



UNITED ARAB EMIRATES (UAE): HUMAN RIGHTS ORGANIZATIONS RENEW CALL FOR RELEASE OF PEACEFUL ACTIVISTS CONVICTED AT GROSSLY UNFAIR MASS “UAE 94” TRIAL

On the third anniversary of the start of the mass trial of 94 individuals, including government critics and advocates of reform, 10 human rights organizations appeal to the government of the United Arab Emirates to release immediately and unconditionally all those imprisoned solely for peacefully exercising their rights to freedom of expression, association, and assembly as a result of this unfair trial.



The human rights organizations deplore the UAE government's disregard for its international human rights obligations and its failure to act on [recommendations](#) from United Nations human rights experts that it release activists sentenced at the unfair trial.

Dozens of the activists, including prominent human rights defenders, judges, academics, and student leaders, had peacefully called for greater rights and freedoms, including the right to vote in parliamentary elections, before their arrests. They include prominent human rights lawyers Dr. **Mohammed Al-Roken** and Dr. **Mohammed Al-Mansoori**, Judge **Mohammed Saeed Al-Abdouli**, student leader **Abdulla Al-Hajri**, student and blogger **Khalifa Al-Nuaimi**, blogger and former teacher **Saleh Mohammed Al-Dhufairi**, and senior member of the Ras Al-Khaimah ruling family Dr. **Sultan Kayed Mohammed Al-Qassimi**.

The organisations urge the UAE government to end its continuing use of harassment, arbitrary detention, enforced disappearance, torture and other ill-treatment, and unfair trials against activists, human rights defenders and those critical of the authorities, and its use of national security as a pretext to crackdown on peaceful activism and to

stifle calls for reform.

The 10 human rights organizations urge the UAE government, which is serving its second term as a member of the UN Human Rights Council, to demonstrate clearly that it engages with UN human rights bodies by implementing recommendations by UN human rights experts to protect the right to freedom of opinion and expression, and to freedom of association and peaceful assembly.

Speaking to the UN'S Human Rights Council (HRC) on 1 March 2016, the UAE's Minister of State for Foreign Affairs, Dr Anwar Gargash [asserted](#) that "we are determined to continue our efforts to strengthen the protection of human rights at home and to work constructively within the [Human Rights] council to address human rights issues around the world."

As a member of the UN Human Rights Council, the UAE government must observe its pledge to the Council to uphold international human rights standards and must spare absolutely no effort in implementing human rights recommendations effectively; to do otherwise puts into question the UAE government's commitment towards the promotion and protection of human rights at home.

The 10 human rights organizations further call on the UAE to mount an independent investigation into credible allegations of torture at the hands of the country's State Security apparatus, including by immediately accepting the request by Juan Méndez, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, to visit the UAE in the first half of 2016.

In her [May 2015 report](#) to the UN Human Rights Council, Gabriela Knaul, the UN Special Rapporteur on the independence of judges and lawyers, recommended that an independent body composed of professionals with international expertise and experience, including in medical forensics, psychology and post-traumatic disorders, should be established to investigate all claims of torture and ill-treatment alleged to have taken place during arrest and/or detention; such a body should have access to all places of detention and be able to interview detainees in private, and its composition should be agreed upon with defendants' lawyers and families.

On 4 March 2013, the government commenced the mass, unfair trial of 94 defendants before the State Security Chamber of the Federal Supreme Court in Abu Dhabi. Those on trial included eight who were charged and tried *in absentia*. The government accused them, drawing on vaguely worded articles of the Penal Code, of "establishing an organization that aimed to overthrow the government," a charge which they all denied. On 2 July 2013, the court convicted 69 of the defendants, including the eight tried *in absentia*, sentencing them to prison terms of between seven and 15 years. It acquitted 25 defendants, including 13 women.

On 18 December 2015, the government of Indonesia forcibly returned to the UAE **Abdulrahman Bin Sobeih**, one of the defendants tried *in absentia*. He had intended to seek asylum but is now a victim of enforced disappearance in the UAE and [at risk of torture](#) and other ill-treatment.

The UAE 94 trial failed to meet international fair trial standards and was [widely condemned](#) by human rights organizations and UN human rights bodies. The court accepted as evidence "confessions" made by defendants, even though the defendants repudiated them in court and alleged that State Security interrogators had extracted them through torture or other duress when defendants were in pre-trial incommunicado detention, without any access to the outside world, [including to lawyers](#). The court failed to order an independent and impartial investigation of defendants' claims that they had been tortured or otherwise ill-treated in secret detention. The defendants were also denied a right of appeal to a higher tribunal, in contravention of international human rights law. Although the State Security Chamber of the Federal Supreme Court serves as a court of first instance, its judgments are final and not subject to appeal.

