



UNITED ARAB EMIRATES

Repriev submission to the United Nations Universal Period Review

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## Introduction

In this submission, Reprieve provides an overview of developments in the application death penalty in the United Arab Emirates (UAE) since the last Universal Periodic Review.<sup>1</sup> The UAE undertook a program of legislative reform aimed at strengthening the enjoyment of human rights and compliance with international obligations. While several of these reforms are welcome, many have a negative impact on the application of the death penalty.

Notably, these reforms do not address the recommendations accepted by the UAE during the previous review period. Of concern is the widening of the application of the death penalty, the rise in executions, and the failure to establish a viable, independent body tasked with investigating allegations of torture and ill-treatment. There are also serious concerns about the allegations that the UAE is operating numerous “secret” detention facilities in Yemen in which individuals are arbitrarily detained and subject to torture and ill-treatment.

Although the UAE welcomed former United Nations Special Rapporteur on the Independence of Judges and Lawyers Gabriela Knaul, many of the serious concerns impacting human rights in the UAE remain unaddressed.<sup>2</sup>

## EXECUTIONS

The UAE has not complied with the accepted recommendation on establishing a moratorium on executions with a view to abolishing death penalty. Since the previous review period, the UAE has carried out two executions.

On 21 January 2014, the UAE executed Sri Lankan national and migrant worker, Ravindra Krishna Pillai, for the premeditated murder of an Emirati national, amid concerns that his trial did not meet international minimum standards for fairness, including denial of access to lawyer and a failure by the courts to examine the defence of self-defence.<sup>3</sup>

On 13 July 2015, the UAE executed Emirati national Ala Badr Abdullah al-Hashimi just two weeks after the State Security Chamber of the Federal Court issued the death sentence. Ms al-Hashimi was convicted and sentenced to death for the murder of a teacher. At the time, the SCC did not have an appellate procedure. It is further reported that Ms al-Hashimi was not provided with an opportunity to seek clemency.<sup>4</sup>

Dubai is set to carry out the first execution in six years after the Dubai High Court confirmed the death sentence of Jordanian national Nidal Ali in February 2017.

Reprieve is concerned that the UAE has carried out executions in violation of the right to life for failing to adhere to international standards requiring retentionist states to only apply the death penalty for the most serious crimes, following stringent adherence to fair trial and due process rights.

## WIDENING THE APPLICATION OF THE DEATH PENALTY

The UAE has not complied with the recommendation to reduce the number of crimes where the death penalty can be imposed. Between 2014 and 2016, the UAE enacted legislation that widens the application of the death penalty, including non-lethal offences.

### *Drug offences*

The UAE retains the death penalty for non-violent drug offences under Federal Law No.14 on the Control of Narcotic and Psychotropic Substances of 1995. In 2016, Amendment No.8 of 2016 to the law created a new offence that carries the death penalty. Article 45(3) makes it an offence punishable by death to place a narcotic or psychotropic substance in another's food unknowingly, resulting in their death.

### *Counterterrorism*

In August 2014, Federal Law No.7 on Combating Terrorism Acts of 2014 came into force creating several new offences that carry the death penalty, of which 11 are non-violent offences; 16 are violent but non-lethal offences; and five are offences with lethal consequences. The law also allows for the death penalty to be handed down for offences proscribed in the UAE's Penal Code when committed with "terrorist intent."

Article 1 broadly defines acts of terrorism and terrorist purposes, in contravention of international standards. Article 14 makes it an offence punishable by death to "to undermine the stability, safety, unity, sovereignty, or security of the State" or "to undermine national unity or social peace."<sup>5</sup>

Other offences punishable by death for non-violent offences include, *inter alia*, associating with a proscribed terrorist organisation, attempting to commit a terrorism offence, abetting the commission of a terrorism offence and establishing a terrorist organisation.

### *Non-compliance with international standards*

To comply with international standards, retentionist states must ensure that the death penalty is only applied for crimes that meet the "most serious crimes" threshold, which is established as having lethal consequences. Therefore, the newly created offences under Law No.7 and Law No.14 that make it an offence punishable by death for non-violent offences runs counter to international norms, rendering any death sentence issued for the offence unlawful.

## THE DEATH PENALTY FOR DRUG OFFENCES

The UAE has a legal obligation arising out of the Arab Charter on Human Rights to limit the application of the death penalty for only the “most serious crimes.” The UAE is also party to international counter-narcotics treaties that support the internationally agreed upon principle that drug offences do not fall within the category of “most serious crimes.”

Since 2014, at least 86 capital trials for non-lethal drug offences have gone through the local criminal courts. Articles 48 and 49 of Federal Law No.14 on the Control of Psychotropic and Narcotic Substances of 1995 provides that a defendant may receive the death penalty carrying out an offence proscribed by the Law with the intent to trade or traffic or promote several scheduled substances, or upon recidivism. The law is broadly defined and there are no sentencing guidelines available to assist judges, leading to serious discrepancies in the application of the law.<sup>6</sup>

In October 2016, Law No.14 of 1995 was amended by Law No.8 of 2016. Article 65 (3) gave the Federal Court in Abu Dhabi exclusive jurisdiction to hear cases where the defendant faces the death penalty for drug offences under Article 48 and 49.

