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**Joint Submission on the United Arab Emirates to the  
71<sup>st</sup> Session of the  
UN Committee Against Torture  
Submitted 26 June 2020**

This submission to the United Nations Committee Against Torture (CAT) on the United Arab Emirates (UAE) is made in advance of the review in April 2021 at the CAT's 71<sup>st</sup> session. The UAE was due to be reviewed during the CAT's 69<sup>th</sup> session from 20 April to 15 May 2020, which was cancelled due to the COVID-19 pandemic. The submission is being published to mark the International Day in Support of Victims of Torture on 26 June 2020, and is updated to that date. It is made jointly by the Gulf Centre for Human Rights (GCHR), the International Service for Human Rights (ISHR), the International Campaign for Freedom in the UAE (ICF UAE) and the World Organisation Against Torture (OMCT).

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## **I. About the authors**

This report has been jointly authored by the following organisations:

- The Gulf Centre for Human Rights (GCHR) is an independent NGO that works to provide support and protection to human rights defenders (including independent journalists, bloggers and lawyers) in the Gulf region and neighbouring countries by promoting freedom of expression, association and peaceful assembly.
- The International Campaign for Freedom in the UAE (ICF UAE) is an independent, not-for-profit organisation campaigning for respect for human rights, the release of all political prisoners, an end to torture of those detainees, support for an independent judiciary and support for progress towards a representative elected parliament and overall democratic reform.
- The International Service for Human Rights (ISHR) is an international NGO based in Geneva with offices in New York and Abidjan, which works for the recognition and protection of human rights defenders, through capacity building, advocacy and litigation with international human rights organisations.
- The World Organisation Against Torture (OMCT), created in 1985, is today the main coalition of international NGOs fighting against torture, summary executions, enforced disappearances and all other cruel, inhuman or degrading treatment. OMCT has over 200 affiliated organisations in its SOS-Torture Network and many tens of thousands of correspondents in every country.

## **II. Intro and background about UAE**

Since the popular uprisings in the Middle East and North Africa in 2011, the government of the United Arab Emirates (UAE) has increased its brutal clampdown<sup>1</sup> on fundamental human rights and freedoms. The authorities have prosecuted and imprisoned scores of human rights defenders, political activists, journalists and critics, and systematically silenced peaceful dissenting voices. The crackdown on the right to freedom of expression has been so severe that, today, freedom of speech and civic space are virtually non-existent in the country.

Under the pretext of national security, the UAE authorities have subjected human rights defenders and activists to arbitrary arrest, enforced disappearance, prolonged isolation, torture and other ill-treatment, unfair trials and harsh prison sentences, solely for their peaceful human rights activities, including engaging with United Nations mechanisms.

In October 2018, the European Parliament adopted a resolution<sup>2</sup>, calling on the UAE to, among other things, stop all forms of harassment and immediately lift the travel ban against human rights defenders, and urging the authorities to “guarantee in all circumstances that human rights defenders in the UAE are able to carry out their legitimate human rights activities, both inside and outside the country, without fear of reprisals.”

In this report, GCHR, ICFUAE, ISHR and OMCT summarise the situation concerning torture in the UAE, including its laws and international obligations; the practice of torture and cruel, inhuman or degrading treatment in prisons in the UAE, with specific cases of human rights defenders and other prisoners including women; the use of forced confession; the lack of redress for victims of torture; and the reaction of the state to reports of torture; in addition to providing recommendations to the UAE.

We are publishing this report well in advance of the review of the UAE by the Committee Against Torture (CAT) during its 71<sup>st</sup> session in April 2021, following the cancellation of the 69<sup>th</sup> session due to the health risks associated with the COVID-19 pandemic. We regret that the review of the UAE was postponed to the 71<sup>st</sup> session next year for the following reasons. Unlike the other five countries that were to be examined during the 69<sup>th</sup> session, which had already undergone two to three periodic reviews, for the UAE the upcoming review marked their first, long-awaited, review by the Committee. This initial review comes almost eight years after the ratification of the Convention by the State party and should therefore be considered a priority.

The review of the UAE is all the more urgent in light of the country’s persistent non-compliance with the Convention against Torture and Other Cruel, Degrading or Inhuman Treatment or Punishment. Despite the ratification of the Convention in 2012, torture continues to be widespread in the UAE criminal justice system, from arrest and interrogation to detention. In particular, the authorities continued to subject all peaceful dissenting voices, including human rights defenders, critics, writers and political activists to arbitrary arrest, enforced disappearance, prolonged isolation, torture and other ill-treatment, unfair trials and harsh prison sentences, solely for their peaceful activities, including engaging with United Nations mechanisms.

We are particularly concerned that human rights defenders are being kept in permanent solitary confinement in unhygienic conditions, which puts their mental and physical health in jeopardy. In addition, with the spread of COVID-19<sup>3</sup> in UAE prisons, the lives of all prisoners are currently at risk, as of June 2020.

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<sup>1</sup> <https://www.middleeasteye.net/opinion/how-uae-justifies-its-clampdown-dissenting-voices>

<sup>2</sup> [https://www.europarl.europa.eu/doceo/document/RC-8-2018-0456\\_EN.html](https://www.europarl.europa.eu/doceo/document/RC-8-2018-0456_EN.html)

<sup>3</sup> <https://www.gc4hr.org/news/view/2381> and <https://www.gc4hr.org/news/view/2408>

By holding prisoners in unsanitary conditions and in prolonged isolation, the UAE authorities are in violation of their obligations under the Convention Against Torture and Principle 6 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, as well as Article 2, paragraph 3 of the UAE's Code of Criminal Procedure.

### **III. UAE laws and international obligations**

#### **a) UAE conformity with international mechanisms, including the Convention Against Torture**

The United Arab Emirates (UAE) ratified the Convention against Torture and Other Cruel, Degrading or Inhuman Treatment or Punishment (CAT) on 19 July 2012 pursuant to Federal Decree No. 73 of 2012. It has not ratified the Optional Protocol to the Convention against Torture (OPCAT). Thus, there is no question of setting a National Preventive Mechanism (NPM) against Torture in accordance with the OPCAT. The UAE also refrains from accepting the individual complaint procedure of Article 22 of the CAT or any other Treaty Bodies.

The UAE also entered a reservation on accession to the CAT, declaring that it does not recognise the competence of the Committee against Torture referred to in Article 20 of the Convention.

The UAE further does not consider itself bound by paragraph 1 of Article 30 of the CAT relating to arbitration.

Moreover, the UAE entered an interpretative declaration on accession to the Convention which refers to the definition of torture and other ill-treatment as stipulated by Articles 1 and 16 of the CAT: "The United Arab Emirates also confirms that the lawful sanctions applicable under national law, or pain or suffering arising from or associated with or incidental to these lawful sanctions, do not fall under the concept of "torture" defined in Article 1 of this Convention or under the concept of cruel, inhuman or degrading treatment or punishment mentioned in this Convention" The authors of this report wish to reiterate the commonly adopted opinion that only sanctions that are authorised by international law will fall within this exclusion of lawful sanctions.

