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THE UAE STATE SECURITY APPARATUS

A tool of repression against
dissenting voices

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Executive Summary

Human rights violations, including enforced disappearance, torture, and arbitrary detention, have been a long-standing practice in the United Arab Emirates (UAE), including as a way to silence and punish peaceful dissenting voices. This has had an intended chilling effect on civil society, human rights defenders, journalists and whistle-blowers. The country's State Security Apparatus (SSA) is often responsible for such abuses, which date back to at least 2011, in the wake of the Arab Spring.

This report sheds light on the role of the SSA in perpetrating widespread patterns of human rights violations in the UAE. At the time of its creation in 1974, the Apparatus was under the authority of the Ministry of Interior and tasked with protecting state security. Over the years, however, it was placed under the direct control of the President of the UAE and its powers and responsibilities were expanded. Today, the SSA, headed by Khaled bin Mohammed bin Zayed al-Nahyan, has become the highest authority on security matters in the UAE, operating without any institutional, judicial, or financial oversight.

The SSA further benefits from the overly broad, imprecise and ambiguous definitions of

terrorist and state security offences – crimes that fall under its jurisdiction –, enabling the Apparatus to retaliate against any form of peaceful dissent in the country. Individuals arrested by the SSA are charged by the State Security Prosecution before being brought to trial before the Abu Dhabi Federal Court of Appeal, and may only appeal their verdict before the State Security Chamber of the Federal Supreme Court. Judges of both courts are appointed by the executive, which severely compromises the separation of powers and severely limits the odds that defendants will be tried by an independent, objective and impartial authority, and that violations committed by the SSA will be investigated.

This report first examines the history and legal framework that enabled the overarching powers afforded to the SSA. It further delves into the role of the Emirati judiciary in supporting and enabling the SSA's abuses. It then maps out the SSA's systematic use of enforced disappearance, torture, and arbitrary detention against peaceful critics, human rights defenders and prisoners of conscience more generally. This pattern of violations is exemplified through cases documented by MENA Rights Group.



Background: Post-Arab Spring repression

The United Arab Emirates (UAE)' State Security Apparatus' (SSA) has played a prominent role in the crackdown on peaceful dissent in the country, particularly in the period following the Arab Spring.¹

Perhaps the most notable case illustrating the authorities' crackdown on freedom of expression and gross human rights abuses is that of the "UAE94". In March 2011, after a group of 133 Emirati academics, judges, lawyers, students, and human rights defenders signed a petition addressed to the UAE President and Federal Supreme Council calling for democratic reforms, the SSA initiated a campaign of mass arrests against the signatories.²

SSA agents subjected them to secret and prolonged *incommunicado* detention as well as severe acts of torture.³ Defendants were later prosecuted in the country's largest mass trial, known as the "UAE94", before the Federal Supreme Court.⁴ In July 2013, the Emirati State Security Chamber of the Federal Supreme Court sentenced 61 of the 94 defendants to between 7 to 15 years in prison, based largely on coerced self-incriminating confessions, which were made while being interrogated by SSA agents in custody.⁵ The judges of the Federal Supreme Court, furthermore, failed to investigate the defendants' claims that they had been tortured by State Security agents.⁶

In an Opinion issued in 2014, the UN Working Group on Arbitrary Detention (UN WGAD) found the detention of members of the "UAE94" to be arbitrary and called for their immediate release.⁷ The UN WGAD further maintained that "the convictions are based

on charges of acts that would fall under the rights to freedom of expression and of assembly,"⁸ adding that "confessions were allegedly extracted through torture",⁹ and that the UAE government had "not availed itself of the opportunity to offer an explanation in response to those serious allegations."¹⁰

Since then, UAE authorities have continued to crackdown on dissent and enacted an even more restrictive legal framework criminalising the exercise of fundamental rights and freedoms, including the rights to freedom of expression, as well as peaceful assembly and association. In 2012, Federal Law No. 5 on Combatting Cybercrime came into force before being replaced by a new Cybercrime Law which came into force on 2 January 2022.¹¹ In 2014, Federal Law No. 7 On Combating Terrorism Crimes (Counter-Terrorism Law) was adopted, replacing Decree-Law No. 1 of 2004.¹² Furthermore in 2021, the UAE introduced a new Penal Code, the Federal Crime and Punishment Law, which came into force in 2022 and replaced the former Penal Code, which dates back to 1987 and was last amended in 2018.¹³ These texts contain vague and broad definitions of criminal offences, in contravention of international human rights standards and defying the principle of legality, thus opening the door to arbitrary interpretation and abuse.

With increased powers and no oversight, and relying on provisions of these laws, the SSA – headed by Khalid bin Mohammed bin Zayed al-Nahyan since 2016¹⁴ – has been able to silence peaceful dissent in the country, to such an extent that today, civic space has become virtually not existent in the UAE.



The State Security
Apparatus in law

Legislative history

The SSA was established by Federal Decree Law No. 4 of 1974.¹⁵ The 1974 Law initially placed the SSA under the authority of the UAE's Ministry of Interior.¹⁶ According to articles 1 and 2 of the Law, the SSA was to be headed by the Minister of Interior, who would serve as the President of the Apparatus. Article 9 of the 1974 Law further tasked the SSA with "protecting the State's security and analysing and gathering information related to its work."