The amendment has caused considerable procedural delays in dealing with drug related death penalty cases. Shortly after coming into force, Prosecutors across the UAE were directed to amend their charging practices in line with the amendment. However, no guidelines were put in place for the transfer of cases to the federal system.<sup>7</sup>

Since October 2016, the Prosecution services have been transferring pre-trial detainees facing the death penalty for drug offences from various emirates to Abu Dhabi, where the federal court is. This is resulting in excessive pre-trial detention while prisoners wait for their case to be transferred to the federal jurisdiction. In some instances, cases have been transferred from the local court to the federal court mid-trial, without clarity on whether their case would proceed to sentencing at a federal level or whether their case would be reheard.

There are concerns that the courts will now face considerable backlog in disposing of these capital trials, impacting the defendants’ right to be tried without undue delay.

Significantly, the amendments have not been published on the UAE Government’s Legislation Portal, preventing the public from accessing key legislation that would enable a better understanding of the new procedure.

## DUE PROCESS AND FAIR TRIALS

The UAE has partially complied with the endorsed recommendation to provide expeditious due process for all those accused of crimes. In October 2016, amendments to the Code of Criminal Procedure created a three-tiered appeals process within the State Security Chamber of the Federal Court providing defendants with further avenues of appeal similar to the criminal courts.

However, during her visit to the UAE, Special Rapporteur Knaul expressed serious concern that she received credible information that detainees were denied access to lawyers, were subjected to arbitrary arrest, with investigations and proceedings lacking transparency.<sup>8</sup>

Reprieve has documented numerous capital trials where due process and fair trials rights have not been strictly adhered to. Failure to do so in cases involving the death penalty has serious ramifications and will render any death sentence unlawful, and any execution in violation of the right to life.

Since the last review period, Reprieve compiled statistics of a survey of 124 prisoners in detention in the UAE, many of whom faced the death penalty for drug offences.<sup>9</sup> The results support the special rapporteur's concerns regarding adherence to due process and fair trial rights in the UAE:

- Over 75% said they had been physically abused at some time after their arrest
- All but five (96%) were subjected to questioning by police without ever having seen a lawyer
- 95% were interviewed by prosecutors without a lawyer present.
- 85% of prisoners said they were forced to sign documents in a language they didn't understand.
- Of the 78 prisoners who were later able to have these documents translated, 91% said that the documents did not accurately represent what they had said.

Reprieve is particularly concerned with access to court-appointed lawyers and the provision of legal aid in the UAE in capital trials. Of the 95 prisoners who said they could speak with a lawyer, 82 said that they believed they had probably been appointed lawyers by the government. In an overwhelming number of these cases prisoners explained that although they had been informed that a lawyer had been appointed, they never met any such lawyer.<sup>10</sup> In other instances, proceedings have been repeatedly stalled or delayed because the courts have been unable to find lawyers prepared. In other cases, court appointed lawyers have withdrawn.

## TORTURE AND ILL-TREATMENT

The UAE has not complied with the accepted recommendation to continue intensifying efforts to combat all cases of torture and other cruel, inhuman or degrading treatment, and launch the National Verification Mechanism, and bring cases promptly before the courts.

Special Rapporteur Knaul noted that she received credible information 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 considered in judicial proceedings.<sup>11</sup>

Reprieve notes that despite an intensive programme of legislative reform undertaken since the last review, the UAE has made no progress in strengthening current legislation to conform to its international obligations arising out of the Convention Against Torture (CAT). Reprieve is particularly concerned with the use of torture by Emirati police to obtain confessions later relied upon at trial to secure death sentences.

The UAE has adopted a piecemeal approach to its compliance with the Convention Against Torture in its domestic legislation. While the right to be free from torture is enshrined in the Constitution, and the Code of Criminal Procedure provides that State agents will face jail time for committing acts of torture,

there are still several shortcomings in the UAE's legislation. This has a direct impact on the way torture investigations are conducted, as well as accountability, and the rights of victims to seek redress.

There is no separate act that deals exclusively with torture and ill-treatment. The UAE has not incorporated the Convention's definition of torture in its domestic legislation nor has it defined acts of physical or psychological torture. Further, there are no clearly defined sanctions against perpetrators of torture.

The UAE has not established a complaints mechanism or a National Verification Mechanism that deals exclusively with allegations of torture and mistreatment, nor has it established an independent body that has the competency and expertise to initiate such investigations. Currently, local prosecutors are tasked with investigating allegations of torture or ill-treatment. However, in several instances documented by Reprieve, the same prosecutor responsible for bringing criminal charges against the victim has investigated complaints against arresting officers in the case.

There are also no federal guidelines for conducting investigations into torture in compliance with CAT's ancillary procedural obligations arising out of the Istanbul Protocol.<sup>12</sup> There are no guidelines in place for medical forensic professionals, prosecutors, judges, law enforcement and prison officers. Forensic and medical reports of sufficient quality require standardized medico - legal evaluation report forms in accordance with Istanbul Protocol guidelines. They include standardized screening formats and formats for full Istanbul Protocol evaluations. Forensic experts must have unrestricted access to relevant evidence, including crime scenes, material evidence, witnesses and relevant documents, including interrogation logs and medical records. None of these are provided for in the UAE at present. Of the medical examinations reviewed by Reprieve into allegations of torture in the UAE, none complied with the Istanbul Protocol.<sup>13</sup>

The result is that there is no clear way to determine the true extent of the use of torture and ill-treatment in the UAE. There are no publicly available statistics on the number of complaints lodged against State agents for acts of torture, the number of investigations carried out, nor the number of criminal proceedings initiated against perpetrators.

