

Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection 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 the right to privacy

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16 April 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on the right to privacy, pursuant to Human Rights Council resolutions 49/10, 51/8, 52/9, 50/17, 52/4, 53/12 and 55/3.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning information we have received concerning **the alleged revocation of citizenship of Mr. Abdulsalam al-Marzooqi and his family members as well as the denial of renewal of national identity documents of Mr. al-Nuaimi in the United Arab Emirates (UAE) as a form of retaliation against peaceful political dissent.** . We further bring to your attention our **connected concerns about the UAE87 trial, where all the appeals were rejected** despite our earlier concerns about the violation of due process rights in communication [ARE 1/2024](#).

Previous engagement by Special Procedures mandate holders

Mr. Abdulsalam al-Marzooqi was arrested after advocating for democratic reforms in the UAE in 2011. Similarly, Mr. al-Nuaimi was arrested and convicted in 2013 *in absentia* for alleged terrorism charges, involving arbitrary detention and following a trial that was qualified as unfair by the UN Working Group on Arbitrary Detention (see opinion [no. 60/2013](#)). The mass arrest, detention and trial of human rights defenders, judges and lawyers, including Mr. al-Marzooqi and Mr. al-Nuaimi, on state security offences, between February 2012 and July 2013, became known as the case of the "UAE94". This case has been the subject of joint communications sent by Special Procedures mandate holders to your Excellency's Government on 7 November 2012 ([ARE 7/2012](#)) and 16 April 2013 ([ARE 1/2013](#)). We would like to thank your Excellency's Government for the responses dated 26 March 2013 and 10 June 2013 respectively, regarding the UAE94 trial. Despite these responses, we remain concerned, given the allegations below.

Subsequent trials held in 2023 and 2024, and which became known as the “UAE87” included numerous individuals previously convicted in the UAE94 trials. These individuals were retried for the same acts, but this time under Federal Law No. 7/2014 for the purpose of countering terrorism (herein “Counter-Terrorism Law”), in violation of the principle of *ne bis in idem* under international law and article 16 of the Arab Charter of Human Rights (ACHR), which guarantee that individuals are not tried twice for the same act. Our concerns related to this group were communicated to your Excellency’s Government in communication [ARE 1/2024](#), including as regards violation of the right to fair trial, the use of torture or other cruel, inhuman or degrading treatment or punishment to force confessions, the deterioration of the health of certain individuals during their years of detention and the incommunicado detention of at least twelve individuals. We take note of the response of your Excellency’s Government to this communication on 8 April 2024, but regret that no information was provided on individual cases.

We have also raised our concerns on the Counter-Terrorism Law and its application more broadly in a letter sent to your Excellency’s Government on 13 November 2020 ([ARE 6/2020](#)). While reiterating our recommendation to review the legislation to align it with international human rights standards, we regret that no reply has been received to date. Specifically, we refer to article 16 of the Federal Law No. 17 from 1972 concerning Nationality, Passports and Amendments thereof (herein “Law on Nationality”), which provides that a naturalised person may have their nationality revoked if that person “commits or attempts to commit an action that is deemed dangerous to the safety and security of the country”. On that occasion, we expressed our deep concern that this vague and overbroad article, despite its potentially far-reaching human rights implications, could be employed in a punitive and possibly arbitrary manner against individuals who express legitimate criticism of the Government or its policies.

We further note that some of the issues related to this letter were raised in the last cycle of the UAE Universal Periodic Review (2023) (see A/HRC/WG.6/43/ARE/2, paras. 13, 19, 26 and 27). These include the impact of the Counter-Terrorism Law on fundamental rights and freedoms, including freedom of opinion and expression, freedom to receive and communicate information and ideas, freedom of peaceful assembly, freedom of association, and the prohibition on arbitrary detention, and the fact that fewer procedural safeguards apply in terrorism cases. The Universal Periodic Review Working Group recommended the revision of the Counter-Terrorism Law to align it with international human rights standards and ensure that terrorism is not a ground for limiting public dissent (A/HRC/54/15).

According to the information received:

Context

Over the past decade, the UAE has been allegedly using citizenship stripping as a tool of political control and punishment against dissidents and activists and their families. This has reportedly led to statelessness, depriving affected individuals of their fundamental rights and freedoms and perpetuating marginalisation and vulnerability. The practice reportedly began in 2011 with the al-Islah group, a group of 133 Emirati academics, judges, lawyers, students,

and human rights defenders who signed a petition calling for democratic reforms. This reportedly led to a campaign of arbitrary arrests by the UAE's State Security Apparatus. Many signatories, particularly members of al-Islah, were prosecuted in mass trials, such as the UAE94 and UAE84 trials, on charges of terrorism and attempts to overthrow the Government, with concerns of lack of due process and fair trial.

It is alleged that the revocation of citizenship has not been limited to the individuals directly involved but has also affected their families, leaving them stateless and without access to essential services and opportunities, severely impacting their ability to exercise their human rights.

The first documented cases of nationality stripping on political grounds reportedly occurred only a few months after al-Islah's petition was signed. In 2011, seven men, all members of al-Islah, had their citizenship revoked after signing of the petition. Known as the "UAE7", these individuals were left stateless and unable to work or reside in the country. Despite seeking legal assistance and judicial relief, their citizenship revocation was upheld by the courts, and their lawyer was arrested. The revocation extended to family members, including children, who were also rendered stateless without formal notification or legal recourse.

Later, in 2016, it was reported that 31 of the UAE94 members and their family members had their citizenship revoked. In other cases, the authorities imposed travel bans on their family members, preventing them from studying or working, and froze their bank accounts.

The UAE authorities have reportedly employed the denial of identity document renewals as a method to suppress dissent, affecting members of the UAE94 and UAE87 trials who were tried in absentia and remained abroad to avoid imprisonment. This tactic left many individuals at risk of statelessness, unable to renew their documents or access basic rights. The families of these individuals faced similar consequences, being barred from travelling and visiting imprisoned relatives. This widespread practice highlights the extensive crackdown on civic space, impacting a large number of people both inside and outside the UAE.

Additionally, individuals with no association with the "UAE94" or "UAE87" have allegedly been targeted by citizenship revocation for expressing criticism of the Government or having some dissenting political ideas.

While the UAE 94 and UAE 87 trials and their context are set out in our earlier communications cited above, we note that convicted UAE87 defendants appealed their sentences of 10 July 2024 and on 4 March 2025, the State Security Chamber of the Federal Supreme Court of the UAE rejected all the appeals, upholding the convictions and sentences of all 53 defendants. That hearing was the first and only appeal proceeding. None of the detainees were present, and only one of the defendants' lawyers was able to attend the session.

As of today, many of the detainees will have spent almost 13 years behind bars. Some have been denied family visits and communication with their families for up to five years. Meanwhile, some of their families have been subjected to reprisals.

Mr. Abdulsalam al-Marzooqi and the members of his family

Mr. **Abdulsalam** Mohamed Derwish **al-Marzooqi** (عبدالسلام محمد درويش المرزوقي; herein Mr al-Marzooqi), was born on 19 December 1970. He was the head of the Family Reform and Guidance Section at Dubai Courts and the general supervisor of Al Bedaya TV. He was arrested on 24 July 2012, as part of the UAE 94 and was sentenced to 10 years of imprisonment with an additional three years of probation. He completed his sentence on 24 July 2022 but remains detained. He was the subject of WGAD Opinions No. 60/2013 and No. 19/2023. In July 2024, he was re-convicted of counter-terrorism charges and sentenced to life imprisonment.

Mr. al-Marzooqi's children are Messrs [REDACTED] and [REDACTED] **Abdulsalam Al Marzooqi** and Mses **Jenan** (جنان; born on 17 June 1997) and **Eman** (ايمان; born on 1 May 2000) **Abdulsalam al- Marzooqi**. Ms. **Jenan al-Marzooqi** is a prominent Emirati human rights defender, advocating for the rights and freedoms of Emirati citizens and mainstreaming the human rights violations happening in the country, especially regarding the UAE94 and UAE87 political mass trials.

Mr. al-Marzooqi was among certain members of the UAE94 trial who had their citizenship revoked after the UAE94 mass trial. He has no other nationality. Mr. al-Marzooqi's identity documents stopped being renewed in 2015, while he was incarcerated, reportedly as an additional reprisal for his activism and his support of the 2011 petition advocating for political reform. Similarly, Mr. al-Marzooqi's children were deprived of their nationality without formal notice. None of them has any other nationality. In July 2016, five of his six children travelled to the United States of America for medical treatment and have lived in the US since then. While in the US, they received a phone call from the Nationality and Passports Department at the Ministry of Interior in Abu Dhabi, requesting them to bring all their identity documents to its office in the UAE.

With respect to Ms. Jenan al-Marzooqi, before moving to the US, where she still lives, she was reportedly summoned for interrogation by the State Security Services. During the interrogation, she was pressured to sign documents: i) swearing the meeting to secrecy; and ii) to disown her father and pledge allegiance to the UAE authorities. She refused to sign. Other family members of the UAE94 experienced similar interrogations.

In February 2022, the al-Marzooqi family reportedly received a phone call from the Nationality and Passports Department informing them that the children's citizenship had been revoked as under UAE law, the children had inherited the status of their father, whose citizenship had been revoked. This action left the children stateless and unable to renew their identity documents, significantly impacting their ability to travel and access basic services. Apart from this verbal

confirmation of citizenship revocation, the UAE authorities provided no official decree, no official documentation outlining the reasons or legal basis for their citizenship revocation or any documentation confirming their statelessness. As such, they are unable to challenge the decision in any court or seek judicial review. The children face significant challenges in administrative procedures because of their citizenship stripping and resulting statelessness, which significantly hinders their ability to enjoy a range of human rights.

The family members' bank accounts have also been frozen and Mr. al-Marzooqi's pension has not been paid out to his family, all without any legal basis or due process.

Mr. al-Marzooqi has been prohibited from contacting his US-based family and has been permitted to talk with family in the UAE only a handful of times, the last being in November 2022.

Ahmed al-Nuaimi

In 2013, together with other members of the UAE94, Mr. al-Nuaimi, a prominent human rights defender, was convicted *in absentia* to 15 years of imprisonment, based on vague national security-related charges by the Federal Supreme Court in Abu Dhabi. He was also placed on the UAE national terror list, despite an alleged lack of substantiated evidence linking him to any terrorist activities and a lack of due process of law.

Ever since, he has been denied any opportunity to renew his expired UAE national identity documents, including his passport, and his bank accounts have been frozen without any legal basis or due process. Despite numerous requests, the UAE authorities have consistently denied Mr. al-Nuaimi any official documentation. They have provided no grounds for this refusal, denying him the opportunity to understand the reasons why he has been in the impossibility to renew his identity documents and any avenues through which he may be able to challenge the decision. On 7 December 2023, Mr al-Nuaimi was retried *in absentia* for new terrorism charges. He remains abroad and cannot return home.

The Law on Nationality in the UAE

UAE law allows for the revocation of citizenship. Article 15 of the Law on Nationality states that this may happen if a citizen:

- engages in military service for any foreign country without permission and refuses to abandon such services when requested to do so.
- works for the interest of an enemy country.
- has adopted, voluntarily, a nationality of another country.

Article 16, as amended by Federal Law No. 10 of 1975, adds that nationality shall be withdrawn from a person who has acquired the nationality by naturalisation if:

- 1) If he commits or attempts to commit an action which is deemed dangerous for the security or safety of the country.
- 2) If he has been punished repeatedly for crimes of dishonour.
- 3) If the date upon which the nationality has been granted was proven to be forged, fraud or containing deception.
- 4) If he resides outside the country without reasons for a period exceeding four years. If nationality is withdrawn from a person, it may be accordingly withdrawn from his wife and under-aged children.

Dual citizenship has only been permitted by law in the UAE since 2021 and under very strict conditions. Therefore, if Emiratis have their citizenship revoked, they are very likely at risk of statelessness.

Under article 20 of the Nationality Law, to strip a person's citizenship, the Interior Ministry is first required to set out the intention and reasoning in a letter to the Council of Ministers. If the Council of Ministers approves the grounds for citizenship stripping, the letter is passed to the UAE president. If he approves, he issues a decree setting out the measures taken, which are then formalized with publication in the Official Gazette. Although the law does not provide for an automatic right to judicial appeal, decisions may be challenged in court.

