

FOLLOW UP TO THE PREVIOUS REVIEW

- 1. Many of the recommendations from the previous UPR called for the UAE to guarantee freedom of expression and to allow human rights defenders to pursue their work without fear or intimidation. No progress has been made in these areas, as legal reforms that raised an opportunity to eliminate restrictions on freedom of expression, such as the adoption of a new criminal code in 2021, were instead used to maintain and consolidate restrictions on criticism of the country's rulers and authorities, and Emirati human rights defenders remain imprisoned.
- 2. The previous UPR round on the UAE did not include any recommendations explicitly mentioning the stateless population of the UAE, which is sizeable and includes many people born and raised in the country. Amnesty International hopes to see greater international awareness of and concern for this marginalized group during the current UPR, and here offers information and recommendations to that end.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

3. The UAE is not a party to the International Covenant on Civil and Political Rights or to the International Covenant on Economic, Social and Cultural Rights. Its national laws do not protect the majority of civil and political rights and provide discretionary protection of economic rights only to nationals.

Children and the right to nationality

4. The UAE is a party to the Convention on the Rights of the Child, but has entered a reservation to Article 7 which says that every child has "the right to acquire a nationality (...)in particular where the child would otherwise be stateless", stating that "The United Arab Emirates is of the view that the acquisition of nationality is an internal matter."²

Women, equality and the right to transmit nationality to children

- 5. The UAE is a party to the Convention on the Elimination of All Forms of Discrimination against Women but maintains reservations that the UN Committee on the Elimination of Discrimination against Women has found "are incompatible with the object and purpose of the Convention".
- 6. Another reservation states that the government "does not consider itself bound" by Article 15(2) on women's legal equality under civil law because it is "in conflict with the precepts of the Shariah." The September 2020 reform of the Personal Status Law applies only to non-Emirati non-Muslim women.
- 7. Emirati law still discriminates against women in the transmission of Emirati nationality to their children.⁶

Race and eligibility for nationality

8. The UAE's nationality law is discriminatory based on race, providing original nationality only for Arabs and providing more favourable conditions for acquisition of nationality for Arabs than for other racial or ethnic groups.⁷

Refugees





- 9. The UAE does not have any legal framework recognizing the rights of refugees to seek asylum, or the prohibition on forcible return (refoulment) of an individual to a country where s/he would be at risk of persecution or other serious human rights violations. The UAE is not a party to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol.
- 10. Under the latest revisions to its domestic immigration law, issued in July 2022, there is still no legal recognition of the concepts of asylum or refugee status.⁸ Instead, there is only a category of entry visa and residence permit for "humanitarian cases" that is governed by executive discretion, without any legal standards to which applicants and de facto refugees can appeal to uphold their rights.⁹

Sexual rights

- 11. The UAE adopted a completely new Code on Crimes and Punishments in 2021, which replaced the entirety of the 1987 Penal Code when it went into effect on 2 January 2022. Under Article 409, the new code reinstated the long-standing criminalization of consensual same-sex and extramarital sex between adults that had been briefly decriminalized in 2020. The new Article 409 imposes a prison sentence of six months to three years on both parties to a sexual act in which [a]nyone ... fornicates with a woman or commits sodomy with a man ... by consent. Unlike the previous law criminalizing consensual sex, the new law dictates that prosecutions for such acts can only be initiated "on the basis of a complaint by a husband or male guardian".
- 12. A number of other provisions of the new Code on Crimes and Punishments are vague and overly broad in ways that raise concerns that they may be used to prosecute consensual sexual acts between adults. Article 407, for example, authorizes a prison sentence of up to three years for anyone who "violates another's honour, whether man or woman".¹⁴

Access for independent human rights observers

13. Although it extended an invitation to the UN Special Rapporteur on the Rights of Persons with Disabilities and the Special Rapporteur on the Right to Education in 2018, the UAE has otherwise not accepted proposed visits by any of the UN special procedures on human rights. In particular, it has not accepted proposed visits by any special procedures mandate concerning civil and political rights since 2014, when a visit by the Special Rapporteur on the independence of judges and lawyers resulted in a critical report.¹⁵

National Human Rights Institution

14. The UAE has established a National Human Rights Institution. However, information about it is conflicting and non-transparent, and over one and a half years after it was announced, it still does not appear to have a physical office and has not established a mechanism to receive complaints. In December 2020, the UAE announced that it had "approved the formation of the National Human Rights Authority", which would "follow the Paris Principles" and act to "protect human rights". However, the law establishing the National Human Rights Institution was not actually issued until May 2021. At the end of August 2022, the Institution's website still did not offer either an online complaint mechanism, a telephone number or a physical address.

