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Time to Hold Our Arab Ally Accountable

United Arab Emirates has detained and tortured U.S citizens. It's time for the West to stop giving the Arab nation a free pass.

By Jared Genser

On Monday, May 30, a special chamber of the highest court in the United Arab Emirates is expected to announce a decision on the case of four expat businessmen arrested by UAE security forces in 2014 – Kamal and Mohamed Eldarat, American-Libyan father and son, Salim Alaradi, a Canadian-Libyan, and Issa al Manna, a Libyan. Accused initially of terrorism, the men have steadfastly asserted their innocence of all wrongdoing, and their families, who live in U.S. and Canada, have campaigned tirelessly for their freedom over the past two years.

As a human rights lawyer who has helped secure the release of more than 40 arbitrarily detained men and women, I can say with authority that this case presents not only a remarkable human rights challenge that the UAE must rectify, but it is also a test of diplomatic and economic relations between the UAE and the West.

The UAE is an important Western ally and major trade and investment partner. It has the second largest economy in the Arab world, having undergone significant economic reforms to attract investors from around the world. Today, its economy is characterized by low tariffs and relatively few nontariff trade barriers. These economic ties reinforce expanding diplomatic cooperation, including countering violent extremism, military campaigns against the Islamic State group and ending Syria's civil war.

But despite economic partnership and security cooperation, foreign investors and their families are still at risk of enforced disappearances, torture and abuse of due process, as has happened in this case. The men were arrested without a warrant or charge, held incommunicado for months and denied access to their families and lawyers. The U.N. Working Group on Arbitrary

Detention noted these pretrial abuses in its December 2015 opinion, which found that the detention was arbitrary. The working group also noted the torture suffered by the men, which has attracted concern from the U.N. Special Rapporteur on torture and numerous NGOs including Amnesty International. It has been reported that the men suffered beatings with rods while suspended from chains, electric shocks, the prying off of fingernails, pouring of insects on their bodies and extended sleep deprivation.

Despite global attention, serious due process abuses have continued since the trial began this January. As noted by the U.N. Special Rapporteur on the independence of judges and lawyers, the men were retroactively charged under a law that did not exist at the time of the alleged acts or arrest, and access to lawyers has been both extremely limited and not confidential. And in a stunning turn of events in March, the prosecution dropped the terrorism charges entirely and replaced them with lesser criminal charges, after its nearly identical terrorism case against two of the other businessmen arrested fell apart. The evidence against the men had reportedly consisted of only one witness statement – provided by an employee of the UAE security forces with no eyewitness evidence – and confessions obtained during torture.

The UAE has far from an untarnished human rights record. But what makes this case so concerning, aside from the truly egregious details of torture the men reportedly suffered, is that this is not the only case of UAE targeting Western expats doing business in the country. A 2016 report from Amnesty International found that UAE security forces arrested "dozens of people, including foreign nationals ... and subjected them to enforced disappearance" with some victims also reporting that security officials had tortured them.

This case is an important test of the West's relationship with the UAE. Failure of the international community to demand and achieve the release of these men will affirm a government that routinely violates human rights, often targeting foreign nationals. It will implicitly give license to the use of enforced disappearances, deplorable torture methods and dismissal of internationally recognized standards of fair trial. And it will damage trust and confidence in economic and security cooperation. These men have been detained for 17 months, endured horrific torture and now face up to 15 year of imprisonment if convicted next week. The UAE must release the Eldarats, Alaradi and al Manna, and let them return home.

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