The application of the Law on Nationality in practice

It is alleged that the practice, however, is very different to that laid out in law, and that in many instances – including those the subject of this communication – the UAE authorities fail to follow their own domestic legal framework when stripping someone of their citizenship. It is reported that some people are summoned to the Interior Ministry and asked to bring their ID and other official documents. There, they are seized and simply informed that their citizenship has been revoked. No decree or any other documentation is shown to them, making it impossible to challenge the decision. Some are told they have a fortnight to find alternative citizenship or face arrest. Some have lost UAE citizenship while outside the country. In addition, there have been mass revocations of citizenship, many of them for political reasons.

Citizenship stripping has a profound impact on the human rights of those affected in the UAE. Without proof of citizenship, individuals lose their social, economic, civil and cultural rights, and any remaining political rights of the individuals affected. This deprivation includes the inability to purchase property, buy a car or house, open a bank account, secure employment or access unemployment benefits, enrol children in school, access healthcare or register children at birth and face the risk of arrest for lacking documentary proof of residency, leading to severe socio-economic marginalisation. Additionally, citizenship stripping severely restricts their right to freedom of movement, preventing them from leaving the country to seek employment or travel elsewhere.

Without prejudging the accuracy of the received information, we express our serious concerns at the revocation of the citizenship stripping of Mr. al-Marzooqi and his family, and the non-renewal of identity documents of Mr. al-Nuaimi. These acts appear to be in response to their legitimate and peaceful human rights work and the exercise of their right to freedom of expression and association, which are protected under articles 19 and 20 of the Universal Declaration of Human Rights (UDHR) and article 32 of the ACHR, to which the UAE is a signatory. We are concerned that citizenship stripping has occurred without due process or any valid form of legal adjudication and is thus arbitrary and contrary to international law. We are further concerned that such acts are part of a wider pattern of punitively revoking the citizenship and not renewing the identity documents of UAE political activists, dissidents, human rights defenders and their families, which has a broad chilling effect on civil society and dissent in the country. We also express our concern about the latest appeal trial of the UAE87, in which the UAE courts upheld the unfair convictions of 53 human rights defenders and political dissidents and express our concern not only at the lack of due process but also the disproportionate nature of the sentences, given that the charges are based solely on defendants' peaceful practice of their human rights.

A. Citizenship-related concerns

We express our serious concern regarding the arbitrary revocation of citizenship for Mr. Abdulsalam al-Marzooqi and his family, and the arbitrarily denial of national identity document renewal for Mr. al-Nuaimi. These actions, allegedly taken without legal authorization or due process, appear to be in retaliation against legitimate free expression critical of the Government. Such acts were taken without authorization under domestic law and without affording effective judicial guarantees. While states have the right to address national security threats, we remind your Excellency's Government that international law prohibits arbitrary deprivation of nationality.

These acts have far-reaching implications for affected individuals, rendering them stateless and depriving them of other human rights. Citizenship stripping, even where it does not leave a person stateless, has monumental consequences for those left stateless *de facto* or *de jure*. Citizenship is a gateway right enabling the "right to have rights"; a right which, when possessed, unlocks other rights but, when absent, erodes enjoyment of all rights and protection.

1. The right to a nationality

We express our grave concern regarding the revocation of Mr. al-Marzooqi's citizenship following the UAE94 mass trial and the deprivation of nationality of his children, all without due process. None of them possesses any other nationality, rendering them stateless and significantly impairing their ability to exercise civil, political, economic and social rights.

We recall that the right to nationality is a fundamental human right recognized under international law, essential for identity, dignity, and legal status. It is enshrined in various international instruments applicable to the UAE, including Article 15 of the UDHR and Article 29 of the ACHR, both prohibiting arbitrary deprivation of nationality. The 1961 Convention on the Reduction of Statelessness prohibits

deprivation causing statelessness unless strict conditions are met. The UAE is not a signatory to either the 1954 Convention on the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness, which provides legal frameworks to prevent statelessness. However, the UAE has international obligations to protect the right to a nationality and protect the rights of stateless persons on the basis of other UN and regional treaties to which it is a party. These include, among others, the Convention of the Rights of the Child (CRC – articles 2, 3, 7 and 8) acceded to on 3 January 1997, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW – article 9) acceded to on 6 October 2004, International Convention on the Elimination of All Forms of Racial Discrimination (CERD – article 5(d)(iii)) acceded to on 20 June 1974 and Convention on the Rights of Persons with Disabilities (article 18 ratified on 19 March 2010).

Moreover, the right to nationality is not solely derived from treaty law. In light of the substantial body of treaty law, pronouncements by international organisations, and judicial consensus on the prohibition against the arbitrary deprivation of nationality, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism considers that the prohibition has risen to the status of customary international law and applies in all contexts to all States. As a corollary, since the prohibition of arbitrary deprivation of nationality has become a principle of customary international law, so has the obligation to prevent statelessness.

We urge your Excellency's Government to ratify the 1961 Convention on the Reduction of Statelessness, which provides a legal framework to prevent statelessness. The Convention prohibits the deprivation of nationality where it would leave a person stateless, with very limited exceptions, such as cases where nationality has been acquired through misrepresentation or fraud.

Concerns related to the arbitrariness of the citizenship revocations

While States may deprive individuals of nationality when they have conducted themselves in a manner seriously prejudicial to the vital interests of the State, in order to avoid arbitrariness, deprivations of nationality must: 1) conform to domestic and international law; 2) serve a legitimate purpose consistent with international law; 3) be proportionate to the interest the State seeks to protect; and 4) occur with sufficient procedural guarantees and judicial safeguards. It must be noted that the (non)arbitrariness test is a cumulative one: if a measure or decision falls short in any of these areas, it must be understood to be arbitrary. Each of these criteria has not been met in relation to the deprivations of nationality concerning Mr. al-Marzooqi and his family and Mr. al-Nuaimi.

