**Matthew Hedges**

Academic Freedom and Freedom of Opinion and Expression

Submission for academic freedom study

1. My name is Matthew Hedges and I am a PhD Candidate at Durham University in the UK. I am also a Postgraduate Teaching Assistant (PTA) at Durham University and the University of Exeter. My research examines the United Arab Emirates’ (UAE) security strategy following the Arab Spring. I have been undertaking my research since September 2015.
2. Following a fieldwork research trip to the UAE in 2018 I was forcefully detained at Dubai airport. I was held for almost 7 months in solitary confinement, tortured and coerced into falsely admitting charges of espionage. As a result I was sentenced to life imprisonment. Following a public campaign led by my wife, the United Kingdom’s Foreign and Commonwealth Office (FCO) applied pressure on the UAE to secure my safe release.
3. The case manufactured against me was built around my doctoral research, which had been entirely undertaken outside of the UAE until that research trip. It was built upon publicly available sources. However, the concept of open source information (OSINT) was unclear to the UAE authorities. High ranking judicial figures and intelligence officers struggled to understand how I had carried out my research and misinterpreted the information that was in my email - not even in my physical possession - and was prepared outside of the country. While the information may have been deemed sensitive to them, I was not in possession of any secret information.
4. While coercion, psychological torture, and threat of physical torture forced me to falsely admit to working on behalf of the British government, I maintained my position of innocence in regard to the information in my possession. I was appointed a defence lawyer by the Higher National State Security Department as I could not afford a lawyer. Furthermore, no legal firm in the UAE was willing to take my case as there was no official case number assigned to me and the UAE has a track record of intimidating lawyers. In my defence hearing the court appointed lawyer successfully illustrated to the court that I had not had any secretive information but only information which had been deemed sensitive. As a result, the entire case held against me was based on a coerced confession. It is therefore clear that a lack of understanding around academic research was fundamental to the handling of my case.
5. Shortly after my release, the UAE announced amendments to Article 170 of the Penal Code, as a result any of the following shall be considered secrets of the nation’s defence:
   1. Military, political, economic, industrial, scientific or social security-related information or other information, which are unknown except to persons who have such a capacity by virtue of one’s position or status, and which the interest of the country’s defence requires that it remain undisclosed to others.
   2. Correspondence, written instruments, documents, drawings, maps, designs, pictures, coordinates, and other things whose disclosure might lead to divulging information such as those referred to in the preceding clause, and which the interest of the country’s defence requires that they shall remain classified to persons other than those who are assigned to preserve or use them.
   3. News and information related to the armed forces, the Ministry of Interior and security services as well as their formations, manoeuvres, ammunition, supplies, personnel and other things affecting military affairs, and war and security plans, unless written permission to publish and announce such things has been issued by competent authorities.
   4. News and information related to measures and procedures which are adopted to detect crimes provided for in this chapter, and arrest of culprits as well as news and information related to the investigation and trial proceedings, if the announcement thereof, is prohibited by the investigation authority or the competent court. [[1]](#endnote-1)
6. It is clear from the subsequent amendment to the UAE’s penal code that the authorities perceived understanding of confidential or sensitive information was insufficient, and thus they significantly expanded their restriction of such information. Each point is thus explained:
   1. Point 5.1. While not only is the scope mentioned extremely broad, to include specific information listed or *other information*, the flexibility of possessing this information could be through any number of mediums. It could be undisclosed to some persons, but openly available to others. In essence, this refers to persons residing or transiting through the state as this access to information is relative.
      1. This point was a direct reference to my case as my four contextual chapters of my thesis are titled; military, surveillance, economy, and industry.
      2. Human sources of mine who had been in contact with me were all directions of enquiry for the Emirati intelligence services. Every person I knew had become an additional target for the UAE authorities, and subsequently, sources of mine in 3rd party countries were interrogated by their local intelligence services over their interaction with me. Not only does this highlight the immediate danger to academics within the UAE, but also, the extent to which they are willing to go to disrupt this abroad.
      3. When combined with additional legislation such as the Federal Decree Law No.5 of 2012, it is extremely risky for human sources and thus academic research to be conducted, physically or virtually within the UAE.
   2. Point 5.2 It is not only difficult to know what *might lead to divulging information*, but again, based upon my own experience, publicly available information fits within the scope of this limit.
