

Report on the situation of journalists in the UAE

Input for the Secretary General Report on the safety of journalists and the issue of impunity

Introduction

The United Arab Emirates (UAE) has been ranked 119 in the 2016 World Press Freedom Index¹, which classifies it as a country where freedom of expression and opinion is severely repressed. The UAE authorities monitor and refrain the mainstream medias, as well as online social platforms. Most eminent journalists, academic and human rights defenders have been banned from entering the country or have been persecuted and arrested in violation with their right to freedom of expression either online or offline. Therefore, and in the framework of the request of the Secretary General with regards to the A/RES/70/162 resolution², the International Centre for the Justice and Human Rights (ICJHR) would like to hereby highlight the shortcomings and barriers that the press and journalists face in the country.

The legislative framework

In the UAE, the Federal Law No. 15 of 1980 on Press and Publication, one of the most restrictive laws currently in force in the Arab world, controls the Emirati media. The law enables censorship, prior distribution in the country, of national as well as international publications. In addition, the law further bans criticism of the government, its allies and any member of the royal family or ruling leaders.

The Federal Legal Decree No. 5 of 2012 on combating cybercrime has also been used to strengthen the repressive legislative repression against freedom of the media. This highly restrictive law has negative consequences for journalism as it curtails freedom of expression through its banning of the publication or dissemination of information, news, or images deemed to “endanger security and its higher interests or infringe on the public order”³. It also foresees peculiar and imprisonment sentences for its violation. Under Article 29, hindering the reputation of the State, its institutions, rulers and representatives is punishable of the same sentence. The decree also condemns the use of electronic means (Article 38), of the Internet (Article 24) to spread such opinions and provide the authorities with wide powers to censure it (Article 29, 41)

¹ Reporters Without Borders, 2016 World Press Freedom Index, <https://rsf.org/en/ranking> (accessed on January 27, 2017).

² General Assembly resolution 70/162, *The safety of journalists and the issue of impunity*, A/RES/70/162 (10 February 2016).

³ Federal Law Decree No.5 of 2012 on combating cybercrime, art. 28.

In addition, the Federal Decree Law No. 2 of 2015 on anti-discrimination hinders the freedom of the press by criminalizing the broadcasting, publication, or transmission of provocative material by any means, including mainstream and online medias

The Penal Code, which was recently amended to reinforce the criminalization of the right to freedom of expression⁴, can also be used to prosecute journalists. Article 182 bis of the new text provides severe punishment to anyone promoting an opinion against the social peace or unity of the state.

The media and the published content are monitored by the National Media Council (NMC), an organ created in 2006, which role is to grant -or refuse- publishing rights and issue credential to journalists. The NMC is not an independent organ as its members are appointed by the president.

The telecommunications and information technology are regulated by the Telecommunications Regulatory Authority (TRA), a mechanism implemented in 2003, that is further responsible for Internet regulation and issues a list of censored websites. In practice, however, the TRA deliberately targets human rights related websites, as stated by Reporters Without Borders "they include all websites or web pages covering subjects related to the human rights situations (including the site of the Emirates Centre for Human Rights) or to political and even religious matters."⁵

Persecution of journalists and bloggers

UAE officials have been known for detaining journalists and bloggers. Moreover, the Emirati authorities systematically use online monitoring on journalists under the above-mentioned 2012 Cybercrime law in order to further persecute them.

In October 2016, Ms. Amina Alabdouli, a young mother of five children, was sentenced to five years in prison for creating Twitter accounts and allegedly posting negative comments against the UAE which created an unrest of the public order. In addition, she was also charged for insulting the UAE, circulating misleading information, and endangering the UAE's relations with allied countries.

In March 2016, the Federal Supreme Court convicted two citizens, Mr. Abdullah Newab Balushi and Mr. Marwan Mohammed Atiq bin Sufyan Al Falai, to 5 years in prison for posting information on Whatsapp and for creating a website.

In February 2016, Mr. Saleh bin Mohammed bin Saleh, an Emirati blogger was sentenced to three years of imprisonment for tweeting.

⁴ The amendments of the Penal Code affected over 130 articles.

⁵ Reporters Without Borders, United Arab Emirates: Tracking "cyber-criminals", <http://12mars.rsf.org/2014-en/2014/03/11/united-arab-emirates-tracking-cyber-criminals/> (accessed on January 25, 2017).

In December 2015, Mr. Tayseer Al-Najjar, a 43 years old Jordanian journalist who had been working in the United Arab Emirates (UAE) since April 24, 2015, as a culture reporter for the UAE-based Newspaper, "Dar", which is printed in Abu Dhabi, was forcibly disappeared for a 2014 Facebook post critical of the Emirati authorities' support to the Egyptian intervention in the Gaza strip . After being detained incommunicado for several months, Mr. Al-Najjar, who showed signs of mistreatment, was transferred to the al Wathba prison. He has been detained ever since, without having been either convicted or charged with any offences nor tried.

In January 2014, 30 people (Emirati and Egyptian nationalities) were sentenced to prison for "publishing confidential information about national security, and the creation of an unrecognized association and links with the Muslim Brotherhood in Egypt."

On July 3,2013, an Egyptian journalist, Anas Fouda, was arrested without charges or justification and detained in a secret location for over a month before being deported to Egypt.

In addition, the UAE authorities repeatedly deny the press access to trials. For example, in July 2012, during the well-known "UAE94" mass trial, observers and national as well as international press were denied access to the courtroom. The coverage of other cases, such as the one of Dr. Bin Ghaith, an academic, prominent economist and activist who publicly advocated for political reforms and human rights in the UAE, was arrested on August 18, 2015 for his tweets, which were seen as a threat to the state's political interests and relations, putting the country at risk of reprisals from the criticized governments. His trial is currently ongoing, has also been refused to non-government linked media and observers.

Recommendations

The ICJHR therefore invites the Secretary General to take note of the information highlighted in this report.

Furthermore, the ICJHR calls upon the UAE authorities to:

1. Release immediately and unconditionally all journalists, bloggers and human rights defenders detained in the United Arab Emirates for their peaceful human rights work, guarantee their physical and moral integrity.
2. Put an end to the monitoring and targeting of online activists and bloggers for exercising their right to freedom of expression and opinion and respect those rights, as provided in the Emirati Constitution and other international covenants, including the Universal Declaration of Human Rights and the Arab Charter on Human Rights.
3. Guarantee the right of anyone in the United Arab Emirates to exercise freedom of expression, of opinion and of press with no fear of harassments, reprisals or criminalisation. Allow the mainstream media to cover trials and therefore have access to courtrooms, put an end to the strict repression policy against social media users.

4. Review the Emirati legislative framework, especially the Federal Law No. 15 of 1980 on Press and Publication, the Federal Decree Law No. 5 of 2012 on Cybercrime, the Federal Law No. 2 of 2015 on Anti-discrimination and remove the recent amendments to the Penal Code, and ensure that it fully complies with international standards
5. Implement the recommendations accepted during the 2013 Universal Periodic Review, including recommendation 118-128 related to freedom of press, and ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural rights and their Optional Protocols.