It is worth recalling that the UAE has not ratified the International Covenant on Civil and Political Rights (ICCPR) and is one of the few states to refrain from doing so.

#### **b) UAE law related to torture**

In domestic law, torture is prohibited in Article 26 of the Emirates' Constitution. This article provides that "Personal liberty shall be guaranteed to all citizens. No person may be arrested, searched, detained or imprisoned except as provided by law. No one shall be subjected to torture or indignity." The UAE Constitution also provides in Article 28 that: "The infliction of physical or mental harm on an accused person is prohibited."

The UAE Penal Code provides the following articles:

Article 242: "Any 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."<sup>4</sup>

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<sup>4</sup> According to Article 68 of the UAE Penal Code: "Imprisonment is the incarceration of a convict in one of the penitentiaries legally allocated for this purpose, for life if the sentence is life imprisonment, or for the period specified

Article 245: “All 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 shall be sentenced to imprisonment for a minimum term of 1 year and/or to a minimum fine of Dh 10,000.”

Article 259: “Without prejudice to the provisions of Article 242, anyone who uses torture, force or threats, or who offers or promises a gift or advantage of any kind in order to induce a person to conceal facts or make a false statement or provide incorrect information to any judicial authority shall be sentenced to imprisonment for a term of up to 1 year and a fine of up to Dh 5,000.”

Although the highlighted articles establish that torture and other forms of ill-treatment are prohibited under Emirates domestic law and that the Emirates Constitution makes specific provision for combating torture and inhuman or degrading practices, there are a few points of concern that should be addressed:

First, the definition of torture in the UAE law doesn't comply with the definition provided in the Convention. The definition of the objective is restricted to obtaining a confession to an offence, coercing the person into making a statement and providing information about an offence or concealing facts. Based on this definition, the abuses exerted for example to punish someone won't be legally characterized as torture. This notion is also reflected in a declaration issued upon accession to the Convention which refers to the definition of torture and other ill-treatment and which confirms that the UAE does not consider any lawful sanctions stipulated in domestic law, or pain or suffering arising from these lawful sanctions, to fall under the concept of torture.

Based on the absolute character of the prohibition of torture, any provisions in national law limiting the definition of torture and precluding prompt and fair prosecution and punishment of perpetrators, must be avoided. In addition, we can consider that the punishments presented in the UAE Penal Code for the crime of torture (between three and 15 years) are not severe enough to dissuade the recurrence of torture and fail to comply with the principle of proportionality of punishment which requires that the punishment has to be proportionate to the gravity of the offense and the degree of responsibility of the offender.

As for the sanction of ill-treatments covered by Article 245, a jail sentence is not systematic and can be replaced by a fine which, again, is disproportionate to the gravity of the offense.

#### **IV. The practice of torture and cruel, inhuman or degrading treatment in prisons in the UAE**

This section discusses the practises of torture and cruel, inhuman or degrading treatment in secret detention facilities administered by the State Security Service and three notorious prisons, namely Al-Sadr, Al-Razeen and Al-Wathba prisons in Abu Dhabi. The section is focused on human rights defenders and other prisoners of conscience, including also the treatment of foreign citizens, and cases of ill-treatment of women prisoners.

In addition to torture, the use of physical force or mental pressure in order to humiliate the prisoner constitutes cruel, inhuman or degrading treatment or punishment, as defined in Article 16 of the CAT. The infliction of severe pain and/or suffering for a specific purpose as expressed in Article 1 amounts to torture. The Working Group on Arbitrary Detention (WGAD) also defines prolonged solitary confinement as torture.

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in the sentence in case of a temporary imprisonment. Unless the law provides otherwise, the term of the temporary imprisonment may not be less than three years and not more than fifteen years.”

Human rights defenders have faced poor treatment during pre-trial detention and in prison, where they are often held in isolation, resorting to hunger strikes to try to bring attention to their unjust imprisonment, torture and ill-treatment. There is no legal basis for indefinitely holding peaceful human rights defenders, convicted in violation of their right to freedom of expression, in solitary confinement without regular access to their families.

Furthermore, numerous prisoners have reported that they are kept in poor conditions, whether in solitary confinement or in crowded cells, often with little access to soap<sup>5</sup> or water, and sometimes even without a bed or mattress, as is the case for prominent human rights defender Ahmed Mansoor. Not only does this pose a health risk, but it is cruel and unusual treatment designed to psychologically torture prisoners of conscience.

The COVID-19 pandemic, which poses a high level of risk in crowded places of confinement such as prisons, has put the health of all prisoners at heightened risk. In early June 2020, the family of detained Omani citizen Abdullah Awad Salim Al Shamsi, reported that he tested positive for COVID-19 inside Al-Wathba Prison.<sup>6</sup> He was convicted of spying on 06 May 2020 by the Federal Appeal Court in Abu Dhabi and sentenced to 25 years in prison, after having been reportedly tortured to extract a confession.<sup>7</sup>

COVID-19 is reported to have spread within at least three prisons in the UAE, including Al-Wathba, but it is unknown whether guards or staff travel between different prisons, which could facilitate the spread of the virus.<sup>8</sup> On 10 June 2020, Human Rights Watch reported the presence of COVID-19 in Al-Wathba prison, Al-Awir prison and the new Al-Barsha detention centre in Dubai. Family members said, “that prisoners, including some with chronic health conditions, have been denied adequate medical care,” and “that overcrowding and unsanitary conditions make social distancing and recommended hygiene practices very difficult.”<sup>9</sup> Some prisoners were quarantined in Al-Awir for 17 days in conditions resembling solitary confinement.

- **Ahmed Mansoor**

The country’s most prominent human rights defender, **Ahmed Mansoor**, is currently serving a 10-year prison sentence after being convicted of the spurious offence of “insulting the status and prestige of the UAE and its symbols including its leaders” in reprisal for his peaceful human rights activism, including through his posts on social media. Mansoor is being held in solitary confinement in a four square-metre prison cell<sup>10</sup> in an isolation ward in Al-Sadr prison, Abu Dhabi, in dire conditions<sup>11</sup> with no bed or books. In the past three years since his arrest on 20 March 2017, he has only been permitted to leave his small cell for a handful of family visits and has been allowed outside to the prison sports yard only once for fresh air. In protest, he went on two separate hunger strikes which have damaged his health and at times he has been refused adequate medical care.

By holding Mansoor in such appalling conditions, the UAE authorities are violating the absolute prohibition of torture and other ill-treatment under international law.

The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment considers prolonged solitary confinement to be a form of torture, and it is prohibited by the UN Minimum Rules for the Treatment of Prisoners.

