

**Patterns of Torture in the United Arab Emirates**  
**A Report by the Gulf Centre for Human Rights (GCHR)**  
**February 2022**



*This report is dedicated to the memory of the irreplaceable and courageous human rights defenders, Alaa Al-Siddiq and Artur Ligęska, who tragically passed away in 2021. Although gone before their time, their many colleagues and friends continue their legacy defending and promoting human rights in the UAE.*

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## EXECUTIVE SUMMARY

2022 marks the tenth anniversary of the arrest and detention of the UAE94, a group of human rights defenders (HRDs), lawyers, judges, teachers, academics and students who peacefully advocated for political reform. Their enforced disappearance, torture and wrongful conviction for “plotting a coup against the government” in a trial marred by egregious violations of due process was a watershed moment for human rights and civic freedoms in the United Arab Emirates (UAE). It sent the country down an increasingly oppressive path that meant that, until his arrest in 2017, Ahmed Mansoor, was “last human rights defender openly working in the UAE.”<sup>1</sup> In the intervening years, the relentless use of vague legislation, targeted surveillance, arbitrary arrest, enforced disappearance and torture has exerted a chilling effect on peaceful human rights work and the exercise of basic civic freedoms in the UAE.<sup>2</sup>

This report by the Gulf Centre for Human Rights (GCHR) examines recent examples of the UAE authorities’ reliance on torture in consolidating this oppressive climate. The key patterns of torture that emerge are: the use of arbitrary arrest, detention and enforced disappearances to perpetrate torture with impunity; the punishment and further torture of those who dare to speak out about their conditions of detention and; the complicity of companies and the international community in the systematic perpetration of torture in the UAE.

However, the continuing perpetration of torture with impunity in the UAE is not just a domestic issue. It relies on and is sustained and validated by the international community’s willingness to turn a blind eye. This complicity was most recently evidenced by the visit of French President Emmanuel Macron to the UAE in December 2021 when he met with Sheikh Mohammed bin Zayed Al-Nahyan, the Crown Prince of Abu Dhabi, and signed a multibillion-euro deal for the sale of fighter planes and combat helicopters to the UAE.<sup>3</sup> Furthermore, in November 2021, Major General Ahmed Nasser Al-Raisi was elected as President of the International Criminal Police Organisation (INTERPOL) despite the tireless efforts of human rights organisations to

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<sup>1</sup> “United Arab Emirates: Ahmed Mansoor remains in isolation with no bed or water, despite unconfirmed report that hunger strike has ended,” Gulf Centre for Human Rights, 4 May 2019, <https://www.gc4hr.org/news/view/2125> (accessed 01 February 2022).

<sup>2</sup> “Who will be left to defend human rights? Persecution of online expression in the Gulf and neighbouring countries,” Gulf Centre for Human Rights and International Human Rights Law Clinic Berkeley Law, November 2021, pp. 240-241, <https://www.gc4hr.org/news/view/2871> (accessed 21 January 2022).

<sup>3</sup> “UAE buys record 80 French fighter jets as Macron starts Gulf tour,” France 24, 03 December 2021, <https://www.france24.com/en/live-news/20211203-uae-buys-record-80-french-fighter-jets-as-macron-starts-gulf-tour> (accessed 11 January 2022).

alert members of the General Assembly to Al-Raisi's key role in the torture and degrading treatment of detained human rights defenders and other prisoners of conscience.<sup>4</sup>

Alongside calling on states and companies to cease their "business as usual" approach to the UAE whilst torture and other grave human rights violations continue unabated, the report also considers the potential of legal avenues such as universal jurisdiction in tackling the culture of impunity that sustains and supports perpetrators of torture in the UAE. It is hoped that this will send a clear signal to the authorities that they are not above the law and will face justice for their actions.

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<sup>4</sup> "United Arab Emirates: A united call to reject the candidacy of Maj. General Al-Raisi for INTERPOL president," Gulf Centre for Human Rights, 16 November 2021, <https://www.gc4hr.org/news/view/2877> (accessed 11 January 2022).

## **METHODOLOGY**

In identifying the patterns of torture that are central to consolidating and maintaining the UAE's ongoing crackdown on human rights and civic freedoms, the report first considers the failings of the UAE's domestic legislation on torture. For the benefit of context, this is accompanied by a broader appraisal of the UAE's dismal human rights record, particularly in relation to the criminalisation of online and offline expression. The report will also consider the UAE's compliance with international human rights law. This analysis is underpinned by the extensive work in the form of reports, resolutions, shadow reports, independent consultations, policy papers and legal briefings undertaken by United Nations Special Rapporteurs, lawyers, NGOs and reputable news sources in appraising the legal landscape on torture in the UAE.

The report's identification and analysis of key patterns of torture in the UAE is informed by witness testimonies and case studies which have been afforded all due ethical considerations and anonymity. In addition to the reports, case studies and appeals compiled by GCHR, the report's identification of the main patterns of torture in the UAE has been facilitated by the case studies and testimonies gathered by the human rights organisations cited throughout this report.

## INTRODUCTION

In the final months of 2021, the UAE was at the centre of a number of important events that, to an uninitiated observer, would suggest that it is a respectable and progressive member of the international community. Notably, in November 2021, Major General Ahmed Nasser Al-Raisi, Inspector General of the UAE's Ministry of Interior, was elected president of INTERPOL. As the world's foremost police organisation that provides technical and operational support to police in 195 member countries, as well as data sharing on criminality, counter-terrorism and cybercrime, one could reasonably expect its president to have an unimpeachable record. Before his election, Al-Raisi oversaw the investigation of complaints against the UAE's police and security forces. However, the substantial body of credible evidence outlining Al-Raisi's failure to conduct thorough and impartial investigations into allegations of torture and ill-treatment in UAE detention centres and prisons renders him entirely unsuitable for the presidency of INTERPOL.

Furthermore, on 01 October 2021, the Dubai Expo opened. The Expo which carries the motto, "Connecting Minds and Creating the Future through Sustainability, Mobility and Opportunity," is the first World Expo to be held in the region and from 01 October 2021 – 31 March 2022, will explore issues including sustainability, mobility, opportunity, people and planet. However, the Dubai Expo's purported mission to bring people together to create a better tomorrow lies in stark contrast to the UAE's dismal record of oppressing, imprisoning and torturing peaceful human rights defenders.

In order to highlight the contradiction of promoting diversity of voices whilst UAE human rights defenders face trial, imprisonment and torture for speaking their minds, on 14 October 2021, 28 human rights organisations launched the Alternative Human Rights Expo<sup>5</sup> to "counter the narrative of "tolerance" and "openness" that the UAE claims to uphold and aims to feature at the Dubai Expo, and highlight the repression still happening in the country."

The stark contrast between the UAE's concerted efforts to project a modernising and progressive image and the reality of the oppression to which human rights defenders and civil society actors are subjected is indeed striking. This contradiction has thus far gone largely unchallenged by the international community due to the fact that the vast majority of the UAE's

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<sup>5</sup> Official Site of the Alternative Human Rights Expo, [Alternative Human Rights Expo – Alternative Human Rights Expo \(alternativehrexpo.org\)](https://www.alternativehrexpo.org) (accessed 21 January 2022).

men and women human rights defenders are detained and tortured behind closed doors with the utmost impunity. GCHR wishes to challenge this “out of sight, out of mind” approach by confronting the UAE and the international community with the reality of the torture and oppression that occurs on a daily basis in the UAE.

## THE UAE'S NATIONAL AND INTERNATIONAL LEGAL COMMITMENTS

The Federal Constitution, which was adopted in 1996, is the highest law in the land. Section III of the Constitution states, “No person shall be subjected to torture or to degrading treatment,” and “Physical and moral abuse of an accused person is prohibited.”<sup>6</sup> Furthermore, Article 26 states that “Personal liberty is guaranteed to all citizens. No person may be arrested, searched, detained or imprisoned except in accordance with the provisions of law.”<sup>7</sup>

In addition to the general legal principles articulated in the Constitution, Article 242 of the Federal Penal Code states that “Shall be sentenced to term imprisonment, every public servant using, in person or through others, torture, force or threat with the accused, a witness or an expert in order to have him confess a crime, make a statement or give information concerning it to withhold any relevant matter.”<sup>8</sup>

In a joint report from February 2021, Wejha Centre for Studies and GCHR exposed the serious failings of the UAE’s legal system. They noted in particular that the Constitution’s definition of torture is vague, ill-defined and entirely inadequate when compared with the more comprehensive definition contained in the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (CAT).<sup>9</sup> The CAT, to which the UAE has been a party since 19 July 2012 (but has not acceded to the Optional Protocol to that instrument), defines “torture” as: *any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.*<sup>10</sup>

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<sup>6</sup> Constitution of the United Arab Emirates, <https://www.wipo.int/edocs/lexdocs/laws/en/ae/ae030en.pdf> (accessed 21 January 2022).

<sup>7</sup> Ibid.

<sup>8</sup> The Federal Penal Code, <http://www.undp-aciad.org/publications/ac/compendium/uae/criminalization-lawenforcement/criminal-87-ar.pdf> (accessed 21 January 2022).

<sup>9</sup> “Torture in the United Arab Emirates: The Tolerance Charade,” Wejha Centre for Studies and the Gulf Centre for Human Rights, February 2021, p.3, <https://www.gc4hr.org/report/view/136> (accessed 15 January 2022).

<sup>10</sup> United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Part I, Article 1, UN General Assembly resolution 39/46 of 10 December 1984.

The sparsely worded nature of the UAE's definition of torture is a clear reflection of a culture of impunity underpinned by a lack of accountability, effective investigations and independent mechanisms. Furthermore, it is extremely telling that the UAE has so far failed to ratify key provisions of international human rights law such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment.

GCHR, the International Service for Human Rights (ISHR), International Campaign for Freedom in the UAE (ICFUAE) and the World Organisation Against Torture (OMCT) prepared a joint submission ahead of the Concluding Observations on the United Arab Emirates that was scheduled to be held during the UN Committee Against Torture (CAT)'s 69th session in April and May 2020. When the review was postponed until April 2021, the NGOs went ahead and published a submission<sup>11</sup> on the International Day in Support of Victims of Torture on 26 June 2020. The report documents the cases of HRDs, journalists and women in prison who have been subjected to ill-treatment, torture, solitary confinement, denial of medical treatment, and other violations of the UN Minimum Standards for the Treatment of Prisoners. Having been published in the relatively early days of the COVID-19 pandemic, it drew attention to the additional risks posed by the ongoing global health emergency to HRDs and activists detained in overcrowded and unsanitary conditions and without access to medical treatment. This report echoes those concerns and reiterates that the combination of unsanitary and overcrowded conditions combined with the denial of medical care in the midst of a global pandemic constitutes inhuman and degrading treatment at the very least. The postponed review of the UAE will finally take place between 12 July and 29 July 2022.

In the Conclusions and/or Recommendations emerging from the latest Universal Periodic Review (UPR) of the UAE in 2018, the UAE was encouraged time and time again to ratify key international instruments and to establish a national human rights institution (NHRI) in line with the Paris Principles.<sup>12</sup> In the intervening period, the UAE has failed to take any action towards ratifying the aforementioned legal instruments. Regarding the recommendation to

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<sup>11</sup> "Joint Submission on the United Arab Emirates to the 71st Session of the UN Committee Against Torture," the Gulf Centre for Human Rights, the International Campaign for Freedom in the UAE, the International Service for Human Rights and the World Organisation Against Torture, 26 June 2020, <https://www.gc4hr.org/report/view/113>, (accessed 01 February 2022).

<sup>12</sup> "Report of the Working Group on the Universal Periodic Review: United Arab Emirates," Human Rights Council thirty-eighth session, A/HRC/38/14, 18 April 2018, pp. 11-23.

establish a NHRI, although the UAE has recently formed an institution purporting to serve as a NHRI, its current composition runs entirely contrary to the Paris Principles, which call for the pluralist representation of social forces involved in the protection and promotion of human rights.<sup>13</sup>

According to a report from the Emirates Detainees Advocacy Center (EDAC), the President of the UAE has appointed a group of army officers to lead the UAE's newly-constituted NHRI.<sup>14</sup> The former army officer and current member of the UAE cabinet's media team, Maqsood Kruse, will be at the organisation's helm, with the majority of the NHRI's other 11 members composed of former police officers and graduates of the Dubai Police Academy. Furthermore, EDAC states that the NHRI includes a number of individuals who have links to the UAE's State Security Apparatus (SSA) and have been directly responsible for abusing prisoners of conscience. It is extremely concerning that individuals associated with the SSA occupy prominent positions within the NHRI given that, under the 2003 SSA Law, the SSA is empowered to arbitrarily arrest and spy on individuals.<sup>15</sup> In its current form, the NHRI certainly does not bode well for the ability of torture survivors to access the support of independent institutions in attempting to hold their perpetrators to account.

It is of further concern that since the mass arrests of peaceful academics, activists, dissidents and clerics that began in 2011, the authorities have sought to further strengthen their stranglehold on civil society by enacting oppressive laws such as the Federal Law on Cybercrime No. 5 enacted in 2012. The Cybercrime Law, most recently amended in 2018, includes vague, catch-all provisions such as Article 24 which prohibits operating a website or publishing online anything that "would promote or praise any programs or ideas which would . . . damage the national unity or social peace or prejudice the public order and public morals."<sup>16</sup> Furthermore, the abusive and entirely disproportionate Article 30 of the Cybercrime Law

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<sup>13</sup> Principles relating to the Status of National Institutions (The Paris Principles), adopted by General Assembly resolution 48/134 of 20 December 1993, <https://www.ohchr.org/en/professionalinterest/pages/statusofnationalinstitutions.aspx> (accessed 15 January 2022).

<sup>14</sup> "Led by an Army Officer: A Group of Officers is Heading UAE's NHRI, Emirates Detainees Advocacy Center," 20 December 2021, <https://en.edacrights.com/post/259> (accessed 15 January 2022).

<sup>15</sup> "Legislative chaos and unprecedented legal violations," Emirates Detainees Advocacy Center, 17 December 2021, <https://en.edacrights.com/Report/SDetails/263> (accessed 15 January 2022).

<sup>16</sup> Federal Decree Law No. 5 of 2012 on Combating Cybercrimes, amended 2018, (official English translation).

mandates life imprisonment for using IT to “oppose the basic principles which constitute the foundations of the ruling system of the state.”<sup>17</sup>

A report by GCHR and the International Human Rights Law Clinic of Berkeley Law from November 2021 entitled, “Who will be left to defend human rights? Persecution of online expression in the Gulf and neighbouring countries,” rightly concludes that the proliferation of such vague and arbitrary laws that stifle freedom of expression impinge on other associated rights, including freedom from arbitrary detention, enforced disappearance and torture.<sup>18</sup>

The UAE’s new Law on Combatting Rumours and Cybercrime<sup>19</sup>, adopted by Federal Decree Law No. 34 of 2021, came into effect on 2 January 2022, and replaces the former 2012 law on Combatting Cybercrime. On 24 January 2022, 15 NGOs<sup>20</sup> protested the UAE’s new Law on Combatting Rumours and Cybercrime, in a joint NGO appeal which states, “the new text does not address the problematic provisions of its predecessor and, on the contrary, further restricts civic space and free speech within the UAE and maintains the criminalisation of acts that are protected under international law.” The joint letter, based on analysis by MENA Rights Group, says the law severely threatens and unduly restricts the right to freedom of expression (both online and offline) and the rights to freedom of association and of peaceful assembly in the UAE, and calls on the authorities to immediately repeal or amend the law.

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<sup>17</sup> Ibid.

<sup>18</sup> “Who will be left to defend human rights? Persecution of online expression in the Gulf and neighbouring countries,” Gulf Centre for Human Rights and International Human Rights Law Clinic Berkeley Law, November 2021, p.241.

<sup>19</sup> The UAE’s new Law on Combatting Rumours and Cybercrime, adopted by Federal Decree Law No. 34 of 2021, [https://menarights.org/sites/default/files/2016-11/UAE\\_%20Combating%20Cybercrimes\\_2012\\_EN.pdf](https://menarights.org/sites/default/files/2016-11/UAE_%20Combating%20Cybercrimes_2012_EN.pdf) (accessed 01 February 2022).

<sup>20</sup> “Human rights NGOs call on the UAE to immediately repeal or amend its new Law on Combatting Rumours and Cybercrime,” MENA Rights Group, 24 January 2022, <https://menarights.org/en/articles/human-rights-ngos-call-uae-immediately-repeal-or-amend-its-new-law-combatting-rumours-and> (accessed 01 February 2022).

## **CUSTODIAL TORTURE: THE USE OF ARBITRARY ARRESTS, DETENTION AND ENFORCED DISAPPEARANCES TO PERPETRATE TORTURE WITH IMPUNITY**

Relying on a number of key case studies, the first pattern of torture in the UAE that this report will examine is the authorities' reliance on arbitrary arrests, detention and enforced disappearances to perpetrate torture with impunity.

### ***The UAE94***

The ongoing detention of many of the UAE94 prisoners, a decade after their arbitrary arrest in 2012, is a particularly striking example of the sheer scale and systematic nature of these practices. The UAE94 is a group of activists, lawyers, students and teachers which advocated for the democratic reform of the UAE in the wake of the Arab Spring. The authorities swiftly retaliated against their peaceful activism by accusing them of attempting to overthrow the government and designating them as a national security threat. These entirely groundless allegations paved the way for the arbitrary mass arrest, enforced disappearance and lengthy incommunicado detention of the accused until their grossly unfair trial in 2013.

The accused were finally tried in March 2013 for vague and ill-defined offences such as “founding, organizing, or operating a group that aims to overthrow the country’s political system” (Article 180 of the Penal Code). In the period between their arrest and trial, at least 64 of the detainees were held at undisclosed locations without recourse to legal assistance.<sup>21</sup> Relying heavily on evidence acquired through forced confessions, the court sentenced five defendants to seven years in prison, fifty-six defendants to ten years, and eight defendants (tried in absentia) to fifteen years, whilst twenty-five were acquitted. Shortly after the trial, the UN Working Group on Arbitrary Detention issued a communication to the UAE government declaring their detention to be arbitrary and their sentences excessively severe. The Working Group also stated that the charges laid against the UAE94 were vague and imprecise.<sup>22</sup>

According to the International Campaign for Freedom in the United Arab Emirates (ICF UAE), when they appeared for trial, many of the accused showed visible signs of torture and ill-

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<sup>21</sup> “UAE: Unfair Mass Trial of 94 Dissidents: Investigate Allegations of Torture, Grant Public Access to Sessions,” Human Rights Watch, 03 April 2013, <https://www.hrw.org/news/2013/04/03/uae-unfair-mass-trial-94-dissidents> (accessed 17 January 2022).

<sup>22</sup> Opinions adopted by the Working Group on Arbitrary Detention at its sixty-eighth session (13–22 November 2013) No. 60/2013 (United Arab Emirates), A/HRC/WGAD/2013/60, 02 April 2014, <https://undocs.org/A/HRC/WGAD/2013/60> (accessed 17 January 2022).

treatment.<sup>23</sup> The signs of torture perpetrated against the detainees were later substantiated by 22 letters that were smuggled out of prison, some of which were written by the UAE<sup>94</sup>. The letters document the serious torture to which they were subjected, with one letter describing a detainee being beaten "with a plastic tube all over my body." In the same letter, the detainee described being "tied to a chair and threatened with electrocution if I didn't talk. I was humiliated and insulted".<sup>24</sup>

An extensive GCHR report on "Torture and Abuse in Prisons in the United Arab Emirates"<sup>25</sup>, details the testimony and evidence gathered from 57 prisoners among the UAE<sup>94</sup>, including 50 still in jail at the time. At the conclusion of the trial, seven of the prisoners documented in this report were released, and the rest were sentenced to prison.

The report covers incidents that took place from the first arrests in March 2012 until 2014 in different jails (from secret detention centres to the prisons Al-Sader, Al-Wathba and Al-Razeen.) It describes in detail different treatment depending on where the prisoners were detained (solitary confinement or in groups), and what level of rights were given by the state authorities. The documentations include a complaint (referenced as Document 13) against the UAE Federal State Security for falsifying official documents and failing to investigate crimes of torture and depriving detainees from their legal rights granted to them by UAE law.

The findings of the report detailed the use of torture by the authorities to obtain confessions, causing not only physical harm but also severe mental pain and suffering. It "identified the cruel and degrading treatment to which the detainees were subjected, such as, inhumane prison conditions, sexual harassment, lack of adequate medical care, being deprived of an adequate legal defense, using media to publicly attack character and reputation, and lack of reasonable contact with their families." A list of the perpetrators was included in the report based on the detainees' statements. It concluded with a list of recommendations to the UAE government, including calling for an investigation into the torture and to "order the immediate release of those imprisoned as a result of blatantly unfair trials, pending the outcome of any further

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<sup>23</sup> "The infamous UAE 94 trial.. 7 years on," The International Campaign for Freedom in the United Arab Emirates, 30 March 2020, <http://icfuae.org.uk/news-press-releases/infamous%C2%A0UAE94%C2%A0trial-7-years> (accessed 17 January 2022).

<sup>24</sup> "Fresh allegations of torture used on UAE detainees," BBC News, 27 June 2013, <https://www.bbc.co.uk/news/world-middle-east-23084903> (accessed 17 January 2022).

<sup>25</sup> "United Arab Emirates: UAE: GCHR report documents failure to investigate abuse and torture in Emirati prisons," Gulf Centre for Human Rights, 12 March 2015, <https://www.gc4hr.org/news/view/941> (accessed 01 February 2022).

inquiry.” At the time of writing of this report in February 2022, many of the UAE94 remain behind bars in Al-Razeen prison, a maximum-security facility in the desert of Abu Dhabi, where activists, government critics and human rights defenders are commonly held. The prison, which is nicknamed the “Guantanamo of the UAE,” is notorious for its dire detention conditions and the ill-treatment of its inmates.<sup>26</sup> According to ICFUAE, in the winter months, prisoners are exposed to freezing temperatures and deprived of warm clothing and blankets. Furthermore, detainees are frequently deprived of basic health care.<sup>27</sup> Other forms of torture include solitary confinement and prolonged exposure to deafeningly loud music, as experienced by UAE94 detainee and leading Emirati human rights lawyer, Mohammed al-Roken.<sup>28</sup>

Sentenced to seven years in prison, four of the UAE94 reportedly remain imprisoned despite having completed their sentences. Abdullah Al-Hajiri, Omran Al-Radwan Al-Harathi and Mahmoud Hasan Al-Hosani completed their sentences in 2019, and Fahd Al-Hajiri’s sentence was completed in 2020. Instead of being released, the prisoners were transferred to a so-called “counselling centre” within Abu Dhabi’s Al-Razeen prison facility. Among the UAE94 prisoners currently serving 10-year sentences are human rights lawyers, Dr Mohammed Al-Roken and Dr Mohammed Al-Mansoori, and academic Mohammed Abdul Razzaq Al-Siddiq.<sup>29</sup>

### ***Ahmed Mansoor***

The silencing of a vast cohort of UAE civil society in 2011 and 2012 was the beginning of a relentless crackdown that gathered pace until the UAE’s last openly critical HRD was behind bars. This HRD is Ahmed Mansoor, an engineer, poet, father of four, recipient of the 2015 Martin Ennals Award for Human Rights Defenders and member of the Human Rights Watch Middle East and North African Division advisory committee and the GCHR Advisory Board. Mansoor had been on the authorities’ radar since at least 2011 when he was first arrested and convicted of “a conspiracy targeting state security” and “inciting others to break the law, boycott elections and demonstrate against the government” in retaliation against the peaceful

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<sup>26</sup> “Al-Razeen Prisoners Subjected to Extreme Cold,” The International Campaign for Freedom in the United Arab Emirates, 20 February 2020, [Al-Razeen Prisoners Subjected to Extreme Cold | ICFUAE | International Campaign For Freedom in the UAE](https://www.icfuae.org/news/view/2842) (accessed 18 January 2022).

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> “United Arab Emirates: Appeal for UAE to release detained human rights activists ahead of Dubai Expo,” 01 October 2021, the Gulf Centre for Human Rights, <https://www.gc4hr.org/news/view/2842> (accessed 17 January 2022).

expression of his opinions online. He was sentenced to three years in prison, of which he served eighth months before being released on amnesty.

Upon his release, Mansoor was subjected to death threats, two physical assaults, the theft of his car and unexplained disappearance of the equivalent of thousands of US dollars in personal savings from his bank account.<sup>30</sup> However, this did not deter him from continuing his peaceful human rights work. He was vocal in his support of the UAE94 and denounced the harassment of Osama Al-Najjar, the son of one of the detainees. The effectiveness of Mansoor's human rights advocacy is apparent from his work connecting detainees in UAE prisons with human rights organisations that could raise awareness of their suffering.<sup>31</sup>

A comprehensive report published in January 2021 by Human Rights Watch and GCHR details the severe persecution and torture inflicted upon Mansoor since his subsequent arrest and detention in 2017.<sup>32</sup> Shortly before midnight on 20 March 2017, UAE security forces stormed Mansoor's home and arrested him yet again. For more than one year after his arrest, he was deprived of access to a lawyer and except for only two half-hour visits six months apart, his family, friends and colleagues remained largely in the dark as to his fate and whereabouts.

In May 2018, Mansoor was sentenced by the Abu Dhabi Court of Appeals to 10 years in prison on trumped-up charges related to his peaceful human rights activism and criticism of government policies. On 31 December 2018, he exhausted all domestic avenues of appeal when the Federal Supreme Court upheld his sentence. In an astonishing violation of due process and fair trial rights, both of Mansoor's trials were closed and the authorities have refused to grant public access to both the charge sheet and court rulings.<sup>33</sup> However, with the help of trusted sources, Human Rights Watch and GCHR have since learned that the court's ruling was grounded in provisions of the Penal Code and the 2012 Cybercrimes Law which outlaw the peaceful expression of critical political views.<sup>34</sup>

Since his arrest in 2017, Mansoor has been constantly subjected to torture, inhuman and degrading treatment at the hands of the UAE authorities. He is kept in solitary confinement,

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<sup>30</sup> "Torture in the United Arab Emirates: The Tolerance Charade," Wejha Centre for Studies and the Gulf Centre for Human Rights, p.11.

<sup>31</sup> Ibid.

<sup>32</sup> "The Persecution of Ahmed Mansoor: How the United Arab Emirates Silenced its Most Famous Human Rights Activist," Human Rights Watch and the Gulf Centre for Human Rights, January 2021, p.1, <https://www.hrw.org/report/2021/01/27/persecution-ahmed-mansoor/how-united-arab-emirates-silenced-its-most-famous-human> (accessed 18 January 2022).

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

where he is forced to sleep on the floor, without a mattress or a pillow. He is also deprived of medical care, despite the severe impact of his detention on his health, contact with others, basic necessities, glasses and reading materials, or access to a radio or television.

### *Artur Ligęska*

In April 2018, a Polish businessman, Artur Ligęska, was arrested on drugs charges, despite the absence of drugs in his body or his possessions. However, he maintained that a falling-out with a member of Abu Dhabi's ruling family was the real reason behind his arrest and subsequent detention. Following his arrest, he was held for five months in pre-trial detention in Dubai Central Jail before being sentenced to a term of life imprisonment without parole. Ligęska served eight months in Abu Dhabi's notorious Al-Sadr Prison before Polish authorities succeeded in securing his release. Following his release, Ligęska underwent surgery and specialist trauma therapy to treat the rape and psychological torture he suffered during his detention. Sadly, Ligęska was found dead in his apartment in Amsterdam on 26 May 2021.<sup>35</sup>

All those who seek justice for prisoners of conscience and torture victims in the UAE owe a great debt to Ligęska for his brave and selfless efforts in alerting the world to the abuse suffered by detainees in the UAE, especially Ahmed Mansoor. Indeed, if it weren't for his detailed descriptions of prison conditions in the UAE and the plight of his friend and fellow detainee, we might not know the full extent of the torture and ill-treatment suffered by Mansoor and other prisoners of conscience.

Ligęska was held just two cells down from Mansoor in Al-Sadr and befriended the human rights defender after Mansoor called out to him, "Hey, I am Ahmed. I am Emirati. Where are you from?" The two men then struck up a friendship and Ligęska became increasingly concerned about Mansoor's desperate detention conditions. In a wide-ranging interview with Human Rights Watch in January 2020, Ligęska stated that he never witnessed any physical violence against Mansoor, "But you sit in the four square-meter cell, you have no rights to go to [the] library. They know that you are [an] intellectual person. You have no rights to write. You have no right even to have the lights [on] in your cell. So, you don't have to have physical violence. This is terrible, and disaster, mental torture."<sup>36</sup>

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<sup>35</sup> "United Arab Emirates: Tribute to Artur Ligęska, Former Prisoner in UAE," Gulf Centre for Human Rights, 04 June 2021, <https://www.gc4hr.org/news/view/2744> (accessed 19 January 2022).

<sup>36</sup> "Artur and Ahmed: Prison Mates in UAE Hell," Human Rights Watch, 08 January 2020, <https://www.hrw.org/news/2020/01/08/artur-and-ahmed-prison-mates-uae-hell> (accessed 19 January 2022).

For a while, Mansoor managed to endure this brutal treatment, however, according to Ligęska, the decision of the Federal Supreme Court in December 2018 to uphold his 10-year sentence was a breaking point. Ligęska recalled that when Mansoor learned of this decision, “He came [back] to the isolation ward and he start[ed] to shout.” Shortly afterwards, he went on hunger strike and Ligęska witnessed the rapid deterioration of the friendly human rights defender who reached out to him each time he passed by Mansoor’s cell on the way to the canteen.

As the weeks went by and Ligęska became increasingly concerned, he managed to get hold of two phone numbers from Mansoor. Despite the fact that he himself was suffering torture and was in the process of appealing a life sentence, Ligęska selflessly directed his efforts towards calling the numbers. Thankfully one of them still worked and Ligęska got through to Kristina Stockwood, a friend and colleague of Mansoor’s from GCHR. Ligęska gave a full account of Mansoor’s detention conditions, ongoing hunger strike and the alarming deterioration of his health. This vital information allowed GCHR and others to spread the news of Mansoor’s hunger strike and the horrific conditions experienced by him and other detainees around the world. Armed with this vital information, UN experts were then in a position to release a statement<sup>37</sup> expressing their grave concern for Mansoor’s physical well-being and opinion that the “poor conditions of his detention in the United Arab Emirates, including prolonged solitary confinement, may constitute torture.”

According to Ligęska, the international outcry over Mansoor’s detention conditions and hunger strike led to a slight improvement in his circumstances. After countless months in solitary confinement, he was permitted to visit the canteen, call his mother and go outside. However, since then, following the publication of a secret prison letter (see below), Mansoor has been unable to contact GCHR through other prisoners.

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<sup>37</sup> “UAE: UN experts condemn conditions of detention for jailed activist Ahmed Mansoor,” Office of the United Nations High Commissioner for Human Rights, 07 May 2019, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24571&LangID=E> (accessed 19 January 2022).

## **THE AUTHORITIES' BRUTAL RETALIATION AGAINST ANYONE WHO DARES TO SEEK JUSTICE**

The difficulties facing the UAE94, Ahmed Mansoor and all victims of torture in holding their perpetrators to account is highlighted by the authorities' total crackdown on anyone attempting to shed light on what goes on behind closed doors in the UAE's prisons.

### ***Osama Al-Najjar***

Shortly after the trial of the UAE94, Osama al-Najjar, the son of UAE94 detainee Hossain al-Najjar, was arrested and tortured for allegedly instigating hatred against the State via Twitter and spreading lies about the torture of his father. According to reports received by GCHR, Osama was brought to a secret detention centre where he was tortured for four days before being transferred to Al-Wathba Jail in Abu Dhabi. During his four-day ordeal, State Security officials blindfolded him and took him to an interrogation room where he was beaten with plastic wires, subjected to freezing temperatures from the air condition, handcuffed and shackled.<sup>38</sup>

### ***Dr Nasser Bin Ghaith***

Dr Nasser Bin Ghaith, an academic, economist and lecture at the Sorbonne-Paris University in Abu Dhabi, has also been subjected to a campaign of harassment and torture for decrying the violations he suffered at the hands of the UAE authorities. In a letter that was leaked following his first arrest in 2011, Bin Ghaith condemned the UAE's practice of holding secret trials. Bin Ghaith subsequently reported that as punishment for this letter, prison authorities encouraged his fellow inmates to harass him. When this led to an argument with another prisoner, Bin Ghaith was tied up and held in solitary confinement without air conditioning at 40°C.<sup>39</sup>

In 2015, Bin Ghaith was arrested once again and held in incommunicado solitary confinement for nine months before appearing for trial. Whilst he was in the middle of alerting the court to the fact that he had been tortured, beaten and deprived of sleep for up to one week, the judge turned off his microphone and prevented him from giving any further testimony.<sup>40</sup>

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<sup>38</sup> "United Arab Emirates: UAE- Torture of Osama Al-Najjar confirmed as ill-treatment of detained UAE94 continues," Gulf Centre for Human Rights, 02 April 2014, <https://www.gc4hr.org/news/view/620> (accessed 17 January 2022).

<sup>39</sup> "Torture in the United Arab Emirates: The Tolerance Charade," Wejha Centre for Studies and the Gulf Centre for Human Rights, p.14.

<sup>40</sup> Ibid.

In March 2017, Bin Ghaith was sentenced to 10 years in prison after being convicted of trumped-up charges including “insulting the UAE” in comments he had posted on Twitter about his treatment during his previous trial in 2015. Similarly to Mansoor, the stark realisation that justice was nowhere to be found in the courtrooms of the UAE prompted Bin Ghaith to undertake a hunger strike.<sup>41</sup> The series of hunger strikes undertaken by Bin Ghaith between March 2017 and 2019 led to the serious deterioration of his health. However, instead of investigating Bin Ghaith’s complaints and putting an end to the mistreatment of prisoners, the authorities only response was to warn him that family visits would be forbidden and that he would be denied health care.<sup>42</sup>

### ***Amina Al-Abdouli and Maryam Al-Balushi***

Amina al-Abdouli is an Emirati teacher and mother of five who was arrested in November 2015 and held at an undisclosed location for seven and a half months where she was kept in solitary confinement, beaten, blindfolded, stripped naked, bound by the feet and deprived of sleep. Her family were also targeted, with her sister Moza Al-Abdouli and her brother Mos’ab Al-Abdouli also arrested. Furthermore, on 29 November 2015, her brother Waleed Al-Abdouli was arrested for speaking out against the detention of his siblings.<sup>43</sup> It subsequently transpired that during her incommunicado detention, she was denied access to a lawyer and was coerced into signing a written confession, without being afforded the opportunity to read it.<sup>44</sup>

Al-Abdouli was transferred to Al-Wathba prison on 30 June 2016, three days after the beginning of her trial before the State Security Chamber of the Supreme Federal Court. Her coerced confessions were admitted into evidence and only then was Al-Abdouli informed of the charges against her which included, “inciting hatred against the State and disturbing public order; undermining the reputation of the State institutions and publishing false information to endanger the State’s relations with its allies.” It is believed that these charges relate to a tweet in which Al-Abdouli expressed her support for the Arab Spring after her father was killed in

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<sup>41</sup> “Nasser Bin Ghaith Declares Hunger Strike in a Letter Sent from His Prison Cell,” The International Campaign for Freedom in the United Arab Emirates, 17 April 2017, <https://icfuae.org.uk/news/nasser-bin-ghaith-declares-hunger-strike-letter-sent-his-prison-cell> (accessed 19 January 2022).

<sup>42</sup> “United Arab Emirates: Health of Dr. Nasser Bin Ghaith failing following prolonged hunger strike,” Gulf Centre for Human Rights, 09 January 2019, <https://www.gc4hr.org/news/view/2031> (accessed 19 January 2022).

<sup>43</sup> “Amina Al Abdouli, detained by Emirati authorities since 2015,” MENA Rights Group, 29 September 2021, <https://menarights.org/en/caseprofile/amina-al-abdouli-detained-emirati-authorities-2015> (accessed 21 January 2022).

<sup>44</sup> Ibid.

Syria.<sup>45</sup> On 31 October 2016, Al-Abdouli was sentenced to five years in prison, and a fine of 500,000 AED, with no right of appeal.

Maryam Al-Balushi was also arrested in November 2015 and like Al-Abdouli, suffered enforced disappearance and incommunicado detention for five months, during which time she was subjected to torture and ill-treatment in the form of beatings, humiliations and rape threats.<sup>46</sup> Al-Balushi was also coerced into signing self-incriminating confessions and was denied access to lawyers.

In February 2016, she appeared without legal representation before the State Security Prosecution who formally charged her under the Terrorism and Cybercrime Laws. She was transferred to Al-Wathba prison on 12 April 2016 before the commencement of her trial before the Criminal Chamber of the Abu Dhabi Federal Appeal Court on 24 October 2016. Relying on spurious evidence, including the coerced confessions, the Court sentenced Al-Balushi to five years in prison on 22 February 2017. Her sentence was upheld on appeal by the Supreme Federal Court on 05 June 2017.<sup>47</sup>

Al-Balushi has been subjected to unrelenting torture since her transfer to Al-Wathba prison. The abusive practices inflicted on her have ranged from solitary confinement and the humiliation of having surveillance cameras placed in her bathroom. Her complaints about this treatment to the prison authorities have been fruitless.<sup>48</sup> Having been met with reprisals and silence at every attempt to vent complaints about their treatment in official channels, over the course of 2018 and 2019, Al-Abdouli and Al-Balushi leaked a series of voice recordings<sup>49</sup> and letters in an effort to raise awareness of their plight. The voice recordings describe the beatings and abuse from prison guards and other inmates, as well as the solitary confinement and

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<sup>45</sup> “Factsheet: Maryam al-Balushi and Amina al-Abdouli,” The International Campaign for Freedom in the United Arab Emirates, 10 December 2020, <http://icfuae.org.uk/research-and-publications-factsheets/factsheet-maryam-al-balushi-and-amina-al-abdouli> (accessed 21 January 2022).

<sup>46</sup> “Maryam Al Balushi, detained by Emirati authorities since 2015,” MENA Rights Group, 29 September 2021, <https://menarights.org/en/caseprofile/maryam-al-balushi-detained-emirati-authorities-2015> (accessed 21 January 2022).

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> See here for voice recordings published on 29 May 2018, 12 November 2018 and 29 November 2019 respectively:

[https://www.youtube.com/watch?v=WThTwBVMG3A&ab\\_channel=Internationalcentreforjusticeandhumanrights](https://www.youtube.com/watch?v=WThTwBVMG3A&ab_channel=Internationalcentreforjusticeandhumanrights), [https://www.youtube.com/watch?v=r116l8dI0\\_c&ab\\_channel=Internationalcentreforjusticeandhumanrights](https://www.youtube.com/watch?v=r116l8dI0_c&ab_channel=Internationalcentreforjusticeandhumanrights) and [https://www.youtube.com/watch?v=LzgQR9cxXs8&ab\\_channel=%D8%A7%D9%84%D9%85%D9%86%D8%B8%D9%85%D8%A9%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A%D8%A9%D9%84%D8%AD%D9%82%D9%88%D9%82%D8%A7%D9%84%D8%A3%D9%86%D8%B3%D8%A7%D9%86%D9%81%D9%8A%D8%A8%D8%B1%D9%8A%D8%B7%D8%A7%D9%86%D9%8A%D8%A7](https://www.youtube.com/watch?v=LzgQR9cxXs8&ab_channel=%D8%A7%D9%84%D9%85%D9%86%D8%B8%D9%85%D8%A9%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A%D8%A9%D9%84%D8%AD%D9%82%D9%88%D9%82%D8%A7%D9%84%D8%A3%D9%86%D8%B3%D8%A7%D9%86%D9%81%D9%8A%D8%A8%D8%B1%D9%8A%D8%B7%D8%A7%D9%86%D9%8A%D8%A7).

deprivation of basic necessities such as sanitary towels, food, clean water and medical care suffered by both women. The leaking of this information prompted several UN mandate holders to send an urgent appeal to the Emirati authorities.<sup>50</sup>

Al-Balushi and Al-Abdouli have been subjected to reprisals for their courageous efforts to raise awareness of their treatment in Al-Wathba prison. On 30 July 2019, both women were brought before the Federal State Security prosecution and charged with “leaking wrong information,” “affecting the reputation of the UAE and Al-Wathba prison negatively” and “causing problems between countries.”<sup>51</sup>

Beginning in February 2020, they were placed in solitary confinement every Sunday, Monday and Thursday, as punishment for their refusal to record self-incriminating confessions. Al-Balushi and Al-Abdouli continued to protest their conditions by beginning a hunger strike on 23 February 2020. In despair at the authorities’ utter disregard for the torture and ill-treatment inflicted on her and her fellow detainees with impunity in Al-Wathba prison, Al-Balushi attempted suicide on 08 March 2020 by cutting a vein in her hand.<sup>52</sup>

Thanks to the indefatigable efforts of both women to raise awareness of the conditions in Al-Wathba prison and the ongoing support of human rights organisations in amplifying their voices, in January 2021, the UN Working Group on Arbitrary Detention published an opinion declaring that both Al-Balushi and Al-Abdouli’s detentions are arbitrary. In addition, the Working Group called for a full and independent investigation into their allegations of torture. Importantly, the Working Group deplored this case as just one amongst many similar cases brought before it concerning arbitrary detention in the UAE. In particular, it noted that the “use of secret detention; the use of forced confessions; prosecution under vaguely worded terrorism offences for peaceful exercise of human rights” was a familiar pattern in the UAE.<sup>53</sup>

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<sup>50</sup> Reference UA ARE 2/2019, 12 February 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24341> (accessed 19 January 2022).

<sup>51</sup> “Amina Al Abdouli, detained by Emirati authorities since 2015,” MENA Rights Group, 29 September 2021, <https://menarights.org/en/caseprofile/maryam-al-balushi-detained-emirati-authorities-2015>.

<sup>52</sup> Ibid.

<sup>53</sup> Opinion No. 61/2020, the UN Working Group on Arbitrary Detention, A/HRC/WGAD/2020/61, 18 January 2021, [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session89/A\\_HRC\\_WGAD\\_2020\\_61.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session89/A_HRC_WGAD_2020_61.pdf) (accessed 19 January 2022).

## *Ahmed Mansoor*

Despite the brief improvement in his conditions following Ligęska's revelations, Ahmed Mansoor continues to suffer torture for daring to speak out about the medieval detention conditions in UAE prisons. In July 2021, he managed to leak a letter from prison recounting the torture and mistreatment he suffers in detention, as well as details from his flagrantly unfair trial. Just two months after the publication of this letter, the European Parliament adopted a wide-ranging resolution on "The case of human rights defender Ahmed Mansoor in UAE<sup>54</sup>," which demonstrates the effectiveness of such letters in maintaining pressure on the international community. The Resolution calls for "the immediate and unconditional release of Ahmed Mansoor, Dr Mohammed Al-Roken and Dr Nasser bin Ghaith as well as all other human rights defenders, political activists and peaceful dissidents." Furthermore, the Resolution calls on all EU Member States to "suspend the sale and export of surveillance technology to the UAE" and "deeply deplores the gap between the UAE's claims to be a tolerant and rights-respecting country and the fact its own human rights defenders are detained in harsh conditions."

Mansoor has paid a heavy price for his courageous and relentless efforts to mobilise the international community around his case and the arbitrary detention, torture and ill-treatment of other prisoners of conscience in the UAE. In January 2022, a trusted source informed GCHR and Human Rights Watch that following the letter's publication, UAE authorities moved Mansoor to an even smaller and more isolated cell, denied him access to critical medical care and confiscated his reading glasses.<sup>55</sup>

Although Mansoor has been denied justice at every turn in the UAE, on 07 June 2021, the prominent French human rights lawyer, William Bourdon, acting on behalf of GCHR, lodged an official complaint with the Prosecutor's Office in Paris against Major General Ahmed Naser Al-Raisi for the unlawful arrest and torture of the prominent human rights defender.<sup>56</sup> The case relies on the principle of universal jurisdiction, which allows the French authorities to investigate and arrest foreign nationals for certain crimes, including torture, despite the fact that they were not committed in France. As the newly-elected President of Interpol, whose

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<sup>54</sup> European Parliament resolution of 16 September 2021 on the case of human rights defender Ahmed Mansoor in the United Arab Emirates (2021/2873(RSP)), [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0390\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0390_EN.html) (accessed 20 January 2022).

<sup>55</sup> "United Arab Emirates: UAE: State Security Retaliates Against Ahmed Mansoor," Gulf Centre for Human Rights, 07 January 2022, <https://www.gc4hr.org/news/view/2923> (accessed 20 January 2022).

<sup>56</sup> "United Arab Emirates: GCHR files complaint in France against Maj. Gen. Ahmed Naser Al-Raisi for torture of Ahmed Mansoor", Gulf Centre for Human Rights, 12 June 2021, <https://www.gc4hr.org/news/view/2752> (accessed 21 January 2022).

headquarters is based in France, Al-Raisi could face arrest and trial for his role in perpetrating torture if he sets foot on French soil.

On 18 January 2022, French lawyer William Bourdon filed a torture complaint<sup>57</sup> in France against the new president of Interpol when he made his first visit to the international police agency's headquarters in Lyon. Bourdon filed the complaint on behalf of GCHR and Ahmed Mansoor against al-Raisi in a Paris court under the principle of universal jurisdiction. French MP Hubert Julien-Laferrrière opposed the election of Al-Raisi and denounced his arrival<sup>58</sup> in Lyon, in a press release in which he declared his full support with GCHR, and called for France to “open an investigation against him as soon as possible.”

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<sup>57</sup> “Torture complaint filed against new president of Interpol,” The Guardian, 18 January 2022, <https://www.theguardian.com/world/2022/jan/18/torture-complaint-filed-against-new-president-of-interpol> (accessed 01 February 2022).

<sup>58</sup> “Levée de boucliers contre la première visite à Lyon du nouveau président d’Interpol,” Tribune de Lyon, 18 January 2022, <https://tribunedelyon.fr/2022/01/18/levee-de-boucliers-contre-la-premiere-visite-a-lyon-du-nouveau-president-dinterpol/> (accessed 01 February 2022).

## CREATING AND FOSTERING A CULTURE OF IMPUNITY

### *The lack of judicial independence in the UAE*

If the UAE authorities feel sufficiently emboldened to inflict such retaliation and additional suffering on detainees who speak out about their ill-treatment and torture, it is because they are protected by a deeply ingrained culture of impunity. This was recently brought to the fore by former public prosecutor and former president of the Emirates Jurists Association (EJA) Mohammed Saqr Al-Zaabi who, in an extensive interview with EDAC, stated that the UAE judiciary is suffering from a loss of independence and executive mobilisation.<sup>59</sup> Strikingly, he noted that a judge in the UAE is nothing more than a mere puppet and employee of the UAE Minister of Justice and the UAE government.

Al-Zaabi has himself borne the brunt of the UAE authorities' increasingly authoritarian stance on human rights work and the exercise of civic freedoms. He now lives in exile and as recently as September 2021, was one of four HRDs included on a terrorist list published in UAE Cabinet Ministerial Resolution No.83 of 2021.<sup>60</sup> In the interview, he spoke of the progressive work he had been doing at the EJA, alongside the prominent lawyer, Dr Mohammed Al-Roken, who remains in detention. The EJA was established in 1981 with the objective of uniting all legal professionals in promoting and maintaining the rule of law in the newly-established state. Sadly, the EJA was another victim of the government's crackdown of the last decade and was dissolved in 2011.

However, the culture of impunity that protects and emboldens perpetrators of torture in the UAE does not exist in a vacuum. It is propped up by the willingness of companies and the international community to continue with a "business as usual" approach to the UAE despite the myriad allegations of severe human rights violations that emerge from the country every single day.

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<sup>59</sup> "Counsellor Al-Zaabi: A judge in the UAE has become a state employee," Emirates Detainees Advocacy Centre, 18 January 2022, <https://en.edacrights.com/post/283> (accessed 20 January 2022).

<sup>60</sup> "United Arab Emirates: Inclusion of four human rights defenders on a terrorist list," OMCT, 30 September 2021, <https://www.omct.org/en/resources/urgent-interventions/united-arab-emirates-inclusion-of-four-human-rights-defenders-on-a-terrorist-list> (accessed 20 January 2022).

### *The abuse of NSO Group spyware technology*

One key offender in this regard is NSO Group Technologies, an Israeli technology firm notorious for its proprietary spyware Pegasus, which is capable of remote zero-click surveillance of smartphones. Until very recently, NSO Group continued to do business with the UAE in spite of the country's extensive use of its spyware tools to target and surveil human rights defenders and civil society actors.<sup>61</sup> This runs entirely contrary to the UN Guiding Principles on Business and Human Rights<sup>62</sup> which place an obligation on companies to engage in human rights due diligence and corporate social responsibility when selling and exporting technology to countries with poor human rights records.

In 2016, Citizen Lab documented the shocking extent of targeted spyware attacks on human rights defenders and civil society in the UAE.<sup>63</sup> According to their investigations, in 2012, at least three dissidents, including a journalist and Ahmed Mansoor, were targeted in this way by a UAE-based customer operating from within the office of Sheikh Tahnoon bin Zayed al-Nahyan.

In July 2021, it emerged that more than 400 people with UK mobile phone numbers, including exiled dissidents and supportive activists, featured in a list held by NSO Group at the behest of their client, the UAE Government. According to a report by *The Guardian*, the UAE is one of 40 countries that had access to the NSO spyware that is able to hack into and secretly take control of a mobile phone.<sup>64</sup>

On behalf of GCHR, human rights lawyers William Bourdon and Vincent Brengarth filed a complaint<sup>65</sup> in France in July 2021 against the Israeli software company NSO Group, whose Pegasus hacking software is responsible for surveillance harm caused to human rights defenders

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<sup>61</sup> "NSO ended Pegasus contract with UAE over Dubai leader's hacking," Reuters, 06 October 2021, <https://www.reuters.com/technology/nso-ended-pegasus-contract-with-uae-over-dubai-leaders-hacking-2021-10-06/> (accessed 11 January 2022).

<sup>62</sup> OHCHR webpage on Business and Human Rights, including a link to the UN Guiding Principles on Business and Human Rights, <https://www.ohchr.org/en/issues/business/pages/businessindex.aspx>.

<sup>63</sup> "Keep Calm and (Don't) Enable Macros: A New Threat Actor Targets UAE," The Citizen Lab, 29 May 2016, <https://citizenlab.ca/2016/05/stealth-falcon/> (accessed 21 January 2022).

<sup>64</sup> "UAE linked to listing of hundreds of UK phones in Pegasus project leak," The Guardian, 21 July 2021, <https://www.theguardian.com/world/2021/jul/21/uae-linked-to-listing-of-hundreds-of-uk-phones-in-pegasus-project-leak> (accessed 21 January 2022).

<sup>65</sup> "Gulf Centre for Human Rights files complaint in France against NSO Group over use of Pegasus spyware," the Gulf Centre for Human Rights, 29 July 2021, <https://www.gc4hr.org/news/view/2796> (accessed 01 February 2022).

in the MENA region and beyond. Some of them have been targeted by Pegasus, and others have newly been revealed by the Pegasus Project,<sup>66</sup> such as Emirati WHRD Alaa Al-Siddiq.

### ***Hacking as a prelude to torture: The case of Matthew Hedges***

The use of such spyware to target HRDs, activists and other dissenting voices, often serves as a precursor and enabling factor in their eventual arrest, grossly unfair trial, arbitrary detention and torture.

For example, the British PhD student and security specialist, Matthew Hedges, was listed on a spyware database in March 2018, just two months before he was detained and tortured for seven months in the UAE on accusations of spying for MI6. Hedges was coerced into making false confessions and subjected to repeated interrogations that lasted hours, threats of physical violence, rendition to an overseas military base and harm to his family, solitary confinement, handcuffing and injections with a cocktail of drugs. Similar to many of the case studies highlighted throughout this report, Hedges was initially kept in the dark about the allegations he was facing and was only charged after being held for five months.<sup>67</sup> He was sentenced to life imprisonment before being pardoned by the President several days later.

Hedges has been vocal in his opposition to the election of Al-Raisi as President of Interpol, pointing out that the torture he endured was perpetrated by the Emirati security services within a building under the supervision of Al-Raisi.<sup>68</sup> The arbitrary detention and torture suffered by Hedges under Al-Raisi's watch is currently the subject of a legal challenge filed with the French Prosecutor in Paris under the principle of universal jurisdiction. Hedges accuses Al-Raisi and six other Emirati officials of being responsible for the abuse he suffered in Emirati prisons. The case is also brought by Ali Issa Ahmed Ahmad, another British citizen whom UAE authorities detained, beat and stabbed in January 2019 for wearing a t-shirt with the Qatari flag. He was released almost three weeks later after agreeing to pay a fine for "wasting police time." Hedges and Ahmad's legal teams have also filed civil cases in the UK against the same individuals.<sup>69</sup>

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<sup>66</sup> "The Pegasus Project," Forbidden Stories, <https://forbiddenstories.org/case/the-pegasus-project/> (accessed 01 February 2022).

<sup>67</sup> Ibid.

<sup>68</sup> "Interpol elects UAE official as president despite rights groups' concerns," Reuters, 25 November 2021, <https://www.reuters.com/article/us-interpol-generalassembly-idAFKBN2IA0L4> (accessed 21 January 2022).

<sup>69</sup> "Torture Complaint Filed Against U.A.E. Candidate For Interpol Chief," Forbes, 01 October 2021, <https://www.forbes.com/sites/dominicdudley/2021/10/01/torture-complaint-filed-against-uae-candidate-for-interpol-chief/?sh=63176253345d> (accessed 21 January 2022).

### ***The emboldening of the UAE to act with impunity at home and abroad***

There is no greater indication of the international community's complicity in the UAE's use of torture with impunity than the fact that during the months when the UAE was exposed for its abuse of spyware technology and had several cases filed against key officials under the principle of universal jurisdiction, one of the accused was elected President of Interpol and the UN General Assembly re-elected the UAE as a member of the UN Human Rights Council.<sup>70</sup> The extent to which the UAE feels validated on the international stage is perhaps best summed up by the ironic and frankly delusional reaction of Dr Anwar Gargash, diplomatic adviser to President Sheikh Khalifa and chairman of the National Human Rights Committee, following the UAE's election to the Human Rights Council:

*"The UAE's track record in this highly significant international file is not confined to the protection and promotion of political, economic and social rights, but also covers the state's successful model in areas like women's empowerment, religious and ethnic tolerance, judicial system, labour rights, combating human trafficking and other key related issues. The UAE society is founded on such core values as balance, and support for justice, where more than 200 nationalities co-exist together and enjoy the freedom of practising their civil rights under an efficient judicial system that ranks first regionally according to relevant international indices."<sup>71</sup>*

The lack of any meaningful international criticism and consequences for the UAE has arguably emboldened it to facilitate the perpetration of torture and other grave violations by close neighbours and allies with equally dismal human rights records. This concerning observation is perhaps best highlighted by the UAE's key role in facilitating the arrest, arbitrary detention and torture of prominent Saudi women's rights defender, Loujain Al-Hathloul. Amongst the damning reports on the UAE's abuse of Pegasus spyware technology, it has emerged that Al-Hathloul was selected by the UAE for possible targeting just weeks before her 2018 abduction

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<sup>70</sup> Election of the Human Rights Council (14 October 2021), <https://www.un.org/en/ga/76/meetings/elections/hrc.shtml> (accessed 21 January 2022).

<sup>71</sup> "UAE elected to UN Human Rights Council for third time," The National News, 15 October 2021, <https://www.thenationalnews.com/uae/2021/10/15/uae-elected-to-un-human-rights-council-for-third-time/> (accessed 21 January 2022).

in the UAE and forced return to Saudi Arabia, where she was imprisoned and tortured for three years.<sup>72</sup>

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<sup>72</sup> “Pegasus project: spyware leak suggests lawyers and activists at risk across globe,” The Guardian, 19 July 2021, [Pegasus project: spyware leak suggests lawyers and activists at risk across globe | Human rights | The Guardian](#) (accessed 21 January 2022).

## CONCLUSION

This report's examination of the main patterns of torture in the UAE focuses on the period since 2011 which heralded an era of mass arrests that has placed almost all of the UAE's HRDs behind bars or in exile. In the UAE, torture is a highly systematic practice and almost an inevitability for the countless HRDs and civil society actors who are arbitrarily detained in the country's squalid prisons.

One particularly notable pattern that has emerged is the authorities' reliance on enforced disappearances to perpetrate torture with impunity, far from the gaze of a detainee's lawyer, family or concerned human rights organisations. Furthermore, when detainees eventually appear before a court, proceedings are unfailingly marred by gross violations of fair trial rights and due process. The admissibility of confessions extracted by torture during proceedings that often take place behind closed doors and without a legal defence team is an all too frequent occurrence in the UAE's "justice" system.

A second key finding of this report is the brutal retaliation experienced by anyone who attempts to seek justice and accountability for the torture they suffered at the hands of the UAE authorities. The case studies featured in this report demonstrate that reprisals can extend to family members and the efforts of detainees to hold their perpetrators to account are often met with severe punishment and further torture.

Finally, the report has highlighted the role of the international community and companies in enabling and facilitating the perpetration of torture with impunity in the UAE. Currently, the UAE's prominence and validation on the international stage sends a dangerous signal that the protection of fundamental rights and freedoms will always take a back seat to political and economic expediency.

## RECOMMENDATIONS

### **Recommendations to the Government of the UAE:**

1. Amend or repeal provisions of the legislation on counter-terrorism and cybercrimes, including the new Law on Combatting Rumours and Cybercrime, adopted by Federal Decree Law No. 34 of 2021, to prevent the arbitrary judicial harassment of peaceful human rights defenders and activists;
2. Amend or repeal vague and catch-all criminal offences in the Penal Code to guarantee legal certainty and greater judicial independence;
3. Incorporate a thorough definition of torture in line with the UN Convention against Torture into domestic legislation;
4. Ensure that individuals deprived of their liberty are immediately informed of the charges against them, allowed to contact family and legal representation and held in pre-trial detention for no longer than is permitted by international standards;
5. Immediately release all human rights defenders, prisoners of conscience and political prisoners;
6. Ensure that torture survivors have access to independent and effective complaint mechanisms;
7. Ensure that confessions extracted by torture are never used as admissible evidence in legal proceedings;
8. Accede to the Optional Protocol to the Convention against Torture (OPCAT) and establish a national preventative mechanism;
9. Ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment;
10. Establish a truly independent National Human Rights Institution in line with the Paris Principles;
11. Provide human rights training to law enforcement agencies and prison staff, including on relevant international and UN standards and norms.

### **Recommendations to the International Community:**

1. Comply with the universal jurisdiction obligation to prosecute alleged perpetrators of torture in domestic courts;

2. Engage in thorough human rights due diligence in trade relations, economic, military and technological cooperation with the UAE.