



*Photo of Ahmed Mansoor, courtesy of the Martin Ennals Foundation*

## **Ahmed Mansoor, the Missing Prisoner**

### **Report on the Mission to Find the Most Prominent Human Rights Defender in the United Arab Emirates**

**June 2018**

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## I. Executive Summary

On 26 February 2018, two lawyers from Ireland approached the Ministry of the Interior in the United Arab Emirates (UAE) in an attempt to determine the exact whereabouts of prominent human rights defender **Ahmed Mansoor**, and to visit him if possible. Mansoor, who has been detained since 20 March 2017 for his human rights activities, received the Martin Ennals Award for Human Rights Defenders in 2015<sup>1</sup>, and is a member of the advisory board of the Gulf Centre for Human Rights (GCHR). He is the father of four young boys.

According to local media reports, on 29 May 2018, Ahmed Mansoor was convicted of various charges and sentenced to 10 years by the State Security Chamber of the Federal Supreme Court.<sup>2</sup> He was also fined one million Dirhams (USD \$272,294.00) and the court ordered him to be put under surveillance for three years upon his release. Local media have said that Mansoor was convicted of “insulting the 'status and prestige of the UAE and its symbols' including its leaders” and of “seeking to damage the relationship of the UAE with its neighbours by publishing false reports and information on social media.”

Under new laws in the UAE, Mansoor will be entitled to appeal the verdict.<sup>3</sup>

This trial raises a number of concerns. There was no public announcement that the trial would take place. The conviction and sentence were reported in the media, but there has been no public pronouncement or information on the trial itself. While Mansoor was represented by a lawyer, this was only announced in the press after the fact. Furthermore, it appears that the appeal process would be held in the same court. This appears to have been a grossly unfair trial.

Given the widely documented use of torture and solitary confinement by UAE authorities, and the lack of any independent information regarding Mansoor, there are grave and solidly founded fears for his safety. Numerous organisations have expressed concern that he may be tortured and subject to ill treatment in detention. His place of detention remains unknown, although it is believed that he is being held in a prison that belongs to the State Security Apparatus. There is no information on how he is being treated, or whether he is in solitary confinement. This exacerbates the concerns for his well-being and safety.

During the mission<sup>4</sup> in February 2018, to Abu Dhabi, the Irish lawyers approached the Ministry of the Interior headquarters, which is the authority controlling and running prisons. The Ministry referred the lawyers to the police, who are not responsible for prisons. The police then advised them to approach the Al-Wathba prison, which they did, only to be told Mansoor is not being held there. The inability of the responsible authority to provide any information on Mansoor was remarkable given that he has been detained for almost a year at the time of the inquiry.

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<sup>1</sup> <http://www.martinennalsaward.org/>

<sup>2</sup> <https://www.gc4hr.org/news/view/1875>

<sup>3</sup> <https://www.thenational.ae/uae/courts/emirati-convicted-for-second-time-of-insulting-country-and-leaders-1.735523>

<sup>4</sup> <https://www.gc4hr.org/news/view/1793>

The mission was mandated by GCHR, the Martin Ennals Foundation, Front Line Defenders, the International Service for Human Rights (ISHR) and the Observatory for the Protection of Human Rights Defenders, a partnership of FIDH and the World Organisation Against Torture (OMCT).

## II. Ahmed Mansoor's Work & Previous Conviction

Ahmed Mansoor is an Emirati citizen who is well-known as a blogger, writer, poet and human rights defender. He is also a qualified engineer. Since 2006 he has campaigned for the advancement of civil and political rights in the UAE. In particular, he has been vocal in relation to violations of freedom of speech, the use of torture and the rights of stateless people. From 2006 to 2007, he successfully campaigned for the release of a website owner charged with publishing comments which were critical of the Emirati government. Shortly after this, the Prime Minister of the UAE issued a directive preventing the detention of journalists on account of their work.

Mansoor co-founded and managed an online discussion forum known as UAE Hewar which he used to initiate petitions calling for political reform of the political system in the UAE. He attended the 2008-2009 United Nations Universal Periodic Review (UPR) of the UAE's human rights record in Geneva, and was the only Emirati outside the official delegation of UAE to do so. He persuaded the officials from a number of NGOs and countries to adopt specific comments and concerns and to make recommendations to the UAE.

In 2009, he directed a campaign aimed at opposing a proposed media law which he considered a violation of freedom of expression. A petition was sent to the Emirati President and as a result the draft law was ultimately suspended.

