

AMNESTY INTERNATIONAL PUBLIC STATEMENT

28 February 2014
AI Index: MDE 25/008/2014

UAE: URGENT CALL FOR RELEASE OF QATARI PRISONER OF CONSCIENCE

Amnesty International calls on the United Arab Emirates (UAE) authorities to immediately and unconditionally release Qatari national and medical doctor **Dr Mahmoud Abdulrahman al-Jaidah** and investigate allegations that he was tortured in detention.

On 3 March 2014 the Federal Supreme Court in Abu Dhabi is expected to deliver its verdict in his case after grossly unfair trial proceedings. Mahmoud al-Jaidah has been detained in the UAE since 26 February 2013 and says he faced torture and other ill-treatment during pre-trial incommunicado detention. He has been allowed only two meetings with his lawyer since the start of his trial, both of which were in the presence of state security officers.

Amnesty International considers Mahmoud al-Jaidah a prisoner of conscience and there are genuine fears that he may become the latest victim of the increasingly discredited and flawed system of administration of justice in the UAE. If convicted, he could face a lengthy prison sentence with no right of appeal, in contravention of the UAE's obligations under international human rights law.

Amnesty International also urges the UAE authorities to take immediate steps to implement the [recommendations](#) regarding the UAE's justice system made by Mrs Gabriela Knaul, the UN Special Rapporteur on the independence of judges and lawyers, following her early February 2014 mission to the country. As a first step, the UAE authorities must drop the charges against Mahmoud al-Jaidah, immediately and unconditionally release him, and independently investigate his allegations of torture and other ill-treatment and bring to justice anyone found responsible.

On 26 February 2013, plain-clothed officials from the UAE's state security apparatus arrested Mahmoud al-Jaidah without a warrant while he was in transit at Dubai International Airport during a flight from Thailand to Qatar. He was not permitted to call a lawyer, his son who had been waiting for him at the airport in Doha, Qatar, or the Qatari embassy in the UAE to seek consular assistance. He was blindfolded, handcuffed and taken to a secret detention facility where he was held in a solitary confinement cell fitted with video cameras, for almost nine months until after his trial had started on 4 November 2013. His family were not informed of his whereabouts until they received a three-minute telephone call from him on 8 March 2013 and were not permitted to visit him until 4 April 2013, after which they were allowed short monthly visits. Mahmoud al-Jaidah was transferred from secret detention to the State Security Prosecution building in Abu Dhabi for these visits and then transferred back again to secret detention. In April 2013, the UAE authorities refused to allow four Qatari lawyers, whom his family had appointed to defend him, to meet with him.

On 4 April 2013, Amnesty International wrote to the UAE authorities seeking information about Mahmoud al-Jaidah, expressing concern over his fate, but the organization has so far received no response.

Amnesty International has learned that Mahmoud al-Jaidah's interrogators tortured or otherwise ill-treated him in detention, including by depriving him of sleep; continually exposing him in his cell to bright lights; beating the soles of his feet with a wooden stick; repeatedly slapping his face; and forcing him to drink an unidentified liquid. They also threatened to peel off his nails, hang him until he died and bury him in the prison graveyard. His interrogators told him that, since he was not allowed to make telephone calls, "no-one would even know you are gone". During interrogations, Mahmoud al-Jaidah was asked about his knowledge of the Qatari Muslim Brotherhood and was told to give details about his alleged relationship with the organization. His interrogators asked him personal questions about his family, including individual members' education and political leanings. They also asked him questions about the Ruler of Qatar and the sums of money that Qatar had allegedly paid to ousted Egyptian President, Mohammed Morsi. He has said that he told his interrogators he was

prepared to have all of his communication records examined in order to prove he was innocent of their accusations.

On 11 March 2013, Mahmoud al-Jaidah was forced by his interrogators to make a statement on video and told that, if he did, he would be able to go home. On at least two separate occasions, in March and May 2013, under duress and conditions of torture and other ill-treatment, he was forced to sign and fingerprint dozens of documents without being allowed to read them first. He was not allowed to have a lawyer present during any of these interrogations. He has been allowed to meet with his lawyer on only two occasions since the start of his trial, both of which were in the presence of security officers: one was a 10-minute talk in court during the trial; and the second time well after his trial had already started in January 2014 in al-Razeen Prison. It was only after the start of his trial that the authorities moved Mahmoud al-Jaidah out of secret detention and into al-Razeen Prison in Abu Dhabi on 17 November following an order by the judge.

During his trial, Mahmoud al-Jaidah was accused of having ties with the Muslim Brotherhood and of “financially and morally supporting members of this secret underground organization”. He has been accused of collecting money from abroad and transferring money outside the state [UAE]. He maintained throughout his trial that he has no links to the Muslim Brotherhood. Amnesty International understands that Mahmoud al-Jaidah is also accused of having ties with al-Islah (Reform and Social Guidance Association), an association legally established in 1974 in the UAE where it has been engaged in peaceful social and political debate, and of providing financial support to the families of al-Islah members who were convicted in an unfair mass trial in 2013. To Amnesty International’s knowledge, this association has not used or advocated violence. Two members of al-Islah, who were witnesses at Mahmoud Al-Jaidah’s trial sessions on 23 December 2013 and 30 December 2013, told the court they did not know him and had never had any association with him.

In January 2014, Amnesty International learned that Mahmoud al-Jaidah was facing ill-treatment in al-Razeen Prison. After trial sessions, he was strip-searched in prison and forced to sit naked for some hours before being allowed to enter his cell, in an apparent attempt to humiliate him and lower his spirits. The authorities continue to deny him privileges granted to other prisoners, including the opportunity to attend Friday prayers in the prison mosque.

On 23 December 2013, the authorities detained Mahmoud al-Jaidah’s 25-year-old son, Abdulrahman al-Jaidah, in connection with his advocacy on behalf of his father, including a video interview with him posted on YouTube on 14 November 2013. Abdulrahman al-Jaidah was attending his father’s hearing on 23 December 2013 when an officer approached and asked him to come outside the courtroom. Several state security officers took him outside, handcuffed him, put a bag over his head and drove him to an unknown location where he was interrogated about his campaigning for the release of his father. He was denied access to a lawyer, even after he had asked for one. His family were not aware of what had happened to him until they left the courtroom during a break in the trial session. He was released after security officials took his fingerprints, scanned his irises and forced him to sign a document, part of which said that he apologized for “talking badly about the UAE”. Abdulrahman al-Jaidah was released the following day and escorted on a private flight back to Qatar by state security officers. Fearing reprisals, family members did not visit Mahmoud al-Jaidah in prison for several weeks or attend his hearing on 30 December 2013. They have since resumed their visits with him in al-Razeen Prison.

Mahmoud al-Jaidah’s lawyer, Abdulhameed al-Kumaiti (Abdulhamid AlKumity), has also been harassed and his movements monitored. Abdulhameed al-Kumaiti, the main human rights lawyer defending individuals in state security cases against the government in the UAE, including the recent mass trials which convicted other prisoners of conscience, had previously said that he had noticed being under increased surveillance and was being frequently followed by cars that he believed belonged to UAE’s state security apparatus. Mahmoud al-Jaidah’s family had previously engaged three other UAE lawyers to represent him. The first withdrew after one day, the second after a few months, and the third also after one day. They all cited “personal reasons” for withdrawing from his case. Amnesty International fears they may also have been harassed and monitored by the UAE authorities in an attempt to intimidate them and stop them from defending activists.

In her preliminary observations to the UAE on 5 February 2014, Gabriela Knaul, the United Nations Special Rapporteur on the independence of judges and lawyers, expressed a number of concerns including about reports of surveillance, harassment, pressure and threats being exerted on lawyers, and urged the authorities to take immediate measures to put an end to this situation. The Special Rapporteur also observed that the UAE judicial system remains under the de facto control of the executive branch of government. She made a series of recommendations to the UAE government, including that it must revise legislation to ensure the right of appeal in cases currently heard in first instance by the State Security Chamber of the Federal Supreme Court, which includes Mahmoud al-Jaidah's case; establish an independent committee to investigate all allegations of torture and other ill-treatment in detention; and ratify the International Covenant on Civil and Political Rights and its Optional Protocols, as well as the International Convention for the Protection of all Persons from Enforced disappearance.

BACKGROUND

Mahmoud al-Jaidah is on trial with Abdulwahed Hassan Saeed al-Badi al-Shehhi and Taher Muhammed Ahmad Yousef al-Tamimi, both of whom were arrested on 26 March 2013. Amnesty International does not have detailed information regarding either men.

Dozens of people associated with al-Islah have been imprisoned in recent years. On 4 March 2013, 94 people, including lawyers, judges, academics and student leaders, some of whom were linked to al-Islah, went on trial before the Federal Supreme Court on vaguely-worded national security charges in connection with their alleged membership of the association. On 2 July 2013, 69 were convicted and sentenced to between seven and 15 years in prison, while 25 were acquitted. The proceedings in the trial, which became known as the "UAE 94" trial, violated international fair trial standards. The defendants were denied legal assistance while they were detained incommunicado awaiting trial; all were held in secret detention, some for up to a year; many told the judge during the trial that they had been tortured; "confessions" purportedly obtained while defendants were in secret detention were used as evidence of their guilt. On 21 January 2014, 20 Egyptian and 10 UAE nationals were convicted in a second mass trial marred by similar human rights violations. They have no right to appeal the court verdict.

Under Article 67 of Federal Law No.10, Concerning the Supreme Federal Court, the decisions of the Court are final and binding, meaning that individuals tried in this Court do not have the right under UAE law to appeal the verdict against them. Under international human rights law, everyone convicted of a criminal offence has the right to have the conviction and sentence reviewed by a higher tribunal. The right to review ensures that there will be at least two levels of judicial scrutiny of a case, the second of which is by a higher tribunal than the first.

Among those convicted are at least four prisoners of conscience, including human rights lawyers Dr Mohammed al-Roken and Dr Mohammed al-Mansoori, physicist Hussain Ali Alnajjar Alhammadi, and former teacher Saleh Mohammed al-Dhufairi. Amnesty International considers they have been imprisoned solely for peacefully exercising their rights to freedom of expression and association, including their right to peacefully form and join in associations with others or, in the case of Mohammed al-Roken, for working as a defence lawyer and advocating respect for the human rights of the defendants.

Public Document

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