

THE REAL COST OF DOING BUSINESS IN THE UNITED ARAB EMIRATES

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FACTFINDING REPORT
THE REAL COST OF DOING BUSINESS
IN THE UNITED ARAB EMIRATES
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Table of Contents

EXECUTIVE SUMMARY	4
INTRODUCTION	8
THE MANDATE OF THE FACTFINDING PANEL.....	12
COMPOSITION OF THE FACTFINDING PANEL.....	15
THE OPEN EVIDENCE SESSION	18
OTHER EVIDENCE PRESENTED TO THE PANEL.....	31
HUMAN RIGHTS IN THE UAE – AN OVERVIEW	49
DOING BUSINESS IN THE UAE AND DUBAI: AN OVERVIEW.....	68
PRESS REPORTS.....	73
THE LEGAL FRAMEWORK.....	87
FINDINGS AND RECOMMENDATIONS	97

EXECUTIVE SUMMARY

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1. This Report sets out the conclusions of a Factfinding Panel of British parliamentarians who have been assembled to consider the risks to business people who do business in the UAE and to consider whether or not their basic human rights are adequately protected.
2. In short, this report considers the deficiencies in the criminal justice system in the UAE, with a specific focus on the treatment of business people, with a primary focus on UK nationals, but also considering other individuals.
3. Despite its reputation as a favourable business destination, several British business people have been held unlawfully and arbitrarily detained in the UAE, and in Dubai in particular, this is a real cause for concern both in terms of the UK doing business with the UAE and the human rights abuses against UK nationals which remain unchecked.
4. The Panel sets out proposals for reform.
5. The Panel is composed of British parliamentarians: Baroness Helena Kennedy of the Shaws, KC (Chair), the Rt Hon Sir Robert Buckland KC MP and the Rt Hon Alistair Carmichael MP. The Panel has been assisted by international human rights barristers, Rhys Davies of Temple Garden Chambers and Ben Keith of 5 St Andrew's Hill, as well as Olivia Chessell, paralegal to the Factfinding Panel.
6. The Panel was assembled following approach by relatives of individuals who have been unlawfully detained in Dubai. The panel has conducted a detailed investigation into the rights of British business people, and business people more generally, in the UAE.

7. The Panel has conducted a detailed evidence gathering process including: submissions from human rights organisations, expert evidence from business and academic sources, oral and written testimony from victims and their families, an analysis of legal sources, press reports and publicly available material.

8. In light of those investigations and the evidence received by the Panel, the Panel finds that:
 - i. The UAE, despite its modern facade and significant expatriate community, has a criminal justice system that often falls short of guaranteeing basic human rights.
 - ii. The UAE's legal framework poses significant challenges for business professionals, especially non-Emiratis. The country's laws contain harsh penalties for freedom of expression violations, such as insulting the ruler or the state's reputation.
 - iii. The independence of the judiciary in the UAE is a matter of concern.
 - iv. The "No pay no go" mechanisms and Dubai Law 37 of 2009 were highlighted as areas of particular concern. These mechanisms can be improperly deployed, leading to potential injustices for business professionals.

9. Accordingly, the Panellists call upon the governments of both the UK and UAE to take immediate action to protect the rights of those individuals who are already unlawfully detained as well as to engage in systemic reform. It is critical, in particular, that the UK Government takes action to ensure that the rights of British citizens in Dubai, and the UAE more generally, are adequately protected. We conclude that, at present, those rights are not adequately protected. The panel recommends that:
 - i. Business professionals should be made aware of these risks to make informed decisions about investments and operations in the region.

- ii. The UAE should consider reforms to its criminal justice system to ensure it aligns with international human rights standards.
- iii. The UAE should ensure that foreign detainees have the right to communicate with their consular authorities without undue restrictions.
- iv. The UAE should actively engage with human rights organizations and legal experts to address concerns and implement recommendations.
- v. The UAE should conduct a thorough review of the "No pay no go" mechanisms and Dubai Law 37 of 2009 to ensure they are not misused or improperly deployed against business professionals.
- vi. The UAE Government should immediately release any prisoners held improperly subsequent to the misuse of Law 37 as well as the No Pay No Go regime.
- vii. The UK Government should engage with the UAE authorities to address concerns related to the treatment of UK nationals in the UAE.
- viii. The UK Government should provide adequate support and assistance to UK nationals detained in the UAE.
- ix. The UK Government should take steps to ensure the release of any prisoners detained arbitrarily or otherwise unlawfully. This should include all steps to secure the release of business people who have been held improperly as set out elsewhere in this document.

INTRODUCTION

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10. The United Arab Emirates have positioned themselves as a prominent global commercial hub, offering lucrative opportunities for businesses. However, there are real concerns regarding the criminal justice system in the UAE, in particular the impact of that criminal justice system on non-Emirati nationals. Those concerns are that there remain risks of serious human rights breaches and attacks on businesses of people operating within the UAE and Dubai in particular.
11. The UAE seeks to present itself as an outward-facing, westernised and modern society, and has a significant ex-pat community. Estimates suggest that there are more than 100,000 Britons living and working there at any given time. Yet, despite that modern image of the Emirates, its criminal justice system and its approach towards human rights are frequently and rightly, in our view, criticised.
12. The UAE has acceded to various treaties including the Convention on the Rights of the Child in 1997 and Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in 2012, although the implementation of those treaties is poor. The evidence presented to the Panel suggests that fundamental rights, such as freedom of expression, freedom of religion and freedom of association remain restricted. Furthermore, the Emirati criminal justice system is often criticised at a high level – for example, in 2014, the then Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul, upon assessing the Emirati criminal justice system, found that she was:

“...alarmed by a number of credible reports stating that persons arrested for allegedly violating the security of the state are subject to numerous procedural violations. Some are kept in secret detention facilities and held incommunicado, or even solitary confinement, for extended periods of time,

and under these circumstances many are subject to torture and/or ill-treatment.”¹

13. The Panel has been made aware that there have been some recent steps towards reform of the human rights landscape in the UAE. For example, in 2020, the Emirati Government announced that it was reforming aspects of the country’s personal status laws. Yet, despite recent moves towards reform, there is still evidence tending to suggest that the Emirati criminal justice system, for example, falls far short of guaranteeing basic fair trial rights to individuals who may be drawn into it.
14. The intention of the Panel is to produce an independent Report, complete with evidence-based recommendations for systemic reform. Thus the purpose of this Report is two-fold: firstly, to enhance transparency around the possible risks of doing business in the UAE and Dubai, such as to enable business people who are operating in the country to make important choices; and secondly, to act as a resource for policy decisions towards fostering a more fair, equitable and business friendly environment in the UAE, with a focus on Dubai, such that individuals’ rights are properly respected.
15. Accordingly, this Report intends to provide an in-depth exploration of the risks to business people in the UAE and Dubai, setting out risks that might be faced and providing the context for a wider discourse surrounding necessary reforms. Plainly, it is critical for business people to make informed decisions about investment and operations in a foreign market. There are many recent examples of unjust treatment of business professionals, particularly those who are not native to the UAE and this places Dubai and the UAE’s wider criminal justice system under the microscope.
16. Dubai, with its advanced infrastructure, strategic location and investor-friendly policies has long been a beacon for businesses seeking to establish a footprint in the Middle East. Many of the world’s leading companies now have a footprint there.

¹ <https://www.ohchr.org/en/press-releases/2014/02/un-human-rights-expert-urges-united-arab-emirates-strengthen-independence>

However, controversy surrounding its criminal justice system casts a shadow over its reputation as a global business hub. Recent controversies concerning allegations of Emirati and Dubai-based complicity in the facilitation of the illegal Russian invasion of the Ukraine have further called Dubai's reputation into question². We analyse evidence provided at an Open Evidence Session and the challenges faced by individuals who are operating in Dubai and the wider UAE.

17. As a result, this Report covers, amongst other things, the following:
 - An analysis of the human rights landscape and criminal justice system and deficiencies of the same in Dubai and the UAE.
 - A broad consideration of the risks of doing business in Dubai and the UAE.
 - A specific focus on business people who are imprisoned in the UAE and Dubai, including how the criminal justice system may be manipulated by powerful individuals, the criminalisation of debts, the approach and absence of the rule of law, breaches of due process and lack of fair trial rights.
 - A particular focus on the improper deployment of Dubai Law 37 of 2009 and what is known as “*No pay no go*” mechanisms.

18. This Report provides an opportunity to shine a spotlight on the matters referred to above. This Report represents also an all too rare opportunity for victims and their families to have their voices heard. Dissent in the UAE is rare. We hope that this Report gives a voice to individuals and families who have been let down by the system and their own government.

² <https://www.wsj.com/world/middle-east/western-officials-plan-to-warn-u-a-e-over-trade-with-russia-686ab06c>

THE MANDATE OF THE FACTFINDING PANEL

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19. The Factfinding Panel has been asked to produce a Report concerning the treatment of business people in Dubai and the United Arab Emirates, particularly non-Emiratis and particularly Britons. The Parliamentary Panel has therefore been asked to investigate this matter and produce an independent report with proposals for reform. The principal objective of the Panel is to conduct an in-depth investigation into the business and legal environment in Dubai and the UAE and its potential risks for those individuals.

20. Consequently, the specific terms of reference for the Factfinding Panel and subsequent Report include:
 - (i) An examination of the legal framework for business people operating in Dubai and the UAE, specifically with a focus on non-Emirati individuals.
 - (ii) The review specific cases where business people have reported or allege unfair treatment, abuse or detention within the Dubai and Emirati criminal justice system.
 - (iii) Taking evidence from business people who have been directly affected by any unfair treatment, etc to gain a comprehensive understanding of their experiences and challenges they have faced.
 - (iv) Liaising with international human rights experts and legal experts for an objective evaluation of the legal landscape.
 - (v) Conducting investigations including the taking of all relevant evidence and referring to specific case studies, setting out specific examples of breaches of rights of business people in Dubai and the UAE.
 - (vi) Making recommendations to the United Kingdom and United Arab Emirates Governments, setting out any steps that can sensibly be taken to protect the rights of Britons and other individuals engaging in business in Dubai and the UAE.

21. The Panel held an Open Evidence Session in Committee Room 1 of the House of Lords on 14th June 2023. Counsel to the Panel called oral evidence from representatives of MENA Rights Group, as well as evidence from business and academic experts. Oral evidence was also called from victims and their families, as well as Charles Ridley, a businessman currently held in prison in Dubai, who attended via telephone link. Details of the evidence received during the course of the Open Evidence Session are set out elsewhere in this Report.

22. The Panel has also been provided with a wealth of relevant documentary evidence and has considered the same with the assistance of Counsel to the Panel. That documentary evidence includes:
 - (i) Submissions to the United Nations by NGOs and victims.
 - (ii) Opinions from the United Nations.
 - (iii) Other reports from diverse NGOs and rights groups including Amnesty, Human Rights Watch, MENA Rights Group, etc.
 - (iv) Press reports from credible news sources.
 - (v) US State Department reporting.
 - (vi) UK Government documentation.

23. Further to the evidence above, legal advisors to the Factfinding Panel have conducted detailed open source investigations. This Report endeavours to be an impartial document and reaches any relevant conclusions on the balance of probabilities.

COMPOSITION OF THE FACTFINDING PANEL

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24. The members of the Panel are as follows:

Baroness Helena Kennedy of the Shaws KC

Baroness Kennedy of the Shaws is a barrister, broadcaster and member of the House of Lords. Baroness Kennedy served a Principal of Mansfield College, Oxford, between 2011 and 2018. In her role as a barrister, Baroness Kennedy practiced predominantly in criminal law, undertaking leading work of all kinds. She was Chair of the Human Genetics Commission, President of the School of Oriental and African Studies at the University of London. She is a leading and frequent broadcaster and journalist on law and women's rights.

Rt Hon Sir Robert Buckland KC MP

Sir Robert was elected Member of Parliament for South Swindon in 2010. He is a door tenant at 23 Essex Street Chambers and, in 2009, he was appointed as a Recorder of the Crown Court, sitting on the Midland Circuit.

Sir Robert served as Chairman of the Conservative Party Human Rights Commission from 2011 to 2014. Between 2019 to 2021, Sir Robert served as Lord Chancellor and Secretary of State for Justice. He is Chair of the All Party Parliamentary Group on Autism, Chair of the All Party Parliamentary Group on Western Gateway, Chair of the All Party Parliamentary Group on Learning Disability, and Co-Chair of the All Parliamentary Group on Domestic Violence and Abuse.

Rt Hon Alistair Carmichael MP

Alistair was elected Member of Parliament for Orkney and Shetland in 2001. Since becoming an MP, Alistair has campaigned on a range of issues important to people in the Northern Isles. He is also well-known for his work on human rights and has been an active campaigner for the worldwide abolition of the death penalty.

Alistair is Vice Chair of the All Party Parliamentary Group on Democracy and Human Rights in the Gulf, the All Parliamentary Group on Arab World, the All Parliamentary Group on Kuwait, and Chair of the All Parliamentary Group on Uyghurs.

Rhys Davies – Legal Counsel to the Panel

Rhys Davies is a leading international criminal law and human rights law barrister. Rhys has a wealth of experience of in-country legal advice and assistance, most recently in the West Bank, and has a specific interest in the Middle East. He is a member of the List of Counsel for the International Criminal Court, the Kosovo Specialist Chambers and the Special Tribunal for Lebanon. Rhys is recommended as a leading individual in the Legal 500 guide. Rhys was jointly named with Ben Keith International Pro Bono Barrister of the Year in 2021/2022.

Ben Keith – Legal Counsel to the Panel

Ben Keith is a leading barrister specialising in cross-border and international cases. He deals with all aspects of Extradition, Human Rights, Mutual Legal Assistance, Interpol, Financial crime and International Law including sanctions. He represents governments, political and military leaders, High Net Worth individuals, human rights defenders, and business leaders in the most sensitive of cases.

Ben has extensive experience of appellate proceedings before the Administrative and Divisional Courts, Civil and Criminal Divisions of the Court of Appeal and the Supreme Court as well as applications and appeals to the European Court of Human Rights (ECHR) and United Nations. He has expertise in the Middle East including UAE, Saudi Arabia, Bahrain and Egypt dealing with cases of torture, disappearance and universal jurisdiction and as well as many jurisdictions in the Far East including China, South Korea, Singapore, Hong Kong, Thailand, Philippines and Malaysia.

THE OPEN EVIDENCE SESSION

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25. The Factfinding Panel held an Open Evidence Session (OES) on 14th June 2023 in Committee Room 1 at the House of Lords. Baroness Kennedy KC chaired the session with both Sir Robert Buckland KC and Alistair Carmichael MP present. The OES reflected an inquiry or courtroom session with Counsel Rhys Davies and Ben Keith assisting the Panel and calling oral evidence from witnesses. Those witnesses gave their evidence and were further asked questions by Panel members as necessary.
26. A full transcript of the evidence given at the OES can be found attached to this report at Exhibit A. Nevertheless, it is both convenient and important to refer to some of the key evidence provided at that session within the body of this document.
27. The OES was split into two sections. Firstly, representatives from three leading NGOs gave their evidence. The first speaker was Alex Thiry of the MENA Rights Group. The second speaker was Matthew Hedges, a British academic detained in the UAE in 2018 and the third expert speaker was Meredith Morrison of the Risk Advisory Group. Thereafter, evidence was given by complainants and/or their families including Chris Pagett CMG OBE, the brother-in-law of British citizen and detainee in the United Arab Emirates, Ryan Cornelius. Ryan Cornelius's wife, Heather, also gave evidence alongside Chris Pagett. We also heard from Charles Ridley, a detainee in Al-Awir Central Prison in Dubai, who joined via phone link and finally, we heard from Mr Martin Lonergan, a British businessman who was detained in the UAE in 2020.
28. The first speaker being Alex Thiry of the MENA Rights Group. Mr Thiry is the legal advisor for MENA Rights Group where he worked on a range of matters including the respective fundamental rights in the context of the fight against terrorism and in the field of transnational justice. Mr Thiry has a focus on issues relating to North African countries including the rise of transnational repression in the region and regularly litigates extradition cases throughout the MENA region on behalf of individuals in need of protection from refoulement. Mr Thiry holds an MA in International Law from

the London School of African and Oriental Studies. Mr Thiry provided an overview as to the human rights landscape and the criminal justice system in the UAE with specific focus on the lack of safeguards in the operation of the Emirati justice system. Mr Thiry was able to give a detailed and contextual background from the Arab Spring in 2011 onwards. Mr Thiry was able to illustrate the repressive way in which the justice system operates, often using allegations of terrorism, itself very vaguely defined, in order to improperly target opponents and dissenters.

29. Mr Thiry gave particular evidence on the absence of freedom of expression and the punishment of “*freedom of expression crimes*”, stating that:

“They contain very harsh prison sentences for freedom of expression crimes. For instances, insulting the ruler or the reputation of the states. The same with the penal codes. Since we are talking also about the treatment for non-nationals in the UAE, I would like to insist on the fact that the penal code also provides for up to ten years in prison for anyone who commits any hostile act against a foreign country that could expose the UAE to the severance of the United Nations and its provisions have been used against a number of foreigners in the UAE who criticised the authorities of their home country. Not necessarily in relation to Britain, but we have cases other nationals and this law was used.”

