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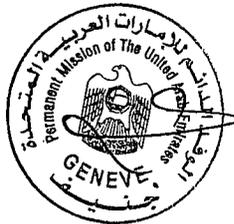
Date: 20 November 2013

The Permanent Mission of the United Arab Emirates to the United Nations Office and Other International Organizations in Geneva presents its compliments to the Working Group on Arbitrary Detention, and with reference to:

1. its letter G/SO 218/2 dated 12 August 2013, concerning the communication of the Working Group on Arbitrary Detentions regarding **Mr. Abdullah AL HADIDI**,
2. its letter G/SO 218/2 dated 7 November 2013, concerning the communication of Working Group on Arbitrary Detention of **61 Emirati nationals**,
3. Its letter G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (3-3-16) G/SO 214 (53-24) ARE 4/2013, dated 6 August 2013, concerning the communication of Working Group on Arbitrary Detention of **69 Emirati nationals**,

has the honor to forward the replies on these three cases as received from the competent authorities. However, The Permanent Mission would like also to draw the attention of the members of the WG to the Explanatory Letter informing that the case of the 61 and 69 Emirati Nationals are part of the 94 Emirati Nationals communication.

The Permanent Mission of the United Arab Emirates to the United Nations Office and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Office of the United Nations High Commissioner for Human Rights
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RESPONSE OF THE GOVERNMENT OF THE UNITED ARAB EMIRATES
TO THE COMMUNICATION FROM THE CHAIR-RAPPORTEUR OF THE WORKING GROUP ON
ARBITRARY DETENTION, DATED 12 AUGUST 2013

20 November 2013

I. Introduction

On 12 August 2013 the Chair-Rapporteur of the Working Group on Arbitrary Detention transmitted a communication (“the Communication”) to the Government of the United Arab Emirates (“the Government”) requesting information and clarification on the case of Mr. Abdullah Al Hadidi, about whom the Working Group had received allegations of arbitrary deprivation of liberty.

The Communication sets out a version of events related to this case which is far removed from the truth and unfounded in many respects. While the source of this misinformation has succeeded in bringing the case to the attention of the Working Group on Arbitrary Detention, it has only been able to do this by making false claims. These allegations are categorically denied in the strongest terms.

The UAE Government, while grateful for the opportunity to correct this misinformation, wishes to express its sincere hope that groups or individuals which are hostile to its continued and peaceful existence under the rule of law should not find support for their cause through manipulation of the good work carried out by the United Nations.

The response of the UAE Government to the Communication complements its 10 June 2013 response to the communication it received on 16 April 2013 on Mr. Al Hadidi’s case, together with the case of other 94 UAE nationals addressed to it jointly by the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the Promotion of the Right to Freedom of Opinion and Expression, the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, the Special Rapporteur on the Situation of Human Rights Defenders, the Special Rapporteur on the Independence of Judges and Lawyers, and the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (the “Joint Communication”).

II. General Statement on the Sentencing of Mr Abdullah Al-Hadidi

The case of Mr. Abdullah Al-Hadidi involves an individual who attended trial proceedings in Federal Supreme Court Case number 17/2013 as an observer. Case number 17/2013 (or the “trial of 94” as it became known in the press), involved a serious threat to the UAE’s national security by a large group of individuals tied to foreign groups which advocate the overthrow through violence of the UAE Government.

On 2 July 2013, the State Security Court of the UAE Federal Supreme Court sentenced 69 defendants to prison sentences varying from 3 to 15 years primarily for violating Article 180 of the UAE Criminal Code, which punishes with imprisonment whoever sets up, establishes,



organizes or runs a clandestine organization, which aims at and calls for the overthrow of the government.¹ 25 defendants were acquitted.

The charges against Mr. Al-Hadidi were threefold. First, that he violated Article 248 of the UAE Criminal Code by assaulting a public officer during the course of the trial proceedings. Second, that he violated Article 265 of the UAE Criminal Code by publishing false accounts of the trial proceedings in Case No. 17/2013. And third, that he violated Article 45 of Law Number 1 of 1970 by refusing to obey an order of a public officer.

Mr. Al-Hadidi was arrested pursuant to an arrest warrant (contrary to the account contained in the Communication) and subsequently tried before a criminal magistrate, Judge Othman Ibrahim Al Tayib, in the Court of First Instance. Mr. Al-Hadidi was represented by counsel, Mr. Mohammed Ahmad Al-Zouabi, and given the opportunity to present evidence, which was considered by the Court. A judgement was issued in the case (Case No. 6482/2013) on 8 April 2013 in which he was found guilty of a violation of Article 265, but was acquitted of the other two charges. The Court sentenced Mr. Al-Hadidi to 10 months in jail. This conviction was subsequently upheld by the Abu Dhabi Court of Appeal on 22 May 2013.

This case, which is in many respects an unspectacular criminal proceeding except for being linked to Case Number 17/2013 and having been raised before the Working Group on Arbitrary Detention through the Communication and other U.N. bodies through the Joint Communication, was prosecuted and conducted in accordance with all due process requirements under UAE law. The UAE Government is of the view that such a matter does not merit the attention of the Working Group on Arbitrary Detention, let alone the accusation that Mr. Al Hadidi's sentence and deprivation of liberty involve a violation of fundamental human rights.

III. Response to Each of the Allegations Raised by the Communication

The facts alleged in the summary set out in the communication are highly inaccurate and misleading, and we are grateful for the opportunity to correct the record. The following statements aim to correct these inaccuracies:

- (a) Contrary to the allegation in the Communication, Mr. Al-Hadidi was presented with an arrest warrant and informed of the charges made against him when he was arrested on 22 March 2013. These charges involved: (i) assaulting a public officer (punishable by Article 248 of the UAE Criminal Code); (ii) publishing in bad faith false accounts of the trial proceedings in Case No. 17/2013 (punishable under Article 265 of the UAE Criminal Code); and (iii) refusing to obey orders given by a public officer (punishable under Article 45 of Law No. 1 of 1970).
- (b) The accused was entitled to telephone contact with his family three times per week, and to regular family visits and visits from national human rights organizations while in detention.

¹ English version of the UAE Criminal Code (Federal Law No. 3 of 1987 and its amendments) can be accessed through the website of the UAE Ministry of Justice, available at: <http://www.elaws.gov.ae>.



- (c) On 8 April 2013, Mr. Al-Hadidi was sentenced by Judge Othman Ibrahim Al Tayib, in the Court of First Instance to 10 months in prison for a violation of Article 265 of the UAE Criminal Code and he was acquitted of the other two charges. The Abu Dhabi Court of Appeal confirmed the sentence on 22 May 2013.
- (d) It is false that international observers and media personnel were denied access to the trial in Case number 17/2013. As the UAE previously explained in its 10 June 2013 Reply to the Joint Communication, that trial was observed by numerous witnesses, including family members, national media and human rights organizations. A special chamber was set up by the Court to accommodate 500 observers. While given the public interest in the trial, some spectators may not have been able to enter and witness the proceedings, the Court made an extraordinary effort to allow a large public audience to witness the trial.
- (e) Mr. Al Hadidi is not a prisoner of conscience and the charges against him have nothing to do with restricting his freedom of opinion and expression. Rather, they involve serious allegations of disseminating false information about a very important trial that threatened national security. Furthermore, his conviction is compatible with international human rights principles, which restrict freedoms of expression and association when such activities threaten national security, public safety or public order.

IV. Current situation of Mr. Al Hadidi and Legal Provisions Justifying his Detention

Mr. Al Hadidi has been released on 1st November 2013. As stated before, the legal provisions justifying his detention were Articles 248 and 265 of the Criminal Code and Article 45 of Law Number 1 of 1970. However, his conviction was solely based on Article 265 of the Criminal Code, which provides for a prison or fine sentence to: “whoever publishes through one of the publicity means, without probity and in bad faith, that which occurred in public trial sessions.”²

Article 46 of Federal Law No. 5 of 2012 on Combating Cybercrimes (“Cybercrime Law”) complements the Criminal Code and establishes as an aggravating factor when committing a crime “the use of the computer network, the Internet, and electronic information system, a website or any information technology means.”³ The fact that Mr. Al Hadidi has disseminated false information about the trial in Case No. 17/2013 through the internet brought him under the provisions of this law.

