tool of crackdown*

**July 2024**

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NB: In this briefing note, the words “citizenship” and “nationality” are used interchangeably, as per the definition of the European Union.<sup>1</sup>

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<sup>1</sup> European Union: Migration and Home Affairs website, “Citizenship”, [https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/citizenship\\_en](https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/citizenship_en), (accessed on 6 May 2024).

# 1 Introduction

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Over the last decade, the United Arab Emirates (UAE) has increasingly employed citizenship stripping as a tool of political control and a form of punishment. Since 2011, this concerning trend has reflected a deliberate effort by authorities to employ citizenship deprivation as a means to stifle dissent and silence activists. Moreover, this abusive practice is often extended to families of targeted individuals through revocation of citizenship or through the denial to renew one's identity documents.

This practice has far-reaching implications for concerned individuals, who may be put at serious risk of statelessness, or even become effectively stateless, and deprived of basic rights and protections. Consequently, those affected find themselves thrust into a state of legal limbo which perpetuates cycles of marginalisation and vulnerability.

At the heart of this issue lies a flagrant disregard by UAE authorities of their international obligations. The revocation of citizenship also violates its own domestic legislation and clearly aim to create a “chilling effect” in UAE civil society. Such measures undoubtedly foster a climate of fear and uncertainty among individuals inclined to voice criticism of the government or advocate for democratic reforms.

In this briefing note, we will delve into the legal dimensions of citizenship stripping in the UAE, examining the domestic law and international obligations that govern this practice. Furthermore, we will explore its broader implications, particularly its role in stifling civic space and suppressing peaceful dissent within the country. By shedding light on this critical issue, we aim to underscore the urgent need for accountability, transparency and respect for human rights in the UAE.

This briefing note is based on a combination of open-source information and testimonies collected from victims of citizenship stripping in the UAE.

## 2 Legal framework surrounding citizenship deprivation

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### 2.1 International legal standards applicable to the UAE

The right to a nationality is a fundamental human right recognised under international law, encompassing the inherent right of every individual to belong to a particular state. This right serves as a cornerstone of identity, dignity, and legal status. The right to nationality is not an absolute right, meaning it can be restricted within the limits set by international human rights law. It is enshrined in various international instruments and a number of its limits have been determined by international experts. We will therefore aim to look at the applicable international legal standards in the UAE.

The first global international instrument that recognised the right to a nationality is the Universal Declaration of Human Rights (UDHR),<sup>2</sup> where article 15 stipulates the following:

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

The Arab Charter on Human Rights (ACHR), ratified by the UAE in 2008, stipulates a similar provision in its article 29.

1. Everyone has the right to a nationality. No one shall be arbitrarily or unlawfully deprived of his nationality.

The right to a nationality can also be found in other international instruments such as article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) which the UAE ratified in 1974.

Another aspect of the right to nationality is the independent nationality right of women, which is enshrined in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which the UAE ratified in 2004. Article 9 states the following:

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

Therefore, if a woman's husband faces deprivation of nationality, states should ensure that she is not subjected to the same fate solely because of her marital status. Additionally, women have the same entitlement as men to transmit their nationality to their children. The UAE, however, made a reservation on this article, asserting that they regard "the acquisition of nationality an internal matter which is governed, and the conditions and controls of which are established, by national legislation [...] and does not consider itself bound by the provisions thereof".<sup>3</sup> This demonstrates the reluctance of the country to afford women equal rights to men regarding nationality, and underscores the significance for the state to maintain control over citizenship as a domestic affair.

Furthermore, the Covenant on the Rights of the Child (CRC), which the UAE ratified in 1997, also includes the right to nationality in article 8:

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<sup>2</sup> The UDHR is applicable to the UAE as a matter of customary international law.

<sup>3</sup> United Nations Treaty Collection, Convention on the Elimination of All Forms of Discrimination against Women, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&clang=\\_en#EndDec](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=_en#EndDec), (accessed on 1 May 2024).

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Thus, according to international standards, extending the loss or deprivation of nationality to a person's dependents – such as their spouse or children – is prohibited. Deprivation of nationality should be a strictly individualised measure.<sup>4</sup>

However, the right to nationality is not solely derived from treaty law. The UN Special Rapporteur on the protection and promotion of human rights and fundamental freedoms while countering terrorism (SRCT) has confirmed that the prohibition of the arbitrary deprivation of nationality constitutes customary international law, and this provision applies in all contexts.<sup>5</sup>

Hence, express limits are placed on states' powers to deprive someone from their nationality, both through customary international law and treaty obligations.<sup>6</sup> The International Law Commission has expressly affirmed that “although nationality is essentially governed by national legislation, the competence of States in this field may be exercised only within the limits of international law.”<sup>7</sup> This was also highlighted by the UN Secretary-General, noting that the “loss or deprivation of nationality must meet certain conditions in order to comply with international law, in particular the prohibition of arbitrary deprivation of nationality.”<sup>8</sup> To not be considered “arbitrary”, deprivation of nationality must therefore be in line with domestic law and comply with specific procedural and substantive standards of international human rights law, in particular the principle of proportionality.<sup>9</sup> This means that even if the deprivation of nationality were to serve a legitimate purpose, proportionality still has to be respected. Thus, the consequences of any withdrawal of nationality must be carefully weighed against the

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<sup>4</sup> *Ibid*, para. 24.

<sup>5</sup> Shamima Begum Third Party Intervention at the UK Court of Appeals, 29 May 2020, para. 15, [https://www.ohchr.org/sites/default/files/Documents/Issues/Terrorism/SR/2020\\_05\\_29\\_FINAL\\_Begum\\_Intervention.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Terrorism/SR/2020_05_29_FINAL_Begum_Intervention.pdf) (accessed on 30 April 2024).

<sup>6</sup> Communication from UN Special Procedures, OL ARE 6/2020, 13 November 2020, p.16, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25663> (accessed on 29 April 2024).

<sup>7</sup> International Law Commission, “Draft Articles on Nationality of Natural Persons in relation to the Succession of States”, 1999, p.24, <https://www.refworld.org/legal/otherinstr/ilc/1999/en/102081>, (accessed on 30 April 2024).

<sup>8</sup> Human Rights Council 25<sup>th</sup> session, *Human Rights and arbitrary deprivation of nationality: Report of the Secretary-General*, UN Doc. A/HRC/13/34, 14 December 2009, para. 19, [https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-28\\_en.doc](https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-28_en.doc) (accessed on 30 April 2024).

