

# URGENT ACTION

## “UAE FIVE” RISK HEAVY SENTENCE FOR INSULT

**The verdict of five activists in UAE charged with publicly insulting the president and other top officials is due on 27 November. They have no right to appeal. Amnesty International is calling for their immediate and unconditional release.**

**Ahmed Mansoor, Nasser bin Ghaith, Fahad Salim Dalk, Hassan Ali al-Khamis and Ahmed Abdul Khaleq** were arrested in the UAE in April 2011. In June they were charged under article 176 of the Penal Code, for ‘publicly insulting’ the UAE president, vice-president, and the crown prince in an online discussion forum blocked by the authorities since 2010. The verdict of the Federal Supreme Court in Abu Dhabi is due on 27 November and they have no right of appeal.

Article 176 of the UAE Penal Code provides for a sentence of up to five years in prison for the crime of "publicly insult[ing] the State President, its flag or national emblem." The men have announced in a public statement published by NGOs that they intend to start a hunger strike on 13 November to protest against their unfair trial.

The first trial session started on 14 June and was held behind closed doors. No observers were allowed to attend the hearing. A further three hearings were held also behind closed doors on 18 and 25 July and 26 September. Then three more hearings followed and international observers were allowed to attend these hearings. A trial observer who attended the trial on behalf of Amnesty International and another four organizations concluded: "the prosecution of the UAE five for their political speech violates international law; the case, having no legitimate legal or factual basis, was brought to suppress and/or deter political dissent; the trial has been fundamentally unfair". The trial of the men was marred with irregularities, including the fact that they were not charged until nearly two months after their arrest and that they have been denied any meaningful opportunity to challenge the charges and the evidence against them. Their defence lawyers were not given adequate time to prepare their defence.

### **Please write immediately in Arabic and English or your own language:**

- Urge the authorities of the UAE to release the five men immediately and unconditionally and to dismiss the charges against them;
- Urge them to conduct an independent review into how the five men came to be prosecuted;
- Urge them to issue an invitation for the UN Special Rapporteur on the independence of Judges and Lawyers and the Special Rapporteur on the right to freedom of opinion and expression to visit the country.

### **PLEASE SEND APPEALS BEFORE 27 NOVEMBER 2011 TO:**

#### Vice-President and Prime Minister

Shaikh Mohammad bin Rashid Al-Maktoum  
Office of the Prime Minister  
POB 2838,  
Dubai, UAE  
+971 4 3531974  
Email via website:  
<http://www.uaepm.ae/en/communicate/index.html>

#### **Salutation: Your Highness**

#### Minister of Interior

Lt-General Sheikh Saif bin Zayed Al-Nahyan  
Human Rights Directorate  
POB: 398, Abu Dhabi, UAE  
Fax: +971 4 3981119

#### **Salutation: Your Excellency**

#### Minister of Justice

Dr Hadeef bin Jua'an Al Dhaheri  
**Ministry of Justice**  
Al Khubirah, Sector 93, Street 5  
P.O. Box 260  
Abu Dhabi  
Fax: +971 2 6810680

#### **Salutation: Your Excellency**

**Also send copies to diplomatic representatives accredited to your country.**

Please check with your section office if sending appeals after the above date. This is the third update of UA 111/11. Further information:  
<http://www.amnesty.org/en/library/info/MDE25/003/2011/en>

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

The United Arab Emirates (UAE) is a federation of seven emirates, each governed by an absolute ruler called an Amir. The individual emirates do not hold local elections. Instead, a regionally determined and selected National Electoral Committee elects half the members of a consultative body, the 40-person Federal National Council (FNC), which sits in Abu Dhabi. The other 20 are appointed by the president. The term of office is two years and the next election was scheduled for September. Amongst its limited remit, the FNC can examine and amend federal legislation but not veto it. Political parties do not exist in the UAE; political dissent is not tolerated and there are severe restrictions on freedom of expression and association. Websites have been targeted for closure and their owners prosecuted for defamation.

All five activists in this case are charged with violating Articles 176 and 8 of the UAE Penal Code for statements made on the UAE Hewan website – an online political discussion forum – in October 2010, using aliases, on a website that the state authorities blocked in February 2010. In those comments they allegedly publicly insulted the president, vice-president and ruler of Dubai, and the crown prince. Article 176 of the Penal Code permits a sentence of up to five years in prison for the crime of "publicly insult[ing] the State President, its flag or national emblem." Article 8 of the Code widens the application of the provision to include the vice-president, the crown prince, members of the Supreme Council of the Federation, and other top officials. Each defendant, with the exception of Ahmed Mansoor - who is charged as a co-conspirator - is charged under Article 176 and 8 violations based on one or in some cases two statements that they each allegedly made.

In a statement by the five men published by Human Rights Watch in November (<http://www.hrw.org/news/2011/11/11/strike-statement-5-uae-detainees>) they claimed:

'It was an injustice when tribes and clans were invited to assemblies to sign documents demanding our prosecution or to attack us—something unprecedented in our country—especially since those who issued these appeals and those invited to such assemblies were not certain of the charges or evidence against us in this case'.

[...]

'It was an injustice when the local media, particularly the local Arabic-language media, was prohibited from covering our viewpoint of the false charges against us. On the contrary, the media, through various columnists, participated in the ongoing incitement against us although none of them had access to the particulars of the case, as if our conviction were imperative. All semblance of neutrality, honesty, and transparency was lacking, and only one version of events was given a hearing. Unfortunately, the media became a platform for appeals to incitement and mobilization against a segment of Emiratis and innocent citizens who have been convicted of nothing and proven guilty of nothing, instead of being a platform for responsible free expression'.

A coalition of seven NGOs is currently campaigning on the UAE 5. The coalition includes: Amnesty International, the Arabic Network for Human Rights Information, Front Line Defenders and Human Rights Watch, Alkarama (Dignity), the Gulf Centre for Human Rights and Index on Censorship.

Reports and statements issued by the coalition in support of the UAE 5 include:

UAE: Trial observer finds flagrant flaws in 'UAE 5' case: <http://www.amnesty.org/en/news/uae-trial-observer-finds-flagrant-flaws-uae-5-case-2011-11-03>

Summary Trial Observation Briefing Paper on the UAE5 case (MDE 25/008/2011)

<http://www.amnesty.org/en/library/info/MDE25/008/2011/en>

Trial of Activists 'Fundamentally Unfair' (MDE 25/007/2011) <http://www.amnesty.org/en/library/info/MDE25/007/2011/en>

Name: Ahmed Mansoor, Nasser bin Ghaith, Fahad Salim Dalk, Hassan Ali al-Khamis and Ahmed Abdul Khaleq

Gender m/f: All male

Further information on UA: 111/11 Index: MDE 25/009/2011 Issue Date: 11 November 2011