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<sup>5</sup> <http://icfuae.org.uk/news/leaked-documents-abu-dhabi-prisons-reveal-harrowing-torture-female-inmates>

<sup>6</sup> <https://www.gc4hr.org/news/view/2408>

<sup>7</sup> <http://icfuae.org.uk/press-releases/coronavirus-case-confirmed-uae-jail>

<sup>8</sup> <https://www.gc4hr.org/news/view/2408>

<sup>9</sup> <https://www.hrw.org/news/2020/06/10/uae-reported-covid-19-prison-outbreaks>

<sup>10</sup> <http://icfuae.org.uk/press-releases/release-leading-emirati-human-rights-defender-ahmed-mansoor-convicted-two-years-ago>

<sup>11</sup> <https://www.gc4hr.org/news/view/2109>

Mansoor, who has four young sons, is also an engineer and a poet. He serves on the advisory boards of the Gulf Centre for Human Rights (GCHR) and Human Rights Watch's Middle East division. In October 2015, Mansoor gained international recognition when he received the prestigious Martin Ennals Award<sup>12</sup> for Human Rights Defenders.

Mansoor undertook a month-long hunger strike on 17 March 2019 to protest his punitive prison conditions and unfair conviction. Among his complaints were that he had no mattress or bed, no access to running water (as the water system was broken), was not permitted to leave his cell to shower, go to the canteen, like other prisoners, nor to go outside and take exercise in the sun. Visits with his family were infrequent and he was not permitted to use the telephone to call his sick mother, who he had not seen since his arrest.

On 7 May 2019, seven United Nations independent experts (including the Chair of the WGAD and the Special Rapporteur on torture) issued a statement<sup>13</sup>, saying they were “gravely concerned over imprisoned activist Ahmed Mansoor’s physical well-being” and that “the poor conditions of his detention in the United Arab Emirates, including prolonged solitary confinement, may constitute torture.” They noted that his conditions violate the UN Standard Minimum Rules for the Treatment of Prisoners, also known as “the Mandela Rules”, which outline basic standards for treatment of detainees, including bedding, visitation, reasonable levels of cell hygiene, appropriate access to healthcare and sanitary facilities, and the prohibition against torture. They concluded that his prison conditions “violate[d] basic international human rights standards and risk[ed] taking an irrevocable toll on Mr. Mansoor’s health.” The experts urged the UAE authorities to give him immediate medical attention with his full consent.

In April and May 2019, GCHR received information from other prisoners who were able to call and provide updates about Mansoor’s health. One prisoner reported that after the authorities permitted Mansoor to phone his sick mother and to go outside in the sun for the first time, he ended his hunger strike. He was also promised a bed. According to another source, Mansoor began his second hunger strike on 07 September 2019 after a severe beating, and broken promises by prison officials<sup>14</sup>, leaving him with serious health issues. In October 2019, over 140 NGOs worldwide appealed<sup>15</sup> to the UAE authorities to free Ahmed Mansoor, who spent his 50th birthday in isolation and on hunger strike.

According to a former prisoner who contacted<sup>16</sup> GCHR on 10 December 2019, after Mansoor began his hunger strike in September, he was forced to eat every few days by the guards, but they stopped force-feeding him and he was on continuous hunger strike from 14 September onwards, taking only juice and mineral water. As of mid-January 2020, Mansoor was still on hunger strike and was no longer able to walk unassisted. GCHR subsequently received a report that Mansoor was okay and had presumably ended his hunger strike. However, due to COVID-19 restrictions, family visits at Al-Sadr Prison were cancelled in March 2020 and replaced by phone calls. However, the last call from Mansoor to his family was in April 2020<sup>17</sup>, and there has been no further news as of the time of this submission at the end of June 2020.

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<sup>12</sup> <https://www.martinennalsaward.org/hrd/ahmed-mansoor/>

<sup>13</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24571&LangID=E>

<sup>14</sup> <https://www.gc4hr.org/news/view/2281>

<sup>15</sup> <https://www.gc4hr.org/news/view/2229>

<sup>16</sup> <https://www.gc4hr.org/news/view/2281>

<sup>17</sup> <https://www.gc4hr.org/news/view/2408>

Other prisoners who have been tortured in Al-Sadr prison include a Polish fitness expert, **Artur Ligęska**. He was held in the same isolation ward as Mansoor, in conditions he described as “medieval”.<sup>18</sup> After his charges were dismissed<sup>19</sup> and he was freed, Ligęska wrote a book in which he recounted the prison conditions in Al-Sadr’s isolation wing, where he and other prisoners were held without running water for many months in very unhygienic conditions, and some were subjected to torture, abuse and sexual assault.<sup>20</sup> One night, Ligęska recounts that he heard another prisoner screaming for help in French, saying that the authorities had mistaken him for another man who was alleged to be a terrorist; but he was unable to communicate in English or Arabic, before apparently being taken out and executed by firing squad. While this case has not yet been verified by the submitting NGOs, the incident caused great psychological harm to Ligęska and other prisoners, who believed they might be at risk of extrajudicial execution. Ligęska was instrumental in getting the news about Mansoor’s hunger strike out to the world from prison in March 2019, at great personal risk. Ligęska was able to describe the conditions of Mansoor’s detention above - alerting GCHR that Mansoor had no mattress or bed since his arrest, nor was he able to leave his cell like other prisoners and had been deprived of access to the sun since his arrest in March 2017.

Previously in 2011, Mansoor was one of the five human rights defenders arrested by the UAE authorities and charged with “insulting the heads of the State”, in reference to their online activism and criticism of the government’s policy. The group, better known as the “UAE 5”,<sup>21</sup> also included Emirati academic Dr Nasser Bin Ghaith, and was represented by leading human rights lawyer Dr Mohammed Al-Roken. On 13 November 2011, whilst in detention, the five activists launched a hunger strike which they felt “compelled” to do so after having “exhausted all possible means of redress”<sup>22</sup> in prison. They were released on presidential pardon after eight months in detention.

- **Dr. Mohammed Al-Roken**

Human rights lawyer Dr. **Mohammed Al-Roken**,<sup>23</sup> who has been detained since July 2012 solely for peacefully exercising his rights to freedom of expression and association, including through his work as a lawyer, is serving a 10-year prison sentence for signing an online petition calling for political reform along with 132 other people. He was convicted and sentenced following a grossly unfair mass trial of 94 people (known as the “UAE 94” trial) including human rights lawyers, judges and student activists. Dr. Al-Roken was implicated by confessions of other defendants made during pre-trial detention,<sup>24</sup> which were obtained as a result of torture but were still admitted as evidence by the judge, which violates article 15 of the CAT.

Human rights organisations and UN Special Procedures condemned the “UAE 94” mass trial for failing to uphold minimal fair trial guarantees. On 22 November 2013, the Working Group on Arbitrary Detention issued an opinion<sup>25</sup> recognising the arbitrary nature of the detention of Dr. Al-Roken and 60 other defendants in the “UAE 94” trial. The Working Group further raised concerns about the flagrant breaches of fair trial guarantees and urged the government to release them and provide them with adequate reparation.