## ARBITRARY DETENTION AND TORTURE IN YEMEN

Reprieve is concerned by recent reports from credible sources implicating the UAE in the operation of a number of "secret" detention centres across Yemen.<sup>14</sup> There are also very serious allegations about the torture and ill treatment of individuals arbitrarily detained in such centres. The UAE has also been implicated in the alleged rendition of individuals from Yemen to Eritrea.

The arbitrary detention of individuals without charge or trial is a clear violation of the UAE's obligations under Article 14 of the Arab Charter of Human Rights. The prohibition against arbitrary detention is also a universally binding norm of customary international law and will never be necessary or proportionate.<sup>15</sup> The UN Working Group on Arbitrary Detention has also stated that secret and incommunicado detention constitute "the most heinous violation of the right to liberty".<sup>16</sup> As a result, to the extent that such secret detention facilities exist and are operated under the effective control of the UAE, the UAE is in clear breach of its obligations under both treaty and customary international law.

There are also numerous reports of individuals detained in these “secret” detention centres being subject to torture and CIDT. As discussed above, not only is the application of torture or CIDT a clear violation of the Convention Against Torture and a *ius cogens* norm, the failure to investigate such allegations and establish an independent mechanism for torture constitutes a standalone violation of the Convention Against Torture.

Finally, we encourage the UAE to fully investigate allegations that it has been complicit in rendering individuals from detention centres Yemen to its base in Eritrea. The Committee Against Torture has on numerous occasions emphasised the absolute prohibition under Article 3 of the Convention; the UAE is under an obligation to investigate allegations of rendition where there is credible evidence that its agents were complicit in transferring individuals to a place where they face a real risk of torture. If individuals were transferred to its base in Eritrea, then the responsibility of the UAE is engaged and the duty to investigate triggered.

## RECOMMENDATIONS TO THE UNITED ARAB EMIRATES

Regarding the death penalty

- Ratify the International Covenant on Civil and Political Rights (ICCPR)
- Immediately impose a moratorium on death sentences and executions with a view of abolishing the death penalty
- Establish a commission tasked with the review of all death sentences and to review legislation that retains the death penalty offences that do not meet the “most serious crimes” threshold, including Law No.14 on Narcotics and Law No.7 of 2014 on combatting terrorism. Further, the committee should make their findings public.
- Conduct investigations into the executions carried out since 2014 and make the findings public.
- Issue public figures on the number of persons currently on death row in the UAE

Regarding torture and ill-treatment

- Ratify the Optional Protocol to the Convention Against Torture (OP-CAT)
- Enact separate legislation that
- Enact federal guidelines on the investigation of torture and ill-treatment in line with international minimum standards;
- Take viable steps toward establishing an independent complaints mechanism to investigate allegations of torture and ill-treatment;
- Extend an invitation to the Special Rapporteur on Torture
- Strengthen the judiciary to initiate torture investigations ex-officio

- Issue public figures on:
  - The number of complaints submitted against public officials alleged to have committed acts of torture and ill-treatment;
  - The number of prosecutions and subsequent convictions of public officials alleged to have committed acts of torture and ill-treatment.
  - Make public any findings related to the investigation of torture and ill-treatment.

Regarding due process and fair trials

- Ratify the International Covenant on Civil and Political Rights (ICCPR)
- Implement the recommendations made by the UN Special Rapporteur on the Independence of Judges and Lawyers
- Extend an invitation to the Special Rapporteur on Human Rights and Counterterrorism
- Conduct a review of current legislation to ensure compliance with international human rights standards and the principle of legality.
- Take concrete steps to ensure all legislation is readily accessible to the public, including in translation.

Regarding arbitrary detention and torture in Yemen

- Ratify the International Covenant on Civil and Political Rights (ICCPR)
- Immediately grant independent monitors access to all detention centers in Yemen and unhindered access to all prisoners and allow them to carry out unannounced inspection visits to all detention facilities
- Issue public figures on:
  - the number of detention centres under the effective control of the United Arab Emirates in Yemen;
  - the number of individuals detained under the effective control of the United Arab Emirates in Yemen;
  - the number of individuals detained under the effective control of the United Arab Emirates in Eritrea;
  - the number of individuals transported by the United Arab Emirates to Eritrea.
- Commission a full, independent investigation into allegations of arbitrary detention, and torture in Yemen and rendition to Eritrea.
- Publish the results of such investigation

- Ensure that all individuals implicated in torture, CIDT and other abuses are subject to appropriate disciplinary and criminal sanctions, in line with the Convention Against Torture.

## ENDNOTES

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<sup>1</sup> Reprieve is a legal services charity based in London which provides assistance to persons facing the death penalty around the world.

<sup>2</sup> UNHRC, 'Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul: Mission to the United Arab Emirates,' (2015), A/HRC/29/26/Add.2.