a) Failure to conform to domestic and international laws

We are concerned that, in some cases brought to our attention, the Emirati authorities have failed to comply with their domestic framework for citizenship stripping, as none of the steps required under articles 20 and 21 of the Nationality Law seem to have been met. In the case of Mr. al-Marzooqi and his family, we note with concern that there was allegedly no letter of intent from the Ministry of Interior to the Council of Ministers or to the UAE President (or approval or otherwise, thereafter), no decree issued to any of the individuals in question and no official publication in the

Official Gazette. Under international law, any withdrawal of nationality by a State must have a clear basis in domestic law and be sufficiently precise so as to enable citizens to reasonably foresee the consequences of actions which trigger a withdrawal of nationality.

b) Failure to serve a legitimate purpose

We recall that, under international law, the primary condition for the avoidance of arbitrariness is that deprivation of nationality must be carried out in pursuance of a legitimate purpose. In order to assess whether the purpose is legitimate, the purpose must be clearly defined. We are concerned that article 16 of the Nationality Law is vaguely worded and does not elaborate on the legitimate purposes or interests affected. Instead, there appears to be no definition of or limitation to the actions that may be “deemed dangerous”. In this respect, we would like to highlight the apparent link between article 16 of the Nationality Law with Law No. 7 On Combatting Terrorism Offences, concerns which we have previously outlined in a letter sent to your Excellency’s Government on 13 November 2020 (ARE 6/2020). We reiterate our concerns about how “terrorist threats” are measured, and other terrorist-related offences are defined according to the UAE’s counter-terrorism law, as well as the very slippery concept of criminalising “potentiality”.

We are deeply concerned that article 16, despite its potentially far-reaching human rights implications, has been employed in a punitive and possibly arbitrary manner against Mr. al-Marzooqi, and by association, to their family members for expressing legitimate political and/or human rights criticisms of the Government or its policies, rather than targeting individuals who pose, based on substantiating evidence to a sufficiently high standard of proof, a current, direct, concrete and objective security or terrorism-related threat. We are concerned that the practice is used as a tool of retaliation, disproportionately targeting individuals based on political affiliation rather than legitimate security concerns, thus additionally violating the principle of non-discrimination on grounds of political opinion.

We also reiterate our concern that article 16 of the Nationality Law states that if nationality is withdrawn from a person, it may accordingly be withdrawn from his wife and underaged children. This suggests that individuals may have their nationality arbitrarily revoked even if they have not conducted themselves in a manner deemed to be prejudicial to the vital interests of the state.

c) Lack of proportionality and necessity

We are concerned that the withdrawal of Mr. al-Marzooqi’s nationality and denial of identity documents are a disproportionate restriction on his human rights. They cannot be viewed as the least rights-negating means to address the alleged acts of freedom of expression and opinion of Mr. al-Marzooqi, nor the mere association of his family members. Further, given the seriousness of the acts concerned and the degree of proof and evidence available in respect of allegations made (and noting that none of this evidence was made available to any of the concerned individuals), when weighed against the devastating effects and permanence of citizenship revocation, we are of the view that this decision fails the test of proportionality and was thus made arbitrarily. This is especially so since the deprivation of their nationality effectively renders them

and their family members stateless, or at risk of statelessness.

We note that the withdrawal of nationality must be proportionate, serving a legitimate purpose consistent with international human rights law, and be the least intrusive means necessary. Less intrusive alternatives, such as criminal law or administrative security measures, must be first exhausted. The consequences of nationality loss should be weighed against the aim pursued, considering the impact on the individual's ability to access other human rights and their family life, as protected under relevant international conventions. This assessment should also include not just an examination of the impact on the individual concerned but also the impact on their family life, including their children, as protected under article 3(1) of the Convention of the Rights of the Child, articles 12 and 16 of the UDHR, and article 17 and 38 of the ACHR.

2. Right to an effective remedy or right to due process

We are concerned that the citizenship stripping and/or denial of renewal of national identity documents of Mr. al-Marzooqi and Mr. al-Nuaimi may violate the right to an effective remedy as enshrined under article 8 of the UDHR and article 23 of the ACHR, which protect the right of every person to seek judicial remedies and to access the courts. According to the Principles on Deprivation of Nationality as a National Security Measure by the Institute on Statelessness and Inclusion, any deprivation of nationality must be limited by *inter alia* the rights to a fair hearing and/or due process, remedy and reparation.¹

Specifically, the Principles state that individuals must be notified of the intent to deprive nationality before the decision is made, allowing them to provide facts, arguments and evidence in defence of their case. Furthermore, individuals must be promptly informed in writing of the decision and the reasons underlying it. Decisions should be subject to judicial review and appeal, ensuring the right to an effective remedy and a fair hearing. Those deprived of nationality must retain the right to enter and remain in the country for the duration of the legal proceedings. Finally, everyone is entitled to a fair trial, including access to a competent, independent and impartial judicial body established by law, and equal treatment before the law, regardless of statelessness.

We are concerned that none of these principles appear to have been followed in the present case. As previously mentioned, there was no notification provided to any of the concerned individuals regarding the intention of the authorities to deprive them of their nationality, no documentation provided – in the form of an official revocation decree or otherwise – meaning no opportunity to appeal any of these decisions to the Ministry of Interior or through any other legal avenue, and no opportunity to access a fair trial or to seek justice and remedy.

¹ See also the Position Paper of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, “The human rights consequences of citizenship stripping in the context of counter-terrorism with a particular application to North-East Syria” (2022).

3. Rights to legal personality

The measures against Mr. al-Marzooqi and his family and Mr. al-Nuaimi undermine in our view, the fundamental principle that all individuals should have equal legal standing and protection under national and international law. Citizenship stripping and denial of identity documents can infringe on the right to recognition as a person before the law by effectively erasing an individual's legal identity and leaving them vulnerable to discrimination and other human rights violations. Article 6 of the UDHR and article 18 of the ACHR affirm the right to recognition as a person before the law. Revoking citizenship, especially if it renders the individual stateless, restricts their access to essential services, and leaves them in a precarious position where they have no recognised national affiliation.

We are also concerned about the impacts on the rights of Mr. al-Marzooqi's spouse and children, whose citizenship was revoked immediately after that of Mr. al-Marzooqi. Article 9 of the CEDAW, acceded to by the UAE in 2004, ensures that women have equal rights with men to acquire, change, or retain their nationality and that these rights extend to their children, regardless of marital status or changes in the husband's nationality. Therefore, if a woman's husband faces deprivation of nationality, states should ensure that she is not subjected to the same fate solely because of her marital status. Additionally, women have the same entitlement as men to transmit their nationality to their children.