² English version of the UAE Criminal Code (Federal Law No. 3 of 1987 and its amendments) can be accessed through the website of the UAE Ministry of Justice, available at: <http://www.elaws.gov.ae>.

³ English version of Federal Law No. 5 of 2012 on Combating Cybercrimes can be accessed through the website of the UAE Ministry of Justice, available at: <http://www.elaws.gov.ae>.



It must be emphasized that the Cybercrime Law has been passed by the UAE after scrutinizing its provisions vis-à-vis the UAE Constitution and other Federal Laws which are all protective of Human Rights.

V. Concluding Remarks

The observance of human rights and fundamental freedoms is a principle that the UAE embraces. The UAE has incorporated fundamental human rights principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights into its Constitution and laws. In accordance with a number of human rights standards endorsed by the international community, Chapter III of the UAE Constitution is devoted to the subject of public freedoms, rights and duties, and contains a number of provisions (Articles 25 to 44) which guarantee the protection of these rights, as well as a number of provisions of Chapter II regarding the Social and Economic Pillars of the Federation.

The UAE has acceded to or signed most of the UN Conventions on human rights, including the treaties against torture and other cruel, inhuman or degrading treatment or punishment, regarding the rights of the child, the rights of the persons with disabilities, the elimination of all forms of racial discrimination and of all forms of discrimination against women, among other treaties. In addition, the UAE is a party to the Arab Charter on Human Rights. The UAE is strongly committed to joining other international conventions protecting human rights in the future and to supporting the activities of peaceful human rights defenders who will have all judicial and administrative guarantees to carry out their activities without fear from anyone as long as they respect the law.

The efforts made by the UAE to guarantee human rights through enacting legislation and pursuing policies are reflected in the Universal Periodic Review report of 2009 presented before the Human Rights Council, which received international acclaim. The UAE continues working towards the protection of human rights and it is currently under the process of dealing with the recommendations of the 2013 Universal Periodic Review.

The Government of the UAE takes its international obligations in the area of human rights very seriously, including with regard to special procedures emanating from concerns of the Working Group. The matters raised in the Communication involve serious and unfounded allegations which falsely imply the existence of severe restrictions on the rights and freedoms of Mr. Al Hadidi. This response has been prepared in conjunction with the Ministry of Justice, which gave precise information about the conviction of Mr. Al Hadidi, in order to correct those falsehoods.

The Government of the UAE once again thanks the Working Group on Arbitrary Detention for the opportunity to set the record straight regarding Mr. Al Hadidi's case. The UAE Government will continue to do its utmost to advance the human rights objectives the Working Group watches over and to uphold our own commitments to the international community and to our own citizens in that regard.



**EXPLANATORY LETTER FROM THE UAE PERMANENT MISSION
REGARDING TWO COMMUNICATIONS
CONCERNING THE 61 AND 69 EMIRATI NATIONALS.**

The Permanent Mission of the United Arab Emirates to the United Nations Office and Other International Organizations in Geneva presents its compliments to the Working Group on Arbitrary Detention and with reference to its communication of 6 August 2013, concerning the detention of **69 Emirati Nationals** and its communication dated 9 September 2013 concerning the detention of **61 Emirati nationals**, has the honor to bring to the attention of the esteemed members of the WG the following:

The 61 and 69 Emirati nationals mentioned in the above communications are part of the 94 detainees cited in the previous WG communication Ref: UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (3-3-16) G/SO 214 (53-24) ARE 1/2013, dated 19 April 2013.