<sup>9</sup> UN Counter-Terrorism Implementation Task Force, “Guidance to States on human rights-compliant responses to the threat posed by foreign fighters”, 2018, para. 40, [https://www.ohchr.org/sites/default/files/newyork/Documents/Human-Rights-Responses-to-Foreign-Fighters-web\\_final.pdf](https://www.ohchr.org/sites/default/files/newyork/Documents/Human-Rights-Responses-to-Foreign-Fighters-web_final.pdf) (accessed on 30 April 2024).

gravity of the behaviour or offence for which the withdrawal of nationality is prescribed.<sup>10</sup>

According to UN experts, states may deprive individuals of nationality when they have conducted themselves in a manner seriously prejudicial to the vital interests of the state. Yet, in order to avoid a characterisation of arbitrariness, any deprivation must serve a legitimate purpose that is consistent with international law and must be proportionate to the interest that the state seeks to protect.<sup>11</sup> Very importantly, sufficient procedural guarantees and safeguards must be in place in order to protect against the risk of arbitrariness in the decision-making process, particularly the opportunity to effectively challenge decisions before an independent judicial body.<sup>12</sup>

Moreover, the UN Human Rights Council passed a resolution in June 2012 reiterating that arbitrary deprivation of nationality, especially on discriminatory grounds such as, but not limited to, political or other opinion, is a violation of human rights and fundamental freedoms, and arbitrarily depriving a person of his or her nationality may lead to statelessness.<sup>13</sup>

It is important to note that if the prohibition of arbitrary deprivation of nationality has become a principle of customary international law, so is the obligation to prevent statelessness.<sup>14</sup>

The UN Secretary-General noted that “where loss or deprivation of nationality leads to statelessness, the impact on the individual is particularly severe” and that “given the severity of the consequences where statelessness results, it may be difficult to justify loss or deprivation [of nationality] resulting in statelessness in terms of proportionality.”<sup>15</sup>

In other words, it would be hard to argue that stripping someone of their citizenship when leading to statelessness aligns with international law. On the contrary, it appears that international law would prohibit such deprivation as it would violate the principle of proportionality.

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<sup>10</sup> Human Rights Council 25<sup>th</sup> session, *Human Rights and arbitrary deprivation of nationality: Report of the Secretary-General*, UN Doc. A/HRC/13/34, 14 December 2009, para. 4, [https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-28\\_en.doc](https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-28_en.doc) (accessed on 30 April 2024).

<sup>11</sup> Communication from UN Special Procedures, *OL ARE 6/2020*, 13 November 2020, p.17, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25663>, (accessed on 29 April 2024).

<sup>12</sup> *Ibid.*

<sup>13</sup> Human Rights Council 20<sup>th</sup> session, *Human rights and arbitrary deprivation of nationality*, A/HRC/20/L.9, 28 June 2012, para. 4, [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/20/L.9](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/20/L.9) (accessed on 29 April 2024).

<sup>14</sup> UNHCR, *Expert Meeting: Interpreting the 1961 Statelessness Convention and Avoiding Statelessness resulting from Loss and Deprivation of Nationality*, November 2013, para. 2, <https://www.unhcr.org/sites/default/files/legacy-pdf/5465e2cb9.pdf> (accessed on 30 April 2024).

<sup>15</sup> Human Rights Council 25<sup>th</sup> session, *Human Rights and arbitrary deprivation of nationality: Report of the Secretary-General*, UN Doc. A/HRC/13/34, 14 December 2009, para. 4, [https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-28\\_en.doc](https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-28_en.doc) (accessed on 30 April 2024).

Article 1 of the 1954 Convention relating to the Status of Stateless Persons establishes a legal definition for stateless persons:

1. For the purpose of this Convention, the term “stateless person” means a person who is not considered as a national by any State under the operation of its law.

The UAE has not ratified either this convention, which is the primary international instrument on duties of countries to protect stateless people, nor the 1961 Convention on the Reduction of Statelessness, which sets out responsibilities of countries to prevent statelessness. However, the UAE’s non-ratification of these conventions does not absolve it of the obligation to prevent statelessness, as it is a principle of customary international law, as previously mentioned.

Moreover, the 2018 Arab Declaration on Belonging and Legal Identity issued by the League of Arab States, urges “Member States to make every effort to reduce statelessness in the context of the international obligations of Member States.”<sup>16</sup>

The importance of preventing statelessness in international law is justified by the disastrous consequences it has on individuals. Indeed, effects of statelessness may vary, but the lives of stateless persons can generally be characterised by exclusion and difficulties in the enjoyment of a range of rights.<sup>17</sup> The impact that statelessness has on affected individuals can also have knock-on consequences for the families, communities and states involved, with statelessness understood to be a root cause of displacement and even conflict.<sup>18</sup> It is therefore essential to have specific legislation regarding loss or deprivation of citizenship where it can lead to statelessness.

However, despite the broad recognition of the need to prevent legislative and administrative measures leading to statelessness, many domestic frameworks provide incomplete safeguards against statelessness. In most cases, this occurs because the legislation fails to distinguish the situation in which a person would be left stateless from any other situation of loss or deprivation of nationality.<sup>19</sup> States are therefore requested to provide additional safeguards to prevent loss or deprivation of nationality for individuals with a single nationality compared to individuals with dual or multiple nationalities. Where such safeguards are present, individuals with multiple nationalities are more vulnerable to loss or deprivation than those with a single nationality, yet the

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<sup>16</sup> League of Arab States, *Arab Declaration on Belonging and Legal Identity*, 28 February 2018, <https://www.refworld.org/legal/resolution/las/2018/en/120608> (accessed on 30 April 2024).

<sup>17</sup> For instance, stateless populations in Kuwait, the UAE and Syria all display psychological problems that have resulted from the general feeling of loss of opportunity and identity that accompanies their situation. Among the concrete manifestations of such problems are isolation, depression, poor academic performance, drug abuse, petty crime, mental disorders, and suicide (see <https://www.refworld.org/reference/research/unhcr/2010/en/76679>, p. 39).

<sup>18</sup> UNHCR, *The situation of stateless persons in the Middle East and North Africa*, October 2010, p.5, <https://www.refworld.org/reference/research/unhcr/2010/en/76679> (accessed on 1 May 2024).

<sup>19</sup> Human Rights Council 25<sup>th</sup> session, *Human Rights and arbitrary deprivation of nationality: Report of the Secretary-General*, UN Doc. A/HRC/13/34, 14 December 2009, para. 5, [https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-28\\_en.doc](https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-28_en.doc) (accessed on 30 April 2024).

UN Secretary-General stated that such inequality must be assessed in light of the severe impact of statelessness in terms of enjoyment of human rights.<sup>20</sup>

Finally, according to the UN Office of the High Commissioner for Human Rights (OHCHR), the right to nationality is increasingly infringed upon under the pretext of countering terrorism. The practice of depriving individuals of their nationality, particularly dual nationals, has become more prevalent amid concerns over terrorism associated with foreign fighters. Furthermore, some states permit the deprivation of nationality for mono-nationals in the context of counterterrorism, thereby rendering them stateless.<sup>21</sup> However, it is crucial to emphasise that the international standards governing the loss or deprivation of nationality applies in all contexts, including in the context of countering terrorism.<sup>22</sup>

## 2.2 Domestic legal framework

In the UAE, the main law governing citizenship is the Federal Law No. 17 from 1972 concerning Nationality, Passports and Amendments thereof (hereinafter “Law on Nationality”).<sup>23</sup> Articles 15 and 16 of the law outline the conditions under which the citizenship of an individual can be revoked, making a distinction between individuals that were naturalised Emirati citizens and individuals that were not.

Article (15): Nationality of the country shall be lost from any person enjoying such nationality in the following cases:

- A. If he engages in military service for any foreign country without permission and refuses to abandon such services when requested to do so.
- B. If he works for the interest of an enemy country.
- C. If he has adopted, voluntarily, a nationality of another country.