The Law further provided the SSA with the authority to "monitor social phenomena in the State, assess them, reveal their sources, causes and the extent of their affecting the State's security and policy, and raise its reports on these matters to the competent authorities."¹⁷ While this broad wording already granted the SSA wide powers from the time of its establishment, over the years, these powers have been largely increased. In 1976, Federal Decree Law No. 6 merged all secret service branches of the various emirates into the SSA and brought the SSA under the authority of the President of the UAE, thus removing it from the authority of the Ministry of Interior.¹⁸

The biggest changes to the Apparatus, however, came when the SSA's 1974 founding Law was replaced by Federal Decree Law No. 2 of 2003,¹⁹ which further outlined and expanded the roles, responsibilities, structure and authority of the SSA.

The 2003 Law was amended in 2011. However, neither the law nor these amendments were ever released or made public by the government,²⁰ despite the fact that article 111 of the Emirati Constitution requires that every law be published in the country's Official Gazette within a maximum of two weeks from the date of their signature and promulgation by the President.²¹ In this regard, following the initial review of the UAE in July 2022, the UN Committee against Torture called on the UAE to ensure that "the rules governing the State Security Apparatus are made available to the public in a transparent manner, including through their publication on government websites."²²

The Emirates Detainees Advocacy Center obtained a copy of the 2003 Law which was published on their website.²³ This version of the law bases our analysis in this report.

Legal framework

The SSA Law

The 2003 Law provided the SSA with increased powers and responsibilities and significantly expanded its mandate,²⁴ allowing it to become the highest authority on security matters in the

UAE and to operate without any institutional, judicial, or financial oversight. For example, under article 2, the SSA reports directly and solely to the President of the UAE and under article 7, the SSA is exempt from any prior or forthcoming financial oversight.

Regarding the Apparatus' mandate, under the 2003 Law, the SSA is responsible for protecting the state's security and may "exercise any activity, within the state or beyond its borders that may allow it to achieve its goals and missions within the limits of this law and other legislation."²⁵ State Security agents are also authorised to use force to the extent necessary to carry out their duties.²⁶

While the 1974 Law limited the SSA's activities to analysing and gathering information geared towards protecting state security,²⁷ under article 14 of the 2003 Law, this task is expanded as the SSA is provided with the authority to gather and analyse information in the following areas:

- a. Any political or organisational activity of a person, organisation, party, or association that 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;
- b. Any activity that harms the state's economy, whether conducted inside or outside of the state;
- c. Anything that would seek to weaken the position of the state, provoke hostility against it, or shake confidence in it.

Lastly, article 14 of the 2003 Law also tasks the SSA with "combatting terrorist activities and features of organised crime," and enables the President of the SSA to "appoint associates to conduct any duties or other tasks related to the specialties and missions of the apparatus."

In its 2022 Concluding Observations, the UN Committee against Torture voiced concerns regarding the "vague and overbroad terminology of Federal Law No. 2 of 2003,

which attributes extensive powers to the State Security Apparatus".²⁸

The Counter-Terrorism Law

Since article 43 of the UAE's Counter-Terrorism Law²⁹ states that "the offences set forth in [the Counter-Terrorism Law] shall be deemed an offence prejudicing internal and external security of the State," the SSA also maintains the power to investigate crimes inscribed within the Counter-Terrorism Law, which contains vague and overbroad language.

Under article 1 of the Counter-Terrorism Law, a "terrorism offence" is defined as:

every criminal action or inaction criminalised under the [Counter-Terrorism Law] and every action or inaction constituting a felony or misdemeanour referred to in any other law, if committed for terrorist purpose.

"Terrorist purpose" is defined as:

The offender's intention to commit a criminal action or inaction in order to cause the occurrence of a direct or indirect terrorist result or whenever the offender is aware that the action or inaction is intended to cause the occurrence of a terrorist result.

As noted by UN Special Procedures mandate holders, this definition is problematic as it does not define terrorism itself, but instead refers to the term "terrorist purpose", the definition of which refers to the term "terrorist result".³⁰ This means that these terms "essentially remain undefined, as one definition refers or defers to another without clearly providing

a concrete and constrained definition of the activities they encompass”.³¹

Furthermore, article 14 of the Counter-Terrorism Law criminalises and punishes with capital punishment or life imprisonment:

whoever commits an action or inaction intended for threatening the State’s stability, safety, unity, sovereignty or security, which contradicts the basic principles underlying the governance system of the State, or with the purpose of making a coup and taking over power, illegally invalidating the provisions of the Constitution or preventing the State’s institutions or the public authorities from practicing their activities, or prejudicing the national unity or the social security.

Article 15 also punishes with capital punishment or life imprisonment “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.”

These vague and overbroad provisions allow the SSA to conflate public criticism and democratic political opposition with terrorism or the threatening of the state’s stability and security, and to crackdown on any forms of peaceful dissent.

Additionally, article 63 of the Counter-Terrorism Law provides the Minister of Presidential Affairs and the UAE Council of Ministers with the authority to label any organisation or individual as “terrorist”.³² According to UN Special Procedures mandate holders, “it would appear that the Minister of Presidential Affairs, and the Executive branch more broadly, could approve the proscription of any entity as a terrorist entity without being required to legally demonstrate that there is objective reason

to believe that such a designation is justified, despite the far-reaching implication that such a designation could have.”³³

Furthermore, article 39 of the Counter-Terrorism Law maintains that “except for matters for which special provisions have been stipulated in the present law, the felonies and misdemeanors set forth in the Penal Code or any other law shall be deemed terrorist offences if committed for a terrorist purpose.” The inclusion of this provision, considering the vague definition of “terrorist purpose” provided for in the Law, effectively grants the SSA with the authority to investigate and follow up on purported violations of the UAE’s Penal Code and 2012 Law on Combatting Cybercrime, which was replaced in 2021 with the Law on Combatting Rumours and Cybercrime.