<sup>3</sup> [https://spdb.ohchr.org/hrdb/25th/public - UA UAE 09.01.14\(1.2014\).pdf](https://spdb.ohchr.org/hrdb/25th/public - UA UAE 09.01.14(1.2014).pdf)

<sup>4</sup> <http://www.thenational.ae/uae/courts/death-sentence-for-reem-island-killer>

<sup>5</sup> See Annex; Rights groups have condemned the law for its propensity to be applied against perceived political opponents.

<sup>6</sup> See Annex.

<sup>7</sup> This confirms former Special Rapporteur Knaul's concerns that the UAE's legal system and legislation was not clearly accessible to citizens, creating legal uncertainty.

<sup>8</sup> *Supra* note, 2.

<sup>9</sup> For further information, please see Reprieve's report: Systematic Torture: Statistics from Dubai Central Jail, available at [http://www.reprieve.org.uk/wp-content/uploads/2015/03/2013\\_10\\_28\\_INT-UAE-Torture-Report-final.pdf](http://www.reprieve.org.uk/wp-content/uploads/2015/03/2013_10_28_INT-UAE-Torture-Report-final.pdf)

<sup>10</sup> *Ibid.*

<sup>11</sup> *Supra* note, 2.

<sup>12</sup> Istanbul Protocol Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

<sup>13</sup> See Annex

<sup>14</sup> [Human Rights Watch, Yemen: UAE backs abusive local forces, 22 June 2017.](#)

<sup>15</sup> Report of the Working Group on Arbitrary Detention (A/HRC/22/44), Part III, Deliberation No. 9.

<sup>16</sup> *Id.*

## APPENDICES

APPENDIX A – Capital Offences under Federal Law No. 7 of 2014 on Combatting Terrorism Offences  
Issued on 20/08/2014

### By the numbers:

11 non-violent offenses can be punished with the death penalty.<sup>1</sup>

16 violent but non-lethal offenses can be punished with the death penalty.<sup>2</sup>

5 lethal offenses may be punished with the death penalty.<sup>3</sup>

Lethal: (5 total)

## Chapter 1 Definitions

### Article 1

In implementation of the provisions of the present Law, the following terms and expression shall have the meanings assigned thereto, unless the context requires otherwise:

**Terrorism Offence:** Every criminal action or inaction criminalised under the present Law and every action or inaction constituting a felony or misdemeanor referred to in any other law, if committed for terrorist purpose

**Terrorist Purpose:** The offender's intention to commit a criminal action or inaction in order to cause the occurrence of a direct or indirect terrorist result or whenever the offender is aware that the action or inaction is intended to cause the occurrence of a terrorist result

### Article 5

1. Life imprisonment shall be imposed on whoever kidnaps, for a terrorist purpose, any of the air, land or sea means of transport.
2. Capital punishment or life imprisonment shall be imposed should the act mentioned in the preceding clause result in injuring a person or should the offender resist the public authorities with force or violence upon the performance of their duty to recover the mean of transport.
3. Capital punishment shall be imposed should the offender's act result in the person's death.

### Article 6

1. Life imprisonment shall be imposed on whoever deliberately destroys, damages or endangers any of the air, land or sea means of transport or the air, land or sea navigation facilities, or impedes the services therein for a terrorist purpose.
2. Capital punishment or life imprisonment shall be imposed should the act mentioned in the preceding clause result in wounding or injuring any person.
3. Capital punishment shall be imposed should the offender's act result in a person's death.
4. The offender shall be subject to a fine equal to double the value of the properties or objects destroyed thereby.

### Article 7

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<sup>1</sup> 13(4); 14; 18; 19; 20; 21(1); 22(2); 24(1); 27(2)\*; 31(3); 32(1) (\* indicates mandatory death penalty).

<sup>2</sup> 5(1); 6(1); 7(3); 8; 9\*; 13(2)(a-i); 17(4); 17(5); 37(3) (16 total).

<sup>3</sup> 5(3)\*; 6(3); 13(3)\*; 16(3)\*; 23.

1. Life imprisonment shall be imposed on whoever manufactures, collects, prepares, supplies, imports, exports, enters to or exists from the State, acquires, possesses or disposes of non-conventional weapons or transfer or attempts to transfer such weapons by post or any means of transport for a terrorist purpose.
2. Life imprisonment shall be imposed on whoever embezzles or steals non-conventional weapons or obtains such weapons by the use of force, threat of force, or by any methods of deception, fraud or extortion, for a terrorist purpose.
3. Capital punishment or life imprisonment shall be imposed on whoever attempts to use non-conventional weapons. Capital punishment shall be imposed should the offender use[] such weapons for a terrorist purpose.

**Article 8**

Capital punishment or life imprisonment shall be imposed on whoever uses a nuclear, chemical or biological reactor or damages such reactor in a manner intended to emit the radiations, radioactive activity, toxins, toxic chemicals, pathological bio-agents or organism for a terrorist purposes.

**Article 9**

Capital punishment shall be imposed on whoever attempts to commit or commits any aggression against the safety of the President of the State, his deputy or any of the members of the Federal Supreme Council, their heir apparents, deputies or family members, or deliberately endangers their life or freedom for a terrorist purpose.

**Article 13**

1. Life imprisonment or temporary imprisonment for 7 years at least shall be imposed on whoever kidnaps, arrests, detains or imprisons a person as a hostage or deprives him from his freedom by any means for a terrorist purpose.
2. Capital punishment or life imprisonment shall be imposed in the following cases:
  - a. Should the act be committed by claiming public status or pretending performance or assignment of a public service, or by claiming false capacity.
  - b. Should the act be committed by deception or by the use of force or threat to kill or to cause serious harm or acts of physical or psychological torture.
  - c. Should the act be committed by two or more persons or by an armed person.
  - d. Should kidnapping, arrest, detention, or deprivation of freedom last for a period exceeding 24 hours.
  - e. Should the victim be a female.
  - f. Should the victim be a minor, insane, mentally deranged or disabled.
  - g. Should the act be committed against a public officer when performing his job or due to it.
  - h. Should the offender resist public officers when freeing a hostage.
  - i. Should the act result in wounding or injuring a person.
3. Capital punishment shall be imposed should the act result in the death of a person.
4. The penalty to which the original offender is sentenced shall be imposed on whoever knowingly hides a kidnapped person.

**Article 14**

Capital punishment or life imprisonment shall be imposed on whoever commits an action or inaction intended for threatening the State's stability, safety, unity, sovereignty or security, which contradicts the basic principles underlying the governance system of the State, or with the purpose of making a coup and taking over the power, illegally invalidating the provisions of the Constitution or preventing

one of the State's institutions or the public authorities from practicing their activities, or prejudicing the national unity or the social security.

#### **Article 16**

1. Life or temporary imprisonment shall be imposed on whoever enters the premises of any diplomatic or consular mission or the premises of any international authority or organisation in the State or of foreign interests for the purpose of commission of a terrorist offence.
2. Life imprisonment shall be imposed should the act be committed by force or by resistance to the competent authorities or with the use of weapons, or should it be committed by more than a person.
3. Capital punishment shall be imposed should the act committed results in the death of a person.

#### **Article 17**

1. Life or temporary imprisonment shall be imposed on whoever commits, for a terrorist purpose, any of the offences set forth in Paragraph 1 of each Articles 190, 290 and 297 or in Paragraphs 1 and 2 of Article 339, or in Articles 202, 301, 302, 337, 338 and 348 of the Penal Code.
2. Life imprisonment or temporary imprisonment for 5 years at least shall be imposed on whoever commits, for a terrorist purpose, any of the offences set forth in Paragraph 1 of Articles 189, 196 and 336, or in Paragraph 2 of Articles 190 and 193 of the Penal Code.
3. Life imprisonment or temporary imprisonment for 10 years at least shall be imposed on whoever commits, for a terrorist purpose, any of the offences set forth in Paragraph 1 of Article 193 or in Articles 296 and 304 of the Penal Code.
4. Capital punishment or life imprisonment shall be imposed on whoever commits, for a terrorist purpose, any of the offences set forth in Article 195 or in Paragraph 2 of each of Articles 196 and 290 as well as the offences set forth in Article 299 of the Penal Code.
5. Capital punishment shall be imposed on whoever commits, for a terrorist purpose, the offence set forth in Article 332 of the Penal Code.

#### **Article 18**

Whoever threatens of the commission of a terrorist offence, under circumstances revealing the seriousness of the threat, shall be subject to the penalty prescribed to be imposed for the attempt of commission of the aforesaid offence.

#### **Article 19**

Whoever plans or seeks the commission of a terrorist crime shall be subject to the penalty prescribed to be imposed for the attempt of commission of the offence planned or sought.

#### **Article 20**

Whoever abets the commission of a terrorist offence shall be subject to the penalty prescribed to be imposed for the attempt of commission of the abetted offence, although the abetting had no effect.

### **Chapter 2**

#### **Offences Related to Terrorist Organisations**

#### **Article 21**

1. Capital punishment or life imprisonment shall be imposed on whoever established, incorporates, organises, manages or undertakes to lead a terrorist organisation.

2. The court shall rule the dissolution of the terrorist organisation and the closure of its premises.
3. The court shall rule the confiscation of seized weapons, properties and objects owned by the organisation, which are allocated thereto, or which were found in its premises. Moreover, the court shall rule the confiscation of every seized property that appears to be among the convict's properties should there be sufficient evidence or presumptions indicating that such properties actually constitute a resource allocated for disbursement for the terrorist organisation. Should it be impossible to seize any of the aforesaid properties, the court shall rule the imposition of a fine equal to their value, without prejudice to the rights of bona fide third parties.

**Article 22**

1. Life imprisonment or temporary imprisonment shall be imposed on whoever seeks to join a terrorist organisation or participate in its activities in any way whatsoever although aware of its truth and purpose.
2. Capital punishment or life imprisonment shall be imposed on whoever joins a terrorist organisation or participates in its activities in any way whatsoever although aware of its truth or purpose.

**Article 23**

1. Life imprisonment or temporary imprisonment for a period of no less than 10 years shall be imposed on whoever forces or imposes on someone to join, participate or remain in a terrorist organisation.
2. Capital punishment shall be imposed should the offender's act result in a person's death.

**Article 24**

1. Capital punishment or life imprisonment shall be imposed on whoever establishes, incorporates or manages a centre for the purpose of training for terrorist offences.
2. The court shall rule the dissolution of the centre and the closure of its premises.

**Chapter 3**

**Offences of Conspiracy to Commit Terrorist Acts**

**Article 27**

1. Life imprisonment shall be imposed on whoever seeks, for a foreign country, terrorist organisation, terrorist person or any of the persons who work on their behalf as well as those who communicate of them, to commit a terrorist offence.
2. Capital punishment shall be imposed should the sought or communicated offence be committed.

**Chapter 5**

**Terrorism-Supporting Offences**

**Article 31**

1. Life or imprisonment or temporary imprisonment for no less than 5 years shall be imposed on whoever cooperates with a terrorist organisation while aware of its truth and purpose.
2. Life imprisonment or temporary imprisonment for no less than three years shall be imposed on whoever assists a terrorist person on the achievement of his purpose although aware of his truth and purpose.
3. Capital punishment or life imprisonment shall be imposed should the perpetrator in the preceding two clauses be a member of the armed police or security forces or have previously followed military or security training.

**Article 32**

1. Capital punishment or life imprisonment shall be imposed on whoever supplies a terrorist organisation or terrorist person with conventional or non-conventional weapons or other materials that endanger peoples' life and properties, although aware of the truth or the purpose of the organisation or the person.
2. Life imprisonment or temporary imprisonment for no less than 10 years shall be imposed on whoever supplies a terrorist organisation or terrorist person with equipment, valid or false documents, communication means or any materials, information, consultation, dwelling, habitation, place for meeting or any other facilities which help such organisation or person achieve the purpose thereof, although aware of their truth or purpose.
3. Life imprisonment or temporary imprisonment for no less than 10 years shall be imposed on whoever conceals, destroys, steals, or embezzles a paper or electronic document to prevent the detection or establishment of commission of a terrorist offence.

## **Chapter 7 Terrorism-Related Offences**

### **Article 37**

1. Life or temporary imprisonment shall be imposed on whoever commits any aggression against the persons in charge of the implementation of the provisions of the present Law upon the performance of their duty or due to it, or resists such persons by the use or threatening of force or violence.
2. Life imprisonment shall be imposed should the aggression or resistance result in a permanent disability or if the offender was armed or has kidnapped or detained any person in charge of the implementation of the provisions hereof or the spouse, ascendant, descendant or any relative or in-law, to the second degree, of such person.
3. Capital punishment shall be imposed should the aggression, resistance, kidnapping or detention result in a person's death.

## **Chapter 8 Terrorist Offences Set Forth in Other Laws**

### **Article 39**

Except for matters for which special provisions have been stipulated in the present law, the felonies and misdemeanors set forth in the Penal Code or any other law shall be deemed terrorist offences if committed for a terrorist purpose. The penalty shall be imposed as follows:

1. If the penalty originally prescribed for the offence is imprisonment, the maximum punishment shall be doubled.
2. If the penalty originally prescribed for the offence is temporary imprisonment for less than 15 years, the period of imprisonment reach this limit.
3. If the penalty originally prescribed for the offence is temporary imprisonment for the maximum limit, the period of imprisonment may either reach 20 years or be replaced by life imprisonment.
4. If the penalty originally prescribed for the offence is life imprisonment, capital punishment may be imposed.

APPENDIX B – Mandatory life imprisonment offences under the Penal Code now carrying the death penalty if carried out with “terrorist intent” from Federal Law No. 3 of 1987

**Article 154**

A death penalty shall be inflicted upon any one who seeks to collaborate with a hostile foreign country or anyone who works for its interest, or communicates with any hostile side to assist in its war operations or to jeopardize the war operations of the State. Life imprisonment shall be inflicted upon any one who seeks to collaborate with a foreign country or anyone who works for its benefit, or who communicates with any of them to carry out hostile activities against the State.

**Article 156**

Life imprisonment shall be imposed upon any person who is entrusted to negotiate with a foreign government or an international organization in relation to any of the State's affairs, and who then willfully conducts the negotiations against its interest.

**Article 157**

Whoever requests, accepts, or takes for himself or for another person, even through an intermediary, from a foreign country or from anyone who works for its benefit, a gift or advantage of any kind, or has been promised any such things with the intention to commit a harmful act to prejudice the national interest of the State, shall be punished by temporary imprisonment and a fine not less than ten thousand Dirhams and not exceeding what he has requested, accepted, taken or been promised. Life imprisonment and a fine not less than ten thousand Dirhams and not exceeding what he has requested, accepted, taken or what been promised shall be imposed upon the culprit if he is a public office holder or entrusted to perform a public service, or if the crime is committed during war time. The same penalty shall be imposed upon any one who gives promises or offers any of the aforesaid things with the intention to commit a harmful act against the national interest of the State, even if what he gives promises or offers is not accepted. The same penalty shall apply to any one who mediates in any of the aforesaid crimes. If the request, acceptance, promise, offer or mediation is in writing, the crime shall become fully perpetrated upon dispatching the letter.

**Article 167**

Whoever, during war time, willfully announces false or biased news, statements or rumors, or circulates inflammatory propaganda causing damage to the military preparations of the State's defense or to the military operations of the armed forces, or incites panic among people, or weakens the morale of the State, shall be imprisoned for a maximum of ten years. Temporary imprisonment shall be imposed, if the crime has been committed as a result of communication with a foreign country. And if the crime has been committed as a result of communication with a hostile state, life imprisonment shall be imposed.