In 2011, in the immediate aftermath of the Arab Spring, Mansoor and his colleagues drafted a petition addressed to the Emirati President requesting reform and improvement of the UAE Parliament. They were accused of insulting the President, the Crown Prince of Abu Dhabi and the Ministry of the UAE and were charged with offences relating to their use of the UAE Hewar forum.

Mansoor, along with Dr. **Nasser bin Ghaith**, and online activists **Fahad Salim Dalk**, **Ahmed Abdul-Khaleq**, and **Hassan Ali Al-Khamis** were arrested in April 2011 and charged with "publicly insulting" UAE rulers. This became known as the UAE5 case. Mansoor, who was arrested on 08 April 2011, was also individually charged with sedition.

On 27 November 2011, following a closed trial, a panel of four judges of the Federal Court found all five men guilty and sentenced Mansoor to three years in prison, and the others to two years. The five men were released the next day after the UAE president, Sheikh Khalifa bin Zayed Al-Nahyan, issued a pardon. They had spent almost eight months in jail and during Mansoor's time in detention, he was deprived of medical treatment. He lost a lot of weight and came out of prison looking haggard.

Mansoor has been subject to a travel ban since 2011, largely to prevent him from engaging in person with UN mechanisms<sup>5</sup> again, as he did at the UPR. He continued to participate in UNHRC Side Events by Skype.

Following his release from prison, Mansoor became the target of frequent death threats and he was assaulted on a number of occasions. He had his car stolen and his bank account was mysteriously drained. His passport was confiscated at the time of his arrest in 2011 and has never been returned to him. Following his release, the UAE authorities refused to issue him with a certificate of good conduct which meant that he was unable to work. As a result, he was awarded the Hellman-Hammet grant administered by Human Rights Watch. The grant provides financial support to those who have lost their employment due to their human rights work. From then onwards, he continued to advocate for an improvement in the UAE's record with regard to civil and political rights.

Mansoor received the Martin Ennals Award for Human Rights Defenders in 2015 for his work defending and promoting human rights in the UAE, and has been a member of the advisory board of GCHR since 2014. He is also a member of the Human Rights Watch MENA Advisory Committee.

The extent to which the UAE authorities will go in order to silence Mansoor are shown by their efforts to hack his mobile phone. In a widely documented case, the UAE were exposed after Mansoor's suspicions were raised and he contacted the Citizen Lab at the University of Toronto in Canada. Citizen Lab released a report<sup>6</sup> on the case which became widely known as the case of the "million-dollar dissident" due to the amount spent fixing the vulnerability that led to his phone being hacked. Authorities in the UAE used a very advanced software bought for US\$634,500 from Hacking Team, an Italian software company, to spy on 1,100 people, by transferring information on cellphones - including Mansoor's - to a spying device. He was also targeted using Finfisher.<sup>7</sup>

In the weeks leading up to his arrest, Mansoor had used Twitter to call for the release of the human rights activist **Osama Al-Najjar**, who remains in prison<sup>8</sup> despite having completed a three-year prison sentence in March 2017 for his online advocacy. He had also sought the release of prominent academic and economist, Dr. Nasser bin Ghaith, sentenced in March 2017<sup>9</sup> to 10 years imprisonment for his Twitter posts. Through his Twitter account he drew attention to human rights violations across the Middle East region, particularly in Egypt and Yemen. He also signed a joint letter with other activists in the region calling on Arab League leaders, meeting in Jordan in March 2017 for the Arab Summit, to release political prisoners in their countries. He ran a blog where he published articles on the situation of prisoners of conscience in the UAE as well as the human rights violations to which he was subjected on account of his exercise of his freedom of expression.

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<sup>5</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23195&LangID=E>

<sup>6</sup> <https://citizenlab.ca/2016/08/million-dollar-dissident-iphone-zero-day-nso-group-uae/>

<sup>7</sup> <https://www.gc4hr.org/news/view/1869>

<sup>8</sup> <https://www.gc4hr.org/news/view/1588>

<sup>9</sup> <https://www.gc4hr.org/news/view/1829>

### III. Arrest and Pre-Trial Detention

Early on the morning of 20 March 2017, Mansoor was arrested at his home in Ajman and taken to an undisclosed location. Up to 12 security officials carried out the arrest while conducting an extensive search of his home. All mobile telephones and laptops in Mansoor's home were seized, including those of his young children.