The Penal Code

On its part, the UAE’s Penal Code criminalises “mocking, insulting or causing harm to the reputation and standing” of the UAE president and imposes a prison term of 15 to 20 years for such offenses.³⁴ Article 190 further criminalises establishing, organising, managing, joining or following “any association or organisation that seeks to harm the state’s security or interests,” which may be punished with a life sentence or the death penalty. The same punishment is afforded to anyone who “purposefully commits an act seeking to infringe upon the State’s sovereignty, its independence, unity or the safety of its lands,” according to article 155.

Article 210 of the Penal Code criminalises joining a peaceful assembly of five or more people seeking to cause a riot, to prevent or disable the application of laws, or which “seeks to disturb public security,” while article

212 imposes a life sentence on anyone who calls for such an assembly.

As demonstrated above, the provisions of the Penal Code pertaining to matters of the State's internal and external security contain vague, overbroad, and imprecise wording, which allows for their interpretation in a manner that effectively enables the criminalisation and silencing of any form of dissent and contravenes the principle of legal certainty.

The Cybercrime Law

The Cybercrime Law³⁵ contains several provisions dealing with national security issues, thus falling under the competence of the SSA.

Article 1 of the Law defines "unlawful content" as content "that intends to harm the State's national security or sovereignty or any of its interests [...] or decrease public confidence in [...] State authorities or institutions". In addition, article 22 of the Cybercrime Law prohibits and imposes a prison sentence on using the internet to share with any organisation or association, documents, reports, or data that may "harm the State's interests, its governmental agencies, reputation, prestige or standing."

The use of such vague and overbroad terms can enable the authorities to punish acts that are protected under the right to freedom of expression and effectively allows the SSA to target journalists and human rights defenders working to shed light on human rights violations taking place within the Emirates.

Broad powers enabling abuses

The ambiguous and overbroad nature of the terminology used in the 2003 SSA Law provides the SSA with the discretion to commit various human rights violations.

For example, not only does article 15 of the 2003 Law 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 oversight or due process guarantees, under the pretext of "monitoring social phenomena."

Indeed, article 24 of the 2003 Law provides SSA agents with the authority to stop and search individuals, including their homes, and to place them in custody. In this regard, article 25 of the 2003 Law allows SSA managing directors to search and place in custody, for a period of 24 hours, any individual suspected of being involved in the crimes stipulated under article 14 of the Law. The SSA Director General may order that suspects be placed in custody for a period of 48 hours,³⁶ and the SSA Vice-President may place suspects in custody for up to 72 hours,³⁷ with both individuals being required to inform the President of the SSA of the arrest and subsequent detention.³⁸ The President of the SSA, however, may order that suspects be placed in custody for up to 60 days, which can be extended for another 30 days, before being brought before

the Prosecution.³⁹ The SSA President may, however, release arrested suspects or refer them to the judicial authorities at any time before the expiry of the 90-day period.⁴⁰

The President of the SSA may additionally deport foreign suspects at any point, without due consideration to whether such suspects may be at risk of persecution, torture or execution in their home countries, according to article 28 of the SSA Law.⁴¹

The SSA President however, can only exercise these powers personally and may not delegate them to anyone else (e.g., other members of the SSA), according to the same provision. As such, the arrest and subsequent detention of individuals, for a period exceeding 72 hours, can only take place with the approval, or upon orders of, the President of the SSA. This is also the case with regards to the deportation of foreign suspects to their home countries.

Lastly, the 2003 Law allows the SSA to influence almost all aspects of state institutions and administrations. For example, the decisions and guidelines issued by the SSA President are “binding for all UAE security apparatuses and relevant bodies in the state”, under article 17. The SSA may additionally “establish security offices in any federal ministry, government office, committee or public association, and companies or associations that the government has invested in, in addition to embassies and consulates abroad.”⁴² Article 19 authorises the SSA to request any files or information that it sees necessary, with the mandated cooperation of “all governmental, federal, local or other authorities.”

It is worth highlighting that the UN Committee against Torture has expressed concern over the “vague and overbroad terminology of Federal Law No. 2 of 2003 [...] and the lack of transparency regarding the rules governing the state security apparatus.”⁴³

The powers of the SSA

1. Monitor social phenomena and take “necessary actions” to limit these phenomena
2. Investigate terrorist and state security offences
3. Stop, search and detain suspects for periods ranging up to 90 days, before bringing them before the Prosecution
4. Use force to the extent necessary to fulfill its duties
5. Deport foreign suspects at any point, without assessing risks of persecution, torture, and execution in their home countries
6. Establish state security offices in any governmental entity, company or associations that the government has invested in, in addition to embassies and consulates abroad
7. Request files and information from any government authority
8. Issue decisions and guidelines that are binding for all UAE security apparatuses

A portrait of Sheikh Mohammed bin Zayed Al Nahyan, the ruler of the United Arab Emirates, wearing a white thobe and a ghutra with a black agal. He is wearing glasses and has a beard. The image is overlaid with a semi-transparent purple filter.

