

URGENT ACTION

DR NASSER BIN GHAITH APPEARED IN COURT

Dr Nasser bin Ghaith appeared briefly before the State Security Chamber of the Federal Supreme Court in Abu Dhabi on 4 April. This is the first time he has been seen since he was forcibly disappeared in the United Arab Emirates on 18 August 2015.

The court session took place almost eight months after Nasser bin Ghaith's enforced disappearance and was held to refer his case to court. According to a press article, the hearing was closed except to family members and the UAE state media. **Dr Nasser bin Ghaith** spoke briefly to confirm his name. The UAE authorities denied Nasser bin Ghaith access to a lawyer prior to the hearing. The court session was the first opportunity he had to speak to his lawyer; but they were not allowed to speak privately. See: <http://www.middleeasteye.net/news/disappeared-uae-economist-claims-prison-torture-first-court-appearance-853197903>

According to information received by Amnesty International, Nasser bin Ghaith told the court that over nearly eight months, UAE officials held him in secret detention and tortured him by both beating and depriving him of sleep. The presiding judge angrily asked him how he knew he was in secret detention and prevented Nasser bin Ghaith from speaking further. The judge did not order an investigation into his allegations of torture and other ill-treatment.

The next hearing will be held on 2 May 2016 before the State Security Chamber of the Federal Supreme Court. While it is a court of first instance, verdicts handed down by the court cannot be appealed.

Nasser bin Ghaith faces charges relating solely to the peaceful exercise of his right to freedom of expression and association in connection with posts he made on Twitter regarding the government of Egypt, and meetings with peaceful political activists. UAE State Security officers arrested him at his workplace in Abu Dhabi on 18 August 2015 then took him to an unknown location and did not inform him nor his family of the reasons for his arrest.

Please write immediately in Arabic or your own language:

- Urging the authorities to immediately and unconditionally release Dr Nasser bin Ghaith since he faces charges that appear to stem from the peaceful exercise of his right to freedom of expression, association, and assembly;
- Urging them to order a full and independent investigation into his allegations of torture, and that any proceedings against him exclude statements extracted under torture and other ill-treatment or while he was subjected to enforced disappearance;
- Ensure that while he is detained, Nasser bin Ghaith is protected from torture and other ill-treatment, and that he has regular access to a lawyer of his choice and his family.

PLEASE SEND APPEALS BEFORE 9 JUNE 2016 TO:

Vice-President and Prime Minister

HH Sheikh Mohammed Bin
Rashid al-Maktoum
Prime Minister's Office
PO Box: 212000
Dubai, United Arab Emirates
Fax: +971 4 330 4044
Email: info@primeminister.ae
Twitter: @HHSkMoh

Salutation: Your Highness

Minister of Interior

Sheikh Saif bin Zayed Al Nahyan
Zayed Sport City, Arab Gulf Street, Near
to Shaikh Zayed Mosque
POB: 398, Abu Dhabi
United Arab Emirates
Fax: +971 2 402 2762/ +971 2 441 5780
Email: moi@moi.gov.ae

Salutation: Your Highness

And copies to:

Crown Prince of Abu Dhabi
HH Sheikh Mohamed bin Zayed Al
Nahyan
Crown Prince Court
King Abdullah Bin Abdulaziz
Al Saud Street,
P.O. Box: 124
Abu Dhabi, United Arab Emirates
Fax: +971 2 668 6622
Twitter: @MBZNews

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR ABDULRAHMAN GHANEM ALMUTAIWEE CVO, Embassy of the United Arab Emirates, 30 Prince's Gate, London SW7 1PT, 020 7581 1281, email pressuk@mofa.gov.ae

Please check with your section office if sending appeals after the above date. This is the first update of UA 183/15. Further information: <https://www.amnesty.org/en/documents/MDE25/2299/2015/en/>

**AMNESTY
INTERNATIONAL**



URGENT ACTION

DR NASSER BIN GHAITH APPEARED IN COURT

ADDITIONAL INFORMATION

Since 2011, the UAE authorities have mounted an unprecedented crackdown on freedom of expression and association in the country. The space for dissent has shrunk and many people, both Emiratis and non-Emiratis who have criticised the UAE government, its policies, or the human rights situation in the country have been harassed, arrested, tortured, or subjected to unfair trial and imprisonment. The authorities have arrested, detained, and prosecuted more than 100 activists and critics of the government, including prominent lawyers, judges, and academics, on broad and sweeping national security-related or cybercrimes charges and in proceedings that fail to meet international fair trial standards.

Under Article 49 of the UAE's 2014 law on Combating Terrorism, a suspect can be held for 14 days following interrogation, and then up to three months, by court order. By denying him access to a lawyer, the UAE prevented Nasser bin Ghaith from being able to effectively challenge such a court order.

Amnesty International has reviewed a selection of Nasser bin Ghaith's tweets prior to his arrest. Originally in Arabic, one is translated as follows, for example: *"My stance against the system in Egypt doesn't mean that I don't wish progress and revival for the country, even under his leadership [Sisi's]; it's the opposite, because the system will disappear and Egypt will remain. #A mere clarification"*. In another he states: *"Fighting injustice is not a choice but an inevitable destiny, when it affects lives. #Rabaa Square, the painful memory"*. None of the tweets reviewed by Amnesty International advocated violence or hatred. See: https://twitter.com/N_BinGhaith

Article 180 of the UAE's Penal Code is a sweeping and broad provision that can be used to criminalize any form of criticism of the government by associations, organizations or groups that are remotely political. The article makes it a crime to establish, found, organize or administer an association that aims at *"calling to overthrow or take over the system of government"*, *"disrupting the application of the constitution or law"* or opposing the *"fundamental principles"* on which the UAE's governance is based. Article 197/2 of the Penal Code punishes by imprisonment and a fine whoever *"makes use of any means of communication...to diffuse information or news or to instigate to do acts that...expose the state security to danger or are incompatible with public policy"*. The fact that "public policy" is not defined in the Penal Code leaves this provision open for broad interpretation and abuse. Article 14 of the 2014 law on Combatting Terrorist Crimes punishes with death or life imprisonment, *"whoever commits or refrains from committing an act meant or intended to undermine the stability, safety, unity, sovereignty or security of the State [...]"*.

In 2011, Dr Nasser bin Ghaith and four Emiratis (known as the "UAE 5") were tried for statements they had made on the UAE *Hewar* website, which was an online political discussion forum. The authorities prosecuted the men on charges of "publicly insulting" the UAE's President, Vice-President and Crown Prince in comments posted on the online discussion forum. Amnesty International designated all five men as prisoners of conscience as the UAE unlawfully prosecuted them for exercising their legitimate right to free speech, thereby violating international human rights law. Amnesty International also stated that the case, having no legitimate legal or factual basis, was brought to suppress and/or deter political dissent and therefore the trial, including its basis and procedures, was fundamentally unfair. See: <https://www.amnesty.org/en/documents/mde25/008/2011/en/>

In December 2011, the Secretary General of Amnesty International met with Nasser bin Ghaith.

Name: Dr Nasser bin Ghaith
Gender m/f: m

Further information on UA: 183/15 Index: MDE 25/3923/2016 Issue Date: 28 April 2016