

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2009/04/28/letter-uae-torture-mohammed-shah-poor>

Public Facing Advocacy Writing

Help us continue to fight human rights abuses. Please give now to support our work

[Share this via Facebook](#)

[Share this via Twitter](#)

[Share this via WhatsApp](#)

[Share this via Email](#)

[Other ways to share](#)

[Share this via LinkedIn](#)

[Share this via Reddit](#)



[Share this via Telegram](#)



[Share this via Printer](#)

His Highness Shaikh Khalifa Bin Zayed Al Nahyan

President

United Arab Emirates

I am writing to express Human Rights Watch's deep concern about the torture of Mohammed Shah Poor, which overwhelming evidence suggests was committed by royal family member Shaikh Issa bin Zayed al Nahyan and UAE police.

The evidence, which includes a 45-minute videotape featured in a recent news segment on ABC News on April 22, 2009, suggests that Shaikh al Nahyan tortured Mr. Poor, with the assistance of police and others, as punishment as Shaikh al Nahyan believed that the Afghan grain dealer had short changed him in a sale of grain, in the following manner:

While Shaikh al Nahyan does not hold an official government position, as a member of the royal family that runs the UAE government and as the brother of the Minister of Interior, he commands wide authority especially among the country's security personnel. The actions by the police, which included tying Mr. Poor's arms and legs to facilitate torture and restraining him as Shaikh al Nahyan poured salt on the wounds, are tantamount to state complicity in the torture; as the officer appeared in full police uniform, his actions appear to be under color of law.

These acts constitute clear violations of the UAE's Constitution as well as international human rights law. The Constitution of the UAE guarantees in absolute and unconditional terms that "no person shall be subjected to torture or degrading treatment." The prohibition of torture is one of the most fundamental under customary international law, which binds the UAE. States have an obligation not only to prevent torture, but also to conduct thorough and impartial investigations, and to prosecute those found responsible for committing them.

The UN Code of Conduct for Law Enforcement Officials calls upon those who exercise police powers to protect "all persons against illegal acts" and, in performance of their duty, to "respect and protect human dignity and maintain and uphold the human rights of all persons." According to Article 3 of the Code of Conduct, "law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty." The Code of Conduct further states that "no law enforcement official may inflict, instigate or tolerate any act of torture or any other cruel, inhuman or degrading treatment or punishment."

These acts of torture by Shaikh al Nahyan and the police are extremely serious and require the immediate action of UAE authorities. Based on the information we have received to date about the Ministry of Interior's response to the brutal events depicted in the video, we regret that the Ministry has failed to properly investigate and prosecute or discipline any of the perpetrators in this incident.

We are in receipt of a copy of the Ministry's letter sent on April 8, 2009, in which the Ministry did not characterize the abuse in question as torture, but simply as an assault that the parties (presumably Shaikh al Nahyan and Mr. Poor) subsequently settled "privately." The letter states:

The events depicted in the video tapes referenced in the complaint were fully investigated by the Police Department at the time of the incident. As permitted under Abu Dhabi law, the parties involved in the incident settled the matter privately by agreeing not to bring formal charges against each other, i.e., theft on the one hand and assault on the other hand. The Government's review concluded that all rules, policies and procedures were followed correctly by the Police Department. The review also concluded that the incidents depicted in the video tapes were not part of a pattern of behaviour.

Furthermore, neither the police department nor the Ministry of Interior has made public the findings of the police review and investigation, and the basis for the conclusion that the police "followed all rules, policies and procedures correctly." It would be

particularly important to understand the "rules, policies and procedures" of the UAE police that "correctly" allow for such torture to take place.

This response is entirely inadequate under any notion of due process and the enforcement of both UAE and international law. The Ministry has a duty not only to investigate and prosecute the UAE police involved in this incident, but also to investigate and prosecute Shaikh al Nahyan for torture. The UAE government must not grant legal immunity to Shaikh al Nahyan or any torturer because he has settled the case privately - to do so would be a perversion of justice, especially in a case when there is such a disparity of power between the two parties; a royal family member and a foreign grain dealer. Particularly in light of Shaikh al Nahyan's close relationship to the government, it is imperative that the government demonstrate that those with such close ties are not immune to prosecution.

Since the Ministry is satisfied with the police department's flawed investigation, believes the matter is closed, and appears uninterested in seeking justice against the perpetrators of this heinous crime, I respectfully urge you, as President of the United Arab Emirates, to move without delay to ensure the establishment of an independent counsel or commission. This independent entity should investigate both the torture of Mr. Poor by Shaikh al Nahyan and police and/or other security forces during the events shown on the videotape as well as the "review" conducted by the Ministry of Interior and police department and the basis for MoI's findings that the police abuse did not violate the rules, policies or procedures of the UAE. This independent body should:

It is crucially important that the government demonstrate to its citizens and the international community, many of whom are now undoubtedly aware of the abuse of Mr. Poor at the hands of Shaikh Al Nahyan and UAE police, that the government has zero tolerance for torture. The UAE government must act now if it is to restore public confidence in the country's criminal justice system and to show that the rule of law, and not impunity for its violators, is the policy of the country.

The government should also ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and must publicly and unequivocally renounce the use of torture and physical abuse by the police, others in positions of authority, or private citizens in the UAE. It should reaffirm its commitment to abide by international law provisions banning the use of torture and other cruel, inhumane and degrading treatment and requiring police to abide by international rules on the use of force by law enforcement officers, and that any incident of torture will lead to investigations and prosecutions of the perpetrators. The circumstances of this case demand nothing less.

I thank you for your urgent attention to this important matter, and welcome your response.

Sincerely,

Sarah Leah Whitson
Executive Director
Middle East and North Africa division

cc: Ambassador Yousef Al Otaiba, Embassy of United Arab Emirates in Washington, DC

Bahrain Death Sentences Follow Torture, Sham Trials

Suspicious Killings and Extrajudicial Executions by Egyptian Security Forces

[Share this via Facebook](#)

[Share this via Twitter](#)

[Share this via WhatsApp](#)

[Share this via Email](#)

[Other ways to share](#) [Share this via LinkedIn](#)

[Share this via Reddit](#)  [Share this via Telegram](#)  [Share this via Printer](#)

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

Get updates on human rights issues from around the globe. Join our movement today.

Human Rights Watch is a 501(C)(3) nonprofit registered in the US under EIN: 13-2875808