4. The right to family life and the rights of children

We are concerned that the UAE's policy of citizenship stripping infringes on the right to family life as protected by article 16(3) of the UDHR and article 33 of the ACHR, especially when targeting individuals and their families for peaceful political activities. Both instruments emphasize family unity, state protection of the family, and the right to remain with one's family.

Depriving a family member of citizenship can profoundly impact on the family's integrity, functionality, and vulnerability. If the male head of household loses citizenship, it can lead to suspicion, surveillance, and loss of income, especially in gender-stratified households. Separation of family members across jurisdictions can also undermine parent-child relationships.

In the present cases, the citizenship revocation and/or denial of nationality identity documents not only affects the accused individuals but also disrupts the stability and integrity of their entire families, who have faced severe consequences, such as being subjected to travel bans, freezing of their assets and even the risk of statelessness, leaving them in precarious situations without basic legal rights and the impossibility to speak, interact or visit each other.

Noting that two of al-Marzooqi's children are minors, we recall that according to article 2(2) of the CRC, it is prohibited to punish or discriminate against a child based on the "status, activities, expressed opinions, or beliefs" of their parents. The best interests of the child must also be a primary consideration in all decisions that concern them (article 3(1) of the CRC), which is not the case where the citizenship is revoked on the basis of the revocation of a parent's citizenship. We further stress that preventing

family separation and preserving family units are key components of a child protection system. Separation from parents should not occur unless it is considered in the best interest of the child, subject to judicial review and in accordance with applicable law and procedures (article 9(1) of the CRC).

5. *Right to privacy and economic and social rights*

We are concerned that the UAE's policy of citizenship stripping, and denial of nationality identity documents may infringe on the right to privacy, as protected under article 12 of the UDHR and article 16 of the ACHR. Citizenship revocation disrupts an individual's private life, affecting their ability to reside in their country, access healthcare, education, employment, open a bank account, own property, or marry legally.

For the same reasons, revocation can consequentially result in arbitrary interferences in freedom of movement within and outside one's country, as enshrined in article 13 of the UDHR and article 27 of the ACHR; and economic and social rights, including the rights to property (article 17(2) of the UDHR and article 31 of the ACHR), work (article 23 of the UDHR and article 30 of the ACHR), an adequate standard of living (article 25 of the UDHR), healthcare and education (article 25 of the UDHR and article 34 of the ACHR).

B. *Impact of travel bans and asset freezes on the rights to freedom of movement and property*

We express our concern that the UAE's imposition of travel bans and asset freezes on Mr. al-Marzooqi, his family, and Mr. al-Nuaimi may infringe upon the right to freedom of movement, as enshrined in article 13 of the UDHR and article 27 of the ACHR. These measures, seemingly retaliatory in nature due to their political views, obstruct their ability to leave the UAE or their countries of residence for personal, professional, or medical reasons. Those who have had their citizenship revoked while abroad face restrictions on returning to the UAE, rendering them stateless and in legal limbo, in violation of article 27(3) of the ACHR. Furthermore, the absence of national identity documents hampers their ability to move freely within the UAE, access essential services, or secure housing.

The freezing of Mr. al-Marzooqi's assets and the non-payment of his pension further exacerbate the situation, restricting his family's financial independence and ability to travel. This financial constraint impedes their capacity to afford legal representation, purchase travel tickets, or sustain themselves, effectively trapping them abroad or unable to return home. Such measures constitute arbitrary and disproportionate restrictions on their fundamental human right to freedom of movement and right to property, as stipulated in article 17(2) of the UDHR and article 31 of the ACHR. Additionally, the withholding of his pension may violate his work rights under article 23 of the UDHR and article 30 of the ACHR.

C. *Impact of counter-terrorism legislation and the UAE87 trial on human rights*

In line with our previous communications (e.g. ARE 1/2024), we reiterate our concerns about the misuse of the UAE Counter-Terrorism Law, and in particular, the manner in which it has been used against certain forms of criticism or dissent. We are also concerned that its broad interpretation appears to have been used to arbitrarily deprive the citizenship of those accused of terrorism and as grounds for the denial of identity document renewals. In a letter dated 20 November 2020 (ARE 6/2020), we outlined our concerns about the Counter-Terrorism Law and that its application would have serious effects on the enjoyment of human rights in the UAE, particularly freedom of opinion and expression, the freedom to receive and communicate information and ideas, the freedoms of peaceful assembly and association, and the prohibition of arbitrary detention.

We express our deep concern regarding the targeting of political dissidents and human rights defenders such as Mr. al-Marzooqi and Mr. al-Nuaimi by UAE authorities. Both individuals have been subjected to the UAE94 and UAE87 mass trials, primarily due to their affiliation with al-Islah, which the UAE designated as a terrorist group in 2014. During the UAE87 mass trial, they were explicitly tried and sentenced for terrorism-related offenses under the 2014 Counter-Terrorism Law for the same crimes they had been previously convicted of in 2013 under the Penal Code, for which they had already served their prison sentences. This constitutes a violation of the principle of *ne bis in idem*. Furthermore, Mr. al-Nuaimi was formally added to the UAE's national terrorism list in 2021, despite the absence of substantiated evidence linking him to any terrorist activities.

We would like to remind you that the terms “terrorism,” “terrorists,” and “terrorist crimes” must be precisely defined and limited to the purpose of countering terrorism. In this respect, we reiterate our concerns that article 1 of the Counter-Terrorism Law does not define “terrorism” itself. Instead, it defines “terrorism offence” as “every criminal action or inaction criminalized under the present Law and every action or inaction constituting a felony or misdemeanour referred to in any other law, if committed for terrorist purpose,” and “terrorist purpose” as “the offender’s intention to commit a criminal action or inaction in order to cause the occurrence of a direct or indirect terrorist result or whenever the offender is aware that the action or inaction is intended to cause the occurrence of a terrorist result.”