Article (16): Nationality shall be withdrawn from a person who has acquired the nationality by naturalisation in the following cases:

1. If he commits or attempts to commit an action which is deemed dangerous for the security or safety of the country.
2. If he has been punished repeatedly for crimes of dishonour.
3. If the date upon which the nationality has been granted were proofed to be forged, fraud or containing deception.
4. If he resides outside the country without reasons for a period exceeding four years. If nationality is withdrawn from a person, it may be accordingly withdrawn from his wife and under-aged children.

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<sup>20</sup> *Ibid*, para. 6.

<sup>21</sup> UN Counter-Terrorism Implementation Task Force, *Guidance to States on human rights-compliant responses to the threat posed by foreign fighters*, 2018, para. 40, [https://www.ohchr.org/sites/default/files/newyork/Documents/Human-Rights-Responses-to-Foreign-Fighters-web\\_final.pdf](https://www.ohchr.org/sites/default/files/newyork/Documents/Human-Rights-Responses-to-Foreign-Fighters-web_final.pdf) (accessed on 30 April 2024).

<sup>22</sup> Shamima Begum Third Party Intervention at the UK Court of Appeals, 29 May 2020, [https://www.ohchr.org/sites/default/files/Documents/Issues/Terrorism/SR/2020\\_05\\_29\\_FINAL\\_Begum\\_Intervention.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Terrorism/SR/2020_05_29_FINAL_Begum_Intervention.pdf) (accessed on 30 April 2024).

<sup>23</sup> A copy of this law can be found on the following link: [https://menarights.org/sites/default/files/2016-11/UAE\\_NationalityLaw\\_EN.pdf](https://menarights.org/sites/default/files/2016-11/UAE_NationalityLaw_EN.pdf) (accessed on 1 May 2024).



It is important to note that the differences in the applicable legal framework between citizenship obtained “by law” (حكم القانون) and citizenship obtained “by naturalisation” (بالتجنيس), can be very blurry.

In our interviews, we have gathered that upon the country’s establishment in 1971, families residing in its territory were automatically granted a citizenship “by law”. These individuals fall under the regime set by article 15.

Families who arrived in the UAE from neighbouring countries a few months or very few years later swiftly obtained citizenship as well, albeit being labelled as “naturalised”, despite lacking any other nationality for the most part. Children who were only a few years old were also deemed “naturalised” despite having spent only a few years abroad. However, individuals who arrived in the UAE a few years after the country’s establishment could obtain citizenship “by law” if they could prove that some of their family members resided in the UAE before 1971.<sup>24</sup> “Naturalised” individuals fall under the regime set by article 16, which provides for additional situations that would entail revocation of citizenship. Hence, today naturalised individuals face a greater risk of citizenship revocation compared to non-naturalised counterparts even if these individuals have lived the overwhelming majority of their lives in the country and never had any other nationality.

The heightened risks faced by “naturalised” individuals are particularly concerning, especially given that dual citizenship was only permitted in the UAE since 2021, and even then, under extremely strict conditions. This means that the overwhelming majority of people, whether naturalised or not, only hold Emirati nationality. The 2021 amendment of the Law on Nationality specifies that seven categories of foreigners can be considered for UAE citizenship while retaining their original nationality: investors, doctors, specialists, inventors, scientists, intellectuals, and individuals with creative talents.<sup>25</sup> If a foreign person does correspond to these very strict criteria, they still need to be nominated by rulers, crown princes’ courts, executive councils or the Cabinet based on federal entities nominations.<sup>26</sup> Hence, dual-nationality in the UAE is exceedingly rare. Therefore, if Emiratis have their citizenship revoked, they are most likely to be left without a nationality, effectively rendering them stateless.

According to article 21 of the Law on Nationality, it is the Minister of Interior that has competency with taking decisions on applications connected with nationality, denaturalisation, and withdrawal of nationality. In order to strip a person’s citizenship, the Ministry of Interior is first required to set out the intention and reasoning in a letter

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<sup>24</sup> This distinction on whether people had a citizenship “by law” or “by naturalisation” was written in the family registration document (خلاصة الفيد). Nevertheless, more than 30 years ago, the government decided to no longer display this distinction in the family registration documents, even though the distinction still existed legally.

<sup>25</sup> Official website of the UAE, *Emirati nationality*, <https://u.ae/en/information-and-services/passports-and-traveling/emirati-nationality> (accessed on 1 May 2024). Even those belonging to those categories need to correspond to a specific section of this category; for instance intellectuals and other individuals with creative talents should “be pioneers in the field of art and culture and must have won at least one international award” and a “recommendation letter from related government entities is required as well”.

<sup>26</sup> Emirates News Agency – WAM, *UAE grants citizenship and passport to investors, professionals, special talents*, 30 January 2021, <https://www.wam.ae/en/details/1395302905586> (accessed on 1 May 2024).

to the Council of Ministers, according to article 20 of the Law. If the Council of Ministers approves the reasoning, the letter is passed to the UAE President according to article 114 of the Emirati Constitution.<sup>27</sup> This same article states that if the president approves the letter, the decree – regarding in this case the “denaturalisation” or “withdrawal of citizenship” – must be published in the Official Gazette. Regarding the right to appeal the decision, article 21 on the Law of Nationality further provides that “those who are affected with the decisions of the Minister of Interior may appeal to the Council of Minister within one month of the date on which they have been informed of the decision”. The Council of Ministers’ resolution regarding the appeal is final. Nonetheless, there is no indication of the possibility of judicial appeal or the criteria upon which the Council of Ministers will decide whether to annule the decision.

UN experts have expressed concerns over the Law on Nationality, particularly article 16 which sets out that a naturalised person may have their nationality revoked if that person “commits or attempts to commit an action that is deemed dangerous to the safety and security of the country”. The experts stated that:

[They] are deeply concerned that this article, despite its potentially far-reaching human rights implications, could once again be employed in a punitive and possibly arbitrary manner against individuals who express legitimate criticism of the Government or its policies, rather than solely against persons who pose a current, direct, and concrete security or terrorism-related threat. Furthermore, the article appears to provide no indication of how an affected person could effectively challenge any decision, or what bodies are in place to evaluate or review cases in an independent manner. All these considerations raise serious concerns in regard to the possibility of both an arbitrary application of this article and instances of arbitrary deprivations of citizenship, which would be contrary to [the] Excellency’s Government’s obligations under the UDHR.  
[...]

Furthermore, article 16 of the Nationality Law also states that if nationality is withdrawn from a person, it may accordingly be withdrawn from his wife and underaged children. This suggests that individuals may have their nationality revoked even if they have not conducted themselves in a manner deemed to be prejudicial to the vital interests of the state. In addition to our concerns about the breadth of activities that may be deemed “prejudicial to the vital interests of the state”, the concept of punishing those who have not even been deemed to have committed a crime is deeply troubling, and by effect would be inherently arbitrary.<sup>28</sup>

Article 16 therefore violates the *lex certa* principle due to its vague wording, posing significant concerns regarding the principle of legality.