The State Security's *modus operandi*

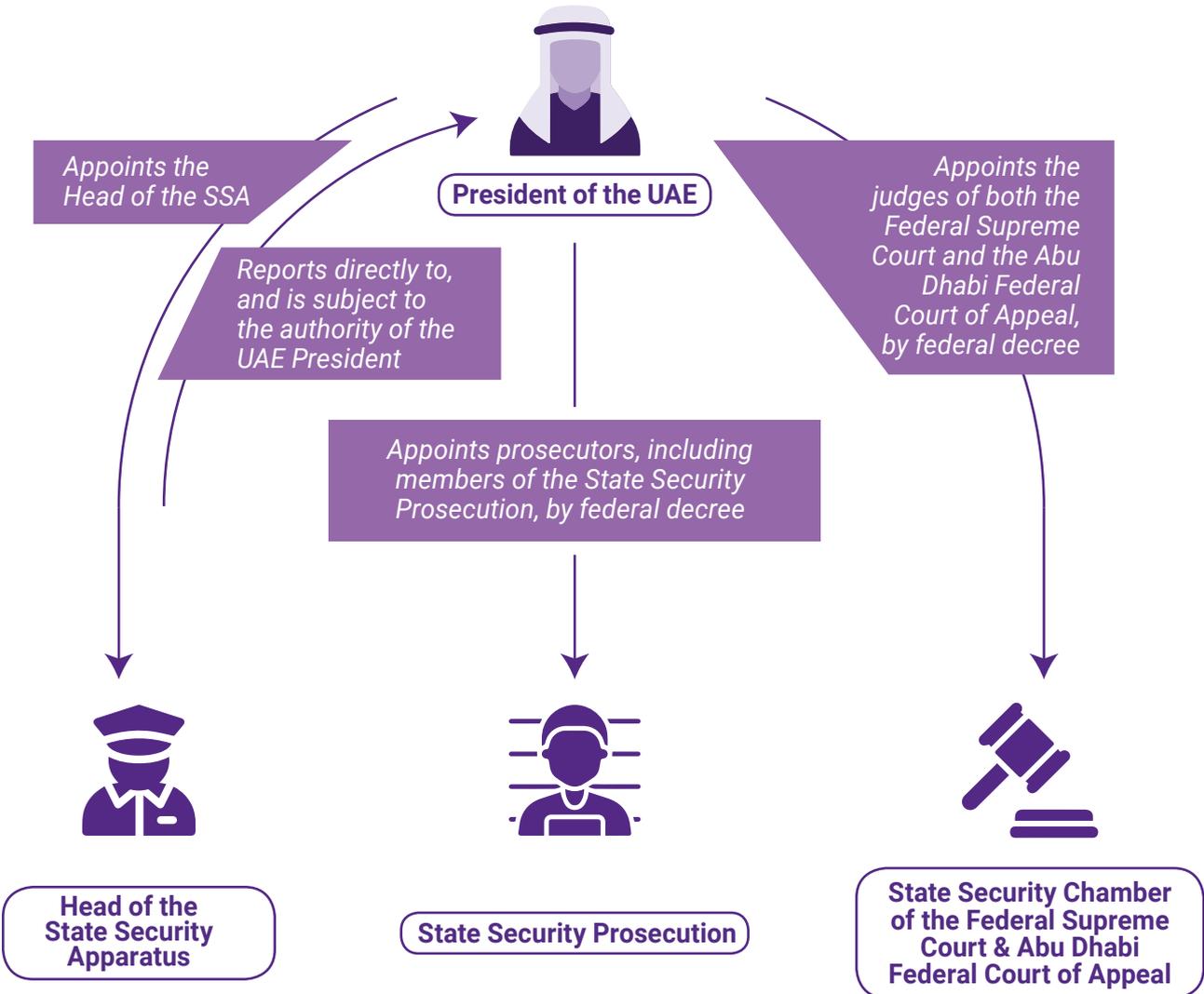
The SSA has been responsible for a widespread pattern of human rights violations, which include enforced disappearance, torture, and arbitrary detention, most notably against government critics, political opposition figures, and human rights defenders. Though the SSA is typically the instigator of such

violations, it has operated collaboratively and interdependently with the State Security Prosecution as well as the Abu Dhabi Federal Court of Appeal and the State Security Chamber of the Federal Supreme Court.

This is their *modus operandi*.



The SSA's partners in crime



The State Security Prosecution

There is no specific law on the State Security Prosecution Office: in fact, it acts on behalf of the Federal Public Prosecution – which was established by Law No. 10 (1973) on the Federal Supreme Court⁴⁴ – in state security or terrorism-related cases. As such, the tasks and responsibilities of the State Security Prosecution are similar to that of the Federal Public Prosecution, which were outlined in a series of subsequent laws and amendments, including Federal Law No. 3 (1983) on the Federal Judicial Corps, the Penal Code and Code of Criminal Procedures, Law No. 43

(1992) on the Regulation of Punitive Facilities, and Law No. 7 (2014) on Combatting Terrorism Offences, among others.⁴⁵

The Federal Public Prosecution falls under the direct supervision and control of the Minister of Justice, and its members are appointed by the UAE President upon approval of the Council of Ministers.⁴⁶ This grants the executive great control over this body of the judiciary, which should instead be operating in an independent and impartial manner. In this regard, the former UN Special Rapporteur on the independence

of judges and lawyers noted that she was “seriously concerned about reports which indicate that the prosecution services are often influenced by members of the executive and the State security services.”⁴⁷

The State Security Prosecution undertakes the following responsibilities on behalf of the Federal Public Prosecution’s Office: conducting investigations into crimes that fall under the jurisdiction of the Federal Judiciary (including state security and terrorism-related cases), indicting individuals, issuing search, seizure and arrests warrants, initiating criminal proceedings, and supervising detention facilities, including places of pretrial detention.⁴⁸ Visits by “any person whatsoever” can also be forbidden by the Prosecution should “the investigation procedures so necessitate”.⁴⁹ In addition, a written authorisation from the Prosecution must be obtained for a lawyer to visit their client in prison.⁵⁰ According to the UN Special Rapporteur on the independence of judges and lawyers, such “a concentration of functions in the hands of the prosecution is a matter of concern [...] as it may hamper the independence and fairness of criminal investigations and proceedings.”⁵¹