30. Mr Thiry also went on to highlight the manner in which pre-trial detention occurs and custody time limits as well as the absence of free legal assistance. For example, Mr Thiry stated:

“When it comes to free legal assistance it is only mentioned for cases related to a case where the death penalty might be applicable. Again, the death penalty is prescribed but it is also not as widely practised as in other countries in the region. It is also limited in practice, also in the law, because before they can meet a lawyer, the detainees need to obtain written permission from the

Prosecution Office. The meetings have to take place within the site, but outside the hearing of the detention facility person.”

31. Perhaps of particular importance to matters set out in this document, Mr Thiry addressed the issue of consular protection, observing that:

“Most people living the UAE are foreigners. They are not Emiratis. Article 18 of the law regulating penal facilities prescribes that foreign detainees shall have the right to communicate with their consular authorities upon receiving authorisation from the ... Public Prosecution. It is exactly as I explained when it comes to lawyers, it must be within the sight of the prison personnel but not within the hearing of ... I think the case of Matthew Hedges it is right the fact that there is a gap between the law and the practice. It is the case of Matthew, but also we had documented similar violations for Jordanians or internationals. And also something I would like to mention, that the UAE is not a party to the Vienna Convention on Consular Relations which contains a number of safeguards when it comes to consular protection.”

32. Likewise, Mr Thiry painted an alarming portrait in relation to the independence of the judiciary in the UAE and highlighted concerns as to the absence of fair trials. He noted that:

“... many Judges are foreigners in the UAE and there is a lack of tenure for foreign judges rendering them susceptible to political pressure. The Executive enjoys discretionary power to decide whether renew the term of the contract of foreign Judges and something that was highlighted by the former Rapporteur on the Independence of Judges and Lawyers, there was a ... conducted in the UAE in 2014 and she noted that there was a difference of treatment, a perception but I think in reality, when it comes to the unfair treatment of foreigners.”

33. When asked by the Panellists in relation to interventions made by law firms in the UAE, Mr Thiry was able to tell the Panel that:

“Every time we deal with cases with those detained and subjected to arbitrary detention in the UAE we have never managed to engage with lawyers. It is extremely difficult. It is that they do not want to speak to us, or they are afraid of reprisals, but we don’t obtain information from them and if I mention this, just to tell you, maybe there is not necessarily a lot of lawyers sensitive to human rights issues and willing to speak.”

34. Dr Matthew Hedges then gave evidence. In May 2018, Dr Hedges, then a PhD candidate at Durham University and in the UAE for a two-week research trip was arrested at Dubai International Airport on suspicion of spying on behalf of the British Government. In November of the same year, Dr Hedges was sentenced to life imprisonment in that country on charges of espionage. The verdict caused outrage in the United Kingdom with the British Prime Minister and Secretary of State for Foreign and Commonwealth Affairs Jeremy Hunt intervening. Dr Hedges was ultimately pardoned at the end of 2018 and returned to the United Kingdom. He is an expert in UAE policy.
35. Dr Hedges gave evidence in brief on his own matter and an investigation by the Parliamentary Ombudsman into the conduct of the Foreign Office. We understand that that investigation has now concluded. Dr Hedges was able to shed some disturbing light on the assistance provided to him when he was detained from the British Embassy in the UAE. Dr Hedges also addressed state sanctioned abuse of INTERPOL by the UAE. He also addressed what appeared to be a lopsided approach to non-Emiratis brought into the criminal justice system.
36. Thereafter, Charles Ridley joined the Open Evidence Session by phone link from prison in Dubai. Charles Ridley is a British citizen currently imprisoned at the Central Prison in Dubai. Until 2008, Mr Ridley was a successful businessman with particular

experience in financing trade receivables. Mr Ridley was arrested in Dubai in 2008 and was convicted in 2011 of being an accomplice to the embezzlement of US\$501m from the Dubai Islamic Bank. In 2016 Charles should have been released and deported having completed his sentence with a reduction for good behaviour, however, he remained in prison for over two years without any explanation and in 2018 the Dubai courts extended his sentence by a further 20 years under Law 37. He remains incarcerated.

37. Mr Ridley's evidence was equally disturbing and moving. He was able to inform the Panel as to the background to his case and the sentence that was imposed upon him. In particular, Mr Ridley was able to inform the Panel as to the use of a law known as Law 37, telling the Panel that after he completed his original prison sentence:

"...we were summoned to go to court and Law 37 proceedings started and the result of those, which I'll come back to, but the result of those was that in May 2018 we received a 20 year sentence under Law 37. We are currently into that 20 years. We have about another 15 or 16 years to go. I'll come back to Law 37, but I'd just like to make one point, if I may, which is that during the period between finishing our primary sentence for the 10 years and before we were charged under Law 37 I often ... what was going on and basically there was not a lot of interest. There was no contact at all from the Embassy during that period at all...Law 37 is a Dubai-specific law as No Pay No go, whichever way you want to phrase it. Both of these are Dubai-specific and under Law 37, which only has twelve articles, it is very short, if a criminal court has awarded in its judgment a restitution payment and that payment has not been made then the creditor, in this case the Bank, can demand the Dubai court, and use the word demand, demand Dubai Courts to further jail people for a period of between 5 and 20 years, depending on the amount unpaid."

38. Mr Ridley further gave disturbing testimony relating to the additional sentence of imprisonment imposed upon him and the lack of any judicial process. Mr Ridley was

able to inform the Panel that Law 37 is a draconian law and appeared to be used retroactively. Mr Ridley also informed the Panel that Law 37 has not been applied to anyone else, according to his knowledge, since it was issued in 2009 except on Mr Cornelius and Mr Ridley, and perhaps a few other Pakistani citizens, notwithstanding that there might be hundreds of cases in which it could readily be applied.

39. Mr Ridley also informed the Panel regarding the “No Pay No Go” law which was said to differ from Law 37, but was also said to be draconian. In particular, Mr Ridley said:

“It is different to Law 37 because Law 37 is actually law, whether you like it or not, it is a law that has been issued. Under No Pay No Go, one happens there is that the Judge issues the sentence with a fine or two fines, or whatever and the prosecutor adds onto the sentence, onto the judgment an instruction to the prison which says “you may not release him until he has paid these amounts”. This is not even a law. It is just something that the Dubai prosecutor has and people stay in jail for years and years because of No Pay No Go.”

40. Mr Ridley concluded with further harrowing evidence about both Law 37 and the No Pay No Go mechanism and informed the Panel that in:

“Law 37, in one clause, it says “you will not be ... in front of a judge you will not be held under Law 37 if you are 70 years old or older”. It does not say “if you are in jail and you have reached the age of 70 you will be released” and that is obviously something that, if we’re still here, which hopefully we’re not, but if we’re still here, that’s an issue that we would want to be looked at at that stage.

And the other thing I’d like to say is that neither of these laws are ... to anybody. When you come to Dubai you don’t know anything about these laws. Even in Dubai you know nothing about these laws. When I first saw the prison governor after we got our sentence in 2018 after Law 37, we told the

prison governor said we're here under Law 37. He had to ask me what was Law 37. He had no idea what we were talking about. This is a law that has been specifically brought in to focus on individuals who may or may not have upset certain people within the Dubai community. The Chairman of the Bank, a gentleman called al-Shaibani, is also the Director General of the Ruler's Court, the Court in Dubai. He is also the Deputy Chairman of the Judicial System. No-one, but no-one will argue with al-Shaibani ... at some stage is a very trusted ... he is probably the most trusted. I say this because, bearing in mind we are the only people to have been targeted with Law 37, bearing in mind he is behind, and obviously supports the No Pay No Go, ... prosecutor to add things to a judgment one asks the question whether he is the driving force behind all of this, as he crops up at every single point. People come to Dubai, people come and do business, but on... it is very difficult to get out, very difficult. I am not saying that what we did or what we did not do is right or wrong, we paid with our ten year sentence and to get a 20 year sentence over that or for somebody else to get a No Pay No Go ... Sentence is, we're talking archaic times, we're talking pre-Victorian, more or less."

41. The use of Law 37 and the No Pay No Go mechanisms appeared, on the face of matters, to wholly ride contrary to the rule of law.
42. The Panel then heard from Meredith Morrison of the Risk Advisory Group. Miss Morrison was the Head of Business Intelligence for the Middle East and North Africa and an Associate Director at the Risk Advisory Group. She was formerly a GCC Public Sector and Strategy Specialist with McKinsey and Company's Middle East office and began her career in Foreign and National Security Policy Advisory in the US. Miss Morrison holds degrees from both Oxford and Yale and is fluent in Arabic and Persian.
43. Miss Morrison was able to give a particular perspective on a business focused approach to the UAE with particular reference to regulatory and reputational risks of doing business in that country. Miss Morrison said that:

“What I often tell clients is that the UAE is the biggest risk to businesses in the Middle East, operating there. I think that is true on a corporate and institutional level as well as on an individual level. Individuals and institutions go into the UAE and have this reputation of being a business paradise and I think people go in without an understanding of the risks that they are facing and, for example, the courts there, what they are in danger of experiencing is basically that somebody decides that they would like to go after them.”

44. Miss Morrison went on to clarify that doing business in the UAE represented the “*biggest latent risk*”, stating that:

“When you lay out the risk profile of doing business in the UAE, how can it be that this place is so celebrated in the media. Lots of people have gone and made lots of money there. They’re a very important part of the global financial and commercial system. How can you say that the risks are this great? The answer is that they have great PR. I think they have the best reputation in the region, actually, and it is the risks that are unknown.”

45. Miss Morrison was able to give further background as to the governmental structure and the PR deployed by the UAE in particular detail.
46. Miss Morrison also gave evidence as to what appeared to be a lopsided relationship between the UAE, Abu Dhabi and Dubai with, for example, the United States and other countries. Miss Morrison told the Panel the Emirati ruling family’s perspective was that “*the rest of the world needs Abu Dhabi more than Abu Dhabi needs them*”.
47. The Panel then heard from Chris Pagett and Heather Cornelius. Chris Pagett acted for HM Diplomatic Service and was posted in Havana, Lusaka, Maputo and UK MIS New York. His professional assignments have included direct involvement in the Lancaster House Rhodesia/Zimbabwe negotiations, the Falklands War, the Mozambiquan Peace

Process, the Hong Kong handover negotiations, amongst others. Mr Pagett was Director of Operations for Asia and the Americas (2000 to 2005) and Russia and the former Soviet Union (2005 to 2007). Between 2007 and 2017, Mr Pagett was Head of Group Security, Fraud and Geopolitical Risks for HSBC Limited. Mr Pagett has been leading efforts to have the British Government intervene to acknowledge the injustice done to his brother-in-law, Ryan Cornelius. Mr Cornelius has been arbitrarily detained in the UAE for over a decade and a half. Following the United Nations Working Group on Arbitrary Detention's finding that Mr Cornelius has been arbitrarily detained, the Foreign Office has now agreed to support a family plea for clemency to the Ruler of Dubai. That request was submitted in March of this year, but no reply has been received.

48. The Panel also heard evidence from Heather Cornelius, Ryan Cornelius's wife. Heather moved to Saudi Arabia in 1982 where she met her husband who ran a successful construction company there. Heather worked as a physiotherapist in Saudi Arabia until 1996 when her husband sold his company and the family moved to Bahrain. Ryan embarked on a number of new business ventures, including a large property development in Dubai, while Heather focused on raising their three children. When the credit line supporting Ryan's businesses was called in at the onset of the global financial crisis in 2007, he pledged all the family assets as collateral in a restructuring agreement with the Dubai Islamic Bank (DIB). Although current with the repayment schedule, he was arrested on DIB's orders while in transit through Dubai airport in May 2008. DIB foreclosed on his loan while he was being held in solitary confinement, and commenced seizure of his businesses and personal assets, forcing us into bankruptcy. With no source of income, Heather was obliged to leave Bahrain and return to London. Their London home was seized by DIB in 2016, following which Heather has lived in rented accommodation while supporting their children as best she can.
49. Mr Pagett began by setting out the background to Ryan Cornelius's case as well as giving important analysis of the relationship between the UK and the UAE, noting that

over the last fifteen years the relationship between the two countries has totally reversed. Mr Pagett stated that:

“The UAE is vastly richer than it was 50 years ago and now it owns huge chunks of UK plc. Two of our biggest ports, London Gateway and Southampton are owned by Dubai Ports World, owns our most successful football clubs, it’s also the biggest sovereign wealth investor in green energy and life sciences. The British Foreign Office role now really seems to be to do its best to look as if it’s somehow or other still in charge of this relationship, in which the terms of influence have reversed completely. And that is has put us in some pretty undignified positions. Mohammed al Shaibani has been found by a British Judge to have been personally responsible for the armed abduction of one of the Ruler’s daughters from the streets of Cambridge, and that has been found by a British Court. There is prima facie evidence that the Foreign Office was able to instruct Cambridge police from taking that investigation further. This is the same man who is now keeping Ryan in prison.”

50. Mr Pagett was also able to shed light on the recent conduct of the UAE in relation to the war in Ukraine. Mr Pagett stated that *“the UAE has made itself an exceedingly comfortable home for Russian money. It is a point for embargoed Russian oil and the smuggling of assets into Russia.”*

51. The Panel then heard from Martin Lonergan, a British business man who, in 2020, whilst living in Dubai and working for a Singapore based group was arrested after an allegation was made by a Franco-Arabic speaking client to the Dubai Police. He was improperly detained for nine months in al-Awir Central during the Covid pandemic. During his detention, Mr Lonergan was subjected to inhumane conditions and torture, losing over a third of his body weight. When his accuser failed to provide any evidence in support of the allegations he was ultimately released. Had the accuser come forward with proof of loss, Mr Lonergan would likely have remained in jail under the No Pay No Go mechanism and not left prison until he had paid sums to his accuser.

52. Mr Lonergan was able to give evidence about a number of detainees, including Ryan Cornelius and Charles Ridley as well as Zack Shahin, an American businessman who was also arrested in 2009, at the same time as Charles and Ryan. In relation to that case, Mr Lonergan said:

“He is sitting in the cell next to Charles, has been there for the same length of time. He suffers exactly the same future as Charles and Ryan. The only similarity between him, Charles and Ryan is the fact that he had half a billion dollar business and the guy that decided to put him in jail and take the business is Mohammed al Shaibani. It’s exactly the same. This guy is a serial offender. Zack had never met Charles and Ryan until they wound up in jail together. He was an American Pepsi-Cola executive, running a property company called Deyaar. Shaibani now owns that.”

53. Mr Lonergan was able to go on and give particular evidence in relation to Mohammed al-Shaibani and the power grab that followed when the Ruler of Dubai died in 2006. Mr Lonergan said:

“In 2006, when the Ruler of Dubai died and his younger brother, Mohammed bin Rashid came to power in 2007, there was a changing of the guard and people like Ryan and Charles who had enjoyed successful businesses and grown for many years under the previous regime. They had a guy, the Chairman of Dubai Islamic Bank is a guy called Dr Kharbash, an Emirati. When Mohammed bin Rashid came to power, Shaibani was a very low ranking guy, had worked in the family wealth office with Mohammed bin Rashid in Singapore and he moved back to Dubai and was swiftly moved up the food chain and became the right hand man of Mohammed bin Rashid. Obviously, the brother that had originally sat over Dr Kharbash, he was no longer on the scene, he’d died. And Mohammed al Shaibani got himself appointed Head of the Bank and Dr Kharbash was accused of corruption in 2008. Anybody that was lending or

doing business with Dubai Islamic Bank under the Kharbash regime, high ranking players like the CCH company with their half a billion dollar loan and Deyaar, another big property company, they were the jewels in the portfolio of Kharbash, they were all accused of being involved in this corruption or whatever. Kharbash never did a day in jail. Removed from public office and was rarely seen again, but he was never prosecuted for anything. But the European companies that were taken away, or gorged by al Shaibani, anybody that worked for those went to jail and have remained there ever since. Obviously these two British guys and Zack Shahin, the American. They were the two major accounts that were valuable and ripe for the picking by Mohammed al Shaibani. It was just a power grab.”

54. Mr Lonergan was also able to give evidence as to the Foley Foundation in the United States and the Levison Act in relation to the US response to state sanctioned hostage taking. He was also able to give evidence as to the assistance he received as a result of his status as a dual British-Irish citizen and stated that the Irish Consul was much more effective than the British Embassy. He gave harrowing evidence as to the conditions in prison and the treatment meted out to him. He stated that:

“I lost 5½ stone. I went from being a 16½ stone guy to an 11st man, I looked like someone out of a concentration camp. It was horrendous, and the conditions are horrifying. How Charles and Ryan have survived as long as they have, I mean his wife is sitting behind me, but they are not in good shape and Ryan’s got tuberculosis, Charles has had a huge lump removed from his leg. He had to have stomach surgery. The nutrition is non-existent. There are freezing conditions. There’s no change of clothes. I had a single blanket and a thin rubber mattress for the 279 days. I never had an ability to wash the blanket. I had no bedding. I had two white t-shirt and two pairs of white cotton trousers which I washed in a sink next to the toilet. It is absolutely horrendous, the cells are damp. Nothing works. We went days and weeks without proper food. The telephone was hardly ever working. It is medieval.”