**Article 183**

Life imprisonment shall be inflicted upon any one who, for a criminal purpose, assumes the command of a unit or division of an army, part of a fleet, a warship, aircraft, military post, port or town without instructions from the government, or without legal grounds. Whoever, in spite of an order issued to him from the government, remains in charge of a military command, and any commander of a

military force who retains such a force after an order of the government has been issued to dissolve it, shall be punished by the same penalty.

**Article 206**

If there results from the crimes provided for in the preceding two articles [counterfeiting currency; importing counterfeit currency] a drop in the price of the national currency or governmental securities, or if confidence in local or overseas markets is shaken, a sentence of life imprisonment shall be imposed.

**Article 288**

Life imprisonment shall be imposed upon any one who assaults an airplane or ship with the intention of capturing it or capturing all or some of the goods carried on board, causing injury to one or more of the passengers on board, or with the intention of illegally changing its route. The same penalty shall apply if the act is committed by a person on board the airplane or ship. If a culprit returns the airplane or the ship to its legal pilot or to the person who is legally entitled to take possession thereof immediately after capturing it and no damage has been caused to it or to the goods carried on board, or injury to the persons on board, the penalty shall be punishment by imprisonment for a period not exceeding five years.

**Article 289**

A term of imprisonment shall be imposed upon any one who willfully endangers in any manner whatsoever, the safety of a ship, airplane or any means of public transport. The crime shall be punishable by life imprisonment if the act results in a disaster to any of the aforesaid things.

**Article 308**

Whoever sets fire causing death to a human being shall be punished by the death penalty in the cases provided for in Articles (304, 305), and by life imprisonment in the cases provided for in Articles (306, 307). [Fires to unoccupied areas or those not set aside as work, residence, or agricultural areas].

**Article 344**

Whoever illegally kidnaps, arrests, detains or deprives a person of his freedom, whether by himself or through another by any means without lawful justification, shall be punished by term imprisonment; however, punishment shall be life imprisonment in the following cases:

1. If the act results from assuming a public capacity or pretending to be performing or in charge of a public service, or making false contact.
2. If the act is committed by trickery, by force, by threat of killing or serious injury, or by inflicting physical or psychological torture.
3. If the act is committed by two or more persons, or by an armed person.
4. If the period of kidnapping, arrest, detention or deprivation of freedom exceeds one month.
5. If the victim is a female, a minor, an insane individual or an imbecile.
6. If the purpose of the act is profit, revenge, rape of the victim, a violation of his or her honor, causing injury to him or to her, or forcing him to commit a crime.
7. If the act is perpetrated against a public office holder in the course of his duties or in pursuance thereof. If the act leads to death of the victim, punishment shall be the death penalty or life imprisonment. Punishment prescribed for the principal offender shall apply to

any one who becomes an intermediary to any of the crimes indicated in this Article, as well as anyone who knowingly conceals a kidnapped person.

**Article (355)**

Attempt to commit any of the crimes provided for in the preceding Article [providing for the death penalty in instances of intercourse by coercion] shall be punishable by life imprisonment.

**Article (383)**

A penalty of life imprisonment shall apply to any one who commits a theft which satisfies the following conditions:

1. If it is committed at night.
2. If it is committed by two or more persons.
3. If any of the culprits is armed with a weapon.
4. If a culprit enters into an inhabited place or designated for habitation or into any of its annexes by climbing a wall or by breaking a door, by using duplicate keys, by cheating by personating, by pretending to carry out or to be in charge of a public service, or by any other illegal means.
5. If it is committed by coercion or by threat of using a weapon.

**Article (387)**

Whoever steals arms or ammunition of the Armed Forces or Police shall be punished by term imprisonment. However, a penalty of life imprisonment shall be inflicted on the culprit if any of the conditions provided for in Article (384) is applicable. Punishment by detention for at least one year and at most five years shall apply if a theft is perpetrated upon the equipment or tools used or intended for use in telecommunications installed or licensed for installation by the Government for the public welfare.

APPENDIX C – Drug offences that carry the death penalty and selected amended articles in Federal Law No. 14 On the Control of Narcotics and Psychotropic Substances Issued on 19/9/1995

Amendments Law No.8 of 2016 have not been translated or published on the UAE's government legislation portal. Reprieve provides a selected translation below.

**Article 6** (As amended by Federal Law no. 1 dated 29/01/2005)

The introduction, import, export, manufacture, extraction, separation, production, obtainment, acquisition and use narcotics and psychotropic substances set forth in schedules no. 1, 2, 4 and 5, as well as other activities and behaviors related thereto.

**Article 35**

The cultivation of plants referred to in schedule 4 (Section II) enclosed herewith shall be prohibited.

**Article 36**

The introduction, import, export, obtainment, acquirement and use of plants mentioned in schedule no. 4 (Section II) enclosed herewith or any other plants producing narcotic or psychotropic substances, the seeds thereof as well as all activities and behaviors related thereto shall be prohibited.

**Article 48**

Without prejudice to the provisions of Article 39 , the infringement of the provisions of Article 6 (paragraph 1 ), 35 and 36 shall be punishable by imprisonment for a period of ten year at least and 15 years at most, and by a fine amounting to fifty thousand Dirhams at least and two hundred thousand Dirhams at most. Should the crime be perpetrated for the purpose of trafficking or promotion, such crime shall be punishable by death penalty.