Several hours after his arrest, the Emirates News Agency, the official state-run news website, announced that Mansoor was arrested on the orders of the Public Prosecutor for Cybercrimes linked to his social media posts. On 29 March 2017, the UAE Ministry of Foreign Affairs and International Cooperation (MOFAIC) published a statement on its website that "the Public Prosecution for Cybercrimes ordered the arrest of Mr. Ahmed Mansour on the background of the charges of promoting false and shaded information through the Internet and serving agendas aimed at spreading hatred and sectarianism."<sup>10</sup>

Following his arrest, the authorities refused to disclose any information regarding Mansoor's whereabouts to his family. In its 29 March 2017 statement, the MOFAIC said that he was being "held in custody in the Central Prison [Al-Wathba] in Abu Dhabi."<sup>11</sup> However, the authorities refused to confirm his whereabouts to his family members. His exact place of detention remains unknown to this date, although it is believed that he is being held in a prison that belongs to the State Security Apparatus.

There were concerns that Mansoor was being held in solitary confinement without any access to a lawyer of his choice. Human rights organisations had also received reports from informed sources that Mansoor had been subjected to torture or other or ill-treatment in detention. Authorities have only permitted Mansoor three visits with his wife, all held in the office of the State Security Prosecution office in Abu Dhabi.

On 28 March 2017, a group of United Nations human rights experts<sup>12</sup> called on the UAE government to release Mansoor immediately, describing his arrest as "a direct attack on the legitimate work of human rights defenders in the UAE." They said they feared that his arrest "may constitute an act of reprisal for his engagement with UN human rights mechanisms, for the views he expressed on social media, including Twitter, as well as for being an active member of human rights organisations." The experts include special rapporteurs on the situation of human rights defenders, and on the promotion and protection of the right to freedom of expression and opinion, along with the Working Group on Arbitrary Detention (WGAD) and the Working Group on Enforced or Involuntary Disappearances (WGEID).

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<sup>10</sup> <https://www.mofa.gov.ae/EN/MediaCenter/News/Pages/29-03-2017-UAE-MoFAIC.aspx#sthash.cHhYfEXx.dpuf>

<sup>11</sup> Ibid

<sup>12</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21449&LangID=E>

## IV. Trial of Ahmed Mansoor in May 2018

Based on national news reports<sup>13</sup> viewed as pro-government, it appears that Mansoor was tried by the State Security Chamber of the Federal Supreme Court on 29 May 2018 and was convicted of defaming the UAE. He was sentenced to a period of 10 years in prison and was also ordered to pay a fine of one million Dirhams (USD \$272,294.00). The court also directed that he should be put under surveillance for the three years following his release. It was reported that he was appointed a lawyer although it is not clear whether this was a lawyer of his choosing.

According to the local media, Mansoor was convicted of “insulting the 'status and prestige of the UAE and its symbols' including its leaders” and of “seeking to damage the relationship of the UAE with its neighbours by publishing false reports and information on social media.” It appears that he had also faced the charge of “conspiring with a terrorist organisation” but was cleared of this charge. Under new laws in the UAE, he will be entitled to appeal the verdict; however, since the appeal process is held in the same court, it is unlikely that the process will be a fair and independent one.

GCHR received information that Mansoor was put on trial in mid-March 2018 and that the second hearing took place on 11 April. The third hearing was supposed to be on 09 May 2018, according to local media reports, although Mansoor was never named in these reports. Mansoor has been denied access to a lawyer of his choosing and may have tried to represent himself in court during the first and second hearings.

To date the only official statements remain those of March 2017 following Mansoor’s arrest. The UAE authorities said in their public statements that Mansoor was accused of using social media websites to “publish false information that harms national unity.” The UAE’s official news agency, WAM, said on the day of his arrest that he is also accused of using social media websites to “promote [a] sectarian and hate-incited agenda;” and “publish false and misleading information that ...damages the country’s reputation.”

The statement classified these as “cybercrimes,” indicating that the charges against him may be based on alleged violations of the UAE’s repressive 2012 cybercrime law, which authorities have used to imprison numerous activists and which provides for long prison sentences and severe financial penalties.

While the conviction was announced in the press, there has been no official statement or confirmation of the conviction. There was no announcement of the trial proceedings, and there is no public record of the trial itself. This appears to have been a grossly unfair trial.

On 12 June 2018, UN human rights experts urged<sup>14</sup> the UAE authorities to immediately free Mansoor and “reverse the decision against him.” They state: “The sentencing of Ahmed Mansoor represents an unacceptable attack on freedom of expression and freedom of association, as well as on human rights defenders in the United Arab Emirates as a whole.”