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<sup>18</sup> <https://www.gc4hr.org/news/view/2133>

<sup>19</sup> <http://www.mynewsdesk.com/uk/stirling-och-partners/pressreleases/polish-uae-prisoner-artur-ligeska-released-from-abu-dhabi-central-jail-last-week-tells-of-conditions-that-innocent-british-ex-soldier-andrew-neal-dot-dot-dot-2876154>

<sup>20</sup> <https://www.hrw.org/news/2020/01/08/artur-and-ahmed-prison-mates-uae-hell>

<sup>21</sup> [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session80/A\\_HRC\\_WGAD\\_2017\\_76.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session80/A_HRC_WGAD_2017_76.pdf)

<sup>22</sup> <https://www.hrw.org/news/2011/11/11/uae-activists-planning-hunger-strike>

<sup>23</sup> <https://www.amnesty.org/en/latest/news/2014/12/dr-mohammed-al-roken-it-takes-extraordinary-person/>

<sup>24</sup> <https://www.gc4hr.org/news/view/930/>

<sup>25</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/131/83/PDF/G1413183.pdf?OpenElement>

Dr. Al-Roken is being held in Al-Razeen prison,<sup>26</sup> a maximum-security prison in the desert of Abu Dhabi, which is used to hold activists, government critics, and human rights defenders. He has been subject to arbitrary disciplinary measures, such as solitary confinement, deprivation of family visits, music torture and intrusive body searches. Al-Razeen prison, nicknamed the “Guantanamo of the UAE”, “is notorious for its dire detention conditions and its ill-treatment of inmates, many of whom are prisoners of conscience,” reports ICFUAE.<sup>27</sup> The winter months are particularly brutal, where prisoners suffer freezing cold temperatures at night.

Dr. Al-Roken was a member of the International Association of Lawyers (UIA) and the International Bar Association and served as president of the UAE’s Jurists Association before its arbitrary dissolution by the authorities in 2011. Dr. Al-Roken has authored books on human rights, constitutional law, and counterterrorism. He dedicated his career to providing legal assistance to victims of human rights violations in the UAE, for which he was awarded the Ludovic Trarieux International Human Rights Prize<sup>28</sup> in 2017. Over two dozen NGOs called for his release<sup>29</sup> in November 2019.

In 2011, Dr. Al-Roken represented a group of five activists, known as the “UAE 5”,<sup>30</sup> including human rights defenders Ahmed Mansoor and Dr Nasser Bin Ghaith, whom the authorities arrested and charged with “insulting the heads of the State”, in reference to their online activism and criticism of the government’s policy.

In 2012, Dr. Al-Roken defended a group of seven Emirati activists, later known as the “UAE 7”,<sup>31</sup> who were arbitrarily stripped of their nationality, as a form of reprisal for their peaceful activism. Dr. Al-Roken was arrested shortly after he publicly announced his intention to appeal the presidential decree stripping them of their Emirati citizenship. His arrest was in clear violation of UN Basic Principles on the role of Lawyers<sup>32</sup> which provides that “Governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference [and] shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics.”

On 17 July 2012, State Security officers arbitrarily arrested Dr. Al-Roken while he was driving to a Dubai police station to inquire about his son and his son-in-law whom they arrested hours earlier. Following his arrest, Dr. Al-Roken was detained in solitary confinement at an undisclosed location for three months, without access to his lawyer and his family until he was tried in the “UAE 94”<sup>33</sup> case.

Complaints of torture by Dr. Al-Roken and other prisoners in the “UAE94” case date back to the beginning of their detention, and torture took place both in pre-trial detention and after the trial began when they were moved to a high security prison. A report on torture and abuse in prison in the UAE,<sup>34</sup> published in 2015 by the Gulf Centre for Human Rights (GCHR) is based on research, including over 150 pages of documentation containing the statements of 56 detainees, obtained from sources in the UAE. It covers incidents that took place in 2012-2014.

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<sup>26</sup> <http://icfuae.org.uk/research-and-publications-briefings/al-razeen-prison-guantanamo-uae>

<sup>27</sup> <http://icfuae.org.uk/news/al-razeen-prisoners-subjected-extreme-cold>

<sup>28</sup> <http://www.ludovictrarieux.org/uk-page3.remplt2017.htm>

<sup>29</sup> <https://www.omct.org/human-rights-defenders/urgent-interventions/united-arab-emirates/2019/11/d25593/>

<sup>30</sup> [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session80/A\\_HRC\\_WGAD\\_2017\\_76.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session80/A_HRC_WGAD_2017_76.pdf)

<sup>31</sup> <https://gulfnews.com/uae/crime/men-stripped-of-uae-citizenship-lose-appeal-1.1103828>

<sup>32</sup> <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx>

<sup>33</sup> <https://www.theguardian.com/commentisfree/2013/mar/06/uae-trial-94-activists>

<sup>34</sup> <https://www.gc4hr.org/report/view/33>

Dr. Al-Roken made a series of allegations regarding the cruel conditions in several of the prisons in the UAE. Some of the prisons he mentions include: Al-Razeen, Al-Sadr, and Al-Wathba. He was transferred to Al-Razeen prison on 10 March 2013, within a week of his trial beginning. He said that during pre-trial detention “prison officials used several incidents of severe pain and psychological torment in order to obtain confessions from the prisoners”. Describing the prison conditions, Dr. Al-Roken explained that, “Solitary confinement was a common practice, in which they would be subjected to annoying lights during the day and night, under constant surveillance, and lacked any furniture such as a bed or chair. Legal consultations were always under surveillance. Some prisoners were denied any legal consultation visits whatsoever. They were not allowed to write anything down, and they were not allowed to read any books or publications. Eyeglasses were prohibited. They were required to disrobe publicly before using the bathroom, and they would have to go to the bathroom blindfolded. Sleep deprivation was a common practice, which affected their overall demeanour, ability to think clearly, and ability to concentrate. It also created symptoms of irritability, anxiety, nervousness, anorexia, paranoia, weight loss, muscular atrophy, short-term memory loss, high blood pressure, dementia, auto-immune disorders, stress, and a weakened immune system, along with other unnamed alterations to normal bodily functions.”

On 7 July 2014, Dr. Al-Roken “and other prisoners’ cells were raided by Ahmed Abdullah, a lieutenant at the prison, and another unnamed public worker. They confiscated their pyjamas, bed sheets, papers with any writing, and searched through their belongings. They also attacked the prisoners and destroyed a UAE flag and pictures of the head of state in some of the rooms. Prison administration only allowed prisoners to go outside between 2 PM and 4 PM, the harshest times of the day in the UAE. They also never allowed messages from the prisoners to be sent to their loved ones. They were always under constant surveillance.”<sup>35</sup>

Despite the repeated requests<sup>36</sup> from international human rights bodies, Dr. Al-Roken remains in prison. In July 2019, the WGAD, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, addressed a communication<sup>37</sup> to the Emirati government expressing concerns about the situation of Dr. Al-Roken and his current detention conditions at Al-Razeen prison.

- **Dr. Mohammed Al-Mansoori**

Another human rights lawyer, Dr. **Mohammed Al-Mansoori**,<sup>38</sup> was convicted in the UAE 94 trial after being arrested on 16 July 2012, and sentenced to ten years in prison. The main evidence used against him was a “confession” obtained through torture. Prior to the trial, Dr Al-Mansoori was detained incommunicado in an undisclosed location, without access to a lawyer for eight months.

