



United Arab Emirates - UPR Submission

29th session - January 2018

Submission by the International Campaign for Freedom in the UAE (ICFUAE)

About the ICFUAE

The International Campaign for Freedom in the United Arab Emirates was launched in April 2015 to support political and civil rights in the UAE.

Human Rights

The ICFUAE campaigns for respect for human rights, the release of all political prisoners, an end to torture of those detainees, and supports calls for an independent judiciary with a representative elected parliament as well as overall democratic reforms within the United Arab Emirates.

The Campaign

The campaign was launched to support the calls for an elected parliamentary body with universal elections and legislative powers for the parliamentary body. The campaign supports those political activists in the UAE and those in exile and works to promote positive calls for political action and democratic reform.

Activism

Since the 2011 petition to the Emirati authorities a number of leading human rights activists and defenders, lawyers and social and political activists have been detained and imprisoned for varying sentences. The calls for their better treatment and their release by the UN and leading international NGOs have not been heeded by the UAE authorities and scores of prisoners remain detained.

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1. Introduction

- 1.1. Since its foundation in 2015, the International Campaign for Freedom in the UAE (ICFUAE) has documented cases of human rights violations in the UAE, specifically with regards to arbitrary detention, the repression of freedom of expression, association, and assembly, the denial of political and civil rights, and ill treatment of prisoners, including the use of torture in UAE jails.
- 1.2. The following report will highlight key concerns within these areas of human rights for the period between 2013-2017.

2. Summary of Key Concerns

- 2.1. Arbitrary arrests and detentions, including enforced disappearances by UAE authorities have continued throughout the last 5-year period. Reports of those detained include: arrests being conducted without a warrant by undercover police officers, often during night hours at their homes or being called to report to a police station; home raids frightening and humiliating family members including under-age children; disappearances for months in secret locations; use of intimidation techniques and threats to both the accused and family members; other ill-treatment used to force confessions; interrogation without permission of consulting a lawyer; denial of family visits; negligence towards meeting medical needs; raids in prison humiliating detainees; degrading prison conditions.
- 2.2. There has been a worrying growth in the number of Emirati citizens and foreign nationals alike being arrested in the UAE for their use of social media. The Emirates Media and Studies Centre has reported 300 cases in 2016 alone¹. The introduction of a new cybercrime law in 2012, and the 2014 anti-terrorism law has led to the arrests, persecution and imprisonment of activists, bloggers, and government critics for simply exercising their opinions, with some being detained incommunicado for over a year.
- 2.3. Freedom of expression has been further curtailed in the UAE by the increased use of surveillance technologies to monitor online activists and dissenting voices. In fact, there has been an increase in the number of people reporting being hacked, harassed, or arrested for their online activism. The most well-known case, that of human rights defender **Ahmed Mansoor**, revealed the use of softwares by the UAE government to hack his personal accounts, including emails, Whatsapp and Skype².
- 2.4. There have been numerous reports of the family members of prisoners being subject to harassment, threats, and even arrest. Such was the case in 2015 of **Asma, Mariam, and Dr. Alyaziyah Khalifa Al-Suwaidi**, 3 sisters who were forcibly disappeared after launching an online campaign on Twitter for their brother's release. It is also the case of two Emirati citizens currently in exile after being sentenced in absentia as part of the UAE 94 trial. Their families are continuously harassed and have had their passport confiscated to prevent them from travelling outside the country. Families have reported travel bans, arbitrary arrests, detentions and prosecutions, refused security clearance for employment or denied access to higher education. There have also been reports of prisoners' families' bank accounts being frozen. In a few cases, detainees' relatives have been deported or stripped of their citizenship, like in the case of the **Al-Siddiq siblings** - Asma, Doa'a, and Omar, children of

¹ <http://www.emasc-uae.com/news/view/7687>

² <https://citizenlab.org/2016/08/million-dollar-dissident-iphone-zero-day-nso-group-uae/>

prisoner **Mohammed Abdulrazzaq Al-Siddiq**, who had their citizenship revoked without official explanation in March 2016. It is suspected that the increasing levels of harassment are designed to discourage families from campaigning on behalf of their detained relatives and further to 'send a message' to those detained about the wider consequences of their political activity.