Moreover, being born in the UAE does not in itself entitle an individual to citizenship. As the UAE confers nationality by patrilineal descent, children born on the territory are presumed to take the nationality of their father – regardless of whether he is a foreigner

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<sup>27</sup> A copy of this law can be found on the following link: [https://menarights.org/sites/default/files/2016-11/UAE\\_Constitution\\_2004\\_EN.pdf](https://menarights.org/sites/default/files/2016-11/UAE_Constitution_2004_EN.pdf) (accessed on 1 May 2024).

<sup>28</sup> Communication from UN Special Procedures, *OL ARE 6/2020*, 13 November 2020, p.17, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25663>, (accessed on 29 April 2024).



rights advocates and political opponents. State practices have even extended to the deprivation of nationality of family members of individuals who have been jailed as political dissidents.<sup>35</sup>

Thus, the existing domestic legal framework regarding citizenship and its revocation in the UAE has significant flaws which are being exploited by the government to suppress dissent.

## 3.1 Citizenship revocation

In the UAE, the practice of revoking the citizenship of political dissidents, and other critical voices has started in 2011 and has persisted ever since. The families of these individuals often endure similar reprisal measures later on, facing deprivation of nationality as well.

The first documented case of nationality stripping on political grounds was that of Ahmed Ghaith al-Suwaidi, an economist who served as the director of the strategic planning office within the Abu Dhabi Government's Department of Finance.<sup>36</sup> His citizenship was revoked in the summer of 2011.<sup>37</sup>

This first revocation of citizenship came only a few months after a group of 133 Emirati academic, judges, lawyers, students, and human rights defenders signed a petition addressed to the President of the UAE and the country's Federal Supreme Council calling for democratic reforms, in March 2011.<sup>38</sup> Among the signatories, many were members of the Reform and Social Guidance Association (al-Islah) which advocated for greater adherence to Islamic precepts. The group has engaged in peaceful political debate for many decades in the UAE,<sup>39</sup> and have called on the ruling families of the UAE to take steps towards democratizing the country.<sup>40</sup>

### 3.1.1 The UAE7

Al-Suwaidi was the first "al-Islah" member whose citizenship was revoked for political reasons. Following his case, six additional members of the group had their citizenship revoked in late 2011.<sup>41</sup> This punitive action was taken due to their political engagement

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<sup>35</sup> Institute on Statelessness and Inclusion, *Arbitrary deprivation of nationality in the Gulf region*, 2017, <https://www.worldsstateless.org/continents/middle-east-northern-africa/arbitrary-deprivation-of-nationality-in-the-gulf-region> (accessed on 1 May 2024).

<sup>36</sup> Emirates Detainees Advocacy Center (EDAC), *Ahmed al-Suwaidi*, <https://en.edacrights.com/prisoner/29> (accessed on 1 May 2024).

<sup>37</sup> Amnesty International, *"There is no Freedom Here" Silencing Dissent in the United Arab Emirates*, 2014, p.24, [https://www.amnesty.be/IMG/pdf/emirats\\_arabes\\_unis\\_-\\_18\\_11\\_2014.pdf](https://www.amnesty.be/IMG/pdf/emirats_arabes_unis_-_18_11_2014.pdf) (accessed on 2 May 2024).

<sup>38</sup> *Ibid*, p.6.

<sup>39</sup> Human Rights Watch, *United Arab Emirates: End Arrests; Free Political Activists: Stop Crackdown on Freedom of Expression, Association*, 30 April 2012, <https://www.hrw.org/news/2012/04/30/united-arab-emirates-end-arrests-free-political-activists> (accessed on 2 May 2024).

<sup>40</sup> FIDH, *United Arab Emirates: criminalising dissent UAE 94 trial deeply flawed*, August 2013, p.5, [https://www.fidh.org/IMG/pdf/report\\_uae94\\_uk.pdf](https://www.fidh.org/IMG/pdf/report_uae94_uk.pdf) (accessed on 2 May 2024).

<sup>41</sup> Amnesty International, *"There is no Freedom Here" Silencing Dissent in the United Arab Emirates*, 2014, p.27, [https://www.amnesty.be/IMG/pdf/emirats\\_arabes\\_unis\\_-\\_18\\_11\\_2014.pdf](https://www.amnesty.be/IMG/pdf/emirats_arabes_unis_-_18_11_2014.pdf) (accessed on 2

as members of the association, aiming to intimidate them and dissuade others from exercising their rights to freedom of expression and association. However, stripping someone of their nationality and rendering them stateless for merely exercising their fundamental rights and freedoms represents a widely disproportionate punitive measure, violating the UAE's obligations under international human rights law.

Among the six men who had their citizenship revoked in late 2011 were Hasan al-Jabri,<sup>42</sup> former Director of the Executive Office at the Ministry of Presidential Affairs, and his brother Hussein al-Jabri,<sup>43</sup> former head of Abu Dhabi Municipality's Training and Development Department. There were also Ibrahim al-Marzooqi,<sup>44</sup> a teacher with a history of service in different state schools, Sheikh Muhammad al-Siddiq,<sup>45</sup> an Islamic scholar teaching at the University of Sharjah, Shaheen al-Hosni,<sup>46</sup> an information consultant and educator, and Ali al-Hammadi,<sup>47</sup> known for his contributions to management and urban planning in the UAE.

The Emirati government news agency published an article stating that on 4 December 2011, the citizenship of the six men had been revoked because they had "committed acts posing a threat to the state's security and safety".<sup>48</sup> The article notes that the men are charged with having links to "groups suspected of financing terrorism". It also underlines that the Law on Nationality provides that the citizenship of naturalised individuals can be withdrawn if a person "commits or attempts to commit an act that poses threats to the security and safety of the state" - referring to article 16 of the text. It also states that the citizenship of the six men was revoked on the President's orders.<sup>49</sup> It is important to note that the six men, as well as al-Suwaidi, acquired the UAE citizenship as children and have never had any other nationality.<sup>50</sup> The revocation of their citizenship therefore left them stateless and meant they could no longer work or reside legally in the country.<sup>51</sup> Importantly, even though these men gained their citizenship after 1971, they did not obtain it "by naturalisation" but "by law" as when they applied for the citizenship they could prove that members of their families were living in the territory of the UAE prior to 1971.<sup>52</sup> Hence, article 16 of the Law on Nationality should not be applicable to them and their nationality should not be allowed

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May 2024).

<sup>42</sup> MENA Rights Group, *Hasan al-Jabri*, <https://menarights.org/en/caseprofile/uae94-detainee-hasan-al-jabri-held-arbitrarily-2012> (accessed on 2 May 2024).

<sup>43</sup> MENA Rights Group, *Hussain al-Jabri*, <https://menarights.org/en/case/husain-mouneif-al-jabri> (accessed on 2 May 2024).

<sup>44</sup> EDAC, *Ibrahim al-Marzouki*, <https://en.edacrights.com/prisoner/12> (accessed on 2 May 2024).

<sup>45</sup> EDAC, *Muhammad al-Siddiq*, <https://en.edacrights.com/prisoner/14> (accessed on 2 May 2024).

<sup>46</sup> EDAC, *Shaheen al-Hosni*, <https://en.edacrights.com/prisoner/25> (accessed on 2 May 2024).