We are concerned by the imprecise, ambiguous, and uncertain scope of these terms, which essentially remain undefined, as one definition refers or defers to another without clearly providing a concrete and constrained definition of the activities they encompass. The broad and unclear formulation of these terms, which are nevertheless subsequently employed throughout the law (around 60 times in total), appear to contravene the principle of legal certainty under article 11(2) of the UDHR and article 6 of the ACHR and dangerously lend them to subjective interpretation and potential abuse.

Noting that article 63 of the Counter-Terrorism Law provides the Minister of Presidential Affairs and the UAE Council of Ministers with the discretion to label any organisation or individual as “terrorist”, we are also concerned that the Minister of

Presidential Affairs, and the Executive branch more broadly, could approve the proscription of any entity as a terrorist entity without being required to legally demonstrate that there is objective reason to believe that such a designation is justified, despite the far-reaching implication that such a designation could have. Under international standards, a listing must be based on reasonable grounds to believe that the individual has knowingly carried out, participated in or facilitated a terrorist act, which requires substantiation with credible evidence. The definition of a terrorist act must be limited to conduct that is genuinely terrorist in nature and consistent with international standards. Listed organisations or individuals must be promptly informed of the listing, its factual grounds, consequences, and applicable procedural rights. They must have the right to apply for de-listing and to judicial review of any resulting decision. Listings must lapse automatically after 12 months unless renewed afresh, and compensation must be available for wrongful listing (see A/HRC/16/51, para. 35).

We would like to further highlight that the Law on Nationality appears to be linked to the Counter-Terrorism Law, noting that the UAE Government states that if a naturalised person is convicted for any of the terrorist offences provided for in the Counter-terrorism Law, this may equally “result in the deprivation or withdrawal of the nationality as an accessory penalty.” We stress that the failure to use precise and unambiguous language in relation to terrorist offences may, therefore, fundamentally affect the protection of a number of fundamental rights and freedoms, including the right to nationality. The law is particularly worrying in this regard because of the chilling effect it could have on civic space in the UAE, as it provides for potentially severe penalties for ambiguously defined crimes. We reiterate that this lack of clarity makes it difficult for any person or organisation to regulate their conduct accordingly, as the Law itself is not always clear about the exact conduct it is criminalising.

In line with the June 2023 Universal Periodic Review Working Group’s recommendations, we strongly encourage your Excellency’s Government to amend 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. We also strongly encourage a process of independent review of the relevant provisions, and other laws on which they are based or interact with, so that they are more clearly in line with international human rights standards. We also call on your Excellency’s Government to urgently recognise, in law and in practice, freedom of expression, both physical and digital, as an individual right, subject only to the restrictions permitted by international human rights law, and the absolute nature of the right to freedom of opinion.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As 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, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

2. Please provide details of the legal basis for revoking the citizenship of Mr. al-Marzooqi and his family, and how this action is in line with the obligations of the UAE under international human rights law, in particular the prohibition against arbitrary deprivation of citizenship and the rights to freedom of movement and family life. Please also provide information about the justification for denying all individuals a copy of the decree revoking their citizenship.
3. Please provide details of the legal basis for denying Mr. al-Nuaimi renewal of his national identity documents and how this action is in line with the obligations of the UAE under international human rights law, in particular the right to legal personality and equal recognition before the law and the right to freedom of movement.
4. Please indicate what measures will be taken to lift the freeze on the assets of Mr. al-Marzooqi and to enable the payment of his pension, in order to restore his property and work rights.
5. Please kindly indicate what measures have been taken to ensure that human rights defenders in the UAE are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.
6. Please provide further information on the range and extent of activities that may be “deemed dangerous to the State” and lead to deprivation of nationality of naturalised UAE citizens. Please explain how the existing legal framework in regard to withdrawal of citizenship is in line with the obligations of the UAE under international human rights law, in particular the customary law prohibition against arbitrary deprivation of citizenship and the rights to freedom of movement and family life.
7. Please provide further information of how the definitions of “terrorist offence,” “terrorist purpose” and “terrorist organisations” in Law No. 7 are interpreted in a sufficiently precise and limited manner so as to ensure that measures taken pursuant to this law do not unduly infringe with the lawful exercise of the freedoms of opinion, expression, and association, while also complying with the principle of legality.
8. Please explain how the process for listing organizations and individuals as “terrorist” will be amended so as to ensure legality, due process and judicial safeguards.
9. Please indicate whether Mr. al-Nuaimi’s inclusion on the UAE’s terrorist list in 2021 will be reviewed and whether he will be removed from the list.
10. Please provide information on how your Excellency’s Government plans to restore the rights of individuals who have suffered from these human rights violations and explain how proper legal procedures will be followed in the future.

11. Please indicate how the UAE94 and UEA87 convictions will be independently and impartially reviewed with a view to vacating convictions based on unfair trials, over-broad terrorism offences and the abuse of counter-terrorism laws.
12. Please provide information on how you plan to review legislation including the Counter-Terrorism Law and Law on Nationality, with a view to complying with international standards and to ensure persons can exercise their rights to nationality, freedoms of expression and movement and family life.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the present communication and the regular procedure.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Ben Saul

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Ganna Yudkivska

Vice-Chair on Communications of the Working Group on Arbitrary Detention

Irene Khan

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

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Ana Brian Nougrères
Special Rapporteur on the right to privacy

Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the principles and international standards applicable to this communication.

Right to nationality

We recall that the right to nationality is enshrined in article 15(1) of the Universal Declaration of Human Rights (UDHR), which also prohibits its arbitrary deprivation under article 15(2). This prohibition is implicitly recognized across all principal international and regional human rights treaties, which proscribe discrimination on various grounds concerning the right to nationality. The UAE has ratified several instruments affirming this principle, including article 5(d)(iii) of the International Convention on the Elimination of All Forms of Racial Discrimination, article 9(1) of the Convention on the Elimination of All Forms of Discrimination Against Women, article 8(1) of the Convention on the Rights of the Child, and article 29(1) of the Arab Charter on Human Rights. Additionally, more recent treaties, such as the Convention on the Rights of Persons with Disabilities, explicitly recognize the prohibition against arbitrary deprivation of nationality.