It is also recalled that by note verbale no 66 dated 10 June 2013, the UAE Government has forwarded a comprehensive explanatory letter to the WG giving detailed information on the case of the 94 detainees. Shortly after, **the case of the 94 detainees which includes the 61 Emirati National and the 69 Emirati National IS ONE SINGLE CASE (94) and has been decided upon by the UAE Federal Supreme Court on 2 July 2013**, which issued the following verdict: (1)

- 15 year imprisonment in absentia against 8 members;
- 10 years imprisonment in their presence against 56 members;
- 7 years imprisonment in their presence against 5 members;
- Acquittal of 25 members, among whom 13 women.

Since the case of the 94 Emiratis Nationals which includes the 61 Emirates Nationals has been decided upon by both the UAE Supreme Court, the Permanent Mission kindly requests the WG to reconsider its position regarding the communication on the 61 National Emiratis on the grounds that a same case cannot be subject to a double Opinion.

(1) *Translated summary of the Supreme Court Decision can be provided to the WG if needed.*



Concluding Remarks

On behalf of the UAE Government, the Permanent Mission takes this opportunity to assure the esteemed members of the Working Group that the UAE is well aware of its international obligations in the area of human rights, including concerns emanating from the various human rights mechanisms. However, the matters raised in the case of the 61 Emiratis Nationals involves serious and unfounded allegations implying severe restrictions on the rights and freedoms of UAE citizens, and as a consequence, their authors have been brought before the National Courts, where all their rights have been preserved, including the right to a fair trial.

Regarding the treatment of communications in the future, the Permanent Mission would like to ensure that there is a strong political commitment to improve the current situation in dealing with these communications, swiftly and more efficiently through two main objectives:

1. The setting up of a comprehensive training programme for the human rights department and all the personnel in charge of the law enforcement.
2. The administrative reorganization of the different governmental bodies and institutions involved in dealing with communications.

The Government values and appreciates the work of the Working Group on Arbitrary Detention, as well as the various Mandate Holders and Treaty Bodies involved in the protection of human rights throughout the world and will continue to do its utmost to advance the human rights objectives uphold its commitments to the international community and to its own citizens in that regard.

In conclusion, the Permanent Mission kindly requests the WG on Arbitrary Detention to :

1. Respond favorably to the above request by reconsidering its position regarding the 61 AND 69 Emirati Nationals.
2. To include in its Annual Report the view of the UAE government provided in the present Note Verbale.

The Permanent Mission of the United Arab Emirates to the United Nations Office and Other International Organizations in Geneva avails itself of this opportunity to renew to the Working Group on Arbitrary Detention the assurances of its highest consideration.

*Office of the United Nations High Commissioner for Human Rights
Secretary of the Working Group on Arbitrary Detention
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RESPONSE OF THE GOVERNMENT OF THE UNITED ARAB EMIRATES
TO THE JOINT FOLLOW-UP COMMUNICATION FROM VARIOUS U.N. SPECIAL RAPPORTEURS
AND THE CHAIR-RAPPOREUR OF THE WORKING GROUP ON ARBITRARY DETENTION,
DATED 6 AUGUST 2013

20 November 2013

I. Introduction

On 6 August 2013 the Office of the High Commissioner for Human Rights transmitted a communication from Special Procedures to the Government of the United Arab Emirates issued jointly by the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the Promotion of the Right to Freedom of Opinion and Expression, the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, the Special Rapporteur on the Situation of Human Rights Defenders, the Special Rapporteur on the Independence of Judges and Lawyers, and the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (“Joint Communication”).

The Joint Communication requested information and clarification on a number of matters which are described as relating to “*the sentencing of 69 individuals, including human rights lawyers, judges, academics and student leaders, on 2nd of July 2013*” and indicated that these 69 individuals were among the 94 individuals subject of another joint communication dated 16 April 2013.

This document sets out the response of the Government of the United Arab Emirates to the 6 August 2013 Joint Communication and complements the Government’s 7 June 2013 response to the 16 April 2013 joint communication mentioned above.

Just as with the 16 April 2013 joint communication, this new Joint Communication sets out a version of events related to this case which is far removed from the truth and unfounded in many respects. These allegations are categorically denied in the strongest terms.