He has been held in Al-Razeen prison since 10 March 2013, where he is subject to arbitrary disciplinary measures, such as solitary confinement, deprivation of family visits, and intrusive body searches. Dr. Al-Mansoori’s shoulder was dislocated during an attack by a guard.<sup>39</sup>

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<sup>35</sup> Ibid

<sup>36</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=13834>

<sup>37</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24776>

<sup>38</sup> <https://www.adhrb.org/2015/12/prisoner-profile-dr-mohammed-al-mansoori/>

<sup>39</sup> <https://www.gc4hr.org/report/view/33>

Dr. Al-Mansoori was detained in a State Security detention facility from 16 July 2012 to 10 March 2013. According to GCHR’s report on torture in the UAE, “During the initial detention period he was subjected to severe pain and torture, which included him being held in a solitary confinement that was located in an unknown place. His prison cell contained neither bed or chair nor any windows or holes in the ceiling for the sunlight. There he was continuously subjected to lights throughout the days and nights. He was deprived of any privacy due to surveillance cameras in his cell, and he was banned from visits and consultation with a lawyer. Dr. Al-Mansoori was purposely isolated from the rest of the world. He was banned from submitting any complaints. He was not allowed to write to public authorities or his family as he was prohibited from using a pen, paper and computer. Further, during most of his detention, he was not allowed to use his eyeglasses and to read books, newspapers and computers.”<sup>40</sup>

On multiple occasions Dr. Al-Mansoori was humiliated by prison employees. He had to wait long hours before being permitted to use bathroom facilities, for which he had to take his clothes off in public and to which he was led blindfolded. According to GCHR’s report, “This systematic torment caused grave sleep deprivation which affected his mood, ability to think properly, and concentration. It also caused substantially increased nervousness, irritability, anorexia, weight loss, and muscle weakness, short-term memory loss, high blood pressure, dementia, immune system disorder, and the possibility of causing defect in the function of white blood cells and antibodies. Such deprivation of sleep is linked to premature death, substantial deterioration of health, ability to work and perform daily activities.”<sup>41</sup>

In 2018 and 2019, Dr. Al-Mansoori was not allowed to contact his family for over a year. He was finally granted family visits in January 2020 after being denied any access to the outside world for over a year.<sup>42</sup>

- **Dr. Nasser Bin Ghaith**

Academic and economist Dr. **Nasser Bin Ghaith**, a lecturer at the Abu Dhabi branch of the Paris-Sorbonne University, was sentenced on 29 March 2017 to 10 years in prison.<sup>43</sup> The sentence was based on critical comments he made in a series of tweets about human rights violations in the UAE and Egypt, which prosecutors said were “intended to harm the reputation and stature of the state.” Among the tweets were comments that he had not been given a fair trial in the “UAE5” trial in 2011 (see above reference to UAE 5 case in Ahmed Mansoor section.)

In a letter written from Al-Sadr Prison on 16 April 2017,<sup>44</sup> Dr. Bin Ghaith stated that “the verdict proves that there is no place for freedom of speech in this country” and announced that he would begin a hunger strike until he was released unconditionally.

On 22 April 2017, Dr. Bin Ghaith went on a liquid-only hunger strike for over 40 days, demanding his immediate release. The UAE authorities responded to this by transferring him to Abu Dhabi’s Al-Razeen prison, a maximum-security facility that holds predominantly government critics. Notorious for its repressive conditions, inmates regularly report instances of physical and psychological abuse at the hands of prison guards.<sup>45</sup>

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<sup>40</sup> Ibid.

<sup>41</sup> Ibid

<sup>42</sup> <http://icfuae.org.uk/news/prisoner-conscience-mohamed-al-mansouri-finally-permitted-see-his-family>

<sup>43</sup> <https://mesana.org/advocacy/committee-on-academic-freedom/2019/01/07/concern-for-health-of-nasser-bin-ghaith-sentenced-to-10-years-in-2017>

<sup>44</sup> <http://icfuae.org.uk/news/nasser-bin-ghaith-declares-hunger-strike-letter-sent-his-prison-cell>

<sup>45</sup> <http://icfuae.org.uk/research-and-publications-briefings/al-razeen-prison-guantanamo-uae>

Since being detained at Al-Razeen, the authorities have reportedly subjected Dr. Bin Ghaith to all manner of torture and ill-treatment including: beatings, solitary confinement, the suspension of family visitation rights and denial of access to adequate medical care, including withholding blood pressure medication and other treatment needed for his visual impairment, and inability to stand by himself,<sup>46</sup> among other health concerns. Authorities also banned Dr. Bin Ghaith from receiving family visits since September 2018. Reports of abuse, torture, strip searches, sexual harassment, and denial of medical care in Al-Razeen prison remain common without investigation into such allegations.

Dr. Bin Ghaith has also undertaken subsequent hunger strikes to protest conditions in Al-Razeen prison, for 80 days in February 2018, and for three months starting in October 2018<sup>47</sup> to demand his immediate release following the pardon of other prisoners including British academic **Matthew Hedges** on 26 November 2018, a week after he was sentenced to life in prison on spying allegations. Hedges was subjected to psychological torture and given a “cocktail” of drugs.<sup>48</sup> He was held, mainly incommunicado and in degrading and inhuman conditions for seven months,<sup>49</sup> until he faced an unfair trial on charges of spying for the UK government.

The authorities responded to these hunger strikes by reportedly subjecting Dr. Bin Ghaith to beatings and death threats. As a result of the hunger strikes, torture and other ill-treatment, his health is said to have deteriorated rapidly - despite this, the authorities continue to deny him access to adequate medical care.

Following his arrest on 18 August 2015, Dr. Bin Ghaith was subjected to enforced disappearance,<sup>50</sup> when he was held for almost a year without charge and denied access to a lawyer. During this period in a secret detention centre, he alleges that he was tortured by security officials. In May 2016, long after his trial had already begun, he was moved to the maximum-security wing of Al-Sadr Prison in Abu Dhabi where the authorities held him in prolonged solitary confinement.<sup>51</sup>

- **Taysir Hasan Mahmoud Salman Al-Najjar**

Jordanian journalist Taysir Hasan Mahmoud Salman Al-Najjar was arbitrarily detained in the UAE on 13 December 2015 in connection with a Facebook post, and only released in February 2019. He was living in Abu Dhabi at the time of his arrest. The WGAD issued an opinion at its 79th session in August 2017, calling his detention arbitrary,<sup>52</sup> based on the absence of legal basis for his arrest, non-observance of fair trial standards, and in violation of his right to exercise a fundamental freedom, namely freedom of expression.

Ten days after being denied the right to travel to Jordan on 3 December 2015, Salman was called to appear at the Criminal Investigation Department of Abu Dhabi, where he was arrested by members of the State Security Department without a warrant, and without being informed of the reason for his arrest. The WGAD noted that this violates Article 9 of the Universal Declaration of Human Rights and of Principle 11 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

He was interrogated by State Security agents over a Facebook post from 2014, in which he had criticised the support of the UAE for the actions of Egypt in Gaza.