THE HUMAN RIGHTS SITUATION ON THE GROUND

Continuing imprisonment of human rights defenders

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- 15. The UAE continues to hold Emirati human rights defenders Mohamed al-Mansoori, Mohamed al-Roken and Ahmed Mansoor in prison. Authorities arrested Mohamed al-Mansoori and Mohamed al-Roken in July 2012 and prosecuted them in a mass trial of 94 defendants (the "UAE-94" case). hmed Mansoor was arrested in March 2017, prosecuted and sentenced to 10 years in prison for exercising his right to freedom of expression by criticizing the UAE's human rights record on social media. Mohamed al-Mansoori and Mohamed al-Roken were both prominent lawyers who represented victims of human rights abuses before they were imprisoned. They were both also both former heads of the Jurists Association. Like all other non-governmental organizations in the UAE, the Jurists Association and its leadership were established with the government's approval.
- 16. Mohamed al-Roken completed his 10-year prison sentence on 17 July 2022.²⁴ However, the UAE did not release him on that date, and instead continued to hold him in al-Razeen prison where he had served his sentence.²⁵ The UAE justifies holding prisoners past the end of their sentences under a provision of its 2014 counterterrorism law stating that a person "adopting extremist or terrorist thought" can be held in detention for "counselling".²⁶ The law gives the prisoner no right to be present or to have legal representation in these extension-of-detention proceedings, and no right to appeal their continued detention, making such prisoners victims of arbitrary detention.²⁷

Continuing imprisonment of prisoners of conscience

17. The Emirati government continues to hold at least 26 prisoners of conscience in prison. Twenty-four are prisoners from the UAE-94 mass trial of 2012-2013.²⁸ In addition, the government has detained and imprisoned academic Nasser bin Ghaith since August 2015 and human rights defender Ahmed Mansoor since March 2017.²⁹ All 26 individuals are imprisoned solely because of their exercise of their rights to freedom of expression or association. Eleven of these prisoners of conscience, all victims of the UAE-94 mass trial, are being arbitrarily detained past the end of their sentences under the counterterrorism "counselling" law.³⁰

Racist mass deportation of Africans

- 18. From the night of 24/25 June 2021 until autumn 2021, the UAE held hundreds of Black Africans unlawfully detained in a racist mass arrest without trial and in inhuman conditions.³¹ The arrests were carried out in raids on apartment buildings housing migrant workers. Dozens of buses for transport and a task force of plain-clothes and regular police and security officers were mobilized for this operation.
- 19. The largest raids happened late at night in the heart of Abu Dhabi city. The police went through the buildings floor by floor breaking in doors. If the apartment had Asian migrant workers in it, they would leave. If the apartment had Africans in it, they would arrest them. The police did not present warrants and gave no explanation of the arrests to the victims. The detainees were taken, barefoot and in their nightwear, out of their homes, loaded onto the waiting buses, and transported to al-Wathba prison, where they were stripsearched and then put in holding areas where more than a hundred people were held together at a time.
- 20. The UAE kept the detainees in inhuman and degrading conditions (see next section) for an average of one to two months before summarily deporting them, with no contestable legal procedures taken against them at any stage. Most detainees were held completely incommunicado throughout their detention. None of the detainees ever saw a court or a lawyer, or even had a phone call with a lawyer.
- 21. After news of the mass deportation was reported, the UAE issued a statement claiming the deportees belonged to "organizations that are prostitution networks" and were treated "according to legal procedures" based on "decisive, documented evidence". But as just described, the detainees were given no legal due



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- process. All detainees whose immigration status Amnesty International was able to confirm with documents were legally present in the country.
- 22. All detainees interviewed said they were returned to their home countries with nothing but their phones, passports and some second-hand clothes. Interviewees described losing clothing, cash, bank savings, TVs, stereos, tablets, phones, laptops, driver's licenses, birth certificates, marriage certificates, school diplomas, university degrees, professional licenses, national ID cards and medical records.
- 23. On prima facie evidence, many of these deportations were cases of refoulement. Eleven out of 18 of deportees interviewed by Amnesty International were from the Anglophone region of Cameroon, where there has been armed conflict between the government and separatist groups since 2017. Multiple detainees stated to authorities their fear of return but were ignored.