The UAE Government, while once again grateful for the opportunity to correct this misinformation, wishes to express its sincere hope that groups or individuals which are hostile to its continued and peaceful existence under the rule of law should not find support for their cause through manipulation of the good work carried out by the United Nations.

II. General Statement on the Trial of 94 UAE Nationals, including the 69 UAE Nationals on which the present Joint Communication focuses

Federal Supreme Court Case Number 17/2013 involved a serious threat to the UAE’s national security by 94 individuals tied to foreign groups which seek the overthrow through violence of the UAE Government.

On 2 July 2013, the State Security Court of the UAE Federal Supreme Court sentenced 69 defendants to prison sentences varying from 3 to 15 years primarily for violating Article 180



of the UAE Criminal Code, which punishes with imprisonment whoever sets up, establishes, organizes or runs a clandestine organization, which aims at and calls for the overthrow of the government.¹ 25 defendants were acquitted. 61 of the 69 UAE nationals that were convicted are the subject of this Communication of the Working Group on Arbitrary Detention.

As has been emphasized in the most emphatic terms on previous occasions, this case was prosecuted and conducted in accordance with all due process requirements under UAE and human rights law. Moreover, the UAE Government remains of the view that such a matter does not merit the attention of the various Special Rapporteurs and of the Working Group on Arbitrary Detention, let alone the accusation that the trial and conviction of the 69 UAE nationals involves a violation of fundamental human rights.

III. Response to the Specific Allegations Raised by the Joint Communication

The facts alleged in the summary set out in the Joint Communication are highly inaccurate and misleading, and the UAE Government is grateful for the opportunity to correct the record. The following statements aim to correct these inaccuracies:

- (a) The criminal charges and conviction of the 69 individuals subject of the Joint Communication was done in connection with Supreme Court Case Number 17/2013 and resulted from a thorough investigation by the security forces and the office of the Attorney General, which found that the accused were not part of a peaceful association calling for political debate, but rather were members of an organization aligned with the Muslim brotherhood whose objective is to seek the overthrow of the UAE Government by force and violence. No state can simply stand idly by in the face of such a threat to its national integrity.

The charges against them (and their eventual conviction) were therefore based on several legal grounds as codified by Article 180 of the UAE Criminal Code (as amended), promulgated in 1987. Under this Article, they were charged with setting up, establishing, organizing and running a clandestine organization, veiled under cover of a civil society organization, which aims at and calls for the overthrow of the government. These code provisions doubtlessly are compatible with international human rights principles, which restrict freedoms of expression and association when such activities threaten national security, public safety or public order.

- (b) Arrest warrants were issued for all the accused and they were all immediately communicated the charges made against them. The fact that the charges against the petitioners were only made public on 27 January 2013 responded to the necessity of not jeopardizing the investigation by the prosecution.

¹ English version of the UAE Criminal Code (Federal Law No. 3 of 1987 and its amendments) can be accessed through the website of the UAE Ministry of Justice, available at: <http://www.elaws.gov.ae>.