      1. This point was a direct reference to my case as I designed a map of Abu Dhabi, the UAE’s capital, and highlighted the location of key strategic institutions. For reference, all sites included are publicly signposted and highlighted by the cities’ municipality. Furthermore, through common websites such as googlemaps, applemaps, wikimapia or even through travel guides and books, there is common reference to the organisations and logistic infrastructure I highlighted.
   3. Point 5.3 News and information is in essence again, public information. This can be accessed through UAE outlets or partner outlets.
      1. It is a common strategy of deterrence for states to publicise their repressive capabilities. Furthermore, due to the subjectivity of the perceived classification of information across the UAE government, information they may think is classified is often public. My frustrating experience with the State Security prosecutor and State Security Department Intelligence agents showed a wilful ignorance with the modern world and its capabilities.
   4. Point 5.4 Likewise with point 5.3, news and information is public information. Within my dissertation, I had referenced multiple UAE outlets illustrating technological developments. While these would be under the auspices of the National Media Council (NMC), there is clearly a dislocation between the different state entities.
7. In addition to the amendment that subsequently followed my pardon, there are several other prominent acts of legislation that restrict academic freedom within the UAE. When observed individually they make the undertaking of academic research highly difficult, but when seen in their entirety, they ensure the practice of academic freedom is virtually impossible. See Appendix A.
8. While my own case was at the most extreme extent, there are several other high profile cases of the UAE’s repression of academic freedom
   1. Kristian Ulrichsen. At the time Kristian was a lecturer at the London School of Economics (LSE) and travelled to the UAE to attend a conference that LSE was co-hosting with the American University of Sharjah (AUS). The UAE government directly intervened, stating that no discussion of Bahrain would be permitted. LSE withdrew from the conference citing ‘restrictions imposed on the intellectual control of the event that threatened academic freedom’. Kristian had however started his journey to the UAE and upon arrival, he was stopped at immigration and denied entry due to his planned participation in the conference.[[2]](#endnote-2)
   2. Matt J. Duffy. He was a professor at Zayed University where he taught journalism. Having continued to teach his course to international standards, the Emirati authorities arranged his dismissal from the university forcing him and his family to leave the country.[[3]](#endnote-3)
   3. New York University (NYU) Journalism Department. The UAE wields significant influence within the US higher education sector, and nowhere more so than at NYU, where political elites from within the UAE’s regime are board members of NYU. From this relationship, NYU has a branch campus in Abu Dhabi. After two of NYU’s journalism department lecturers were denied visas for the UAE (with no clarification, but based upon the assumption of their sectarian identity), an institution decision was made to sever ties between NYU’s journalism department and NYU Abu Dhabi.[[4]](#endnote-4)
   4. Professor Lauren Minsky of NYU Abu Dhabi was subjected to systemic harassment within the UAE and was forced off a road whilst driving having dropped a colleague off at the airport. She continued to face harassment through her tenure at NYUAD, and thus escaped was forced to leave the country.[[5]](#endnote-5)
9. Due to financial pressures within academia and sophisticated lobbying campaigns, the UAE’s influence within this sector has successfully been able to disrupt academic research that disputes its own interpretation of events and ideology. To illustrate the level of interference by the UAE authorities within the academic sector; there are currently two members of the Executive Affairs Authority of Abu Dhabi on the NYU Board of Directors – Rima al Mokarreb and Khaldoon al Mubarak -,[[6]](#endnote-6) meanwhile the UAE has gifted and contracted at least $213m to US educational institutions[[7]](#endnote-7).
10. The UAE has also been able to successfully attract foreign universities to establish branch campuses within the UAE with NYU Abu Dhabi the most prominent institution. Due however to the position of UAE political elites upon its board, it is highly unlikely action would be taken to critique what the relationship entails and to what degree of academic freedom and personal safety is permitted to students within the UAE.
11. By comparison, University and College Union staff Birmingham and Exeter University from the UK, both of whom have branch campuses in the UAE, voted to suspend relations with the UAE over my own sentencing to life imprisonment in the country.[[8]](#endnote-8)
12. As a result of my own experience, and many others before me, there is a need for transparent assessments of how possible it is to conduct academic work in the UAE and if educational partnerships and donations by this country derail this capability.
13. Due to my own government’s reluctance to protect me and clear my name and my reputation, I have had to file a complaint against the Foreign and Commonwealth Office (FCO). My actions illustrate the institutional difficulty in defending academic freedom when a liberal democratic state isn’t even willing to support this on behalf of one of her citizens.

