

## [United Arab Emirates | Respect rights to free speech and a fair trial for academic](#)

13.10.2016



United Arab Emirates authorities have violated basic rights in their prosecution of the Emirati academic Nasser bin Ghaith, a coalition of nine human rights organisations said today. Bin Ghaith faces charges stemming from his peaceful criticism of Egyptian and Emirati authorities. Authorities also accuse him of violating the country's repressive counter-terrorism law by collaborating with local groups the authorities have classified as terrorist.

Authorities held bin Ghaith in incommunicado detention for nine months after his arrest in August 2015, and did not let him see a lawyer or inform him of the charges against him until the second session of his trial on 2 May 2016, during which he complained to the judge that he had been tortured in detention. Three of the five charges against him clearly violate his right to freedom of expression. Authorities have kept bin Ghaith in solitary confinement since his transfer to the maximum security block in Al-Sadr jail on 18 May. The next session of his trial is on 17 October, at the State Security Chamber at the Federal Supreme Court, whose verdicts are not subject to appeal, in violation of fair trial standards.

The charges against Nasser bin Ghaith and serious violations of his right to a fair trial demonstrate again that the UAE regards peaceful dissent as a crime. The laws authorities accuse bin Ghaith of breaking violate international standards of free speech and freedom of association.

The coalition supporting bin Ghaith consists of the Arabic Network for Human Rights Information (ANHRI); the Cairo Institute for Human Rights Studies (CIHRS); the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders; Front Line Defenders; Gulf Centre for Human Rights (GCHR); Human Rights Watch; International Service for Human Rights (ISHR); and Scholars at Risk.

Security officers in civilian clothes arrested bin Ghaith in Abu Dhabi on 18 August 2015, four days after he posted a series of tweets that directly or implicitly criticized Egyptian authorities. On 13 and 14 August, he posted three comments critical of Egyptian security forces' mass killing of demonstrators at Raba'a Square two years earlier. Article 166 of the UAE penal code provides for a maximum of 10 years in prison for anyone who commits any 'hostile act' against a foreign country that could expose the UAE to the danger of war or the severance of diplomatic relations.

Bin Ghaith also faces charges that he posted information 'intended to damage the UAE' by 'claiming that he was tortured and unjustly accused during a previous trial'. In 2011, bin Ghaith was one of five men convicted

of 'publicly insulting' UAE officials in relation to their alleged criticism of the UAE's de facto ruler, Crown Prince Mohamed bin Zayed Al-Nahyan. Human rights organisations concluded that bin Ghaith's 2011 trial was ['fundamentally unfair'](#). Bin Ghaith is also accused of violating article 29 of the UAE's 2012 cybercrime law, which provides for a maximum of 15 years in prison for publishing material online with 'sarcastic intent' or to 'damage the reputation' of the state or its leaders.

Authorities also charged bin Ghaith in connection with a [tweet that he posted on 17 August 2015](#), in which, [local media reports said](#), he made 'remarks ridiculing the UAE's decision to allot land to build a Hindu temple'. Article 28 of the UAE's cybercrime law provides for between three and 15 years in prison for anyone who posts online anything that 'may endanger the national security and the higher interests of the State or afflicts its public order'.

The fourth and fifth charges relate to his apparent association with the Ummah and Al-Islah parties, Emirati organisations that the authorities [classified](#) as '[designated terrorist organizations](#)' in November 2014. The [Khaleej Times reported](#) that bin Ghaith had given lectures 'that promote these groups'. [Video recordings of one such presentation](#), made in Istanbul and available online, show the Ummah secretary-general, Hassan al-Diqqi, introducing bin Ghaith as an academic.

In a 5 May 2016 Twitter statement attributed to bin Ghaith's family, they [rejected Ummah party claims](#) on social media several days earlier, the day before bin Ghaith's trial session, that bin Ghaith was the party chairman.

In July 2013, the UAE Federal Supreme Court found 69 people with links to al-Islah [guilty of attempting to overthrow the country's political system](#). From the court's reasoning, it appears that those convicted simply exercised their legitimate rights to free expression and association. The only evidence in the judgment that suggests any intention to overthrow the government is a confession by one defendant, Ahmed al-Suweidi, whom authorities had forcibly disappeared for five months after his arrest on 26 March 2012. In court al-Suweidi recanted his confession and [denied](#) all the charges. During the trial, 22 of the defendants smuggled out handwritten notes alleging that they had endured mistreatment that in some cases [amounted to torture](#).

Article 21 of the UAE 2014 [counter-terrorism law](#) provides for the death penalty or life in prison for anyone who organizes or manages 'a terrorist organisation'. The law's broad definition of terrorist activity allows authorities to designate any act that courts deem to have opposed the state, incited fear, or threatened national unity as terrorism. Article 180 of the penal code provides for a maximum of 15 years in prison for anyone who 'administers an association, corporation, organisation or any branch thereof, with the aim of overthrowing the regime of the State'. The [counter-terrorism law](#) also authorises the death penalty for people whose activities are found to 'undermine national unity or social peace', neither of which are defined in the law.

At the most recent session of bin Ghaith's trial, on 27 September 2016, court officials prevented a United Kingdom-based lawyer from entering the court to observe the trial on behalf of the coalition of non-governmental groups, telling him that he needed prior authorisation, and that only family members, lawyers, and accredited journalists could attend. UAE residents who the authorities suspect have spoken with human rights groups are at [serious risk of arbitrary detention and imprisonment](#).

Only the lawyers, family, and press from the UAE were admitted to the court, on the basis that the trial covered a matter of national security, but what this case is actually about is Dr. bin Ghaith's peaceful expression of his opinions on reform in the UAE and Egypt. Another adjournment is justice delayed and justice denied,' said Khalid Ibrahim, co-director of the Gulf Center for Human Rights.

On 4 October 2016, the Arabic Network for Human Rights Information (ANHRI), the Cairo Institute for Human Rights Studies (CIHRS), the International Federation for Human Rights (FIDH), Front Line Defenders, Gulf Centre for Human Rights (GCHR), International Service for Human Rights (ISHR), Scholars at Risk, and World Organisation Against Torture [submitted information on Nasser bin Ghaith's case to variety range of United Nations human rights bodies and experts](#).

**ISHR**