

## HUMAN RIGHTS DEFENDERS IN THE UNITED ARAB EMIRATES

*The UAE accepted one recommendation on the protection of HRDs in the last UPR (Recommendation 128.105 made by Austria). However, no steps have been taken in that level. Instead, new legislations and amendments were adopted to further suppress HRDs defenders and human rights violations have been systematic in the UAE since the last UPR.*

### Laws restricting freedom of expression

The UAE adopted various laws and amendments seeking to restrict freedom of expression. Three legislations were amended and adopted:

- **Federal Law No. 7 of 2014 on Combating Terrorism Crimes:** Approved on 21 August 2014. This new law adds to a series of restrictive laws which violate freedom of expression, and uses “terrorism” as a pretext to repress human rights defenders. The law contains vague provisions and the term ‘terrorism’ is not clearly defined, which leads to broad and arbitrary interpretations by the UAE authorities. This opens the door to human rights violation, i.e. it leads to generalize sentences against human rights defenders under the pretext of ‘threat to national security or attack those in power’. (Articles 1, 14,15, 16, 21, 22, 23,24,25,26,27, 40,41,49)
- **Federal Penal Code No. (3) of 1987:** Amended on 18 September 2016 by the Emirati President’s decree. The new amendments can be used as a pretext to detain human rights defenders and restrict their freedom. The decree amended various articles which endangers the right to freedom of expression. Some articles could be used as a pretext to detain human rights defenders and restrict their freedom. (Articles 176, 180, 180bis, 182, 197bis (1) and (2), 198, 198bis)
- **Federal Decree Law Combating Cybercrimes of 2012:** The decree’s vaguely worded provisions provide a legal basis to prosecute and jail people who use information technology to, among other things, criticize senior officials, argue for political reforms, and organize unlicensed demonstrations. Many human rights defenders were arbitrarily detained and sentenced based on this law between 2013 and 2017. (Articles 28, 29 and 38)

### Harrasment of HRDs

Human rights defenders are discriminated and harassed by the UAE authorities, i.e. they are exposed to numerous violations that have affected their liberty, personal safety, dignity and physical and moral sanctity, as well as their rights to a fair and humane trial.

According to information gathered during our work on human rights issues in the UAE, we have been able to identify abuses and violations committed by the state security apparatus. We mainly list the following violations: enforced disappearance, arbitrary detention, torture, incommunicado, solitary confinement, unfair trials, withdrawal of nationality, reprisals, extrajudicial extradition.

Arrests are conducted without judicial warrant. The victims upon arrest are summoned to the police station by telephone, by a police officer who visits the person concerned, or by a police raid at home. Police officers search all the rooms of the house and confiscate the electronic equipment such as computers, mobiles and even children’s playstations. They take the victim blindfolded in some cases (in front of their children and wives) to secret detention centers, which renders them forcibly disappeared and increases their risk of exposure to torture and ill-treatment.

Families of human rights defenders are also subjected to collective punishment to add pressure and intimidate them. Many of those families have been persecuted, deprived of passports, freedom of movement, jobs, education and other basic rights.

### Osama Al-Najjar

He was arrested and sentenced to three years of imprisonment on 25 November 2014, on the basis of Federal Law Combating Cybercrimes. He should have been released on 17 March 2017, but the public prosecution requested the court to extend his detention term in a counselling centre. This is a new trend being used to enforce arbitrary detention after the end of sentences.

## Ahmed Mansoor

Well-known human rights activist and winner of the 2015 Martin Ennals Award for Human Rights Defenders.

On March 20, 2017, the State Security Apparatus arrested him and he was taken to an undisclosed location until authorities issued an official statement on 29 March, saying he was in detention in the Central Prison in Abu Dhabi. To date he is still in arbitrary detention being held in solitary confinement, has been deprived of his right to access legal counsel and has only been allowed minimal contact with his family.

He has also been subject to various cybersecurity attacks by the government including spying on his mobile phone and placing him under electronic surveillance, and is still facing a travel ban as his passport was never returned to him.

## Dr. Nasser Bin Ghaith

He is an eminent Emirati academic, economic expert and human rights defender. He was arrested without a warrant on 18 August 2015 and put in secret detention for 8 months. After series of unfair trials, he was sentenced to ten years' imprisonment by the Federal Court of Appeal on 29 March 2017 on various charges of criticizing the Egyptian and UAE governments on Twitter.

Bin Ghaith issued an open letter on 2 April 2017 declaring his intention to go on a hunger strike until his unconditional release and authorisation for him and his family to leave the country.

## Suggested questions

- *What are the measures taken by the authorities to protect human rights defenders and develop an independent civil society?*
- *What about the establishment of an independent national human rights institution, in compliance with the Paris Principles ?*

## Women human rights defenders

Women human rights defenders are not spared from repressive practices of the authorities. We can mention:

- Al Suweidi sisters arrested in 2015 and held in forced disappearance for months
- Amina Al abdulli sentenced to a five-year prison sentence and a 500,000 dirham fine (US\$ 136,000) in addition to the confiscation of her electronic devices on charges of posting tweets on social medias.
- Duaa and Asma Al Seddiq revoked of their nationality because of tweeting
- 6 women acquitted during the trial of the UAE94 group but still facing reprisals

In 2015, during its 62<sup>nd</sup> session, CEDAW expressed its concern that “women human rights defenders in UAE and their relatives have allegedly been subjected to various forms of harassment.” (CEDAW/C/ARE/CO/2-3). The committee recommends that the State party refrain from any act of reprisal against women rights defenders and their relatives and ensure the prompt lifting of all administrative or other barriers placed on them and their families. (Recommendation n°20/ CEDAW/C/ARE/CO/2-3)

## Recommendations

- Develop and enact specific laws and policies to recognise and protect the work of human rights defenders and independent civil society
- Repeal the new legislatures that criminalize and repress peaceful practice of freedom of expression, or at least amend such laws: Counter-Terrorism Law No. (7) of 2014, Cybercrimes Law No. (5) of 2012, and Penal Code No. (3) of 1987 and its amendment by Federal Decree Law No. (7) of 2016
- Ratify the International Covenant on Civil and Political Rights
- Allow the Special Rapporteur on human rights defenders to visit the UAE
- Implement the recommendations of CEDAW especially n°20 on women human rights defenders
- Release all human rights defenders who are detained as a result of exercising and advocating human rights

This information was prepared by the International Centre for Justice and Human Rights (ICJHR)