

URGENT ACTION

POLITICAL ACTIVIST ACQUITTED, BUT NOT RELEASED

Political activist Obaid Yousef al-Zaabi has been arbitrarily detained in the United Arab Emirates (UAE) since 23 June, despite being acquitted that day by the Federal Supreme Court. He has not been told why he has not been freed. He is a prisoner of conscience.

Obaid Yousef al-Zaabi had been arrested by State Security officers on 12 December 2013 after CNN aired an interview he had given, in which he said he had been using Twitter to express his political opinions and defend human rights, raising awareness about people arbitrarily detained by the security forces. He was charged with "offending the Supreme Court", "offending the State Security Apparatus" and "instigating people against the rulers and the security of the State", but acquitted of all charges by the State Security Chamber of the Federal Supreme Court in Abu Dhabi on 23 June 2014. Despite being acquitted, Obaid Yousef al-Zaabi has not been released. He and his family have not been informed why he is still held and on what legal basis. He has been allowed only one family visit since his arrest and has had no access to a lawyer since his acquittal. He is in the prisoners' ward in Sheikh Khalifa Medical City Hospital in Abu Dhabi, as he suffers from advanced arthritis and rheumatism and has difficulty walking.

Obaid Yousef al-Zaabi was held in conditions amounting to enforced disappearance for several weeks after he was arrested. His family was not told where he was despite enquiring about him with the relevant police authorities, and he had no access to a lawyer during his pre-trial detention. Amnesty International understands that during this period a senior State Security Prosecution official told Obaid Yousef al-Zaabi that he would not be released even if a court found him innocent. His detention is arbitrary under international law as there is no legal basis for depriving him of liberty.

Please write immediately in Arabic, English or your own language:

- Calling on the UAE authorities to release Obaid Yousef al-Zaabi immediately and unconditionally as he is a prisoner of conscience held solely for peacefully exercising his right to freedom of expression;
- Stressing, that keeping him in detention after acquittal by the Federal Supreme Court is unlawful under both international and UAE law;
- Pending his release, urging them to ensure that he has immediate access to his family and lawyer, and that he continues to receive any medical attention he may require.

PLEASE SEND APPEALS BEFORE 2 SEPTEMBER 2014 TO:

President

Sheikh Khalifa bin Zayed Al Nahyan
Ministry of Presidential Affairs
Corniche Road
Abu Dhabi, P.O. Box 280
United Arab Emirates
Fax: +971 2 622 2228
Email: ihtimam@mopa.ae

Salutation: Your Highness

Minister of Justice

Sultan bin Saeed Al Badi.
Al Khubirah
Sector 93, Street 5
P.O. Box 260, Abu Dhabi
United Arab Emirates
Fax: +971 2 681 0680
Email, via website:
<http://ejustice.gov.ae/portal/page/portal/Justice%20MOJ%20Portal/HomePages/Contact%20Us/Feedback>
Salutation: Your Excellency

And copies to:

Vice-President and Prime Minister

Sheikh Mohammed Bin Rashid al-Maktoum
Office of the Prime Minister
Dubai, P.O. Box 2838
United Arab Emirates
Fax: + 971 4 353 1974
Email: info@primeminister.ae
Twitter: @HShkMoh

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: 341/13. Further information: <http://amnesty.org/en/library/info/MDE25/012/2014/en>

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ADDITIONAL INFORMATION

Obaid Yousef al-Zaabi was interviewed on 11 December 2013 about a US national who had been jailed in the UAE for making a spoof video about Dubai. Obaid Yousef al-Zaabi had been arrested on 2 July 2013 after posting a series of tweets critical of the "UAE 94" mass trial of 94 government critics and reform advocates, including his brother, Ahmed Yousef al-Zaabi. He was released on bail on 4 August 2013 due to his poor health, but rearrested in December after his CNN interview. During his trial he was also accused of "disseminating thought and stories that stir hate and disturb public order by libelling the State Security Apparatus with torture allegations"; "making false statements concerning the rulers of the UAE, using phrases that lower their status, and accusing them of oppression"; "disseminating ideas and news meant to mock and damage the reputation of a governmental institution"; and "making false statements that the Supreme Federal Court resembles a court martial and that its law is flawed and incomplete, that the proceedings are comic, and that the judiciary is dishonest, incompetent and scheming". He was accused of making false statements about the State Security Apparatus by calling them "stupid" and the "citizen-terrorizing apparatus".

Obaid Yousef al-Zaabi's continuing detention, after his acquittal, is unlawful under both international and UAE law. The United Nations Working Group on Arbitrary Detention has reiterated several times that it regards detention where there is no legal justification for the deprivation of liberty as arbitrary. People who are held after their release is required by law or is ordered by a judicial authority are therefore considered to be arbitrarily detained. Under the UAE's Criminal Procedure Law, the public prosecution must tell detainees what charges they face within the first 48 hours in detention, and they must be released or officially arrested within the following 24 hours, though a judge may order an extension to their detention order.

The UAE authorities have increasingly used the 2012 Cybercrimes Law – under which Obaid Yousef al-Zaabi was charged – to prosecute social media users who criticise the country's poor human rights record and crackdown on activists, as well as using it to prohibit citizens from passing information to human rights organizations and journalists. They have used it to clamp down on all forms of online dissent, especially via Twitter, which is used widely in the UAE. A number of other people, including relatives of those convicted following the grossly unfair "UAE 94" trial, have also been arrested and charged with disclosing details of human rights abuses on Twitter. Osama al-Najjar, the 25-year-old son of prisoner of conscience Hussain Ali alNajjar alHammadi, was arrested on 17 March 2014 and held in solitary confinement in a secret detention facility where he was tortured. He had actively used Twitter to campaign on behalf of his father and other prisoners of conscience in the UAE. The day before his arrest, he had posted a number of tweets about the ill-treatment of his father and other prisoners in Abu Dhabi's high-security al-Razeen Prison. Osama al-Najjar is now in Abu Dhabi's al-Wathba Prison and has been denied the medical care he needs to let him recover from an operation he had the day before his arrest. Amnesty International understands that Osama al-Najjar is facing several charges including "offending the State", "instigating hatred against the State" and spreading lies about his father being tortured, all via his Twitter account. Activist Waleed al-Shehhi was arrested on 11 May 2013 and charged under Article 28 of the Cybercrime Law with "violating public order" after he expressed concerns about the "UAE 94" trial on Twitter. On 18 November 2013, he received a two-year prison sentence and a fine of half a million UAE dirhams (around US\$137, 000).

On 5 February 2014, Gabriela Knaul, the United Nations Special Rapporteur on the independence of judges and lawyers expressed concern that the UAE judicial system remains under the de facto control of the government.

Name: Obaid Yousef al-Zaabi

Gender m/f: m

Further information on UA: 341/13 Index: MDE 25/015/2014 Issue Date: 22 July 2014