



United Arab Emirates

Alternative Report

*Report submitted to the United Nations Committee
against Torture in the context of the initial review of the
United Arab Emirates*

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1 Introduction

This report is submitted in the context of the first reporting cycle of the United Arab Emirates (UAE) before the UN Committee against Torture. The UAE ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) in 2012. The first state report was due on 19 August 2013 and was submitted on 20 June 2018.¹ Since the state sent its report, important changes occurred in its legislation. In November 2021, Emirati state news agency WAM announced the amendment of 40 federal laws.² The announced legal changes included the enactment of a new Federal Crime and Punishment Law (penal code) that came into force in January 2022.³ The penal code articles referenced in this report are thus the articles contained in the new penal code and as such may differ from the ones mentioned by the state in its report.

This report will present the relevant legal framework that relates to the application of the convention in the UAE and also mention the application (or violation of) these provisions in practice. In this regard, the next sections will show that despite some existing legal guarantees, torture is widespread in the UAE and often goes unpunished.

This has been exemplified multiple times since the country ratified the UNCAT. For example, in 2013, the UAE then engaged in a controversial mass trial of 94 individuals commonly referred to as the “UAE94”; 94 intellectuals, activists, and human rights defenders who had openly criticised the Emirati government. Many of those tried were arrested without a warrant and held in a secret location for months, while they were tortured and forced to sign confessions that would later be used to convict them.

In 2014, the former Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, visited the country and expressed concerns over credible allegations of individuals being arrested without a warrant, held in unofficial places of detention and being subjected to torture and ill-treatment, in order to confess.⁴ She was noted that complaints relating to torture and ill-treatment presented before judges or prosecutors did not lead to judicial proceedings or investigations.⁵

¹ United Nations Committee against Torture, *Initial report submitted by the United Arab Emirates under article 19 of the Convention, due in 2013*, 20 June 2018, UN Doc. CAT/C/ARE/1 (hereinafter “state report”).

² News Agency – WAM, *UAE adopts largest legislative reform in its history*, 27 November 2021, <http://wam.ae/en/details/1395302997239> (accessed 20 April 2022).

³ In the UAE, matters related to internal security fall under the legislative competence of the Union (article 120, Emirati Constitution). Union laws are drafted by the Council of Ministers and revised by the Union National Council, before being ratified by the Supreme Council of the Union (article 110, Emirati Constitution). All these Councils are executive bodies.

⁴ United Nations Human Rights Council, *Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul*, 5 May 2015, UN Doc. A/HRC/29/26/Add.2 (hereinafter 2014 Report of the Special Rapporteur on the independence of judges and lawyers), para. 52.

⁵ 2014 Report of the Special Rapporteur on the independence of judges and lawyers, *op. cit.*, para. 53.

In 2017, the Working Group on Arbitrary Detention adopted an opinion in which it noted, with regards to the UAE, a series of cases in recent years of arbitrary deprivation of liberty, particularly after torture and ill-treatment had been used to coerce confessions in criminal proceedings, recalling that widespread or systematic imprisonment or other severe deprivation of liberty in violation of fundamental rules of international law may constitute crimes against humanity in certain circumstances.⁶

The next sections of this report provide further information on the widespread practice of torture in the UAE. The information provided in the 9 initial sections is complemented by section 10, which provides an overview of cases of torture in the UAE documented by MENA Rights Group in the past years.

2 Definition, criminalisation and absolute prohibition of torture

The UAE ratified the UNCAT in 2012. In the UAE, international treaties must be internalised to become part of domestic law.⁷ According to the state, the UNCAT became national law with the publication of the federal decree ratifying it in the country's official gazette.⁸ Yet, to date, Emirati law does not criminalise torture in a manner entirely consistent with the Convention. Article 26 of the Emirati constitution states that “[n]o man shall be subjected to torture or other indignity,” while article 28 prohibits “[t]he infliction of physical or mental harm on an accused person.”⁹

Article 290 of the penal code, in turn, imposes a prison sentence against “[a]ny public official who uses torture, force or threats against an accused person, a witness or an expert, either directly or through an intermediary, for the purpose of obtaining a confession to an offence, or coercing the person into making a statement or providing information about an offence or concealing facts shall be sentenced to a fixed term of imprisonment.”¹⁰ The following article, 291, continues to criminalise actions by public officials that impose on convicted persons “a penalty that is more severe than that imposed by law or different to the penalty to which the person was sentenced.”¹¹ Article 293 more broadly punishes “[a]ll public officials or persons entrusted with a public service who use the authority of their office to subject others to cruel treatment, offend their decency or cause them bodily harm.”¹² Lastly, article 2 of the Emirati

⁶ Working Group on Arbitrary Detention, *Opinion No. 47/2017 concerning Ahmad Ali Mekkaoui (United Arab Emirates)*, 22 August 2017, UN Doc. A/HRC/WGAD/2017/47, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/269/17/PDF/G1726917.pdf?OpenElement> (accessed 12 May 2022), para. 36.

⁷ See state report, *op. cit.*, para. 90; and article 125, constitution.

⁸ State report, *op. cit.*, para. 95.

⁹ English version available at: https://menarights.org/sites/default/files/2016-11/UAE_Constitution_2004_EN.pdf (accessed on 8 April 2022), arts. 26, 28.

¹⁰ Article 290, penal code.

¹¹ Article 291, penal code.

¹² Article 293, penal code.

Code of Criminal Procedure (hereinafter CCP) establishes that “[i]t is prohibited to cause physical or moral harm to the accused, and it is prohibited to subject any person to torture or degrading treatment. Any evidence obtained through any harmful treatment shall be considered null.”¹³

While these provisions cover most aspects of article 1 UNCAT, the penalties associated with the criminalised acts do not necessarily reflect the gravity of torture. Article 290 of the penal code foresees a penalty of imprisonment, which, according to article 60 of the same code, may range from 3 to 15 years. When it comes to article 291, it prescribes that the penalty for perpetrators cannot exceed five years imprisonment. Lastly, article 293 prescribes a minimum sentence of only one year, despite the severity of the acts criminalised in the provision.

Furthermore, there is no provision explicitly mentioning that no exceptional circumstances whatsoever may justify torture, as required by article 2(2) UNCAT. Similarly, there is no provision explicitly prescribing that an order from a superior officer or a public authority may not be invoked as a justification of torture, in accordance with article 2(3) UNCAT.

Recommendations:

- Amend Emirati legislation to include provisions foreseeing that no exceptional circumstances whatsoever may justify torture and that an order from a superior officer or public authority may not be invoked as a justification of torture;
- Amend Emirati legislation to ensure the penalties associated with torture reflect the seriousness of the crime.

3 Principle of *non-refoulement*

As mentioned in the state report, article 9(10) of the Emirati Federal Law No. 39 of 2006 on international judicial co-operation in criminal matters prohibits the extradition of a person who has been, or may be, subjected to torture or cruel, inhuman or degrading treatment or punishment disproportionate to the offence in the requesting state. Articles 17 and 19 of the same law further foresee that the concerned person has the right to have a lawyer present at extradition hearings. An extradition decision may be appealed within 30 days, according to article 22.

While these are key legal guarantees, it is also important to take into account paragraph 3 of abovementioned article 9. That paragraph prevents the extradition of those accused of crimes of a political nature but excludes from this exception, among others, terrorist offences. In practice, this may be problematic as the UAE has a very broad definition of terrorism offences. In this regard, multiple UN special mandate holders expressed their concern over the UAE’s

¹³ Article 2, CCP.

2014 Law No. 7 On Combatting Terrorism Offences,¹⁴ which they claimed did not appear to be in line with the UAE's international human rights obligations. According to them, the definitions contained in that law lacked precise and unambiguous language, which could compromise legal certainty and also allow certain forms of criticism or dissent to be interpreted and prosecuted as terrorism, seemingly at the subjective discretion of the relevant authorities.¹⁵ When it comes to extradition, such broad language could lead to foreign critics being extradited from the UAE to their state of origin, where they may be tried for terrorism due to their political views.

Furthermore, Federal Law No. 39 of 2006 is not the only legal instrument regulating extradition in the UAE. The country is party to the Riyadh Arab Agreement for Judicial Cooperation, which foresees the mandatory extradition of persons among state parties.¹⁶ While there are exceptions to the obligation to extradite, including in cases where “the crime for which extradition is requested is considered by the laws of the requested party as a crime of a political nature” (article 41(a)), the agreement contains no provision foreseeing the refusal to extradite in cases where the concerned person may be subjected to torture, inhuman or degrading treatment upon extradition.

The UAE has also entered multiple bilateral extradition agreements, including with countries that have an appalling human rights record such as China.¹⁷ In this regard, media sources reported on the Chinese government operating in the UAE to identify members of the Uyghur minority who may have fled to that country as well as pressuring UAE authorities to detain and deport Uyghurs.¹⁸

It is also important to note that extradition is not the only way for a state to expel someone. In this regard, UAE's Federal Law No. 6 of 1973 on entry and residence of aliens foresees in article 23 that an alien may be deported, regardless of whether s/he has a permit, visa or resident permit, “if such deportation is required by the public interest, public security, public morals or

¹⁴ English version available at: https://menarights.org/sites/default/files/2016-11/UAE_TerrorismLaw_EN.pdf (accessed 22 April 2022).

¹⁵ Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders, *Comments and suggestions on the 2014 Law No. 7 On Combatting Terrorism Offences (Law 7) which abrogated Federal Decree-Law no. 1/2004*, 13 November 2020, UN Doc. OL_ARE_6/2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25663> (accessed 20 April 2022) (hereinafter “Comments and suggestions on the 2014 Law No. 7 On Combatting Terrorism Offences”), pp. 20-21.

¹⁶ Besides the UAE, these are Algeria, Libya, Qatar, Oman, Saudi Arabia, Iraq, Bahrain, Kuwait, Tunisia, Lebanon, Morocco and Jordan.

¹⁷ Chambers and Partners, *Extradition law for Chinese nationals in the UAE*, 14 June 2021, <https://chambers.com/articles/extradition-law-for-chinese-nationals-in-the-uae> (accessed 22 April 2022).

¹⁸ Middle East Eye, UAE: *China uses 'black sites' in Emirates to target Uighurs abroad*, 9 February 2022, <https://www.middleeasteye.net/news/uae-china-uighurs-black-sites-deport-target-abroad>; see also: Shafik Mandhai, “Family fears UAE will deport Uighur to China”, *Al Jazeera*, 26 September 2018, <https://www.aljazeera.com/news/2018/9/26/family-fears-uae-will-deport-uighur-to-china> (all links accessed 18 May 2022).

public health or in case he has no evident means to earn his living.” Similarly, article 28 of the 2003 State Security Law allows the president of the State Security Apparatus (SSA) to order the deportation of a foreigner when their presence in the country poses a threat to national security. No exception is prescribed in these two pieces of legislation in case there are substantial grounds for believing that the concerned person would be in danger of being subjected to torture upon extradition.

Besides the abovementioned flaws in the UAE’s law, in practice, the country has also violated its obligations under article 3 UNCAT. For example, MENA Rights Group documented the case of Pakistani businessman Abdul Hafeez Muhammad Ramzan,¹⁹ who was arrested and forcibly disappeared by UAE security forces on 27 January 2022, before being deported to Pakistan on 2 February 2022. As an ethnic Baloch, who moved to the UAE after his father and younger brother were killed in Pakistan by Pakistani intelligence services, he is at high risk of torture in Pakistan, especially as he had no contact with his family since his deportation. In 2018, Ramzan’s cousin Rashid Hussain Brohi, who was living in the UAE at the time and was an activist in the Baloch National Movement in Pakistan, was also arrested by UAE security forces, forcibly disappeared, and deported to Pakistan. Brohi’s fate and whereabouts have remained unknown since.

Human Rights Watch also documented multiple cases of groundless deportations of Shia Muslims to Pakistan, noting that none of them had a chance to challenge the deportation.²⁰

Saudi women right’s activist Loujain al-Hathloul is also a well-known case of disrespect of article 3 UNCAT. She was arrested in the UAE in 2018 and then renditioned to Saudi Arabia, where she was detained, imprisoned and tortured due to her activities as a human rights defender.²¹

Recommendations:

- Amend Emirati legislation to foresee that a *non-refoulement* assessment is conducted in all expulsion cases, regardless of the procedure, and to ensure foreign nationals can challenge their expulsion;
- Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;
- Stop the return of foreign nationals that would constitute a violation of *non-refoulement*.

¹⁹ Apart from section 10, see also MENA Rights Group, *UAE authorities disappear and deport Baloch man to Pakistan where he faces torture*, 10 February 2022, <https://menarights.org/en/case/abdul-hafeez-muhammad-ramzan> (accessed 28 April 2022).

²⁰ Human Rights Watch, *UAE: Arbitrary Targeting of Pakistani Shia Residents*, 22 June 2021, <https://www.hrw.org/news/2021/06/22/uae-arbitrary-targeting-pakistani-shia-residents> (accessed 22 April 2022).

²¹ See Stephanie Kirchgaessner, “Saudi women’s rights activist sues three ex-US intel operatives over hacking for UAE”, *The Guardian*, 9 December 2021, <https://www.theguardian.com/technology/2021/dec/09/saudi-womens-rights-activist-loujain-alhathloul-sues-us-intel-operatives-hacking-uae> (accessed 22 April 2022); Amnesty International, *Confirmation de la Condamnation de Loujain Al Hathloul*, 22 March 2021, <https://www.amnesty.be/veux-agir/agir-individus/reseau-actions-urgentes/article/confirmation-condamnation-loujain-hathloul> (accessed 22 April 2022).

4 Violations of legal safeguards related to the deprivation of liberty

The Emirati legal system does not provide sufficient safeguards to prevent the practice of torture against those detained, as would be required to comply with article 2 UNCAT. In practice, even existing loose legal guarantees are not respected. The next subsections thus explore the legal safeguards (or lack thereof) and practices related to deprivation of liberty in the UAE.

4.1 Arrest and custody

Article 26 of the Emirati constitution provides that no one may be arrested, searched, detained or imprisoned except as provided by law. In this regard, article 13 of the act regulating penal facilities states that it is only possible to confine a person in a punitive facility upon a written order issued by the competent public prosecution, the competent court or any other authority legally competent. Furthermore, the article foresees that it is not allowed for any person to remain in the facility after the period specified in the order.

The CCP, in turn, foresees that arrested persons shall be presented to the public prosecutor within 48 hours (article 47) and the public prosecutor shall interrogate them within 24 hours or order their release (article 104). Article 99 then prescribes that the member of the public prosecution must, upon the presence of the accused for the first time before the investigation authority, inform the accused of the charge(s) imputed to him.

These time limits, however, do not apply to cases falling under the 2003 State Security Law, which foresees its own detention periods. This law grants the SSA the power to investigate issues related to any political or organisational activity of a person, organisation, party, or association who seeks to prejudice the state's safety and security or its governance system or to prejudice national unity, or conduct acts of sabotage, subversive propaganda, or assassination attempts; any activity that harms the state's economy, whether conducted inside or outside of the state; as well as anything that would seek to weaken the position of the state, provoke hostility against it, or shake confidence in it.²² Apart from this wide ranging powers, the SSA is also tasked with combating terrorism and organised crime.²³

Unlike the CCP, the state security law foresees that SSA officials have the authority to stop and search individuals, including their homes, and to place them in administrative detention for prolonged periods of time. More specifically, it allows SSA managing directors to search and detain, for a period of 24 hours, any individual suspected of being involved in the abovementioned activities that fall under the mandate of the SSA. The SSA general manager, in turn, may order the detention of suspects for a period of 48 hours, and the SSA vice-president may order the detention of suspects for up to 72 hours, with both individuals being required to inform the president of the SSA of the arrest and subsequent detention. The president of the

²² Article 14, 2003 State Security Law.

²³ Article 14, 2003 State Security Law.

SSA, however, may order the detention of suspects for up to 60 days, which can be renewed for another 30 days, before being brought before the public prosecution. In this regard, the Working Group on Arbitrary Detention considered that the 90-day delay foreseen in Emirati law violates the right to be brought promptly before a judicial authority.²⁴

While article 41 of the Emirati constitution foresees that anyone may submit a complaint to the competent authorities, including judicial bodies, concerning violations of the rights and freedoms set out in the constitution, none of the abovementioned acts or codes explicitly foresee the possibility of detainees to challenge the legality of their detention, except in cases where the extension of pre-trial detention is decided in absentia (article 110 CCP).

In practice, not even such loose guarantees are respected. Indeed, after her visit to the UAE, the former Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, stated that:

while the Code of Criminal Procedure prescribes that, unless an individual is arrested in flagrante delicto, an arrest warrant must be presented, the Special Rapporteur received many reports of people being arrested without a warrant. Such cases very often concern persons who were later accused of State security crimes. After being arrested by State security agents, most of those individuals were taken to secret detention facilities and kept incommunicado for days, weeks or even months, sometimes in solitary confinement. Such detentions may sometimes amount to enforced disappearances, as the authorities refuse to acknowledge that they have detained the person and/or refuse to confirm their fate and whereabouts.²⁵

The former special rapporteur's account is in line with the cases documented by MENA Rights Group (detailed in section 10). In none of those cases were individuals presented with an arrest warrant at the moment of their arrest and, in multiple cases, they were detained for longer than the three-month time limit imposed by the 2003 State Security Law before being brought to a court and charged. Notably, in two cases (detailed in section 10) the concerned individuals were detained for over a year before being charged. These are Ahmed Mansoor, who was arrested, without a warrant, by Emirati security forces, and was subsequently disappeared by the authorities, which failed to reveal his whereabouts for over one year; and Taysir Salman, a Jordanian journalist who was arrested in the UAE on 13 December 2015, kept in secret detention for over two months and held without charges for more than a year.

4.2 Right to legal counsel

Article 4 of the CCP prescribes that “[e]very person, accused of a felony punished by a death sentence or life imprisonment, must have a lawyer to defend him during the trial and, in case he has none, the court shall appoint an attorney for him taking in charge his fees for his services as specified by law [...] The accused in a felony sanctioned by time imprisonment may ask the

²⁴ Opinion No. 47/2017 concerning Ahmad Ali Mekkaoui (United Arab Emirates), *op. cit.*, para. 21.

²⁵ 2014 Report of the Special Rapporteur on the independence of judges and lawyers, *op. cit.*, para. 51.

court to delegate an attorney for his defence in case his financial inability to appoint a lawyer is verified by it.”²⁶

The article, however, does not foresee the possibility to appoint a lawyer from the time of arrest, as it only envisages legal assistance during trial, neither does it prescribe the possibility of free legal assistance for cases not involving the death penalty or life imprisonment. In this regard, a report from the United States Department of State noted that “[w]hile awaiting a decision on official charges at a police station or the prosecutor’s office, a detainee is not entitled to legal counsel,”²⁷ and that the government may provide counsel, “at its discretion, to indigent defendants charged with felonies punishable by provisional imprisonment.”²⁸

Apart from the abovementioned article, multiple provisions of Emirati law refer to an accused person’s right to contact their lawyer. For example, in its report,²⁹ the state points to article 18 of the act regulating penal facilities, which allows lawyers to meet in private with their client in detention facilities. Similarly, the CCP foresees in article 109 that the right of the accused to permanently contact their attorney in private will not be affected by any provisional prohibition imposed on the accused to receive visitors while detained. As also mentioned in the state’s report, however, this right is severely limited as before one can meet with their lawyer “written permission must be obtained from the competent public prosecution office. Meetings take place within the sight but outside the hearing of an official of the facility.”³⁰

In this regard, the former Special Rapporteur on the independence of judges and lawyers mentioned being extremely concerned, after her 2014 visit to the UAE, by reports that an accused person’s access to a lawyer can be restricted by the police or the prosecution during the investigative phase. She noted that “[m]eetings with lawyers are often very short, lasting only a few minutes, and they are not held in private, but are supervised and reportedly even recorded by the prosecution or security services.”³¹ She further noticed that in some cases, authorities refuse to acknowledge that they have detained the person and/or refuse to confirm their fate and whereabouts and that, in such cases, detainees have no access to a lawyer at all.³² The Working Group on Arbitrary Detention also noted cases in which detainees were kept in *incommunicado* detention, thus outside the protection of the law and unable to communicate with their lawyers.³³ Indeed, in all cases documented by MENA Rights Group (detailed in section 10) individuals spent time in *incommunicado* detention without access to a lawyer.

²⁶ Article 4, CCP.

²⁷ United States Department of State, *2021 Country Reports on Human Rights Practices: United Arab Emirates*, https://www.state.gov/wp-content/uploads/2022/03/313615_UNITED-ARAB-EMIRATES-2021-HUMAN-RIGHTS-REPORT.pdf (accessed May 6, 2022), p. 6.

²⁸ 2021 Country Reports on Human Rights Practices: United Arab Emirates, *op. cit.*, p. 10.

²⁹ State report, *op. cit.*, para. 156.

³⁰ State report, *op. cit.*, para. 157. This is also prescribed in article 18 of the act regulating penal facilities.

³¹ 2014 Report of the Special Rapporteur on the independence of judges and lawyers, *op. cit.*, para. 56.

³² 2014 Report of the Special Rapporteur on the independence of judges and lawyers, *op. cit.*, para. 51.

³³ See, for example, Working Group on Arbitrary Detention, *Opinion No. 30/2018 concerning Bahaa Adel Salman Mattar and Maher Atieh Othman Abu Shawareb (United Arab Emirates)*, 25 April 2018, UN Doc. A/HRC/WGAD/2018/30, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/248/66/PDF/G1824866.pdf?OpenElement> (accessed 11 May 2022), para. 47; and Working Group on Arbitrary Detention, *Opinion No. 21/2017 concerning Mohamad Ismat Mohamad Shaker*

Regarding the preparation of an accused person's defence, article 100 of the CCP prescribes that the attorney must have access to all investigation materials of their client, however, the same article restricts this essential prerogative by adding the words "unless otherwise decided by the member of the public prosecution in the interest of the investigation."³⁴

In practice, the former Special Rapporteur noted with concern that, especially in criminal cases heard before the State Security Chamber of the Federal Supreme Court, lawyers seem to face serious difficulties in accessing information, especially investigation files.³⁵ Two cases documented by MENA Rights Group (detailed in section 10) are particularly noteworthy in this regard. The first concerns two Jordanian brothers, Yasser Sami Abedalafou and Abdallah Sami Abedalafou Abu Baker, who were arrested on 30 October 2015. Their defence was severely hampered as they were only able to appoint a lawyer on 9 August 2017, and, even then, the brothers were only allowed to consult with their lawyer for a total of 10 minutes and the lawyer was only permitted to access their case file for half an hour. The second case concerns two Lebanese nationals, Abdelrahman Chouman and Ahmad Sobh, who were arrested on 15 January 2018. During their trial, neither of the defendants were allowed direct access to their lawyers, and the court did not allow the lawyers to access the prosecution file and the evidence against their clients. Under such circumstances, it was extremely difficult for the lawyers to prepare their cases and represent their clients adequately.

The Working Group on Arbitrary detention also noted that in the case of Nasser Bin Ghaith, according to the case's source, "Mr. Bin Ghaith was not allowed to communicate with his lawyer before his first trial hearing and even then, was not allowed to speak to him or meet with him before the hearing,"³⁶ which prevented him from preparing his defence. Similarly, in the case of Bahaa Adel Salman Mattar and Maher Atieh Othman Abu Shawareb, the Working Group on Arbitrary detention noted "the denial of adequate time and facilities to Mr. Mattar and Mr. Abu Shawareb for the preparation of their defence and communication with their legal counsel and the denial of a chance to challenge the incriminating evidence and to present any exculpatory evidence".³⁷

Lastly, the Special Rapporteur was also "alarmed at reports that some lawyers who take up cases related to State security have been harassed, threatened and had pressure exerted on them."³⁸ This was the case of Alya Abdulnoor's lawyer, who abandoned Abdulnoor's case (documented by MENA Rights Group and detailed in section 10) after he was threatened and intimidated by the authorities.

Az (United Arab Emirates), UN Doc. A/HRC/WGAD/2017/21, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/190/33/PDF/G1719033.pdf?OpenElement> (accessed 12 May 2022), para. 47.

³⁴ Article 100, CPP.

³⁵ 2014 Report of the Special Rapporteur on the independence of judges and lawyers, *op. cit.*, para. 57.

³⁶ See Working Group on Arbitrary Detention, *Opinion No. 76/2017 concerning Nasser Bin Ghaith (United Arab Emirates)*, 21 November 2017, UN Doc. A/HRC/WGAD/2017/76, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/007/85/PDF/G1800785.pdf?OpenElement> (accessed 11 May 2022), para. 28.

³⁷ *Opinion No. 30/2018 concerning Bahaa Adel Salman Mattar and Maher Atieh Othman Abu Shawareb (United Arab Emirates)*, *op. cit.*, para. 50.

³⁸ 2014 Report of the Special Rapporteur on the independence of judges and lawyers, *op. cit.*, para. 79.

4.3 Right to medical care

Articles 29 to 33 of the act regulating penal facilities regulates medical care in such establishments. They prescribe, among others, that every penal facility must have at least one doctor residing there. The articles also foresee that patients suffering from mental illnesses or life threatening conditions must be presented before a medical committee to discuss their fate, which may include, in the first case, transfer to a mental hospital and, in the second, medical release, issued upon decision of the public prosecutor. It is also prescribed that in case a prisoner's condition reaches a critical point according to the facility's physician, the facility's administration must inform the family and allow them to visit their relative without being restricted to the official visiting hours.

Despite these provisions, MENA Rights Group documented several cases (detailed in section 10) in which medical care was not offered to prisoners in need of it. These include the cases of Abdulsalam Mohamed Derwish Al Marzooqi, Amina Al Abdouli, Maryam Al Balushi and Ahmed Mansoor. The most noteworthy case, however, is that of Alya Abdulnoor. Alya Abdulnoor was diagnosed with breast cancer in 2008, and successfully treated in a specialised hospital in Germany. At the time of her arrest, she had been in remission for six years. Whilst in prison, however, Abdulnoor had a cancer recurrence but, instead of being provided with proper care, she was given strong painkillers and antidepressants. Due to the serious deterioration of her health, she was transferred to Mafraq hospital in November 2016. Family visits were denied systematically and information on her health was not communicated regularly. She continued to be denied the medical attention she required. Despite her health issues and repeated requests from her family, the authorities continued to refuse to transfer Abdulnoor to a specialised hospital or to release her on medical grounds. On 26 February 2019, a group of UN experts called for her release so she could live her final days in dignity and with her family,³⁹ but to no avail. On 4 May 2019, Alya Abdulnoor passed away at Tawam hospital in Al Ain.