3. Arbitrary Detention, Ill-Treatment and Unfair Trials

- 3.1. Continuing arbitrary arrests and detention, enforced disappearances, and ill-treatment in prison are emblematic of the complete absence of transparency in the UAE's legal system. Independent observers and monitoring organisations have regularly been denied entry to the country or access to trials and prisons. The lack of independent monitoring raises serious concerns regarding the situation on the ground.
- 3.2. The “**UAE94**” case remains up to date the biggest case of mass trial of activists, academics, lawyers, and peaceful dissenters in the UAE. The trial, which concluded in July 2013, convicted 69 of the defendants, including eight of whom were tried *in absentia*. They were sentenced between seven to 15 years in prison in a trial that, according to the International Commission of Jurists (ICJ), failed to meet “the internationally recognised standards of fairness”³. Several violations have been found to have taken place during the arrest, interrogations, detention, and trial of the defendants. These include being kept up to one year in incommunicado detention, the lack of legal representation, the alleged use of torture and forced confessions, and the denial to appeal. Among them, the case of human rights lawyer **Mohammed Al Roken** demonstrates the arbitrary nature of his detention due to his peaceful activism and human rights work.
- 3.3. Human rights defenders and political dissenters remain at grave risk of arbitrary detention, enforced disappearances and ill-treatment. The 2015 winner of the Martin Ennals Award for Human Rights Defenders, **Ahmed Mansoor** was arrested for the second time on 20 March 2017 by undercover security officials. As of the date of this report, he has not been granted legal representation and has been allowed only one family visit on 3 April 2017. Since then, it is feared that he has been kept in solitary confinement. Mansoor had been harassed by the authorities for his human rights work for years, he had been banned from travelling abroad and his bank account frozen.
- 3.4. Every year, tens of cases of torture and ill-treatment in prison are reported to the UAE authorities, who have consistently failed to investigate the allegations and hold the perpetrators to account. These are only a handful of the cases that are unofficially documented and that report a series of both physical abuse and psychological intimidation. British citizen **David Haigh** was released in March 2016 after being detained for 22 months in Dubai jails. One year on, he is undergoing extensive medical treatment, including surgery and PTSD treatment to address the physical beatings and psychological torture he was inflicted while in custody.
- 3.5. Reports of conditions in UAE prisons, and specifically at Al-Rezin prison, raise concerns about

³[https://www.icj.org/wp-content/uploads/2013/10/UAE-report-4-Oct-2013smallpdf.com .pdf](https://www.icj.org/wp-content/uploads/2013/10/UAE-report-4-Oct-2013smallpdf.com.pdf)

whether these meet international standards. Occasional raids by prison guards have been reported by prisoners as humiliating and degrading. In the most recent case on 26 May 2017, prison guards stormed the cells of prisoners held in ward no.7 of

Al-Razeen prison, a section of the facility that holds prisoners of conscience, human rights activists, and political opponents. The UAE prison authorities instructed guards to conduct an unannounced strip search of prisoners. The detainees were ordered to remove their clothes and stand up against their cell walls, whilst guards searched them in a degrading manner, which some described as sexual harassment. Ill-treatment in prison has also included severe medical negligence, such as in the case of **Imran Radwan**, who has been on hunger strike to protest the recent raid. Despite needing urgent medical attention, he has been denied appropriate care. Similarly, **Nasser bin Ghait** was brought to court and sentenced in March 2017 despite his calls for medical treatment and allegations of torture, which were not heard in court. In February 2017, British citizen **Luisa Williams** was prevented from leaving the country for a week despite needing urgent treatment for her advanced form of kidney cancer.

- 3.6. In 2017, the UAE authorities have detained prisoners due to be released by holding them in “counselling centres” and *de facto* extending their jail terms indefinitely without legal justification. Such is the case of blogger **Osama Al-Najjar**, who was transferred to a counselling centre at Al-Rezin prison after completing his 3-year prison sentence on 17 March 2017. Official statements declared him a “threat” to national security with reference to Article 66 of the Federal Law No (7) on Combatting Terrorism Offences. However, Al-Najjar was originally convicted on the basis of Federal Law (5) on Combatting Cybercrimes, and not terror related offences. A similar situation is that of **Ahmed Mohammed Al-Mulla**, **Badr Al-Bahri** and **Abdullah Al-Helou**, who have completed their sentences on 22 April 2017 and have been moved to Al Rezin’s counselling centre where they remain as of the date of this report.

4. Freedom of Expression and the Internet

- 4.1. The Federal Decree Law (no.5) on Combating Cybercrimes contains vague and general clauses which have been used to charge and sentence citizens and foreign nationals for any views that challenge and run counter to those of the state, which are published online, including within blogs, Facebook posts, Tweets, and reportedly even private emails, SMS and Whatssup messages.
- 4.2. For example, the following clauses subject to imprisonment and a fine anybody who: “establishes or administer or runs a website or publishes on a computer network or any information technology means which would promote or praise any programs or ideas which would prompt riot, hatred, racism, sectarianism, or damage the national unity or social peace or prejudice the public order and public morals” (Article 24); “runs a website or uses information [...] with intent to incite acts or publishes or transmits information, news or cartoon drawings or any other pictures which may endanger the national security and the higher interests of the State or afflicts its public order” (Article 28); “ publishes information, news, statements or rumors [...] with intent to make sarcasm or damage the reputation, prestige or stature of the State or any of its institutions or its president, vice-president, any of the rulers of the Emirates, their crown princes, or the deputy rulers of the Emirates, the

State flag, the national peace, its logo, national anthem or any of its symbols” (Article 29). These laws have been used indiscriminately to sentence people expressing their dissenting views online. For example, **Shezanne Cassim** was held for 9 months in arbitrary detention in 2013 for a comedy-sketch on life in Dubai. Australian artist **Jodi Magi** was arrested and deported in 2015 after publishing a photo of a car parked across two disabled parking spaces as well as using “bad language”.

- 4.3. The UAE regularly censors online materials that promote social, political, or religious ideas that diverge from the official line of the government. Several websites, search terms, and hashtags, have been blocked in the last 5-year period, including blogs disseminating information about political prisoners and human rights violations, and most recently news outlets such as Middle East Eye, Al Jazeera, Al Araby, and The Huffington Post. In fact, the annual Freedom House report on press and net freedom has consistently reported the UAE as “not free”⁴.
- 4.4. Journalists are at high risk of imprisonment if publishing content that might be seen as critical of the authorities or their allies. In 2015, Jordanian journalist **Tayseer Al-Najjar** was forcibly disappeared by the authorities and sentenced in March 2017 to 3-years in prison for charges of “insulting the state’s symbols”. He had been arrested for comments he had posted on social media which criticised GCC countries and Egypt within the context of the Israeli bombardment of Gaza in 2014.
- 4.5. In June 2017, following the imposition of a sea, air, and land blockade on Qatar by the UAE, Saudi Arabia, and Bahrain, the UAE has further curtailed the rights of freedom of expression and movement by declaring that any form of sympathy with Qatar would be punishable by law up to 15 years in jail, and a fine of up to 500,000 Dh (£106,084). Restrictions on the right to work, education, travel, and freedom of expression have affected at least 13,300 people. Families have been separated as a result of the blockade as Qatari nationals were asked to leave the country. In one case, a Qatari man, who has lived in the UAE for more than 10 years was refused entry and sent back to Qatar as he tried to return home to Dubai from Doha shortly after the measures were announced on 5 June. His wife, an Emirati national, is forbidden from travelling to Qatar, whilst his children are Qatari nationals and so are required to leave the UAE.

5. Cyber-Surveillance

- 5.1. Between January 2015 and December 2016, the UAE has spent over £18m in surveillance technology from UK companies⁵. This includes 'mass' and 'targeted' software and equipment, as well as more ad hoc technologies like IMSI catchers. This is more than double what the country second-placed on the list, Singapore, has spent in the same period (~£7m). It is estimated that at least £45m has been spent by the UAE on BAE Systems equipment alone.

⁴ <https://freedomhouse.org/country/ united-arab-emirates>

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<https://www.caat.org.uk/resources/export-licences/region?item=equipment+for+intrusion+software,cryptanalytic+equipment,software+for+telecommunications+interception+equipment,internet+protocol+network+communications+surveillance+equipment,software+for+intrusion+software,telecommunication+s+interception+equipment,components+for+internet+protocol+network+communications+surveillance+equipment,cryptanalytic+software,software+for+internet+protocol+network+communications+surveillance+equipment&rating=Dual+Use>

These figures only account for spending in the UK and not in the rest of the EU and other countries.

- 5.2. Despite the legality of the latter, the type of import raises concerns because of the lack of legal framework that regulates and monitors the use of such technology in the UAE. The 2012 Federal Decree Law (no.5) on Combating Cybercrimes contains regulations for non-state actors, but regulation of government interception and collection of citizens' data is merely non-existent.
- 5.3. The ICFUAE has obtained a confidential opinion from a legal expert, who suggests that there is a "clear risk" of this import of surveillance technologies increasing human rights violations and internal repression. The opinion confirmed that such technologies threaten civil liberties and particularly target political dissenters, journalists, and human rights defenders.
- 5.4. Reports show that in 2015 at least 1,000 people were targeted by the UAE government through services purchased from the Italian surveillance company Hacking Team⁶.

6. Recommendations

The ICFUAE provides the following recommendations to the UAE government:

- 6.1. Immediately and unconditionally release all prisoners of conscience, who are held simply for the peaceful exercise of their rights to freedom of expression, assembly, or association;
- 6.2. Ensure that prisoners have access to legal representation and family visits;
- 6.3. Take legislative measures to explicitly ban torture and other cruel, inhumane and degrading treatment;
- 6.4. Launch independent investigations into all allegations of torture and ill-treatment;
- 6.5. Allow independent experts and international organisations to monitor trials and prison conditions and advice on the implementation of international human rights standards;
- 6.6. Ensure that the use of the 2012 Cybercrime Law does not discriminate against individuals with dissenting political opinions;
- 6.7. Bring the 2012 Cybercrime Law into line with international standards on freedom of expression;
- 6.8. Establish appropriate mechanisms and procedures to regulate and monitor the use of cyber-surveillance technologies by state actors;
- 6.9. Immediately stop any abuses to family members of prisoners;
- 6.10. Ratify the ICCPR.

⁶ https://www.nytimes.com/2016/05/30/technology/governments-turn-to-commercial-spyware-to-intimidate-dissidents.html?_r=0