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Human rights situations that require the Council's attention

### **Written statement\* submitted by Americans for Democracy & Human Rights in Bahrain Inc., a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2019]

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\* Issued as received, in the language(s) of submission only.



## Torture in the United Arab Emirates

On 19 July 2012, the United Arab Emirates (UAE) acceded to the UN Convention against Torture (UNCAT). In spite of this, the Emirati government has taken few steps to effectively follow through its accession. Rather, Emirati police and security forces continue to torture individuals, and there are reports from independent non-governmental organizations, including Amnesty International and Human Rights Watch<sup>1</sup> of numerous cases of torture perpetrated by UAE authorities inside and outside the UAE. Ahead of the UAE's review before the Committee Against Torture in 2020, Americans for Democracy & Human Rights in Bahrain (ADHRB) would like to draw attention to the UAE's failure to implement the UNCAT, concerning torture, cruel, inhuman and degrading treatments inside and outside Emirati territory, as well as Emirati authorities' failure to investigate and prosecute acts of torture.

### Torture inside Emirati Territory

Ahmed Mansoor is a prominent activist, human rights defender, and critic of the government. In March 2017, 12 state security officers raided his home in Ajman without a warrant and took him to an unknown location, where he was denied the ability to contact his family or his lawyer. In detention, officers tortured him, including through solitary confinement, the prolonged use of which constitutes torture.<sup>2</sup>

Dr. Nasser Bin Ghaith is a prominent Emirati economist and critic of the government who was forcibly disappeared in August 2015 during a raid on his home. They held him in an undisclosed location for one year until his first hearing before the State Security Chamber of the Federal Supreme Court in Abu Dhabi on free expression charges. During his trial he told the court that officers had detained him in a secret location and had beaten him, deprived him of sleep, and physically tortured him for up to a week. The judge reportedly turned off Dr. Bin Ghaith's microphone in order to silence him.<sup>3</sup>

In December 2015, members of the State Security Forces arrested Jordanian citizen Taysir Al Najjar at the Criminal Investigation Department of Abu Dhabi and took him to an unknown location. Officers held him in secret for over two months, during which time he alleges he was tortured and ill-treated.<sup>4</sup> In March 2017, he was sentenced to three years in prison and fined 500,000 Dirhams (roughly \$136,000 US dollars). He should have been released in December 2018, but the authorities continued to hold him for failure to pay the fine. On 12 February 2019, Al Najjar was released and returned to Jordan.<sup>5</sup>

<sup>1</sup> "United Arab Emirates: Amnesty International calls on UAE to end torture and secret detention, ensure Fair Trials," Amnesty International, 3 July 2018, <https://www.amnesty.org/en/documents/mde25/8717/2018/en/>; and "United Arab Emirates: events of 2018," Human Rights Watch, 2019, <https://www.hrw.org/world-report/2019/country-chapters/ united-arab-emirates>.

<sup>2</sup> "UAE: UN experts condemn conditions of detention for jailed activist Ahmed Mansoor," United Nations Special Procedures, 7 May 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24571&LangID=E>.

<sup>3</sup> "UAE sentences Dr. Nasser bin Ghaith to 10 years in prison," Americans for Democracy & Human Rights in Bahrain, 29 March 2017, <https://www.adhrb.org/2017/03/uae-sentences-dr-nasser-bin-ghaith-10-years-prison/>; "Nasser bin Ghaith," Frontline Defenders, accessed 7 August 2019, <https://www.frontlinedefenders.org/en/profile/nasser-bin-ghaith>.

<sup>4</sup> "Opinions adopted by the Working Group on Arbitrary Detention at its seventy-ninth session, 21-25 August 2017 Opinion No. 58/2017 concerning Taysir Hasan Mahmoud Salman (United Arab Emirates)," United Nations Working Group on Arbitrary Detention, 20 October 2017, [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session79/A\\_HRC\\_WGAD\\_2017\\_58.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session79/A_HRC_WGAD_2017_58.pdf).

<sup>5</sup> "Urgent Action: Jordanian Journalist Released," Amnesty International, 21 February 2019, <https://www.amnesty.org/download/Documents/MDE2598882019ENGLISH.pdf>.

In November 2015, State Security Force personnel raided Amina al-Abdouli's house without presenting a warrant. They forcibly disappeared al-Abdouli, a teacher, in an unknown location. She was charged with crimes relating to free expression, stemming from criticizing the government. During the interrogation, officers insulted her, threatened her, beat her, and tortured her. They tied her hands and forced her to stand for long periods of time, and beat her all over her body. They forced her to sign 25 papers, including a statement written by the interrogators, and she was sentenced to five years in prison.<sup>6</sup>

In July 2015, security forces arrested Alya Abdulnoor, a young Emirati woman, and charged her with financing international terrorist groups. Although she suffered from cancer, officials detained Abdulnoor in an unknown location for four months. During that time, officials reportedly tortured her and forced her to sign a false confession. Due to her medical condition, her family repeatedly asked authorities to release Abdulnoor, to allow her to spend her final days at home. However, the authorities rejected their requests. Despite being in critical condition with only a few months left to live, the government denied her adequate medical treatment. Abdulnoor died in custody in May 2019.<sup>7</sup>