Furthermore, the UAE’s Counter-Terrorism Law stipulates that the State Security Prosecution may order arrested individuals to be detained

for investigation for as long as three months, which may be extended indefinitely by a court order.⁵²

Lastly, the State Security Prosecution is also authorised to request that individuals held on state-security or terrorism-related charges remain detained indefinitely, beyond the length of their prison sentences, under the *Munasaha* counselling program.⁵³ *Munasaha* centres are defined as “[a]dministrative units aiming at the enlightenment and reform of persons deemed to pose a terrorist threat or those convicted of terrorist offences”.⁵⁴ The Counter-Terrorism Law and the 2019 *Munasaha* Centre Law do not explicitly require the court to determine the duration of detention at a *Munasaha* centre for individuals considered as “terrorist threats”, nor do they explicitly require that any detention order be renewed.⁵⁵ Instead, the *Munasaha* centre must submit to the State Security Prosecution a periodic report on each person detained at the centre every three months.⁵⁶ The State Security Prosecution then submits the report, along with its opinion as to whether or not it deems that said person likely to commit a terrorist offence, to the responsible court (in practice, the Abu Dhabi Federal Court of Appeal). The law then states that it is then the responsibility of the court to order the release of the person, should it find that their condition so allows.⁵⁷

The powers of the State Security Prosecution

1. Conduct investigations into terrorism and state security offences
2. Indict individuals accused of such crimes
3. Issue search, seizure and arrest warrants
4. Initiate criminal proceedings
5. Supervise detention facilities
6. Authorise visits to detainees
7. Authorise or reject visits to places of detention by UAE public authority members
8. Order the detention of individuals for investigation for as long as three months
9. Request the detention of individuals in *Munasaha* counselling centres, beyond the completion of their prison sentences

The Abu Dhabi Federal Court of Appeal and the State Security Chamber of the Federal Supreme Court

Since 2016, the Criminal Division of the Abu Dhabi Federal Court of Appeal has had primary jurisdiction over state security crimes.⁵⁸ Prior to 2016, state security crimes were tried before the State Security Chamber of the Federal Supreme Court, where defendants were not provided with the opportunity to appeal their conviction.

Judges on the Abu Dhabi Federal Court of Appeal are appointed by decree issued by the UAE President, upon recommendation of the Minister of Justice, himself appointed by the UAE President.⁵⁹ The decisions issued by the Abu Dhabi Federal Court of Appeal may only be appealed before the State Security Chamber of the Federal Supreme Court, which is the court of last instance for state security and terrorism-related crimes.⁶⁰ Judges of the Federal Supreme Court are appointed by the UAE President upon approval of the Cabinet and ratification by the Federal Supreme Council.⁶¹ This leads to an overarching control of the judiciary by the executive, compromising

the separation of powers and severely undermining defendants' right to be tried by an independent, objective and impartial authority.

In this regard, the UN WGAD further expressed concern that "the judiciary in the United Arab Emirates, particularly the Federal Supreme Court, is not independent and impartial because it is under the control of the executive branch."⁶² Similarly, the former UN Special Rapporteur on the independence of judges and lawyers found "that the judicial system remains under the de facto control of the executive branch of government."⁶³ She further noted with concern that, especially in criminal cases heard before the State Security Chamber of the Federal Supreme Court, lawyers seemed to face serious difficulties in accessing information, especially investigation files,⁶⁴ and 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.⁶⁵



The SSA's widespread pattern of human rights violations



Ahmed Mansoor

Arbitrarily detained in poor conditions and solitary confinement.

Violations: Enforced disappearance, *incommunicado* detention, torture, unfair trial, inhumane conditions of detention.

Ahmed Mansoor⁶⁶ is a prominent human rights defender, who has been campaigning for the advancement of civil and political rights in the UAE since 2006.

20 March 2017

Mansoor is arrested in his home and disappeared by members of the SSA, who refuse to reveal his whereabouts for over one year. It was later found that he was detained at al-Wathba prison, where he suffered from torture and ill-treatment.

29 May 2018

Mansoor is sentenced by the State Security Chamber of the Federal Appeal Court, under the Cybercrime Law, to ten years in prison and three years of probation after completion of his sentence. He is sentenced on vague charges related to his activism, including “insulting the status and prestige of the UAE and its symbols, including its leaders”, “publishing false information to damage the UAE’s reputation abroad” and “portraying the UAE as a lawless land.” Since the beginning of his trial, Mansoor has been subjected to long periods of solitary confinement in al-Sadr prison in Abu Dhabi. Initially, he was detained with no bed, water in his cell, nor access to a shower. Visits are rarely offered and he fails to receive adequate medical attention. These appalling conditions of detention are imposed by the “Security Information Branch”, which likely refers to the SSA office within al-Sadr prison.⁶⁷

31 December 2018

The State Security Chamber of the Federal Supreme Court upholds his conviction and sentence.

2021

Authorities retaliate against Mansoor after regional media published a letter he wrote from prison, detailing his mistreatment in detention and flagrantly unfair trial. He is moved to a smaller and more isolated cell, denied access to critical medical care, and has his reading glasses confiscated.⁶⁸

Arbitrary arrests and enforced disappearances

SSA agents usually conduct arrests without providing a warrant or informing the individual of the reason for their arrest. SSA agents then typically take those arrested either to secret detention facilities or official prisons where they are detained *incommunicado*, sometimes for months, and in solitary confinement.⁶⁹ In this regard, the former UN Special Rapporteur on the independence of judges and lawyers affirmed 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.⁷⁰

This account is in line with cases documented by MENA Rights Group. In none of those cases were individuals presented with an arrest warrant at the moment of their arrest and, in multiple instances, they were detained beyond the 90-day time limit imposed by the State Security Law before being brought before the Prosecution. Indeed, in all UN WGAD Opinions concerning cases detailed in this report,⁷¹ the Working Group found that the detained individuals were not presented with an arrest warrant and were subjected to periods of *incommunicado* detention.

