

Mr. President, Madame Rapporteur,

Alsalam Foundation with Americans for Democracy & Human Rights in Bahrain would like to thank the Special Rapporteur on the Independence of Judges & Lawyers for her recent report following her mandate's country visit to the United Arab Emirates. We welcomed her comprehensive report on the UAE justice system and fully support all 42 recommendations contained therein.

In this report, your mandate raised core concerns over the independence of the Emirati judiciary, including concerns regarding the extensive influence of the executive in the judicial process, and amount of pressure and influence the executive and prosecution can play over the large number of non-Emirati short-term contract-based judges employed by the Emirati Judiciary.

Your report stated that, "reports and allegations of pressure exerted by members of the executive, prosecutors and other State agents, in particular members of the State security apparatus, are of serious concern to the Special Rapporteur. She is especially concerned that the judicial system remains under the de facto control of the executive branch of government."

In line with this assessment, we would like to raise our concern regarding the reported roles of the royal court and local ruler's offices in interfering in the administration of justice. This process was recently reported by the US State Department's 2014 Human Rights Report on the UAE, which stated that, "By tradition, the local rulers' offices, or diwans, maintained the practice of reviewing criminal and civil offenses before they referred cases to prosecutors. They also reviewed sentences judges passed, returned cases to the court on appeal if they did not approve of the verdicts, and had to approve the release of every prisoner who had completed a sentence. The diwans' involvement...led to lengthy delays prior to and following the judicial process and lengthened the time defendants served in prison. Authorities considered a diwan's decision in any court case as final."

While not addressed in your report, was the practice and modalities of such executive interference explored during your mission to the UAE? And, if so, how does your mandate recommend combating such customary practices, outside of the formal judicial structure?

Thank you.