<sup>47</sup> EDAC, *Ali al-Hammadi*, <https://en.edacrights.com/prisoner/51> (accessed on 2 May 2024).

<sup>48</sup> The National staff, *Six have UAE passports revoked over 'terror links'*, 22 December 2011, <https://www.thenationalnews.com/uae/six-have-uae-passports-revoked-over-terror-links-1.410050>, (accessed on 2 May 2024).

<sup>49</sup> *Ibid.*

<sup>50</sup> Human Rights Watch, *United Arab Emirates: End Arrests; Free Political Activists: Stop Crackdown on Freedom of Expression, Association*, 30 April 2012, <https://www.hrw.org/news/2012/04/30/united-arab-emirates-end-arrests-free-political-activists> (accessed on 2 May 2024).

<sup>51</sup> *Ibid.*

<sup>52</sup> EDAC, "هكذا بدأ التلاعب بقانون الجنسية الإماراتي", December 2021, <https://edacrights.com/post/293> (accessed 2 May 2024).

to be revoked on the basis of them “posing a threat to the nation’s security”. The UAE was therefore in clear violation of their own domestic legal framework.

This group of seven men, commonly referred to as the “UAE7”, have not received any evidence from government indicating that the legally mandated procedures for revoking their citizenship have been followed. No decree had been published in the Official Gazette, nor have they been formally notified of the revocation of their citizenship.<sup>53</sup> The UAE7 therefore sought legal assistance from lawyer Muhammad al-Roken<sup>54</sup> who filed a case on 17 March 2012 with the Abu Dhabi Court of First Instance. During the trial, he claimed that according to article 20 of the UAE Nationality Law, citizenship can only be withdrawn through a presidential decree, following approval by the Council, and must be published in the Official Gazette.<sup>55</sup> Despite the lawyer’s repeated requests for a copy of the decree throughout the proceedings, the Ministry of Interior continuously refused to provide it. Instead, several months later, they only provided a copy of an administrative decision to withdraw the nationalities of the individuals involved, which did not comply with the legal requirements set in the Law on Nationality.<sup>56</sup>

A few days only after the case was filed on 26 March 2012, al-Suwaidi was arrested by the authorities without an arrest warrant.<sup>57</sup> Subsequently, on 9 April, the remaining six men were summoned by the Ministry of Interior in Abu Dhabi. During the interrogation, they were pressured to sign a document agreeing to renounce their original nationality and seek citizenship elsewhere. Refusal to sign would result in immediate arrest and imprisonment. As they stood firm in their refusal to sign, all six were promptly arrested by the authorities.<sup>58</sup>

On 31 May, the Abu Dhabi Federal Court of First Instance rejected the lawsuit filed by the seven men, and ruled that it is not permissible to object the procedures of the Ministry of Interior to withdraw citizenship documents because it is an “act of sovereignty”.<sup>59</sup> Al-Roken appealed the court’s decision arguing that “acts of sovereignty” are decisions issued by the authority in its capacity of ruling authority and not of administrative authority, such as decisions of wars, treaties or dismissal of the government. As the confiscation of identity documents is an administrative decision, it cannot be classified as an “act of sovereignty”. He further argued that even if the

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<sup>53</sup> Human Rights Watch, *United Arab Emirates: End Arrests; Free Political Activists: Stop Crackdown on Freedom of Expression, Association*, 30 April 2012, <https://www.hrw.org/news/2012/04/30/united-arab-emirates-end-arrests-free-political-activists> (accessed on 2 May 2024).

<sup>54</sup> MENA Rights Group, *Mohammed al-Roken*, <https://menarights.org/en/case/mohammed-al-roken> (accessed on 7 May 2024).

<sup>55</sup> EDAC, “هكذا بدأ التلاعب بقانون الجنسية الإماراتي”, December 2021, <https://edacrights.com/post/293> (accessed 2 May 2024).

<sup>56</sup> *Ibid.*

<sup>57</sup> *Ibid.*

<sup>58</sup> Human Rights Watch, *United Arab Emirates: End Arrests; Free Political Activists: Stop Crackdown on Freedom of Expression, Association*, 30 April 2012, <https://www.hrw.org/news/2012/04/30/united-arab-emirates-end-arrests-free-political-activists> (accessed on 2 May 2024).

<sup>59</sup> EDAC, “هكذا بدأ التلاعب بقانون الجنسية الإماراتي”, December 2021, <https://edacrights.com/post/293> (accessed 2 May 2024).

decision to revoke citizenship were deemed sovereign, it would still need to be grounded in the law, which was not the case.<sup>60</sup>

In response to al-Roken's appeal, the authorities arrested him on 16 July, with his son and brother-in-law, just two weeks prior to the scheduled first session before the Court of Appeal. This arrest prompted the UN to urge the UAE to ensure the protection of rights defenders: The spokesperson of the OHCHR stated that "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."<sup>61</sup> Human rights NGOs such as Human Rights Watch and Amnesty International called for the immediate and unconditional release of these prisoners of conscience, stating that "the authorities are holding the men solely on account on their affiliation with a non-violent political group and their peaceful criticism of the government."<sup>62</sup>

The Court of Appeal upheld the decision of the Court of First Instance on 12 November 2012, where the ruling was pronounced while the plaintiffs and the lawyer were in prison.<sup>63</sup>

### 3.1.2 Other UAE94 members and their families

Moreover, throughout 2012, the UAE's State Security Apparatus (SSA)<sup>64</sup> initiated a brutal campaign of arrests against the individuals who signed the petition calling for democratic reforms, many of whom were members of al-Islah.<sup>65</sup> The SSA subjected those arrested to secret and prolonged *incommunicado* detentions and severe acts of torture.<sup>66</sup>

On 7 January 2013, the 94 defendants, among them the UAE7, all of whom had signed the petition, were charged with founding, organising, and administering an organisation aimed at overthrowing the government. This trial marked the UAE's largest political mass trial. At the conclusion of the trial on 2 July 2013, 69 defendants were convicted and 25 acquitted. Many were sentenced to 10 years and others to 7 years imprisonment. Defendants who were tried *in absentia*, as they were not in the country, received 15 years of imprisonment, prompting the UAE to initiate extradition

<sup>60</sup> *Ibid.*

<sup>61</sup> UN News, *UN calls on United Arab Emirates to guarantee protection of rights defenders*, 17 July 2012, <https://news.un.org/en/story/2012/07/415722> (accessed on 2 May 2024).

<sup>62</sup> Human Rights Watch, *United Arab Emirates: End Arrests; Free Political Activists: Stop Crackdown on Freedom of Expression, Association*, 30 April 2012, <https://www.hrw.org/news/2012/04/30/united-arab-emirates-end-arrests-free-political-activists> (accessed on 2 May 2024).

<sup>63</sup> EDAC, "هكذا بدأ التلاعب بقانون الجنسية الإماراتي", December 2021, <https://edacrights.com/post/293> (accessed on 2 May 2024).