In addition, the SSA is responsible for running a number of secret or undisclosed detention sites, where detainees are brought right after their arrest and subjected to investigation.⁷² 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 different forms of ill-treatment, frequently with the aim of extracting coerced confessions, as detailed in the next section.⁷³ In its 2022 Concluding Observations, the UN Committee Against Torture noted its concerns regarding reports “that individuals arrested by State security forces are often denied basic due process rights and subject to torture and ill-treatment, including *incommunicado* detention.”⁷⁴



Ahmed al-Atoum

Arbitrarily detained.

Violations: Enforced disappearance, *incommunicado* detention, unfair trial.

Ahmed al-Atoum⁷⁵ is a Jordanian private teacher residing in the UAE. Al-Atoum was frequently campaigning against corruption in Jordan.

14 May 2020

Al-Atoum is arrested, without being presented with a warrant, by State Security forces and sent to al-Wathba prison in Abu Dhabi. He is forcibly disappeared for two and a half months, and remains in solitary confinement for 245 days, until 14 January 2021.

27 July 2020

Al-Atoum is, *inter alia*, charged with “disturbing relations with a foreign state” when presented before the State Security Chamber of the Federal Court of Appeal. His charges relate to content published on his Facebook profile, in which he criticised the Jordanian authorities on issues related to corruption.

7 October 2020

The State Security Chamber of the Abu Dhabi Federal Court of Appeal sentences al-Atoum to 10 years in prison combined with a deportation order at the end of his sentence.

28 December 2020

The State Security Chamber of the Federal Supreme Court rejects the judicial review filed by al-Atoum’s lawyer.

Torture and ill-treatment

During this period of enforced disappearance or *incommunicado* detention, SSA agents routinely resort to torture, including to coerce self-incriminating confessions from victims. Following the 2022 review of the UAE by the UN Committee against Torture, UN experts expressed particular concern regarding reports detailing “a pattern of torture and ill-treatment against human rights defenders and persons accused of offences against state security”⁷⁶ and “reports of convictions based solely on confessions obtained through torture.”⁷⁷

In 2014, the former UN Special Rapporteur on the independence of judges and lawyers had already 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.”⁷⁸

As for the methods of torture applied, the former UN Special Rapporteur explained 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.⁷⁹

The Emirates Detainees Advocacy Centre also reported on torture practices that were frequent in Emirati 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.⁸⁰

Maryam al-Balushi and Amina al-Abdouli

Arbitrarily detained.

Violations: Enforced disappearance, *incommunicado* detention, unfair trial.

19 November 2015

Amina al-Abdouli and Maryam al-Balushi are arrested from their homes, without a warrant, by State Security agents wearing civilian clothing. They are subsequently taken to a secret detention centre where they are subjected to acts of torture and ill-treatment, including being stripped naked, beaten, blind-folded, bound at the feet, sleep deprived and threatened with rape.

February 2016

Al-Balushi is presented before the State Security Prosecution, without the presence of legal counsel, and formally charged under the Counter-Terrorism Law and the Cybercrime Law. The charges include “financing terrorism,” in relation to a USD 600 donation she made to a Syrian family in 2014.

12 April 2016

Al-Balushi is transferred to al-Wathba prison, where she is held at times in solitary confinement and subjected to humiliating conditions, including surveillance cameras placed inside her bathroom.

27 June 2016

Al-Abdouli’s trial begins before the State Security Chamber of the Supreme Federal Court, during which her coerced confessions are admitted as evidence. The charges against her include “inciting hatred against the State and disturbing public order, undermining the reputation of the State institutions and publishing false information to endanger the State’s relations with its allies”, under the Cybercrime Law. These charges relate to comments she allegedly made on Twitter about the death of her father in Syria in 2013.

30 June 2016

Al-Abdouli is transferred to al-Wathba prison, where she is detained in poor conditions and subjected to abuses by other inmates.

24 October 2016

Al-Balushi's trial begins before the Criminal Chamber of the Abu Dhabi Federal Appeal Court. Her coerced confessions are admitted as evidence.

31 October 2016

Al-Abdouli is sentenced to five years in prison by the State Security Chamber of the Supreme Federal Court.

22 February 2017

Al-Balushi is sentenced to five years in prison.

5 June 2017

Al-Balushi's sentence is upheld by the State Security Chamber of the Supreme Federal Court.

30 July 2019

The State Security Prosecution brings new charges against al-Abdouli and Maryam al-Balushi after they sent a series of voice recordings and letters in an effort to raise awareness on the conditions of their detention. The letters and voice recordings were published over several months between May 2018 and November 2019.

February 2020

Al-Abdouli and al-Balushi are placed in solitary confinement in reprisal for their refusal to provide self-incriminating confessions.

28 April 2021

Al-Abdouli and al-Balushi are sentenced by the State Security Chamber of the Abu Dhabi Federal Court of Appeal to three years in prison for "publishing information that disturbs the public order".

Arbitrary detention

All the abovementioned violations, including the practice of arresting individuals without warrants, placing them in secret and/or *incommunicado* detention, and subjecting them to acts of torture to extract confessions are constitutive elements of the practice of arbitrary detention.