- (c) The accused were entitled to telephone contact with their families three times per week, and to regular family visits.
- (d) The period of pre-trial detention of the accused in Case Number 17/2013 was of a definite duration and, given the nature of the alleged crimes, subject to renewal by court order, also for a defined period of time, as permitted by law.
- (e) The trial was conducted in all respects in accordance with the principles of fairness and equality of arms. The accused were represented by their freely selected lawyers and were able to consult with those lawyers in privacy and without the presence of security personnel. Moreover, the defence counsel was given ample time to prepare their defence as the list of charges was made available to them in good time. The accused also benefited from the presumption of innocence as guaranteed by Article 28 of the UAE Constitution and were tried for crimes specifically prohibited by the law in accordance with Article 27 of the UAE Constitution.
- (f) The trial was held in public and observed by numerous witnesses, including family members, national media and human rights organizations. A special chamber was set up by the Court to accommodate 500 observers. While given the public interest in the trial, some spectators may not have been able to enter and witness the proceedings, the Court made an extraordinary effort to allow a large public audience to witness the trial.
- (g) The conditions in which the accused have been held are fully satisfactory, and had been seen and observed by the Emirates Human Rights Association, a registered non-governmental organization, which publicly reported these satisfactory conditions, including access to health care and a good standard of food.
- (h) While some of the accused have raised the allegation that they were subject to physical abuse while in detention, the Government vigorously denies this. Representatives of the Emirates Human Rights Association visited and interviewed the accused on a regular basis during their trial and pre-trial detention and not only found no evidence of any mistreatment, but were also assured by vast numbers of the accused themselves that they had not been subject to any such mistreatment. Moreover, these allegations, which were raised during the trial and laid before the Court by the accused, were addressed by the Court in its judgment and found to be without merit.
- (i) The convictions against the 69 UAE nationals have nothing to do with restricting their freedom of association or expression. Rather, they involve serious allegations of establishing a clandestine organization under cover of a civil society organization for the purpose of seeking to overthrow the UAE Government through violent means.



- (j) Specific allegations as to the lack of independence of the Federal Supreme Court are false. With respect to Federal Supreme Court judges, the process of their nomination is based on law and requires the nomination by the Supreme Judicial Council and the appointment by the UAE Head of State upon the agreement of the Federal Supreme Council, the highest authority in the UAE.
- (k) All criminal judgments issued by courts of first instance in the UAE are subject to appeal and review on points of law. In cases in which, by law, the Federal Supreme Court, which is the highest level in the judiciary, is vested with original competence (as applied in the case in question given the nature of the criminal charges), judgments are also subject to review, but the scope of review is necessarily limited to judicial reconsideration in accordance with the specific requirements of the Federal Supreme Court Law.

IV. Concluding Remarks

The observance of human rights and fundamental freedoms is a principle that the UAE embraces. The UAE has incorporated fundamental human rights principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights into its Constitution and laws. In accordance with a number of human rights standards endorsed by the international community, Chapter III of the UAE Constitution is devoted to the subject of public freedoms, rights and duties, and contains a number of provisions (Articles 25 to 44) which guarantee the protection of these rights, as well as a number of provisions of Chapter II regarding the Social and Economic Pillars of the Federation.

The UAE has acceded to or signed many of the UN Conventions on human rights and it is strongly committed to joining other international conventions protecting human rights in the future. The efforts made by the UAE to guarantee human rights through enacting legislation and pursuing policies are reflected in the Universal Periodic Review report of 2009 presented before the Human Rights Council, which received international acclaim. The UAE continues to work towards the protection of human rights and it is currently under the process of dealing with the recommendations of the 2013 Universal Periodic Review.

The Government of the UAE takes its international obligations in the area of human rights very seriously, including with regard to special procedures emanating from concerns of the various Special Rapporteurs and the Working Group on Arbitrary Detention. This notwithstanding, the matters raised in the Communication involve serious and unfounded allegations which falsely imply the existence of severe restrictions on the rights and freedoms of 69 UAE nationals.

The Government of the UAE once again is grateful for the opportunity to set the record straight regarding this case. The UAE Government will continue to do its utmost to advance the human rights objectives the Special Rapporteurs and the Working Group watch over and to uphold our own commitments to the international community and to our own citizens in that regard.



RESPONSE OF THE GOVERNMENT OF THE UNITED ARAB EMIRATES
TO THE COMMUNICATION FROM THE CHAIR-RAPPORTEUR OF THE WORKING GROUP ON
ARBITRARY DETENTION, DATED 9 SEPTEMBER 2013

20 November 2013

I. Introduction

On 9 September 2013 the Chair-Rapporteur of the Working Group on Arbitrary Detention transmitted a communication (“the Communication”) to the Government of the United Arab Emirates (“the Government”) requesting information and clarification on the case of 61 UAE nationals (or “the petitioners”) about whom the Working Group had received allegations of arbitrary deprivation of liberty.