OTHER EVIDENCE PRESENTED TO THE PANEL

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55. In addition to the detailed Open Evidence Session which took place on 14th June 2023, the Fact-Finding Panel has been presented with a broad spectrum of open-source evidence on human rights in the UAE and Dubai, collated and considered on a thematic basis.
56. Concerning the rule of law in the UAE, the report has considered a number of reports from leading sources including the Human Rights Watch World Report 2023, a report from the Gulf Centre for Human Rights – Torture in the United Arab Emirates: *The Tolerance Charade 2021*, Amnesty International’s most 2022 global report as well as the US State Department’s 2022 Country Report on Human Rights Practices. We have also considered various other reports from other NGOs as well as a number of United Nations Human Rights Council reports.
57. The Panel also considered issues relating to the UAE’s international relations with ally states including the UK, the US, and the EU, and have been noted reports and documents from the UK House of Commons Foreign Affairs Committee, the UK All-Party Parliamentary Group on Deaths Abroad, Consular Services and Assistance, the UK Parliamentary and Health Service Ombudsman, the US Congressional Research Service.
58. The Panel has considered materials relating to human rights and business in the UAE including documents and reports from the Carnegie Endowment for International Peace, the EU Annual Report on Human Rights and Democracy in the World 2022
59. Regarding torture and mistreatment of detainees, the panel has considered reports by NGO’s including ICF UAE, MENA Rights Group and various United Nations submissions.

60. We have had our attention drawn to a Freedom of Information Act request which was answered in October 2016. That answer noted that the FCO Consulate Director was aware of allegations made by 28 British nationals of torture and mistreatment in UAE prisons between September 2011 and the date of the question. No breakdown was given by way of gender in that answer. The figure was said to be less than six. However, that answer also notes that the Foreign Office could not “*provide figures for either the number of women who have complained that they have been prevented access to a lawyer, or for those who have complained that they have not received a fair trial as to do so would require manual search of approximately 1,350 case files...*” The inference therefore at that time was that the Foreign Office had recorded more than 1,350 UK female detentions in the UAE over the preceding five or so years.
61. For completeness, the Panel’s attention has been drawn to the following principal documents and evidence, amongst others:
- i. ***Civil Society Joint Statement: UAE Human Rights Ahead of COP28³ (2023)*** In addition to raising concerns about the ongoing arbitrary detention of human rights defenders the statement notes that: The UAE government has also unjustly imprisoned other Emiratis and foreigners over the past decade, such as the academic Dr Nasser bin Ghaith; the prominent blogger and 2015 Martin Ennals Award winner Ahmed Mansoor; Abdulrahman Al-Nahhas, a Syrian; and Ahmed Al-Atoum, a Jordanian. Abdullah Al-Helou, whose prison sentence ended 6 years ago, and Abdulwahed Al-Badi, an engineer, whose sentence ended five years ago, are among those still in prison years after their sentences were completed ... Civil society groups fear that the severe restrictions imposed by the UAE authorities in recent years will hinder the full and meaningful participation of journalists, activists, human rights defenders, civil society, youth groups, and indigenous peoples’ representatives at COP28.

³ <https://www.hrw.org/news/2023/05/01/joint-statement-uae-human-rights-record-ahead-cop28>

- ii. **Parliamentary and Health Service Ombudsman – *Foreign Office missed signs of potential torture of British academic*⁴ (2023)**, following a complaint, the Ombudsman’s investigation found that the UK government failed to follow its own guidance on detecting potential torture and mistreatment of British nationals. When they visited him, embassy staff noted Mr Hedges’ voice was shaking. He avoided eye contact and mentioned having anxiety attacks. These were all signs that he might have been subject to torture or mistreatment: “*FCDO guidelines state that staff should act on these warning signs even when they do not have consent. Given that Mr Hedges was supervised at all times by those he alleges were mistreating him, it must have been clear to FCDO staff that he was not in a position to give or withhold consent.*”

The Ombudsman recommended that “*within three months of the final report FCDO say what it will do to ensure its handling of similar circumstances is consistent with relevant guidance.*”

- iii. **ICF UAE – *The practice of indefinite detention in the UAE*⁵ (2022)**: factsheet about political prisoners who are being held arbitrarily beyond their sentence: “*As of 2021, seven male prisoners of conscience who have completed their sentences continue to be detained without due process in Munasaha centres within Abu Dhabi’s Al Razeen prison. Two female prisoners of conscience, whose sentences expired in 2021, have been faced with an additional charge and are being kept in the same detention facility in Al Wathba prison where they carried out their original sentences.*”
- iv. **House of Commons Foreign Affairs Committee – *Stolen years: combatting state hostage diplomacy*⁶ (2022-2023)**, regarding the *role of publicity in compelling*

⁴ <https://www.ombudsman.org.uk/news-and-blog/news/foreign-office-missed-signs-potential-torture-british-academic>

⁵ <http://icfuae.org.uk/sites/default/files/Indefinite%20detention%20in%20the%20United%20Arab%20Emirates-Factsheet.pdf>

⁶ <https://publications.parliament.uk/pa/cm5803/cmselect/cmffaff/166/report.html>

Government action and communicating injustice, the report concludes: “It is the view of many families of detainees, and of the former Foreign Secretary Jeremy Hunt, that cases are generally treated as just one in a long list of priorities for the Government’s diplomatic agenda with the offending country, and were afforded diplomatic capital according to the priorities each of the five Foreign Secretaries decided to give it ... In a 2014 report from one of our predecessor Committees it was noted that the response by the Foreign Office in such cases should be based on the needs of each case rather than the levels of media attention ... Little appears to have changed. Minister for Consular Policy, David Rutley, was unaware of the situation regarding highly significant cases when questioned about them by the Committee ... Daniela Tejada, wife of Matthew Hedges, a UK academic detained in the United Arab Emirates, maintains that she was certain the only reason her husband’s case received the attention it did from the FCDO was her choice to go public.

Regarding the case of Matthew Hedges, the report includes evidence that: *“Allegations were made by the family of Matthew Hedges, a UK national held in the United Arab Emirates on espionage charges, that the FCDO intervened to prevent a newspaper publishing a story about his case which contained a comment by his wife, Ms Tejada. When she disagreed with the FCDO’s advice not to go public, the FCDO phoned the editors of The Times and The Sunday Times, “behind [her] back and against [her] will” to say that she was going public against advice and had changed her mind about doing so.”*

- v. **The All-Party Parliamentary Group on Deaths Abroad, Consular Services and Assistance – written evidence to the Inquiry into the FCDO’s approach to state level hostage situations⁷ (2022)**, the evidence presented includes cases from the UAE, in particular Dubai: *“when families approach the FCDO about what they can do instead, i.e. often the suggestion is made to go public due to government inaction, they are met with the government’s standard policy of suppression. This*

⁷ <https://committees.parliament.uk/writtenevidence/108573/pdf/>

policy is always at the expense of the welfare of British citizens and is not something Parliament should accept. This happened when Ms Tejada learned that despite assurances to the contrary, no representations had in fact been made by the FCDO in attempting to have Matthew Hedges released from solitary confinement in the UAE, not even from prison per se, but from solitary confinement where he was being tortured. When she eventually decided to go public in October 2019, Ms Tejada said the Foreign Office tried to stop her, threatening her that any disclosure of this would compromise her husband's chances of release. When Ms Tejada disagreed, the FCDO even phoned the editors of The Times and The Sunday Times, "behind my back and against my will" to say she was going public against advice and had changed her mind about publishing. Yet, Ms Tejada is certain that it was only because of the public attention her husband's case then received that action was taken by the FCDO. This is a significant mistake in policy and ought to be addressed by Parliament ... There is always a structural conflict of interests where the Embassy's job is to maintain good relations with the other country, and so it has an incentive to downplay the abuse, and counsel quiescence. The conflict of interest was particularly strong in Mr Hedges' case where on the one hand the FCDO was acting behind Ms Tejada's back to prevent public knowledge of Mr Hedges' detainment in the UAE, accused of being a British spy, whilst simultaneously, a foreign Minister was on an all-expenses paid for trip to the UAE "signing an MoU with the government of Dubai to share best practice, expertise and techniques on government communications and development of communications teams".

Regarding the FCDO's acknowledgement of British nationals being mistreated in foreign jurisdictions, including the UAE, the APPG stated: *"Matthew Hedges has not and does not work for the British government but rather than confirm that, the FCDO hid. As a result, Mr Hedges is still classed as spy and will status of foreign convictions (even ones recognised as arbitrary) is a broader one. The recent response to the PQs asked by the MP for Hampstead and Kilburn in Ms Zaghari-Ratcliffe's case highlight that the government is indifferent to returning criminal-*

records and makes no effort to help victims of arbitrary detention clear their name.”

Concerning the FCDO’s response to the mistreatment of British nationals in foreign jurisdictions including the UAE the evidence states: *“Eight years ago, the FAC noted, “We are deeply concerned about the allegations we have received that the FCO has in some instances not responded adequately to protect and support those who said that they had been the victim of torture or illtreatment. Any failure to support vulnerable nationals in such circumstances is deplorable.”⁵ Since 2014, evidence of this deplorable approach has only increased. We have also seen a rise in case numbers of those being held in arbitrary detention in the UAE. There is no policy (or at least nothing transparent) on diplomatic protection. The government does not have to do anything even when it is forced to recognise a problem. Several reports⁶, reviews⁷ and recommendations have been produced in recent years, which if adopted, would provide a necessary strong foundation that would allow state-based hostage taking to be more effectively addressed.*

- vi. **Opinions adopted by the United Nations Working Group on Arbitrary Detention – Opinion No 76/2022 concerning Mr Zack Shahin (Yemen and UAE)⁸**, the working group found, inter alia, that: *“The deprivation of liberty by the Government of the United Arab Emirates of Zack Shahin, being in contravention of articles 2, 3, 5, 6, 7, 9, 10 and 11 of the Universal Declaration of Human Rights, is arbitrary and falls within categories I, III and V.”*

- vii. **MENA Rights – United Arab Emirates: Alternative Report⁹ (2022)**, a report submitted to the United Nations Committee against Torture in the context of the initial review of the UAE. Regarding consular protection the report notes that: *“Article 18 of the act regulating penal facilities prescribes that foreign detainees*

⁸ <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session95/A-HRC-WGAD-2022-76-AEV.pdf>

⁹ <https://menarights.org/sites/default/files/2022-06/Download%20full%20report.pdf>

shall have the right to communicate with their consular authorities, upon receiving authorisation from the competent public prosecution. As is the case for lawyers, meetings with consular authorities must be carried out within the sight but not within the hearing of one of the facility managers. Consular protection is particularly important in the UAE, as the vast majority of the country's residents are foreign nationals. Once again, practice does not seem to follow the legal provisions, as MENA Rights Group documented multiple cases (detailed in section 10) in which foreign nationals were not allowed to contact their consular authorities. Another well-known case in this regard is that of Matthew Hedges,⁴¹ a UK national and an academic who was arrested by agents of the SSA on 5 May 2018, at Dubai International Airport. SSA agents subjected Hedges to gross violations of human rights between May and November 2018, including incommunicado detention, arbitrary detention, and torture. SSA officials only allowed Hedges to meet with a British consular official about six weeks after his initial arrest, after he had been coerced into signing a confession in Arabic, a language he does not understand. The meeting was supervised by armed agents of the SSA and the State Security Prosecutor in charge of his case and was abruptly ended after the British consular official asked Hedges if he had been tortured. The SSA would not afford Hedges another consular meeting until around three months later."

- viii. **Freedom House – Freedom in the World 2022**¹⁰, reports that the UAE is classified as 'not free' ranking 17/100, no change on the year prior. The country ranks 12/60 for civil liberties and the report notes that "*Limited elections are held for a federal advisory body, but political parties are banned, and all executive, legislative, and judicial authority ultimately rests with the seven hereditary rulers.*" Regarding the Rule of law the report states that "*The judiciary is not independent, with court rulings subject to review by the political leadership. Judges are appointed by executive decree, and the judiciary as an institution is managed largely by executive officials ... Authorities have been criticized by international human rights*

¹⁰ <https://freedomhouse.org/country/united-arab-emirates/freedom-world/2022>

organizations for failure to investigate allegations of torture and mistreatment in custody, including denial of medical care. Detainees regularly report abuse by the authorities.”

- ix. **Carnegie Endowment for International Peace – *Dubai’s role in facilitating corruption and global illicit financial flows*¹¹ (2022)**, the in-depth report contains 10 chapters on separate areas of Dubai’s political economy. The report provides that: *“The most populous emirate of the UAE, Dubai enjoys a symbiotic relationship with Abu Dhabi, the country’s political and petroleum powerhouse. However, because of Dubai’s mercantilist history, its relative political autonomy, and its emergence as a global commercial hub, the emirate has long resisted periodic attempts by the federal government in Abu Dhabi to impose greater cohesion in national policymaking.”*

Regarding Dubai’s ruler, Mohammed bin Rashid Al Maktoum, the report states that: *“Dubai’s ruling family remains the emirate’s central decision making authority, although this is sometimes hard to discern due to the different hats worn by Mohammed bin Rashid as the ruler of Dubai and the UAE’s prime minister and vice president ... Mohammed bin Rashid has been the dominant figure in Dubai since the 1980s—despite only becoming its ruler in 2006—and he continues to be the man most closely associated with the visionary development of the emirate.... His policymaking style includes playing key functionaries against each other to generate a competitive rivalry in project development and execution.”*

Regarding governance in Dubai the report states: *“Dubai’s governance architecture is underpinned by the deep and pervasive influence of the ruling royal family. An International Monetary Fund report from May 2011 depicted the extent of the family’s personal control over major firms and investment vehicles active in Dubai (see Figure 2).¹⁰⁴ For instance, the family directly appoints the board*

¹¹ https://carnegieendowment.org/files/PageVittori_DubaiCorruption_final.pdf

members of the Dubai Financial Services Authority. This control is highly problematic, given that a well-documented risk to good governance is regulatory capture by state or private interests.”

- x. **European Union High Representative for Foreign Affairs and Security Policy - 2022 Annual Report on Human Rights and Democracy in the World¹²**. The report notes specifically that: *“As part of its bilateral relations, the EU used some human rights dialogues (e.g. with the United Arab Emirates, Mexico) to raise concerns and discuss possible joint solutions on the spread of internet shutdowns, online censorship and mass and targeted arbitrary surveillance including the targeting of human rights defenders and journalists by spyware.”*

- xi. **Quincy Institute for Responsible Statecraft – The Emirati Lobby in America¹³ (2022)**, the report provides analysis of the UAE’s lawful exercise of political influence in the US: *“In November 2022 the Washington Post reported that, “U.S. intelligence officials have compiled a classified report detailing extensive efforts to manipulate the American political system by the United Arab Emirates,” including “illegal and legal attempts to steer U.S. foreign policy in ways favorable to the Arab autocracy.” According to the Post, the report was compiled by the National Intelligence Council and shared with top policymakers. In short, UAE meddling in American politics has now risen to the level of a national security concern in the intelligence community. While the report remains classified and not publicly available, many of the UAE’s attempts to meddle in American politics are well known. The United States has cooperated with the UAE on a number of key foreign policy issues, even as the UAE has gone to great lengths to further its influence in Washington, via both legal and illegal means. One salutary example is the case of Lebanese–American businessman George Nader, who pleaded guilty to charges of funneling millions of dollars into U.S. elections on behalf of the UAE.”*

¹² https://www.eeas.europa.eu/eeas/2022-annual-report-human-rights-and-democracy-world-report-eu-high-representative-foreign-affairs_en

¹³ <https://quincyst.org/report/the-emirati-lobby-in-america/>

- xii. **U.S. Department of State - 2022 Country Reports on Human Rights Practices: United Arab Emirates**¹⁴. A far-reaching documentation of the state of affairs in the UAE across all areas of governance and society. Regarding fair trials, the report states: *“The constitution provides for an independent judiciary; however, court decisions remained subject to review by the political leadership. Authorities often treated noncitizens differently from citizens. The judiciary consisted largely of contracted foreign nationals subject to potential deportation, further compromising its independence from the government.”* Regarding alleged human rights abuses, the report notes that *“The government generally did not permit domestic or international organizations to focus on domestic political or human rights issues.”*
- xiii. **United Nations Special Rapporteur on the situation of human rights defenders – Press Release**¹⁵ (2021). Mary Lawlor, the UN Special Rapporteur on the situation of human rights defenders expressed serious concern at the long-term imprisonment of five human rights defenders in the United Arab Emirates and has urged the Government to release them immediately: *“Their sentences were excessively severe, and their detentions have been declared arbitrary according to the UN Working Group on Arbitrary Detention ... There are worrying allegations that they are subjected to long periods in solitary confinement, which could amount to torture”*.
- xiv. **ICF UAE - Despite Poor Human Rights Record, UAE announces National Human Rights Institution (2021)**¹⁶ The Gulf-based human rights group highlight ongoing human rights violations upon the announcement of new laws providing for the establishment of a national human rights institution in UAE.

