

AMNESTY INTERNATIONAL PUBLIC STATEMENT

24 April 2023

MDE 25/5521/2022

UAE: Dissidents Who Served Sentences Still Behind Bars

Over the past two months, 10 dissident Emirati nationals have completed prison sentences imposed on them in a mass trial in 2013, and yet the UAE is still arbitrarily keeping them in prison. The 10 men were among 94 Emiratis prosecuted collectively, with arrests beginning in 2012 and the trial ending in unappealable prison sentences on 2 July 2013 (the “UAE-94” case). Amnesty International has previously [documented](#) this trial and the UAE’s campaign of repression against political expression and the right to freedom of association during 2012-2013, which effectively silenced dissident voices in the country.

All 10 individuals due for release since March this year were imprisoned for the peaceful exercise of their rights to freedom of expression and association. Five were signatories to a 2011 petition calling for a democratic parliament in the UAE, and five were prosecuted and imprisoned only because of their association with al-Islah, the Emirati Islamist movement affiliated with the international Muslim Brotherhood movement.

In addition to the 10 new prisoners who the UAE should have released in April and May, four other UAE-94 prisoners are being held despite their sentences having ended during previous years. Of the 15 total UAE-94 defendants whose sentences are over, the UAE has released only one. Amnesty International [documented](#) last year how the Emirati authorities have also stripped two UAE-94 prisoners’ families of Emirati nationality and prevented contact between UAE-94 prisoners and their loved ones for months or even years at a time.

In total, Amnesty International has documented the cases of 24 prisoners being held past completion of their sentences since 2017. Seven of these were eventually released, and the other 17 are still in prison.

The UAE describes such continuing imprisonment as “counter-extremism counselling”. Prisoners have no meaningful way to challenge their continuing detention since it is subject only to overly broad and vague legal standards, making it a form of arbitrary detention. “After ten long years in prison, the suffering, heartache, and agony of us and our loved ones continues even though the ordered sentence has passed,” one family member of a UAE-94 prisoner commented to Amnesty International.

Amnesty International spoke with two exiled Emiratis with personal knowledge of the UAE-94 trial and with four family members of UAE-94 prisoners, and reviewed the judgment in the UAE-94 trial, the UAE’s 2014 counterterrorism law and coverage of the prisoners held post-sentence in the UAE’s controlled press. There have been no public statements from the Emirati government on the ongoing detention of prisoners past the end of their sentences.

NEW ARBITRARY EXTENSIONS OF IMPRISONMENT IN 2022

The 10 individuals newly held in the past two months after completing their sentences are: Ali al-Hammadi; Shahin al-Husani; Hasan al-Jaberi; Husain al-Jaberi; Ebrahim al-Marzooqi; Sultan al-Qasimi; Salem Sahuh; Mohamed al-Siddiq; Ahmed al-Suwaidi; and Ahmed al-Zaabi.

Amnesty International has found that these 10 prisoners were tried and sentenced solely for exercising their right to freedom of expression or freedom of association. The Emirati authorities arrested Ali al-Hammadi, Shahin al-Husani, Sultan al-Qasimi, Mohamed al-Siddiq and Ahmed al-Zaabi after they signed a pro-democracy [petition](#) that called for the country to have an elected legislature. Hasan al-Jaberi and Husain al-Jaberi (who are brothers), Ebrahim al-Marzooqi, Salem Shahuh and Ahmed al-Suwaidi were targeted because they peacefully exercised their right to association by being members of al-Islah. They were charged with membership in an illegal organization that sought to change the system of government, under a law (Article 180 of the Penal Code) involving no element of violence.

“My father has completed his sentence,” one family member told Amnesty International, “and yet after all these long years he is still locked up in prison for an indefinite period, not subject to any law.”

ARBITRARY EXTENSIONS OF IMPRISONMENT IN PAST YEARS

This spring is not the first time that the Emirati Ministry of Interior, which oversees the country’s federal prisons, has failed to release prisoners who have completed their prison sentences. Since 2017, Amnesty International has monitored cases

of 14 other prisoners whom the Emirati authorities denied release despite their completion of their sentences. Of these earlier 14, five were also UAE-94 defendants who were prosecuted in 2012-2013 because they had peacefully exercised their rights to freedom of expression and association. The other nine individuals also subjected to prison after completing their sentences were also, like the UAE-94 group, in prison due to their exercise of their rights to peaceful freedom of expression or association.

UAE-94 defendant Omran al-Harhi, for example, who served a seven-year prison sentence that ended in July 2019 and who is still in prison today, was arrested when he began [criticizing](#) the opening waves of arrest in the UAE-94 case on his Twitter account. UAE-94 defendant Mansour al-Ahmadi, similarly, ran a Twitter account where he [supported al-Islah activities](#) and [expressed solidarity with](#) the prisoners arrested before him. UAE-94 defendant Mahmoud al-Husani, who before his arrest [criticized](#) state security [restrictions](#) against Islamist Emiratis on his Twitter account, is still in prison two years and two months after his sentence ended.

Seven individuals held past the end of their sentences were eventually released, including Mansour al-Ahmadi, who is the only UAE-94 defendant to be released after completing his sentence. His Twitter account has been silent since his release in October 2019. Videos of three of the seven men eventually released, stating “[their repentance](#)” for being members of al-Islah, appeared on a pro-government social media account at the time of their release. As of this writing, Amnesty International has confirmed 17 total Emirati nationals still being held past the end of their sentences.