Appendix A. Legislation in the UAE that Impacts Academic Freedom

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| Law | Date | Description |
| Article 30 of 1971 Constitution | 2nd December 1971 | *‘Freedom to hold expressions and express them orally, in writing or by other means of expression shall be guaranteed within the limits of the law’[[9]](#footnote-1)* |
| Federal Law No.15 of 1980  *Concerning Press and Publications* [[10]](#footnote-2) | 16th November 1980 | *‘Federal Law No.15 for 1980 Concerning Press and Publications regulates printing and publishing licensing and activities in the UAE and it applies to traditional media content such as newspapers, magazines and television broadcasting, as well as digital media content. The law sets outs guidelines on materials which are prohibited from publication and penalties imposed on the publishing company and associated staff if found in violation of the Publications Law’.[[11]](#footnote-3)*  *‘The Publications Law covers all forms of content, whether published digitally or via traditional media, and is arguably broad enough to cover art and films. The Publications Law sets out matters that should not be published, which include matters relating to religion and public morals’[[12]](#footnote-4)* |
| Federal Decree No.3 of 1987  Penal Code | 8th December 1987 | Issuance of UAE Penal Code |
| Federal Law by Decree No.3 of 2003  Regarding the Organization of Telecommunications Sector[[13]](#footnote-5) | 15th November 2003 | The TRA regulates the UAE’s Information and telecommunications sector (ICT) |
| Federal Law No.2 of 2004  Popular Register and Emirates Identity Card Program | 29th September 2004 | Creation of the Emirates ID program which ‘*included recording personal and vital data for all population in the state and keeping them in electronic databases in coordination with the competent authorities, and issuing the Emirates ID Card for each individual to be registered and to contain the Emirates ID number, readable data and data stored on an electronic chip, which can be used in all entities’[[14]](#footnote-6)*. |
| Federal Decree No.1 of 2006  Cyber Crimes Law[[15]](#footnote-7) | 30th June 2006 | Was introduced, however due to its inability to disrupt cybercrimes, it was replaced by Federal Law no.5 of 2012 |
| Federal Law by Decree No.5 of 2008  Amending the Provisions of the Federal Law by Decree No.3 of 2003[[16]](#footnote-8) | 2008 | Update of Federal Law by Decree No.3 of 2003 |
| Cabinet Resolution No. (42/23) of 2008 Session No.3[[17]](#footnote-9)  Regarding the Abolition of the Supreme Committee for the Supervision of the Telecommunication Sector and delegating its function to the Board of Directors of the TRA | 2008 | Empowerment of the TRA |
| National Media Council Resolution No.20 of 2010 | 2010 | ‘*The NMC Content Guidelines require all media companies to comply with specific criteria including respect for the principles of Islamic beliefs and the cultural heritage of the UAE’[[18]](#footnote-10)*  *‘According to Decision No. 20 of 2010, all the audio, visual, print and digital media institutions in the UAE should adhere to media content standards contained in the Federal Law No.15 for 1980 Concerning Press and Publications and other media regulations in force. The Chairman’s decision emphasises national standards for prohibited media content as set out in the Press and Publications Law. The decision requires all media institutions to keep a record or archives of all media material which were produced, printed, distributed or broadcast in the last three consecutive months. They must also provide the council with monthly reports showing compliance to these standards’.[[19]](#footnote-11)* |
| Federal Decree Law No.3 of 2012[[20]](#footnote-12)  Establishment of National Electronic Security Authority (NESA) | 13th August 2012 | Creation of NESA, and the definition of its structure, capability, and ability to engage in matters of security |
| Federal Decree Law No.5 of 2012[[21]](#footnote-13)  Combatting Cybercrimes | 13th August 2012 | ‘*Laws for the protection of privacy and reputation, defamation apply while using social media’*[[22]](#footnote-14).  ‘*amendment to the Federal Law No.5/2012 has made the use of fraudulent computer network protocol address (IP address) by any means to commit a crime, punishable*’[[23]](#footnote-15) |
| National Media Council Chairman’s Decision No.35 of 2013  Advertising Content[[24]](#footnote-16) | 2013 | ‘*According to the decision, all advertisements that are produced, placed or distributed within the UAE or imported into the UAE must abide by the national standards for media content and the Federal Law No. 15 of 1980 Concerning the Press and Publications. All specialised advertising such as that related to medicine, drugs, food, promotional campaigns, special offers, real estate or universities and educational institutions must obtain prior approvals from the competent authorities’[[25]](#footnote-17)*. |
| Federal Decree Law No.7 of 2014[[26]](#footnote-18)  Combatting Terrorism Offences | 20th August 2014 | Combatting terrorism law designates what constitutes terrorism activity, and the penalties for such involvement  The law provides ample space for enhanced surveillance capabilities upon subjects |
| Federal Decree Law No.2 of 2015[[27]](#footnote-19)  Combatting Discrimination and Hatred | 15th July 2015 | ‘*criminalises any act that triggers religious hatred and/or insults religion through any form of expression, which covers speech and the written word, books, pamphlets or online media. The law prohibits any act that would be considered as insulting God, his prophets or apostles or holy books or houses of worship or graveyards’[[28]](#footnote-20)*. |
| Federal Law No.11 of 2016[[29]](#footnote-21)  Competencies of the National Media Council | 21st July 2016 | Law updated the scope of the NMC and empowered the organisation following a corporate rebranding[[30]](#footnote-22) |
| Federal Decree Law No.12 of 2016[[31]](#footnote-23) | 21st July 2016 | Amendment to Federal Decree Law No.5 of 2012  ‘*Article 1 provides for replacing the text of Article 9 of Federal Law No. 9/2012 as follows: Whoever uses a fraudulent computer network protocol address (IP address) by using a false address or a third-party address by any other means for the purpose of committing a crime or preventing its discovery, shall be punished by temporary imprisonment and a fine of no less than AED500,000 and not exceeding AED2,000,000, or either of these two penalties’[[32]](#footnote-24)*. |
| Council of Ministers Decree No.23 of 2017[[33]](#footnote-25)  Concerning Media Content | 2017 | Specific Regulation of Digital Media, and a clearer definition of the role of NESA  There is also a new requirement to gain approval from the NMC before publishing documentation within the UAE[[34]](#footnote-26) |

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