¹⁴ <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/united-arab-emirates/>

¹⁵ <https://www.ohchr.org/en/press-releases/2021/06/uae-un-expert-condemns-long-term-detention-human-rights-defenders>

¹⁶ <https://icfuae.org.uk/news/despite-poor-human-rights-record-uae-announces-national-human-rights-institution>

- xv. **ICFUAU – *Munasaha Centres: Indefinite Detention of Prisoners of Conscience in UAE (2021)***¹⁷ Information concerning nine Emirati prisoners in de facto detention. The prisoners are held in ‘Munasaha Centres’, or counselling centres, which are located within UAE prison estates. Several cases of human rights violations are documented including arbitrary detention and no access to legal counsel.
- xvi. **Human Rights Watch – *The Persecution of Ahmed Mansoor (2021)***¹⁸. An in-depth report on the arbitrary detention of human rights activist Ahmed Mansoor. The report includes a number of recommendations to the UAE authorities including: *“Given the UAE’s inability or unwillingness to conduct a credible investigation into the prison authorities’ and state security agency’s treatment of Ahmed Mansoor, allow an independent, international body access to the country to conduct a thorough independent and impartial investigation into Ahmed Mansoor’s arrest, trial, and prison conditions.”*
- xvii. **Office of the United Nations High Commissioner for Human Rights – *UAE: UN Expert condemns long-term detention of human rights defenders (2021)***¹⁹. Summary of a letter to UAE authorities from Mary Lawlor, the UN Special Rapporteur on the situation of human rights defenders: *“There are worrying allegations that they are subjected to long periods in solitary confinement, which could amount to torture,”* Lawlor said. *Other allegations include authorities turning off the air conditioning as temperatures rose above 40°C, and windows being covered, preventing prisoners from seeing sunlight.”*
- xviii. **Gulf Centre for Human Rights - *Torture in the United Arab Emirates: The Tolerance Charade, 2021***²⁰. The report details and criticises human rights violations that take place inside Emirati prisons, with a particular focus on Al-

¹⁷ <http://icfuae.org.uk/research-and-publications-factsheets/factsheet-uaes-munasaha-centres>

¹⁸ <https://www.hrw.org/report/2021/01/27/persecution-ahmed-mansoor/how-united-arab-emirates-silenced-its-most-famous-human>

¹⁹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27158>

²⁰ <https://www.gc4hr.org/report/download/136>

Razeen prison, including the use of electric shocks and solitary confinement. The report captures information from a number of original sources.

- xix. **Amnesty International – The State of the World’s Human Rights 2021/22**²¹. The report provides a country-by-country update on human rights issues and the UAE issues include: *“The UAE continued to arbitrarily detain Emirati and foreign nationals ... Cruel, inhuman or degrading treatment continued in prisons. Human rights defender Ahmed Mansoor remained in solitary confinement since 2017 without any bedding other than two thin, dirty blankets and without adequate personal hygiene items.”*
- xx. **MENA Rights Group - The use of Munasaha “Rehabilitation” Centres in the UAE: An in-depth analysis (2020)**²². An analysis of counselling centres used by UAE authorities to arbitrarily detain human rights defenders and other accused of dissent. Of several human rights abuses documented in the analysis, the following excerpt concerns the violation of due process: *“Our research indicates that the majority of the individuals whose testimonies we obtained have not had the opportunity to appear before the court in relation to the judgements to detain them on the grounds that they still posed a “terrorism threat”. In addition, we have been informed by local sources that the majority of the individuals were not presented with said judgements prior to their detention at Al Razeen Munasaha centre.”*
- xxi. **Human Rights Watch - World Report 2021: Events of 2020**²³, a report assessing spectrum of human rights concerns, including: *“Prisons across the UAE held detainees in dismal and unhygienic conditions, where overcrowding and lack of adequate medical care is widespread. With the onset of the Covid-19 pandemic, detainees and prison staff were at heightened risk of contracting the virus.”*

²¹ <https://www.amnesty.org/en/wp-content/uploads/2022/03/POL1048702022ENGLISH.pdf>

²² <http://menarights.org/en/documents/use-munasaha-rehabilitation-centres-united-arab-emirates>

²³ <https://www.hrw.org/world-report/2021>

xxii. **ICFUAЕ - Factsheet: Maryam Al-Balushi and Amina Al-Abdouli (2020)**²⁴.

Information on two women detained arbitrarily by UAE authorities. Twenty-one-year-old Al Balushi was arrested by police without a warrant in 2015 and detained in an undisclosed location. Later she was charged with financing terrorism in relation to a donation she made to a Syrian family. In 2017 Al Balushi was sentenced to five years in prison. In 2019 new charges of spreading false information and harming the country's reputation were brought against Al Balushi after efforts to share information of her detention conditions with the UN. MENA Rights Group reports that Al Balushi *"has been held, at times, in solitary confinement and subjected to humiliating conditions, including surveillance cameras placed inside her bathroom. In addition, she has been subjected to abuse by other inmates."* In March 2020, Al-Balushi attempted suicide in Al-Wathba prison after going on hunger strike in protest against her treatment there. The factsheet also includes details of Amina al-Abdouli. Her sentence expired in November 2020 and she continues to be detained indefinitely in a counselling centre under anti-terrorism laws.

xxiii. **Human Rights Council Working Group on Arbitrary Detention - Opinion No. 61/2020 concerning Amina Mohammed al-Abdouli and Maryam Suliman al-Balushi (2020)**²⁵.

This opinion details the arrest, secret detention and torture of two women. Amina Mohammed Al-Abdouli, a 40-year-old teacher and mother of five children is a national of the United Arab Emirates. The Opinion states: *"The source alleges that while she was secretly detained, Ms. Al-Abdouli had been subjected to severe acts of torture, including being stripped naked, beaten, blindfolded, bound at the feet and deprived of sleep. After three months of detention, she began to experience a loss of sight in her left eye owing to repeated beatings. Ms. Al-Abdouli undertook several hunger strikes to protest against her*

²⁴ <https://icfuae.org.uk/research-and-publications-factsheets/factsheet-maryam-al-balushi-and-amina-al-abdouli>

²⁵ https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session89/A_HRC_WGAD_2020_61.pdf

treatment. At no point was she granted access to legal counsel". The opinion then provides details of the mistreatment of Maryam Suliman al-Balushi

- xxiv. **Global Detention Project - UAE Immigration Detention Profile (2020)**²⁶. The report provides a detailed overview of immigration detention infrastructure and concerns, including length of detention, adherence to international norms and human rights organisations' access to information.
- xxv. **GCHR, ICFUAE, ISHR, WOAT - Joint Submission on the United Arab Emirates to the 71st Session of the UN Committee Against Torture (2020)**²⁷. An in-depth report by four human rights groups on the UAE and torture, the introduction outlines that: *"Under the pretext of national security, the UAE authorities have subjected human rights defenders and activists to arbitrary arrest, enforced disappearance, prolonged isolation, torture and other ill-treatment, unfair trials and harsh prison sentences, solely for their peaceful human rights activities, including engaging with United Nations mechanisms"*
- xxvi. **Association for Victims of Torture in the UAE – Open Letter – UAE: Freedom of expression must be upheld at all times, not only tolerated during Hay Festival Abu Dhabi (2020)**²⁸. The open letter criticises the Emirati authorities' systematic repression of peaceful dissent by human rights defenders, writers, bloggers, poets and academics.
- xxvii. **United Nations – Reference UA ARE 2/2019 Appeal of UN Special Rapporteur to Government of UAE (2019)**²⁹. UN Working Group on the issue of discrimination against women in law and the Special Rapporteur on torture and other cruel,

²⁶ <https://www.globaldetentionproject.org/wp-content/uploads/2020/11/United-Arab-Emirates-Immigration-Detention-Data-Profile-2020.pdf>

²⁷ <https://www.icfuae.org.uk/research-and-publications-reports/joint-submission-united-arab-emirates-71st-session-un-committee>

²⁸ <http://www.avtuae.org/en/2020/02/24/open-letter-uae-freedom-of-expression-must-be-upheld-at-all-times-not-only-tolerated-during-hay-festival-abu-dhabi/>

²⁹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24341>

inhuman or degrading treatment or punishment called on UAE authorities for information regarding three female nationals serving sentences in Abu Dhabi's Al-Wathba prison.

xxviii. **Migrant Rights – UAE: New Draft of Domestic Worker Law pending approval, (2017)**³⁰. An overview and analysis of new legislation aimed at improving the rights of domestic workers in the UAE: *“The law outlines more categories of domestic work, which is an important step towards identifying domestic workers as employees with specific sets of skills and tasks, rather than servants”*. Considering the shortcomings of the drafted legislation the report asserts that: *“Even when laws provide more protections and rights for domestic workers, they still preserve a power imbalance that favours the employer. Some of this power imbalance is de facto – employers often speak the language of law enforcement with more fluency than workers and have the financial means to fight harder. But a good law is written cognizant of its enforcement environment and should take into consideration the practical limitations that workers face not only in reporting abuse but in accessing justice. And of course, should protect workers from employment abuses in the first place.”*

xxix. **Human Rights Watch – UAE: Dangerous Disregard for Rule of Law (2020)**³¹, an article outlining human rights violations by the UAE in relation to freedom of expression. Human Rights Watch uses information gathered on the treatment of several individuals detained by UAE authorities as well as outlining discrimination against groups including women and migrants. Further, the article highlights discriminatory legislation against same-sex relations: *“Different emirates in the UAE have laws that criminalize same-sex sexual relations. In Abu Dhabi, “unnatural sex with another person” can be punished with up to 14 years in prison. Article 177*

³⁰ <https://www.migrant-rights.org/2017/03/uae-new-draft-of-domestic-worker-law-pending-approval/>

³¹ <https://www.hrw.org/news/2020/01/14/uae-dangerous-disregard-rule-law>

of Dubai's penal code punishes consensual sodomy by imprisonment up to 10 years."

- xxx. **Human Rights Watch – World Report 2020: Events of 2019**³². A country-by-country report covers several areas of concern with regards to human rights abuses in the UAE. The coverage includes details of unlawful attacks and detainee abuse in Yemen: *"A United Nations report released on September 3, 2019, by the Group of Eminent Experts on Yemen, appointed by the UN High Commissioner for Human Rights, said UAE-backed forces and armed groups committed grave abuses including enforced disappearances, arbitrary arrests and detention, and torture and other ill-treatment, including rape and other forms of sexual violence."*
- xxxi. **United Nations - Compilation on the United Arab Emirates: Report of the Office of the United Nations High Commissioner for Human Rights (2018)**³³. A compilation of information contained in other UN reports. Among several collated recommendations was for the UAE to establish a national human rights institution in accordance with the Paris Principles. Regarding the administration of justice, the compilation notes that: *"The Special Rapporteur [on independence of judges and lawyers] was seriously concerned about reports indicating that the prosecution services were often influenced by members of the executive. [...] The Special Rapporteur stated that the federal system was complex and could be difficult to understand, in particular for non-nationals, and there appeared to be a lack of consistency in the application of federal laws across the different Emirates."*
- xxxii. **United Nations - National Report: United Arab Emirates (2017)**³⁴. The third periodic review focusing on the implementation of human rights recommendations accepted by the UAE government. The report is submitted by a committee: *"... whose membership is drawn from a number of governmental and*

³² <https://www.hrw.org/world-report/2020>

³³ <https://digitallibrary.un.org/record/1325999>

³⁴ <https://digitallibrary.un.org/record/1326777>

local authorities and from civil society institutions, monitors the implementation of Human Rights Council recommendations and conducts its work in accordance with a national plan adopted with a view to monitoring the fulfilment of the Government's commitments in connection with the universal periodic review process." The far-reaching review includes details of steps taken by the UAE to improve its approach to protecting human rights.

- xxxiii. **United Nations - Report of the Special Rapporteur on the independence of judges and lawyers, 2015**³⁵. Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, following her official visit to the UAE in 2014: *"During her visit, the Special Rapporteur met with a number of senior government officials at the Federal Ministries of Justice, the Interior, and Foreign Affairs, and the Abu Dhabi Judicial Department, as well as the Chief Justice of the Federal Supreme Court, federal and local judges, the Attorney General, and members of the federal and local public prosecution offices. She also met with lawyers and members of the diplomatic community and civil society."*
- xxxiv. **United Nations – UN human rights expert urges the United Arab Emirates to strengthen the independence of its judiciary**³⁶ A summary of the report by UN Special Rapporteur on the independence of judges and lawyers.

³⁵http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A_HRC_29_26_Add_2_EN_G.DOCX

³⁶<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14237>

HUMAN RIGHTS IN THE UAE - AN OVERVIEW

HUMAN RIGHTS IN THE UAE – AN OVERVIEW

63. This chapter sets out an overview of human rights in the UAE, in particular it explores issues relating to the UAE’s economy and governance, civic freedom of expression, treatment of detainees, and the courts and judiciary.
64. The UAE has spent vast sums recently attempting to improve its public image. From allegations of sportswashing³⁷ as a consequence of the UAE’s enormous events investment in Manchester City, to this year’s hosting of the global climate conference COP28³⁸, it appears that the UAE is keen to promote itself as a progressive nation. Notwithstanding these attempts at image improvement, rights groups remain sceptical. In Human Rights Watch World Report 2022³⁹, Human Rights Watch noted that:

In 2021, the United Arab Emirates authorities continue to invest in a “soft power” strategy aiming at painting the country as a progressive, tolerant and rights respecting nation, yet the UAE’s intolerance of criticism was reflected in the continued unjust imprisonment of leading human rights activist Ahmed Mansoor and others.

65. In light of the forthcoming COP28, Amnesty International observed, in June 2023⁴⁰, that:

Civil society, and the rights to freedom of expression, freedom of association and peaceful assembly, which are essential to a successful conference, are

³⁷ <https://www.theguardian.com/football/blog/2018/nov/24/manchester-city-fans-defence-uae-sportswashing-tribal-loyalty>

³⁸ <https://www.theguardian.com/environment/2023/may/30/cop28-president-team-accused-of-wikipedia-greenwashing-sultan-al-jaber>

³⁹ <https://www.hrw.org/world-report/2022/country-chapters/united-arab-emirates>

⁴⁰ <https://www.amnesty.org/en/latest/news/2023/06/uae-states-must-urge-the-united-arab-emirates-to-reform-its-dismal-rights-record-to-help-ensure-a-successful-climate-meeting/>

conspicuously absent in the UAE. Emirati law forbids criticism of “the state or the rulers” and imposes punishments, including life imprisonment or the death penalty, for association with any group opposing “the system of government” or for vague “crimes” such as “damaging national unity” or “the interests of the state”.

66. The renowned tourist and expat destinations of Dubai and Abu Dhabi are famed for their contemporary skyscrapers, deluxe hotels, and extravagant shopping malls. Nonetheless, the UAE faces widespread criticism of concealing a repressive political agenda beneath a veneer of a modern and tolerant society striving to harmonise Western values with customary religious, cultural, and political establishments⁴¹.
67. Tensions between traditional customs and those modern values ushered in with its efforts to take a top spot in the global economic order are exacerbated by a substantial imbalance in the UAE’s population demographics. Out of a population of 9.5 million, roughly 89% are expatriates. The expat population is predominantly composed of migrant workers from South and Southeast Asia: India 27.5%; Pakistan 12.7%; Bangladesh 7.4%; Philippines 5.6%; Iran 4.8%; Egypt 4.2%; Nepal 3.1%; Sri Lanka 3.2%; China 2.1%; all other countries 17.9%.⁴²
68. The rapid development and expansion of the UAE's urban centres has been fuelled by substantial quantities of low-wage migrant labourers. The UAE has come under significant scrutiny for its lack of worker’s rights. The UAE operates a ‘Kafala’ sponsorship system in which migrant workers’ visas are tied to their employers, preventing them from changing or leaving employers without permission⁴³. Human Rights Watch reports that:

⁴¹ <https://www.hrw.org/world-report/2020/country-chapters/united-arab-emirates#>

⁴² <https://www.globalmediainsight.com/blog/uae-population-statistics/>

⁴³ <https://www.cfr.org/background/what-kafala-system>

Those who left their employers without permission faced punishment for “absconding,” including fines, arrest, detention, and deportation, all without any due process guarantees. Many low-paid migrant workers were acutely vulnerable to forced labor ... In September [2021], Euro-Med Human Rights Monitor and ImpACT International documented that on June 24 and 25 authorities arrested, detained, and tortured over 800 African migrant workers before the mass deportation of many. The organizations report that the majority were deported despite valid residence visas and/or work permits, and that an unknown number remain in detention.