Emirati authorities prosecuted and imprisoned Osama al-Najjar, Khalifa Rabia and Othman al-Shehhi for expressing support for members of the UAE-94 – as Amnesty International [documented](#) in 2014 – but tried them in separate proceedings. Also in 2014, the State Security Chamber of the Federal Supreme Court issued an unappealable trial verdict convicting AbdulWahid al-Shehhi of sending money to members of al-Islah who had fled abroad because of the UAE-94 crackdown and Saeed al-Buraimi of “[helping the families of imprisoned members](#)” of al-Islah. The Emirati judiciary [convicted](#) Badr al-Hammadi, Abdulla al-Helou, Ahmed al-Mulla and Faisal al-Shehhi in 2016 of being members of the charity branch of al-Islah in Dubai. Saeed al-Buraimi, Badr al-Hammadi, Ahmed al-Mulla, Osama al-Najjar, Faisal al-Shehhi, and Othman al-Shehhi were eventually released, after periods ranging from one to four years after the end of their prison sentences. Badr al-Hammadi, Osama al-Najjar and Othman al-Shehhi were released only after recording the videos giving their statements of “confession” and “repentance” as former members of al-Islah.

LEGAL PRETEXTS FOR ARBITRARY CONTINUED IMPRISONMENT

The UAE justifies continued imprisonment past completion of the prison sentence under its counterterrorism law, passed as Federal Act No. 7 of 2014. Under Article 40 of this law, Emirati courts, acting at the request of the Federal Office of Public Prosecution, can order a person “adopting extremist or terrorist thought” to be placed in “counselling centers”. In reality, though, all of the prisoners held past the end of their sentences continue to be held in the same prison, al-Razeen, in the same conditions as before. According to the Emirati exiles and UAE-94 prisoners’ family members Amnesty International spoke with, six months before the end of their sentences the prison administration gives the prisoners a paper on the letterhead of the Office of Public Prosecution stating that they are now in “counselling”. They then remain in prison after their release dates come up, and their conditions of detention do not otherwise change.

Under Article 40 of the 2014 law, the “counselling center” is supposed to submit a report every three months to the Office of Public Prosecution, which is then supposed to forward the report to the court to consider whether or not the person can be released. But since the prisoners remain in the same regular prison in which they served their sentences, there are not any counselling center reports to be considered in court, as stated in the law. The law gives the prisoner no right to be present or to have legal representation in proceedings for such “counselling” detention, and provides for no right of appeal of a court’s decision to continue detaining them in this way. According to the family members of prisoners Amnesty International spoke with, the prisoners were not informed of any court date, brought to court or given a reasonable opportunity to prepare a legal defence. One family member described how his father had tried to get a lawyer to help him contest his ongoing detention, but no lawyer would accept his case. “Of course he can’t get any legal representation,” the family member said. “It’s not possible for him to get a lawyer to represent him and oppose these ongoing legal violations he’s being subjected to.”

According to [reporting in the controlled Emirati press](#), three prisoners – Badr al-Hammadi, Ahmed al-Mulla and Faisal al-Shehhi – were able to bring an appeal against their “counselling” orders before the Federal Supreme Court, but the Court rejected their petition, finding that they “still hold extremist ideas”. The standard of “extremist or terrorist ideas” is too vague and overly broad in any case to comply with the right to fair trial under international human rights standards. According to the wording of Article 40 of the counterterrorism law, “A terrorist danger [justifying ‘counselling’ detention] exists in a person if he has adopted extremist or terrorist thinking such that it is feared he will undertake to commit a

terrorist crime.” The law defines “terrorism” to include “any act or failure to act” that “violat[es] the internal security of society”, “hostility to the state”, “affecting public authorities ... in the performance of their duties”, or seeking “any benefit or privilege of any sort” by illegal means (Article 1).

In addition to the 17 ongoing cases of “counselling” post-sentence detention monitored by Amnesty International, the UAE has also extended two prisoners’ sentences by issuing new prison terms against them for speaking out about their prison conditions. As the Emirati government informed the UN Secretary-General’s office in 2021, it added new three-year sentences to the prison terms of Maryam al-Balushi and Amina al-Abdouli for “publishing information that disturbs the public order”, referring to voice recordings they smuggled out of prison claiming they were being held in abusive conditions.¹ Amina al-Abdouli was originally [sentenced](#) to five years in prison in 2016 for publishing Tweets that the UAE deemed offensive to its government and to other states in the region. Maryam al-Balushi was [convicted](#) in 2017 on charges of financing terrorism in Syria.² The UN Working Group on Arbitrary Detention found that both women were victims of unfair trials and that their detention is arbitrary.

BACKGROUND

The UAE-94 case was a grossly unfair mass trial that the UAE authorities carried out against dissidents and members of the al-Islah political movement in 2012–2013, in which the prosecution used, and the court accepted as valid, coerced “confessions” as a key element of the evidence. Ahmed al-Zaabi, for example, told the court that interrogators from the State Security Agency subjected him to sleep deprivation, ripped hair out of his head and pulled out fingernails, suspended him upside down and beat him on the soles of his feet and his torso until he was bruised and swollen, and then compelled him to sign a “confession”. Ahmed al-Suwaidi likewise told the court that he was tortured and forced to sign the “confession” presented as evidence that al-Islah intended to overthrow the government. The court refused to investigate the claims of torture by al-Suwaidi and al-Zaabi, despite their submission of a petition requesting it to do so. Click [here](#) to read Amnesty International’s full report on the UAE-94 trial.

¹ UN Secretary-General, Report: *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights*, 1 December 2021, UN Doc. A/HRC/48/28, paras 136, 140-141.

² UN Working Group on Arbitrary Detention, Opinion No. 61/2020, 18 January 2021, UN Doc. A/HRC/WGAD/2020/61, para. 16.