

# Human Rights Watch

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

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Intensifying Attacks on Human Rights Defenders, Organizations, and Institutions

Health Providers Complicity in Torture and Cruel, Inhuman or Degrading Treatment

In Search of Authoritative Local Voices

The UAE's economy stumbled in 2009 and the human rights situation worsened, particularly for migrant workers. Construction and related industries sent thousands of migrant workers home after projects were scrapped or suspended. Authorities jailed a number of UAE citizens and foreigners for debt and corruption, with some languishing in jail for months without charge or after completing their sentences.

During six years of spectacular growth in the construction sector, mainly in Dubai, the UAE brought in hundreds of thousands of South Asian migrant workers. But the financial crisis that began in late 2008 slowed construction, and by July 2009 tens of thousands of workers had returned home from the UAE, judging from Indian government statements describing a situation likely to be typical of labor-sending countries. Some companies sent migrant workers home on unpaid "vacations" as a way to avoid compensating workers whose contracts they had broken.

Despite the economic downturn, foreigners still officially account for 83.5 percent of UAE residents and nearly 99 percent of the private-sector workforce. Immigration sponsorship laws grant employers extraordinary power over the lives of migrant workers. Other laws in force fail to protect workers' rights to organize and to bargain collectively, provide punishments for workers going on strike, and exclude from coverage domestic workers employed in private households. Although the Labor Law of 1980 calls for a minimum wage, the Ministry of Labor has yet to adopt such a measure.

Many female domestic workers are subjected to unpaid wages, food deprivation, forced confinement, and physical or sexual abuse. In August 2009 the Philippines government paid to fly home 44 Filipinas who had been living for months at a shelter. The women were among 127 Filipinas, mostly housemaids, who fled their workplace after complaining of mistreatment, long working hours, insufficient food, and nonpayment of salaries. The standard contract for domestic workers introduced in April 2007 provides some protections and calls for "adequate breaks," but does not limit working hours or provide for a weekly rest day, overtime pay, or workers' compensation.

Exploitation of migrant workers by construction companies across the country is also severe: abuses include maintaining unsafe working environments that contribute to avoidable illness or deaths, and withholding workers' travel documents. On August 31, 2009, police and labor officials quickly dispersed a demonstration over low wages by as many as 2,000 striking migrant workers employed by construction and engineering company Al Habtoor in Dubai. A Ministry of Labor investigation into the strike cleared the company of any wrongdoing after determining it had not broken any rules regarding pay.

Workers from South Asia have been building the infrastructure of Saadiyat Island since 2005. The UAE government hopes to turn a US\$27 billion development on the island into a global tourist destination, with international institutions planning to open branches there,

including the Guggenheim, New York University, and the Louvre Abu Dhabi (under the responsibility of Agence France-Musums). Migrant workers working on the island interviewed by Human Rights Watch said they were caught in a cycle of abuse that left them deeply indebted and unable to stand up for their rights or even quit their jobs. The UAE government and the authorities responsible for developing Saadiyat Island have failed to tackle the root causes of worker abuse: unlawful recruiting fees charged to migrant workers, wages below what was promised, and a sponsorship system that gives employers virtually complete power over their workers.

In June 2009 the UAE cabinet approved compulsory housing standards to improve living conditions for migrant workers. Employers still have five years to comply with the rules, which took effect in September.

In its 2009 annual report on human trafficking the United States Department of State put the UAE back at Tier 2 of its list of countries cited for their records on trafficking, after having removed the country from the 2008 list. The US considered that the UAE has yet to take crucial measures to fight trafficking and forced labor, such as stronger monitoring of recruitment agencies and prosecuting those who traffic in forced labor.

In May 2009 UAE authorities detained a royal family member in connection with the torture of an Afghan grain dealer, after international coverage of a video showing the torture. The video showed Sheikh Issa bin Zayed al Nahyan, with the assistance of what appear to be police agents, torturing Mohammed Shah Poor using whips, electric cattle prods, and wooden planks with protruding nails. Near the end of the video, Al Nahyan positioned Poor on the desert sand and then drove over him repeatedly. The UAE had announced in April that the Abu Dhabi Judicial Department would conduct an expeditious and "comprehensive review" of the torture incident, and in July the government issued a public statement that the investigation was ongoing. Previously, the Ministry of Interior had characterized the abuse as an assault that the parties subsequently settled "privately." At this writing UAE officials still have not released details about the investigation.