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<sup>13</sup> <https://www.thenational.ae/uae/courts/emirati-convicted-for-second-time-of-insulting-country-and-leaders-1.735523>

<https://gulfnews.com/news/uae/courts/man-gets-10-year-jail-for-defaming-uae-through-social-media-1.2229218>

<sup>14</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23195&LangID=E>

The UN experts added, “Not only is such a sentence unreasonably severe but Mr. Mansoor should never have been detained in the first place for legitimately exercising the freedoms that all people, including human rights defenders, are entitled to.” In this statement, more experts joined the previous experts who called for Mansoor’s freedom in March 2017. They are the special rapporteurs on the promotion and protection of human rights and fundamental freedoms while countering terrorism; on the rights to freedom of peaceful assembly and of association; as well as on the situation of human rights defenders; and on the promotion and protection of the right to freedom of expression and opinion; along with the Chairs of the WGAD and the WGEID.

## V. Execution of the Mission

Two lawyers travelled to the UAE for the mission in February 2018 prior to any news of Mansoor’s trial starting. Their names remain confidential. The lawyers arrived in Abu Dhabi, UAE at 06:40 on Sunday, 25 February 2018. On Monday, 26 February 2018, they travelled to the Embassy of Ireland (Al Bateen, Abu Dhabi, UAE) and informed the Deputy Head of Mission of their presence in the country, the mission and what they proposed to do.

From there, the two mission delegates travelled to the Ministry of Interior, where they were directed, by the Front Desk of the complex, to the Department of Police, a building to the rear of the complex. The delegates spoke to various officials in this Department and eventually, they were introduced to a senior official who appeared to be in a position to assist with the enquiries. They explained that they had been requested by various organisations to make enquiries about the whereabouts, welfare and circumstances of Mansoor. They were asked to wait before, eventually, the same gentleman returned and advised them that he had no information regarding Mansoor. He advised that he had “never heard of him” and so was unable to say if, let alone where, he was being detained. He suggested that they make enquiries with the Department of Human Rights and that the staff there may be in a better position to assist the two mission delegates.

The two mission delegates attended at the Reception of the Department of Human Rights, at the Ministry of the Interior, where eventually they were able to speak to a member of staff who spoke English. Again, they explained who they were and that they had been requested by various organisations to make enquiries about the whereabouts, welfare and circumstances of Mansoor. This particular member of staff appeared to recognise the name but did not claim to have any knowledge as to his whereabouts. They were advised that the Department of Human Rights could not assist them and that they should address their enquiries to the General Headquarters of the Abu Dhabi Police.

Acting on the advice of the Department of Human Rights, the two mission delegates travelled to the General Headquarters of the Abu Dhabi Police, where they were met by the Duty Captain. Again, they explained who they were and that they had been requested by various organisations to make enquiries about the whereabouts, welfare and circumstances of Mansoor. The Duty Captain states that he had no information regarding the whereabouts of Mansoor. While a colleague of his appeared to carry out some enquiries on their behalf, no information was yielded. Instead, they were advised that, if they believed that Mansoor was being held in Al-Wathba Prison, then they could simply attend at the Prison and make enquiries there. They were advised that they should visit the Prison on a Friday, as that was the day when visits were allowed. They subsequently left the General Headquarters.



The mission delegates travelled to the Al-Wathba Prison (in Al-Wathba, Abu Dhabi) immediately. There, after a short wait at the prison's reception, they were called forward by the Duty Officer. They explained who they were and that they were there to visit Mansoor whom they believed was being detained there. The Duty Officer checked the records on his computer and advised that there was no one by that name in detention there. However, he advised that there was a Yemeni national with a similar name but it was clear that this was not the Ahmed Mansoor, an Emirati national, whom they were looking for.

At this point, there was nothing further that they could do. All of their enquiries had brought the two mission delegates to a dead end. They did not learn anything about the case against Mansoor or his detention conditions, save that it would appear that he was not being detained in Al-Wathba Prison or that, if he was, then it was under an alias.

The two lawyers flew out from Abu Dhabi airport early on the morning of 27 February 2018.

## VI. Relevant UAE, regional and international legal framework

### Arab Charter on Human Rights

The UAE ratified the Arab Charter on Human Rights on 15 January 2018. The Charter states, in material part that:

*14(2) No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.*

*14(3) Anyone who is arrested shall be informed at the time of arrest, in a language which he understands, of the reasons for his arrest, and shall be promptly informed of any charges against him. Anyone who is arrested has a right to contact his relatives.*

*14(5) Anyone arrested or detained on a criminal charge shall be brought promptly before a Judge or other officer authorized by law to exercise judicial power, and shall be entitled to trial within a reasonable time, or to release. The release may be subject to guarantees to appear for trial. It shall not be a general rule that persons awaiting trial shall be held in custody...*