Torture and other ill-treatment

- 24. In early 2018, Emirati authorities arrested Lebanese national Abdel Rahman Chouman.³³ He was tried on charges of planning a terrorist attack on behalf of the Lebanese political party and armed group Hezbollah. He testified to the court that he did not know where he had been detained for interrogation because he was kept blindfolded throughout the three months of interrogation; that interrogators had beaten him for up to six hours at a time, slamming his head against a wall until the dental veneers on his teeth were shattered; and that they had then forced him to sign a "confession" that he was not allowed to read.³⁴ The trial court nevertheless explicitly relied on this "confession" as part of the evidence supporting conviction in its judgment sentencing Chouman to life in prison.³⁵
- 25. Emirati authorities mistreated African detainees during the mass detention described in the previous section. During the seizure of the deportees from their homes, the Emirati police and security forces broke into apartments without presenting a warrant and pointed guns at the residents. When some individuals resisted arrest by refusing to let themselves be handcuffed, security officers clubbed them in the head or hit them with electroshock equipment. Police officers also sexually assaulted several of the women as they arrested them.
- 26. In the women's holding area at al-Wathba prison, over 140 people had to share four toilets, sometimes three. In one men's holding cell, detainees were crowded in at about 1.64 m² per person, less than half the 3.4 m² recommended as a minimum by the International Committee of the Red Cross. When a group of women argued with the guards about their treatment, they were shackled by the hands and legs 24 hours a day for a week, leaving abrasions on their wrists and ankles. The prison gave sick detainees no medical treatment; they were not allowed to receive prescribed medications that had been in their apartments when they were arrested. A pregnant woman from Cameroon who was suffering from anaemia in the prison described to Amnesty International how she was denied her medication and lost about seven kilograms of weight while in detention.
- 27. The UAE has held human rights defender Ahmed Mansoor in inhuman conditions since the time of his arrest in March 2017.³⁶ From March 2017 until November 2019, the al-Sadr prison administration did not permit him to leave the walls of his cellblock to see sunlight and breathe fresh air. From March 2017 until the present, the UAE has held him in solitary confinement without access to books, television or radio since he was sent to al-Sadr prison over four years ago. Since December 2017 he has not had a bed, mattress or pillow in his cell and has been deprived of access to most cleaning and personal hygiene items. In combination these measures amount to cruel, inhuman and degrading treatment, and likely rise to the level torture.

The Right to a Nationality





- 28. The United Arab Emirates has a sizeable native-born stateless population. As a result of a deal with the Comoros in 2008–2009, tens of thousands of stateless Emiratis came to hold Comoran passports, without actually obtaining a nationality in either the Comoros or the UAE.³⁷
- 29. The presence of stateless persons in the country is recognized by Emirati law, which includes a provision dictating that for purposes of criminal law, "whoever has no nationality shall be considered as equivalent to a citizen if his regular residence is in the state". 38 The UAE's official news agency has also recognized that there are stateless people on its territory "who do not have identity documents and whose presence in the state prior to the announcement of the Union [on 2 December 1971] has been proven". 39
- 30. There are varying estimates of the size of the stateless population in the UAE. At the lower end, in October 2006 the Emirati Ministry of Interior stated that "there are around 10,000 stateless people in the UAE", describing them as "mainly of Iranian or Asian origin, or from Zanzibar". At the upper end, Noora Lori, the author of the most comprehensive study of the Emirati stateless, presents a final estimate of "approximately" 80,000–120,000 people in this group, basing herself on the estimates of the number of Comoran passports issued. It is a stateless of the number of Comoran passports issued.
- 31. People who are stateless in the UAE do not have access to healthcare and education on equal terms, free from discrimination, with Emirati nationals. While Emirati nationals can access free healthcare and education from the state, people who are stateless must pay for the healthcare or education they receive.⁴² Enforcement of the restriction of access to these state services is put into effect through the biometric national identity card system. Only those with the national identity card can receive state-subsidized services, and only those with a "family book", the key nationality document denied to stateless Emiratis, can obtain a national identity card.⁴³ In addition, those with the special Comoran passports must now find an Emirati national who will serve as a "sponsor" in order to apply for renewable residency permits, without which they are considered "illegal residents".⁴⁴