In October the Federal Supreme Court convicted Naji Hamdan of terrorism-related charges, and sentenced him to 18 months in prison. The chief justice, Khalifa al-Muhairi, did not give a written or oral decision explaining the ruling or whether Hamdan was convicted of all three charges. Hamdan, an American of Lebanese origin, has denied the allegations and his lawyer told the court that Hamdan suffered torture and threats in detention and was coerced into signing a confession "to whatever they wanted to hear." Hamdan was released in November on the basis of time served, and deported to Lebanon.

Under criminal procedure laws, public prosecutors can order detainees to be held for 21 days without charge. Courts may then grant 30-day renewable extensions for an indefinite period and without requiring prosecutors to file charges. A suspect is entitled to an attorney only after the police have completed their investigation. As a result, accused persons often go for days or weeks without access to legal counsel. In March 2008 authorities detained American businessman Zack Shahin, the former chief executive officer of Dubai-based property developer Deyaar Development PJSC, and he was eventually charged with corruption-related offenses after being held for 13 months without formal charges; at this writing Shahin is still behind bars awaiting trial. He says that initially his jailers denied him food for three days, held him in solitary confinement, subjected him to harsh interrogation methods, and threatened him with torture.

With the UAE impacted by the global economic downturn, many people were imprisoned in 2009 for failing to pay off their debts. More than 1,200 people in Dubai's central jail, about 40 percent of that prisoner population, have been convicted for defaulting on bank loans. Even after completing their sentence, debt prisoners are likely to remain in jail until their debt is paid off, usually by a relative.

Human rights defenders and government critics face harassment, including trumped-up charges. In 2009 the Jurist Association, an NGO established in 1980 to promote the rule of law and to raise professional standards among jurists, was subjected to mounting restrictions from the government. The government did not permit association representatives to attend meetings abroad. Members also complained of pressure to quit the association, including questioning by the Judiciary Supreme Council and threats of dismissal for those with public sector jobs. Former association president Muhammad al-Mansoori, who has been harassed by UAE authorities for years, was arrested on June 7 without explanation but released the same day. Authorities have refused to renew his passport since March 2008.

The UAE is the media hub of the Gulf, with a dozen daily newspapers, each with circulations in the tens of thousands. The government monitors press content, and journalists routinely exercise self-censorship. Although Prime Minister Sheikh Muhammad stated in 2007 that journalists should not face prison "for reasons related to their work," a 1980 law still in force provides for the imprisonment of journalists and suspension of publications for publishing "materials that cause confusion among the public."

On January 20, 2009, the legislature (the Federal National Council) passed a new draft media law drawn up by the National Media Council. As of November the law had still not been signed into effect by President Sheikh Khalifa Bin Zayed Al Nahyan. While containing some improvements over the 1980 media law, the pending law would continue to punish journalists under civil law for infractions such as "disparaging" the royal family or publishing "misleading" news that "harms the country's economy." The law would impose administrative penalties that could bankrupt media outlets and silence dissenting voices with fines as high as 5,000,000 dirhams (US\$1,350,000) for "disparaging" senior government officials. The pending law also would grant the government more control in deciding who is allowed to work as a journalist and which media organizations are allowed to operate in the country.

The government has on numerous occasions used the country's laws to penalize, fine, and close media establishments. In July 2009 the Abu Dhabi Federal Court of Appeal upheld the conviction of the local newspaper *Emarat Alyoum*. The court suspended its publication for 20 days, and fined its editor 20,000 dirhams (US\$5,445), because of a 2006 article alleging that a UAE-based company gave steroids to local race horses owned by the Abu Dhabi royal family.

The United Nations special rapporteur on racism and xenophobia visited the UAE in October 2009 and raised concerns about the working and living conditions of construction and domestic workers, the situation of the Bidun (stateless persons), and the victims of human trafficking. The UN special rapporteur on the sale of children, child prostitution and child pornography also visited the UAE in October and urged the government, despite the progress already made, to make stronger efforts to protect vulnerable children, including Bidun and migrants.

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