69. The most high-profile example of human rights breaches in the UAE concerns Sheikha Latifa, daughter of Dubai ruler and Prime Minister of the United Arab Emirates, Sheikh Mohammed bin Rashid al-Maktoum. In 2018 the BBC revealed secret videos detailing the alleged forced confinement of Latifa in Dubai following her abduction and forcible return in 2018. Sheikha Latifa’s sister, Shamsa, was also subject to abduction and forcible return from the UK in 2000.⁴⁴

70. The controversy surrounding Sheikh Mohammed presents the UAE’s uneasy position on the global economic stage as both friend and foe of Western democracies. It is widely acclaimed that Sheikh Mohammed was the driving force behind transforming Dubai into a thriving centre of commerce. The New Yorker recently reported that:

Sheikh Mohammed is an ally of Western governments, celebrated for transforming Dubai into a modern power. Publicly, he has placed gender equality at the heart of his plan to propel the U.A.E. to the top of the world economic order, vowing to “remove all the hurdles that women face.” But for his daughter Dubai was “an open air prison,” where disobedience was brutally punished.⁴⁵

⁴⁴ <https://www.hrw.org/news/2021/02/18/uae-must-release-latifa-and-shamsa-and-stop-denying-women-basic-rights>

⁴⁵ <https://www.newyorker.com/magazine/2023/05/08/the-fugitive-princesses-of-dubai>

71. Yet the United States Department of State's 2022 Country Report on the UAE stated that:

Significant human rights issues included credible reports of: arbitrary arrest and detention, including those involving hostile prison conditions such as incommunicado detention, by government officials; political prisoners; transnational repression against individuals in another country; unlawful government interference with privacy; serious restrictions on free expression and media, including censorship and enforcement of or threat to enforce criminal libel laws; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations and civil society organizations; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government restrictions or harassment of domestic and international human rights organizations; laws criminalizing consensual same-sex sexual conduct between adults; and outlawing of independent trade unions and significant restrictions on workers' freedom of association.⁴⁶

72. The UAE received 323 recommendations from UN Member States on various human rights issues during its 4th cycle of the Universal Periodic Review (UPR) in 2022. Ahead of the review, MENA Rights Group submitted a shadow report noting that:

The United Arab Emirates (UAE) has not ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), the Convention for the Protection of All Persons from

⁴⁶ <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/united-arab-emirates/>

Enforced Disappearance (ICPPED), the Rome Statute of the International Criminal Court (ICC), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families nor the International Labour Organization's (ILO) Domestic Workers Convention (No. 189). Moreover, it has not accepted the competence of the Committee against Torture to conduct inquiries under article 20 of the Convention against Torture (UNCAT) nor the individual communication procedure under article 22.

... In practice, cases documented by MENA Rights Group show that, at least since 2011, the country's SSA has been responsible for a widespread pattern of human rights violations, which include arbitrary arrest and detention, enforced disappearance and torture, most notably against government critics, political opposition figures and human rights defenders. Allegations of torture do not lead to investigations and thus acts of torture go unpunished. This may be due to a lack of independence of the judiciary (see section 3.5). Finally, the UAE has extradited individuals to countries in which they face the risk of being tortured, in violation of its non-refoulement obligations under article 3 UNCAT.⁴⁷

Economy and Governance

73. According to the World Bank's "World Development Indicators" database, the UAE's gross domestic product (GDP) in 2022 is estimated at \$507 billion USD⁴⁸, ranking 28th highest globally. The UAE Ministry of Economy's report highlights a renewed focus on non-oil sectors, with non-oil GDP accounting for approximately 70% of the total GDP⁴⁹. The Dubai Statistics Center reports an uptick in industrial activity, particularly in sectors such as manufacturing and technology, contributing to the nation's broader economic transformation agenda. While oil remains a critical component of the UAE's economy, these recent statistics underscore the government's commitment to a more diversified economic landscape.

⁴⁷ <https://www.menarights.org/en/documents/4th-upr-cycle-continued-restrictions-civil-and-political-rights-uae>

⁴⁸ <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=AE>

⁴⁹ <https://mof.gov.ae/fdmo-uae-economy-overview/>

74. The UAE is a federation of seven Emirate monarchies, involving the aggregation of unelected Emirate rulers to form a Federal Supreme Council, effectively constituting the zenith of both legislative and executive authority within the nation. The prevailing governance system operates under the umbrella of patriarchal influence, perpetuating a framework shaped by tribal leaders, federal authorities, and individual Emirate leaders.
75. Of particular significance is the role of the Federal National Council, which operates as a consultative entity directly associated with the Supreme Council. This Council assumes the task of examining legislative matters, thereby serving as a conduit for informed input into the decision-making process. The composition of this National Council, encompassing approximately 20 members, diverges from the norm of direct citizen elections. Instead, a restricted electorate, handpicked by each Emirate, are held for a federal advisory body, but political parties are banned, and all executive, legislative, and judicial authority ultimately rests with the seven hereditary rulers. The civil liberties of both citizens and noncitizens are subject to significant restrictions.⁵⁰
76. The UAE's Government website heralds a section on human rights stating that:

Throughout its history, the UAE has followed the principles of justice and equality, respect for human rights, humanitarian aid and relief action in line with the principles of the Universal Declaration of Human Rights. Since its inception, the UAE has ensured the founding of a tolerant and multi-cultural community in which individuals from across the world live in harmony, guaranteeing via its constitution their civil liberties.

77. However, the UAE ranks 37th in the World Justice's most recent Rule of Law Index, coming 108th in the Fundamental Rights category⁵¹. For example, the UAE has signed

⁵⁰ <https://freedomhouse.org/country/united-arab-emirates/freedom-world/2022>

⁵¹ <https://worldjusticeproject.org/rule-of-law-index/country/2022/United%20Arab%20Emirates>

but not ratified the United Nations Convention against Torture (UNCAT), and the country has refused to sign the Optional Protocol of the Convention against Torture. The latter protocol is the mechanism by which a country's compliance and implementation of the Convention is monitored and evaluated by undertaking visits to assess conditions and practices in places of detention such as police stations and prisons⁵². Furthermore, the UAE is yet to define torture in its own domestic legal framework.

78. Human Rights Watch reported in 2022 that the UAE “blocked representatives of international human rights organizations and UN experts from International Campaign for Freedom in the United Arab Emirates (ICF UAE) in-country research and visiting prisons and detention facilities”.⁵³ In 2023 the ICF UAE reported concerns that the UAE had denied the United Nations entry to the country to inspect human rights practices for ten consecutive years:

At the 2013 Universal Periodic Review, Anwar Gargash said the UAE accepted the invitation of Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. However, no UN expert was allowed access to the Gulf country since then. Last year, The UN Working Group on Arbitrary Detention has sent a communication to the UAE expressing concern about certain laws and practices that don't comply with international human rights laws, particularly with regard to enforced disappearances.⁵⁴

79. Having established a National Human Rights Institution (NHRI) in August 2021, the UAE is yet to be granted membership to the Global Alliance of National Human Rights Institutions (GANHRI). Membership of GANHRI requires an NHRI to be credible and independent in order to effectively promote and protect human rights⁵⁵. In particular,

⁵² <https://www.amnesty.org/en/wp-content/uploads/2021/06/ior510022003en.pdf>

⁵³ <https://www.hrw.org/world-report/2022/country-chapters/united-arab-emirates#73fcc>

⁵⁴ <https://www.icfuae.org.uk/news/uae-continues-refuse-un-experts-visit-its-prisons-10th-year>

⁵⁵ <https://ganhri.org/accreditation/>

to be recognised by the international community, NHRIs must adhere to the Paris Principles which include developing relations with non-governmental organisations devoted to promoting and protecting human rights.

80. Despite its appearance of embracing Western values through its hosting of cultural and sporting events, the UAE has refused to allow the United Nations to conduct any country visits since 2014. The country's refusal to permit independent monitoring of its human rights practices sits uneasy next to the United Nation's announcement that the UAE will host the COP28 climate summit in December 2023. Meanwhile, reports of human rights violations within the UAE continue. Amnesty International reported in 2022 that:

The UAE was responsible for dozens of new and ongoing arbitrary detentions. The authorities refused to release at least 41 prisoners who completed their sentences during the year, bringing the total number, including those from previous years, to 48. All 41 were part of the "UAE-94" mass trial of 2012-2013. The government characterized such detentions as ongoing "counselling" for those who have "adopted extremist thought," a procedure authorized under Article 40 of the 2014 counter-terrorism law. The law requires the Office of Public Prosecution to obtain a court order for such detentions, but does not give the detainee the right to challenge their continued detention.

In July, in its first review of the UAE, the UN Committee against Torture stated its "concern that reports received detail a pattern of torture and ill-treatment against human rights defenders and persons accused of offences against state security."

Authorities held human rights defender Ahmed Mansoor in solitary confinement for the entire year and deprived him of glasses, books, a bed, mattress and pillows, and personal hygiene items.² Such prolonged solitary

confinement, especially in combination with the degrading and inhuman treatment, rises to the level of torture.

81. The lack of rights for low-paid workers stands in contrast to legislative reforms designed to attract foreign investment. In recent years the UAE has made a series of legislative reforms aimed at attracting foreign investment and tourism by rebranding the country as modern and global “soft power”. The UAE declared 2019 the “*Year of Tolerance*” and its PR machines fired up to announce changes to its “*Personal Status*” laws including lifting a ban on the co-habitation of unmarried couples, loosening regulations on alcohol consumption, toughening laws against sexual harassment, and decriminalising suicide attempts. Yet, international press coverage maintained a degree of scepticism. The New York Times reported at the time:

The changes to divorce laws did not apply to Emirati women, leaving them subject to laws Ms. Begum called discriminatory. And it was not clear whether the changes that allowed cohabitation of unmarried couples removed so-called indecency laws used to punish extramarital sex, she said. Those laws had disproportionately been used against migrant women, she said, and allowed women who reported being raped to be prosecuted for adultery ... The new laws aimed to improve the country’s image ahead of Expo 2020, a global fair that was scheduled to be held in Dubai this October but was postponed until next year because of the coronavirus pandemic, Ms. Begum said. But they needed to be applied equally to everyone in the country. “You can get away with a lot in Dubai,” she said. “The problem is that they still have a lot of discrimination depending on who you are.”⁵⁶

⁵⁶ <https://www.nytimes.com/2020/11/09/world/middleeast/united-arab-emirates-laws-tourists.html>

82. *In March 2023 the UAE's Trade Minister Dr Thani bin Ahmed Al Zeyoudi told Politico that the UK and other Western countries must "separate politics from trade and the economy".⁵⁷ The Politico article noted:*

Rosa Crawford, policy officer at the Trades Union Congress, said: "The government should not be giving legitimacy to those countries by starting trade talks ... it is giving them a gloss and a veneer of respectability. The U.K. government shouldn't be negotiating trade deals on this race to the bottom model." ... Independent trade unions are banned in UAE, which uses the kafala sponsorship system of exploitative monitoring of migrant workers, leading to modern slavery and human trafficking.

Freedom of Expression

83. Freedom of expression, freedom of association and freedom of religion, remain profoundly restricted in the UAE. Human Rights Watch reported in 2022 that:

Scores of activists, academics, and lawyers are serving lengthy sentences in UAE prisons following unfair trials on vague and broad charges that violate their rights to free expression and association.

Ahmed Mansoor, a leading Emirati human rights defender, remained imprisoned in an isolation cell for a fourth year. New details regarding UAE authorities' persecution of Mansoor emerged in 2021 revealing grave violations of his rights and demonstrating the State Security Agency's unchecked powers to commit abuses. In July, a private letter he wrote detailing his mistreatment in detention leaked to regional media, sparking renewed concern over his well-being and possible retaliation.

⁵⁷ <https://www.politico.eu/article/uk-trade-deal-human-rights-uae-minister-thani-bin-ahmed-al-zeyoudi-gulf-cooperation-council/>

Prominent academic Nasser bin-Ghaith, serving 10 years on charges stemming from criticism of UAE and Egyptian authorities, and university professor and human rights lawyer Mohammed al-Roken, serving 10 years following his conviction alongside 68 other people in the grossly unfair “UAE 94” trial, also remained in prison.

84. MENA Rights Group report that 11 critics and activists are currently confined within UAE’s Munasaha Centres, or what are known as "counselling" centres, established by the UAE.⁵⁸ During the period spanning from 2016 to 2019, counterterrorism legislation was enacted, which included provisions for the creation of Munasaha Centres charged with executing rehabilitation programs for individuals with 'terrorist, extremist or deviant ideologies'. MENA Rights Group underscored the vague legal definition of 'terrorism', a classification that encompasses the mere expression of dissent against the State. Of considerable concern is the absence of a maximum detention duration for those placed within Munasaha Centres, whereby critics and leaders of opposition movements face the ominous prospect of indefinite confinement, even after serving their original sentences.
85. The UAE deploys extensive surveillance technology on its own citizens as well as part of a campaign of transnational repression⁵⁹. The French newspaper, Le Monde, reported in January 2023 that:

Over time, surveillance has grown tighter, using increasingly sophisticated technology. Pegasus spyware, developed by the Israeli NSO Group and currently under the spotlight because it was used to tap the phones of a number of Western politicians and journalists, was used notably against Ahmed Mansoor, who in 2018 was sentenced to ten years in prison for ‘harming the reputation of the state’ among other offences. Tel Aviv was fully aware that the spyware might be used in

⁵⁸ https://menarights.org/sites/default/files/2020-06/UAE_General_Allegation_Report_18062020.pdf

⁵⁹ <https://foreignpolicy.com/2016/08/25/the-uae-spends-big-on-israeli-spyware-to-listen-in-on-a-dissident/>;
<https://www.alkarama.org/en/articles/un-warns-dangers-using-spyware-undermine-rights-and-repress-activists>

this way when NSO sold it to the UAE. One of the group's founders, Hedio Shalev, told the New Yorker, 'Everything that we are doing, we got permission from the government of Israel [to do]'.

Marwa Fatafta, head of digital civil rights defence association Access Now, says, 'This surveillance is not only used extract information. It is also, and above all, a tactic of repression and intimidation. Intruding into private life and intimate spaces, spying on communications with family and loved ones, is a form of psychological violence which aims to silence victims. It makes you wonder: What did I say? What do they know? How can the personal information they have be used against me later? Women are particularly vulnerable in this regard.' Al Jazeera journalist Ghada Oueiss's phone was hacked and a private photo of her in a swimsuit was circulated on Twitter; she filed a lawsuit in the US against Saudi crown prince Muhammad Bin Salman (MBS) as well as MBZ (in charge of the UAE after his half-brother Khalifa's stroke) and DarkMatter.⁶⁰

86. The strength of the UAE's diplomatic relations despite widespread reporting of human rights abuses against its own citizens as well as foreign nationals may be explained in part by the UAE's management of other countries' foreign policy, as reported recently by The Washington Post:

⁶⁰ <https://mondediplo.com/2023/01/05uae>

The activities covered in the report, described to The Washington Post by three people who have read it, include illegal and legal attempts to steer U.S. foreign policy in ways favorable to the Arab autocracy. It reveals the UAE's bid, spanning multiple U.S. administrations, to exploit the vulnerabilities in American governance, including its reliance on campaign contributions, susceptibility to powerful lobbying firms and lax enforcement of disclosure laws intended to guard against interference by foreign governments, these people said. Each spoke on the condition of anonymity to discuss classified information.

... The UAE has spent more than \$154 million on lobbyists since 2016, according to Justice Department records. It has spent hundreds of millions of dollars more on donations to American universities and think tanks, many that produce policy papers with findings favorable to UAE interests.

... One U.S. lawmaker who read the intelligence report told The Post that it illustrates how American democracy is being distorted by foreign money, saying it should serve as a wake-up call. "A very clear red line needs to be established against the UAE playing in American politics," said the lawmaker. "I'm not convinced we've ever raised this with the Emiratis at a high level."⁶¹

Arbitrary Detention and Mistreatment

87. Reports of mistreatment and arbitrary detention by Emirate authorities are numerous. The United Nations has called repeatedly on the UAE to release individuals, often political critics, who remain arbitrarily detained and mistreated:

A UN expert has expressed serious concern at the long-term imprisonment of five human rights defenders in the United Arab Emirates and has urged the Government to release them immediately.

⁶¹ <https://www.washingtonpost.com/national-security/2022/11/12/uae-meddled-us-politics-intel-report/>

Mr. Mohamed al-Mansoori, Mr. Hassan Mohammed Al-Hammad, Mr. Hadif Rashed Abdullah al-Owais, Mr. Ali Saeed Al-Kindi and Mr. Salim Hamdoon Al-Shahhi are part of the so-called “UAE94”, a group of 94 lawyers, human rights defenders and academics who were sentenced to 10 years in prison in July 2013 for plotting to overthrow the Government.

The proceedings against them were initiated in the context of an escalated crackdown by the authorities of the United Arab Emirates against individuals and organisations calling for peaceful political reform.

“Their sentences were excessively severe and their detentions have been declared arbitrary according to the UN Working Group on Arbitrary Detention,” said Mary Lawlor, the UN Special Rapporteur on the situation of human rights defenders. “They should have never been detained in the first place for legitimately exercising the freedoms that all people are entitled to.

“There are worrying allegations that they are subjected to long periods in solitary confinement, which could amount to torture,” Lawlor said. Other allegations include authorities turning off the air conditioning as temperatures rose above 40°C, and windows being covered, preventing prisoners from seeing sunlight.⁶²

88. The UNCAT’s 2022 findings on the UAE raised serious concerns of torture practices by state agents:

Concerning the involvement of the United Arab Emirates in the conflict in Yemen and its anti-terrorism efforts, the Committee expressed concerns over allegations of torture and ill-treatment by the State party’s regular armed

⁶² <https://www.ohchr.org/en/press-releases/2021/06/uae-un-expert-condemns-long-term-detention-human-rights-defenders>

forces, state security agencies, and related non-state armed groups. The Committee placed a special onus on the investigation and prosecution of offences of torture and ill-treatment in these situations, and called for a viable pathway for victims to seek justice, redress and rehabilitation.

The Committee was also concerned about the continued practice of female genital mutilation in the UAE and the lack of legislation criminalizing it. It called upon the State party to strengthen its efforts to stamp out gender-based violence and harmful practices by introducing new legislation and awareness-raising campaigns.⁶³

89. During the 71st Session of the UN Committee Against Torture in June 2020, a collaborative submission authored by four international human rights organisations collectively conveyed:

The customary response of UAE authorities to allegations of torture involving human rights defenders has invariably encompassed denials of the claims or complete disregard, even in instances where these concerns have been raised by the United Nations.⁶⁴

90. The UK's Permanent Representative to the UN in Geneva, Ambassador Simon Manley, delivered a speech for the UAE's 43rd Universal Periodic Review at the Human Rights Council this year, stating:

We recommend that the UAE:

- 1. Implement existing laws to ensure detainees are informed of all charges against them and of their rights to a translator and legal representation; to inform someone known to the detainees of their whereabouts; and to*

⁶³ <https://www.ohchr.org/en/press-releases/2022/07/un-committee-against-torture-publishes-findings-botswana-nicaragua-state>

⁶⁴ https://www.omct.org/files/2020/06/25925/uae_joint_ngo_submission_to_cat_26_june_2020_en.pdf

investigate immediately and impartially if a complaint about the detainees' treatment is made.

2. *Guarantee the rights to freedom of opinion, freedom of expression and peaceful assembly, in line with international human rights law.*
3. *Ensure the political independence of its National Humans Rights Institute and its full compliance with the Paris Principles.*⁶⁵

91. The UAE was one of 42 countries highlighted by the UN in which people faced reprisals and intimidation for cooperating with the UN on human rights. The British academic Matthew Hedges, who was arbitrarily detained for six months in the UAE in 2018, accused the Gulf state of launching a smear campaign against him by sharing the contents of a confidential legal dossier including psychiatric report and photos of him in solitary confinement. The leaked dossier had been submitted to the United Nations following Mr Hedges gave evidence to the Committee Against Torture about his ordeal. The ICFUAE reported on the gross invasion of privacy:

*The dossier comes four years after his detention, in which time Mr Hedges has consistently detailed his time spent in solitary confinement, including being forced-fed medications, repeatedly interrogated and being deprived of sleep by being kept on the floor of a windowless cell where the lights were not turned off for months.*⁶⁶

92. The ICFUAE has highlighted the "utilization of indefinite detention underscores the persistent systemic suppression of political dissent by UAE authorities".⁶⁷ Following the completion of a dissident's sentence, the public prosecution solicits a verdict from the Federal Appeal Court—leveraging anti-terrorism laws—to transfer the inmate to

⁶⁵ <https://www.gov.uk/government/speeches/43rd-universal-periodic-reviewstatement-on-united-arab-emirates>

⁶⁶ <https://www.icfuae.org.uk/news/matthew-hedges-accuses-uae-launching-smear-campaign>

⁶⁷ <http://icfuae.org.uk/sites/default/files/ICF UAE-Munasaha%20Centres.pdf-23-04-2021.pdf>

a Munasaha Centre for an initially stipulated period, which can subsequently be extended ad infinitum. According to the ICFUAE's documentation:

In certain cases, detainees are not afforded the opportunity to appear before a judge, and the decision for their indefinite detention rests solely on administrative edicts. When a detainee does stand before a judge, the conventional attributes of a trial are conspicuously absent: the proceedings are hastily concluded within a single day, and legal representation for the detainee is rendered impossible. In essence, the public prosecution mandates that the detainee provide evidence disavowing any lingering 'terrorist ideology'.

Courts and the Judiciary

93. The United States Department of State 2022 Country Report on the UAE concludes that:

The constitution provides for an independent judiciary; however, court decisions remained subject to review by the political leadership. Authorities often treated noncitizens differently from citizens. The judiciary consisted largely of contracted foreign nationals subject to potential deportation, further compromising its independence from the government ...

Although defendants have the right to be present at their trials and to have legal counsel in court for cases that carry punishment other than a fine, observers reported that this right was not always respected. Some defendants said they did not have adequate time to prepare a defense, sometimes due to limited telephone access or incomplete information from authorities regarding their rights. Verdicts were announced in open court, even if the case was heard in a closed session.

When authorities suspected a foreigner of crimes of “moral turpitude,” they sometimes deported the individual without recourse to the criminal justice system.

Women continued to face legal discrimination because of the government’s interpretation of sharia ...⁶⁸

94. During the last UN country visit to the UAE in 2014, the former UN Special Rapporteur on the independence of judges and lawyers expressed concern that the separation of powers is not explicitly guaranteed in the UAE’s Constitution and was ‘especially concerned that the judicial system remains under the de facto control of the executive branch of government’⁶⁹. Further, it was noted that:

The Special Rapporteur is concerned reported instances in which judges appear to have lacked impartiality and show bias, especially with regard to non-nationals of the United Arab Emirates. Among foreigners residing in United Arab Emirates, there seems to be perception that the domestic courts cannot be trusted, and more specifically that judges do not treat nationals in the same way as non-nationals. ... foreigners lack of confidence in the justice system is such that many of them don't report crimes or abuses.

95. This chapter is not intended to be an exhaustive evaluation of the human rights situation in the UAE. Nonetheless from the evidence which has been put before the Panel, it appears that the UAE has embarked on a trajectory aimed at reconfiguring its human rights mechanisms, yet the path to full transformation remains a journey of considerable distance.

⁶⁸ <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/united-arab-emirates/>

⁶⁹ [A/HRC/26/32 - E - A/HRC/26/32 -Desktop \(undocs.org\)](#)

DOING BUSINESS IN THE UAE AND DUBAI: AN OVERVIEW

DOING BUSINESS IN THE UAE AND DUBAI: AN OVERVIEW

96. The Panel has taken into consideration oral evidence, as set out elsewhere in this document, and also considered a breadth of other documentary evidence from open sources provided by Counsel to the Panel. The Panel is cognisant that some evidence, and press reports in particular, may not necessarily provide a balanced picture. In the circumstances, it is important to look to other sources to see to what extent they support or undermine the general thrust of evidence which has been provided to us tending to indicate that the UAE has a significant problem with its approach to the rule of law and consequently in respecting the rights of business people who operate there.
97. As a result, we have had our attention drawn to, and taken note of, the UAE's own published attitude towards business and economic engagement. Our attention has been drawn to the "Vision 2021" programme in the UAE⁷⁰. That Vision, launched by Sheikh Mohammed bin Rashid Al Maktoum, Vice President and Prime Minister of the UAE and Ruler of Dubai, was said to have the aim of making:

"The UAE [is] among the best countries in the world by the Golden Jubilee of the Union. In order to translate the Vision into reality, its pillars have been mapped into six national priorities which represent the key focus sectors of government action in the coming years."

98. Within the section entitled "United in Destiny", the UAE Government's self-avowed aim is to provide:

"A strong and effective justice system [which] will bolster security, and the UAE will be diligent in its duties to defend and uphold the rights, interests and

⁷⁰ <https://www.vision2021.ae/en/uae-vision>

freedoms of all. Everyone will benefit from judiciary's impartiality and its dedication to fairness and justice."

99. It goes on to state that:

"Wise and capable governance will steer the economy on a stable and resilient course through ever-changing economic tides."

100. The UAE Ministry of Foreign Affairs website dedicates a page to the UAE-UK relationship, noting, within the "Economy and Trade" sections that:

"The UAE and UK are committed partners on all fronts, with a longstanding friendship and shared history linking our countries and peoples. Guided by ongoing commitment to developing a UK-UAE partnership in the future, economic exchange represents an important area through which our two countries are expanding our relations to new horizons."

101. The website also tells us that:

"The UAE-UK trade relationship is experiencing continuous development in various fields, including investment, trade, health, energy, education, space, tourism, food security and technology."

102. The same Ministry of Foreign Affairs website also tells us that, within its "Investing in UAE" section⁷¹:

"The UAE is blessed with a strategic location between east and west, making it accessible to major emerging economies, linking shipping routes and

⁷¹ <https://www.mofa.gov.ae/en/Missions/London/The-UAE/Investing-in-UAE>

facilitating goods transportation between the various regions in the Middle East, Asia, Europe and Africa.

The UAE offers endless choices of business premises and locations. Depending on your business activity, you are at liberty to choose a place appropriate for the operations, whether on the mainland or in a free zone.”

103. The Ministry of Foreign Affairs also promotes a campaign entitled “*Make it in the Emirates*”, which sets out various details regarding investment opportunities and global metrics. Amongst other things, that website⁷² tells us that the UAE “... *offers its residents a world class education, health care system; stated of the art infrastructure; a conducive business environment; a high sense of security and safety; and a variety of leisure and entertainment options...*”
104. The UK Government’s own website is also important to consider. We have had our attention drawn to gov.uk guidance “*Overseas business risk: United Arab Emirates*”⁷³. That guidance provides political economic and other background matters. We note that there is a section entitled “*Business and human rights*” in which it is stated that: “*UAE society is multicultural, and characterised by greater tolerance and openness than many other countries in the region.*”
105. It may be important to note the qualification there with reference to other regional countries. In broad terms, that guidance is somewhat neutral and does not provide particular commentary on actual risk.
106. Our attention has also been drawn to UK Government guidance entitled “*Doing Business in the United Arab Emirates: UAE Trade and Export Guide*”. We note that this guidance was withdrawn in January 2020 as it was out of date, but nevertheless, it

⁷² <https://moiat.gov.ae/en/make-it-in-the-emirates>

⁷³ <https://www.gov.uk/government/publications/overseas-business-risk-united-arab-emirates/overseas-business-risk-united-arab-emirates>

may provide a useful snapshot as to UK Government thinking and approach. That guidance, for example, stated that:

“The UAE can be a demanding and sometimes frustrating market in which to do business.”

107. Nevertheless, the nature of those frustrations does not appear to be made clear within the guidance. Within the section entitled *“Business behaviour in the UAE”* it is stated that:

“The UAE is regarded as relatively liberal within the region.”

PRESS REPORTS

PRESS REPORTS

108. In addition to the first-hand testimonials at the open evidence session, the Panel has been presented with a comprehensive sample of publicly available materials on the human rights situation in the UAE. Below is a summary of the press reports reviewed by the Panel.
109. In particular, the Panel's attention has been directed to reports of human rights issues in the UAE, the UAE's diplomatic relations, and the treatment of British businesspersons who have in some way fallen foul of, or been suspected of falling foul of, Dubai laws.

Overview of press reports of mistreatment in the UAE

110. In August 2023 the Guardian reported on the findings of a UK parliamentary ombudsman on the failings of the UK Foreign office in its handling of the arrest and detention of Mathew Hedges in Dubai in 2018:

... The ombudsman wrote in its finding: "It's hard to imagine the experience Mr Hedges has endured and quite how terrifying his detention must have been. The nightmare was made even worse by being failed by the British government. He trusted them to help him and they let him down. Officials failed to notice signs of torture, failed to intervene and failed to help."

111. The abduction and subsequent disappearance of Princess Latifa Al Maktoum, daughter of the Ruler of Dubai, following her attempted escape from the UAE was picked up by the UN human rights experts who called for the UAE to provide proof that she was alive⁷⁴. The BBC reported:

⁷⁴ <https://www.ohchr.org/en/press-releases/2021/04/un-experts-demand-concrete-information-sheikha-latifas-fate?LangID=E&NewsID=27009>

In Tuesday's statement, the UN experts called on the government of the UAE once again to "provide meaningful information" on Princess Latifa's fate "without delay".

They asked for "independent verification of the conditions under which she is being held, and for her immediate release".

"The statement issued by the Emirates authorities' merely indicating that she was being 'cared for at home' is not sufficient at this stage," the statement said.

It added: "We are alarmed that, following the public release in February of footage in which Sheikha Latifa reported being deprived of her liberty against her will, and the subsequent official request for further information on her situation, no concrete information has been provided by the authorities."

In recordings obtained by BBC Panorama in February, Princess Latifa said she was being held hostage in a "villa converted into a jail" with no access to medical help.⁷⁵

112. The Financial Times reported that:

The Office of the United Nations High Commissioner for Human Rights said it would "certainly raise these new developments with the UAE". "Other parts of the UN human rights system with relevant mandates may also become involved once they have analysed the new material or received specific allegations," the office said.

The allegations are a further embarrassment for Sheikh Mohammed, the UAE's vice-president and prime minister, who is one of the oil-rich Gulf's most high-profile leaders. Damaging details about his private life were thrust into the

⁷⁵ <https://www.bbc.co.uk/news/world-middle-east-56820707>

spotlight last year after he and his former wife, Princess Haya, became locked in a legal dispute in London's High Court related to the welfare of their two young children. During their custody battle, the London High Court ruled last year that Sheikh Mohammed orchestrated a campaign "aimed at intimidating and frightening" Princess Haya, who was his sixth wife. She fled to the UK with their two young children in 2019 claiming she was in fear of her life.

The court also ruled that he had previously "ordered and orchestrated" the abduction of two of his daughters from a previous marriage, including Sheikha Latifa. Her sister, Sheikha Shamsa, was taken from the UK in 2000.

... The UAE regards the matters as private family issues and has not commented publicly on the allegations made by Sheikha Latifa or Sheikh Mohammed's custody battle with Princess Haya. The allegations against Sheikh Mohammed are sensitive for the British establishment as the Emirati ruler has significant business interests in the UK and is one of most prominent figures in horseracing. Dominic Raab, the UK's foreign secretary, told the BBC that the videos of Sheikh Latifa were "deeply troubling". "Of course we are concerned about it, I regularly raise human rights issues with countries around the world, including UAE," he said.⁷⁶

113. The BBC has featured news items on suspected torture in the UAE:

A group of activists detained in the United Arab Emirates (UAE) are enduring conditions that may amount to torture, a UN expert says.

UN Special Rapporteur Mary Lawlor says the five detainees are being held in solitary confinement for long periods and had their air conditioning switched off in temperatures above 40C.

She called for them to be immediately released after eight years in jail.

⁷⁶ <https://www.ft.com/content/7a3ec45a-503b-4774-b2ad-4f17a2bf9c97>

The UAE said the allegations were "incorrect and baseless".

Mohamed al-Mansoori, Hassan Mohammed al-Hammad, Hadif Rashed Abdullah al-Owais, Ali Saeed al-Kindi and Salim Hamdoon al-Shahhi are part of UAE94, a group of 94 lawyers, university lecturers and students who were sentenced to 10 years in prison in July 2013 for plotting to overthrow the government.

Their sentences were "excessively severe" and they should have "never been detained in the first place for legitimately exercising the freedoms that all people are entitled to", said Mary Lawlor, the UN's special rapporteur on the situation of human rights defenders.

114. The UAE's rejection of a European resolution on human rights was featured by Reuters in 2021:

The United Arab Emirates rejected on Friday as "factually incorrect" a resolution passed by the European Parliament criticizing its human rights record and calling for the release of peaceful political activists.

"Every country has its own laws and legal institutions, the UAE constitution and national legislation enshrines fundamental rights which provide for the fair treatment of all citizens and residents," the Emirati foreign ministry said in a statement.⁷⁷

115. The Guardian reported on a series of allegations of torture levied against Ahmed Naser Al-Raisi, the former Inspector General of the Ministry of Interior in the UAE⁷⁸ Before his election to the presidency of Interpol, Al Raisi was accused of personal involvement in

⁷⁷ <https://www.reuters.com/world/uae-rejects-european-parliament-resolution-human-rights-incorrect-2021-09-17/>

⁷⁸ <https://www.theguardian.com/world/2021/nov/20/uae-nominee-interpol-ahmed-naser-al-raisi-torture-claims>

the arrest and torture of two British men, academic Matthew Hedges, and Ali Issa Ahmed who was arrested whilst on holiday in Dubai for wearing a Qatar football shirt.

116. France24 reported on the suspected complicity in torture by top UAE official, Ahmed Nasser al-Raisi:

The two Britons, Matthew Hedges and Ali Issa Ahmad, accuse al-Raisi of having ultimate responsibility – as a senior interior ministry security official – for the torture and arbitrary detention they say they suffered in the UAE. The source said the investigating magistrate must also decide if al-Raisi, who was elected Interpol president in November, enjoys diplomatic immunity from prosecution in France.

The Britons filed the complaint on the basis of universal jurisdiction, which allows states to prosecute serious crimes even if they were committed on foreign soil. The opening of this case against al-Raisi goes a step further than the torture investigation opened against him by French prosecutors in November, over the detention of UAE dissident Ahmed Mansoor.⁷⁹

117. In 2022 a complaint was filed against Al Raisi on behalf of human rights defender Ahmed Mansour, a blogger serving a prison sentence of a decade for “*insulting the status and prestige*” of the UAE and, in March, French anti-terror prosecutors opened an inquiry into allegations of torture⁸⁰:

William Bourdon, a lawyer for the Emirati human rights defender and blogger Ahmed Mansour, said he filed the complaint against al-Raisi in a Paris court under the principle of universal jurisdiction. Mansour is serving a 10-year

⁷⁹ <https://www.france24.com/en/europe/20220511-france-opens-case-against-interpol-president-over-uae-torture-allegations>

⁸⁰ <https://www.theguardian.com/world/2022/mar/24/france-opens-inquiry-into-alleged-torture-by-interpols-emirati-head>; <https://www.theguardian.com/world/2022/jan/18/torture-complaint-filed-against-new-president-of-interpol>

sentence in the UAE for charges of “insulting the status and prestige of the UAE” and its leaders in social media posts.

Separately, lawyers for two Britons who had accused al-Raisi of torture filed a criminal complaint Tuesday with investigative judges of the specialised judicial unit for crimes against humanity and war crimes of the Paris Tribunal.

118. Lawyers on behalf of Tiina Jauhiainen filed a complaint against the Emir of Dubai and Al Raisi, accusing them of complicity in her kidnapping and torture after she tried to help Emirati Princess Latifa flee the UAE in 2018⁸¹:

According to the complaint filed in Germany on Thursday, Jauhiainen was then arbitrarily detained and tortured by UAE security forces over the course of three weeks. Her lawyers say she was tied up for at least six days in a confined space on two different boats on the way back to the UAE. Once there, they say she was held in solitary confinement in a freezing cold room without windows for two weeks while undergoing up to 18 hours a day of interrogations, and also being threatened with death and torture.

According to the complaint, Emirati security services accused Jauhianen of having kidnapped Princess Latifa and they refused to believe that she had wanted to escape of her own free will. Jauhiainen was forced to sign various confessions in Arabic that she didn't understand and was only freed after a media outcry and intervention by the Finnish government, her lawyers said.

Now with her complaint, filed under the principle of universal jurisdiction, she says she is fighting for justice "for what I was put through simply for trying to help a friend get out of an abusive situation".

⁸¹ <https://www.middleeasteye.net/news/uae-princess-latifa-lawsuit-dubai-emir-interpol-head>

119. In 2021 Reuters reported on further calls by the UN for the release of arbitrarily detained persons in the UAE:

Former U.N. human rights commissioner Mary Robinson, visiting Dubai, urged the United Arab Emirates on Wednesday to free a pro-democracy campaigner jailed in 2018 for criticising the government on social media.

Rights groups say Ahmed Mansoor, who is serving a 10-year sentence, may be suffering treatment amounting to torture. The UAE has denied mistreating him. "He is regarded by the human rights community as a brave human rights defender," said Robinson while addressing a climate event at the Expo Dubai world fair. "This (releasing him) would be a timely move also called for by the parliament of the European Union."⁸²

Tensions between the UAE and its Allies

120. In 2022 the Washington Post reported that the UAE had illegally manipulated US foreign policy through the deployment of unlawful spyware:

The activities covered in the report, described to The Washington Post by three people who have read it, include illegal and legal attempts to steer U.S. foreign policy in ways favorable to the Arab autocracy. It reveals the UAE's bid, spanning multiple U.S. administrations, to exploit the vulnerabilities in American governance, including its reliance on campaign contributions, susceptibility to powerful lobbying firms and lax enforcement of disclosure laws intended to guard against interference by foreign governments, these people said. Each spoke on the condition of anonymity to discuss classified information.

⁸² <https://www.reuters.com/world/middle-east/former-un-rights-commissioner-robinson-urges-uae-release-activist-2021-10-06/>

... One of the more brazen exploits involved the hiring of three former U.S. intelligence and military officials to help the UAE surveil dissidents, politicians, journalists and U.S. companies. In public legal filings, U.S. prosecutors said the men helped the UAE break into computers in the United States and other countries. Last year, all three admitted in court to providing sophisticated hacking technology to the UAE, agreeing to surrender their security clearances and pay about \$1.7 million to resolve criminal charges. The Justice Department touted the settlement as a "first-of-its-kind resolution."

... There are no elections or political parties in the UAE, and no independent judiciary. Criticism of the government is banned, and trade unions and homosexuality are outlawed. Freedom House ranks the gulf state among the least free countries in the world. The stifling political environment stands in stark contrast to the country's opulent cosmopolitan offerings, including the world's tallest building, ski slopes inside a shopping mall and Ferrari World, a theme park inspired by the Italian sports car manufacturer. Its largest city, Dubai, is a tax-free business hub with glitzy five-star hotels, nightclubs and DJ concerts that feel incongruous to the nearby religious zeal of Saudi Arabia. In recent years, U.S. officials and independent watchdogs have warned that smuggling and money-laundering in the UAE have allowed criminals and militants to hide their wealth there.

121. Qatar newspaper Alquds ran a story in 2021 headlined 'Allegations that UAE used Israeli Pegasus program to surveil FT editor-in-chief & Khashoggi wife phones':

Leaks of phone numbers selected for monitoring through the Israeli Pegasus program revealed that the UAE chose the phone number of the editor of the "Financial Times" and journalists in the "Wall Street Journal" and "The Economist" magazine as potential targets for espionage.

*The Guardian newspaper revealed that Abu Dhabi used the Israeli spyware program Pegasus, produced by the NSO Group, to try to surveil the phone of Lebanese-born journalist Rola Khalaf; editor-in-chief of the Financial Times. Khalaf was appointed last year as the first female editor in the newspaper's history, and she is one of 180 journalists whose phones were exposed to hacking through the Israeli program.*⁸³

122. Al Jazeera reported that NGO, Democracy for the Arab World Now (DAWN) had asked UK authorities to investigate the circumstances of the death of a prominent Emirate activist near London:

Alaa al-Siddiq, 33, executive director of the UK-based ALQST, a non-profit organisation that advocates greater freedoms and human rights in the United Arab Emirates (UAE) and the wider Gulf region, died in an automobile collision in Oxfordshire on Saturday.

“UK police should ensure that no foul play was involved in the death ... in light of the fact that the UAE, Saudi Arabia, and Bahrain have violently targeted activists in the UK and around the world,” DAWN said in a statement on Sunday.

... DAWN was founded in 2018 by Jamal Khashoggi, a Saudi journalist who was murdered in the embassy of Saudi Arabia in Istanbul, Turkey, later that year. Also on Sunday, Alaa’s close colleague Khalid Ibrahim, executive director of the Gulf Centre for Human Rights, told the UK’s Telegraph newspaper she was “at risk all the time”.

⁸³ <https://www.alquds.co.uk/%D8%A7%D9%84%D8%A5%D9%85%D8%A7%D8%B1%D8%A7%D8%AA-%D8%AD%D8%A7%D9%88%D9%84%D8%AA-%D8%A7%D9%84%D8%AA%D8%AC%D8%B3%D8%B3-%D8%B9%D9%84%D9%89-%D9%85%D8%AF%D9%8A%D8%B1%D8%A9-%D8%AA%D8%AD%D8%B1%D9%8A%D8%B1/>

... One human rights activist who worked with al-Siddiq also told the Telegraph that Alaa had “spoken of death threats”.

The colleague, who asked to remain anonymous, said: “She was fighting her whole life for her father and for others.”⁸⁴

Mistreatment of business persons in Dubai

123. In 2021 the Economist featured an in-depth report into the mistreatment of foreign business persons in Dubai.⁸⁵ The article featured journalistic investigations into the cases of Charles Ridley, Martin Lonergan, Zack Shahin, and predominantly, of Ryan Cornelius. The article looked at the role of the FCDO in assisting British nationals who run into trouble in the UAE:

By and large, Western governments consider Dubai to be a reliable partner and safe place to operate. The latest guidance from Britain’s Foreign and Commonwealth Office (FCO) on business risks in the UAE states that its “society is multicultural, and characterised by greater tolerance and openness than many other countries in the region”.

Yet the emirate has long been a haven for dirty money and shady middlemen. Regulators mostly turned a blind eye to such activity in the heady years before the financial crisis. But the events of 2008-09 left Dubai’s debt exposed and the emirate came close to defaulting – it was saved from this fate only by a bail-out from Abu Dhabi, another emirate. This near-death experience forced Dubai to make a show of cleaning house, especially as the government came under increasing pressure from other countries and global regulators.

⁸⁴ <https://www.aljazeera.com/news/2021/6/21/rights-group-urges-uk-to-probe-uae-activists-death-near-london>

⁸⁵ <https://www.economist.com/1843/2021/12/15/the-dubai-debt-trap>

124. The article makes a connection between the imprisonment of Ryan Cornelius and the abduction of Princess Latifa, identifying Mohammed al-Shaibani, director general of The Ruler's Court, Government of Dubai, a prime government body of the Emirate of Dubai, as a common denominator:

Shaibani's past calls into question Dubai's claim to be run by the rule of law. He was involved in two of the most notorious episodes in Dubai's recent history: the kidnappings of the emir's daughters, Shamsa and Latifa. In August 2000, Shamsa was abducted from the streets of Cambridge, England, not far from the sheikh's estate in Newmarket. She was drugged and taken to Dubai against her will. During a dispute between the ruler of Dubai and his estranged wife, the English High Court determined in December 2019 that Shaibani was "closely involved" in the "operation to remove" her and, indeed, that he was present when she was seized. She hasn't been seen in public since.

125. Al-Shaibani had been Director of the Dubai Islamic Bank (DIB) which brought a case against Ryan Cornelius:

When Shaibani was installed as DIB chairman, he acted decisively. It was widely believed that Kharbash, the former chairman, had been lining his own pockets. Shaibani's remit was "to clean the stables", says a lawyer who worked on cases involving the bank. Kharbash was charged with embezzlement in 2009. The outcome of the case is unclear. He died in 2016.

Shaibani wanted not merely to remove Kharbash, but to crush those who had profited from their relationships with him, according to several British lawyers who have examined Cornelius's case, as well as Lord Clement-Jones, a Liberal Democrat peer who has campaigned for Cornelius's release. In one witness statement Cornelius said he believed that dib "took various calculated steps" to prevent him from fulfilling the restructuring agreement. These were "illegal

acts of manifest bad faith” committed by the bank “in order to get its hands” on the Plantation.

126. The Times reported in 2023 that the family of Ryan Cornelius had appealed to the Ruler of Dubai for clemency:

The family of a British businessman who was sentenced to 20 years in prison in Dubai after finishing a ten-year term for the same offence are appealing for clemency directly to the emirate’s ruler.

Written in the name of his son Josh, who was six when his father was arrested but is now 21, it says Cornelius’s health is deteriorating and the family fear that at the age of 69 he will not survive his jail term. He has contracted tuberculosis in al-Awir prison and also suffered severe Covid-19.

Lord Clement-Jones, a lawyer and Liberal Democrat peer who has taken up the men’s case, says the original problem with the loan and receipts was “technical” rather than fraud but that in any case the settlement dealt with the matter.

He said the imposition of the second sentence, in 2018, was a clear breach of natural justice. The law under which a further sentence could be imposed for non-payment of a debt was brought in after the settlement was agreed and the men were arrested.

127. A recent United Nations ruling that the ongoing detention of British businessman Ryan Cornelius is “arbitrary” and “unfair” and in breach of international human rights standards drew international attention^{86,87}. Forbes Magazine reported:

⁸⁶ <https://www.theguardian.com/world/2022/jun/17/un-calls-on-uae-to-release-british-man-ryan-cornelius-imprisoned-in-dubai-since-2008>

⁸⁷ <https://www.telegraph.co.uk/news/2022/06/19/un-rules-british-businessman-unlawfully-imprisoned-dubai/>

The report by the UN Working Group on Arbitrary Detention, issued on May 31, lays out in detail allegations that Cornelius was aggressively interrogated without access to a lawyer, was induced to sign a document in Arabic which he could not read and was held in solitary confinement for several months. In addition, during the trial that led to his initial conviction in April 2011, he reportedly had no access to an interpreter and the lawyer appointed for him did not speak English.

The Working Group said the UAE government had not responded to its questions on the case. Weighing up the evidence, the panel found Cornelius was arbitrarily arrested and denied his rights to due process and a fair trial. “The Working Group finds that the government failed to establish a legal basis for the arrest and detention of Mr. Cornelius and that his detention is arbitrary,” the report said.

THE LEGAL FRAMEWORK

THE LEGAL FRAMEWORK

128. The judicial system in the United Arab Emirates consists of two separate structures: the Federal Judiciary, as the highest judicial authority in the UAE, and the local courts at Emirate level on the other.
129. The UAE Constitution of 1971 extends the prerogative to each Emirate to establish its own judicial system or partake in the Federal Judiciary. Currently, only Dubai and Ras al Khaimah maintain autonomous judicial systems, while the remaining Emirates are integrated into the federal judicial structure. It is noteworthy that certain domains, particularly those related to 'National Security,' inherently fall within the purview of federal jurisdiction.
130. Distinguishing the two legal systems, the federal tier is characterized by a tripartite hierarchy: the Court of First Instance, succeeded by the Court of Appeal, culminating in the Supreme Court. Similarly, the local courts in Dubai and Ras Al Khaimah adhere to a parallel framework: the Court of First Instance, followed by the Court of Appeal, with the Court of Cassation functioning as the ultimate local appellate body.
131. Both federal and local systems segment the Courts of First Instance into civil, criminal, and sharia courts based on the nature of the legal matter. Sharia Courts, aimed at Muslim cases, preside over matters including divorce, child custody, and criminal cases such as child abuse, rape, and extramarital relations. The retention of punishments like stoning and flogging underscores the enduring influence of Sharia law. Predominantly, UAE law across all courts remains rooted in Sharia principles, with Emirati jurisprudence guiding decisions in instances where legislative provisions are not explicit, by referencing Quranic and Hadith-based juristic interpretations.
132. Post-verdict, the litigants retain the prerogative to mount an appeal to the Civil Court of Appeal based on factual and/or legal grounds within a 30-day window from the

judgment date. The Court of Cassation then assumes the role of an appellate body concerning decisions of lower courts, concurrently overseeing their interpretation of the law. The verdicts of the Court of Cassation are definitive and impervious to further appeals. At the federal echelon, the Supreme Court holds the pinnacle of judicial authority, comprising a President and a limited number of Judges, not surpassing five, appointed through presidential decree, subject to endorsement by the Supreme Council, in accordance with Article 96 of the constitution.

Dubai Law No. 37

133. Dubai Law No. 37 of 2009 on the Procedures for the Recovery of Public Property and Illicitly Collected Money and Private Funds, is a Dubai law and *not* a UAE law, which came into force on 31 December 2009. The legislation provides a mechanism for further imprisonment in circumstances in which a prisoner is alleged to have failed to repay sums owed to a creditor.
134. Law 37 was enacted as part of an anti-corruption campaign and was intended to (a) act as a deterrence against corrupt practices; and (b) facilitate the recovery of illegally obtained funds (and, in particular, “Public Funds”) by incentivising defendants to return them. Law No.37 is punitive and applied retroactively.
135. Through Law No. 37, there is a penalty of imprisonment of up to 20 years for those found not to have returned the proceeds of their crime in relation to offences committed in Dubai.⁸⁸ Under Law No. 37, victims of fraud have standing to seek restitution of the proceeds of crime. This applies to both public and private funds.
136. Civil claims are usually brought under the general provisions of Federal Law No. 5 of 1985 on the Civil Transactions Law of the United Arab Emirates State (as amended)

⁸⁸ <https://www.charlesrussellspeechlys.com/en/news-and-insights/insights/dispute-resolution/2023/cdr-essential-intelligence-fraud-asset-tracing-recovery/>

("Civil Code") from Articles 282 et seq., which stipulate that any harm or tort committed on someone shall render the actor liable to compensate the victim.

137. A translation of Law 37 taken from Lexis Middle East is as follows (emphasis added):

Article (1)

For the purposes of this law, "illegal Money" means: **money obtained directly or indirectly as a result of an action that constitutes a crime punishable by law** and **"Public Money" means: money owned by the government bodies.**

Government affiliated institutions and companies, or parties to which government bodies contribute, as well as money payable to any of these.

Article (2)

Anyone (the debtor) proved to have been convicted by means of a final judicial ruling of obtaining illegal money and failing to pay it back for any reason, may be issued a sentence by the execution judge upon a claim case by the lender (creditor) as follows:

1. The person shall be sentenced to the years in jail if the payable illegally acquired money is not less than Dh500.000 and not more than Dh1 million.
2. The person shall be sentenced to 10 years in jail if the payable illegally acquired amount of money is between Dh1 million and Dh 5.
3. A ten-year jail term applies if the payable illegally acquired amount of money is between Dh5 million and Dh10 million.
4. The person shall be handed out a 20-year jail term if the payable illegally acquired amount of money exceeds Dh10 million.

Article (3)

Any debtor proved to have been convicted by means of a final ruling of obtaining public money and failing to pay it back for any reason. the execution judge shall issue an order to jail the person convicted, upon a request by the creditor according to the jail terms in Article 2 of this law,

Article (4)

Any debtor convicted according to this law shall be jailed apart from detainees or those convicted in penal cases.

The prison's management shall provide the debtor convicted according to this law with appropriate means of communication with the outside world to arrange payment of the payable illegally acquired money or settlement with creditors.

Article (5)

Without prejudice to any other prescribed punishment stipulated by another legislation against the convicted debtor. the debtor shall be released before the end of his jail term in the following cases:

- :Payment of all payable funds.
- Reaching an amicable settlement with the creditor.

Article (6)

If the debtor is a corporate body, the jail sentence will be issued against the person who decided not to pay the debt.

Article (7)

The convicted person (the debtor) shall not be sentenced to jail in the following cases:

1. If the person was below 18 years or over 70 years of age
2. If the debtor submits a bank guarantee or has a capable guarantor accepted by the execution judge to pay the debts according to schedule. or disclosed his ownership of money in the L;AE that can be seized and are sufficient to cover the person's debts
3. If it was proven by a medical report issued from a government medical committee that the debtor suffers from a chronic incurable disease which makes the person unable to tolerate jail.

Article (8)

The court's jail sentence may be appealed before the court of appeals provided the appeal does not lead to suspending the implementation of the ruling.