The United Nations has consistently reaffirmed the prohibition against the arbitrary deprivation of nationality through various resolutions of the General Assembly, such as A/RES/50/15, the Human Rights Council, and its predecessor, the UN Commission on Human Rights. In Resolution 50/152 of 1996, the General Assembly urged States to "adopt nationality legislation with a view to reducing statelessness, consistent with the fundamental principles of international law, in particular by preventing arbitrary deprivation of nationality" (para. 16). Human Rights Council resolutions 2005/45 of 2005, 7/10 of 2008, 10/13 of 2009, 13/2 of 2010, 20/5 of 2012, 26/14 of 2014, and 32/5 of 2016 also reaffirm that the right to nationality is a fundamental human right. The UN Secretary-General has issued multiple reports dedicated to this subject, such as A/HRC/10/34, A/HRC/13/34, and A/HRC/25/28. Additionally, the prohibition has been confirmed in the work of the International Law Commission (e.g. the Draft Articles on Nationality of Natural Persons in relation to the Succession of States and the Draft Articles on the Expulsion of Aliens).

The issue is regularly revisited given the United Nations' deep concern that the arbitrary deprivation of nationality may impede an individual's full enjoyment of their human rights, and because citizenship constitutes an access point to the enjoyment of rights. Arbitrary deprivation of citizenship is, therefore, a violation of international law, and the widespread use of citizenship stripping, in the name of countering terrorism, is inconsistent with the spirit and intention of the ICCPR, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, as well as other provisions of international human rights law and customary international law.

Deprivation of nationality must conform to the law – both to its letter and its object (so as to avoid an outcome that is unjust, illegitimate or unpredictable). Any

withdrawal of nationality by a State must have a clear basis in law and be sufficiently precise so as to enable citizens to reasonably foresee the consequences of actions which trigger a withdrawal of nationality (UNHCR, Guidelines on Statelessness No. 5, May 2020). Furthermore, it must serve a legitimate purpose that is consistent with international law and must be necessary and proportionate to the well-articulated interest that the State seeks to protect (A/HRC/10/32, para. 49). As set out by the International Law Commission, the State is not justified in depriving a person of nationality for the sole purpose of expelling him or her nor can State be justified in depriving for the purpose of denying a national entry into the territory, given that nationals have the right, in article 13(2) of the UDHR, to return to their country of nationality.² We further recall that any deprivation of citizenship must also fulfil the principles of necessity and proportionality. The proportionality assessment requires that the immediate and long-term impact of deprivation of nationality on the rights of the individual, including their children and their family life, is proportionate to the legitimate purpose being pursued.

Sufficient procedural guarantees and safeguards must be in place to protect against the risk of arbitrariness in the decision-making process. The United Nations has frequently underlined States' obligation to observe what it terms "minimum procedural standards" (see A/HRC/13/34, HRC/RES/13/2, A/HRC/RES/20/5). Those standards are "essential to prevent abuse of the law" (A/HRC/13/34, para. 43). They apply in all cases, whether or not statelessness is involved (see UNHCR Guidelines on Statelessness No. 5 (May 2020), para. 100). In practice, the individual concerned must be notified in writing of the intent to deprive nationality prior to the actual decision to do so,³ to ensure that the individual is able to provide facts, arguments and evidence in defence of their case, which are to be taken into account by the relevant authority. This is important as it allows the person concerned to provide facts, arguments and evidence in defence of their case, which might be relevant for the decision to deprive nationality, before any decision is taken.

Due process must be respected at all times as a matter of international law, as outlined in the UNHCR Guidelines on Statelessness No. 5 (May 2020), para. 98. The minimum requirement of due process in this context is that an individual must be able to understand the reasons for the withdrawal of their nationality and have access to legal or administrative avenues to challenge this decision. Fairness in proceedings can only be ensured if the individual has access to all relevant information and documents related to the deprivation decision and is entitled to personally participate, presenting their case before a court or other independent body (UNHCR Guidelines on Statelessness No. 5, para. 74).

We note that the withdrawal of nationality must be proportionate, serving a legitimate purpose consistent with international human rights law, and be the least intrusive means necessary. The consequences of nationality loss should be weighed against the aim pursued, considering the impact on the individual's ability to access other human rights and their family life, as protected under relevant international conventions. This assessment should also include not just an examination of the impact

² Institute on Statelessness and Inclusion, Principles on Deprivation of Nationality as a National Security Measure, principle 7.2.1.2 and UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, Intervention in the case of Shamima vs. Secretary of State for the Home Department, UK Court of Appeal (2020), para. 19.

³ Institute on Statelessness and Inclusion, Principles on Deprivation of Nationality as a National Security Measure, principle 7.6.2.

on the individual concerned but also the impact on their family life, including their children, as protected under article 3(1) of the Convention of the Rights of the Child, articles 12 and 16 of the UDHR, and article 17 and 38 of the ACHR. Citizenship stripping has significant consequences and should only be a last resort. Less intrusive alternatives, such as criminal law or administrative security measures, must be exhausted first.

Right to an effective remedy and right to due process

International human rights law guarantees procedural fairness and due process of law, including the rights of the accused to the presumption of innocence in criminal matters and to defend oneself, the right to equality before the courts and tribunals and the right to a fair trial/hearing, in line with articles 10 and 11 of the UDHR and 11, 12 and 14 of the Arab Charter on Human Rights.

International standards provide that accused persons must have adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choosing. This entails access to documents and other evidence, which includes all materials that the prosecution plans to offer in court against the accused or that are exculpatory. Counsel should be able to meet their clients promptly, in private, and in conditions that fully respect the confidentiality of their communications. The Human Rights Committee has explained that the “availability or absence of legal assistance often determines whether or not a person can access the relevant proceedings or participate in them in a meaningful way”. Further, we recall that the free exercise of the legal profession contributes to ensuring access to justice, oversight of state power, protection of due process and judicial guarantees. According to international standards, States must guarantee that those who practice law can do so free from intimidation, obstacles, harassment or interference.

Also relevant are the UN Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (A/HRC/30/37) and the UN Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 7 September 1990. They provide for the right to legal assistance, and for prompt access and consultation with counsel without intimidation, hindrance, harassment or improper interference.

The principle of legal certainty in article 11 of the UDHR requires that criminal laws are sufficiently precise so it is clear what types of behaviour and conduct constitute a criminal offence and what would be the consequence of committing such an offence. Vaguely and broadly worded provisions undermine the principle of legality, cannot qualify as *lex certa*, and violate due process of law.

