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UAE: Unfair Mass Trial of 94 Dissidents

Investigate Allegations of Torture, Grant Public Access to Sessions

(Beirut)– The [United Arab Emirates](#) (UAE) authorities have compounded serious pre-trial violations of fair trial rights by arbitrarily denying family members, international observers, and the international media access to the mass trial of 94 critics of the government, a coalition of seven international human rights organizations said today. The organizations urged the UAE authorities to investigate allegations of torture and to grant full public access to trial sessions.

The detention of Abdulla al-Hadidi, the son of one of the 94 defendants, on March 21, 2013, on charges of publishing in bad faith false details of a public trial session via the Internet heightens concerns about the trial's fairness, the organizations said. Al-Hadidi had attended four court sessions since the trial began on March 4, and had written about them on social media websites. The day before his detention, officials from the Federal Supreme Court in Abu Dhabi informed al-Hadidi and several other relatives of the defendants that the authorities would no longer allow family members to attend the trial.

“Preventing independent monitors and family members from entering the court only increases the suspicions as to why the authorities need to hide what is being said and done inside,” said Sarah Leah Whitson, Middle East and North Africa director at Human Rights Watch. “If the UAE authorities can present admissible and credible evidence that these defendants have committed crimes, why would they shroud the proceedings in secrecy?”

The coalition consists of Alkarama, Amnesty International, the Arabic Network for Human Rights Information, the Cairo Institute for Human Rights Studies, the Gulf Centre for Human Rights, Human Rights Watch, and the International Federation for Human Rights.

The 94 defendants, eight of whom are being tried in absentia, face sentences of up to 15 years in prison for allegedly violating article 180 of the Penal Code, which prohibits founding, organizing, or operating a group that aims to overthrow the country's political system. The detainees include the prominent human rights lawyers [Mohamed al-Roken](#) and [Mohamed al-Mansoori](#), as well as judges, lawyers, teachers, and student leaders. Among them are Judge Mohammed Saeed al-Abdouli and Dr. Hadeef al-Owais, a jurist and university professor.

Many of the detainees are members of a local group, Reform and Social Guidance Association (Al-Islah), a non-violent group that has been engaged in peaceful political debate in the UAE for many years and advocates greater adherence to Islamic precepts. Representatives of local UAE news media, whom the authorities have allowed to attend the trial, have reported that prosecutors have claimed to have evidence that the defendants set up a parallel organization, Dawat al-Islah, which they claim has different goals and ideology.

The UAE places restrictions on the right to freedom of association that contravene international human rights law, the organizations said. In 2011 the UAE authorities [closed down the Jurists Association and the Teachers' Association](#), claiming that both organizations had violated article 16 of the 2008 Law on Association, which prohibits nongovernmental organizations and their members from interfering "in politics or in matters that impair state security and its ruling regime."

The detention of Abdulla al-Hadidi appears to be an escalation of the authorities' attempts to obstruct independent scrutiny of the trial, the organizations said. Authorities charged al-Hadidi on

March 28 under article 265 of the penal code for publishing details of a public trial session “without probity and in bad faith.” The authorities invoked the 2012 federal decree on [cybercrime](#), article 46 of which makes the use of the Internet or information technology an aggravating factor in the commission of crimes. The judge at the Court of First Instance in Abu Dhabi denied al-Hadidi bail.

Prior to the March 4 opening of the trial, security officials denied entry to the UAE to [Ahmed Nashmi al-Dhafeeri, the international observer for Amnesty International](#), and Noemie Crottaz, a representative of the Geneva-based human rights organization Alkarama. Several international observers did make it into the country, but authorities prevented them from entering the court despite the fact that they had complied with the stipulated procedures and furnished the requisite documentation.

The serious [violations of due process in the pre-trial period](#) included holding at least 64 of the detainees at undisclosed locations for periods of up to one year before the trial. Many of the detainees did not have access to legal assistance until late February. When they did finally meet with their lawyers, a representative of the state security prosecutor was in the room and within earshot, in violation of the requirement under international law for confidentiality in conversations between lawyers and clients.

In a statement given to the state news agency on March 8, the Emirates Human Rights Association (EHRA), which has close ties to the UAE authorities, praised the first hearing. “The judge allowed the defendants the right to speak and to express their demands through the defense lawyers,” the association said. The EHRA stated that “the defendants looked in good health, and there was no evidence of torture,” although the organization also reported that some of the defendants said they had been tortured when arrested and that two of them said they had been subjected to enforced disappearance for five months.

Groups in the coalition of human rights organizations have [documented credible allegations of torture](#) at UAE State Security facilities for many years, as well as the prolonged incommunicado detention of one of the detainees, Ahmed al-Suweidi, which amounted to an enforced disappearance. People who were in the courtroom on March 4 said that al-Suweidi, whose well-being is of grave concern because of the deterioration in his physical and mental condition, declared his innocence. They quoted him as saying, “I know that what I'm going to say may cost my life, but I deny the charges, and I ask the court to protect my life and the life of my family.”

In November 2011, an American civil liberties lawyer who monitored sessions of a trial of five political dissidents and who had studied all the case documents [described the case](#) as “riddled with legal and procedural flaws right from the beginning” and concluded that “flagrant due process flaws” essentially had denied the five men the right to a fair trial.

The UAE authorities have not granted independent monitors access to this trial, but there have been indications that proceedings have followed a similar pattern. Well-informed sources have reported that lawyers and defendants have not had adequate time to question witnesses and that the judge on at least one occasion intervened to prevent the court registrar from officially registering potentially exculpatory testimony from the official record of proceedings. The sources also said that the judge denied a request from one of the defense lawyers to investigate the alleged forgery of some of the detainees’ signatures on documents submitted by the prosecution.

The organizations strongly urge the UAE authorities to:

- Clarify the charges and to strike down any charges that relate solely to the free peaceful expression of political opinion or free association;
- Grant access to the proceedings to the public, including family members, the international media and independent monitors;
- Provide independent forensic medical examinations to defendants who say they have been tortured;

- Exclude any evidence obtained by torture from the trial;
- Ensure prompt, independent, and impartial investigations into allegations of torture and other ill-treatment, enforced disappearances, and other serious human rights violations and bring suspected perpetrators to justice in proceedings that comply with international fair trial standards; and
- Ensure that victims of torture, enforced disappearance, and arbitrary detention receive full reparations.

The UAE is party to the Arab Charter on Human Rights, which states in article 13 that “Trials shall be public, except in exceptional cases that may be warranted by the interests of justice in a society that respects human freedoms and rights.”

“When the UAE was [elected to the United Nations Human Rights Council](#) in November, it promised to uphold the highest standards in promoting and protecting human rights,” said Ann Harrison, deputy Middle East and North Africa director at Amnesty International. “But the authorities’ handling of this trial raises troubling questions about the UAE’s commitment to holding fair trials and respecting other fundamental human rights standards.”

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