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<sup>46</sup> <https://www.scholarsatrisk.org/actions/nasser-bin-ghaith-uae-arab-emirates/>

<sup>47</sup> <https://www.scholarsatrisk.org/actions/nasser-bin-ghaith-uae-arab-emirates/>

<sup>48</sup> <https://www.bbc.co.uk/news/uk-england-tyne-46451590>

<sup>49</sup> <https://www.theguardian.com/commentisfree/2019/nov/26/detained-uae-britain-trade-citizens-foreign-office>

<sup>50</sup> <http://icfuae.org.uk/news/two-years-dr-nasser-bin-ghaith-must-be-released>

<sup>51</sup> <https://www.gc4hr.org/news/view/1537>

<sup>52</sup> [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session79/A\\_HRC\\_WGAD\\_2017\\_58.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session79/A_HRC_WGAD_2017_58.pdf)

Salman was held in secret detention for 80 days, during which time he was not permitted to contact his family or a lawyer until 18 February 2016. Secret detention places the detainee outside the protection of the law and as such is in violation of Article 6 of the Universal Declaration of Human Rights, which provides that everyone has the right to recognition as a person before the law. Furthermore, his secret detention is in direct contravention of Principle 16 of the Body of Principles. Secret detention and solitary confinement are a form of torture. The length that Salman was held in secret detention and in solitary confinement amounts to a form of torture and cruel, inhuman and degrading treatment.

Salman was due for release on 13 December 2018, having served his three-year prison sentence, but his family could not pay the fine imposed by the court, so his detention was extended. The authorities waived the fine imposed on him upon release.<sup>53</sup> On 12 February 2019, Salman was released and flown back to Jordan on the same day.

- **Alia Abdel Nour**

Alia Abdel Nour, a 42-year-old Emirati woman, died chained to a hospital bed<sup>54</sup> on 4 May 2019, after the authorities refused to release her on compassionate grounds when her breast cancer was diagnosed as terminal. She was first diagnosed with cancer in 2015, shortly after her arrest, and transferred to Tawan hospital in November 2016, where she was kept shackled to a bed by her hands and feet. She was also denied regular family visits.

On 12 February 2019, in an official communication addressed to the UAE authorities, UN experts stated that Alia Abdel Nour was arrested by State Security authorities on 28 July 2015 and charged with “financing terrorism” after she helped raise funds for needy Syrian families in the UAE and war-affected women and children in Syria. She was reportedly held in secret detention and in solitary confinement for six months and subjected to humiliation and threats. She was allegedly put in a cell similar to a coffin as it was narrow, without windows, poorly ventilated and without a mattress. She was stripped down to underwear and tied up with iron chains and blindfolded for long periods at a time; cameras were put in her cell and she was interrogated daily.

Abdel Nour was brought before the prosecutor in December 2015 where she allegedly was forced to sign a written confession. On 15 May 2017, the Federal Supreme Court she was tried and convicted on the basis of her confession, which she claimed in court was extracted under torture. There was no investigation of these claims and she was sentenced to ten years imprisonment and incarcerated at Al-Wathba prison. UN human rights experts called on UAE authorities to release Abdel Nour and allow her to spend her final days at home. They also expressed concern about her degrading treatment, including being chained to a bed under armed guard. International rights groups and Members of the European Parliament also called for her release.<sup>55</sup>

Starting in the middle of March 2019, family members were permitted to visit Abdel Nour in hospital for 20 minutes a day. After they were informed that her death was imminent, the family appealed for her compassionate release to the crown prince, the Interior Ministry, and the public prosecutor. Compassionate release based on health concerns is permitted under Emirati law. According to Human Rights Watch,<sup>56</sup> the family’s requests “were rejected without explanation or ignored.” There has been no response to calls by the international community into allegations of her ill-treatment and torture.

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<sup>53</sup> <https://www.amnesty.org/en/documents/mde25/9888/2019/en/>

<sup>54</sup> <https://www.hrw.org/news/2019/05/06/uae-cancer-stricken-female-prisoner-dies>

<sup>55</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24214&LangID=E>

<sup>56</sup> Ibid

- **Amina Al-Abdouli**

**Amina Al-Abdouli** was detained without a warrant on 19 November 2015 in Al-Fujairah by State Security forces and taken to an undisclosed location for seven and a half months where she was tortured. She was transferred to Al-Wathba prison on 27 June 2016 where she still suffers from ill-treatment. She was formally charged with “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.” Al-Abdouli was tried before the Federal Supreme Court for tweeting about her father who died while fighting in Syria, a terrorist offense on the basis of Federal Law No. 7 of 2014 on Combatting Terrorism. On 31 October 2016, Al-Abdouli was sentenced to five years in Al-Wathba prison.<sup>57</sup>

On 12 February 2019, in an official communication addressed to the UAE authorities, UN experts stated that Al-Abdouli had reportedly been a victim of abuse and torture.<sup>58</sup> The letter was written by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; 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. In the communication, they describe Al-Abdouli’s allegations that, during her secret detention after her arrest, she was kept in a narrow room with no windows and was interrogated by male security guards who insulted and threatened her that she would lose custody of her five children, and her relatives would be arrested. She was stripped naked, blindfolded, handcuffed, her feet bound, and deprived of sleep for hours at a time.

On a number of occasions, a guard beat her on the face, head and body. She was ordered to insult her family, especially her dead father, and when she refused, he beat her more.<sup>59</sup>

During the third month of detention in an unknown location, Al-Abdouli began to lose vision in her left eye due to repeated beatings. The guards forced her to sign a confession with her fingerprint, without allowing her to read its contents, while threatening to continue the beatings if she did not comply.<sup>60</sup>

Al-Abdouli was able to send a letter<sup>61</sup> and a sound recording in May and June 2018 respectively, detailing that her health had deteriorated as a result of the torture.<sup>62</sup> In her letter, Al-Abdouli said that she was consistently subject to medical negligence despite almost losing vision in her left eye, and suffering from kidney failure and liver disease.<sup>63</sup> In her most recent audio recording<sup>64</sup>, she states that as well as notable weight loss, she is experiencing extreme fatigue. Al-Abdouli has undertaken several hunger strikes to protest against her torture and ill-treatment, lasting up to three weeks.<sup>65</sup> As of late March 2020, she was on a hunger strike, since 23 February 2020 after being convicted in a new case related to audio recordings leaked last year in which she appealed to human rights groups for support.<sup>66</sup>

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<sup>57</sup> <https://www.amnesty.org/download/Documents/MDE2550882016ENGLISH.pdf>

<sup>58</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24341>

<sup>59</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24214&LangID=E>

<sup>60</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24341>

<sup>61</sup> <http://icfuae.org.uk/news/leaked-documents-abu-dhabi-prisons-reveal-harrowing-torture-female-inmates>