**Article 49**

In cases other than those authorized in accordance with the provisions hereof:

1. Whoever introduces, imports, exports, manufactures, extracts or produces any narcotic or psychotropic substance provided for in schedules 3, 6, 7 and 8 enclosed herewith shall be sentenced to imprisonment for a period of seven years at least and ten years at most, and to a fine amounting to fifty thousand Dirhams at least and two hundred thousand Dirhams at most.
2. Whoever acquires or obtains any of the said substances, or practices any other activity or behavior related thereto other than those referred to in clause 1, and without prejudice to the provision of article 40, shall be sentenced to imprisonment for a period of one year at least, and three years at most, and to a fine amounting to twenty thousand Dirhams at least and fifty thousand Dirhams at most.
3. Should any of the crimes referred to in the previous clauses occur with the intention of trafficking or promotion, the sentence shall be life imprisonment and a fine amounting to fifty thousand Dirhams at least and two hundred thousand Dirhams at most. In case of recidivism, the penalty shall be capital punishment.

**Article (45) bis (As amended by Federal Law No.8 of 2016)**

1. Whoever puts any of the narcotic or psychotropic substances, stated in any of the tables attached to this law, in others' drink or food or makes them doping such substances without their knowledge of what they are, shall be sentenced to a period of not less than five years in prison.

2. The culprit shall be sentenced to a period not less than seven years in prison if the acts stated in the first paragraph of this article were done with the intention of committing a crime against the victim or making them addicted to such substances.
3. If the culprit committed a crime against the victim or caused them addiction to narcotic or psychotropic substances, they shall be sentenced to life imprisonment.
4. If the acts stated in the first paragraph of this article resulted in the death of the victim, the culprit shall be sentenced to death.
5. Any person who coerces another person to use narcotic or psychotropic substances shall be sentenced to life imprisonment.
6. Imprisonment shall apply to any person who deliberately transfers the narcotic or psychotropic substances stated in the tables attached to this law and results in the possession of such substances by others without their knowledge of what the substances are.

**Article (65) bis (3)**

Federal courts located in the capital of the United Emirates shall have exclusive jurisdiction over crimes punishable per the provisions of Articles (48) and (49) of this Law when such crimes were committed with the intention of trafficking, in addition to the inextricably related crimes.

APPENDIX 4: Selected review of medical investigation carried out in the course of torture investigations in the UAE.

**Basic requirements for effective medical assessments**

Medical experts must carry out their work in line with the code of ethics. Doctors conducting assessments while documenting torture and ill-treatment must be impartial and independent. According to the Istanbul Protocol, a medical report must contain detailed sections on each of the following points:

1. Relevant Case Information
2. Clinician's Qualifications
3. Statement Regarding Veracity of Testimony
4. Background Information
5. Allegations of Torture and Ill-treatment
6. Physical Symptoms and Disabilities
7. Physical Examination
8. Psychological History/Examination:
9. Photographs
10. Diagnostic Test Results
11. Consultations
12. Interpretation of Physical and Psychological Findings
13. Conclusions and Recommendations
14. Statement of Truthfulness (for judicial testimonies)
15. Statement of Restrictions on the Medical Evaluation/Investigation (for subjects in custody)
16. Clinician's Signature, Date, Place
17. Relevant Appendices

In all cases Reprieve is aware of in which investigations have been initiated by the UAE Prosecution Services, they have commissioned forensic doctors within this department. In all cases, the doctors selected have failed to comply with the clear majority of the 17 requirements for an Istanbul protocol medical report described above. In addition, none of the medical examinations were conducted promptly.

Of the 17 basic principles to be followed by medical professionals in conducting medical evaluations that comply with the UAE's obligations, only two were adhered to in every report. Three of the 17 principles were only adhered to in a very cursory manner, in no way meeting the basic requirements of the Istanbul Protocol. Two of the medical assessments resulted in findings of no torture, without providing an explanation as to why the doctor had reached that conclusion. The table below contains an analysis of which requirements have been complied with in four different cases:

BASIC GUIDELINE	COMPLIANCE WITH THE GUIDELINE			
	CASE A	CASE B	CASE C	CASE D
1. Relevant Case Information	✓	✓	✓	✓
2. Clinician's Qualifications	X	X	X	X
3. Statement Regarding Veracity of Testimony	X	X	X	
4. Background Information	X	X	X	X
5. Allegations of Torture and Ill-treatment	X	Cursory	Cursory	X
6. Physical Symptoms and Disabilities	X	X	Cursory	X
7. Physical Examination	Cursory	Cursory	Cursory	Cursory
8. Psychological History/Examination	X	X	X	X
9. Photographs	X	X	X	Taken but not disclosed
10. Diagnostic Test Results	X	X	X	X
11. Consultations	X	X	X	X
12. Interpretation of Physical and Psychological Findings	X	Finding of no torture	Finding of no torture	X
13. Statement of Truthfulness (for judicial testimonies)	X	X	X	X
14. Statement of Restrictions on the Medical Evaluation/Investigation (for subjects in custody)	X	X	X	X
15. Clinician's Signature, Date, Place	✓	✓	✓	✓
16. Conclusions and Recommendations	X	X	X	X
17. Relevant Appendices	X	X	X	X