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The United Arab Emirates (UAE): Issues for U.S. Policy

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Summary

The United Arab Emirates (UAE), under new leadership upon the November 2, 2004 death of its president, Shaykh Zayid bin Sultan al-Nuhayyan, has undergone a smooth transition, but it remains weak militarily and surrounded by several powerful and ambitious neighbors. Political reform has been minimal, but its relatively open economy and borders, particularly in the emirate of Dubai, have caused problems in proliferation, terrorism, and human trafficking. In March 2005, the United States opened negotiations with UAE on a free trade agreement (FTA). This report will be updated as developments warrant. See also CRS Report RL31533, *The Persian Gulf States, Post-War Issues for U.S. Policy, 2003*.

Overview

The UAE is a federation of seven emirates (principalities): Abu Dhabi, the political capital of the federation; Dubai, its free-trading commercial hub; Sharjah; Ajman; Fujayrah; Umm al-Qawayn; and Ras al-Khaymah. The federation formed in 1971, after Britain announced that it would no longer be able to ensure security in the Gulf, and six of these states, at the time called the "Trucial States," decided to merge. Ras al-Khaymah joined the federation in 1972. Each of the seven maintains substantial autonomy and has its own ruler, although Sharjah and Ras al-Khaymah share a ruling family. The leaders are Khalifa bin Zayid Al Nuhayyan (newly selected, Abu Dhabi); Maktum bin Rashid Al Maktum (Dubai); Sultan bin Muhammad Al Qassimi (Sharjah); Saqr bin Muhammad Al Qassimi (Ras al-Khaymah); Humaid bin Rashid Al Nuaimi (Ajman); Hamad bin Muhammad Al Sharqi (Fujayrah); and Rashid bin Ahmad Al-Mu'alla (Umm al-Qawayn). The population of the UAE is about 2.5 million, which includes about 1.6 million foreign nationals, reflecting the UAE's heavy reliance on foreign labor, mostly from South Asia.

Shaikh Zayid bin Sultan Al Nuhayyan, longtime ruler of Abu Dhabi, died on November 2, 2004, at age 86 after serving as president of the federation for all of its 33 years of existence (since December 2, 1971). His son, Shaykh Khalifa bin Zayid al-Nuhayyan, 56 years old, immediately became ruler of Abu Dhabi upon his father's death

and was selected two days later by all seven emirates as new UAE president. The ruler of Dubai serves as Vice President of the UAE; that position has been held since October 8, 1990, by Shaykh Maktum, who had succeeded his father, Shaykh Rashid (co-founder of the UAE), upon his death. The dynamic third son of Zayid, Shaykh Mohammad bin Zayid al-Nuhayyan, is Abu Dhabi Crown Prince and heir apparent to Khalifa. The highest decision-making body of the UAE is the Federal Supreme Council, on which all seven leaders sit, and which meets formally four times per year to establish general policy guidelines. In practice, the Supreme Council is dominated by the two most powerful emirates, Abu Dhabi and Dubai,¹ and the leaders of the seven emirates consult frequently with each other between formal meetings.

Although the UAE is considered one of the wealthiest of the Gulf states — with a gross domestic product (GDP) per capita of about \$22,000 per year, comparable to that of Western Europe — the UAE is surrounded by several powers that dwarf it in size and strategic capabilities. These include Iran, Iraq, and Saudi Arabia, which has a close relationship with the UAE but views itself as the leader of the Gulf monarchy states.

Political Transition and Reform

The UAE had been in transition from the ailing Shaikh Zayid for several years. Shaykh Khalifa, his eldest son, had long been heir apparent, and he had been assuming a higher profile in the UAE over the past few years. Some had been concerned that Khalifa's formal succession could become clouded if the rulers of the other six emirates of the UAE federation, or even factions within Abu Dhabi itself, were to unexpectedly oppose him as leader, but no such opposition materialized. The UAE has been well placed to weather a transition because it has faced little unrest.

As stated in repeated U.S. reports on human rights practices worldwide, most recently for 2004, the UAE has “no democratically elected institutions,” and citizens “do not have the right to form political parties.”² There are no general elections, but citizens are able to express their concerns directly to the leadership through traditional consultative mechanisms, such as the open majlis (council) held by many UAE leaders. Freedom of assembly is forbidden by law, but in practice small demonstrations on working conditions and some other issues have been tolerated.

Of the six Gulf monarchy states (Gulf Cooperation Council, GCC states: Saudi Arabia, Kuwait, Qatar, Bahrain, and Oman, and UAE), the UAE has, to date, been the least active on political reform. It has a 40-seat Federal National Council, composed of appointed representatives of all seven emirates, weighted in favor of Abu Dhabi and Dubai (the two together hold 16 out of the 40 seats [eight each] with the remainder divided among the other five emirates). However, even though several of the other GCC states are moving toward elected parliaments with powers to check some of the prerogatives of their ruling families, the UAE's Council remains unelected and almost purely advisory, and the UAE has not moved to broaden its authority or give it true

¹ Central Intelligence Agency World Factbook, 2003. Updated Dec. 18, 2003.

² Information in this section taken from U.S. Department of State. Country Reports on Human Rights Practices — 2004: UAE. Released Feb. 28, 2005; available online from the State Department website at [<http://www.state.gov>].

legislative authority. It can review, but not enact or veto, federal legislation, and it can question, but not impeach, federal cabinet ministers. On the other hand, its sessions are open to the public. There are suggestions that UAE leaders are affected by reform steps in neighboring countries; U.S. officials in UAE told CRS in January 2005 that UAE leaders are considering holding elections for the Federal National Council or the emirate-level advisory councils.

An area in which the UAE has progressed is on women's rights. In January 1999, the wife of Shaykh Zayid said that women would be given a role in the political life of the UAE in the future, and Zayid subsequently appointed a woman to be undersecretary of the Ministry of Labor and Social Affairs, the first woman to hold a high-ranking post. In early 2003, Sharjah emirate appointed five women to its own 40-seat "consultative council" and increased that number to 7 women in 2004, but no women have been appointed to the federation-wide Federal National Council. Also in 2004, the Ministry of Foreign Affairs increased the number of women in the diplomatic corps to 40, which is 17% of that service. Just before his death, Shaykh Zayid appointed the first female minister, Shaykha Lubna al-Qassimi, to head a combined economy and planning ministry. Other press accounts say that UAE education minister Shaykh Nuhayyan bin Mubarak al-Nuhayyan is promoting positive change by building colleges and centers that emphasize entrepreneurship and women's education, often at the risk of angering Islamic conservatives in the UAE.³

The State Department's report on human rights practices for 2004 cites numerous human rights restrictions such as restrictions on free assembly, freedom of speech, and workers' rights. The 2004 report also dropped language in the 2003 report that stated that "the Government's respect for human rights improved in a few areas." Foreign journalists operating out of Dubai Free Media Zone report no restrictions on the content of print and broadcast material produced for use outside the UAE. Al Arabiyyah, the jointly Saudi-UAE owned satellite news network, is based in the UAE. Non-Muslims in UAE are free to practice their religion; several churches, but no Jewish synagogues or Buddhist temples, exist there. In August 2003, the government closed down the Zayed Center for Coordination and Follow-Up, a local think-tank accused by observers worldwide of publishing anti-Jewish literature and sponsoring anti-Jewish lectures.

A March 2005 State Department report, *Supporting Human Rights and Democracy: The U.S. Record 2004-2005*, outlines steps the Bush Administration is taking to promote democracy, rule of law, and civil society worldwide, including in the Gulf. A number of U.S. initiatives are under way in several of the Gulf states. However, the 2005 report, as did the previous year's report, does not contain a section on the UAE, apparently reflecting official UAE reluctance to support U.S. efforts to promote reform there.⁴

Another social problem might be a result of the relatively open economy of the UAE, particularly Dubai emirate. The State Department human rights report for 2004 notes that "Trafficking in women and girls used as prostitutes and domestic laborers ... continues to be a problem." The report also identifies trafficking in young boys used as camel

³ Ignatius, David. "Wave of Change in the Persian Gulf." *Washington Post*, Jan. 13, 2004.

⁴ U.S. Department of State. *Supporting Human Rights and Democracy: The U.S. Record 2004-2005. Middle East and North Africa*. March 28, 2005.

jockeys, a problem also present in other Gulf states, where camel racing is popular. The latest State Department report on human trafficking, released June 2004, moves UAE from Tier 1, the best rating, down to Tier 2, saying the UAE demonstrated “lack of appreciable progress in addressing trafficking for sexual exploitation.”⁵

Cooperation Against Terrorism and Proliferation

The UAE was one of only three countries (Pakistan and Saudi Arabia were the others) to have recognized the Taliban as the legitimate government of Afghanistan, after the movement captured Kabul in September 1996. During Taliban rule (1996-2001), the UAE continued to allow Ariana Afghan airlines to operate service to UAE, and many U.S. officials believed that Al Qaeda activists might have spent time in UAE.⁶ Two of the hijackers in the September 11, 2001 attacks were UAE nationals, and there were reports that the hijackers had used financial networks based in the UAE in the plot. Since then, the UAE has publicly acknowledged assisting in the 2002 arrest of at least one senior Al Qaeda operative in the Gulf, Abd al-Rahim al-Nashiri.⁷ The State Department report on international terrorism for 2004 (Country Reports on Terrorism: 2004, released April 26, 2004), says “In 2004, the UAE continued to provide staunch assistance and cooperation” against terrorism” and that “the UAE Central Bank continued to enforce anti-money laundering regulations aggressively.” The report adds that in December 2004, the United States and the emirate of Dubai signed a Container Security Initiative Statement of Principles, aimed at screening U.S.-bound containerized cargo transiting Dubai ports.

The UAE record on assisting U.S. anti-proliferation efforts may be of somewhat greater concern. In connection with recent revelations of illicit sales of nuclear technology to Iran, Libya, and North Korea by Pakistan’s nuclear scientist A.Q. Khan, Dubai was named as a key transfer point for shipments of nuclear components sold by Khan. Two Dubai-based companies were apparently involved in trans-shipping such components: SMB Computers and Gulf Technical Industries.⁸

Defense and Foreign Policy Cooperation

The UAE did not have close defense relations with the United States prior to the 1991 Gulf war to oust Iraqi forces from Kuwait. After that war, the UAE, whose armed forces number about 61,000, determined that it wanted a closer relationship with the United States, in part to deter and balance out Iranian naval power. On July 25, 1994, the UAE announced it had signed a defense pact with the United States. During the years of U.S. “containment” of Iraq (1991-2003), the UAE allowed U.S. pre-positioning, as well as U.S. ship port visits at its large man-made Jebel Ali port, and it hosted (at al-Dhafra air base) U.S. refueling aircraft participating in the southern no fly zone enforcement operation over Iraq. The UAE, which receives no U.S. foreign assistance, contributed about \$15 million per year in mostly in-kind services (fuel, facilities) to these U.S. operations from 1992 until 2003.

⁵ U.S. Department of State. *Trafficking in Persons Report*. Released June 14, 2004.

⁶ CRS conversations with executive branch officials, 1997-2000.

⁷ U.S. Embassy to Reopen on Saturday After UAE Threat. *Reuters*, Mar. 26, 2004.

⁸ Milhollin, Gary and Kelly Motz. “Nukes ‘R’ US.” *New York Times* op.ed. Mar. 4, 2004.

Although it publicly opposed the U.S. invasion of Iraq, the UAE hosted additional U.S. forces in the run-up to the March 2003 war (Operation Iraqi Freedom, OIF). The number of U.S. forces in UAE rose from 800 in January 2002 to about 2,000 at the time OIF began. The UAE did allow the United States to upgrade airfields in the UAE that were used for U.S. air operations, mainly combat support flights, during the war.⁹ As of January 2004, about 1,000 U.S. forces were in UAE to support OIF as well as U.S. operations in Afghanistan, using Al Dhafra air base, Jebel Ali, and naval facilities at Fujairah. The UAE is also providing facilities for Germany to train Iraqi police.¹⁰ As one possible signal of the UAE desire to remain aligned with the United States on Iraq policy despite the difficulties with the U.S. occupation, an heir apparent of one emirate, Ras al-Khaymah, was removed in June 2003, probably because he orchestrated anti-U.S. demonstrations in Ras al-Khaymah before the war.¹¹ Nonetheless, some UAE officials now complain that the overthrow of Saddam Hussein in Iraq has paved the way for Shiite Islamists to take power in Iraq; UAE, like most other Arab states, is Sunni dominated.

The UAE has been somewhat less cooperative with U.S. efforts to resolve the Israeli-Palestinian dispute. In 1994, it joined with the other Gulf monarchies in announcing an end to enforcement of most aspects of the Arab League boycott of Israel — the ban on companies doing business with Israel and on companies that deal with companies that do business with Israel. However, the UAE did not agree to host an Israeli trade liaison office, a measure that neighboring Oman and Qatar agreed to, nor did UAE host sessions of multi-lateral Arab-Israeli working groups on major regional issues when those talks took place during 1994-1998.

U.S. Arms Sales.¹² The UAE historically purchased its major combat systems from France, but it now believes that arms purchases from the United States enhance the U.S. commitment to UAE security. In March 2000, the UAE signed a contract to purchase 80 U.S. F-16 aircraft, equipped with the Advanced Medium Range Air to Air Missile (AMRAAM), the HARM (High Speed Anti-Radiation Missile) anti-radar missiles, and the Harpoon anti-ship missile system. The total sale value is estimated at over \$8 billion, including over \$2 billion worth of weapons, munitions, and services.¹³ The aircraft are in the process of being delivered. Congress did not formally object to the agreement, although some Members initially questioned the inclusion of the AMRAAM (475 are to be provided under the contract) as a first introduction of that system into the Gulf region. The Clinton Administration satisfied that objection by demonstrating that France had already introduced a similar system in an arms deal with Qatar.

⁹ Jaffe, Greg. "U.S. Rushes to Upgrade Base for Attack Aircraft." *Wall Street Journal*, Mar. 14, 2003.

¹⁰ Bernstein, Richard and Mark Landler. "German Leader to Oppose Sending NATO Troops to Iraq." *New York Times*, May 21, 2004.

¹¹ Henderson, Simon. *Succession Politics in the Conservative Arab Gulf States: The Weekend's Events in Ras al-Khaimah*. Washington Institute Policywatch 769, June 17, 2003.

¹² Information in this section provided by the Defense Security Cooperation Agency in May 2004.

¹³ See CRS Report 98-436, *United Arab Emirates: U.S. Relations and F-16 Aircraft Sale*. Updated June 15, 2000, by Kenneth Katzman and Richard F. Grimmett. Transmittal notices to Congress, No. DTC 023-00, April 27, 2000; and 98-45, Sept. 16, 1998.

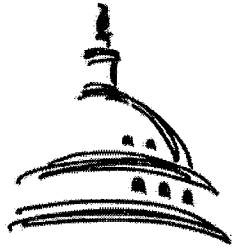
On July 18, 2002, the Administration notified Congress it might upgrade the UAE's 30 AH-64 Apache helicopter gunships (bought during 1991-1994) with the advanced "Longbow" fire control radar. However, the project has been held up by UAE indecision over additional equipment to be outfitted on them. The UAE is also considering purchasing the Army Tactical Missile System (ATACM), which was approved for release to UAE by the Defense Department in March 2003. Because of the missile nature of the weapon, sales of the system to Bahrain have been approved under a system of "dual control" by U.S. and Bahraini military personnel.

Relations With Iran

UAE fears of Iran escalated in April 1992, when Iran asserted complete control of the largely uninhabited Persian Gulf island of Abu Musa, which it and the UAE shared under a 1971 bilateral agreement. (In 1971, Iran, then ruled by the U.S.-backed Shah, seized two other islands, Greater and Lesser Tunb, from the emirate of Ras al-Khaymah, as well as part of Abu Musa from the emirate of Sharjah.) The UAE wants to refer the dispute to the International Court of Justice (ICJ), but Iran insists on resolving the issue bilaterally. Iran-UAE tensions have eased on the issue; but both sides insist they have sovereignty over the islands. The United States, which is concerned that Iran's military control over the islands could give Iran the ability to operate against U.S. or international shipping in the Gulf, supports UAE proposals but takes no position on sovereignty. The UAE, particularly Abu Dhabi, has long feared that the large Iranian-origin community in Dubai emirate could pose a "fifth column" threat to UAE stability, particularly at times of heightened tensions with Iran.

Economic Issues

The UAE has developed a free market economy; Dubai's Jebel Ali Free Trade Zone, begun in 1994, has become the fifth largest such zone in the world, and has attracted over 900 major international companies to it. On November 15, 2004, U.S. Trade Representative Robert Zoellick said the Bush Administration had notified Congress it intends to negotiate with UAE on a free trade agreement (FTA), and the Administration announced on March 8, 2005, that the negotiations were to begin later that month. While Dubai has thrived economically on its liberal trading climate — many U.S. consumer goods are re-exported through Dubai to South Asia and Asia — Abu Dhabi continues to rely on oil exports. Abu Dhabi has 80% of the federation's proven oil reserves of about 100 billion barrels, and oil accounts for about one-third of the UAE's GDP of about \$58 billion. That is enough for well over 100 years of oil exports at the current production rate of 2.2 million barrels per day (mbd). Of that amount, about 2.1 mbd are exported. Of its approximately 10 mbd of total oil imports, the United States imports negligible amounts of UAE oil. The UAE does not have ample supplies of natural gas, and it has entered into a deal with neighboring major gas exporter Qatar to construct pipeline that will bring Qatari gas to UAE (Dolphin project). The UAE is a member of the World Trade Organization (WTO).



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Summary

The United Arab Emirates' open economy and society have won praise, but lax enforcement of some laws is causing U.S. concern over proliferation of advanced technology to Iran; terrorist transiting; and human trafficking, particularly in the emirate of Dubai. The UAE undertook its first major electoral process in December 2006, although with a small, hand-picked electorate and for a body with limited powers. This report will be updated.

Governance, Human Rights, and Reform¹

The UAE is a federation of seven emirates (principalities): Abu Dhabi, the oil-rich capital of the federation; Dubai, its free-trading commercial hub; and the five smaller and less wealthy emirates of Sharjah; Ajman; Fujayrah; Umm al-Qawayn; and Ras al-Khaymah. After Britain announced that it would no longer ensure security in the Gulf, six "Trucial States" decided to form the UAE federation in December 1971; Ras al-Khaymah, joined in 1972. The UAE federation has completed a major leadership transition following the death of its key founder, Shaykh Zayid bin Sultan Al Nuhayyan, long-time ruler of Abu Dhabi and UAE President, on November 2, 2004. His son, Crown Prince Shaykh Khalifa bin Zayid al-Nuhayyan, now about 60 years old, was named ruler of Abu Dhabi and, keeping with tradition, was subsequently selected by all seven emirates as UAE president. The third son of Zayid, Shaykh Mohammad bin Zayid al-Nuhayyan, is Abu Dhabi Crown Prince and heir apparent. The ruler of Dubai traditionally serves concurrently as Vice President and Prime Minister of the UAE; that position has been held by Mohammad bin Rashid Al Maktum, architect of Dubai's modernization drive, since the death of his elder brother Maktum bin Rashid Al Maktum on January 5, 2006.

¹ Information in this section is from the following State Department reports: Country Reports on Human Rights Practices-2007 (March 11, 2008); Supporting Human Rights and Democracy: The U.S. Record 2006 (April 5, 2007); Trafficking in Persons Report for 2008 (June 4, 2008); and International Religious Freedom report - 2007 (September 14, 2007).

Shaykh Mohammad bin Rashid also retained his position as UAE Defense Minister in the cabinet named on February 9, 2006.

Each emirate has its own leadership (Sharjah and Ras al-Khaymah have a common ruling family, the Al Qawasim tribe); all seven leaders sit on the Federal Supreme Council, the UAE's highest decision-making body. It meets four times per year to establish general policy guidelines, although the leaders of the seven emirates consult frequently with each other. The other leaders are Dr. Sultan bin Muhammad Al Qassimi (Sharjah); Saqr bin Muhammad Al Qassimi (Ras al-Khaymah); Humaid bin Rashid Al Nuaimi (Ajman); Hamad bin Muhammad Al Sharqi (Fujayrah); and Rashid bin Ahmad Al-Mu'alla (Umm al-Qawayn).

In part because of its small size — its population is about 4.4 million, of which only about 900,000 are citizens — the UAE is one of the wealthiest of the Gulf states, with a gross domestic product (GDP) per capita of about \$55,000 per year (purchasing power parity). Islamist movements in UAE, including those linked to the Muslim Brotherhood, are generally non-violent and perform social and relief work. Despite or perhaps because of the lack of significant opposition, the UAE has long lagged on political reform, but it has now begun to move forward. The most significant reform, to date, took place in December 2006, when limited elections were held for half of the 40-seat Federal National Council (FNC); the other 20 seats continue to be appointed. Previously, all 40 members of the FNC were appointed by all seven emirates, weighted in favor of Abu Dhabi and Dubai (eight seats each). Sharjah and Ras al-Khaymah have six each; and the others have four seats each. In the December 2006 voting, a 6,690-person “electorate” (100 electors per FNC seat; each elector appointed by emirate leaderships) chose among 456 candidates for the 20 FNC elected seats. 1,200 of the electors were female, as were 65 candidates were female, but only one woman won (from Abu Dhabi). Another eight women were appointed to the remaining 20 seats. Plans are to expand the size of the FNC and then to broaden its powers, according to the Minister of State for FNC Affairs Anwar Gargash, who was appointed in early 2006 to manage the new FNC reforms. The FNC can review, but not enact or veto, federal legislation, and it can question, but not impeach, federal cabinet ministers. Since the election, the FNC has questioned government ministers on inflation and other mainly economic and social issues. Its sessions are open to the public. In addition, each emirate has its own consultative council.

Despite the reforms, citizens still do not have the right to form political parties, but there has been little unrest among the citizenry. UAE citizens are able to express their concerns directly to the leadership through traditional consultative mechanisms, such as the open majlis (council) held by many UAE leaders. Freedom of assembly is forbidden by law, but in practice small demonstrations on working conditions and some other issues have been tolerated; on several occasions foreign laborers working on the large, ambitious construction projects in Dubai have conducted strikes to protest poor working conditions and non-payment of wages. Some of these concerns have been or are being addressed by the Labor Ministry's recent penalizing of employers.

Progress on women's political rights has been steady. Since the November 2004 death of Shaykh Zayid, two women have been appointed to the cabinet: Shayha Lubna al-Qassimi, Minister of Economy and Planning, and Mariam al-Roumi, Minister of Social Affairs. In Sharjah emirate, seven women now serve on its 40-seat consultative council. About 10% of the diplomatic corps is now female; none served prior to 2001. Some

recent cabinet choices signal commitment to reform, including appointment of the reform-minded Shaykh Abdullah bin Zayid al-Nuhayyan as Foreign Minister in 2007. His former post of Information Minister was abolished in 2006 to allow media independence.

On other areas, the UAE record is less positive. The referenced State Department reports point out numerous restrictions such as on free assembly, freedom of speech, and workers' rights, and flogging penalties imposed by some courts. On religious freedom, non-Muslims in UAE are free to practice their religion; there are 24 Christian churches built on land donated by the ruling families of the various emirates, but there are no Jewish synagogues or Buddhist temples. The Shiite Muslim minority (about 15% of the population) is free to worship and maintain its own mosques, but Shiite mosques receive no government funds and there are no Shiites in top federal positions. In 2007, human rights groups heavily criticized the justice system, still dominated by conservatives, for allegedly threatening to prosecute a 15 year old French expatriate for homosexuality, a crime in UAE, when he was raped by two UAE men; both UAE men were later sentenced for kidnaping and sexual assault.

The Bush Administration says it is promoting democracy, rule of law, and civil society in the Persian Gulf region. However, the 2007 democracy promotion report does not contain a section on the UAE, apparently reflecting official UAE reluctance to support U.S. efforts to promote reform there. Some programs to promote student and women's political participation, entrepreneurship, legal reform, civil society, independent media, and international trade law compliance, are funded by the State Department's Middle East Partnership Initiative (MEPI).

Other social problems might be a result of the relatively open economy of the UAE, particularly in Dubai. The Trafficking in Persons report for 2008 placed the UAE in "Tier 2 (up from Tier 2/Watch List in 2007 and from Tier 3 in 2005) because it does not comply with the minimum standards for the elimination of trafficking but is making significant efforts to do so. The UAE is considered a "destination country" for women trafficked from Asia and the former Soviet Union. The higher rating appeared to be a recognition of some UAE implementation of a December 2006 law prohibiting trafficking in persons. The UAE also has made progress in curbing trafficking of young boys as camel jockeys: it has repatriated at least 1,050 children out of a suspected 5,000 trafficked for camel racing, provided \$3 million for their care and repatriation, and it has begun using robot jockeys at camel races.

Cooperation Against Terrorism and Proliferation

The UAE was one of only three countries (Pakistan and Saudi Arabia were the others) to have recognized the Taliban during 1996-2001 as the government of Afghanistan. During Taliban rule, the UAE allowed Ariana Afghan airlines to operate direct service, and Al Qaeda activists reportedly spent time there.² Two of the September 11 hijackers were UAE nationals, and they reportedly used UAE-based financial networks in the plot. Since then, the UAE has been credited in U.S. reports (State Department "Country Reports on Terrorism: 2007, released April 30, 2008") with assisting in the

² CRS conversations with executive branch officials, 1997-2000.

arrests of senior Al Qaeda operatives;³ denouncing terror attacks; improving border security; prescribing guidance for Friday prayer leaders; investigating suspect financial transactions; and strengthening its bureaucracy and legal framework to combat terrorism. In December 2004, the United States and Dubai signed a Container Security Initiative Statement of Principles, aimed at screening U.S.-bound containerized cargo transiting Dubai ports. Under the agreement, U.S. Customs officers are co-located with the Dubai Customs Intelligence Unit at Port Rashid in Dubai.

An inter-agency “Committee on Foreign Investment in the United States” in February 2006 approved the takeover by the Dubai-owned “Dubai Ports World” company of a British firm that manages six U.S. port facilities. Members, concerned that the takeover might weaken U.S. port security, opposed it in a March 9, 2006, vote in the House Appropriations Committee (62-2). The provision was contained in P.L. 109-234, causing the company to divest assets involved in U.S. port operations (divestment completed in late 2006 to AIG Global Investments). Little opposition was expressed to a September 2007 Borse Dubai plan to take a 20% stake in the Nasdaq stock market, and a November 2007 investment of \$7.5 billion in Citigroup by the Abu Dhabi Investment Authority (ADIA), which manages excess oil revenues estimated at over \$500 billion.

In connection with revelations of illicit sales of nuclear technology to Iran, Libya, and North Korea by Pakistan’s nuclear scientist A.Q. Khan, Dubai was named as a key transfer point for Khan’s shipments of nuclear components. Two Dubai-based companies were apparently involved in trans-shipping components: SMB Computers and Gulf Technical Industries.⁴ On April 7, 2004, the Administration sanctioned a UAE firm, Elmstone Service and Trading FZE, for allegedly selling weapons of mass destruction-related technology to Iran, under the Iran-Syria Non-Proliferation Act (P.L. 106-178). More recently, in June 2006, the Bureau of Industry and Security (BIS) released a general order imposing a license requirement on Mayrow General Trading Company and related enterprises in the UAE. This was done after Mayrow was implicated in the transshipment of electronic components and devices capable of being used to construct improvised explosive devices (IED) used in Iraq and Afghanistan.⁵ In February 2007 the Administration threatened to form a new category of control called “Destinations of Diversion Control” with UAE as the intended designee country. In connection with the FNC approval of a law strengthening export controls (April 2007), the Administration did not create that category. In September 2007, the UAE used the new law to shut down 40 foreign and UAE firms allegedly involved in dual use exports to Iran and other countries.

Defense and Foreign Policy

Following the 1991 Gulf war to oust Iraqi forces from Kuwait, the UAE, whose armed forces number about 61,000, determined that it wanted a closer relationship with the United States, in part to deter and balance out Iranian naval power. UAE fears escalated in April 1992, when Iran asserted complete control of the largely uninhabited

³ “U.S. Embassy to Reopen on Saturday After UAE Threat.” *Reuters*, March 26, 2004.

⁴ Milhollin, Gary and Kelly Motz. “Nukes ‘R’ US.” *New York Times* op.ed. March 4, 2004.

⁵ BIS, “General Order Concerning Mayrow General Trading and Related Enterprises,” 71 *Federal Register* 107, June 5, 2006.

Persian Gulf island of Abu Musa, which it and the UAE shared under a 1971 bilateral agreement. (In 1971, Iran, then ruled by the U.S.-backed Shah, seized two other islands, Greater and Lesser Tunb, from the emirate of Ras al-Khaymah, as well as part of Abu Musa from the emirate of Sharjah.) The UAE wants to refer the dispute to the International Court of Justice (ICJ), but Iran insists on resolving the issue bilaterally. The United States is concerned about Iran's military control over the islands and supports UAE proposals, but the United States takes no position on sovereignty of the islands. The UAE, particularly Abu Dhabi, has long feared that the large Iranian-origin community in Dubai emirate (est. 400,000 persons) could pose a "fifth column" threat to UAE stability. Illustrating the UAE's attempts to avoid antagonizing Iran, in May 2007, Iranian President Mahmoud Ahmadinejad was permitted to hold a rally for Iranian expatriates in Dubai when he made the first high level visit to UAE since UAE independence in 1971.

The framework for U.S.-UAE defense cooperation is a July 25, 1994, bilateral defense pact, the text of which is classified, including a "status of forces agreement" (SOFA). Under the pact, during the years of U.S. "containment" of Iraq (1991-2003), the UAE allowed U.S. equipment pre-positioning and U.S. warship visits at its large Jebel Ali port, capable of handling aircraft carriers, and it permitted the upgrading of airfields in the UAE that were used for U.S. combat support flights, during Operation Iraqi Freedom (OIF).⁶ About 1,800 U.S. forces, mostly Air Force, are in UAE, up from 800 before OIF; they use Al Dhafra air base (mostly KC-10 refueling) and naval facilities at Fujairah to support U.S. operations in Iraq and Afghanistan, even though UAE officials say that the OIF benefitted Iran strategically. The UAE has provided facilities for Germany to train Iraqi police. It pledged \$215 million for Iraq reconstruction but has provided funds not in cash but in the form of humanitarian contributions (\$71 million as of December 2007). In June 2008, it appointed an Ambassador to Iraq, the first Arab country to do so, and the following month it wrote off \$7 billion (including interest) in Iraqi debt. Small numbers of UAE forces contribute to U.S. combat in Afghanistan. Suggesting it wants to broaden its defense relations, in January 2008 the UAE signed an agreement with French President Nicolas Sarkozy to allow a French air and naval base near Abu Dhabi, which will reportedly be used by about 400 French military personnel. It also that month hosted the first ever visit to the UAE by a NATO Secretary-General.

On the Arab-Israeli dispute, in 1994 the UAE joined with the other Gulf monarchies in ending enforcement of the Arab League's boycott of companies doing business with Israel and on companies that deal with companies that do business with Israel. However, the UAE formally bans direct trade with Israel, although UAE companies reportedly do business with Israeli firms and some Israeli diplomats attend multilateral meetings in the UAE. Unlike Qatar and Oman, the UAE did not host multi-lateral Arab-Israeli working groups on regional issues when those talks took place during 1994-1998. In 2007, the UAE joined a "quartet" of Arab states (the others are Saudi Arabia, Egypt, and Jordan) to assist U.S. diplomacy on Israeli-Palestinian issues.

U.S. Arms Sales. The UAE views arms purchases from the United States as enhancing the U.S. commitment to UAE security. The most significant buy to date was the March 2000 purchase of 80 U.S. F-16 aircraft, equipped with the Advanced Medium

⁶ Jaffe, Greg. "U.S. Rushes to Upgrade Base for Attack Aircraft." *Wall Street Journal*, March 14, 2003.

Range Air to Air Missile (AMRAAM) and the HARM (High Speed Anti-Radiation Missile), a deal exceeding \$8 billion. Congress did not try to block the aircraft sale, but some Members questioned the AMRAAM as an introduction of the weapon into the Gulf. Among other sales with the potential to enhance the UAE's offensive capability, a sale of high Mobility Artillery Rocket Systems (HIMARS) and Army Tactical Missile Systems (ATACMs), valued at about \$750 million, notified on September 21, 2006. More recent sales to UAE, some with offensive potential, have been in concert with the U.S.-led "Gulf Security Dialogue," intended to help the Gulf states contain Iran: they include refurbished E-2C early warning aircraft (\$437 million value) and advanced Patriot anti-missile systems (PAC-3, up to \$9 billion value), both notified December 4, 2007; and various munitions including Joint Direct Attack Munition (JDAM) kits (\$326 million value), notified January 3, 2008. UAE is too wealthy to receive U.S. military aid, but IMET enables the UAE to receive a discount to send its officers to U.S. courses.

Economic Issues

The UAE, a member of the World Trade Organization (WTO), has developed a free market economy. On November 15, 2004, the Administration notified Congress it had begun negotiating a free trade agreement (FTA) with the UAE. Several rounds of talks were held prior to the June 2007 expiration of Administration "trade promotion authority," but progress had been halting, mainly because UAE feels it does not need the FTA enough to warrant making major labor and other reforms. Despite diversification, oil exports still account for one-third of the UAE's federal budget. Abu Dhabi has 80% of the federation's proven oil reserves of about 100 billion barrels, enough for over 100 years of exports at the current production rate of 2.2 million barrels per day (mbd). Of that amount, about 2.1 mbd are exported, but negligible amounts go to the United States. The UAE does not have ample supplies of natural gas, and it has entered into a deal with neighboring gas exporter Qatar to construct pipeline that will bring Qatari gas to UAE (Dolphin project). The UAE is stressing alternative energy development to maintain the Gulf's energy dominance; the UAE was pivotal to a Gulf decision in December 2006 to study a regional nuclear power program. During the Sarkozy visit discussed above, the UAE signed an agreement for French firms to build two nuclear reactors in the UAE.

Recent U.S. Aid to UAE

	FY2005 and FY2006 (Combined)	FY2007	FY2008 (est.)	FY2009 (req)
NADR (Non-Proliferation, Anti-Terrorism, De-Mining, and Related) - Anti-Terrorism Programs (ATA)	\$1.094 million	\$829,000		
NADR- Counter-Terrorism Financing	\$300,000 (FY2006 only)	\$580,000		\$725,000
NADR-Export Control and Related Border Security Assistance	\$250,000	\$172,000	\$300,000	\$200,000
International Military Education and Training (IMET)			\$14,000	\$15,000
International Narcotics and Law Enforcement (INCLE)			\$300,000	

Fabricating Terrorism

British Complicity in Renditions and Torture

CAGEPRISONERS
<http://www.cageprisoners.com>

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Case 2 - Farid Hilali

Nationality

Moroccan/ British Resident

History/Background

Farid was initially arrested in September 2003 on immigration offences, but he was re-arrested in June when Spain issued a European arrest warrant to extradite him for alleged terror offences, and in particular involvement in 9/11. The case against Hilali seems to be vague and circumstantial, and entirely reliant on mobile phone communications data and intercept evidence.¹²⁹

British Involvement in Torture

According to Farid, he had been tortured by authorities in the United Arab Emirates (UAE) and Morocco at the behest of British intelligence who had given, "direct orders", for the interrogation to take a certain course.¹³⁰ According to a statement that he produced, Britain was completely complicit in his torture,

"I also wish to state on record that the torture I have suffered at the hands of the intelligence service in United Arab Emirates and Morocco has been on the direct orders of the British Intelligence Service in the UK..."

The British intelligence service have been directly responsible for the torture I have suffered, and are now directly complicit in ensuring I am removed from the UK by whatever means necessary and sent back to Morocco."¹³¹

It was during his interrogation by the UAE police that Farid first noticed the presence of a white British male who did not identify himself. The plain clothes British agent explained to Farid, "I represent the British Government and I have come all the way from London to ask you some questions". He said that "The British Intelligence Service know everything about you".¹³² Like many of the other situations mentioned already, Farid's freedom very much depended on the level of assistance he was willing to give the British intelligence officers, "If you want to come out of this problem, you have to cooperate with the British Government".¹³³

The British not only knew what was happening to him, they were also happy to let it continue while they needed to extract information from him. One British official told Farid while he was being held in the UAE, "People like you don't deserve human right, democracy or justice."¹³⁴ After getting into an argument with the agent that was interrogating him, the UAE police who were present with the agent retired with him briefly in order to discuss things, after a little while they returned without the agent and began to verbally abuse Farid,

"It then became clear to me what I suspected all along, that it was on the direct orders of the MI6 officer that the UAE intelligence officers were asking me these questions and torturing me. They told me unequivocally that I must "cooperate with the British", give them what they want and tell them what they want to know or else they will make me suffer."¹³⁵

On further non-cooperation with the British agent, the level of violence that was used against Farid escalated, in his own words he describes the process of torture used against him, "**Two of the officials held me down and put three large metal bars between my legs and shackled my feet and hands together. It was so heavy and painful that I could not move. Every time I intended to move even an inch, the metal bar would cut my legs and start bleeding. I was thrown into an underground cell where I was kept for several days and routinely beaten up with**

fists, sticks and batons."¹³⁶

When the UAE authorities believed that they were getting nowhere with Farid, it was decided that he should be sent to Morocco in order for his interrogation to continue. Once again, it is Farid's firm belief that he had been sent there specifically at the request of the British government. He states, **"in fact they were asking these questions on behalf of the British Intelligence Service. How else would one explain why I was being questioned about people in the UK and my whereabouts in UK mosques etc? I was never questioned about any activities in the Morocco or who I knew in Morocco, the questions were always about the UK and people in the UK."**¹³⁷

According to Farid,

"It was always the pattern whereby the Moroccan Police would come to interrogate me a day or so after having inflicted unimaginable torture on me. This was a tactic to 'soften me up' so I would be physically and emotionally drained and I would then be prepared to 'talk'. They would then come with a prepared list of questions written down on a piece of paper and it was clear that these questions were being forwarded to them by the British Intelligence Service."¹³⁸

After having escaped from Morocco to the UK, Farid Hilali has set about to clear his name and to highlight the abuses that have taken place against him through a process of rendition and outsourcing of torture. According to Farid, the British government were completely complicit in the torture that took place against him.

Current Status

Currently Farid is being held in Belmarsh prison while his trial being conducted after having been moved from Whitemoor. While Farid faces the very real threat of torture on extradition to Spain and then subsequently to Morocco, there is grave concern over the way that he has been treated by all the States involved in his detention, particularly the British who allowed for his torture.

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5pm

Britain 'ordered torture of 9/11 suspect'

Staff and agencies

guardian.co.uk, Tuesday January 24 2006 17.05 GMT

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A Moroccan wanted in Spain over his alleged links to the 9/11 attackers today told his extradition hearing he had been tortured on the "direct orders" of British intelligence. Farid Hilali said the alleged torture took place while he was being held by the intelligence services of the United Arab Emirates and Morocco.

The hearing, at the high court in London, was adjourned to give the government the opportunity to deal with the accusation.

Mr Hilali, 36, is identified by the Spanish investigative judge Baltasar Garzon as a co-conspirator in the 9/11 attacks.

Spanish prosecutors claimed he telephoned Imad Eddin Barakat Yarkas, the alleged head of the Madrid al-Qaida cell, in August 2001 and talked of entering "the field of aviation" and "cutting the bird's throat" - an apparent reference to the American bald eagle.

In a new witness statement put before the court today, he said he believed the only reason Spain wanted him "is so I can be deported back to Morocco, where I will immediately be arrested and tortured".

He then claimed Britain had ordered him to be tortured. "I also wish to state on record that the torture I have suffered at the hands of the intelligence service in United Arab Emirates and Morocco has been on the direct orders of the British Intelligence Service in the UK," the statement said.

"The British intelligence service have been directly responsible for the torture I have suffered, and are now directly complicit in ensuring I am removed from the UK by whatever means necessary and sent back to Morocco."

The hearing was halted after John Hardy, representing the Spanish central court in Madrid, which is seeking Mr Hilali's return, said there was "grave concern" over the allegations he was now making. Mr Hilali is contesting extradition to Spain on the basis there has been an abuse of process of the courts.

He is at present a category AA detainee currently at Whitemoor prison, in Cambridgeshire.

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Exhibit 16
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amnesty international

**United Arab Emirates
Submission to the UN Universal
Periodic Review**

**Third session of the UPR Working Group of the UN
Human Rights Council
1-12 December 2008**



United Arab Emirates

Amnesty International submission to the UN Universal Periodic Review

Third session of the UPR Working Group, 1-12 December 2008

Introduction

In this submission, Amnesty International provides information under sections [B, C and D] as stipulated in the *General Guidelines for the Preparation of Information under the Universal Periodic Review*:¹ Under section B, Amnesty International raises concern over the death penalty and provisions providing for torture and other cruel, inhuman and degrading punishments and the rights of migrant workers. Section C highlights Amnesty International's concerns about human rights violations in the context of detention and torture; women's rights, cooperation with the UN's human rights mechanisms; human rights defenders and freedom of expression. In section D, Amnesty International makes a number of recommendations for action by the government.

B. Normative and institutional framework of the State

The death penalty

The United Arab Emirates retains the death penalty in national legislation and in 1995 introduced the death penalty for drug trafficking; however, no executions for this offence is known to have been carried out.

In 2007, at least two people were sentenced to death and in 2006, in the Emirate of Fujairah, a court imposed a sentence of death by stoning on a Bangladeshi national after convicting him of adultery with an unnamed female migrant domestic worker whose origin was not known. She was sentenced to 100 lashes and one year's imprisonment. The death sentence was subsequently commuted to a one-year prison sentence followed by deportation.

In December 2007, the United Arab Emirates was one of eight countries that abstained in the vote in the General Assembly on resolution 62/149 calling for a moratorium on executions and which, on 2 February 2008 then joined 57 other countries in a statement of disassociation with the resolution, stating that they are "in persistent objection to any attempt to impose a moratorium on the use of the death penalty or its abolition in contravention to existing stipulations under international law".²

Amnesty International acknowledges the right and responsibility of governments to bring to justice those suspected of criminal offences, but unconditionally opposes the death penalty in all circumstances as a violation of the right to life and the ultimate cruel, inhuman or degrading punishment.

Cruel, inhuman and degrading punishment

In all of the emirates, save Dubai, flogging sentences are imposed on those caught having "illicit sex" and Amnesty International has recorded such sentences against, in particular, migrant workers.³

¹ Contained in Human Rights Council Decision 6/102, Follow-up to Human Rights Council resolution 5/1, section I adopted 27 September 2007.

² For more information, see Amnesty International: Death Penalty News - January- March 2008 (AI Index: ACT 53/002/2008)

³ In 2007, a court in al-'Ain convicted a teenage girl to 60 lashes for having "illicit sex" with a man when she was 14. The sentence was upheld on appeal; it is not known, however, if the sentence was carried out. In October 2005, a female domestic migrant worker was sentenced to 150 lashes for becoming pregnant outside marriage, by a court in the Emirate of Ras al-Khaimah. In December 2005, two female domestic migrant workers –
Amnesty International *AI Index: MDE/006/2008*

Migrant workers

A draft labour law, issued in February 2007 to streamline employment practices, provides for the punishment of striking workers, but not for the right to organize, bargain collectively or strike. The draft excludes migrant workers, farmers, public sector workers and private security staff.

In August and October 2007, hundreds of construction workers, all of whom were migrant workers, went on strike in Dubai to protest against low salaries and poor housing conditions, including a lack of safe water supplies.

Domestic migrant workers continue to be denied the protection of labour legislation. Hence, they do not formally have the right to a weekly day of rest, limits on hours of work, paid holidays or forms of compensation. Allegations of abuse include ill-treatment, including sexual abuse, and non-payment of wages.

In November 2006, the President issued a federal law against human trafficking, which prescribes penalties ranging from one year to life imprisonment.

C. Promotion and protection of human rights on the ground

Incommunicado detention and torture

Amnesty International raises with the authorities around three to five times per year reports of persons – both Emirati and foreign - arbitrarily arrested and held incommunicado for prolonged periods of time, commonly in undisclosed locations where they face torture and other ill treatment. Those responsible are usually said to be members of Amn al-Dawla (State Security).

In the years following the 11 September 2001 attacks in the USA, hundreds of Emirati nationals, including military personnel and judges, were detained. Scores were detained for many years, some of whom faced torture and other ill treatment, including by the forced administration – by way of injection – of substances that induce drowsiness and lethargy.

Other methods used to inflict torture and other ill treatment documented by Amnesty International have included sleep deprivation, suspension by the wrists or ankles, severe beatings to the soles of the feet, the use of electric shocks to various parts of the body, and threats of sexual violence. In one case, the person concerned alleged during the subsequent trial that he had been tortured while detained by Amn al-Dawla (State Security) officers in the Emirate of 'Ajman. The court did not order an investigation into these allegations.⁴

Nevertheless, some encouraging developments took place in June 2008 when the former director of a Dubai jail and 24 wardens and police officers were sentenced to prison terms for beating up inmates during a check for drugs on 1 August 2007. They were all accused of "abuse of power and ill-treatment of detainees under their guard." The former director and six wardens and officers were sentenced to six months in prison while 18 others received three-month sentences.

an Indonesian and an Indian national – were sentenced to flogging of 150 and 100 lashes, respectively, after becoming pregnant outside marriage by a court in Ras al-Khaimah. In both cases the punishments were to be followed by deportation.

⁴ Cases documented by Amnesty International include that of Pakistan national, Rashed Mahmood. He was detained in 'Ajman in June 2007 and held incommunicado for more than three months. He was released without charge in September and expelled to Pakistan. He was reported to have been severely beaten during the first two weeks of detention. A Sudanese national who was arrested and detained for two days without explanation after he arrived in the UAE in September 2007 subsequently went missing, raising fears that he was the victim of an enforced disappearance. Al-Sadiq Sadiq Adam Abdalla is still missing in July 2008. In 2005 several political suspects were detained and held incommunicado in undisclosed locations, in some cases for long periods. The exact reasons for arrest were never known but those detained were possibly suspected of being "Islamists" or having "Islamist views". They were held in solitary confinement, allowed to make brief phone calls, around once a month, to their families and when they were released they were told not to talk about their time in detention. A 34-year-old employee of the telecommunications company Etisalat, Hassan al-Za'abi, was arrested and "disappeared" after his car was stopped by members of Amn al-Dawla on 1 August 2004 in Abu Dhabi. Despite several appeals by his family his fate and whereabouts remained unknown. The reasons for his arrest were not clear but were thought to be politically motivated.

Women's rights

As in other Gulf Cooperation Council countries, an association of states in the Persian Gulf, women in the United Arab Emirates continue to suffer the impact of discriminatory laws and practices which affect most aspects of their life, including marriage and the choice of marriage partner, dissolution of marriage and child custody, and inheritance. Under the nationality law, a woman is unable to pass on her nationality to her children if she is married to a foreign national. As a result the children suffer severe restrictions including on their residency and employment rights. They are treated as foreigners in higher education and pay higher fees, and as migrant workers in employment.

Cooperation with international human rights bodies

In the course of 2007, the government failed to respond to UN human rights bodies in respect to requests for access and on individual cases raised in 2006. Citing concerns about trafficking for the purposes of forced labour, in May the Special Rapporteur on the trafficking in persons reiterated a previously unmet request to visit the UAE. In March the Special Rapporteur on the human rights of migrants expressed "his interest in receiving a reply" on cases of abuses against migrant workers in previous years. The Special Rapporteur on extra-judicial executions reported in March that the UAE government had not responded to concerns from 2006 on death penalty safeguards.

UN Special Rapporteurs, including those responsible for human rights defenders, violence against women, the independence of judges and lawyers, and freedom of expression, all reported that the government failed to reply to concerns raised by their offices.

Restrictions on the right to freedom of opinion and expression

There are also reports of restrictions to the right of freedom of expression. In August 2007, the owner of a website received a five-month prison sentence on counts of defamation. The court also ordered the website to be closed. In September, two journalists working for the Khaleej Times were sentenced to two months prison terms for defamation. However, on that occasion Sheikh Mohammed bin Rashid Al-Maktoum, Vice-President, Prime Minister and Ruler of Dubai, decreed that no journalist should receive a prison sentence for press-related offences. He also urged for the enactment of a new press and publications law.

In November 2007, in an administrative measure widely seen as punitive, the authorities moved more than 80 teachers to other state jobs apparently because they were suspected of holding Islamist views.

Political parties do not exist in the United Arab Emirates; political dissent is not tolerated and those targeted for arrest are usually believed to be Islamists or those making criticisms of the human rights situation in the country, for example.

Harassment of human rights defenders

In recent years prominent human rights activists have faced harassment, including the former President of the Jurists' Association who was detained twice by Amn al-Dawla (State Security) officials. Upon release, his passport was confiscated.

D. Recommendations for action by the State under review

Amnesty International calls on the government to:


- Accede to the ICCPR and ICESCR.
- Establish a moratorium on executions with a view to abolishing the death penalty as provided by UN General Assembly resolution 62/149, adopted on 18 December 2007.
- Accede without delay to the Migrant Workers convention and ensure that its provisions are implemented.
- Publish up-to-date lists of all places of detention in a form that is readily accessible to lawyers and members of the public as a step towards ending the practice of incommunicado and secret detention and torture and other ill treatment; and make clear to all officers involved in arrest, detention and interrogation, in particular those of the Amn al-Dawla, that torture and other ill-treatment will not be tolerated under any circumstances and that those found, following a fair trial, to have carried it out will be held accountable..

- Ensure that detainees have immediate access – by law and in practice – to the outside world, in particular their lawyers and families, as well as adequate medical care.
- Establish and maintain a central register to ensure that all detainees can be promptly traced; and bring appropriate sanctions against officers responsible for the unlawful detention of detainees, including failure to keep proper records of detainees.
- Allow regular, unannounced, independent and unrestricted inspections by national and international independent expert bodies to all places where people are or may be deprived of their liberty.
- Uphold the rights to freedom of expression, freedom of assembly and freedom of association and to allow restrictions only when prescribed by law and where they are strictly necessary, in accordance with international human rights law; including by addressing deficiencies in the NGO law and its implementing regulations so that the law enables the exercise of the right to freedom of association.
- To amend the overly broad provisions in the law to combat extremist activities which criminalise the peaceful exercise of freedom of expression and association;
- Immediately cease all intimidation of human rights defenders and adhere to the principles of UN Declaration on Human Rights Defenders as a part of domestic legislation and reform legal provisions to fully protect the rights of human rights defenders, including by repealing laws that place unnecessary restrictions on human rights defenders exercising their rights to peaceful assembly and freedom of association.
- To refrain from using “extremism”-related and other laws to clamp down on peaceful dissent, independent media and civil society organizations;
- To investigate fully, promptly and impartially any reported human rights abuses against civil society activists, journalists and members of groups or communities, whether formal or informal, that oppose the structure of the state and to bring to justice anyone suspected of involvement in such abuses, in trials which meet international standards of fair trial.
- Accede to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, in order to bring the practice of torture and ill-treatment to light, whether pre or post-trial, as a part of sentencing; and ensure that detainees who lodge complaints about torture or ill-treatment are granted adequate protection so that they can lodge a complaint without the fear of being subjected to any kind of reprisal or prosecution.
- To cooperate fully with, and to accept all outstanding requests by UN Special Rapporteurs to visit the United Arab Emirates.

Appendix: Amnesty International documents for further reference

- Stop Violence Against women Report - Gulf Cooperation Council (GCC): Women deserve dignity and respect (AI Index MDE 04/004/2005)
- The Gulf and the Arabian Peninsula: Human rights fall victim to the “War on Terror” (AI Index: MDE 04/002/2004)



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UAE - AMNESTY INTERNATIONAL REPORT 2008

HUMAN RIGHTS IN UNITED ARAB EMIRATES

Head of State : Shaikh Khalifa bin Zayed Al-Nahyan
Head of government : Shaikh Mohammed bin Rashid Al Maktoum
Death penalty : retentionist
Population : 4.8 million
Life expectancy : 78.3 years
Under-5 mortality (m/f) : 9/8 per 1,000
Adult literacy : 88.7 per cent

Two men were detained incommunicado for long periods during which they alleged they were tortured; one was later sentenced to a prison term after an unfair trial. Scores of teachers suspected of Islamist views were transferred to other state jobs. Courts sentenced journalists and internet owners and writers to prison terms on defamation charges. At least one sentence of flogging and two death sentences were passed.

INCOMMUNICADO DETENTION AND TORTURE

In February, 'Abdullah Sultan al-Subaihat was arrested by Amn al-Dawla (State Security) officers in the Emirate of 'Ajman. He remained held incommunicado at an undisclosed location until June when he appeared before the Federal Supreme Court in Abu Dhabi on charges of "obtaining secret information on state security". The court, whose verdicts cannot be appealed, sentenced him to three years' imprisonment in September. During the trial, whose sessions were held in secret, 'Abdullah Sultan al-Subaihat alleged that he had been tortured while detained by Amn al-Dawla by being beaten with a hosepipe, deprived of sleep, forced to hold a chair above his head for prolonged periods and threatened with sexual assault. The court failed to order any investigation into these allegations. 'Abdullah Sultan al-Subaihat had previously been detained with two others in August 2005; all three were held incommunicado and for undisclosed reasons until October 2005, when they were released uncharged. Pakistan national Rashed Mahmood was detained in the Emirate of 'Ajman in June and held incommunicado for more than three months. He was released without charge in September and expelled to Pakistan. He was reported to have been severely beaten during the first two weeks of detention. A Sudanese national who was arrested and detained for two days without explanation after he arrived in the UAE in September subsequently went missing, raising fears that he was the victim of an enforced disappearance. Al-Sadiq Sadiq Adam Abdalla was still missing at the end of the year.

FREEDOM OF EXPRESSION

A court in Ras al-Khaimah sentenced Mohammed Rashed al-Shehhi, the owner of an internet

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website (majan.net), to one-year's imprisonment and a fine in August for defaming a local official. The court ordered the website to be closed. In September, Mohammed Rashed al-Shehhi received a five-month prison sentence and a fine in a second defamation case involving another local official. He was released on bail at the end of September and in November his two prison sentences, totalling 17 months, were overturned by an appeal court after the officials who he was alleged to have defamed withdrew their complaints. In November, Mohammed Rashed al-Shehhi received a one-year suspended prison sentence after he was convicted in a third defamation case. In September, after two journalists working for the Khaleej Times were sentenced to two-month prison terms for defamation, Shaikh Mohammed bin Rashid Al-Maktoum, Vice-President, Prime Minister and Ruler of Dubai, decreed that no journalist should receive a prison sentence for press-related offences. He also urged for the enactment of a new press and publications law. In November, in an administrative measure widely seen as punitive, the UAE authorities moved more than 80 teachers to other state jobs apparently because they were suspected of holding Islamist views.

CRUEL, INHUMAN AND DEGRADING PUNISHMENT

A court in al-'Ain convicted an unnamed teenage girl to 60 lashes for having "illicit sex" with a man when she was 14. The sentence was upheld on appeal in June. It was not known if the sentence was carried out.

MIGRANT WORKERS

A draft labour law intended to streamline employment practices was issued in February. It provided for the punishment of striking workers, but not for the right to organize, bargain collectively or strike. The draft excluded domestic workers, who do not formally have the right to a weekly day of rest, limits on hours of work, paid holidays or forms of compensation, as well as farmers, public sector workers and private security staff. In August and October, hundreds of construction workers went on strike in Dubai to protest against low salaries and poor housing conditions, including a lack of safe water supplies. By the end of the year, their demands had not been met.

INTERNATIONAL HUMAN RIGHTS BODIES

The government failed to respond to UN human rights bodies in respect to requests for access and on individual cases raised in 2006. Citing concerns about trafficking for the purposes of forced labour, in May the Special Rapporteur on the trafficking in persons reiterated a previously unmet request to visit the UAE. In March the Special Rapporteur on the human rights of migrants expressed "his interest in receiving a reply" on cases of abuses against migrant workers in previous years. The Special Rapporteur on extrajudicial, summary or arbitrary executions reported in March that the UAE government had not responded to concerns from 2006 on death penalty safeguards. UN Special Rapporteurs, including those responsible for human rights defenders, violence against women, the independence of judges and lawyers, and freedom of expression, all reported that the government failed to reply to concerns raised by their offices.

DEATH PENALTY

At least two people were sentenced to death for murder. In November the UAE government voted not to oppose a UN resolution calling for a worldwide moratorium on executions.

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Ex 19

McClatchy Washington Bureau

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Posted on Mon, Nov. 17, 2008

FBI questions American held without charges in Gulf state

Jonathan S. Landay | McClatchy Newspapers

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WASHINGTON — An American Muslim subjected to several years of intense FBI scrutiny and questioning about links to terrorism has been held without charges, access to a lawyer or contact with his family for nearly three months by the security services of the United Arab Emirates.

The case of Naji Hamdan, coupled with FBI interrogations of an American citizen secretly detained without charges in East Africa, raises the question of whether the Bush administration has asked other nations to hold Americans suspected of terrorism links whom U.S. officials lack the evidence to charge.

That allegation is central to a lawsuit that the American Civil Liberties Union was planning to file Tuesday in federal court in Washington against President Bush, Attorney General Michael Mukasey and FBI Director Robert Mueller.

"If the U.S. government is responsible for this detention and we believe it is, this is clearly illegal because our government can't contract away the Constitution by enlisting the aid of other governments that do not adhere to the Constitution's requirements," said Ahilan Arulanantham of the ACLU's southern California office.

The lawsuit, to be brought on behalf of Hamdan's wife and brother, demands that the U.S. government extend to Hamdan his constitutional guarantee against illegal detention by asking the UAE to release him.

"The most elemental legal principles by which we govern ourselves cannot countenance the lawless detention of a United States citizen at the behest of his own government," said a draft of the lawsuit provided to McClatchy by the ACLU.

A spokesman for the FBI's Los Angeles office, Alonzo Hill, referred all inquiries about Hamdan, a former resident of the city's Hawthorne neighborhood, to FBI headquarters in Washington, saying, "This is a counter-terrorism case."

FBI headquarters disputed the allegation that it had asked the UAE to arrest Hamdan but acknowledged that it routinely interviews detainees held in foreign jails.

"The FBI does not ask foreign nations to detain U.S. citizens on our behalf in order to circumvent their rights," said Special Agent Richard Kolko, a spokesman. "In terrorism matters, we routinely work with foreign counterparts and in some cases,

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with the permission of the host government, FBI Agents have been permitted to interview people who may possess relevant information."

A State Department spokesman said the department had been aware of Hamdan's detention and that a U.S. consular officer visited him nearly two months after he was arrested.

The UAE Embassy said in an e-mail to McClatchy that all questions should be directed to the police in Abu Dhabi, the UAE sheikhdom where Hamdan is being held, because the case "is related to a police/security matter, which involves a private U.S. citizen."

Abu Dhabi, one of seven oil-rich sheikhdoms, has cooperated closely with the Bush administration in cracking down against Islamist extremists following the 9/11 attacks.

Hamdan is a 42-year-old naturalized U.S. citizen who immigrated to California from Lebanon in the early 1980s to attend university on a scholarship, worked as an aircraft technician and then opened a used auto parts business in Hawthorne, where he served on the board of a local mosque.

Hamdan's interaction with the FBI began in 1999, when agents visited him at his Hawthorne home and asked if he knew Osama bin Laden. The incident was recounted in a Los Angeles Times article on aggressive tactics used in FBI terrorism investigations.

Hamdan's wife, Mona Mallouk, and brother, Hossam Hemdan, insisted that he's never had any terrorism involvement or been charged with any crime despite the longtime FBI scrutiny.

"Naji hates war. He hates what happened on September 11. He hates terrorism," Mona Hamdan said in a telephone interview from Beirut, Lebanon, where she and her children are living.

Hamdan moved to Abu Dhabi in 2006 and set up a business of importing used cars doing car repairs, but then moved his family to Beirut and traveled between the two countries.

In August, he was questioned at the U.S. embassy in Abu Dhabi by two FBI agents who flew out from Los Angeles. Several weeks later, UAE officials detained him, Mallouk and Hossam Hemdan said.

Hemdan, who owns automobile emissions testing stations in Los Angeles, said he arranged for Hamdan to meet the agents at the FBI's request.

"He (Hamdan) said 'That's fine, I'll see them,'" Hemdan recalled, adding that his brother later declined to discuss the meeting, except to say that "the agents know all this stuff about me and you and other people."

"I believe they are intercepting my phone calls and emails," Hemdan said of the FBI.

On Aug. 28, UAE security officers took Hamdan away as he, his wife and three children ate lunch in their Abu Dhabi apartment on the pretext of bringing him to a police station to sign papers related to a car accident, Mallouk said.

She said that when her husband failed to return, she began a fruitless search for him at police stations.

"I called the U.S. embassy . . . the next day. I was crying. They didn't seem to care," she related. "They said they would call back in an hour, but they didn't call me back for six or seven days."

The consular officer who telephoned confirmed that the embassy was aware of Hamdan arrest the day it occurred, said Mallouk, who hasn't spoken to her husband since he made a brief call to her shortly after his arrest.

The case finds echoes in the secret detention in Kenya last year of Amir Mohammad Meshal, a New Jersey resident who was arrested fleeing the U.S.-backed Ethiopian invasion of Somalia.

Meshal, who had spent time in Somalia with suspected Islamic extremists, was interrogated by FBI agents in Nairobi, secretly flown back into Somalia, turned over to Ethiopian intelligence officers and then flown to the Ethiopian capital of Addis Ababa, where he was imprisoned three months before being released without charges.

"I think you see a trend that reflects illegal detentions going underground or off the books, where the United States . . . out-sources detentions to other governments," said Jonathan Hafetz, an ACLU attorney who's involved in the Meshal and Hamdan cases.

Hemdan said the FBI visited his brother, himself and other Muslims in Hawthorne after the Sept. 11 attacks, showing them pictures of the hijackers and asking if they knew them. Agents called on Hamdan once at home and twice at his business, he said.

The brothers' names were placed on watch lists at airports and they would be pulled aside and interrogated about ties to terrorist groups every time they entered or left the U.S., Hemdan said.

In 2006, Hamdan and his wife moved to the UAE. She said Hamdan was frustrated over the FBI's scrutiny, and both were concerned about drugs and other problems at high school their eldest son was due to attend.

At Los Angeles International Airport, they and their luggage were rigorously searched and they were subjected to lengthy questioning that made them miss their flight, according to Mallouk.

In the UAE, Hamdan set up a used car and auto repair business. But he decided to move the family to Beirut because they have close relatives there and the UAE was too hot, she explained.

Last year, during a visit to Hawthorne, Hamdan came under intense FBI surveillance, according to Hemdan, with agents watching the brothers' businesses, tailing them in automobiles and questioning their friends.

"Where ever he went, they chased him, government vehicles with black windows," said Hemdan. "From my perspective, they wanted him to see them. They'd drive over the (lane) dividers and over curbs. They wanted to be seen so he gets scared and leaves. It's like 'You are not welcomed here.'"

"I told him to go to the Federal Building (in Los Angeles) and talk to the FBI. I gave him the number and he called and left a message, but they didn't call him back," he continued.

Earlier this year, Lebanese security officers detained Hamdan at Beirut airport as he prepared to board a flight to the UAE after visiting his family. They later ransacked the family's house and confiscated two computers, a video game, papers and photos, Mallouk said.

Her husband was "slapped" while being interrogated for four days, during which he was accused alternatively of being an al Qaida member or working for Israeli or U.S. intelligence, she said. Khalid, 16, was also questioned for three hours.

Hamdan was released without charges.

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