During the trial, the authorities prevented independent reporting of the proceedings, barring international media and [independent trial observers](#) from attending. The authorities also barred some of the defendants' relatives from the courtroom; others were harassed, detained or imprisoned after they criticized on Twitter the proceedings and publicized torture allegations made by the defendants.

Blogger and Twitter activist **Obaid Yousef Al-Zaabi**, brother of **Dr. Ahmed Al-Zaabi**, who is one of the UAE 94 prisoners, has been detained since his arrest in December 2013. He was prosecuted by the State Security Chamber of the Federal Supreme Court on several charges based on his Twitter posts about the UAE 94 trial, including

spreading “slander concerning the rulers of the UAE using phrases that lower their status, and accusing them of oppression” and “disseminating ideas and news meant to mock and damage the reputation of a governmental institution.” Despite [his acquittal](#) in June 2014, the authorities continue to arbitrarily detain him, even though there is no legal basis for depriving him of his liberty.

Online activist **Osama Al-Najjar** was arrested on 17 March 2014 and prosecuted on charges stemming from messages he posted on Twitter defending his father, **Hussain Ali Al-Najjar Al-Hammadi**, who is also one of the UAE 94 prisoners. In November 2014, he was [sentenced](#) by the State Security Chamber of the Federal Supreme Court to three years’ imprisonment on charges including “offending the State” and allegedly “instigating hatred against the State.” He was also convicted of “contacting foreign organizations and presenting inaccurate information,” a charge which followed his meeting with the UN Special Rapporteur on the independence of judges and lawyers during her official visit to the UAE in February 2014. Like all defendants convicted by this court, he was denied the right to appeal the verdict.

In his March 2015 report, Michel Forst, the UN Special Rapporteur on the situation of human rights defenders, expressed serious concern about the arbitrary arrest and detention of Osama Al-Najjar. He expressed concern that his arrest and detention may have been related to his legitimate activities in advocating for justice and human rights in the UAE and the peaceful exercise of his right to freedom of opinion and expression, as well as his cooperation with the UN and its human rights mechanisms. The Special Rapporteur [called on the government](#) to ensure that human rights defenders can carry out their legitimate activities in a safe and an enabling environment, including through open and unhindered access to international human rights bodies such as the UN, its mechanisms and representatives in the field of human rights, without fear of harassment, stigmatization or criminalization of any kind.

The 10 human rights organizations also express concern at the introduction of retrogressive legislation and amendment of already repressive laws, thereby further suppressing human rights. In July 2015, the authorities enacted a new law on combating discrimination and hatred with broadly-worded provisions, which further erode rights to freedom of expression and association. The law defines hate speech as “any speech or conduct which may incite sedition, prejudicial action or discrimination among individuals or groups... through words, writings, drawings, signals, filming, singing, acting or gesturing” and provides punishments of a minimum of five years’ imprisonment, as well as heavy fines. It also empowers courts to disband associations deemed to “provoke” such speech, and imprison their founders for a minimum of 10 years, even if the association or its founder have not engaged in such speech. The highly repressive 2012 cybercrime law, used already to imprison dozens of activists and others expressing peaceful criticism of the government, was amended in February 2016 to provide even harsher punishments, including by raising fines from a minimum of 100,000 Dirhams (\$27,226) to 2 million Dirhams (\$544,521).

Increasingly, the UAE authorities are using these laws and others simply as a means to silence peaceful dissent and other expression on public issues, and to sentence human rights defenders or peaceful critics of the government to lengthy prison terms.

The 10 human rights organizations urgently call on the UAE government to:

- Release immediately and unconditionally all those individuals detained or imprisoned solely for peacefully exercising their rights to freedom of expression, association and assembly;
- Prohibit the practice of secret detention and institute safeguards against torture and other ill-treatment, ensuring that all allegations of torture and other ill-treatment are promptly, independently and thoroughly investigated;
- Ensure that all persons deprived of their liberty receive a fair and public hearing by an independent and impartial court in accordance with international human rights standards, including by having the right to appeal the judgment before a higher court or tribunal;
- Amend any legislation which unduly restricts the rights to freedom of expression, association and assembly, and bring all of its laws into full conformity with international human rights standards;
- Engage with the UN’s human rights bodies and implement their recommendations;

- Accept the request by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit the UAE in the first half of 2016; and
- Allow entry into the UAE of independent human rights organizations, including the co-signatories to this open letter, and commit to implementing their recommendations.

Signed:

Amnesty International

Arabic Network for Human Rights Information (ANHRI)

ARTICLE 19

English PEN

Gulf Centre for Human Rights (GCHR)

Index on Censorship

International Commission of Jurists

International Service for Human Rights (ISHR)

Lawyers Rights Watch Canada (LRWC)

PEN International