In 2013, the Emirati government tried 94 dissidents, human rights defenders, and activists in a trial of the "UAE 94," a group authorities accused of plotting to overthrow the country's political system. At the trial's conclusion, the Federal Supreme Court in Abu Dhabi sentenced 56 people to 10 years in prison, eight others *in absentia* to 15 years in prison, and five defendants to seven years in prison. The court acquitted 25 defendants. During the trial, defendants described and outlined allegations of torture, including ill-treatment, beatings, threats, humiliation, and insults, in hand-written letters. However, the court ignored their allegations.<sup>8</sup>

### **Torture outside Emirati Territory**

In March 2015, the UAE joined a coalition led by Saudi Arabia in Yemen. In UAE-controlled areas, it has set up a network of secret prisons where Emirati forces and Emirati-supported forces engage in widespread and systematic torture.<sup>9</sup> In this case, the UAE remains beholden to the relevant provisions of the CAT even in its actions in Yemen and regardless of the nationality of the victim. In the case of the CAT, while States' obligations to fulfill positive actions are limited to certain situations, States' negative obligations are not territorially restricted, nor are the broader obligations to cooperate to end torture or ill-treatment restricted to specific territories. Through its engagement in the conflict in Yemen, the UAE has violated Articles 1, 2, 4, 5 11, 12, 13 of the CAT.

Emirati security forces have abducted, or ordered the abduction of, dozens of Yemenis who were subsequently detained in secret prisons. Among the forms of torture, detainees have reported physical and sexual torture, including beatings to the point of losing consciousness, rape, electric shock targeting genitals, hanging rocks from testicles, suspension from the ceiling, and imprisonment in a metal cell in the sun. Other former inmates report being routinely kept blindfolded with their legs and hands bound for months. At one main detention complex at Riyan airport in the southern Yemeni city of Mukalla, former inmates described being crammed into shipping containers smeared with feces and blindfolded for weeks. Others described being put on "the grill:" blindfolded and tied to a

<sup>6</sup> "Amina Al-Abdouli tortured in UAE prisons: Second new recording," International Centre for Justice and Human Rights, 22 June 2018, <http://www.ic4jhr.org/en/2014-11-30-18-36-45/media/923-press-release-amina-al-abdouli-tortured-in-uae-prisons-second-new-recording.html>.

<sup>7</sup> "Alya Abdulnoor died in custody after UAE authorities refused to release her on medical grounds," International Centre for Justice and Human Rights, 6 May 2019, <http://www.ic4jhr.org/en/2014-11-30-18-36-45/media/1020-alya-abdulnoor-died-in-custody-after-uae-authorities-refused-to-release-her-on-medical-grounds.html>.

<sup>8</sup> "United Arab Emirates: United Arab Emirates: UAE 94 trial violates the basic rights to fair trial and due process," Gulf Centre for Human Rights, 27 August 2013, <https://www.gc4hr.org/news/view/477>.

<sup>9</sup> Maggie Michael, "Sexual abuses rampant in UAE-controlled prisons in Yemen," Associated Press, 21 June 2018, <https://www.apnews.com/df23b77019d34564ae3ee2dddb222279>.

horizontal pole inside a circle of flame.<sup>10</sup> Other witnesses tell of being sentenced to fake executions where they are dressed in supposed explosive suicide belts before a sound grenade is set off.

#### **Failure to investigate and prosecute Torture**

Under Articles 11, 12, and 13 of the CAT, the UAE is obligated to investigate any allegations of torture against Emirati individuals or in Emirati-controlled sites. Despite this, the UAE rarely initiates investigations and judges frequently ignore defendant's reports of torture.

Torture most frequently takes place during pre-trial detention, during which prisoners have reported that they were coerced into signing confessions. Judges and courts have used coerced confessions in trials against torture victims despite concerns raised by defendants and their lawyers that the defendant was tortured and forced to confess. However, in a number of instances, courts have rejected the allegations without investigating them. Some defendants have reported that judges ordered their microphone to be switched off while they reported their torture, abuse, and ill-treatment. In spite of efforts by torture victims and their lawyers to report on pre-trial abuses and to seek impartial trials devoid of torture-induced confessions, Emirati courts have rarely launched judicial inquiries or ordered medical examinations into such allegations.<sup>11</sup>

#### **Conclusion and Recommendations**

ADHRB calls on the Emirati government to take effective steps to bring its laws and practices into compliance with the Convention and to prevent all forms of torture and other ill-treatment, and ensure that all allegations of torture inside its own territory and in Yemen are promptly and thoroughly investigated and those responsible held to account.

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<sup>10</sup> Maggie Michael, "Inside Yemen's secret prisons: 'You can hear the screams,'" Associated Press via News.Com.AU, 23 June 2017, <https://www.news.com.au/world/middle-east/inside-yemens-secret-prisons-you-can-hear-the-screams/news-story/6f810a5df25919c42bcec8905294f6aa>.

<sup>11</sup> "Report on the prison conditions in the United Arab Emirates," International Centre for Justice and Human Rights.