Right to legal personality

Article 6 of the Universal Declaration of Human Rights (UDHR) states that “Everyone has the right to recognition everywhere as a person before the law,” regardless of whether they are citizens or immigrants, students or tourists, workers or refugees, or members of any other groups. Similarly, article 18 of the ACHR reaffirms this right, emphasizing that “recognition of a person before the law is a character

attached to every person”.

Furthermore, the right to identity documents is also the corollary of a number of other rights: the right to the realisation of rights necessary for one's dignity and the free development of their personality (article 22 UDHR); the right to leave any country (article 24 ACHR); the right to consular protection and assistance (article 5(d) of the Vienna Convention on Consular Relations).

We would like to refer to your Excellency's Government to article 15 of the CEDAW, ratified by the UAE, which specifically mandates that States Parties shall accord to women equality with men before the law, ensuring that women are recognized as legal persons with equal rights and protections under the law. Furthermore, article 7 of the CRC, also ratified by the UAE, provides every child the right to be recognized as a legal person with the right to a name, nationality, and family ties. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), also ratified by the UAE, includes provisions related to the right to nationality and legal personality. Article 5 of ICERD obligates States Parties to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the right to nationality,

Right to privacy and economic and social rights

With respect to the right to privacy, article 12 of the UDHR states that “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks”.

Article 16 states that “Everyone has the right to privacy in the conduct of his private affairs, in his home, with his family, in his correspondence and in all forms of communication” and that any violation of this shall constitute an arbitrary interference.

The Human Rights Committee's general comment No. 16 specifies in detail the precise circumstances in which such interferences may be permitted. Any interference with the right to privacy must be “reasonable” and “must be proportional to the end sought and be necessary in the circumstances of any given case.”

We recall that the right to privacy is enshrined and protected at international and regional levels, as well as in various human rights instruments. The Human Rights Council, in its resolution A/HRC/RES/42/15, reaffirmed the importance of privacy. The Council recognized that the right to privacy enables the enjoyment of other rights, the free development of an individual's personality and identity, and the ability to participate in political, economic, social, and cultural life. The Council also expressed concern that violations or abuses of the right to privacy could negatively impact other human rights, including freedom of expression, opinion, peaceful assembly, and association. This perspective aligns with the approach taken by the Special Rapporteur on the right to privacy in his 2016 report to the Human Rights Council (A/HRC/31/64).

Right to family life

Article 16 of the UDHR states that “the family is the natural and fundamental group unit of society and is entitled to protection by the society and the State”. It provides that the State Party shall take appropriate measures within its available resources to ensure the realisation of this right. Furthermore, article 10 of the Convention on the Rights of the Child establishes, inter alia, that “applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by State Parties in a positive, humane and expeditious manner”.

The right to family life is also mentioned in article 33 of the ACHR, which states that “the family is the natural and fundamental unit of society. The State and society are obliged to provide for the protection of the family and its members, for the strengthening of its bonds. They undertake to provide outstanding care and special protection for mothers, children and the elderly. Young persons have the right to be ensured “maximum opportunities for physical and mental development”.

Freedom of movement

Article 13 of the UDHR articulates that “everyone has the right to freedom of movement and residence within the borders of each State. Everyone has the right to leave any country, including his own, and to return to his country”. Your Excellency’s Government has further obligations under (ACHR), article 26 of the Arab Charter on Human Rights provides that “every person lawfully within the territory of a State Party shall, within the territory, have the right to liberty of movement and freedom to choose his residence in accordance with applicable regulations”. Article 27 further articulates that “no one shall be arbitrarily or unlawfully prevented from leaving any country, including his own, nor prohibited from residing, or compelled to reside, in any part of his country”.

Right to work

Article 23 of the UDHR further expresses the right of everyone “to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment”. Furthermore, the ACHR articulates the right to work in article 34, which provides for the freedom to work and equality of opportunity without discrimination of any kind as to any status, including national origin. It states that every worker has the right to enjoy “just and favourable conditions of work”, and every State Party shall ensure protection to workers migrating to its territory in accordance with the laws”. Further, article 31 of ACHR provides everyone with “a guaranteed right to own private property”. It further provides that “no person shall under any circumstances be divested of all or any part of his property in an arbitrary or unlawful manner”.

Freedom of opinion and expression

Article 19 of the UDHR safeguards the right to freedom of opinion and expression. The rights to freedom of opinion and expression are further expressed in all global and regional human rights treaties on civil and political rights, confirmed in declarations and resolutions, and is considered reflective of customary international

law. As expressed in UDHR article 19, “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.” It includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

The conditions for permissible restrictions too are reflected in the UDHR and in numerous regional and global human rights treaties:

First, any restriction must pursue a **legitimate objective**. The UDHR in article 29, for example, limits those objectives strictly (“solely for the purpose of”) to the “respect for the rights and freedoms of others and to meet just requirements of morality, public order and general welfare in a democratic society”. Secondly, as expressed in UDHR art. 29, as well as in global and regional human rights treaties, any restriction must be “**determined by law**”. Practice by international monitoring bodies have not only a requirement on the form, but also the quality of the law. Thus, for example, the Human Rights Committee has expressed that laws must be “formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly and it must be made accessible to the public. A law may not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution”. With respect of criminal laws, the requirement of clarity is even more strict, see UDHR art. 11. Third, restrictions must be **necessary and proportionate**. The UDHR art. 30, for example, prohibits the use of overbroad restrictions which would destroy the essence of the right itself. This has been interpreted as an expression of the principle of proportionality. The requirement further entails that the measure must be the least intrusive measure necessary amongst those which might achieve their protective function in order to protect a specified legitimate objective. Lastly, **States have the burden of proof** to demonstrate that any restriction is compatible with the requirements under customary international law.

The right to freedom of expression is a precondition for the enjoyment of other human rights and for the accountability of authorities. It follows that the systematic use of criminal law to silent dissent would be incompatible with the human rights obligations of the State.

Human rights defenders

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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right 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.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

Article 6(c) Everyone has the right, individually and in association with others: 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 7 Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 9(3) To the same end, everyone has the right, individually and in association with others, inter alia: (a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay.