

(Translated from Arabic)

Permanent Mission of the United Arab Emirates, Geneva

Ref: 2/3/32 – 217

Date: 18 August 2021

Reply of the State to the joint communication concerning Mr. Abdulrahman Muhammad Al-Nahhas

The Permanent Mission of the United Arab Emirates to the United Nations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, with reference to communication No. AL ARE 4/2021 of 25 June 2021 concerning Mr. Abdulrahman Muhammad Al-Nahhas, wishes to inform you that the competent authorities in the United Arab Emirates have examined the communication in question and present the following information in that connection:

1. Arrest and detention without legal justification

The individual in question was arrested on 23 December 2019, in accordance with the legal procedures in force in the United Arab Emirates. He was informed of the reason for his arrest and an arrest warrant was produced, which he was able to study in detail, read and understand. Likewise, he was told which authority was carrying out the arrest and detention and the location in which he would be held.

2. Rights to habeas corpus and to be brought promptly before a judicial authority

On 22 March 2020, the individual in question was referred to the competent prosecutor's office, and on 16 September 2020, the prosecutor's office referred the case file to the competent court and brought the following charges against him:

- Joining a terrorist organization (Al Karama terrorist organization) with knowledge of what it was and what its purpose was.
- Cooperation with a terrorist organization (Al Karama terrorist organization) with knowledge of what it was and what its purpose was.
- He provided international human rights organizations with incorrect, inaccurate and misleading information via the Internet

that was liable to harm the interests of the State and damage its reputation and standing.

- The judge allowed the accused to comment on the charges against him during the hearing and allowed him to defend himself and to have access to the documents in the case file.

3. Right not to be subjected to arbitrary detention

He was not subjected to arbitrary detention. He was arrested in accordance with the legal rules and procedures applicable in the State, and is currently serving his sentence in a prison under the supervision and control of the Public Prosecutor's Office.

4. Incommunicado and secret detention

The individual in question is being held in an appropriate prison facility that meets all the standards required to ensure the safety of prisoners in terms of food, environment, air conditioning and ventilation, recreation, family visits and communication, in accordance with the Prisons Act.

5. Torture and cruel, inhuman or degrading treatment

The person concerned has not been subjected to any form of torture or cruel or inhuman treatment, nor has he been denied any of his rights guaranteed under federal law, which are in line with universal human rights principles. The Constitution provides for the equality of all before the law and prohibits all forms of degrading treatment.

6. Right to communication

In light of the precautionary measures taken by the competent authorities in the country, like the rest of the world, and efforts to protect prison inmates from coronavirus disease (COVID-19) infection, the individual in question was limited to having telephone communication; he is in regular contact with his family and the last telephone call was from his wife on 20 July 2021.

7. Right to have access to a lawyer

In accordance with the provisions of federal law, all accused persons who are undergoing trial have the right to appoint a lawyer as part of the right to a defence, which the law guarantees for all persons without discrimination or distinction. If the defendant cannot afford a lawyer, the court appoints one to him or her for free. Accordingly the lawyer [REDACTED] was assigned to defend him at both levels of the judicial process.

8. Right to an independent and impartial tribunal

The measures taken by the judicial authorities against the person concerned were all within the legal framework established in the applicable federal laws. The Public Prosecutor's Office supervises inquiries and the collection of evidence and is the only authority competent to conduct investigations and interrogations and bring charges. Trials take place before fair and competent courts and are presided over by competent judges who are fully impartial and independent in making their judgments. They perform their duties in accordance with the Constitution and applicable national laws. The law also provides for the guarantees of a fair trial. The hearing for the issuance of the verdict has been postponed until 8 September 2021.

9. Ensuring physical and mental health

All inmates of prison facilities in the State are entitled to health care as a basic right guaranteed under the last paragraph of article 7 of Federal Act No. 43 of 1992 on the regulation of penal institutions. The previous paragraph stipulates that the facility must keep a comprehensive file on the physical and psychological well-being of each inmate. In this regard, the person concerned continues to receive the necessary medical care and is in good health. He had his last regular medical check-up on 8 July 2021, and on 11 July 2021 he had a COVID-19 test that came back negative.
