

URGENT ACTION

UNFAIR TRIAL OF TORTURED PRISONERS CONTINUES

The separate trials of two Libyan men, Mo'ad Mohammad al-Hashmi and 'Adel Rajeb Nasef, are ongoing in the United Arab Emirates (UAE). Security officials arrested the men in September 2014. The trial of a third Libyan man, 'Issa al-Manna' who was arrested on or around 12 March 2015, began on 18 January. All three were subject to enforced disappearance and the first two tortured.

The separate trials of Mo'ad Mohammad al-Hashmi al-Harari, aged 28, and 'Adel Rajeb Nasef, aged 45, both Libyan nationals, have been underway since September 2015 and held before the State Security Chamber in the Federal Supreme Court (FSC) in Abu Dhabi, the capital of the UAE. They are facing charges of providing financial and material support to armed groups in Libya. Both men deny the charges. Their next trial session has been set for 1 February.

The trial of 'Issa al-Manna', aged 66, (along with three other men) began on 18 January and held before the State Security Chamber in the FSC in Abu Dhabi. For the first time since his arrest on or around 12 March 2015 he was told that he had been charged with providing financial and material support to two armed groups in Libya, under the UAE's 2014 Anti-Terrorism law. He denies the charges. His next trial session has been scheduled for 15 February.

Mo'ad Mohammad al-Hashmi al-Harari and 'Adel Rajeb Nasef were tortured after their enforced disappearance. Between the time of their arrest in September 2014 and two weeks after their transfer to al-Wathba prison in Abu Dhabi in June 2015, they were not allowed to make contact with their families.

Amnesty International understands that Mo'ad Mohammad al-Hashmi al-Harari's teeth were broken and he was kept naked in a solitary cell and forced to sleep on the floor. 'Adel Rajeb Nasef suffers from swollen ankles and walks with difficulty. He still suffers from shoulder pain after it was dislocated early in his detention.

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

- Calling on the UAE authorities to try the three 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 carry out an independent and impartial investigation into allegations of torture, and implement safeguards against torture or ill treatment, including by providing the men with regular access to families and lawyers and by providing medical treatment when requested.

PLEASE SEND APPEALS BEFORE 10 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 first update of UA: 74/15. Further information:

<https://www.amnesty.org/en/documents/mde25/1319/2015/en/>

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ADDITIONAL INFORMATION

Mo'ad Mohammad al-Hashmi al-Harari was visiting the UAE at the time of his arrest. He went to renew his residency permit which was about to expire, and planned to return back to Libya the day after his arrest. On 28 September 2014, three or four security officials arrested Mo'ad Mohammad al-Hashmi al-Harari in a coffee shop in Dubai. They handcuffed him, removed him from the shop and drove him to his apartment which they searched before taking him into custody.

'Adel Rajeb Nasef, lived with his family in Dubai. Officials arrested him on or around 20 September when his family was away visiting Tripoli. 'Issa al-Manna' was arrested on or around 12 March 2015. His trial, along with three other Libyan men with dual nationalities, began on 18 January (see UA 236/14 <https://www.amnesty.org/en/documents/mde25/3297/2016/en/>). The three businessmen were subjected to enforced disappearance.

The anti-terrorism law in the UAE was enacted in August 2014. It prescribes severe penalties, including death, for people convicted of terrorism, defined broadly to include any acts resulting in a "terrorist outcome," such as declaring by any public means "enmity to the state or regime" or "non-allegiance to its leadership".

On 15 November 2014, the UAE government declared more than 80 groups "terrorist" organizations; they included armed groups active in other countries, Islamist activist groups as well as Muslim community and aid organizations.

Despite certain safeguards in the UAE Constitution and laws, officials routinely disregard the rights of detainees upon arrest, especially in cases where the State Security Agency (SSA) is involved. 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, officials ignore families' attempts to find out where detainees are held for months.

The UAE has acceded to the United Nations Convention against Torture, which is also prohibited under customary international law, but the UAE authorities routinely fail to investigate the increasing number of allegations of torture voiced by detainees. A total of 71 defendants of 94 UAE nationals tried in 2013 on national security-related charges complained that they too had been tortured. The court rejected their assertions and refused to investigate the claims. Since then Amnesty International has recorded at least 10 other credible cases of torture in pre-trial custody as the practice appears to have been legitimized by the authorities.

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: Mo'ad Mohammad al-Hashmi al-Harari (m), 'Adel Rajeb Nasef (m), 'Issa al-Manna' (m).
Gender m/f: all male

Further information on UA: 74/15 Index: MDE 25/3335/2016 Issue Date: 28 January 2016