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of the UAE to:

Human rights defenders and prisoners of conscience

32. Immediately and unconditionally release from prison all human rights defenders and prisoners of conscience, including Ahmed Mansoor, Mohamed al-Roken and Mohamed al-Mansoori.

Racist mass deportation of Africans

33. Restore to the deportees all property taken from them, compensate them for their pain and suffering and arrange an independent investigation to identify and bring to justice the officials who ordered and organized this discriminatory operation.

Torture and other ill-treatment

34. Guarantee all detainees access to in-person and private visitation by lawyers, family and (if foreign nationals) consular officials within the first 24 hours of detention as a protection measure against torture and other ill-treatment.

Right to a nationality

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- 35. Report publicly and annually on the number and socio-economic well-being of stateless persons in the UAE, including statistics on their average mortality, income, level of education and employment, and prevalence of chronic diseases.
- 36. Establish a fair and transparent process, based on objectively verifiable criteria, for stateless persons in the UAE to apply for Emirati nationality.
- 37. Ensure that stateless people can access education and healthcare on equal terms with Emirati nationals, free from discrimination.



¹ Working Group on the Universal Periodic Review, Report: United Arab Emirates, 18 April 2018, UN Doc. A/HRC/38/14. Please see Annex 2 below for recommendations from this pervious review cycle with Amnesty International's comments on implementation.

² United Nations Treaty Collection, "Convention on the Rights of the Child",

treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=_en (accessed 22 August 2022).

³ UN Committee on the Elimination of Discrimination against Women, Concluding observations: United Arab Emirates, 4 July 2022, UN Doc. CEDAW/C/ARE/CO/4, para. 11.

⁴ United Nations Treaty Collection, "Convention on the Elimination of All Forms of Discrimination against Women", treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=_en (accessed 5 October 2022).

^{.(}Article 1.2 (as amended on 27 September 2020, في شأن الأحوال الشخصية 2005لسنة (28القانون الاتحادي رقم), JUAE

⁶ UAE, م في شأن الجنسية وجوازات السفر 1972لسنة (17م في شأن تعديل بعض أحكام القانون الاتحادي رقم) 2017لسنة 16مرسوم بقانون اتحادي رقم , Article 10 bis, para. 1.

[.] Articles 2.1, 5, 6 (as amended on 15 November 1975), Articles 7, 8 في شأن الجنسية وجوازات السفر 1972لسنة 17قانون اتحادي رقم , UAE

⁸ UAE, (مجلس الوزراء رقم) (Cabinet Decision) في شأن دخول وإقامة الأجانب 2021لسنة (29ياصدار اللائحة التنفيذية للمرسوم بقانون اتحادي رقم) 2022لسنة (65قرار مجلس الوزراء رقم) No. 65 of 2022), bit.ly/3dMs2i9

⁹ UAE, Cabinet Decision No. 65 of 2022 (previously cited), Articles 34.9, 46.9.

^{. (}Code of Crimes and Punishments), prefatory Articles 2, 3. بإصدار قانون الجرائم والعقوبات 2021لسنة (10مرسوم بقانون اتحادي رقم) ،UAE

¹¹ UAE, (وقانون العقوبات 1987سنة (33 (as amended on 27 September 2020). م بإصدار قانون العقوبات 1987سنة (33 (35 (35 مراحدار عادي رقم)

¹² UAE, Code of Crimes and Punishments (previously cited), Article 409, para. 1 and Article 70, para. 2.

¹³ UAE, Code of Crimes and Punishments (previously cited), Article 409, para. 2. The Arabic wording is "بناءً على شكوى من الزوج أو الولي".