In addition, those arrested by the SSA are routinely denied their fundamental legal safeguards. In this regard, the UN Committee against Torture found that reports received ahead of the review of the UAE detailing a pattern of torture and ill-treatment of individuals accused of offences against state security “who, by virtue of the state security or terrorism charges against them, are subject to a legal regime with fewer and more restrictive procedural guarantees.”⁸¹

Regarding the right to legal counsel, the UAE Code of Criminal Procedure does not foresee the possibility to appoint a lawyer from the time of arrest, as it only envisages legal assistance during trial.⁸² Furthermore, the right of a detainee to meet with their lawyer is severely limited as, before one can meet with their lawyer, written permission must be obtained from the competent prosecution office, and meetings must take place within the sight, but outside the hearing of, an official of the detention facility.⁸³

In this regard, the former UN Special Rapporteur on the independence of judges and lawyers was concerned 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.”⁸⁴ She was further “alarmed at reports that some lawyers who take up cases related to State security have been harassed, threatened and had pressure exerted on them.”⁸⁵

Furthermore, as mentioned above, the President of the SSA may order the detention of suspects for up to 90 days before being brought before the State Security Prosecution,⁸⁶ which has been considered by the UN WGAD to violate the right to be brought promptly before a judicial authority.⁸⁷ In practice, not even this excessive time limit is always respected and detainees may be kept for longer periods before being brought before a judicial authority.⁸⁸

When suspects are finally brought before a judicial authority, they are presented to the State Security Prosecution and charged under vague and overbroad provisions contained within the Penal Code, Counter-Terrorism Law and Cybercrime Law, including for having peacefully expressed views considered to be critical of the authorities.

They are then tried before the Abu Dhabi Federal Court of Appeal and the State Security Chamber of the Federal Supreme Court, which, as abovementioned, lack impartiality and suffer from heavy interference by the executive and the State Security. In this regard, the UN Working Group on Arbitrary Detention has previously found “the criminal proceedings before the Federal Supreme Court [...] to be in violation of the right to a fair trial”.⁸⁹

Confessions extracted under torture by the SSA are routinely used to charge those arrested by the SSA and are later admitted

as evidence to ensure convictions. In fact, under article 165 of the Code of Criminal Procedure, 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 Group has documented multiple cases in which confessions obtained through torture were used as the sole evidence to convict individuals. In addition, cases documented have shown that allegations of torture by SSA agents brought by defendants before the State Security Prosecution as well as judges of the Federal Supreme Court have been repeatedly ignored, with judges systematically failing to investigate defendants' torture claims. In this regard, the former UN Special Rapporteur on the independence of judges and lawyers noted that complaints relating to torture and ill-treatment presented before judges or prosecutors did not lead to judicial proceedings or investigations.⁹⁰

Similarly, in its 2022 Concluding Observations, the UN Committee against Torture stated that it was concerned by "reports that detainees are deprived of their right to challenge the lawfulness of their detention, and to have their complaints promptly and impartially examined, especially when the offences for which they are detained involve political activities or State security."⁹¹

For example, in July 2012, former judge and law professor Ahmed al-Zaabi informed the State Security Prosecution that he had been tortured by investigators following his arrest by State Security agents in March of that year.⁹² The Prosecution's interrogation file on al-Zaabi stated that he was beaten and affirmed that there were bruises and marks left on his skin and nails, but instead of presenting his file to the competent investigative authorities, the State Security Prosecution sent al-Zaabi's file to the Director General of the SSA.⁹³ No further action was then taken in response to the torture suffered by al-Zaabi.

Following these unfair trials, individuals are sentenced to heavy prison penalties. Recently, the UN WGAD has expressed concern over the number of cases brought before the Working Group concerning arbitrary detention in the UAE, which would point to a pattern of violations.⁹⁴ It has also recalled that "under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of fundamental rules of international law may constitute crimes against humanity".⁹⁵

Lastly, a number of individuals prosecuted for acts of free speech continue to be detained beyond the completion of their prison sentences under the pretext of "rehabilitation needs" pursuant to the Counter-Terrorism Law.⁹⁶

Cases documented by MENA Rights Group suggest that detainees placed under this form of administrative detention are routinely denied the right to appeal the decision ordering their detention.⁹⁷ In this regard, there are examples of previous *Munasaha* detainees, including Osama al-Najar,⁹⁸ a blogger and human rights defender, making confessions and repenting in televised recordings.⁹⁹ This may indicate that Emirati authorities established a system

whereby a confession and repentance, possibly public, is required from individuals detained at *Munasaha* centres before the prosecution will provide a recommendation for release. This concern over “the use of *Munasaha* centres to indefinitely extend the incarceration of convicted individuals considered to hold terrorist, extremist or deviant thoughts beyond the times provided for in their sentences” was also raised by the UN Committee against Torture in its 2022 Concluding Observations.¹⁰⁰



Mohammed al-Roken

Arbitrarily detained.

Violations: Enforced disappearance, torture, unfair trial.

Mohammed al-Roken¹⁰¹ is an Emirati lawyer, human rights defender and a professor of international law.

17 July 2012

Al-Roken is arrested by State Security agents as part of the massive crackdown on the “UAE94”. He is charged with conspiracy against the government after calling for political reforms in the country and signing an online reform petition in March 2011 demanding an elected national council with full supervisory and legislative powers. Following his arrest, al-Roken is detained in solitary confinement at an undisclosed location for eight months.

July 2013

The Federal Supreme Court convicts and sentences al-Roken to 10 years imprisonment with additional administrative control measures and forbids him from practicing his profession as a lawyer. The UN WGAD later finds that his arrest lacked legal justification and that his right to a fair trial was violated.