<sup>64</sup> MENA Rights Group, *The UAE State Security Apparatus: A tool of repression against dissenting voices*, December 2022, [https://menarights.org/sites/default/files/2022-12/Mena%20Rights%20Group\\_SSA%20Public%20Report.pdf](https://menarights.org/sites/default/files/2022-12/Mena%20Rights%20Group_SSA%20Public%20Report.pdf) (accessed on 2 May 2024).

<sup>65</sup> Amnesty International, "There is no Freedom Here" *Silencing Dissent in the United Arab Emirates*, 2014, p.6, [https://www.amnesty.be/IMG/pdf/emirats\\_arabes\\_unis\\_-\\_18\\_11\\_2014.pdf](https://www.amnesty.be/IMG/pdf/emirats_arabes_unis_-_18_11_2014.pdf) (accessed on 2 May 2024).

<sup>66</sup> FIDH, *United Arab Emirates: criminalising dissent UAE 94 trial deeply flawed*, August 2013, pp. 4-5, 16-19, [https://www.fidh.org/IMG/pdf/report\\_uae94\\_uk.pdf](https://www.fidh.org/IMG/pdf/report_uae94_uk.pdf) (accessed on 2 May 2024).

proceedings against them.<sup>67</sup> This group individuals, known as the “UAE94” were widely recognised as prisoners of conscience.<sup>68</sup> In an Opinion issued in 2014, the UN Working Group on Arbitrary Detention (UN WGAD) found the detention of the “UAE94” to be arbitrary and called for their immediate release.<sup>69</sup>

Members of the UAE94, distinct from the UAE7, faced the revocation of their citizenship at a later stage. This was notably the case of Abdulsalam al-Marzooqi<sup>70</sup> whose identity documents stopped being renewed starting 2015, while incarcerated. This action served as an additional form of reprisal for his activism and his support to the 2011 petition advocating for political reform. This violates the UAE’s international obligations as it is a widely disproportionate measure. Al-Marzooqi never received any official decree confirming a revocation of his citizenship. However, in 2016, it was rumoured that thirty UAE94 members and their families got their citizenship revoked. Al-Marzooqi’s family was one of them and the revocation of the citizenship of his children was confirmed at a later stage.

Determining the exact number of UAE94 members who had their citizenship revoked is very challenging, given the reluctance of individuals to speak out due to fear of reprisals, particularly if they still reside in the UAE. However, from the testimonies gathered, it is estimated that a relatively high number of other UAE94 detainees suffered the same fate.

As stated above, the UAE authorities did not stop the revocation of citizenship to members of the UAE94 but extended this revocation to some of their family members as well. In March 2016, three of the children of Mohammed al-Siddiq, Asma aged 29, Duaa aged 25 and Omar aged 23, who were known for their online activism,<sup>71</sup> were summoned to the Migration Department of Sharjah.<sup>72</sup> They were told to bring all their official documents and were assured that “no harm” would come if they attended. Once they arrived with their documents, the officer told them that their citizenship had been revoked by a decree, and that they should look for a new nationality.<sup>73</sup> When they requested a copy of the decree, it was refused by the officer. The reason for their citizenship revocation was not disclosed, but they were informed by the officer that

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<sup>67</sup> MENA Rights Group, *The UAE State Security Apparatus: A tool of repression against dissenting voices*, December 2022, [https://www.menarights.org/sites/default/files/2022-12/Mena%20Rights%20Group\\_SSA%20Public%20Report.pdf](https://www.menarights.org/sites/default/files/2022-12/Mena%20Rights%20Group_SSA%20Public%20Report.pdf), (accessed on 10 June 2024).

<sup>68</sup> Human Rights Watch, *United Arab Emirates: End Arrests; Free Political Activists: Stop Crackdown on Freedom of Expression, Association*, 30 April 2012, <https://www.hrw.org/news/2012/04/30/united-arab-emirates-end-arrests-free-political-activists> (accessed on 2 May 2024).

<sup>69</sup> UN Working Group on Arbitrary Detention, *Opinion No. 60/2013 concerning 61 individuals*, 2 April 2014, UN Doc. A/HRC/WGAD/2013/60, para. 26, [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/WGAD/2013/60](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2013/60) (accessed on 2 May 2024).

<sup>70</sup> MENA Rights Group, *Abdulsalam Mohamed Darwish al-Marzooqi, held arbitrarily in 2012*, <https://menarights.org/en/caseprofile/uae94-detainee-abdulsalam-al-marzooqi-held-arbitrarily-2012>, (accessed on 2 May 2024).

<sup>71</sup> International Centre for Justice and Human Rights, Universal Periodic Review – United Arab Emirates, June 2017, p.7, [https://upr.info/sites/default/files/documents/2018-02/icjhr\\_upr29\\_are\\_e\\_main.pdf](https://upr.info/sites/default/files/documents/2018-02/icjhr_upr29_are_e_main.pdf), (accessed on 20 May 2024).

<sup>72</sup> Rori Donaghy, “UAE strips citizenship from family of political prisoner”, *Middle East Eye*, 10 March 2016, <https://www.middleeasteye.net/news/uae-strips-citizenship-family-political-prisoner> (accessed on 2 May 2024).

<sup>73</sup> *Ibid.*



other Emiratis were affected by the same decree, without giving any names.<sup>74</sup> Prior to this, the siblings were placed under a travel ban, but this decision left them stateless, depriving them of access to various services and opportunities, which has a detrimental impact on the fulfilment of their human rights. UN experts shared their concern about these citizenship revocations in a communication in April 2016, requesting the UAE authorities to provide details on the legal basis for revoking the citizenship of al-Siddiq's three children.<sup>75</sup> In their response, the UAE authorities stated that:

The citizenship of the aforementioned persons was withdrawn pursuant to the provisions of the Nationality and Passports Act, which provides for naturalisation through affiliation. Given that the children of Mr al-Siddiq were granted citizenship after citizenship was granted to their father, the legal justification for the citizenship of his children lapsed when the father's citizenship was revoked in accordance with the constitutional and legislative provisions. Hence, their citizenship was revoked.<sup>76</sup>

The authorities however continued to refuse to provide the siblings with an official decree that would serve as proof of their statelessness. Additionally, they did not publish the revocation of their citizenship in the Official Gazette.

Likewise, Abdulsalam al-Marzooqi's six children, Salman, Hamdan, Omran, Jenan, Eman and Bayan, got their citizenship revoked in early 2017. While Bayan remained in the UAE for her studies, al Marzooqi's five other children are in the US with their mother since July 2016. They are currently stateless, as their Emirati citizenship was revoked after their father's revocation of citizenship. In early January 2017, they received a call from the Nationality and Passports Department at the Ministry of Interior in Abu Dhabi, requesting them to bring all the children's identity documents. However, as they were in the US, they could not do so. The officers then insisted that Bayan, who was still in the UAE, bring all the documents herself. Knowing that the authorities were likely to confiscate the documents, as they had done so for other activists and their families, they refused. Despite their refusal, Bayan was called by the authorities and asked to come to the office with the documents. When she declined, she was warned that if she did not comply, she would lose her UAE citizenship and her name would be circulated to all government departments, meaning that any attempt to access government services would lead to the confiscation of her ID. On 8 August 2017, during a visit to her father in prison, Bayan handed over her ID as usual. However, after the visit, the authorities refused to return her card, leaving her without an ID and without a possibility to visit her father again. Since then, none of the children were able to renew any of their identity documents, which led them to believe that they were one of the families whose nationalities had been stripped.

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<sup>74</sup> *Ibid.*

<sup>75</sup> Communication from UN Special Procedures, *AL ARE 1/2016*, 20 April 2016, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=13812> (accessed on 2 May 2024).

<sup>76</sup> Permanent Mission of the United Arab Emirates in Geneva, *State response*, 20 June 2016, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=32552> (accessed on 2 May 2024).

Before travelling to the US, Jenan was summoned for interrogation by the State Security services. During the interrogation, she was pressured to sign two documents. The first document imposed secrecy regarding the interrogation, forcing her not to mention this meeting to anyone, while the second document demanded that she disowned her father, cut all ties with him, and pledge loyalty to the UAE authorities. However, she refused to sign the papers. This interrogation also happened to Bayan, who was asked to “renew her documents” in 2020 but was instead interrogated by the State Security and asked to sign akin documents. According to our gatherings, similar incidents occurred with many family members of the “UAE94”.

Hence, the children residing in the US are no longer able to travel or return back to their country, while Bayan faces numerous obstacles in the UAE and is effectively prevented from joining her family in the US.

In February 2022, al-Marzooqi’s family received another phone call from the Nationality and Passports Department informing them that the children’s citizenships had been revoked because children acquire the status of their father, and that his citizenship was revoked as well. They finally received a verbal confirmation of the revocation of their citizenship. However, this affirmation during a call does not constitute an official statement, and UAE authorities persist in withholding any official documents confirming their statelessness.

In June 2016, Abdulsalam al-Marzooqi received his last visit from his entire family, and since May 2017, he has been prohibited from contacting his family residing in the US. He was only allowed to call Bayan, but that stopped in November 2022, without being given any warning or explanation by authorities. After Bayan’s visit on 8 August 2017, she was only allowed to visit him two times, the first time was in 2020 after she agreed to go to the State Security where she was interrogated, and the second time was in November 2021.

Thus, the last phone call he made to Bayan in November 2022, was the last time that he had been in contact with members of his family. However, even at that time, he was forbidden to discuss his detention conditions<sup>77</sup>, mirroring the restrictions placed on all UAE94 detainees. Additionally, the authorities failed to pay al-Marzooqi’s pension to him and his family and their bank accounts were frozen. This started even before the revocation of his citizenship but continues to this day. The children also face general hardship when it comes to administrative procedures because of their citizenship revocation. Their statelessness is therefore hindering their enjoyment of a very broad range of human rights.

It is important to note that these revocations of citizenship are impossible to appeal as they are completely unofficial and made outside any legal basis. Without receiving a decree confirming their stateless status, individuals lack the necessary legal documentation to challenge the decision. Moreover, considering the precedent set by

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<sup>77</sup> His family therefore remains completely uninformed about his situation, which violates article 12 of the UDHR which states that “[n]o one shall be subjected to arbitrary interference with his privacy, family home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks”.

the first and only trial for arbitrary deprivation of citizenship in the UAE, where all defendants and their lawyer were arrested before its conclusion, people are deeply apprehensive about pursuing legal recourse. The likelihood of an unfavourable outcome for the defendants, coupled with the fear of reprisals, deters individuals from taking any legal action.

Even though the majority of the “UAE94” should have been released in recent years, they remain in detention. At the time of writing, a significant number of them are being retried in what has become the second-largest political mass trial in the UAE’s history, commonly referred to as the “UAE87”<sup>78</sup> for establishing and supporting of a terrorist organisation.

During our interviews, it has been flagged to us that many more UAE citizens may have been deprived of their citizenship, including other family members of the “UAE94”. However, activists from the diaspora have reported that individuals who have no association with the “UAE94” are also being targeted by citizenship revocation. As these individuals continue to reside in the UAE, they are unable to openly address this issue due to the fear of reprisals. Like the “UAE94” and their family members who had their citizenship revoked without explanation, these individuals also face the same arbitrary and illegal treatment. The revocation is not disclosed in the Official Gazette, leaving them with no legal recourse to challenge the decision. As a result of this arbitrary infringement on their right to nationality, they suffer similar consequences affecting a wide range of human rights. This underscores the widespread nature of the issue, affecting anyone who expresses even mild criticism of the government.

### 3.2 Denial of identity document renewal

Besides stripping individuals of their citizenship, UAE authorities employ another method to quash dissent, namely by withholding the renewal of individuals’ identity documents, thereby effectively placing them at risk of statelessness. This practice has been widely used by the authorities since 2011.

The evidence and testimonies we have collected show that among the individuals unable to renew their identity documents are members of the “UAE94” who were tried *in absentia* because they were not within the country during the campaign of mass arrests. Aware that returning to the UAE would result in imprisonment for their peaceful criticism, they remained abroad. The UAE employs a similar strategy with most of them: upon their documents nearing expiration, the concerned individuals apply for renewal but are informed by authorities that they must return to the UAE to complete the process - which is not a legal requirement for the renewal of identity documents. However, knowing the consequences of returning, none of them have agreed to do so. The authorities thereby effectively hinder their ability to renew their identity documents, which puts them at risk of statelessness. Some individuals have attempted to send

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<sup>78</sup> Human Rights Watch, *UAE: Prominent Critics Face New Charges*, 14 December 2023, [https://www.hrw.org/news/2023/12/14/uae-prominent-critics-face-new-charges#:~:text=\(Beirut\)%20E2%80%93%20Emirati%20authorities%20have,Human%20Rights%20Watch%20said%20today](https://www.hrw.org/news/2023/12/14/uae-prominent-critics-face-new-charges#:~:text=(Beirut)%20E2%80%93%20Emirati%20authorities%20have,Human%20Rights%20Watch%20said%20today) (accessed on 2 May 2024).

their passport by post to obtain a new one, but their passport was confiscated, and they never received a replacement.

Among the “UAE94” members in exile who are unable to renew their passport is notably Ahmed al-Nuaimi, the former Director of the education department of al-Islah.<sup>79</sup> He was convicted in *absentia* to 15 years imprisonment in 2013, following a trial that was qualified as unfair by the UN Working Group on Arbitrary Detention.<sup>80</sup> He is currently tried in *absentia* in the new “UAE87” trial as an additional form of reprisal for exercising his right to freedom of expression and of association. During the 2012 wave of arrests, al-Nuaimi was on a business trip abroad. Aware that returning to the UAE would lead to his arrest, he chose to remain overseas. Ever since, he has been unable to renew any of his identity documents, his bank accounts have been frozen, and he has been barred from carrying out any administrative tasks in the UAE. This has even extended to other activities, such as selling his car or house from abroad, as it necessitates valid IDs. Despite the various measures imposed by the government, the authorities have consistently ignored his requests for information or to have his situation regularized. The Emirati authorities are thus acting in a completely arbitrary manner, outside any legal framework, rendering al-Nuaimi at risk of statelessness as he is unable to exercise the rights associated with his citizenship. Consequently, the UAE is violating its international obligations, including those under the UDHR and the ACHR.

Furthermore, as an additional measure to punish al-Nuaimi for his peaceful activism, his family members have faced the same restrictions regarding the denial of ID renewals. Since 2012, his wife and children have been unable to renew any of their documents and were subjected to a travel ban for several months before they managed to join him in the UK. His brothers and sisters have also experienced the same issues, being prevented from renewing their IDs, leading to significant hardships in administrative matters, insurance, university admissions, job searches, and more. This effectively puts them at risk of statelessness, as they are prevented from enjoying a full range of rights. This is yet another step from the authorities to stifle dissent, aimed at silencing individuals and deterring others from engaging in peaceful activism. Moreover, even valid passports, such as that of al-Nuaimi’s mother, have been rendered useless for travel. Despite having a renewed passport, she is consistently prevented from leaving the country whenever she attempts to travel. This arbitrary travel ban, imposed without any legal basis, prevents her from visiting her family abroad and further underscores the authorities’ oppressive tactics, as well as its violations of international law.

Hamad al-Shamsi<sup>81</sup> is another “UAE94” member in exile who cannot renew any of his identity documents. He was also convicted in *absentia* to 15 years imprisonment in 2013 and is currently tried in *absentia* in the new “UAE87” trial for his involvement with

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<sup>79</sup> MENA Rights Group, *Ahmed al-Shaiba al-Nuaimi*, <https://menarights.org/en/case/ahmed-al-shaiba-al-nuaimi>, (accessed on 5 June 2024).

<sup>80</sup> UN Working Group on Arbitrary Detention, *Opinion No. 60/2013 concerning 61 individuals*, 2 April 2014, UN Doc. A/HRC/WGAD/2013/60, para. 26, [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/WGAD/2013/60](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2013/60) (accessed on 5 June 2024).

<sup>81</sup> MENA Rights Group, *Hamad al-Shamsi*, <https://menarights.org/en/case/hamad-al-shamsi> (accessed by 8 May 2024).

al-Islah and being critical of the government. Despite his citizenship not being revoked, he has been unable to renew any of his identity documents for years. He hired a lawyer to contact an Emirati embassy to have his citizenship renewed, but the staff refused to answer the lawyer. Al-Shamsi was later informed that he is currently registered as an “al-makfoleen” (المكفولين) in the system, a term used to refer to people being sponsored in the Kafala system in the UAE. This designation reflects a status where a person has close to no rights in the UAE, which has disastrous consequences on the enjoyment of an individual’s life. Children of activists on this list are also unable to renew their citizenship, and children born while their father is on the list are not granted Emirati citizenship, despite it being their father’s nationality. This *de facto* renders these children stateless. Through our interviews we have gathered that this practice is widespread, encompassing many individuals, including numerous family members of the “UAE94”.

The families of the “UAE94”, both inside and outside the UAE, who are placed in this system, face many of the same consequences as those whose citizenship has been revoked. The key distinction is that they were not deleted as such from the UAE system. When attempting to carry out administrative tasks, they are not explicitly informed of their non-citizen status but are instead asked to present valid IDs, which they cannot do. Consequently, they face significant obstacles in the enjoyment of a wide range of rights. They are also effectively barred from traveling, and for those residing outside the UAE, returning to their home countries. Additionally, as soon as their IDs become invalid, they are unable to visit their family members in prison, leading to many families being unable to attend the hearing of the current “UAE87” trial and being left uninformed about their loved ones’ situations. Some other families experienced these challenges for a limited period of time only, particularly in the aftermath of the 2012 mass arrests and the subsequent trial. During this time, many families of detainees encountered restrictions and discrimination, and many were unable to renew their IDs. However, this situation varied among cases. Some families faced these hurdles for a few months or years, and eventually regained their full rights. The application of these restrictive measures, therefore, does not adhere to a consistent pattern. Nonetheless, the majority of families of detainees still endure this ban on ID renewals today and the harsh consequences that follow.

Importantly, no legal avenue is available to appeal against this punitive measure, as it is entirely arbitrary and lacks any legal basis. The evidence we gathered has also shown that authorities sometimes use this tactic as leverage to extract information from individuals. They withhold passport renewals and then summon individuals for interrogation, promising document renewal in exchange for cooperation. However, if the government is not seeking information and refuses to renew documents as a reprisal measure, which happens in the vast majority of cases, individuals have no recourse or appeal available to them.

We have gathered that this practice is extremely widespread and that it touches a very large number of people inside and outside of the UAE. The prevalence of this practice highlights the extensive reach of the crackdown on peaceful dissenting voices. It underscores the severity of the authorities’ crackdown on civic space, extending punishment even to family members of those who simply advocated for democratic

reforms by signing a letter. By withholding the renewal of their identity documents for an indefinite period, the authorities effectively subject them to the risk of statelessness.

## 4 Conclusion and recommendations

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Since 2011, the UAE government has severely cracked down on civic space, by arresting and detaining individuals exercising their rights to freedom of expression and association. This crackdown began with the revocation of the citizenship of seven peaceful government critics and has since expanded to include other activists and critics, effectively rendering them stateless. These repressive measures are also extended to family members of prisoners of conscience, intensifying the government's clampdown on dissent. Furthermore, the widespread practice of denying the renewal of identity documents underscores the severity of the infringement on the right to a nationality in the country.

These actions contravene the UAE's international commitments, including article 15 of the UDHR, article 29 of the ACHR, article 5 of the ICERD and article 8 of the CRC. Moreover, they violate international customary law, which prohibits arbitrary deprivation of nationality and mandates the prevention of statelessness.<sup>82</sup> Furthermore, these practices go against the UAE's domestic legal framework, as authorities fail to adhere to their own legislation.

Individuals affected by these measures find themselves in a legal limbo, devoid of any recourse for appeal, with far-reaching consequences on a multitude of human rights. These include the right to a nationality, but also the right to family life, the right to freedom of movement, the right to education, the right to the highest attainable standard of health, the right to freedom of expression and the right to association, among others. Moreover, these measures have concerning implications for the mental health of those involved, significantly increasing their mental burden, and subjecting them to feelings of instability and insecurity.

As a result, we address the following recommendations to the Emirati Government.

- Reinstatement of the citizenships arbitrarily revoked from members of the "UAE94" and "UAE87", along with their affected family members, and provide adequate reparations to the victims.
- Bring the Law on Nationality in line with international human rights standards and allow for decisions regarding citizenship to be challenged before a court.
- Eliminate disparities on the grounds for citizenship revocation between naturalised and non-naturalised citizens, by annulling article 16 of the Law on Nationality and applying the provisions of article 15 to all citizens.
- Ensure that every Emirati citizen is able to renew their identity documents, without discrimination.

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<sup>82</sup> UNHCR, Expert Meeting: Interpreting the 1961 Statelessness Convention and Avoiding Statelessness resulting from Loss and Deprivation of Nationality, November 2013, para. 2, <https://www.unhcr.org/sites/default/files/legacy-pdf/5465e2cb9.pdf>, (accessed on 10 June 2024).

- Abolish the “al-makfoleen” status.
- Implement UN recommendations including to lift the reservation on article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, and to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

These actions are essential for upholding human rights in the country, especially the right to nationality, and ensure compliance with international legal standards.