4.4 Right to consular protection

Article 18 of the act regulating penal facilities prescribes that foreign detainees shall have the right to communicate with their consular authorities, upon receiving authorisation from the competent public prosecution. As is the case for lawyers, meetings with consular authorities must be carried out within the sight but not within the hearing of one of the facility managers. Consular protection is particularly important in the UAE, as the vast majority of the country's residents are foreign nationals.

³⁹ United Nations Human Rights, *UAE: Terminally ill prisoner, Alia Abdulnoor, must be released to "live final days in dignity", say experts*, 26 February 2019, <https://www.ohchr.org/en/press-releases/2019/02/uae-terminally-ill-prisoner-alia-abdulnoor-must-be-released-live-final-days?LangID=E&NewsID=24214> (accessed 18 May 2022).

Once again, practice does not seem to follow the legal provisions, as MENA Rights Group documented multiple cases (detailed in section 10) in which foreign nationals were not allowed to contact their consular authorities. These include the cases of Abdullah Awad Salim Al Shamsi, Yasser Sami Abedalafou and Abdallah Sami Abedalafou Abu Baker, Abdullah Mohammad Ahmad Attiah and Abdulmalik Mohammad Ahmad Mohammad Al Mukhanqi, and Abdelrahman Chouman and Ahmad Sobh.⁴⁰

Another well-known case in this regard is that of Matthew Hedges,⁴¹ a UK national and an academic who was arrested by agents of the SSA on 5 May 2018, at Dubai International Airport. SSA agents subjected Hedges to gross violations of human rights between May and November 2018, including *incommunicado* detention, arbitrary detention, and torture. SSA officials only allowed Hedges to meet with a British consular official about six weeks after his initial arrest, after he had been coerced into signing a confession in Arabic, a language he does not understand. The meeting was supervised by armed agents of the SSA and the State Security Prosecutor in charge of his case and was abruptly ended after the British consular official asked Hedges if he had been tortured. The SSA would not afford Hedges another consular meeting until around three months later.

4.5 Right to contact with the outside world

In its report, the state affirms that “[a]ll prisoners are allowed contact with their families, relatives and the outside world through visits and other means of communication.”⁴² Emirati legislation, however, foresees different situations in which the communication of those arrested

⁴⁰ Regarding Abdelrahman Chouman and Ahmad Sobh, see Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *REFERENCE: UA ARE 1/2020*, 27 January 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25038> (accessed 18 May 2022).

⁴¹ Further information on his case can be found at: Human Rights Watch, *UAE: Jailed British academic denied rights*, 21 October 2018, <https://www.hrw.org/news/2018/10/21/uae-jailed-british-academic-denied-rights> (accessed 7 March 2022); *UAE: Injustice, intolerance, repression*, 17 January 2019, <https://www.hrw.org/news/2019/01/17/uae-injustice-intolerance-repression> (accessed March 7, 2022); *UAE: Tolerance narrative a sham*, 1 October 2021, <https://www.hrw.org/news/2021/10/01/uae-tolerance-narrative-sham-0> (accessed March 7, 2022); Matthew Hedges, “I was detained in the UAE. I learned that Britain puts trade before its citizens”, *The Guardian*, November 26, 2019, <https://www.theguardian.com/commentisfree/2019/nov/26/detained-uae-britain-trade-citizens-foreign-office>, (accessed March 7, 2022); Matthew Hedges, “Imprisonment in the UAE left me suicidal. But my fellow academics face exactly the same risks”, *The Independent*, October 15, 2019, <https://www.independent.co.uk/voices/uae-prison-matthew-hedges-academics-universities-suicide-a9156376.html>**Error! Hyperlink reference not valid.** (accessed March 7, 2022); Matthew Hedges, “An ally held me as a spy - and the West is complicit,” *The Atlantic*, January 25, 2019, <https://www.theatlantic.com/international/archive/2019/01/matthew-hedges-uae-held-me-spy-west-complicit/581200/> (March 7, 2022).

⁴² State report, *op. cit.*, para. 202.

with the outside world may be restricted. For example, article 109 of the CCP procedure states that “[s]hould the investigation procedures so necessitate, the public prosecution member shall issue an order forbidding any contact between the provisionally detained accused and the other detained and any visits by any person whatsoever, without prejudice to the right of the accused to permanently contact in private his attorney.”

The act regulating penal facilities, in turn, includes as disciplinary penalties, in article 38, the deprivation from all or some privileges for up to 30 days and solitary confinement for a period not exceeding seven days. Article 23 of the same act prescribes that, regarding certain prisoners, the facility officer must examine the letters s/he sends and receives and may prevent the prisoner from sending or receiving letters if he sees justification for such action. These provisions are of concern as they may lead to long periods of *incommunicado* detention.

In practice, it was noted that “[s]ome state security detainees were not permitted access to visitors or had more limited access than other prisoners.”⁴³ Indeed, in the majority of cases documented by MENA Rights Group (detailed in section 10), individuals were held *incommunicado* in facilities linked to the State Security Apparatus for a certain period of time, during which they were often subjected to torture, frequently with the aim of signing coerced confessions that would later be used to base their convictions.

Recommendations:

- Amend Emirati legislation to foresee that everyone detained in criminal procedures has access to a lawyer from the moment of arrest;
- Ensure all foreign detainees have access to consular protection from the moment of arrest;
- End practices of *incommunicado* detention in facilities controlled by the SSA;
- Amend Emirati legislation to foresee that free legal counsel can be provided to all those who cannot afford it;
- Amend Emirati legislation to explicitly foresee the right to challenge one’s detention and prescribe the procedure to do so;
- Amend the 2003 Law on State Security to ensure that those arrested by the SSA are brought promptly before a judicial authority;
- Amend Emirati legislation to ensure detainees can meet with their lawyers and consular representatives in private;
- Amend Emirati legislation to limit the restrictions on detainee’s right to contact the outside world;
- Ensure all detainees have access to appropriate medical care.

5 Extraction of confessions under torture

Article 15 UNCAT prohibits the use of evidence obtained under torture in any proceedings. As mentioned in section 2 above, article 2 of the CCP establishes that “[i]t is prohibited to cause physical or moral harm to the accused, and it is prohibited to subject any person to torture or degrading treatment. Any evidence obtained through any harmful treatment shall be considered

⁴³ 2021 Country Reports on Human Rights Practices: United Arab Emirates, *op. cit.*, p. 5.

null.” While this is an important legal guarantee to ensure compliance with article 15 UNCAT, it does not correspond to practice, as criminal convictions in the UAE systematically rely on confessions extracted under torture.

In this regard, former Special Rapporteur on the independence of judges and lawyers, after her visit to the country in 2014, mentioned that she received “credible information and evidence that many of the individuals who were arrested without a warrant and taken to unofficial places of detention were also subjected to torture or other forms of ill-treatment, including in order to extract confessions of guilt or testimonies against other detainees.”⁴⁴

This is particularly worrying as article 165 of the CCP foresees that convictions may be based solely on confessions, as it prescribes that after being identified in trial, “the accused shall be asked if he avows having perpetrated the act that is imputed to him and in the positive the court may be satisfied with his avowal and condemn him without listening to the witnesses, otherwise it shall listen to the testimony of the witnesses to the prosecution unless the crime is sanctioned by the death penalty in which case the court has to complete the investigation.”

MENA Rights Groups documented multiple cases (detailed in section 10) in which confessions obtained through torture were used as the main evidence to convict individuals. These include the cases of Yasser Sami Abedalafou and Abdallah Sami Abedalafou Abu Baker, Abdulmalik Al Mukhanqi and Abdullah Attiah, Alya Abdulnoor, Amina Al Abdouli, Maryam Al Balushi, Abdullah Al Shamsi, Abdelrahman Chouman and Ahmad Sobh. As another example, the Working Group on Arbitrary Detention also noted with grave concern the acceptance of confessions extracted under torture in the case of Bahaa Adel Salman Mattar and Maher Atieh Othman Abu Shawareb.⁴⁵

Recommendations:

- Ensure that confessions obtained under torture are not admitted as evidence in any proceedings.
- Amend Emirati legislation to foresee that confessions alone are not sufficient to justify a conviction.

6 Accountability for acts of torture

6.1 Lack of monitoring of detention facilities

Article 10 of the act regulating penal facilities gives members of the public prosecution the right to enter the punitive facilities at any time. Article 11, in turn, grants detainees the right to make complaints to the member of the public prosecution during such inspections, and foresees that complaints must be investigated. Similar provisions (articles 320 and 321 CCP) apply to mental institutions under the jurisdiction of courts. Article 108 of the CCP, however, limits access of other authorities to detention facilities, determining that the administrator of the place of detention may not allow any member of the public authority to have any contact with persons

⁴⁴ 2014 Report of the Special Rapporteur on the independence of judges and lawyers, *op. cit.*, para. 52.

⁴⁵ Opinion No. 30/2018 concerning Bahaa Adel Salman Mattar and Maher Atieh Othman Abu Shawareb (United Arab Emirates), *op. cit.*, para. 49.

under provisional detention inside the place of detention except when there is a written authorisation from the public prosecution.

These provisions are of concern as they foresee that all oversight is done by the public prosecution, which is known for lacking independence. In this regard, the former special rapporteur on the independence of judges and lawyers expressed serious concern “about reports which indicate that the prosecution services are often influenced by members of the executive and the State security services.”⁴⁶ This is further elaborated upon below in section 7.3 below.

Apart from the public prosecution, the 2021 federal decree establishing a national human rights institution (mentioned below in section 6.2) also grants this new body the function of visiting detention facilities. Furthermore, “[t]he government permitted charitable nongovernmental organizations (NGOs) to visit prisons and provide material support on a limited basis. Authorities did not grant access to independent human rights groups, media, or international monitoring bodies, and prohibited regular consular access for State Security Department detainees.”⁴⁷

Even this limited oversight, however, does not seem to take place in practice, as in multiple cases documented by MENA Rights Group (detailed in section 10), concerned individuals were held incommunicado for extended periods, during which many of them were tortured, with no oversight of their detention.

6.2 National human rights institution

Federal Decree No. 12/2021 on the National Commission for Human Rights established in the UAE a national human rights institution. Articles 3 and 12 of the decree foresee and protect the commission’s independence in its work.

Article 5 of the decree determines the functions of the institution, which include, among others, documenting human rights violations, including by receiving individual complaints and submitting them to the competent authorities, and visiting penal and correctional facilities, places of detention and medical facilities to observe respect for human rights. The commission is also tasked with assisting the state in the implementation of international human rights treaties and when cooperating with the UN human rights mechanisms, including for treaty bodies’ reporting.

This is an important development and independent oversight of places of detention may contribute to the prevention of human rights violations in such facilities. Considering the short lived life of the commission, the effectiveness of its work is still unclear.

While it is too early to foresee how the recently established commission will pursue its mandate, the composition of the commission already raises question as to whether its independence will be safeguarded. According to the Emirates Detainees Advocacy Center, the commission is headed by a former member of the UAE military and most of the commission members, appointed in December 2021, are former police officers and graduates of the Dubai Police

⁴⁶ 2014 Report of the Special Rapporteur on the independence of judges and lawyers, *op. cit.*, para. 72.

⁴⁷ 2021 Country Reports on Human Rights Practices: United Arab Emirates, *op. cit.*, p. 6.

Academy.⁴⁸ The commission also “includes a number of individuals known to have links to the UAE's State Security Apparatus (SSA) and to have abused prisoners of conscience in the past”.⁴⁹

6.3 Complaint mechanisms, absence of investigation and prosecution

Article 12 UNCAT states that “[e]ach State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.”

As mentioned in the state report,⁵⁰ the Emirati constitution prescribes the right to submit a complaint to the competent authority in case of violation of any right and freedom protected by the constitution. The act regulating penal facilities and the CCP also foresee the possibility of those detained in penal and mental facilities to make complaints to a member of the public prosecution during their inspection visit or to other competent authorities. Article 11 of the act regulating penal facilities states that complaints must be investigated.

In practice, however, allegations of torture in the UAE are not investigated and perpetrators are not held accountable, in violation of article 12 UNCAT. In this regard, the former special rapporteur on the independence of judges and lawyers said that she “was told that over the past few years, more than 200 complaints relating to torture and/or ill-treatment had been presented before judges and/or prosecutors, but that those complaints had not been received or registered, and consequently not been taken into account in judicial proceedings. Moreover, no independent investigation into those complaints had allegedly taken place.”⁵¹

Similarly, in all cases documented by MENA Rights Group (detailed in section 10) in which victims complained about torture, no investigation was initiated, and, in some cases, victims were subjected to reprisals for their complaints. This was the case of Ahmed Mansoor, Amina Al Abdouli and Maryam Al Balushi. Ahmed Mansoor “is alleged to have suffered intimidation and reprisals for his collaboration with UN human rights mechanisms.”⁵² Furthermore, after a letter Mansoor wrote from prison detailing his mistreatment in detention and flagrantly unfair trial was published, he suffered reprisals as authorities moved him to a smaller and more isolated cell, denied him access to critical medical care and confiscated his reading glasses.⁵³ Amina Al Abdouli and Maryam Al Balushi, in turn, were both met with new charges after

⁴⁸ Emirates Detainees Advocacy Center, *Led by an army officer - A group of officers is heading UAE's NHRI*, December 20, 2021, <https://en.edacrights.com/post/259> (accessed 4 May 2022).

