

URGENT ACTION

LIBYAN MEN'S TERRORISM CHARGES REPLACED

On 21 March the prosecution in the United Arab Emirates (UAE) replaced all terrorism-related charges against four Libyan men with new ones. The fate of three other Libyan men is still unknown.

US-Libyan **Kamal Eldarat** and his son **Mohammed Eldarat**, Canadian-Libyan **Salim el-Aradi** and Libyan **'Issa al-Manna'** were brought before the State Security Chamber in the Federal Supreme Court in Abu Dhabi on 21 March. The Prosecutor replaced the charges under the 2014 Anti-Terrorism law with new charges from the Penal Code. A forensic report rejected claims that the defendants had ever been tortured or bore marks of torture. The judges accepted the new charges and the court adjourned the trial to 11 April for the defence lawyers to plead.

On 15 February the court had referred Kamal Eldarat, Mohammed Eldarat and Salim el-Aradi to medical forensics. In early March, Salim el-Aradi was examined by a doctor. The examination lasted only eight minutes and he was not allowed to describe how he had been tortured.

On 24 December 2015, the UN Working Group on Arbitrary Detention called on the UAE to release the two Eldarat men, Salim al-Aradi and two other Libyans (now acquitted), subject to guarantees to appear for trial or to try them expeditiously in accordance with fair trial standards.

Kamal Eldarat, Mohammed Eldarat and Salim el-Aradi were among 10 Libyan men arrested in August and September 2014. Four of the men were released in late 2014. The fate and whereabouts of Mohammed al-Fighi, al-Sadiq al-Kikli and Mahmoud bin Gharbiya, remain unknown.

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

- Acknowledging the Prosecution's decision to drop the terrorism-related charges against the four men (naming them), calling on the UAE authorities to try 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" obtained by torture and other ill-treatment are not used as evidence in court and that the men are protected from any further ill treatment; and calling on them to order an independent and impartial investigation into the allegations of torture, in line with the Istanbul protocol;
- Calling on them 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 5 MAY 2016 TO:

Vice-President and Prime Minister
 Sheikh Mohammed bin Rashid Al
 Maktoum,
 Prime Minister's Office
 PO Box: 212000, Dubai
 United Arab Emirates
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 Email: info@primeminister.ae
<http://uaepm.ae/English/Pages/ContactUs.aspx>
 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
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Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

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Please check with your section office if sending appeals after the above date. This is the third update of UA 236/14. Further information:
<https://www.amnesty.org/en/documents/mde25/3297/2016/en/>

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ADDITIONAL INFORMATION

The trial of Kamal and Mohammed Eldarat, Salim el-Aradi and 'Issa al-Manna' began before the Federal Supreme Court on 18 January, when they were told for the first time since they were arrested that they had been charged with providing financial and material support to two armed groups in Libya, under the UAE's 2004 Anti-Terrorism law. The four men denied the charges. On 21 March, the Prosecutor changed the charges to those based on the Penal Code. He accused them of "taking hostile action against a foreign country by way of sending supplies to groups, without permission from the UAE government" under Article 166. He also charged them with "collecting funds without obtaining permission from the appropriate ministry" under Articles 43 and 57 of Law No. 2 of 2008 relating to National Societies and Public Welfare Associations.

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. Four of the 10 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 and subjected to enforced disappearance (see UA 74/15, <https://www.amnesty.org/en/documents/mde25/1319/2015/en/>).

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, was detained the following day.

Salim el-Aradi was arrested on 29 August 2014 at around 2am, at a hotel, by police officers who gave no reason for 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 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. They had been held in unknown locations with no access to their families or legal assistance. Amnesty International understands that the men were tortured and otherwise ill-treated (see: <https://www.amnesty.org/en/latest/news/2015/08/uae-foreign-national-tortured-in-custody-and-detained-without-charge-for-a-year/>).

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 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. Amnesty International has found that officials often ignore for months families' attempts to find out where detainees are held .

Names: 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 25/3696/2016 Date: 24 March 2016