¹⁴ UAE, Code of Crimes and Punishments (previously cited), Article 407, para. 1 and Article 70, para. 2.

¹⁵ UN Office of the High Commissioner for Human Rights, View Country visits of Special Procedures of the Human Rights Council since 1998, spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&Lang=en (accessed 24 August 2022); UN Special Rapporteur on the Independence of Judges and Lawyers, Report: *Mission to the United Arab Emirates*, 5 May 2015, UN Doc. A/HRC/29/26/Add.2.

¹⁶ Embassy of the United Arab Emirates in Washington, DC, "Human Rights", <u>uae-embassy.org/discover-uae/society/human-rights</u> (accessed on 25 August 2022).

nhriuae.com/ar/law-12 بشأن الهيئة الوطنية لحقوق الإنسان 2021لسنة (12قانون اتحادي رقم), nhriuae.com/ar/law-12

¹⁸ National Human Rights Institution, UAE, "قريبا", under "تواصل معنا" link, <u>nhriuae.com/ar/coming-soon</u> (accessed on 29 August 2022); National Human Rights Institution, UAE, "Coming Soon," under "Contact Us" link, <u>nhriuae.com/en/coming-soon</u> (accessed 29 August 2022).

¹⁹ Amnesty International, "There Is No Freedom Here": Silencing Dissent in the United Arab Emirates (UAE) (MDE 25/018/2014), 18 November 2014, pp. 44–46.

²⁰ Amnesty International, "Ahmed Mansoor sentenced to 10 years imprisonment" (MDE 25/8510/2018), 4 June 2018, amnesty.org/en/documents/mde25/8510/2018/en/

²¹ Amnesty International, "There Is No Freedom Here" (previously cited), p. 47; Amnesty International, "UAE: Human rights lawyers among 13 detained as crackdown intensifies", 18 July 2012, amnesty.org/en/latest/press-release/2012/07/uae-human-rights-lawyers-among-13-detained-crackdown-intensifies/

²² Emirates News Agency (WAM), "جمعية الحقوقيين/رنيس الدولة", 6 September 2000, <u>wam.ae/ar/details/1395231251163</u>; WAM, "جمعية الحقوقيين العمل", 16 September 2005, <u>wam.ae/ar/details/1395234310902</u>

²³ UAE, (في شأن الجمعيات ذات النفع العام 1974لسنة (6قانون اتحادي رقم), Article 5. This is the law that was in effect when the government authorized establishment of the Jurists Association in 1980. The equivalent provision in the current law is: UAE, (مقانون اتحادي رقم), Article 6 (as amended on 27 September 2020).

