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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Coordination des Associations et des Particuliers pour la Liberté de Conscience, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 August 2024]

* Issued as received, in the language of submission only.



Emirati Victims of Arbitrary Detention in the United Arab Emirates

We provides this submission on behalf of Emirati victims whose fundamental rights - including freedom of opinion and expression, freedom of peaceful assembly and association, the right to a fair trial and the right to liberty are being violated by the United Arab Emirates authorities, who have been targeting human rights defenders for more than a decade.

In March 2011, 132 activists including prominent human rights defenders, judges, academics, and students, signed a petition calling for increased political participation and constitutional reforms in the United Arab Emirates. In reprisal for exercising their rights to freedom of opinion and expression and association, they were arrested in successive waves of arrests and then tried in the largest mass trial to date, known as the “UAE94” trial. The charges included founding, organizing and administering an organization with the aim of overthrowing the government, contrary to Article 180 of the Penal Code. On 2 July 2013, following a judgement that was final and not subject to appeal, 69 people of the 94 defendants were convicted and sentenced to between 7- and 15-year prison terms. Notably, 8 of them were convicted in absentia. Among those convicted is Ahmed al-Nuaimi, an Emirati human rights defender, currently living in exile in the United Kingdom of Great Britain and Northern Ireland who was convicted in absentia to 15 years of prison by the Abu Dhabi Federal Supreme Court based on vague national security-related charges.

As early as 9 September 2013, the UN Working Group on Arbitrary Detention (WGAD) in its Opinion No. 60/2013 concluded that “ the charges are aimed more at keeping the petitioners detained at any cost, rather than at establishing justice for any potential crimes committed”. The WGAD deemed the arrest and detention of the defendants as arbitrary and requested their immediate release along with the adoption of adequate measures of reparation. However, shortly after Opinion No. 60/2013 was adopted, Federal Law No. 7/2014 which aimed at countering terrorism was promulgated, introducing potential life sentences or even the death penalty.

On 5 May 2023, the WGAD reiterated its concerns and concluded that Article 40(1) of the Federal Law No. 7/2014 which provides that “A person shall be deemed as posing a terrorist threat if said person adopts extremist or terrorist ideology to the extent that he/she seems likely to commit a terrorist offence” does not meet international human rights law standards. The WGAD also found that this legislation, which allows the extension of sentences already served, violates the principle of legality and non-retroactivity of criminal laws, as the new law was enacted after the 2013 convictions.

In line with the statements made by the WGAD, UN Special Rapporteurs have, on various occasions, expressed concerns regarding the implementation of the Federal Law No. 7/2014, recommending a review of the legislation. Similarly, in June 2023, the Universal Periodic Review Working Group recommended amending the Counter-Terrorism Law to align it with international human rights standards and to ensure that terrorism is not a ground for limiting public dissent.

On 10 January 2024, a large group of UN Special Rapporteurs addressed a Communication to the United Arab Emirates expressing their “deepest concern” about new charges brought against 84 individuals who were indicted in 2011. The UN Special Rapporteurs and the WGAD stressed that the United Arab Emirates “must ensure that national counter-terrorism legislation does not unnecessarily or disproportionately restrict civil society and civic space and is consistent with international human rights law”. In response, the United Arab Emirates Foreign Ministry stated in April 2024 that “any allegations of procedural unfairness in relation to the proceedings in question, cannot be addressed at this stage; they must be considered in view of their impact on the final outcome and the remedies that may be available to rectify them”. On 10 July 2024, the Abu Dhabi Court of Appeal sentenced 43 individuals to life sentence, based on their presumed affiliation to the “Muslim Brotherhood”, an organisation the United Arab Emirates has designated as a terrorist group. However, authorities have not yet released full officials details of the convictions and sentences, rendering the verdicts of many defendants unknown.

Despite the United Arab Emirates Ministry of Justice's assertion that the hearings would be open to the public and that international observers would be permitted to monitor proceedings, no international monitoring bodies were ultimately granted admission, thus violating the right to a fair trial which guarantees all persons a public hearing. Relatives of the victims explained that at the Abu Dhabi Federal Appeal Court, family members were placed in a separate room with a screen that was purposefully muted.

This second-largest political mass trial aimed to extend the sentences of those already released or about to be released and reflects a broader pattern of suppression of dissent and civil society in the United Arab Emirates, more than ten years after the first trial. Amnesty International described it as "a shameless parody of justice" which violates multiple fundamental principles of law, including the principle of equality and non-retroactivity.

Therefore, the victims reiterate that there have been clear and ongoing violations of the right to a fair trial. This right includes key elements such as the right to be judged by a competent, independent and impartial court, the presumption of innocence, the right to a public hearing, the right to defence and the right to a public and reasoned judgment.

The victims urge the WGAD to investigate the situation in the United Arab Emirates and to make urgent communications to the government to clarify the matter. During the 57th session of the Human Rights Council, the WGAD should issue an opinion expressing grave concern over the continued detention of individuals involved in these two successive mass trials under arbitrary measures.

Similarly, the victims call on the international community to exert pressure through relevant diplomatic means to demand that the United Arab Emirates disclose the fate of the detainees and release all those convicted following a trial that lacked the most basic international standards necessary for a fair trial.

In addition to the aforementioned concerns regarding the conduct of fair trials, the victims wish to raise additional concerns about allegations of enforced disappearance and torture, emphasising the urgent need for concerted action. Amnesty International stated the conduct of these mass trials have been further tainted by "a myriad of violations, such as the uninvestigated allegations of torture and other ill-treatment".

Ahmed Al Nuaimi explained that families had lost all contact with their relatives for months, including his own family, who had not heard from his brother for nine months, except before the trial: "My brother has been disappeared for a long time. Since the pandemic started, [my family] couldn't visit him and they don't know anything about him, except some calls".

Despite significant restrictions on access to the courts in the United Arab Emirates, some of the relatives who could attend the "UAE94" trial were visibly distressed by the appearance of their family members. They observed that the physical condition of some of the defendants was poor, with several having lost considerable weight, exhibiting signs of incoherence, and requiring assistance to stand.

The UN Special Rapporteurs are "deeply concerned" by allegations of torture and ill-treatment of many of detainees such as Khaled Al-Nuaimi's - Ahmed Al Nuaimi's brother - who was subjected to solitary confinement, deprived of a bed and his personal belongings.

The UN Special entities are also alarmed by the practice of forcing detainees to sign confessions to terrorist acts. They recalled the absolute prohibition of torture and other cruel, inhuman, or degrading treatment or punishment, and requested the United Arab Emirates government to provide information on its compliance with this prohibition.