<sup>62</sup> <http://icfuae.org.uk/news/amina-al-abdouli-confirms-torture-and-abuse-uae-jail>

<sup>63</sup> <https://www.echr.org.uk/en/news/uae-prison-authorities-abuse-female-prisoners>

<sup>64</sup> <http://www.echr.org.uk/en/youtube-gallery/ibvL318ikXI>

<sup>65</sup> [https://www.adhrb.org/2019/08/hrc42-written-statement-torture-in-the-united-arab-emirates/#\\_ftnref6](https://www.adhrb.org/2019/08/hrc42-written-statement-torture-in-the-united-arab-emirates/#_ftnref6)

<sup>66</sup> <http://icfuae.org.uk/news/amina-al-abdouli-declares-hunger-strike>

- **Maryam Al-Balushi**

Another female prisoner, **Maryam Al-Balushi**, was arrested by the State Security Service on 19 February 2015 and transferred to a secret detention centre where she stayed for five months. She was reportedly interrogated and subjected to beatings on the head and threatened with rape until she signed a confession. She was then transferred to Al-Wathba prison after her conviction on 12 April 2016. She was sentenced to five years in prison for “financing terrorism” because of her donation to a Syrian family.

Years of severe ill-treatment in solitary confinement pushed her to attempt suicide in an isolation cell in Al-Wathba prison in March 2020.<sup>67</sup> She has been on repeated hunger strikes in Al-Wathba prison. According to UN experts in a 12 February 2019 communication to the UAE authorities, Al-Balushi launched a hunger strike in April 2018 “to demand an investigation into her alleged torture and to demand better conditions in the prison and the right for a family visit.”<sup>68</sup> Among her complaints, Al-Balushi reported that in Al-Wathba, she was held in humiliating conditions, including surveillance cameras placed inside her bathroom, and denied contact with her mother who lives far from the prison, and has been denied access when attempting to visit.

In a letter obtained by the Arab Organisation for Human Rights in the UK in May 2018, Al-Balushi mentioned that during her secret detention, she had been threatened with rape and been subject to physical and verbal abuse: “As a result of the torture, my left eye became cross-eyed, and I have constant back pain as a result of the brutal torture I was subjected to by female Nepalese soldiers [at Al-Wathba prison].”<sup>69</sup> Al-Balushi has also been suffering from liver cirrhosis and kidney stones but the Al-Wathba authorities have refused to provide her with medical treatment and to transfer her to the medical clinic.<sup>70</sup>

In a voice recording leaked from Al-Wathba in late January 2020, Al-Balushi stated that new charges of “spreading false information, harming the UAE’s reputation and causing problems with nearby states” were made against her. She had previously sent audio recordings describing her dire prison conditions in 2015 alongside Amina Al-Abdouli,<sup>71</sup> and this resulted in both women’s detention, due to end in 2020, being prolonged.

On 17 March 2020, Nils Melzer, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and Dainius Puras, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health called<sup>72</sup> on the UAE to improve detention conditions following the reports of Al-Balushi’s attempted suicide. “The UAE has the responsibility to protect the rights of individuals deprived of their liberty, by ensuring that conditions of detention respect their dignity and mental integrity,” they said.

“Prolonged incommunicado detention can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment,” they warned.

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<sup>67</sup> <https://www.hrw.org/news/2020/03/13/uae-woman-prisoner-reportedly-attempts-suicide>

<sup>68</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24341>

<sup>69</sup> <http://www.aohr.org.uk/index.php/en/all-releases/item/8724-women-in-abu-dhabi-prisons-complain-of-torture-and-the-threat-of-rape.html>

<sup>70</sup> <https://www.echr.org.uk/en/news/uae-prison-authorities-abuse-female-prisoners>

<sup>71</sup> <https://www.hrw.org/news/2020/03/13/uae-woman-prisoner-reportedly-attempts-suicide>

<sup>72</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25726&LangID=E>

## **V. Lack of redress for victims of torture**

There are many obstacles faced by victims who are searching for redress, including difficulties to lodge a complaint, to get an investigation opened, failure for the authorities to investigate complaints, reprisals for making complaints, etc.).

In all the cases documented in this report, the UAE have failed to open an investigation despite the fact that the torture allegations of the victims were made public and, in many cases, even raised by UN experts.

Following her country visit to the UAE in 2014, the former Special Rapporteur on the independence of judges and lawyers 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.”<sup>73</sup>

On several occasions, UN human rights experts have called on the UAE government to urgently undertake a prompt and impartial investigation in response to the alleged acts of torture and ill-treatment. For example, recently on 17 March 2020, UN human rights experts called on the UAE government to “urgently undertake a prompt and impartial investigation in response to the alleged acts of torture and ill-treatment of Ms. Al-Abdouli, Ms. Al-Balushi and Ms. Abdel Nour.” So far, to our knowledge, no such investigation has been opened.

As mentioned above, there has been no response to calls by the international community into allegations of Alia Abdel Nour’s torture and ill-treatment, including failing to free her on compassionate grounds, which is permitted under Emirati law, before she died of breast cancer in 2019.

The UAE authorities have refused to allow independent experts or monitors to visit Ahmed Mansoor in prison to confirm the conditions in which he is being held.

Prior to his conviction, Dr. Nasser Bin Ghaith was subjected to an enforced disappearance,<sup>74</sup> held for almost a year without charge and denied access to a lawyer. During this period, he alleges that he was tortured by security officials. But despite repeated requests to do so, the Emirati authorities have so far refused to open an investigation into these claims. The UAE authorities have repeatedly denied access to UN bodies to Al-Razeen prison to inspect conditions.

Polish fitness expert Artur Ligęska would like to launch a legal complaint for his torture and mistreatment in Al-Sadr prison, and seek compensation because his wrongful imprisonment led to the loss of all his funds and the torture he faced means he is incapable of working to earn a living (his doctors tell him he is unable to work.) However, he faces obstacles to launching a case against the UAE from Poland, because there is no clear mechanism to do so in the UAE, and he would be at risk if he went to the UAE to file a complaint.

A report on torture and abuse in prison in the UAE,<sup>75</sup> published in 2015 by the Gulf Centre for Human Rights (GCHR), documents a complaint by one of the prisoners convicted in the “UAE94” case (referenced as Document 13) against the UAE Federal State Security for falsifying official documents and failing to investigate crimes of torture and depriving detainees from their legal rights granted to them by UAE law. The report documents the testimony of 56 prisoners.

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<sup>73</sup> See: A/HRC/29/26/Add.2, para. 53.

<sup>74</sup> <http://icfuae.org.uk/news/two-years-dr-nasser-bin-ghaith-must-be-released>

<sup>75</sup> <https://www.gc4hr.org/report/view/33>

For example, Saleh Al-Dhufairi, who was detained on 29 April 2012 and is currently serving a ten-year sentence in Al-Razeen prison, is named as a defendant within Document 13. “He complained that Tariq Hamad Al-Muqbal, a UAE national, and others officials working at Al-Razeen, Al-Sadr, Al-Wathba, and other prisons engaged in systematic exploitation, cruelty, and the deprivation of rights secured by the constitution, the punitive facilities law, and the punitive facilities law’s implementation regulations.”