The Communication sets out a version of events related to this case which is far removed from the truth and unfounded in many respects. While the source of this misinformation has succeeded in bringing the case to the attention of the Working Group on Arbitrary Detention, it has only been able to do this by making false claims. These allegations are categorically denied in the strongest terms.

The UAE Government, while grateful for the opportunity to correct this misinformation, wishes to express its sincere hope that groups or individuals which are hostile to its continued and peaceful existence under the rule of law should not find support for their cause through manipulation of the good work carried out by the United Nations.

The response of the UAE Government to the Communication complements its 7 June 2013 response to the communication it received on 16 April 2013 on 94 UAE nationals (which included the 61 petitioners on which the present communication concentrates) addressed to it jointly by the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the Promotion of the Right to Freedom of Opinion and Expression, the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, the Special Rapporteur on the Situation of Human Rights Defenders, the Special Rapporteur on the Independence of Judges and Lawyers, and the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (the “Joint Communication”).

II. General Statement on the Trial of 94 UAE Nationals, including the 61 UAE Nationals on which the present Communication focuses

Federal Supreme Court Case Number 17/2013 involved a serious threat to the UAE’s national security by 94 individuals tied to foreign groups which seek the overthrow through violence of the UAE Government.



On 2 July 2013, the State Security Court of the UAE Federal Supreme Court sentenced 69 defendants to prison sentences varying from 3 to 15 years primarily for violating Article 180 of the UAE Criminal Code, which punishes with imprisonment whoever sets up, establishes, organizes or runs a clandestine organization, which aims at and calls for the overthrow of the government.¹ 25 defendants were acquitted.

This case was prosecuted and conducted in accordance with all due process requirements under UAE and human rights law. As such, the matter does not merit the attention of the Working Group on Arbitrary Detention, let alone the accusation that the deprivation of liberty of the 61 UAE nationals involves a violation of fundamental human rights.

III. Response to the Specific Allegations Raised by the Communication

The facts alleged in the summary set out in the Communication are highly inaccurate and misleading, and the UAE Government is grateful for the opportunity to correct the record. The following statements aim to correct these inaccuracies:

- (a) The arrest and detention of the 61 individuals subject of the Communication was done in connection with Supreme Court Case Number 17/2013 and resulted from a thorough investigation by the security forces and the office of the Attorney General, which found that the accused were not part of a peaceful association calling for political debate, but rather were members of an organization aligned with the Muslim brotherhood whose objective is to seek the overthrow of the UAE Government by force and violence. No state can simply stand idly by in the face of such a threat to its national integrity.

The detention of and charges against them (and their eventual conviction) were therefore based on several legal grounds as codified by Article 180 of the UAE Criminal Code (as amended), promulgated in 1987. Under this Article, they were charged with setting up, establishing, organizing and running a clandestine organization, veiled under cover of a civil society organization, which aims at and calls for the overthrow of the government. These code provisions doubtlessly are compatible with international human rights principles, which restrict freedoms of expression and association when such activities threaten national security, public safety or public order.

- (b) Arrest warrants were issued for all the accused and they were all immediately advised of the charges made against them. The fact that the charges against the

¹ English version of the UAE Criminal Code (Federal Law No. 3 of 1987 and its amendments) can be accessed through the website of the UAE Ministry of Justice, available at: <http://www.elaws.gov.ae>.



petitioners were only made public on 27 January 2013 responded to the necessity of not jeopardizing the investigation by the prosecution.

Furthermore, contrary to the allegations contained in the Communication, the charges against the petitioners were not vague but were clearly framed under Article 180 of the UAE Criminal Code. The charges referenced by the source in the Communication as dating from 27 January 2013 and published by the State news agency WAM are only taken from comments to the press made by the Attorney General and are thus necessarily framed in generalized language.

- (c) The accused were entitled to telephone contact with their families three times per week, and to regular family visits.
- (d) The period of pre-trial detention of the accused in Case Number 17/2013 was of a definite duration and, given the nature of the alleged crimes, subject to renewal by court order, also for a defined period of time, as permitted by law.
- (e) The trial was conducted in all respects in accordance with the principles of fairness and equality of arms. The accused were represented by their freely selected lawyers and were able to consult with those lawyers in privacy and without the presence of security personnel. Moreover, the defence counsel was given ample time to prepare their defence as the list of charges was made available to them in good time. The accused also benefited from the presumption of innocence as guaranteed by Article 28 of the UAE Constitution and were tried for crimes specifically prohibited by the law in accordance with Article 27 of the UAE Constitution.
- (f) The trial was held in public and observed by numerous witnesses, including family members, national media and human rights organizations. A special chamber was set up by the Court to accommodate 500 observers. While given the public interest in the trial, some spectators may not have been able to enter and witness the proceedings, the Court made an extraordinary effort to allow a large public audience to witness the trial.
- (g) The conditions in which the accused have been held are fully satisfactory, and had been seen and observed by the Emirates Human Rights Association, a registered non-governmental organization, which publicly reported these satisfactory conditions, including access to health care and a good standard of food.
- (h) While some of the accused have raised the allegation that they were subject to physical abuse while in detention, the Government vigorously denies this. Representatives of the Emirates Human Rights Association visited and interviewed the accused on a regular basis during their trial and pre-trial detention



and not only found no evidence of any mistreatment, but were also assured by vast numbers of the accused themselves that they had not been subject to any such mistreatment. Moreover, these allegations, which were raised during the trial and laid before the Court by the accused, were addressed by the Court in its judgment and found to be without merit.

- (i) The convictions against the 61 UAE nationals have nothing to do with restricting their freedom of association or expression. Rather, they involve serious allegations of establishing a clandestine organization under cover of a civil society organization for the purpose of seeking to overthrow the UAE Government through violent means.
- (j) Specific allegations as to the lack of independence of the Federal Supreme Court which are made in the Communication are false. With respect to Federal Supreme Court judges, the process of their nomination is based on law and requires the nomination by the Supreme Judicial Council and the appointment by the UAE Head of State upon the agreement of the Federal Supreme Council, the highest authority in the UAE.
- (k) All criminal judgments issued by courts of first instance in the UAE are subject to appeal and review on points of law. In cases in which, by law, the Federal Supreme Court, which is the highest level in the judiciary, is vested with original competence (as applied in the case in question given the nature of the criminal charges), judgments are also subject to review, but the scope of review is necessarily limited to judicial reconsideration in accordance with the specific requirements of the Federal Supreme Court Law.

IV. Concluding Remarks

The observance of human rights and fundamental freedoms is a principle that the UAE embraces. The UAE has incorporated fundamental human rights principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights into its Constitution and laws. In accordance with a number of human rights standards endorsed by the international community, Chapter III of the UAE Constitution is devoted to the subject of public freedoms, rights and duties, and contains a number of provisions (Articles 25 to 44) which guarantee the protection of these rights, as well as a number of provisions of Chapter II regarding the Social and Economic Pillars of the Federation.

The UAE has acceded to or signed many of the UN Conventions on human rights and it is strongly committed to joining other international conventions protecting human rights in the future. The efforts made by the UAE to guarantee human rights through enacting legislation and pursuing policies are reflected in the Universal Periodic Review report of 2009 presented before the Human Rights Council, which received international acclaim. The UAE continues to work



towards the protection of human rights and it is currently under the process of dealing with the recommendations of the 2013 Universal Periodic Review.

The Government of the UAE takes its international obligations in the area of human rights very seriously, including with regard to special procedures emanating from concerns of the Working Group. This notwithstanding, the matters raised in the Communication involve serious and unfounded allegations which falsely imply the existence of severe restrictions on the rights and freedoms of the 61 UAE nationals in question.

The Government of the UAE once again thanks the Working Group on Arbitrary Detention for the opportunity to set the record straight regarding this case. The UAE Government will continue to do its utmost to advance the human rights objectives the Working Group watches over and to uphold our own commitments to the international community and to our own citizens in that regard.