The appeal court may rule to uphold, amend or revoke the sentence, and its ruling shall be considered final and indisputable.

Article (9)

Serving the jail sentence stipulated by this law according to the court's ruling does not excuse the debtor from paying back his debts or from compulsory enforcement to collect the debt according to legally prescribed ways.

Article (10)

The decree shall take effect from date of issuance and is to be published in the official newspaper.

138. In the wake of Law No. 37's enactment, a significant shift has occurred, whereby restorative justice has transitioned from exclusively within civil domain to having a direct linkage with criminal justice. The legislation explicitly delineates that incarceration arises from the non-compliance with an obligation to restore unlawful gains, a principle purportedly designed not infringe upon human rights protections.

139. The Panel heard from Mr Ridley who is currently serving a prison sentence in Dubai handed down under Law 37:

“Law 37 is a Dubai-specific law, or No Pay No go, whichever way you want to phrase it. Both of these are Dubai-specific and under Law 37, which only has twelve articles, it is very short, if a criminal court has awarded in its judgment a restitution payment and that payment has not been made then the creditor, in this case the [Dubai Islamic] Bank, can demand the Dubai court, and I use the word demand, demand Dubai Courts to further jail people for a period of between 5 and 20 years, depending on the amount unpaid ...

[I]n 2018 when we were pulled out in front of the courts and given those 20 years for Law 37, in front of a Judge, who basically did nothing because the law said the creditor, the Bank, could demand that we were jailed. He had no say in the matter. If the Bank said ‘we had not been repaid’, then the Judge has no say in the matter ... The fact that there was [debt] security was irrelevant according to the Judge and the Bank, because the loans had not been repaid ... The Law 37 is a very draconian law.”

140. The Panel was told by Mr Ridley that the only known individuals to have been sentenced under Dubai’s Law 37 are himself and Ryan Cornelius and two other businessmen from Pakistan.

141. Mr Ridley explained to the Panel that Law 37 is relatively unknown in Dubai and that, in his opinion, the law was introduced to deal with individuals who upset powerful people in Dubai, in particular it was relevant in his case that:

“The Chairman of the [Dubai Islamic] Bank, is a gentleman called al-Shaibani, who is also the Director General of the Ruler’s Court, the Court in Dubai. He is also the Deputy Chairman of the Judicial System. No-one, but no-one will argue with al-Shaibani ...”

142. The Panel also heard from Mr Ridley that Law 37 had been applied retroactively in his case. In 2018 several years following the completion of his sentence, Mr Ridley’s sentence was extended from ten years to thirty years imprisonment under Dubai’s Law 37 of 2009. The enactment of Law 37 significantly postdates the commission of the offences for which Mr Ridley was convicted and imprisoned.
143. Mr Ridley was arrested and detained in 2008, in 2011 he was found guilty of “embezzlement of state funds”, sentenced to ten years’ imprisonment and ordered to repay the loan of \$501m alongside a further \$500m fine. In 2016 Charles should have been released and deported having completed his sentence with a reduction for good behaviour, however, he remained held in custody for two years without explanation from the authorities and despite numerous requests from Mr Ridley and the British Embassy.
144. In March 2018 the Bank made a Request under Law 37 to the Dubai court. In May 2018 Mr Ridley was a sentenced to a further 20 years’ imprisonment under Law 37 for non-repayment of \$501m to the Bank. The Panel heard that the Dubai court ruled that the relevant date for the purpose of applying Law 37 was the date of the 2011 judgment and not the 2007 dates of the purported fraudulent activity.

145. The Panel heard that Article 4 of Law 37 has not been adhered to such that Mr Ridley has no practical means of arranging the clearance of any debt from prison. Article 4 of Law 37 reads:

The prison's management shall provide the debtor convicted according to this law with appropriate means of communication with the outside world to arrange payment of the payable illegally acquired money or settlement with creditors.

146. Mr Ridley has not been provided with any means of communication, no computer, or internet access, which would enable him to conduct business with a view to repaying or settling the bank loan.
147. In 2022, the UK High Court was asked to rule on whether, inter alia, proceedings under Dubai Law 37 are criminal or civil (*Ridley v Dubai Islamic Bank PJSC* [2022] EWHC 1912⁸⁹). At paragraph 62 of the judgment, Lionel Persey KC, sitting as Judge of the High Court, held that the proceedings under Law 37 were criminal in nature.
148. The Panel note that the UK Government's guidance '*Overseas business risk: United Arab Emirates*⁹⁰, does not provide any information relating to the risks of the application of Law 37 to British businesspersons.

No Pay No Go

149. Under the UAE system, paying a fine or serving a jail term does not absolve the debtor from the responsibility to pay the debt. Creditors can also apply to civil courts to jail

⁸⁹ <http://www.bailii.org/ew/cases/EWHC/Comm/2022/1912.html>

⁹⁰ <https://www.gov.uk/government/publications/overseas-business-risk-united-arab-emirates/overseas-business-risk-united-arab-emirates>

debtors or to impose effectively indefinite travel bans for outstanding personal or business debts exceeding 10,000 Emirati dirhams (\$2,700).⁹¹

150. If the judge deems the debtor capable of paying or if there are fears the debtor may attempt to flee the country, the judge can order the debtor's detention.
151. Alarming, there is evidence to show that Dubai's 'No Pay No Go' mechanisms are used to extend sentences in default for indefinite periods. Even when an individual has completed an additional sentence in lieu of payment, their release is refused under 'No Pay No Go' mechanisms. This means that even where a prisoner has served a sentence in default for nonpayment of fine or other sum awarded to be repaid, that prisoner may remain in custody without release: essentially an imposition of a whole life tariff in default of payment.
152. The Panel heard from Mr Ridley that the use of No Pay No Go mechanisms differ from the application of Law 37 because sentences passed under Law 37 are ordered by a judge whereas in scenario's described as No Pay No Go, the prosecutor has simply instructed the relevant prison that the individual may not be released until any fines are paid off. Mr Ridley explained that:

“Under No Pay No Go, the Judge issues the sentence with a fine or two fines and the prosecutor adds that onto the sentence. Onto the judgment an instruction to the prison is added which says ‘you may not release him until he has paid these amounts’. This is not even a law. It is just something that the Dubai prosecutor has done and people stay in jail for years and years because of No Pay No Go.

⁹¹ <https://www.hrw.org/news/2021/05/10/uae-foreign-debtor-trapped-dire-circumstances>

FINDINGS AND RECOMMENDATIONS

FINDINGS AND RECOMMENDATIONS

Introduction

The Panel has been presented with a broad scope of evidence, including significant and compelling open source evidence and press reports. The Panel was impressed with the oral testimony given by the experts. That evidence provided from the complainants and their family members was thoughtful, compelling and important.

The Panel wishes to express her thanks to everyone who has worked on this important matter.

Consideration of the Evidence

The Panel has thoroughly considered all the evidence presented to it and has borne in mind the specific terms of reference for the report. The Panel has been acutely sensitive to accounts of business people and their families who have been affected by unfair treatment. The panel thanks them for sharing their experiences and challenges that they have faced. The evidence of Martin Lonergan, Ryan Cornelius's family and Charles Ridley has been invaluable.

The Panel is acutely conscious that no criminal justice system is beyond reproach. Nonetheless, the evidence that we heard from Mr Alexis Thiry was particularly alarming regarding the systemic failures of the rule of law. In considering the expert evidence, we take particular note of the conditions of pre-trial detention and the apparent lack of due process rights available to individuals who are subject to criminal proceedings. There appears to be a substantial disconnect between the public image of the UAE and Dubai especially, as a welcoming place to do business, and the evidence presented to us.

Likewise, the harrowing account given by Dr Matthew Hedges painted a picture tending to suggest that the criminal justice system in the UAE is highly susceptible to manipulation and can properly be characterised by an absence of adherence to the rule of law both domestically and with reference to international standards.

The Panel was particularly struck by the evidence given by Ms Meredith Morrison of the Risk Advisory Group. We note the comment that *“the UAE is the biggest risk to businesses in the Middle East, operating there. I think that is true on a corporate and institutional level as well as on an individual level. Individuals and institutions go into the UAE and have this reputation of being a business paradise and I think people go in without an understanding of the risks that they are facing and, for example, the courts there, what they are in danger of experiencing is basically that somebody decides that they would like to go after them”*.

The Panel notes Ms Morrison’s evidence that the UAE, “[has] *the best reputation in the region, actually, and it is the risks that are unknown*”.

The evidence that we heard from Mr Ridley, Mr Lonergan and Ryan Cornelius’s family supported this bleak picture – that is to say, those individuals were unaware of the risks that they faced until they were drawn into the criminal justice system. It is only then that the absence of due process, rule of law and fundamental human rights was properly appreciated by them. It seems unlikely that, considering the evidence presented to us, that their cases are isolated. Rather there appears to be a pattern of fundamental rights breaches.

We have considered the broad spectrum of evidence in relation to the human rights landscape in the UAE. The leading Human Rights reports, published by the US State Department, Amnesty International and Human Rights Watch so a picture of significant and persistent human rights breaches and an absence of the rule of law. In deed we have been unable to find any objective evidence that points to the contrary.

Key Findings:

1. The UAE, despite its modern facade and significant expatriate community, has a criminal justice system that persistently falls short of guaranteeing basic human rights. The country is not a signatory to the International Covenant on Civil and Political Rights, and while it has acceded to some international treaties, their implementation remains questionable.

2. The Emirati criminal justice system has been criticized for its treatment of detainees, with reports of secret detentions, incommunicado or solitary confinements, and instances of torture and ill-treatment.
3. The UAE's legal framework poses significant challenges for business professionals, especially non-Emiratis. The country's laws contain harsh penalties for freedom of expression violations, such as insulting the ruler or the state's reputation.
4. The independence of the judiciary in the UAE is a matter of deep concern. Many judges are foreigners without tenure, making them susceptible to political pressures. The executive branch holds discretionary power over the renewal of foreign judges' contracts.
5. The "No pay no go" mechanisms and Dubai Law 37 of 2009 were highlighted as areas of particular concern. These mechanisms can be improperly deployed, leading to potential injustices for business professionals.

Key Recommendations:

1. **Transparency and Awareness:** There's a need to enhance transparency around the potential risks of doing business in the UAE. Business professionals should be made aware of these risks to make informed decisions about investments and operations in the region.
2. **Legal Reforms:** The UAE should consider reforms to its criminal justice system to ensure it aligns with international human rights standards. This includes ensuring fair trial rights and addressing concerns related to the independence of the judiciary.
3. **Consular Protection:** The UAE should ensure that foreign detainees have the right to communicate with their consular authorities without undue restrictions. The country

should consider becoming a party to the Vienna Convention on Consular Relations to strengthen consular protection measures.

4. **Engagement with Human Rights Organizations:** The UAE should actively engage with human rights organizations and legal experts to address concerns and implement recommendations. This includes facilitating open dialogues and discussions with these entities.
5. **Review of "No pay no go" Mechanisms and Dubai Law 37:** The UAE should conduct a thorough review of the "No pay no go" mechanisms and Dubai Law 37 of 2009 to ensure they are not misused or improperly deployed against business professionals. The UAE Government should immediately release any prisoners held improperly subsequent to the misuse of Law 37 as well as the No Pay No Go regime.
6. **Bilateral Engagements:** The UK Government should engage with the UAE authorities to address concerns related to the treatment of UK nationals in the UAE. This includes diplomatic interventions and discussions to ensure the rights of UK citizens are adequately protected. The UK Government should take all necessary steps to request that the UAE comply with its basic international legal norms.
7. **Support for Detainees:** The UK Government should provide adequate support and assistance to UK nationals detained in the UAE. This includes ensuring they have access to legal representation and consular services. The UK Government should take steps to ensure the release of any prisoners detained arbitrarily or otherwise unlawfully. This should include all steps to secure the release of business people who have been held improperly as set out elsewhere in this document.

Analysis

Whilst the UAE offers lucrative business opportunities, there are significant concerns related to the treatment of business professionals, especially non-Emiratis. Addressing these concerns is crucial for ensuring a fair and equitable business environment in the UAE.

Nevertheless, and considering the breadth of the evidence presented to us, there is little doubt that in many ways the UAE, and Dubai in particular, represents a popular place to do business and that many businesses and individuals are able to thrive there in a stable economy. The Panel notes the evidence provided and concludes that there are significant risks which are often invisible to business people operating there and it is perhaps too late when individuals are drawn into the criminal justice system. It is only at that stage that some of the defects in the Emirati criminal justice system and the attendant risks to business people become fully manifested.

We heard clear and compelling evidence that several British business people have been held unlawfully and arbitrarily detained in the United Arab Emirates. It is imperative that the UK Government and the UAE Government take all necessary steps to ensure that the rights of British and other nationals are respected in line with international legal norms. In particular, we call upon the UK Government to take all necessary steps to secure the release of any British nationals who have been arbitrarily detained or otherwise improperly detained.

Furthermore, we call upon the UK Government and, in particular, the Foreign, Commonwealth and Development Office to take all necessary steps to fully and properly warn UK nationals of the risks of doing business in the UAE. In short, the system that exists in the UAE, and in Dubai in particular, is such that business people are at particular risk of wrongful imprisonment, including being subject to imprisonment due to the criminalisation of non-criminal debt or business dispute type matters. This is a matter which we conclude is not adequately highlighted by the FCDO in its warnings and/or information to British travellers who may wish to travel and do business in the UAE.

Accordingly, the Panellists call upon the Governments of both the UK and UAE to take immediate action to protect the rights of those individuals who are unlawfully detained. With the respect due to the UAE and, again, Dubai in particular, we invite that country to engage in a process of meaningful reform to ensure that the UAE complies with basic international standards.

Notwithstanding that we have been presented with evidence of recent steps to reform in the UAE – including the 2020 announcement in relation to the country’s personal status laws – we conclude that human rights are not adequately protected and, in particular, the rights of business people are routinely infringed.

We find that it is critical to enhance transparency in relation to the potential risks of doing business in the UAE and Dubai and call upon the FCDO to adequately highlight those risks to UK nationals.

Misuse of Particular Laws

In light of the specific evidence that we heard in relation to the application of certain Dubai laws, pay particular attention to the evidence provided in relation to Law 37 of Dubai, 2009 as well as the “*No Pay No Go*” mechanisms. We note that in Mr Ridley’s case, as in others, the Law 37 mechanism has been deployed retroactively. We also note that this was the finding of the United Nations in the linked matter of Ryan Cornelius. We pay particular attention to the lack of due process and fair trial rights in both Mr Ridley and Mr Cornelius’s cases. We have considered in detail the translation of Law 37 provided to us and conclude that the UK Government’s guidance “*Overseas business risk: United Arab Emirates*” does not provide any information in relation to the risks or application of Law 37 to British business people.

We conclude that the use of such laws has been applied retroactively, at odds with fundamental and basic legal norms. Furthermore, we conclude that the FCDO’s guidance and information to British citizens should be strengthened to reflect that this mechanism or others may be improperly deployed against business people operating in the UAE.

Likewise, we heard about the deployment of the “*No Pay No Go*” mechanism and again conclude that this mechanism has been used to extend sentences in default of payment of fines or debts for indefinite purposes. Again, this is at odds with the rule of law and we note, in particular, that this mechanism seems to be used without any statutory foundation,

again, wholly at odds with basic fair trial procedures. We call upon the FCDO to strengthen its guidance to UK travellers to the UAE to notify them of the risks of such behaviour by the Emirati authorities. Furthermore, we call upon the UAE to release any prisoners improperly detained in these circumstances. For the avoidance of doubt, we have considered the UK Government's own website "*Overseas business risk: United Arab Emirates*" and note that the guidance contained therein is manifestly inadequate. There should be clear and proper warnings made available to all UK travellers, especially those in a business context.

We also take note and endorse the speech given by the UK's Permanent Representative to the UAE in Geneva, Ambassador Simon Manley. In particular, we note and concur with the Ambassador's recommendation that the UAE "*Implement existing laws to ensure detainees are informed of all charges against them and of their rights to a translator and legal representation...*" Furthermore, we endorse the recommendation that the UAE "*ensure the political independence of its national human rights institute and its full compliance with the Paris principles*".

We also note that within the Law 37 provisions individuals convicted should be provided with appropriate means of communication to the outside world to arrange payment. We call upon the UAE to ensure that such mechanisms are actually provided. The information provided to us is that no such mechanisms are provided.

The misuse of a retroactive law – Law 37 – is at odds with fundamental international legal norms. We also note that the combination of this Law and the No Pay No Go mechanisms effectively create a modern debtor's jail whereby individuals have no realistic possibility of discharging debts or fines imposed upon them. Furthermore, we note that the implementation of those laws in these ways amount to an effective life sentence, grossly at odds with the offences said to have been committed. We also proceed cautiously as we note the allegations of breach of a fair trial right are severe and, particularly in the Ryan Cornelius case, have effectively been upheld by the United Nations.

On a final note, we note that the United Arab Emirates is the host of the COP 28 International Climate Summit this coming November. This Summit is a matter of crucial global importance, and we observe that the world's attention will be focused on the UAE as a result. In those circumstances, we call upon the UAE Government to take steps to remedy the above matters and demonstrate to the world at that Summit that it is prepared to comply with fundamental human rights norms.

Baroness Kennedy of the Shaws KC

Sir Robert Buckland KC MP

Alistair Carmichael MP

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