

URGENT ACTION

FOUR LIBYAN MEN IN COURT AFTER LONG DELAY

Four Libyan men, three with dual nationality, three arrested in August 2014 and one in March 2015, appeared for the first time before the Federal Supreme Court in Abu Dhabi, in the United Arab Emirates (UAE) on 18 January. They have been charged with providing support to “terrorist” groups. Some were tortured. The fate of three others is unknown.

Dual US-Libyan nationals **Kamal Eldarat** and his son **Mohammed Eldarat**; dual Canadian-Libyan national **Salim el-Aradi**, and Libyan national **'Issa al-Manna'**, appeared before the State Security Chamber in the Federal Supreme Court in Abu Dhabi on 18 January for the start of their trial. For the first time since their arrests months earlier, they were told they had been charged with providing financial and material support to two armed groups in Libya, under the UAE's 2014 Anti-Terrorism law. The four men denied the charges. The Canadian ambassador to the UAE and two US diplomats attended the trial session, but Salim al-Aradi's nephew and a Canadian lawyer retained by his family were not allowed in court. The next trial session has been scheduled for 15 February.

Kamal Eldarat, Mohammed Eldarat and Salim el-Aradi were among 10 Libyan men arrested in August and September 2014. Not told why they were being arrested, they were taken to an unknown location and held for months without contact with the outside world. This is a crime under international law. Amnesty International understands that at least three of these men were tortured and otherwise ill-treated. Four of the 10 arrested in 2014 were released in December 2014. The fate and whereabouts of **Mohammed al-Fighi**, **al-Sadiq al-Kikli** and **Mahmoud bin Gharbiya** are unknown. 'Issa al-Manna' was arrested on or around 12 March 2015.

Please write immediately in Arabic English or your own language:

- Calling on the UAE authorities to try the four men (naming them) before an ordinary criminal court in accordance with international fair trial standards, including the right to appeal, and without recourse to the death penalty;
- Calling on them to ensure that any “confessions” or other statements obtained by torture and other ill-treatment or coercion are not used as evidence in court and that the men are protected from any further ill treatment;
- Urging them to order an independent and impartial investigation into allegations of torture, while providing the men with immediate and regular access to their families and to any medical attention they may require;
- Calling on the authorities to reveal the fate or whereabouts of Mohammed al-Fighi, al-Sadiq al-Kikli and Mahmoud bin Gharbiya, and grant them immediate access to their families, lawyers and any medical attention they may require.

PLEASE SEND APPEALS BEFORE 4 MARCH 2016 TO:

Vice-President and Prime Minister
 Sheikh Mohammed bin Rashid Al
 Maktoum,
 Prime Minister's Office
 PO Box: 212000, Dubai
 United Arab Emirates
 Fax: +971 4 330 4044
 Email: info@primeminister.ae
 http://www.uaecabinet.ae/en/contacts
 Twitter: @HShkMoh
Salutation: Your Highness

Minister of Interior
 Lt General Sheikh Saif bin Zayed Al
 Nahyan
 Zayed Sport City, Arab Gulf Street, Near
 to Shaikh Zayed Mosque
 Abu Dhabi POB: 398
 Fax: +971 2 4414938
 +971 2 4022762
 +971 2 4415780
 Email: moi@moi.gov.ae
 Twitter: @SaifBZayed
Salutation: Your Highness

And copies to:
Crown Prince of Abu Dhabi
 Sheikh Mohamed bin Zayed Al Nahyan
 Crown Prince Court
 King Abdullah Bin Abdulaziz
 Al Saud Street,
 P.O. Box: 124
 Abu Dhabi
 United Arab Emirates
 Fax: +971 2 668 6622
 Twitter: @MBZNews

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the second update of UA 236/14. Further information:
<https://www.amnesty.org/en/documents/mde25/1146/2015/en/>

**AMNESTY
 INTERNATIONAL**



URGENT ACTION

FOUR LIBYAN MEN IN COURT AFTER LONG DELAY

ADDITIONAL INFORMATION

Kamal Eldarat was summoned for questioning at Dubai's Bur Dubai police station on 26 August 2014, after which about 20 officers in six police vehicles returned him to his house, which they searched, and then detained him. His son Mohammed Eldarat, 34, was detained the following day.

Salim el-Aradi was arrested on 29 August 2014 at around 2am, at a hotel, by police officers who did not say why they were arresting him. Salim el-Aradi's brother, Mohammed el-Aradi, had been summoned to a police station the previous day: police questioned him for several hours and then took him back to his house, which they searched until around midnight and then detained him. The two brothers had lived in the UAE for around 20 years. Mohammed el-Aradi and three other Libyan men were released without charge on 27 December 2014 and deported to Turkey. The four men had been held in unknown locations where they were given no access to their families or any legal assistance. Amnesty International understands that the men were tortured and otherwise ill-treated (see also: <https://www.amnesty.org/en/latest/news/2015/08/uae-foreign-national-tortured-in-custody-and-detained-without-charge-for-a-year/>).

'Issa al-Manna' was arrested on or around 12 March 2015 and subjected to enforced disappearance (see UA 74/15, <https://www.amnesty.org/en/documents/mde25/1319/2015/en/>).

Despite certain safeguards in the UAE Constitution and laws, the rights of detainees upon arrest are routinely disregarded, especially in cases where the State Security Agency (SSA) is involved. Amnesty International has recorded other instances of foreign nationals being arrested and held incommunicado for weeks or months during pre-trial detention. Such arrests are typically carried out by the SSA, which deals with national security cases.

The UAE has acceded to the United Nations Convention against Torture but the UAE authorities routinely disregard the increasing number of allegations of torture voiced by detainees. A total of 71 defendants of 94 UAE nationals tried in 2013 complained that they too had been tortured. The court refused to investigate the claims.

SSA officials generally arrest people without warrants, then take them to unofficial secret detention facilities where they are kept for weeks or months without charge or access to legal representation. Detainees are often tortured or otherwise ill-treated. In cases taken up by Amnesty International, for months officials ignore families' attempts to find out where detainees are held.

Convictions and sentences handed down by the Federal Supreme Court cannot be appealed to a higher court, though international human rights law requires that everyone convicted of a criminal offence has the right to have their conviction and sentence reviewed by a higher tribunal. Article 101 of the UAE Constitution and Article 67 of the law concerning the Federal Supreme Court declare that its judgements are final, binding and not open to challenge.

Name: Kamal Eldarat, Mohammed Eldarat, Salim el-Aradi, Mohammed al-Fighi, al-Sadiq al-Kikli, Mahmoud bin Gharbiya, 'Issa al-Manna'
Gender m/f: m

Further information on UA: 236/14 Index: MDE 25/3297/2016 Issue Date: 22 January 2016