According to GCHR’s report, “in violation of Act 43 of 1992, prison officials also banned defendants from submitting complaints about their treatment. Al-Dhufairi along with Dr. Mohammed Al-Roken, Dr. Mohammed Al-Mansoori, Hassan Al-Hammadi, Salim Hamdoon Al-Shehhi, Ali Abdullah Al-Manie, Hussain Abdullah Al-Najjar Al-Hammadi and others were subjected to inhumane treatment on 7 March 2014 at Al-Razeen Prison at the hands of Ahmed Abdullah, a public employer with lieutenant’s level and another with second lieutenant level. This second aggressor’s name is unknown, but his description includes the following — taller than average, bald, very fat, and approximately 35 years old.”<sup>76</sup> They were never allowed to report their experiences of poor conditions and torture.

## **VI. Reaction of UAE to reports of torture of HRDs**

The reaction of the UAE authorities to complaints of torture of human rights defenders has typically been to deny the reports, or ignore them completely, even if complaints have been raised by the UN.

For example, in a recent case, a news release<sup>77</sup> from the UAE’s Ministry of Foreign Affairs on 30 December 2019 claimed that Ahmed Mansoor had a medical exam and a family visit in November 2019, stating that he “is in good health,” and rejected reports from NGOs about his conditions. The Ministry’s statement “underscor[ed] that such claims are baseless and have been spread by non-governmental organisations in reports that aim to distort and fabricate facts according to their particular agenda.”

The statement continues: “The Ministry added that Emirati society is one of tolerance in which all members live together in harmony while committed to the values enshrined within the UAE Constitution and UAE law, which guarantee freedoms such as the freedom of expression *insofar as the law is not broken and social stability is not affected.*” (emphasis added).

In his 2017 annual report on cooperation with UN mechanisms, the UN Secretary-General expressed concerns<sup>78</sup> “with the Government at allegations of arrest, secret detention and risk of enforced disappearance of Ahmed Mansoor, a prominent human rights defender and blogger, as an act of intimidation and reprisal for his collaboration with the Human Rights Council, the special procedures, the universal periodic review mechanism and treaty bodies (see A/HRC/36/25, para. 13, ARE 1/2017).”

The Secretary General’s report notes: “On 25 April 2017, the Government responded that the Office of the Public Prosecutor concerning cybercrime arrested Mr. Mansoor on 20 March 2017 on the charge of circulating false and misleading information on the Internet with a view to spreading hatred and sectarianism. He was informed of the charges and placed in pretrial detention in Abu Dhabi Central Prison. He was allowed to appoint a lawyer and his family was allowed to visit him, in accordance with the procedures applicable to detention facilities. The Government concluded that allegations concerning arbitrary detention, lack of information concerning the place of detention and lack of specifying charges against him are false. The Government’s response did not address the allegations concerning intimidation and reprisals.”<sup>79</sup>

<sup>76</sup> <https://www.gc4hr.org/report/view/33>

<sup>77</sup> <https://pressarabia.qa/2019/12/30/the-ministry-of-foreign-affairs-and-international-cooperation-denies-the-allegations-promoted-by-various-non-governmental-organizations-regarding-the-case-of-emirati-citizen-ahmed-mansoor/>

<sup>78</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/080/50/PDF/G1808050.pdf?OpenElement>

<sup>79</sup> Ibid.

As mentioned above, in Section V, following her country visit to the UAE in 2014, the former Special Rapporteur on the independence of judges and lawyers was told by the authorities 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.”<sup>80</sup>

There has been no investigation into the claims of torture in pre-trial detention made by some of the defendants in the UAE 94 trial, which began on 4 March 2013 before the State Security Chamber of the Federal Supreme Court in Abu Dhabi. On 2 July 2013, the court convicted 69 of the 94 defendants on the charge of establishing an organisation that aimed to overthrow the government, despite the fact that confessions were made as a result of torture. The trial, which failed to meet international fair trial standards, was widely condemned by human rights organizations and UN bodies, including the UN Working Group on Arbitrary Detention (WGAD).

According to GCHR’s research, the court accepted prosecution evidence that consisted largely of “confessions” made under duress in pre-trial detention. The court failed to require that the prosecution prove beyond reasonable doubt that the “confessions” were obtained by lawful means and voluntarily from the accused. The court also failed to take steps to investigate, or order a prompt, independent, impartial and thorough investigation of the defendants’ claims that State Security interrogators had forced them, under torture or other ill-treatment, to make false “confessions” incriminating themselves and others during months when they were held incommunicado in secret locations and without access to lawyers or the outside world.<sup>81</sup> In violation of the UAE’s Act 43 of 1992, prison officials also banned defendants from submitting complaints about their treatment in prison during the trial and following their conviction.

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<sup>80</sup> See: A/HRC/29/26/Add.2, para. 53.

<sup>81</sup> <https://www.gc4hr.org/news/view/930/>

## **VII. Recommendations**

In view of this report, the Gulf Centre for Human Rights (GCHR), International Campaign for Freedom in the UAE (ICF UAE), the International Service for Human Rights (ISHR) and the World Organisation Against Torture (OMCT) call on the Committee Against Torture to recommend to the United Arab Emirates to:

- Ratify the optional protocol of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and remove the reservation to the Convention in order to recognise the competence of the Committee against Torture referred to in Article 20 of the Convention.
- Ratify the International Covenant on Civil and Political Rights (ICCPR).
- Ensure that prisoners are not tortured in prison or pre-trial detention, including by allowing them immediate access to a lawyer after their arrest, affording them the right to be presented before a judge soon after their arrest; and cease the practise of holding human rights defenders in prolonged secret detention.
- End the practise of keeping human rights defenders in prolonged solitary confinement, which amounts to torture.
- Comply with the UN Standard Minimum Rules for the Treatment of Prisoners, also known as “the Mandela Rules”, and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (“the Bangkok Rules”), including by allowing regular visitation, providing clean bedding, mattresses and beds, ensuring reasonable levels of cell hygiene, and access to healthcare, water and sanitary facilities.
- When prisoners require medical treatment for torture, abuse or health crises, provide access to specialised healthcare providers.
- Amend the articles of the Penal Code related to torture in order to bring them in line with the definition of torture provided in Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and ensure that all levels of government, judiciary and security forces comply with this definition.
- Ensure that effective, credible and impartial investigations are carried out into all allegations of torture and ill-treatment against human rights defenders and other victims and ensure that perpetrators (including members of the security forces) are held accountable for their actions.
- Ensure that judges systematically reject forced confessions.
- Amend the cybercrime, counterterrorism, and other laws to guarantee the rights to freedom of expression, association and assembly in theory and in practise, and cease imprisoning and mistreating those who peacefully exercise those rights.
- Provide human rights training to law enforcement agencies and prison staff, including on relevant international and UN standards and norms.
- Promote the UN Declaration on Human Rights Defenders adopted in 1998 by the UN General Assembly.