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**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on the situation of human rights defenders**

REFERENCE: UA G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (3-3-16)  
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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on the situation of human rights defenders pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/4, 17/2, and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the alleged arrest and acts of stigmatization against Mr. **Saleh Al-Dhufairi** and on-going acts of harassment against Mr. **Ahmed Mansoor**.

Mr. Al Dhufairi is an online activist who has reportedly been using Twitter to criticise the actions of the United Arab Emirates' security forces, notably in several high-profile cases related to, inter alia, the revocation of the citizenship of Emirati activists on national security charges and the deportation of Syrian expatriates. He is also general manager of the Holy Koran Foundation in the northern emirate of Ras al-Khaimah.

Mr. Mansoor is a blogger and poet who advocates for political reform. He was arrested on 8 April 2011 reportedly in connection with comments made on an online political forum and, on 27 November 2011, he was found guilty of publicly insulting State officials under articles 8 and 176 of the Penal Code and sentenced to three years' imprisonment. On 28 November 2011, a pardon was issued by the authorities, and Mr. Mansoor was released.

Mr. Ahmed Mansoor was the subject of previous communications sent to your Excellency's Government on 25 November 2011 by the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of expression, and the Special Rapporteur on the independence of judges and lawyers (A/HRC/19/44, page 146), concerning restrictions on procedural safeguards in his trial; on 27 September 2011 by the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of the right to freedom of expression, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/HRC/19/44, page 85), concerning his detention and trial; on

26 April 2011 by the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of expression, and the Special Rapporteur on the situation of human rights defenders (A/HRC/18/51, page 94), following his arrest and detention; and on 25 November 2011 by the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of expression, and the Special Rapporteur on the independence of judges and lawyers on the subject of his trial and the other members of the “UAE 5”. We regret that to date no reply to these communications has been transmitted by your Excellency’s Government.

According to the information received:

On 6 March 2012, at approximately 1:00 a.m., Mr. Saleh Al-Dhufairi was arrested at his home in Ras Al-Khaimah. It is alleged that no reasons for the arrest were provided and that no arrest warrant was produced at the time of the arrest, although police reportedly informed the family that a warrant had been issued by the electronic crimes department in the Emirate of Dubai.

It is reported that a press statement was released by the Dubai Police immediately after the arrest stating that Mr. Al-Dhufairi had been arrested on suspicion of spreading ideas by speech, writing or any other means that provoke strife, hurt national unity and social peace. Furthermore, it is reported that *The National*, a State-owned newspaper, published an article which cited, without providing any further evidence, that Mr. Al-Dhufairi was believed to be a member of the Muslim Brotherhood.

According to the information received, the Dubai Attorney General has referred Mr. Al-Dhufairi to the Federal State Security Prosecution in Abu Dhabi on charges of committing crimes threatening State security. This referral is allegedly based on Article 99 of the Constitution, which grants the Union Supreme Court (USC) jurisdiction over cases relating to crimes that directly affect the interests of the State, including its internal and external security.

Reportedly, there is no right to appeal the decisions of the USC. Furthermore, it is reported that wide and ambiguous definitions of certain crimes allow for the criminalization of the legitimate exercise of human rights. Notably, it is alleged that any criticism of the Government can be enlisted under the crime of weakening the State's morale, and any criticism of the ruling elite can be prosecuted under the crime of sedition, which would constitute serious limitations to the right to freedom of opinion and expression. It is further reported that, in practice, defence motions were repeatedly denied without deliberations in spite of the legal requirement for USC to provide the reasons for such denials.

Sources indicate that Mr. Al-Dhufairi was released on bail on 20 March 2012, at approximately 4:00 p.m.

It is reported that the alleged arrest and referral of Mr. Al-Dhufairi to the Federal State Security Prosecution are indicative of an increasingly restrictive

environment for human rights defenders in the United Arab Emirates. Reportedly, this is demonstrated by on-going acts of harassment against Mr. Ahmed Mansoor both before and subsequent to his release from detention on 28 November 2011.

It is alleged that following his trial the authorities have repeatedly refused to return Mr. Mansoor's passport or to issue him with a certificate of good standing, a pre-requisite for employment. Furthermore, it is alleged that Mr. Mansoor has been refused entry to Kuwait, allegedly at the request of the UAE authorities, and that some of his confiscated belongings have not yet been returned, including several computers and mobile phones. Moreover, Mr. Mansoor is reportedly regularly slandered and threatened on Twitter and other websites, and he has allegedly received numerous death threats. Despite the fact that the identities of some of those that made such threats were known, it is alleged that no action has been taken by the authorities.

It is reported that the human rights abuses allegedly suffered by Mr. Mansoor are symptomatic of similar abuses suffered by other members of the "UAE 5".

Concern is expressed that the arrest and referral to the Federal State Security Prosecution of Mr. Saleh Al-Dhufairi and the on-going harassment of Mr. Ahmed Mansoor may be directly related to their legitimate human rights work and the legitimate exercise of their right to freedom of expression. Concern is also expressed regarding the physical and psychological security of the subjects of this urgent appeal in light of the charges against Mr. Al-Dhufairi and the threats received by Mr. Mansoor in the context of reports of an increasingly restrictive environment for human rights defenders.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice."

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 6, points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all

human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

- article 12, paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the Universal Declaration of Human Rights which provides that "[e]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

In respect of the allegation that Mr. Al-Dhufairi is facing proceedings before a special military jurisdiction, we would like to draw your Excellency's Government attention to the provision in Article 10 of the Universal Declaration of Human Rights, which provides that "[e]veryone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal." We would also like to draw your Excellency's Government's attention to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly on 9 December 1988, in particular principles 17, 18, 32, 37 and 38 (adopted by General Assembly resolution 43/173 of 9 December 1988).

We would also like to refer your Excellency's Government to the Basic Principles on the Independence of the Judiciary (adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolution 40/32 of 29 November 1985 and 40/146 of 13 December 1985), in particular principle 6 which states that "The principle of independence of the judiciary entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected."

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of either of the alleged victims?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please provide the full details of the legal basis for the arrest of Mr. Al-Dhufairi and his referral to the Federal State Security Prosecution. Kindly indicate how these actions are compatible with international human rights standards, in particular with article 19 of the Universal Declaration of Human Rights.
6. Please provide detailed information on the measures taken to ensure the right of Mr. Al-Dhufairi to a fair and public hearing by an independent and impartial tribunal, as recognized in article 10 of the Universal Declaration of Human Rights.
7. In light of the threats against Mr. Mansoor, please provide full details of any protective measures put in place to ensure his physical and psychological security and integrity.
8. Please indicate what measures have been taken to ensure that human rights defenders, including civil society and activists, can operate in an enabling environment and can carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to freedom of  
opinion and expression

Gabriela Knaul  
Special Rapporteur on the independence of judges and lawyers

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders