

Submission by: Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders

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Introduction

1. The following submission has been prepared based on Front Line Defenders' work and information received from independent human rights defenders (HRDs) in the United Arab Emirates.
2. Front Line Defenders is an International NGO based in Ireland with Special Consultative Status with the Economic and Social Council of the United Nations. We have particular expertise on the issue of the security and protection of human rights defenders and we work to promote the implementation of the UN Declaration of the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998.

Summary of key concerns regarding human rights defenders in the UAE

3. Front Line Defenders is gravely concerned by the ongoing persecution of human rights defenders in the UAE. Following its examination under the UPR in 2008, the Emirati Government vowed to improve its human rights record and to “take concrete measures to limit the number and extent of restrictions on the right to freedom of expression and the freedom of the press”. Despite these pledges, human rights defenders and those criticising government policies or expressing dissent continued to be subjected to death threats, threats of withdrawal of their nationality, harassment, travel bans, arbitrary dismissal from work, restrictions on freedom of expression, arbitrary detention, judicial harassment and unfair trials.
4. National human rights organizations are denied official recognition by the Ministry of Social Welfare. The very few organisations officially recognised are subject to strict government control. International organisations have been closed down, including the National Democratic Institute and the Konrad Adenauer Stiftung in March 2012.
5. A number of websites used by human rights defenders, bloggers and online activists have been blocked by the authorities, email and twitter accounts have been hacked and blocked.

Restrictions on freedom of expression and the Internet

6. Despite constitutional guarantees of freedom of expression (Article 30 of the UAE Constitution), its exercise is severely restricted. The Penal Code includes loosely worded legal provisions which have been used to prosecute those expressing criticism of the authorities. Article 176 of the Penal Code provides for up to five years imprisonment for "whoever publicly insults the State

President, its flag or national emblem". Article 8 of the Penal Code widens the application of the provision to include the Vice President, members of the Supreme Council of the Federation, and other top State authorities.

7. The Minister of Interior announced that amendments to existing legislation will be brought by the end of 2012, which it is feared will further restrict freedom of expression. Amendments have been announced specifically in relation to the 2006 Information Technology Crime Law, which may include harsher imprisonment sentences for insulting state symbols or emblems online.

8. Not having access to broadcast and print media, which are directly or indirectly under government control, human rights defenders extensively use online platforms. Following the rise of online media activism and blogging, the authorities have limited access to the Internet by blocking discussion forums such as *Al Hewan*. HRDs also reported that multiple Twitter and email accounts of human rights defenders and online media activists have been hacked in 2011.

Restriction on freedom of association

9. The legal framework regulating the right to freedom of association is provided by Federal Law No. 2 of 2008 on National Societies and Associations of Public Welfare. While the law in principle allows for the establishment of associations, its provisions are restrictive and grant the government broad discretionary powers to refuse registration, impose the dissolution of their boards on vaguely defined grounds, and interfere with the management of officially recognised associations.

10. In April 2011, the Ministry of Social Affairs issued a decree dissolving the elected board of directors of the Jurists Association and replacing it with government appointees. The Jurists Association was one of the very few bodies independently reporting on the human rights situation in the country. The decision came shortly after the Jurists Association issued a joint statement calling for general elections. The decree was issued on the basis that the association violated section 16 of the Law on National Societies and Associations of Public Welfare by being involved in 'politics or in matters that harm state security'. Members of the dissolved board were banned from being candidates for the new board. More than 200 new members were admitted, the majority of them serving in the Army and the police. As a result of the ban and the new membership of the association, a board composed of pro-government members was elected.

11. The board of another professional association, the Teachers' Association, was similarly dissolved by the Ministry of Social Affairs a month later, in May 2011.

Targeting of human rights defenders

12. Human rights defenders face grave risks as they try to carry out their work in a hostile environment. Government agencies, including the police and the security services, play a major role in restricting the space for civil society and discouraging independent human rights work. Those criticising government policies or exposing human rights violations are targeted and considered as a security threat. HRDs are also threatened and attacked by government supporters including the media and tribal entities loyal to the ruling family. HRDs have been physically attacked and beaten, arbitrarily dismissed from work, arrested and charged, subjected to travel bans and threatened with deportation. They have also been facing an ongoing smear campaign and intimidation on the Internet, on social media networks, and on TV and radio stations, some of which use talk shows and religious programmes as vehicles to smear HRDs.

13. Following criticism of the government, several political reformists have been deprived of their nationality, most recently in early 2012. Also in 2012, authorities have ordered the deportation of a blogger and online media activist. It is feared that deprivation of nationality or deportation may be used

against other human rights defenders.

14. Human rights defenders also report being put under surveillance by the security agencies and having their phones regularly monitored. Resorting to anonymous numbers will not be possible any longer as the government announced the introduction of mandatory registration of all mobile phone numbers. Unregistered SIM cards will be cancelled once the re-registration period expires.

Arrest and judicial harassment of human rights defenders

15. Dr Mohammed Al-Mansouri, a lawyer and HRD, member of the Jurists Association, has been subjected to judicial harassment and a travel ban. In June 2009, he was arbitrarily arrested; no arrest warrant was produced. Upon his release, he was banned from travelling abroad. The travel ban remains in effect to date. In December 2009, he was dismissed from his position as a legal advisor to the Emirate of Ras Al Khaimah. The dismissal came after Dr Al-Mansoori gave an interview on *Al Hiwar*, a satellite television channel, in which he criticised the lack of freedom of speech in the country.

16. In June 2010, an Abu Dhabi court found human rights defender Mohammed Saqr Al-Zuabee "blameworthy" for being a board member of the Jurists Association. The decision was based on Law No 23/2006 which does not allow a member of the judiciary to be a member of any society. However, many judges and prosecutors have previously headed the Jurists Association; this ruling therefore appears to selectively apply the law to target Al-Zuabee specifically for his critical stance.

17. In February 2011, human rights defender Mr Hasan Mohammed Al Hammadi was arrested. He is an active board member of the Teachers Association and served for 25 years at the Ministry of Education, during which time he received several awards for excellence. The arrest followed his delivery of a speech at a public gathering, following Friday prayers, in which he expressed his support for and solidarity with the Egyptian demonstrators. He was charged with "disturbing public security" and released on bail.

18. In April 2011, the authorities arrested 5 HRDs, who subsequently became known as the "UAE 5". They were accused of posting anti-governmental statements on *UAE Hewan*, the Internet discussion forum blocked by the authorities in February 2011. The 5 HRDs, Mr Ahmed Mansour, Mr Nasser Bin Ghaith, Mr Fahd Salim Dalk, Mr Hasan Ali Al-Khmis, and Mr Ahmad Abd Al-Khaliq, were charged in June 2011 under articles 176 and 8 of the Penal Code. They were convicted on 27 November 2011 for insulting UAE officials. Ahmad Mansour was sentenced to three years in prison, and the four other HRDs were given two years in jail. On the following day, UAE national day, the President ordered their release.

19. While welcoming their release, Front Line Defenders remains concerned that the convictions have not been expunged and the HRDs remain with a criminal record. Furthermore, one of the five HRDs, Ahmad Abd Al-Khaliq, a blogger who has been active in demanding political reform, was arrested again on 22 May 2012 and eventually issued with an order of deportation – which appear to be solely a measure of retaliation for his peaceful and legitimate human rights work. Attempts to remove him from UAE were also made prior to his arrest, when his company informed him that he would be soon moved abroad. Questioned about the decision, the management of the company stated they had no control over the decision.

20. Front Line Defenders calls on the UN to urge the authorities in UAE to prioritise the protection of human rights, and in particular to:

- (a) Conduct an independent, impartial and thorough inquiry into the source of threats, ill treatment, arbitrary dismissal from the workplace, deportation, and all other forms of intimidation and harassment including unfair trial and arbitrary detention directed

towards all those human rights defenders mentioned in this report;

- (b) Halt the deportation of Ahmad Abd Al-Khaliq;
- (c) Expunge the convictions of HRDs Nasser Bin Ghaith, Fahd Salim Dalk, Hasan Ali Al-Khmis, Ahmad Abd Al-Khaliq and Ahmed Mansour;
- (d) Ensure that all those human rights defenders arbitrarily dismissed from their work place because of their support to pro reform protests are fully reinstated in their positions;
- (e) Lift all other restrictions imposed on human rights defenders, including travel bans;
- (f) Take measures to ensure public recognition of the legitimate role and work carried out by human rights defenders;
- (g) Lift all restrictions limiting the legitimate exercise of the right to freedom of expression. In particular, review the Penal Code with a view to removing criminal penalties for libel and defamation as well as for criticism directed to the authorities;
- (h) Review the 2008 Law on National Societies and Associations of Public Welfare with a view to ensuring the independent functioning of associations and limit government interference including the power to replace thier boards;
- (i) Refrain from passing the announced amendments to the 2006 Information Technology Crime Law, which would provide for imprisonment for insulting state symbols or emblems online;
- (j) Allow Internet forums such as UAE Hewarto operate, and refrain from blocking any other website legitimately used to freely debate about the human rights and political situation in the country;
- (k) Ensure all human rights defenders in UAE are free to carry out their human rights activities free from fear or reprisals.