⁴⁹ Ibid. idem.

⁵⁰ State report, *op. cit.*, paras. 98-99.

⁵¹ 2014 Report of the Special Rapporteur on the independence of judges and lawyers, *op. cit.*, para. 53.

⁵² Human Rights Council, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights*, 1 December 2021, UN Doc. A/HRC/48/28, https://www.ohchr.org/Documents/Issues/Reprisals/A_HRC_48_28.docx (accessed 2 May 2022).

⁵³ See Human Rights Watch, *UAE: State Security Retaliates Against Ahmed Mansoor*, 7 January 2022, <https://www.hrw.org/news/2022/01/07/uae-state-security-retaliates-against-ahmed-mansoor> (accessed 12 May 2022).

trying to raise awareness to their cases.⁵⁴ Similarly, Nasser Bin Ghaith, an activist and scholar who was prosecuted for his peaceful criticism of the government, was “charged with ‘publishing information intended to harm the reputation of the State’ under the Law on Combating Cybercrimes for having publicly denounced the torture and unfair trial to which he had been subjected.”⁵⁵

Another noteworthy case is that of Ahmed al-Zaabi.⁵⁶ Al-Zaabi is a former judge and director of the Judicial Inspection in Abu Dhabi. He was arrested by security forces on 26 March 2012 on charges of falsifying his passport, as he did not change the profession section to a former judge. He was detained in solitary confinement without a bed or blanket with constant night lighting. He was subjected to various forms of torture, including pulling his nails and severe beatings. His interrogation file from the public prosecution office stated that he was beaten but instead of being presented to a forensic doctor to have his injuries examined, the investigator informed the SSA of the allegations. This information was ignored by the court assessing his case, which did not open any investigation. He was later convicted, in two separate proceedings, to 6 months and 10 years in prison.

The lack of investigation of torture allegations was also mentioned by the Working Group on Arbitrary Detention in the case of Ahmad Ali Mekkaoui, in which the Working Group noted that “although Mr. Mekkaoui reported his treatment to the State Security Prosecutor in June 2015 and stated that he signed his confession under torture, no action was taken and Mr. Mekkaoui was still tried and sentenced on the basis of that information.”⁵⁷

Similarly, in the cases of Abdulmalik Al Mukhanqi, Abdullah Attiah and Abdelrahman Chouman, documented by MENA Rights Group (detailed in section 10), complaints of torture were also made in court, but no investigation arose from the victims’ allegations.

6.4 Lack of independence of the judiciary

The SSA, which, as mentioned above, has broad investigation and detention powers and was responsible for torture in multiple cases documented by MENA Rights Group (see section 10), is under the control of the executive, as the SSA reports directly and solely to the president of the UAE.⁵⁸

⁵⁴ Apart from section 10, see also MENA Rights Group, *Amina Al Abdouli, detained by Emirati authorities since 2015*, 14 May 2020, <https://menarights.org/en/caseprofile/amina-al-abdouli-detained-emirati-authorities-2015>; and MENA Rights Group, *Maryam Al Balushi, detained by Emirati authorities since 2015*, 14 May 2020, <https://menarights.org/en/caseprofile/maryam-al-balushi-detained-emirati-authorities-2015> (accessed 2 May 2022).

⁵⁵ Opinion No. 76/2017 concerning Nasser Bin Ghaith (United Arab Emirates), *op. cit.*, para. 10.

⁵⁶ Information about his case can be found in Emirates Detainees Advocacy Center, *Ahmed Al-Zaabi*, <https://en.edacrights.com/Report/prisoner/21> (accessed 19 May 2022); and on Al-Shamsi’s twitter: <https://twitter.com/Alshamsi789/status/1207669296920485893?s=20&t=4Cz91EMZahwFfyOPUZ3jFw> (accessed 2 May 2022).

⁵⁷ Opinion No. 47/2017 concerning Ahmad Ali Mekkaoui (United Arab Emirates), *op. cit.*, para. 29.

⁵⁸ Articles 2 and 7, Federal Law No. 2 of 2003.

Individuals arrested by the SSA are brought to trial before the Abu Dhabi Federal Court of Appeal, which, since 2016, has primary jurisdiction over state security crimes.⁵⁹ Judges on the Abu Dhabi Federal Court of Appeal are appointed by the Federal Council, upon recommendation of the Minister of Justice, himself appointed by the President of the UAE. The decisions issued by the Abu Dhabi Federal Court of Appeal, moreover, may only be appealed at the State Security Chamber of the Federal Supreme Court, which, since 2016, is the court of last instance for state security and terrorism-related crimes.⁶⁰ With regards to the latter court, the Working Group on Arbitrary Detention said that it “considered the criminal proceedings before the Federal Supreme Court and found them to be in violation of the right to a fair trial”.⁶¹ Judges of the Federal Supreme Court are appointed by the president upon approval of the executive bodies.⁶² Similarly, the federal public prosecution was established under the direct supervision and control of the Minister of Justice and the appointment of its members is done by the president upon approval of executive bodies.⁶³ This leads to an overarching control of the SSA and the judiciary by the executive, severely limiting the probability that the latter will hold the former accountable for its violations.

This overall control of the executive was concerning to the former Special Rapporteur on the independence of judges and lawyers, who noted that the Emirati constitution does not expressly recognise the separation of powers.⁶⁴ She also took note of reports and allegations of pressure exerted by members of the executive, prosecutors and other state agents, in particular members of the SSA, over the work of judges in the UAE, expressing special concern over the abovementioned fact “that the judicial system remains under the de facto control of the executive branch of government.”⁶⁵

The former Special Rapporteur was also concerned about the fact that the tenure of non-national judges is not guaranteed in the same way as that of national judges, which may make them particularly vulnerable to pressure from any quarter, including from the public prosecution and members of the executive branch, as they may be easily dismissed.⁶⁶ This was particularly important in the case of Nasser Bin Gaith, who was tried by an Egyptian judge, despite that the fact that the charges against him concerned his criticism of Egyptian authorities. In this regard, the Working Group on Arbitrary Detention noted that

The total length of the contracts for non-national judges depends on their secondment in their country of origin. As the Egyptian officials can grant or refuse secondment for the annual renewal of such contracts, it is most inappropriate for an Egyptian judge to preside over the case of Mr. Bin Ghaith, who stands accused of criticizing the Rabaa massacre perpetrated by the Egyptian authorities. The Working Group thus considers that Mr. Bin

⁵⁹ See Article 12(bis) Federal Law No. 3 of 1983, as amended by Federal Law No. 11 of 2016.

⁶⁰ Article 33(8) Federal Law No.10 Concerning the Federal Supreme Court.

⁶¹ Opinion No. 21/2017 concerning Mohamad Ismat Mohamad Shaker Az (United Arab Emirates), *op. cit.*, para. 52.

⁶² Article 7, Federal Law No.10 Concerning the Federal Supreme Court and article 96 of the Emirati constitution.

⁶³ 2014 Report of the Special Rapporteur on the independence of judges and lawyers, *op. cit.*, para. 71.

⁶⁴ 2014 Report of the Special Rapporteur on the independence of judges and lawyers, *op. cit.*, para. 6.

⁶⁵ 2014 Report of the Special Rapporteur on the independence of judges and lawyers, *op. cit.*, para. 33.

⁶⁶ 2014 Report of the Special Rapporteur on the independence of judges and lawyers, *op. cit.*, paras. 42-43.

Ghaith did not receive a fair hearing by an independent and impartial tribunal in violation of article 10 of the Universal Declaration of Human Rights.⁶⁷

Similar concerns were expressed by the working group in the case of Jordanian brothers Abdallah Abu Baker and Yasser Abu Baker, regarding which it was noted that their “trial and conviction by an Egyptian judge, contracted annually, also casts serious doubt on the independence and impartiality of the Federal Court of Appeal. [...] According to principle 12 of the Basic Principles on the Independence of the Judiciary, judges should have guaranteed tenure until a mandatory retirement age or the expiry of their term of office, where such exists.”⁶⁸

Recommendations:

- Amend the Emirati constitution to include the separation of power;
- Amend Emirati legislation to ensure federal courts, the federal prosecution and the state security apparatus are not under the direct control of the executive;
- Grant independent organisations access to detention centres;
- Ensure the independence of the National Commission for Human Rights, including by changing its composition to allow greater diversity and representation among its members.
- Investigate alleged cases of torture and hold perpetrators into account.
- Create a safe environment for victims to make complaints without fearing reprisals.

7 Violations in the context of the fight against terrorism

7.1 A flawed legal framework

In many cases documented by MENA Rights Group (detailed in section 10), individuals were charged under the Counter-Terrorism Law for non-violent actions, often linked to their exercise of fundamental freedoms. They were all tortured after their arrest. Thus, this section discusses the flawed legal framework that allows the arrest, torture and prosecution of individuals under the Counter-Terrorism Law.

After her visit to the UAE, the former Special Rapporteur on the independence of judges and lawyers noted that Emirati Federal Law No. 7 of 2014 on Combating Terrorism (Counter-Terrorism Law) contains vague and broad definitions of criminal offences, in contravention of

⁶⁷ Opinion No. 76/2017 concerning Nasser Bin Ghaith (United Arab Emirates), *op. cit.*, para. 79.

⁶⁸ Working Group on Arbitrary Detention, Opinion No. 28/2019 concerning Abdallah Sami Abedalafou Abu Baker and Yasser Sami Abedalafou Abu Baker (United Arab Emirates), 3 May 2019, UN Doc. A/HRC/WGAD/2019/28, https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session84/A_HRC_WGAD_2019_28_AdvanceEditedVersion.pdf (accessed 19 May 2022), para. 68.

international human rights standards and defying the principle of legality, thus opening the door to arbitrary interpretation and abuse.⁶⁹

The same concerns were echoed by multiple special mandate holders in 2020, who feared the law's overly broad, imprecise and ambiguous wording may “have serious effects on the enjoyment of human rights and fundamental liberties in the United Arab Emirates (UAE).” They further expressed concern “about the impact it may have on freedom of opinion and expression and the freedom to receive and communicate information and ideas, the freedoms of peaceful assembly and of association, and the prohibition of arbitrary detention.”⁷⁰

For example, in accordance with article 1 of the Counter-Terrorism Law, a “terrorist offence” is defined as “every criminal action or inaction criminalised under the [Counter-Terrorism Law] and every action or inaction constituting a felony or misdemeanor referred to in any other law, if committed for terrorist purpose.”

As noted by the special mandate holders, this provision is problematic as it does not define terrorism itself, but instead refers to the term terrorist purpose, the definition of which then refers to terrorist result. This means that these definitions “essentially remain undefined, as one definition refers or defers to another without clearly providing a concrete and constrained definition of the activities they encompass”.⁷¹

Another example of a problematic provision is article 14 of the Counter-Terrorism Law, which considers as a terrorist offence any act which threatens “the State’s stability, safety, unity, sovereignty or security, which contradicts the basic principles underlying the governance system of the State.” Similarly, article 15 states that “temporary imprisonment shall be imposed on whoever declares, by any means of communication, his opposition to the State, or to the ruling system therein or his non-allegiance to its leadership.” Again, these provisions are overly broad and include non-violent conduct, allowing for the conflation of any public criticism, or opposition, with terrorism. In this regard, the United Nations High Commissioner for Human Rights has previously emphasised the risk of human rights violations when terms such as “extremism” are used to cover non-violent activity, asserting that “States should ensure that the focus of their measures is on actual conduct, rather than mere opinions or beliefs.”⁷²

Chapter 2 of the Counter-Terrorism Law then goes on to set out a range of offences in relation to terrorist organisations. This is particularly concerning as the definition of “terrorist

⁶⁹ 2014 Report of the Special Rapporteur on the independence of judges and lawyers, *op. cit.*, para. 29.

⁷⁰ Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders, *Comments and suggestions on the 2014 Law No. 7 On Combatting Terrorism Offences (Law 7) which abrogated Federal Decree-Law no. 1/2004*, 13 November 2020, UN Doc. OL_ARE_6/2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25663> (accessed 20 April 2022) (hereinafter “Comments and suggestions on the 2014 Law No. 7 On Combatting Terrorism Offences”), p. 1.

⁷¹ Comments and suggestions on the 2014 Law No. 7 On Combatting Terrorism Offences (Law 7) which abrogated Federal Decree-Law no. 1/2004, *op. cit.*, p. 4.

⁷² “United Nations High Commissioner for Human Rights, Report on best practices and lessons learned on how protecting and promoting human rights contribute to preventing and countering violent extremism”, A/HRC/33/29, 21 July 2016, para. 61.

organisation” relies on the vague and broad definition of “terrorist offence”.⁷³ In light of the fact that a terrorist offence could entail “threatening the unity of the State” in the form of peaceful criticism or political activism, the Counter-Terrorism Law subsequently qualifies as a “terrorist organisation” any group of persons assembling for the purpose of advocating for change, establishing an opposition party, or simply constituting a group of people with ideologies contrary to the status quo. The breadth and vagueness of the definition of “terrorist organisation” is rendered even more concerning due to the severity of the penalties, which include capital punishment or life imprisonment for anyone who establishes a terrorist organisation,⁷⁴ and imprisonment for joining a terrorist organisation.⁷⁵

Indeed, loose definitions allowed the state to add four individuals linked to the UAE94 mass trial case to the country’s terrorist list due to their political activism.⁷⁶ These are Hamad Al Shamsi, Ahmed Al Nuaimi, Mohammed Al Zaabi, and Saeed Al Tenaiji, who were added to the UAE’s national terrorism list in September 2021, by ministerial resolution No. 83. Their inclusion on a terrorist list was addressed in a UN communication, in which UN special mandate holders expressed concern over the fact that the listing “seem to be in relation to their legitimate human rights activities.”⁷⁷ They are currently living in exile.

7.2 Administrative detention and the use of *Munasaha* centres

Apart from the flaws identified above, another worrying development coming from the Counter-Terrorism Law is the creation of *Munasaha* centres, which, according to article 1, are “[a]dministrative units aiming at the enlightenment and reform of persons deemed to pose terrorist threat or those convicted of terrorist offences.” As mentioned above, the terrorism definition is imprecise and ambiguous, giving great discretion for authorities to detain individuals in such centres. Moreover, this discretion was further increased by a law, issued by decree, on 4 September 2019, providing for the establishment of a National *Munasaha* Centre (hereinafter “*Munasaha* Centre Law”),⁷⁸ Under this law, the mandate of the *Munasaha* centre

⁷³ Article 1 of the Counter-Terrorism Law defines a terrorist organisation as a “group formed of two or more persons, which acquires legal personality ipso jure or which is created ipso facto, that commits a terrorist act, directly participates in, threatens of, aims at, plans, seeks, promotes or aids the commission of such act regardless of the name, form, place of establishment, location, nationality or place of existence of its members.”

⁷⁴ Article 21 of the Counter-Terrorism Law states: “Capital punishment or life imprisonment shall be imposed on whoever established, incorporates, organises, manages or undertakes to lead a terrorist organisation”.

⁷⁵ Article 22 of the Counter-Terrorism Law states: “Life imprisonment or temporary imprisonment shall be imposed on whoever seeks to join a terrorist organisation or participate in its activities in any way whatsoever although aware of its truth and purpose.”

⁷⁶ MENA Rights Group, *Joint statement condemning the inclusion of four Emirati activists and members of the UAE 94 on the UAE terrorism list*, 17 September 2021, <https://www.menarights.org/en/articles/joint-statement-condemning-inclusion-four-emirati-activists-and-members-uae-94-uae> (accessed 11 May 2022).

⁷⁷ Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, *Ref.: AL ARE 1/2022*, 25 January 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26978> (accessed 18 May 2022).

⁷⁸ A copy of the law (in Arabic) is available here: https://elaws.moj.gov.ae/UAE-MOJ_LC-Ar/00_%D8%A7%D8%B1%D9%87%D8%A7%D8%A8/UAE-LC-Ar_2019-09-

exceeds that set out under the Counter-Terrorism Law and includes “the counselling and rehabilitation of holders of terrorist, extremist or deviant thought”.⁷⁹

Both the Counter-Terrorism Law and the Munasaha Centre Law lack legal clarity regarding the nature of detention at a Munasaha centre. For example, in accordance with UAE legislation, a person can be detained at a Munasaha centre on the grounds that they (i) appear to pose a terrorist threat,⁸⁰ or (ii) were registered to undertake a counselling programme – further to an application by said person or their guardian – but failed or refused, without justification, to complete the programme.⁸¹ The definition of “posing a terrorism threat” is set out at article 40 (1) of the Counter-Terrorism Law, which establishes that “a person shall be deemed as posing a terrorist threat if said person adopts extremist or terrorist ideology to the extent that he/she seems likely to commit a terrorist offence.” However, the law is silent about the threshold at which a person will be deemed “likely” to commit a terrorist offence, nor is it clear how “likelihood” is assessed.

Detention in a Munasaha centre is ordered by a judgment of a court with jurisdiction over state security offences, upon the state security prosecution’s request.⁸² The Munasaha Centre Law clarifies that, where applicable, the Juvenile Court also has the competency to issue the judgement.

The Counter-Terrorism Law does not explicitly require the court to determine the duration of detention at a Munasaha centre for individuals considered as “terrorist threats”, nor does it explicitly require that any detention order be renewed. Instead, in accordance with article 40 (3) of the Counter-Terrorism Law and article 11 of the Munasaha Centre Law, the Munasaha centre must submit to the prosecution a periodic report on each person detained at the centre every three months. The prosecution then submits the report, along with its opinion as to whether or not it deems that said person is likely to commit a terrorist offence, to the court. The law then states that it is then the responsibility of the court to order the release of the person, should it find that his/her condition so allow.

Notwithstanding the above, article 8 of the Munasaha Centre Law suggests that there is a requirement for a detention period to be specified, asserting that it is not permissible to keep detainees after the expiry of the period specified in the initial judgement, unless another ruling is obtained.

In practice, MENA Rights Group has received testimonies of 11 individuals⁸³ who were originally sentenced under security-related legislation for exerting their rights to freedom of

[04_00028_Markait.html?val=AL1&Words=%D8%A7%D9%84%D9%85%D9%86%D8%A7%D8%B5%D8%AD%D8%A9#Anchor14](#) (accessed on 9 May 2022).

⁷⁹ Article 1 of the Munasaha Centre Law provides the following definitions:

Terrorist thought: “Beliefs derived from ideologies, values or principles of terrorist groups.”

Extremist thought: “Beliefs derived from ideologies, values or principles of extremist groups intellectually.”

Deviant thought: “beliefs that are incompatible with the values, principles, and attitudes of society.”

⁸⁰ Article 40 (2) of the Counter-Terrorism Law and Article 8 of the Munasaha Centre Law.

⁸¹ Article 10 of the Munasaha Centre Law.

⁸² Article 40 (2) of the Counter-Terrorism Law and Article 8 of the Munasaha Centre Law.

⁸³ These are Mansoor Hasan Al Ahmadi, Omran Alradwan Alharathi, Mahmood Hasan Alhosani, Abdulla Abdulqader Alhajiri, Fahad Abdulqader Alhajiri, Abdullwahid Hasan Alshihi, Saeed Abdullah Albrimi, Abdullah

expression, opinion, and association.⁸⁴ In each of the 11 cases, the individuals completed their prison sentences before being detained at the Munasaha centre of Al Razeen prison. According to local sources, all Munasaha centres currently in existence in the UAE are located within prison complexes. There is no evidence that the facilities and infrastructure of Munasaha centres differ from the prisons in which they are situated. Indeed, in each of the cases documented, the individuals are detained in a wing of Al Razeen prison. Furthermore, the cases documented indicate that there is no distinction between the Al Razeen Musasaha centre and the Al Razeen prison complex in which it is situated.⁸⁵

Several of the cases documented involve individuals who have never been brought before a court to present a defence in relation to their current detentions. Furthermore, at least nine individuals have been denied access to legal counsel for the duration of their detention at Al Razeen Munasaha centre. In addition, despite the requirement that the detentions be considered by the court every three months, neither the individuals nor their legal counsel have been provided with the evidence presented by the prosecution to the court, nor have they been provided with the opportunity to challenge any decision not to authorise their release.

At least three detainees have spent over three years in a Munasaha centre, suggesting that detainees are at risk of prolonged detention as a result of existing practices. In this regard, special mandate holders noted, in relation to the Munasaha centres, that:

While arbitrary deprivation of liberty does not necessarily amount to torture or other cruel, inhuman or degrading treatment or punishment, there is a recognised link between both prohibitions. In conjunction, the arbitrary character of detention, its protracted and/or indefinite duration, the refusal to provide information, the denial of basic procedural rights and the severity of the conditions of detention can cumulatively inflict serious psychological harm which may well amount to torture or other ill-treatment. The longer a situation of arbitrary deprivation of liberty and inadequate conditions of detention lasts, and the less the affected person can do to influence their own situation, the more intense their mental and emotional suffering will become - and the higher the likelihood that the prohibition of torture and ill-treatment has been breached.⁸⁶

Thus, as indicated by the special mandate holders, indefinite detention at Munasaha centres may lead to violations of article 16 UNCAT by UAE authorities.

Alhilo, Ahmed Almulla, Khalifa Rabia, and Faisal Ali Al Shih. See MENA Rights Group, *The use of Munasaha “rehabilitation” centres in the United Arab Emirates*, 16 June 2020, <https://www.menarights.org/en/documents/use-munasaha-rehabilitation-centres-united-arab-emirates> (accessed 9 May 2022).

⁸⁴ Similar cases have also been documented by other human rights organisations. See Human Rights Watch, UAE: Prisoners Held After Sentences Served, 9 July 2019, <https://www.hrw.org/news/2019/07/09/uae-prisoners-held-after-sentences-served>; International Campaign for Freedom in the United Arab Emirates, *The Practice of Indefinite Detention in the UAE*, 2021, <https://www.icfuae.org.uk/sites/default/files/Indefinite%20detention%20in%20the%20United%20Arab%20Emirates-Factsheet.pdf> (all links accessed on 9 May 2022).

⁸⁵ The use of Munasaha “rehabilitation” centres in the United Arab Emirates, *op. cit.*

⁸⁶ Comments and suggestions on the 2014 Law No. 7 On Combatting Terrorism Offences (Law 7) which abrogated Federal Decree-Law no. 1/2004, *op. cit.*, p. 15.

Lastly, the International Centre for Justice and Human Rights documented the cases of three activists who were kept in Munasaha centres for extended periods after they completed their sentences and were only released upon making self-incriminating statements and declaring their repentance with regards to their past actions.⁸⁷

Recommendations:

- Amend the Counter-Terrorism Law to better define terrorist offences, ensuring that only crimes of a terrorist nature (defined in accordance with the international legal framework on counter-terrorism) are criminalised and that the Law cannot be used to punish those exercising their fundamental freedoms;
- End the use of Munasaha centres;
- Stop the systematic torture of those accused of terrorism.

8 Widespread and systematic torture and ill-treatment

8.1 Methods of torture, including secret and *incommunicado* detention

After her visit to the UAE, the former special rapporteur on the independence of judges and lawyers said that “[c]onsistent testimonies of the following torture and ill-treatment were received: deprivation of daylight; exposure to bright electric light 24 hours a day; being blindfolded and threatened; being kept in very small cells without windows or a toilet; being forced to ask permission and being forced to strip in order to go to the toilet; exposure to extreme temperatures; beatings; extraction of fingernails and plucking of beards; being drugged; sexual assaults and threats thereof; and insults.”⁸⁸ The Emirates Detainees Advocacy Centre also reported on torture practices that were frequent in UAE prisons, highlighting the use of high and low temperatures; sleep deprivation; strobe lights; loud music; long periods of standing; lengthy interrogations; continuous beating in the same body part; sexual assault, nail removal; electrocution; psychological torture and death threats; exhaustion; and humiliation.⁸⁹

Some of these practices were applied in the case of Matthew Hedges, mentioned above, who was kept in solitary confinement in a brightly lit, windowless and soundproof office room. For months, he was interrogated daily by agents of the SSA, sometimes up to 15 hours at a time, while being forced to wear ankle cuffs. SSA agents repeatedly threatened Hedges with torture, life imprisonment and rendition to an overseas Emirati military base.

⁸⁷ International centre for justice and human rights, *UAE: Three Detainees Granted Presidential Pardon After Forced Self-Incriminating Statements*, 12 August 2019, <https://icjhr.org/press-releases/uae-three-detainees-granted-presidential-pardon-after-forced-self-incriminating-statements/> (accessed 9 May 2022).

⁸⁸ 2014 Report of the Special Rapporteur on the independence of judges and lawyers, *op. cit.*, para. 52.

⁸⁹ Emirates Detainees Advocacy Centre, *Torture methods in UAE prisons*, 6 July 2021, <https://en.edacrights.com/Report/SDetails/111> (accessed 6 May 2022).

Furthermore, many cases documented by MENA Rights Group (detailed in section 10) also confirm these and other forms of ill-treatment. For example, Abdullah Al Shamsi was subjected to beatings, harassment, threats, electrocution, nail removal, starvation, and prolonged sleep deprivation; while Amina Al Abdouli was kept in solitary confinement in a narrow room with no windows and was also subjected to severe acts of torture, including being stripped naked, beaten, blind-folded, bound at the feet, and sleep deprived. Other examples can be found in section 10.

In most of these cases, torture was committed by members of the SSA, which has been responsible for perpetrating a widespread pattern of gross human rights violations, including not only torture, but also enforced disappearance, arbitrary arrest and detention, most notably against government critics, political opposition figures and human rights defenders.⁹⁰ It has also repeatedly used the powers it has been afforded by law in order to monitor, survey and harass human rights defenders, dissidents and activists.⁹¹

The SSA is regulated by the 2003 State Security Law. The ambiguous and overbroad nature of the terminology utilised in this law provides the SSA with the discretion to commit various of the abovementioned human rights violations. For example, not only does article 15 of the text provide the SSA with the authority to “monitor social phenomena in the State and assess it and reveal its sources, causes and extent of affecting the State’s security and policy,” but it also authorises the SSA to “take the necessary measures to limit these phenomena,” further adding that the SSA “may resort to any measure that it sees fit” in the pursuit of this objective. As such, the SSA may arbitrarily arrest and detain individuals for prolonged periods and without judicial

⁹⁰ UN Office of the High Commissioner for Human Rights, *UAE: UN experts call for the immediate release of jailed human rights defender Ahmed Mansoor*, 12 June 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23195&LangID=E> (accessed 22 February 2022); Gulf Centre for Human Rights, *Patterns of Torture in the United Arab Emirates*, February 2022, <https://www.gc4hr.org/report/download/156> (accessed 22 February 2022), pp. 19-20; Gulf Centre for Human Rights, International Campaign for Freedom in the UAE, International Service for Human Rights, L’Organisation mondiale contre la torture SOS-torture Network, *Joint Submission on the United Arab Emirates to the 71st session of the UN Committee against Torture*, 26 June 2020, https://www.ishr.ch/sites/default/files/documents/uae_-_joint_ngo_submission_to_cat_-_26_june_2020_en_ff12.pdf (accessed 22 February 2022), pp. 5, 9, 11-14; UN Office of the High Commissioner for Human Rights, *UAE: UN experts condemn trial of foreign nationals based on forced confessions and call for their release*, 15 February 2016, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=17043&LangID=E> (accessed 22 February 2022); MENA Rights Group, *United Arab Emirates: Jordanian activist sentenced to 10 years in prison for criticising corruption in his home country*, 9 February 2021, <https://menarights.org/en/caseprofile/united-arab-emirates-jordanian-activist-sentenced-10-years-prison-criticising> (accessed 22 February 2022); MENA Rights Group, “UAE authorities disappear and deport Baloch man to Pakistan where he faces torture,” *op. cit.*; MENA Rights Group, *UAE 94 detainee Abdulsalam Al Marzooqi held arbitrarily since 2012*, 2 June 2021, <https://menarights.org/en/caseprofile/uae94-detainee-abdulsalam-al-marzooqi-held-arbitrarily-2012> (accessed February 22, 2022); MENA Rights Group, *Abdullah Al Shamsi released following more than two and a half years of arbitrary detention*, 19 April 2021, <https://menarights.org/en/caseprofile/omani-student-detained-uae-amidst-geo-political-tensions> (accessed February 22, 2022).

⁹¹ Human Rights Watch, *UAE: Unrelenting Harassment of Dissidents’ families*, 22 December 2019, <https://www.hrw.org/news/2019/12/22/uae-unrelenting-harassment-dissidents-families>; Stephanie Kirchgaessner “New evidence suggests NSO spyware used to surveil Emirati activist Alaa al-Siddiq”, *The Guardian*, 24 September 2021, <https://www.theguardian.com/world/2021/sep/24/new-evidence-suggests-spyware-used-to-surveil-emirati-activist-alaa-al-siddiq>; Human Rights Watch, *UAE: Dissidents labelled ‘terrorists’*, 21 November, 2021, <https://www.hrw.org/news/2021/11/21/uae-dissidents-labeled-terrorists> (all accessed 6 May 2022).

oversight or due process guarantees, under the pretext of “monitoring social phenomena.” Furthermore, the SSA is responsible for running a number of secret or undisclosed detention sites, where detainees are brought right after their arrest and investigated.⁹² Not only is this prolonged period of incommunicado detention in secret facilities an act of torture in itself, but it is also often during this period that detainees are subjected to the different forms of ill-treatment mentioned above, frequently with the aim of extracting coerced confessions.

8.2 Conditions of detention

Even when the abovementioned periods of secret and incommunicado detention (resulting in enforced disappearances) come to an end, conditions of detention may still be akin to torture, or leading to a violation of article 16 UNCAT. For example, Ahmed Mansoor (case detailed in section 10) has been subjected to long periods of solitary confinement in Al Sadr prison in Abu Dhabi. He is detained with no bed or water in his cell and with no access to a shower. Visits are rarely offered, and he fails to receive adequate medical attention. Ahmed Al Atoum, Amina Al Abdouli and Maryam Al Balushi (cases detailed in section 10) also faced lengthy periods of solitary confinement. The latter was further subjected to humiliating conditions, including the placement of surveillance cameras inside her bathroom. Moreover, “[t]here continued to be allegations of overcrowding, long waits for health-care access, and poor sanitary conditions”⁹³ in Emirati prisons and detention facilities. There were also complaints about the absence of cooling systems in prisons located in areas of the country where extreme temperatures can be reached.⁹⁴

Furthermore, the UAE authorities have also failed to take the necessary measures to address the COVID-19 outbreak in Al Wathba prison, Abu Dhabi, putting the health and life of prisoners at serious risk. On 16 April 2020, the first case of COVID-19 in Al Wathba prison was reported, following which multiple prisoners tested positive. Ill prisoners and those showing symptoms were not provided with appropriate health care and continued to be detained in dire conditions in overcrowded cells.

⁹² United States Department of State, *2020 Country Reports on Human Rights Practices: United Arab Emirates*, 31 March 2021, <https://www.state.gov/wp-content/uploads/2021/10/UNITED-ARAB-EMIRATES-2020-HUMAN-RIGHTS-REPORT.pdf> (accessed 6 May 2022), p. 8; UN Special Rapporteur on the situation of human rights defenders, *UAE: Syrian Human Rights Defender at risk of long term detention, reports of torture (joint communication)*, 25 August 2021, <https://srdefenders.org/uae-syrian-human-rights-defender-at-risk-of-long-term-detention-reports-of-torture-joint-communication/> (accessed 23 February 2022); International Federation for Human Rights, *United Arab Emirates: Arrest and detention in a secret location of Mr. Ahmed Mansoor*, 20 March 2017, <https://www.fidh.org/en/issues/human-rights-defenders/united-arab-emirates-arrest-and-detention-in-a-secret-location-of-mr> (accessed 23 February 2022); Amnesty International, *Urgent Action: Men facing mass trial after secret detention*, 5 October 2015, <https://www.amnesty.org/en/wp-content/uploads/2021/05/MDE2525942015ENGLISH.pdf> (accessed February 23 2022); Michelle Wazan, “UAE: when tweets become a matter of national security”, *OpenDemocracy*, 2 December 2016, <https://www.opendemocracy.net/en/north-africa-west-asia/uae-when-tweets-become-matter-of-national-security/> (accessed 23 February 2022).

⁹³ 2021 Country Reports on Human Rights Practices: United Arab Emirates, *op. cit.*, p. 3.

⁹⁴ 2021 Country Reports on Human Rights Practices: United Arab Emirates, *op. cit.*, p. 4.

Testimonies collected by MENA Rights Group⁹⁵ have shown that after the outbreak in mid-April, several inmates who tested positive were transferred to other cells in the prison. After that, their families received no news regarding said inmates' state of health. Inmates who were previously sharing cells with those who were transferred were not tested, despite their proximity to infected individuals.

Moreover, no precautionary measures were taken by the prison authorities to enforce social distancing measures in cells, nor to isolate all infected prisoners from the others. No masks, gloves, disinfectant, or additional soap supplies were distributed to inmates.

8.3 Torture by UAE forces in the context of the Yemeni armed conflict

In the early days of the armed conflict in Yemen, the UAE joined the Saudi-led coalition, which has been fighting the Houthi armed group in Yemen since 2015. In that context, the UAE backed two local groups: the Yemeni Joint Forces and the secessionist Southern Transitional Council.⁹⁶ “The UAE also contributed to the creation of local, loyal armed groups known by various names, including the Security Belt, the Hadrami Elite, and the Shabwani Elite.”⁹⁷ In 2019, the UAE announced that it would remove its troops from Yemen,⁹⁸ but despite the withdrawal, the Emirates are believed to continue to have a strong influence over local groups and the Saudi-led coalition.⁹⁹

The UAE and the groups it supports controlled secret detention sites in Yemen, where human rights violations occur.¹⁰⁰ In this regard, a UN Group of Experts noted in 2019 that it had “reasonable grounds to believe that the Governments of Yemen, Saudi Arabia and the United Arab Emirates violated the right to liberty and security of person, namely through enforced

⁹⁵ MENA Rights Group has collected the testimonies of the families and lawyers of 10 detainees in Al Wathba prison. These are Abdullah Awad Salim Al Shamsi, Abdelrahman Chouman, Ahmad Sobh, Abdulmalik Mohammad Ahmad Mohammad Al Mukhanqi and Abdullah Mohammad Ahmad Attiah, Yasser Sami Abedalafou Abu Baker and his brother Abdallah Sami Abedalafou Abu Baker, Ahmad Ali Mekkaoui, Bahaa Adel Salman Mattar and Maher Atieh Othman Abu Shawareb. Some of these cases are detailed in section 10. For more information, see MENA Rights Group, *UAE: COVID-19 outbreak puts Al Wathba prison's detainees at risk*, 16 June 2020, <https://www.menarights.org/en/articles/uae-covid-19-outbreak-puts-al-wathba-prisons-detainees-risk-0> (accessed 9 May 2022).

⁹⁶ See Al Jazeera, *Why did the Houthis attack the UAE? Everything you need to know*, 31 January 2022, <https://www.aljazeera.com/news/2022/1/31/explainer-a-simple-guide-to-the-uae-houthi-escalation> (accessed 9 May 2022).

⁹⁷ Mwatana for Human Rights, *In the Darkness - Abusive Detention, Disappearance and Torture in Yemen's Unofficial Prisons*, June 2020, <https://mwatana.org/wp-content/uploads/2020/06/In-the-Darkness.pdf> (accessed 9 May 2022).

⁹⁸ See Al Jazeera, *UAE withdraws troops from Yemen's southern port city of Aden*, 30 October 2019, <https://www.aljazeera.com/news/2019/10/30/uae-withdraws-troops-from-yemens-southern-port-city-of-aden> (accessed 19 May 2022).

⁹⁹ See Sheren Khaleel, “UAE deeply involved in Yemen despite claims of withdrawal, experts say”, *Middle East Eye*, 22 February 2021, <https://www.middleeasteye.net/news/uae-yemen-conflict-deeply-involved-experts-say> (accessed 19 May 2022).

¹⁰⁰ See Human Rights Watch, *Yemen: UAE Backs Abusive Local Forces- Resolve ‘Disappearances’, Grant Access to Detention Sites*, 22 June 2017, <https://www.hrw.org/news/2017/06/22/yemen-uae-backs-abusive-local-forces> (accessed 9 May 2022).

disappearances, arbitrary arrest and detention, and torture and other ill-treatment, including sexual violence.”¹⁰¹ For example, Mwatana for Human Rights documented cases of torture in four centres controlled by the UAE and its backed forces. The first one is the Waddah Hall in Aden Governorate, controlled by the Aden Security Department, itself controlled by the Southern Transitional Council. “Mwatana investigated the cases of 29 people who were arbitrarily detained at the site, 18 caes [sic] of torture, and 2 deaths in detention in Waddah Hall. The families of those detained in Waddah Hall did not know where their relatives were held until after their release or transfer to another place of detention.”¹⁰² Methods of torture reported included nail removal, forced nudity, and threats to rape detainees or their relatives.

The second is the Al Jala Camp in Aden Governorate, under the control of the First Support and Backup Brigade of the UAE-backed Southern Transitional Council. Mwatana for Human Rights verified at least 13 cases of arbitrary detention and 17 of torture in the Al Jala camp between May 2016 and April 2020. “Detainees in Al Jala prison were subjected to torture, including electrocution, sleep deprivation, hanging from the ceiling for hours, in some cases upside down, and the threat of rape or rape of their relatives.”¹⁰³

The third is the Al Rayyan Airport in Hadhramaut Governorate, which Emirati forces turned into an unofficial detention centre. Mwatana for Human Rights “investigated at least 38 cases of arbitrary detention and 10 [cases] of torture at the Al Rayyan airport detention site. Former detainees said that they were held in dark and narrow warehouses and were subjected to different forms of torture and other abuse, including deprivation of food and water, electrocution, kicking, whipping, and burning with cigarette stubs. Others said that they were subjected to degrading forms of treatment, such as denial of religious rites, forced nudity and forced prostration to the UAE flag”.¹⁰⁴

The fourth one is the “October 7” Prison in Abyan Governorate, run by the Security Belt, affiliated with the UAE-backed Southern Transitional Council. Between May 2016 and April 2020, Mwatana for Human Rights “investigated at least 50 cases of arbitrary detention and 29 [cases] of torture, including 4 deaths in detention, at the October 7 prison.”¹⁰⁵ According to the organisation, detainees were “subjected to various forms of torture and other forms of abuse, including electrocution, beating limbs with hammers, whippings, beating with weapons, deprivation of food and water, nail removal, forcibly drinking urine and lengthy periods hanging from the ceiling. Some victims were also subjected to sexual torture, such as burning their genitals. Witnesses said that detainees’ bodies were dumped in the yard of Al-Razi Hospital in the Ja’ar area in Khanfir District”.¹⁰⁶

¹⁰¹ Group of Eminent International and Regional Experts on Yemen, *Situation of human rights in Yemen, including violations and abuses since September 2014*, 9 August 2019, UN Doc. A/HRC/42/17, para. 68.

¹⁰² In the Darkness – Abusive Detention, Disappearance and Torture in Yemen’s Unofficial Prisons, *op. cit.*, p. 11.

¹⁰³ In the Darkness – Abusive Detention, Disappearance and Torture in Yemen’s Unofficial Prisons, *op. cit.*, p. 12.

¹⁰⁴ In the Darkness – Abusive Detention, Disappearance and Torture in Yemen’s Unofficial Prisons, *op. cit.*, pp. 13-14.

¹⁰⁵ In the Darkness – Abusive Detention, Disappearance and Torture in Yemen’s Unofficial Prisons, *op. cit.*, p. 14.

¹⁰⁶ In the Darkness – Abusive Detention, Disappearance and Torture in Yemen’s Unofficial Prisons, *op. cit.*, p. 14.

MENA Rights Group also documented the case of a Yemeni national who was secretly detained and tortured by Emirati forces in Yemen.¹⁰⁷ On 18 May 2018, the victim went to Yemen to visit relatives residing in Ataq. After crossing the border between Saudi Arabia and Yemen, he was arrested by gunmen loyal to the Emirati armed forces at a checkpoint in Shubeika. Following his abduction, he was detained in various detention facilities that are under the direct control of the Emirati armed forces. In the different detention facilities that he was held, which included the abovementioned Al Rayyan Airport, he was subjected to mock executions, being pulled by the beard and hit in the face several times. He also received threats of rape and murder and his Emirati interrogators further threatened to hand him over to the Americans. The victim was eventually released on 25 June 2018, after being instructed not to speak about his detention.

UN Experts also documented cases of enforced disappearance and torture by UAE backed groups in Yemen. In this regard, it was noted that “[b]etween May 2018 and June 2019, seven separate activists and journalists who documented and publicised United Arab Emirates detention violations, or who publicly criticised the United Arab Emirates and Southern Transitional Council, were arbitrarily detained and in some cases tortured.”¹⁰⁸ For example, on 10 June 2019, Salem Awad al-Rubeizi, was detained by the Shabwah Elite in Ataq, after posting a cartoon criticising the Southern Transitional Council leadership. Al-Rubeizi was taken to Balhaf coalition Base where he remained disappeared and reportedly may have been tortured and seriously harmed.¹⁰⁹

Similarly, the Center for Civilians in Conflict documented the case of a 25-year-old man who on was arrested on 3 June 2018 by the Shabwani Elite Forces in Ataq city before being transferred blindfolded to Balhaf prison in Radhoom district. He was detained at the prison “for 20 days, during which he said he was subject to torture by Yemeni and Emirati interrogators. The torture included keeping him in a dark room, exposing him to extreme heat, and threatening to beat him if he did not confess to being a member of Al Qaeda in the Arabian Peninsula (AQAP).”¹¹⁰

Apart from these secret facilities in Yemen, it has also been claimed that the UAE transferred certain detainees to a secret facility in Eritrea.¹¹¹

Recommendations:

- Close all secret detention facilities in the UAE and abroad;
- End the use of secret and *incommunicado* detention.

¹⁰⁷ See MENA Rights Group, Yemeni national secretly detained and tortured by Emirati forces in Balhaf, 18 September 2020, <https://www.menarights.org/en/articles/yemeni-national-secretly-detained-and-tortured-uae-forces-balhaf> (accessed 9 May 2022).

¹⁰⁸ Group of Eminent International and Regional Experts on Yemen, *Situation of human rights in Yemen, including violations and abuses since September 2014*, 3 September 2019, UN Doc. A/HRC/42/CRP .1*, https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/GEE-Yemen/A_HRC_42_CRP_1.PDF (accessed 19 May 2022), para. 287.

¹⁰⁹ Ibid. idem.

¹¹⁰ Center for Civilians in Conflict, “*WE DID NOT KNOW IF WE WOULD DIE FROM BULLETS OR HUNGER*” - *Civilian Harm and Local Protection Measures in Yemen*, 2020, https://civiliansinconflict.org/wp-content/uploads/2020/01/YEMEN_BulletorHunger_FINAL_PROOF.pdf (accessed 19 May 2022), pp. 28-29.

¹¹¹ UAE Backs Abusive Local Forces- Resolve ‘Disappearances’, Grant Access to Detention Sites, *op. cit.*; *Situation of human rights in Yemen, including violations and abuses since September 2014*, *op. cit.*, para. 65.

- Immediately stop all acts of torture.
- Ensure conditions of detention that comply with the Nelson Mandela rules.¹¹²

9 The systematic crackdown on peaceful dissent

In the UAE, dissenting voices are silenced by a legal framework that criminalises any form of criticism against the government. In practice, torture is often used in criminal cases brought against peaceful dissidents.

Regarding the legal framework, the former special rapporteur on the independence of judges and lawyers noted that “important pieces of legislation, including Federal Law No. 2 of 2003 (as amended by Federal Decree No. 1 of 2011) ‘On the State security apparatus’, Federal Decree No. 5 of 2012 ‘On combating Cybercrimes’ and Federal Law No. 7 of 2014 ‘On combating Terrorism Crimes’, contain vague and broad definitions of criminal offences,” stressing, as mentioned above, that these provisions may “defy the principle of legality and open the door to arbitrary interpretation and abuse.”¹¹³

Concerning the 2014 Counter-Terrorism Law specifically, as mentioned above, UN special mandate holders expressed their concern over the fact that the law’s imprecise and unambiguous language could allow certain forms of criticism or dissent to be interpreted and prosecuted as terrorism, seemingly at the subjective discretion of the relevant authorities.¹¹⁴

Similarly, MENA Rights Group, together with other human rights NGOs, concluded that the UAE’s new Law on Combatting Rumours and Cybercrime that came into force in January 2022 also restricts civic space and free speech, as well as enables the criminalisation of the work of journalists, whistleblowers, activists and peaceful critics, subjecting those engaged in lawful activities to harsh prison sentences and excessive fines.¹¹⁵ The penal code further contributes to this restrictive framework by criminalising all speech criticising the government and its authorities. For example, articles 183 and 184 criminalise acts that insult, mock or harm the reputation of the president, the flag, the national emblem or national symbols, the state itself, its institutions or officials, its founding members, and the national anthem.¹¹⁶

¹¹² United Nations Office on Drugs and Crimes, The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf (accessed 12 May 2022).

¹¹³ 2014 Report of the Special Rapporteur on the independence of judges and lawyers, *op. cit.*, para. 29.

¹¹⁴ Comments and suggestions on the 2014 Law No. 7 On Combatting Terrorism Offences (Law 7) which abrogated Federal Decree-Law no. 1/2004, *op. cit.*, pp. 20-21.

¹¹⁵ MENA Rights Group, *Human rights NGOs call on the UAE to immediately repeal or amend its new Law on Combatting Rumours and Cybercrime*, 24 January 2022, <https://www.menarights.org/en/articles/human-rights-ngos-call-uae-immediately-repeal-or-amend-its-new-law-combatting-rumours-and> (accessed 11 May 2022).

¹¹⁶ A more detailed analyses of the provisions of the new penal code criminalising fundamental freedoms can be found at: MENA Rights Group, *New UAE penal code: increased restrictions on fundamental freedoms*, 8 May

Moreover, the government places great restrictions on freedom of assembly. Public meetings require government permits, and unauthorised political or labour protests are subject to dispersal by police, which leads to demonstrations being rare in practice.¹¹⁷ Non-governmental organisations (NGOs) must register with the Ministry of Social Affairs and can receive subsidies from the government, which maintains broad discretion to interfere and dictate the operations of associations in the country.¹¹⁸

In practice, MENA Rights Group documented multiple cases (see section 10) of individuals being punished for the exercise of their freedom of speech and assembly, especially human rights defenders and political dissidents. To give a few examples, this was the case of those tried in the UAE94 mass trial (see section 10), of Ahmed Mansoor (see section 10), of Mohamed Al-Roken¹¹⁹ and of Nasser Bin Ghaith.¹²⁰ On the UAE94 case, the state went as far as adding some of the concerned individuals to the country's terrorist list¹²¹ or stripping them of their Emirati nationality¹²² due to their political activism. Not only those criticising the UAE government and policies but also political activists speaking about other countries may be punished in the UAE, as was the case of Jordanian Ahmed Al Atoum (see section 10), who was prosecuted for speaking out about corruption in Jordan via his Facebook profile. Similarly, some of the charges brought against Nasser Bin Ghaith related to tweets in which he criticised Egyptian authorities.¹²³ In all these cases, the concerned individuals were subjected to torture while detained (see section 10 for more details).

Besides being punished and tortured for exercising their rights and freedoms, individuals in the UAE may also suffer reprisals when collaborating with UN mechanisms or speaking out about their situation.¹²⁴ Indeed, the UAE is also frequently mentioned in the UN secretary general's

2022, <https://menarights.org/en/articles/new-uae-penal-code-increased-restrictions-fundamental-freedoms> (accessed 19 May 2022).

¹¹⁷ Freedom House, *Freedom in the World 2021 – United Arab Emirates*, <https://freedomhouse.org/country/ united-arab-emirates/freedom-world/2021> (accessed 27 April 2022).

¹¹⁸ CIVICUS: World Alliance for Citizen Participation, Gulf Centre for Human Rights and International Service for Human Rights, *United Arab Emirates - Joint Submission to the UN Universal Periodic Review 29th Session of the UPR Working Group*, <http://www.civicus.org/images/Joint.UPRSubmissionUAE.pdf> (accessed 27 April 2022).

¹¹⁹ See Frontline Defenders, *Mohamed Al-Roken*, <https://www.frontlinedefenders.org/fr/profile/mohamed-al-roken>; Amnesty International UK, *In the spotlight: Dr Mohammed Al-Roken (UAE), prisoner of conscience*, 23 November 2021, <https://www.amnesty.org.uk/groups/sutton/spotlight-dr-mohammed-al-roken-uae-prisoner-conscience> (all links accessed 11 May 2022).

¹²⁰ See Frontline Defenders, *Detention of Nasser Bin Ghaith*, 29 March 2017, <https://www.frontlinedefenders.org/en/case/detention-nasser-bin-ghaith>; Amnesty International, *UAE: Prominent academic jailed for 10 years over tweets in outrageous blow to freedom of expression*, <https://www.amnesty.org/en/latest/news/2017/03/uae-prominent-academic-jailed-for-10-years-over-tweets-in-outrageous-blow-to-freedom-of-expression/> (all links accessed 11 May 2022).

¹²¹ Joint statement condemning the inclusion of four Emirati activists and members of the UAE 94 on the UAE terrorism list, *op. cit.*

¹²² MENA Rights Group, "UAE94" detainee Abdulsalam Al Marzooqi held arbitrarily since 2012, 18 June 2021, <https://www.menarights.org/en/caseprofile/uae94-detainee-abdulsalam-al-marzooqi-held-arbitrarily-2012> (accessed 11 May 2022).

¹²³ See Opinion No. 76/2017 concerning Nasser Bin Ghaith (United Arab Emirates), *op. cit.*

¹²⁴ See, for example, the cases of Ahmed Mansoor, Maryam Al Balushi and Amina Al Abdouli in section 10.

report on “Cooperation with the United Nations, its representatives and mechanisms in the field of human rights”.¹²⁵

Lastly, it is also worth noting that, to locate individuals of interest, state authorities sometimes resort to cybersurveillance methods. For example, the hacking of Loujain al-Hathloul’s mobile phone was essential to ensure her arrest and subsequent rendition to Saudi Arabia.¹²⁶ Efforts were also made to hack Ahmed Mansoor’s phone, but his suspicion alerted him and prevented the hacking.¹²⁷

Recommendations:

- Amend Emirati legislation to ensure crimes are well defined and criminal provisions cannot be used to punish lawful criticism and peaceful dissent;
- Release those imprisoned for exercising their fundamental freedoms;
- Stop the persecution of dissenting voices;
- End practices of surveillance against human rights defenders, activists and journalists.

10 Individual Cases

MENA Rights Group documented a number of cases that point to a widespread pattern of gross human rights violations in the UAE. Some of them are summarised below to illustrate the facts presented in this report.

Hasan Munif Abdullah Al Jabri

On 9 April 2012, Al Jabri was arrested as part of the “UAE94”, a group of 94 intellectuals, activists, and human rights defenders who were subjected to a mass trial in 2013 because they openly criticised the Emirati government.

He was first detained at Shahama Prison Centre in Abu Dhabi before being transferred in July 2012 to a secret location for eight months, where he was deprived of his right to see his lawyer and to receive visits by his family.

¹²⁵ See, for example, the two most recent reports, published in 2021 and 2020: UN Secretary General, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights*, 1 December 2021, UN Doc. A/HRC/48/28,

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F48%2F28&Language=E&DeviceType=Desktop&LangRequested=False>; UN Secretary General, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights*, 25 September 2020, UN Doc. A/HRC/45/36, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/239/52/PDF/G2023952.pdf?OpenElement> (all links accessed 11 May 2022).

¹²⁶ Saudi women’s rights activist sues three ex-US intel operatives over hacking for UAE, *op. cit.*

¹²⁷ Tanya O’Carroll, “The Guy Who Saved Your iPhone From Hackers Is Stuck in a UAE Jail”, *Amnesty International*, 12 May 2017, <https://www.amnesty.org/en/latest/news/2017/05/the-guy-who-saved-your-iphone-from-hackers-is-stuck-in-a-uae-jail/> (accessed 12 May 2022).

In July 2012, Al Jabri was transferred to Al Razeen prison. On 2 July 2013, Al Jabri was sentenced to 10 years' imprisonment, followed by three years' probation. He was denied the right to appeal to a higher jurisdiction.

Mohammed Abdulrazzak Al Sidiq

On 9 April 2012, Mohammed Al Sidiq was arrested as part of the UAE authorities' crackdown on the "UAE94". After the arrest, he was held in a secret location for eight months. He was deprived of his right to see his lawyer and his family.

On 2 July 2013, Al Sidiq was sentenced to ten years' imprisonment, followed by three years' probation. He was denied the right to appeal to a higher jurisdiction. He was then transferred to Al Razeen prison, where he is currently still arbitrarily detained.

Omran Ali Hassan Al Harthi

On 16 July 2012, Omran Ali Hassan Al Harthi was arrested as part of the "UAE94". Following his arrest, he was held in a secret location for eight months, during which he was deprived of his right to see his lawyer and his family.

He was then transferred from a secret detention facility to Al Razeen prison.

On 2 July 2013, Al Harthi was sentenced to seven years' imprisonment. He was denied the right to appeal to a higher jurisdiction.

He completed his prison sentence in July 2019 but, on the pretext of "rehabilitation needs" and pursuant to the UAE's Counter-Terrorism Law and Munasaha Centre Law, the authorities refused to release him. He is currently still held at Al Razeen prison under the "counselling" regime. The decision to be placed under this form of administrative detention can de facto not be appealed and there is no maximum duration.

Abdulsalam Mohamed Derwish Al Marzooqi

On 24 July 2012, Al Marzooqi was arrested as part of the "UAE94". Following his arrest, he was held in a secret location for eight months. He was deprived of his right to see his lawyer and his family.

On 9 March 2013, he was transferred from the secret detention facility to Al Razeen prison.

On 2 July 2013, Al Marzooqi was sentenced to 10 years' imprisonment, followed by three years' probation. He was denied the right to appeal to a higher jurisdiction. In September 2013, Al Marzooqi suffered from a facial nerve paralysis. Requests by his family to allow Al Marzooqi to access medical treatment were rejected.

Al Marzooqi's citizenship was revoked as an additional reprisal measure for his activism and his support of a 2011 petition demanding political reform in the UAE. Following the revocation of his citizenship, Al Marzooqi's wife received a phone call from the Nationality and Passport Department in which she was informed that the citizenships of her children had also been revoked. As a consequence, their daughter in the UAE was denied the right to receive a COVID-

19 vaccine as she could not present a valid ID. Al Marzooqi's wife assumes that her citizenship has been revoked as well. She currently lives outside the UAE.

While detained in a secret location, Al Jabri, Al Sidiq, Al Harthi, Al Marzooqi and others from the UAE 94 reported that they were beaten with a plastic tube all over their bodies while tied to a chair, threatened with electrocution, insulted and humiliated in attempts to force them to confess to acts they did not commit. They also report having been subjected to prolonged solitary confinement; exposed to continuous fluorescent lighting and to inadequate heating; and hooded when they were taken from their cells, including while being taken to the toilets or for interrogation.

In Al Razeen prison, they were subjected to mistreatment by prison guards including, among others, regular placement in solitary confinement and malnutrition.

Abdulmalik Al Mukhanqi and Abdullah Attiah

On 24 September 2014, Attiah and Al Mukhanqi were arrested by members of the national security services dressed in civilian clothes. During the arrests, no arrest warrant was presented, nor was any reason given for their arrests.

The security services immediately took Attiah and Al Mukhanqi to different secret detention facilities, where they were forcibly disappeared for seven months. They were subjected to different forms of torture, including being beaten, hanged naked from the ceiling, having their toenails pulled out and sexually assaulted as a means of forcing them to confess.

In April 2015, both Attiah and Al Mukhanqi were transferred to Al Wathba Prison in Abu Dhabi, where they currently remain.

Attiah and Al Mukhanqi were charged with supplying the "terrorist" Houthi movement in Yemen with military and chemical materials that can be used in explosives, cars and communications equipment, and transferring them to branches of the movement in Yemen.

On 14 February 2016, during their second hearing, the Federal Supreme Court sentenced Attiah and Al Mukhanqi to 10 years imprisonment, a fine of one million Emirati Dirhams, and expulsion from the UAE.

Despite Attiah and Al Mukhanqi informing the judge that their confessions had been extracted under torture, the judge admitted the confessions into evidence and no investigation was launched into the torture allegations.

Alya Abdulnoor

On 29 July 2015, Abdulnoor's home was raided late at night by three women and more than 50 men, mostly wearing civilian clothes. Abdulnoor was arrested without a warrant and taken to a secret detention centre, where she was placed in solitary confinement without any contact with the outside world for over four months. Her family was not allowed to have any contact with her nor were they informed of her whereabouts.

Abdulnoor was stripped and threatened with being brought in the presence of men. Surveillance cameras were installed in her cell. She was continuously blindfolded and handcuffed, her feet were chained, and she was deprived of essential hygiene products.

She was interrogated for hours, daily, for approximately one month, where she was threatened with violence against her and her family.

She was deprived of sleep, exposed to the screams of other prisoners, and systematically insulted and humiliated.

During the interrogations, Ms Abdulnoor was coerced into signing confessions which she had no opportunity to read.

On 15 May 2017, after an unfair trial, Abdulnoor was sentenced to 10 years in prison.

Prior to her arrest, Alya Abdulnoor was diagnosed with breast cancer in 2008 and was successfully treated in a specialised hospital in Germany. At the time of her arrest, she had been in remission for six years. Whilst in prison, however, Abdulnoor's cancer relapsed, but instead of being provided with proper care, she was given strong painkillers and antidepressants. In 2017, she discovered that the tumours had spread and was transferred to a hospital where she was chained to her bed and denied contact with her family.

On 4 May 2019, Alya Abdulnoor died whilst still detained.

Abu Baker and Abu Baker

On 30 October 2015, Jordanian brothers Yasser and Abdallah Abu Bakar were arrested without a warrant and taken to a secret detention facility. The brothers were subsequently held in solitary confinement, tortured, denied access to legal counsel and consular assistance.

The men were threatened with the arrest and rape of members of their families if they did not confess. They were also placed in extremely cold cells; forced to sleep on the floor; deprived of sleep; denied the use of the lavatories; denied food for long periods of time, resulting in severe weight loss; tied to chairs; beaten while blindfolded; subjected to electric shocks; and having hallucinogens added to their food and drinks, which resulted in hallucinations.

Both men were forced to sign confessions without reading them, as well as to fingerprint and sign blank pieces of paper. During their trial, Yasser and Abdallah Abu Baker informed the judge of the torture they had experienced, however, their forced confessions were admitted as evidence during the trial.

On 26 December 2017, the Federal Court of Appeal sentenced them to 10 years imprisonment and a fine of one million Emirati Dirhams each. Both were denied the right to appeal.

Amina Al Abdouli

Amina Al Abdouli was arrested at her home on 19 November 2015, without a warrant, by officers from the State Security Apparatus, wearing civilian clothing. Al Abdouli initially spent seven and a half months in a secret detention facility, where she was kept in solitary

confinement in a narrow room with no windows. She was also subjected to severe acts of torture, including being stripped naked, beaten, blind-folded, bound at the feet, and sleep deprived. After three months of detention, she began to lose vision in her left eye due to repeated beatings.

On 9 February 2016, she was coerced into signing a written confession, despite having been denied the opportunity to read it. At no point was she granted access to legal counsel.

On 30 June 2016 she was transferred to Al Wathba prison, where she has been subjected to poor conditions, and to abuse by other inmates.

Despite clear evidence that Al Abdouli's health has deteriorated severely throughout her imprisonment, prison authorities continue to deny her access to adequate medical care, raising grave concerns for her physical and mental wellbeing.

Al Abdouli has been subjected to reprisals for endeavouring to raise public awareness of her case. On 28 April 2021, she was sentenced to an additional three years in prison for "publishing information that disturbs the public order".

Maryam Al Balushi

On 19 November 2015, officers from the State Security arrested Maryam Suliman Al Balushi in her home without a warrant and secretly detained her for five months, during which she was subjected to torture and ill-treatment. In 2017 she was sentenced to five years imprisonment for "financing terrorism". On 30 July 2019, new charges were brought against Al Balushi as a result of her efforts to raise public awareness of her case. On 28 April 2021, she was sentenced to an additional three years in prison.

While held at a secret detention centre, she was subjected to beatings, humiliated and threatened with rape. Whilst under interrogation, Al Balushi was denied access to legal counsel and coerced into making self-incriminating confessions.

Since being transferred to Al Wathba prison in April 2016, Al Balushi has been held, at times, in solitary confinement and subjected to humiliating conditions, including surveillance cameras placed inside her bathroom. In addition, she has been subjected to abuse by other inmates.

On 8 March 2020, Al Balushi attempted suicide in Al Wathba prison by cutting a vein in her hand and was subsequently taken to the prison clinic to have the wound bandaged.

Despite clear evidence that Al Balushi's health has deteriorated severely throughout her imprisonment, prison authorities continue to deny her access to adequate medical care, raising grave concerns for her physical and mental well-being.

Taysir Salman

Taysi Salman, a UAE-based Jordanian journalist, was arrested in the UAE on 13 December 2015, held in secret detention for over two months and held without charge for more than a year. On 15 March 2017, Salman was sentenced to three years in prison and a fine of 500,000

UAE Dirhams (\approx 136,000 USD). Despite WGAD Opinion No. 58/2017, he served his full custodial sentence on 12 December 2018. Despite completing his sentence, Salman remained in detention because he could not afford to pay the fine issued against him.

Salman was eventually released from Al Wathba prison and flown back to Jordan on 12 February 2019. He passed away on 18 February 2021, due to health issues.

Ahmed Mansoor

On 20 March 2017, Ahmed Mansoor was arrested, without a warrant, by Emirati security forces. He was subsequently disappeared by the authorities, which failed to reveal his whereabouts for over one year. It was later known that during this period he was detained at Al Wathba prison, where he was subjected to torture and ill-treatment. On 27 March 2017, three UN special procedures mandate holders urged the authorities to immediately reveal his whereabouts.

On 29 May 2018, Mansoor was sentenced to ten years imprisonment, a fine of 1,000,000 UAE Dirhams, and three years of probation after the completion of his sentence. He is currently detained at the at Al Sadr prison.

Since his trial began in 2018, Mansoor has been subjected to long periods of solitary confinement in Al Sadr prison in Abu Dhabi. Initially, he was detained with no bed or water in his cell and with no access to a shower. Visits were rarely offered and he failed to receive adequate medical attention.

In 2021, authorities retaliated against Mansoor after regional media published a prison letter he wrote detailing his mistreatment in detention and flagrantly unfair trial. He was moved to a smaller and more isolated cell, denied access to critical medical care, and has his reading glasses confiscated.

Abdelrahman Chouman and Ahmad Sobh

On 15 January 2018, Abdelrahman Chouman and Ahmad Sobh, two Lebanese nationals who both lived and worked in the UAE, were arrested after being accused of setting up a terrorist cell with links to the Lebanese Hezbollah. Following their arrest, they were taken to a secret detention centre to be questioned. Both men were sentenced to heavy penalties by the Federal Supreme Court after an unfair trial involving six other defendants, on 15 May 2019. On 17 February 2020, their sentences were upheld on appeal. On 25 September 2021, Ahmad Sobh was released and returned to Lebanon on the basis of an amnesty.

Chouman was denied contact with the outside world for more than a year during his time in detention. Sobh, in turn, was allowed to contact his family only three months after his arrest.

Once he was able to contact his family, Chouman told them that, while he was held in a secret detention centre, he was severely tortured by his interrogators.

Chouman told the court that during the trial he was forced to sign a statement under torture. Similar claims were made by the other defendants in the case but the judge did not order an investigation into his claims.

Abdullah Al Shamsi

Abdullah Awad Salim Al Shamsi is an Omani citizen who was attending high school in the UAE when he was arrested by state security forces, without a warrant on 18 August 2018. After his arrest, he was taken to a secret detention centre and was detained in solitary confinement and held incommunicado for the first six months of his detention.

It is believed that Al Shamsi was forced (by torture) to confess that he had been working with his uncle for the benefit of Qatar, and in opposition to the UAE.

On 6 May 2020, Al Shamsi was sentenced to life imprisonment by the Abu Dhabi Federal Court of Appeals in relation to charges of “damage of national or public interest” and “attempted communication with a foreign state”. The sentence was confirmed by the Federal Supreme Court on 10 August 2020. On 17 April 2021, the Emirati authorities released Abdullah Al Shamsi as part of an amnesty before expelling him to Oman.

During the first three months of his detention, Al Shamsi was subjected to torture carried out by State Security members, including beatings, harassment, threats, electrocution, nail removal, starvation, and prolonged sleep deprivation.

The officer who ordered Mr Al Shamsi’s torture was known as “Saeed Al Ketbi”. The torture was designed to force a confession.

While in prison, he was denied appropriate healthcare despite suffering from a malignant tumour in his kidney and from a psychiatric condition.

Ahmed Al Atoum

On 14 May 2020, Ahmed Al Atoum, a Jordanian private teacher, was arrested by agents of the State Security Apparatus in Shakhbout, Abu Dhabi. He was then detained incommunicado for two and a half months at the Al Wathba prison before he was formally charged. On 7 October 2020, he was sentenced by the Chamber of State Security of the Abu Dhabi Federal Court of Appeal to ten years in prison with a deportation order at the end of his sentence, in relation to content published online. On his Facebook profile, he had denounced allegations of corruption in his country of origin.