July 2022

Al-Roken completes his sentence, but under the pretext of “rehabilitation needs”, pursuant to the UAE’s Counter-Terrorism Law and the Munasaha Centre Law, the authorities extend his detention indefinitely.

Conclusion

Since its creation, the SSA has had its powers and mandate expanded to become the highest authority on all security matters in the UAE. In practice, the SSA has been using its ever-increasing powers to perpetrate a series of human rights abuses.

Because of the overarching control by the executive power over both the SSA and the judiciary, violations committed by the SSA remain unpunished. This leads to the continued use of enforced disappearances, torture and arbitrary detention by the SSA against peaceful critics, human rights defenders and prisoners of conscience, more generally.

Despite having ratified the UN Convention against Torture in 2012, UAE authorities have not taken any steps to prevent torture or other human rights violations, neither in law nor in practice. Impunity for these abuses will continue to prevail as long as the SSA continues to operate without any oversight. The SSA must be subjected to independent and impartial investigative and legal accountability mechanisms that may enable the delivery of justice for victims of human rights violations.

Furthermore, the legal framework that allows the SSA to perpetrate human rights abuses and judicially harass dissenting voices under the disguise of fighting terrorism and protecting state security must be amended or repealed to ensure peaceful criticism is not criminally punished.

The UAE authorities must also hold perpetrators, including SSA agents, accountable for their crimes, provide victims with reparations and ensure the non-recurrence of such crimes.

Without the implementation of significant institutional, legal, and political reforms, the SSA will unabatedly continue to commit human rights violations in the UAE.

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⁸⁶ "Federal Decree Law No. 2 of 2003", *op. cit.*, art. 28.

⁸⁷ "Opinion No. 47/2017 concerning Ahmad Ali Mekkaoui (United Arab Emirates)", https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session79/A_HRC_WGAD_2017_47.pdf (accessed 14 October 2022), para. 21.

⁸⁸ For example, the UN WGAD concluded that Mohamad Ismat Mohamad Shaker Az and Nasser Bin Gaith were both held *incommunicado* by the SSA and consequently placed outside the protection of the law for, respectively, four and eight months. See: UN Working Group on Arbitrary Detention, *Opinion No. 21/2017 concerning Mohamad Ismat Mohamad Shaker Az (United Arab Emirates)*, UN Doc. A/HRC/WGAD/2017/21, https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_21_EN.pdf (accessed 12 May 2022), para. 47; "Opinion No. 76/2017 concerning Nasser Bin Ghaith (United Arab Emirates)", *op. cit.*, para. 58.

⁸⁹ "Opinion No. 21/2017 concerning Mohamad Ismat Mohamad Shaker Az (United Arab Emirates)", *op. cit.*, para. 52.

⁹⁰ "2014 Report of the Special Rapporteur on the independence of judges and lawyers", *op. cit.*, para. 53.

⁹¹ "Concluding observations on the initial report of the United Arab Emirates", *op. cit.*, para. 11.

⁹² "There is no freedom here: Silencing dissent in the United Arab Emirates (UAE)", *op. cit.*, p. 25.

⁹³ The State Security Prosecutions' interrogation file on Ahmed al-Zaabi and letter to the Director General of the SSA are available at: <https://twitter.com/Alshamsi789/status/1207669296920485893?s=20&t=4Cz91EMZahwFfYOPUZ3jFw> (accessed 31 August 2022).

⁹⁴ "Opinion No. 53/2021 concerning Ahmed Majed Ahmed al-Atoum (United Arab Emirates)", *op. cit.*, para. 107.

⁹⁵ "Opinion No. 47/2017 concerning Ahmad Ali Mekkaoui (United Arab Emirates)", *op. cit.*, para. 36.

⁹⁶ MENA Rights Group, *UAE authorities detain critics and activists at Munasaha "rehabilitation" centres*, 17 June 2020, <https://www.menarights.org/en/articles/uae-authorities-detain-critics-and-activists-munasaha-rehabilitation-centres> (accessed 30 September 2022).

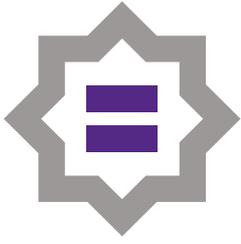
⁹⁷ *Ibid.*

⁹⁸ Mandates of the Working Group on Arbitrary Detention; 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; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; 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, *AL ARE 1/2018*, 4 May 2018. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=23771> (accessed 16 September 2022).

⁹⁹ In a recorded statement broadcasted on a special programme by Al Dafrah TV, Osama al-Najar, Osman al-Shahi and Badr al-Bahri each confessed to being members of the Muslim Brotherhood, declared that the Muslim Brotherhood is a terrorist organisation, and renouncing it as wrong. See: @Forsan_UAE, Twitter post, 8 August 2019, https://twitter.com/Forsan_UAE/status/1159493477429915654?s=20 (accessed 16 September 2022).

¹⁰⁰ "Concluding observations on the initial report of the United Arab Emirates", *op. cit.*, para. 17.

¹⁰¹ For more on his case, see: "Opinion No. 60/2013 concerning 61 individuals", *op. cit.*; MENA Rights Group, *UAE: Call for the release of human rights defender and lawyer Dr. Mohammed Al-Roken*, 9 December 2020, <https://www.menarights.org/en/articles/uae-call-release-human-rights-defender-and-lawyer-dr-mohammed-al-roken> (accessed 30 June 2022); Emirates Detainees Advocacy Center, *Muhammad Al-Roken*, <https://en.edacrights.com/Report/prisoner/4> (accessed 30 June 2022).



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