### *Article 16*

*The accused shall be presumed innocent until proven guilty at a lawful trial. During the investigation and the trial, the accused shall be entitled to the following minimum guarantees:*

- 1. To be informed promptly and in detail, in a language which he understands, of the nature and cause of the charge against him.*
- 2. To have adequate time and facilities for the preparation of his defence and to contact his relatives.*
- 3. To be tried in his presence in front of a judge, and to defend himself or through legal assistance of his own choosing or with the assistance of his lawyer, with whom he can freely and confidentially communicate...*

7. *If convicted of a crime, to have his conviction and sentence reviewed by a higher tribunal according to law.*

8. *To have the security of his person and his private life respected in all circumstances.*

*Article 32*

1. *The present Charter shall ensure the right to information, freedom of opinion, freedom of expression, freedom to seek, receive or impart information by all means, regardless of frontiers.*

2. *Such rights and freedoms are exercised in the framework of society's fundamental principles and shall only be subjected to restrictions necessary for the respect of the rights or reputation of others and for the protection of national security or of public order, health or morals.*

In addition, although it is not a binding instrument, the Universal Declaration of Human Rights is an expression of the fundamental values which are considered to be common to all members of the international community.

Article 9 of the Declaration states:

*No one shall be subjected to arbitrary arrest, detention or exile.*

Further, Article 19 of the Declaration states:

*Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.*

In its Opinion No. 35/2015, the United Nations Human Rights Council Working Group on Arbitrary Detention (WGAD) states that arbitrary detention arises, inter alia, where:

- *When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (category II).*
- *When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III).*

## VII. Violations of Human Rights Law

Based on the mission and the subsequent media reports regarding the trial of Mansoor, the two mission delegates expressed concern that the UAE has violated international human rights law norms in the following ways:

1. Mansoor appears to have been kept in incommunicado detention for over 11 months (at the time of the mission) as a direct result of his decision to exercise his freedom of expression. If correct, this would amount to arbitrary detention.
2. Mansoor's family members were not informed of his whereabouts immediately after his arrest and during the past 15-month period for which he was detained, Mansoor was permitted to meet with his family members on just three occasions. This amounted to a violation of Articles 14(3) and 16(2) of the Arab Charter on Human Rights.
3. Mansoor was detained pending trial, notwithstanding that his trial did not take place within a reasonable time-frame. This amounts to a violation of Article 14(5) of the Arab Charter on Human Rights.
4. It is not clear whether Mansoor was informed of the charges against him when he was detained, or at any stage prior to his trial. If this is correct then this would amount to a violation of Article 16(1) of the Arab Charter on Human Rights.
5. It is not clear that Mansoor was given the opportunity to be represented by lawyers of his choosing. The authors of this report were denied the opportunity to meet with him when they sought to do so. If Mansoor was not permitted to select his lawyers then this would amount to a violation of Article 16(3).
6. Mansoor appears to have been tried by the State Security Court in the Federal Supreme Court and must appeal before the Federal Supreme Court, the same body, potentially denying him the right to fair trial.
7. There are reports that Mansoor has been subjected to solitary confinement and ill-treatment while in detention, contrary to Article 16(8) of the Arab Charter on Human Rights.
8. Mansoor appears to have been given an extremely severe prison sentence for peacefully expressing his views on his country's government. This amounts to a violation of his internationally recognised right to freedom of expression and of Article 32(1) of the Arab Charter of Human Rights.

## VIII. Recommendations:

**The mission partners, GCHR, the Martin Ennals Foundation, Front Line Defenders, ISHR and the Observatory for the Protection of Human Rights Defenders, continue to call on the UAE authorities to:**

- Immediately and unconditionally release Ahmed Mansoor, as his conviction and sentence are based solely on his peaceful human rights activities;
- Overturn the sentence and ensure that Ahmed Mansoor is not subject to any charge or penalty in association with the exercise of his rights to freedom of expression, association or assembly in conformity with international human rights law;
- Provide him the right to appeal his case at a different court other than the Federal Supreme Court, which convicted him; and with a lawyer of his choosing; and allow international observers to attend his trial;
- Pending his release, immediately disclose his whereabouts and ensure that he is held in an official place of detention;
- Allow the United Nations or European Union officials to visit him in prison;
- Pending his release, ensure that he is protected from torture and other ill-treatment, including prolonged and indefinite solitary confinement which can amount to torture or other cruel, inhuman or degrading treatment or punishment; and
- Pending his release, ensure that he is treated in line with the UN Standard Minimum Rules for the Treatment of Prisoners, including by giving him regular access to his family and a lawyer of his choosing, as well as to any medical care he may require.