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- ²⁴ Federal Supreme Court State Security Chamber, UAE, judgment of 2 July 2013 on case no. 17/2013, on file with Amnesty International, pp. 240–241.
- ²⁵ Interview by phone with Emirati activist in exile, 19 July 2022.
- .Article 40 في شأن مكافحة الجرائم الإرهابية 2014لسنة (7قانون اتحادي رقم), Article 40
- ²⁷ Amnesty International, "UAE: Dissidents arbitrarily detained beyond their sentence must be immediately released", 30 May 2022, amnesty.org/en/latest/news/2022/05/uae-dissidents-arbitrarily-detained-beyond-their-sentence-must-be-immediately-released/ ²⁸ Amnesty International, "There Is No Freedom Here" (previously cited).
- ²⁹ Amnesty International, "UAE: Prominent academic jailed for 10 years over tweets in outrageous blow to freedom of expression", 29 March 2017, amnesty.org/en/latest/press-release/2017/03/uae-prominent-academic-jailed-for-10-years-over-tweets-in-outrageous-blow-to-freedom-of-expression/; Amnesty International, "UAE: Activist Ahmed Mansoor sentenced to 10 years in prison for social media posts", 31 May 2018, amnesty.org/en/latest/news/2018/05/uae-activist-ahmed-mansoor-sentenced-to-10-years-in-prison-for-social-media-posts/
- ³⁰ Amnesty International, "UAE: Dissidents arbitrarily detained beyond their sentence must be immediately released" (previously cited).
- ³¹ All paragraphs in this section are based on Amnesty International, "UAE: Ensure the right to remedy to hundreds of African workers following racially motivated detentions and deportations", 26 October 2021, amnesty.org/en/latest/news/2021/10/uae-ensure-the-right-to-remedy-to-hundreds-of-african-workers-following-racially-motivated-detentions-and-deportations/; Amnesty International, "UAE: Mass Arbitrary Detention and Deportation of Africans", 26 October 2021, amnesty.org/en/documents/mde25/4896/2021/en/
- ³² Ministry of Foreign Affairs and International Cooperation, UAE, "وزارة الداخلية تدعو وسائل الإعلام إلى تحري الدقة واستقاء المعلومات من مصادرها", 3 September 2021, mofaic.gov.ae/ar-ae/mediahub/news/2021/9/3/03-09-2021-uae-accuracy
- ³³ The exact date of detention is unclear because the court judgment against Chouman is inconsistent, initially reporting the date as 15 February 2018, but later stating that it was on 11 January 2018. Abu Dhabi Federal Court of Appeal State Security Chamber, judgment of 15 May 2019 on national security case no. 32/2019, on file with Amnesty International, pp. 3, 12.
- ³⁴ Amnesty International, "Verdict issued against Lebanese men" (Index: MDE 25/0430/2019), 27 May 2019, amnesty.org/en/documents/mde25/0430/2019/en/
- ³⁵ Abu Dhabi Federal Court of Appeal, judgment of 15 May 2019 (previously cited), p. 9.
- ³⁶ This paragraph is based on: Amnesty International, "Prisoner of conscience in critical condition" (Index: MDE 25/1782/2020), 12 February 2020, amnesty.org/en/documents/mde25/1782/2020/en/; Amnesty International, "UAE: Ahmed Mansoor, unlawfully detained in solitary confinement for three years, must be released", 20 March 2020, amnesty.org/en/latest/news/2020/03/uae-ahmed-mansoor-unlawfully-detained-in-solitary-confinement-for-three-years-must-be-released/; Human Rights Watch and Gulf Centre for Human Rights, *The Persecution of Ahmed Mansoor: How the United Arab Emirates Silenced its Most Famous Human Rights Activist*, 27 January 2021, hrw.org/report/2021/01/27/persecution-ahmed-mansoor/how-united-arab-emirates-silenced-its-most-famous-human; and arabi21.com," ورسائل مسربة من سجون الإمارات)تفاصيل :"22-مسري كـ"عربي "16 July 2021, bit.ly/3CWak6f"
- ³⁷ Noora Lori, Offshore Citizens: Permanent Temporary Status in the Gulf, 2019; Atossa Araxia Abrahamian, The Cosmopolites: The Coming of the Global Citizen, 2015, Chapters 1–3.
- ³⁸ UAE, Code of Crimes and Punishments (previously cited), Article 23, para. 2; UAE, previous Penal Code (previously cited), Article 22, para. 2.
- 25 October 2006, wam.ae/ar/details/1395234612381 "سيف بن زايد: سائرون نحو حل نهائي لمسألة عديمي الجنسية" , WAM
- ⁴⁰ AFP, "UAE to naturalize 10,000 stateless people", 25 October 2006, Nexis Uni database.
- ⁴¹ Lori, Offshore Citizens (previously cited), p. 204.
- ⁴² Interview by voice call with "MM", Emirati stateless man accepted as a refugee in a European Union country, 3 May 2020; interview by voice call with Noora Lori, author of most detailed study on the Emirati stateless population, 14 May 2020; interview by voice call with Yoana Kuzmova, US attorney who has done field interviews with and given legal aid to Emirati stateless individuals seeking asylum abroad, 13 May 2020.
- ⁴³ Lori, Offshore Citizens (previously cited), p. 204. The Arabic term for the family book is خلاصة القيد.
- ⁴⁴ Interview by voice call with "MM", Emirati stateless man accepted as a refugee in a European Union country, 3 May 2020; Lori, *Offshore Citizens*, p. 204; Abrahamian, *The Cosmopolites*, p. 67. The Arabic term for the legal sponsor for residency is كفيل.

