

PUBLIC

AI Index: MDE 25/001/2009

26 January 2009

UA 23/09

Fear of unfair trial

UNITED ARAB EMIRATES (UAE)

Naji Jawdat Hamdan (m), aged 44

Naji Jawdat Hamdan, a US citizen of Lebanese origin, has been charged with terrorism-related offences and is likely to face trial within days, apparently on the basis of a statement he signed after being tortured. Amnesty International fears that he is at risk of being sentenced to death without the possibility of an appeal.

Naji Jawdat Hamdan was arrested at his home in the Emirate of 'Ajman on 29 August 2008 by members of *Amn al-Dawla* (State Security). He was taken to Abu Dhabi where he was held incommunicado in solitary confinement until 26 November 2008, when he was transferred to al-Wathba prison in the Emirate of Abu Dhabi. He is said to have been charged with "promoting terrorism, participating in the work of a terrorist organization and cooperating with a terrorist organization". Naji Jawdat Hamdan alleges that he was tortured while held incommunicado, in an underground cell in Abu Dhabi and under interrogation. He says he was kept blindfolded, and repeatedly punched and kicked all over his body until he lost consciousness. At times the mattress and blanket were removed from his cell and the air conditioning system was turned up. His interrogators told him that he should "confess" to being a member of al-Qa'ida, and when he refused, one of the interrogators forced him onto the floor and another beat him on the soles of the feet. At some point, he says, he was made to sit on a chair and had his wrists and legs strapped to it, and was told that it was an electric chair. During one interrogation session, he says someone who he believes to have been a US national spoke to him, and advised him to "do what they want". Ultimately, he signed a statement to avoid further torture. He was subsequently charged with terrorism-related offences. Amnesty International does not know the contents of the statement; or the exact charges faced by Naji Jawdat Hamdan.

Naji Jawdat Hamdan will appear before the UAE's Federal Supreme Court, the highest court in the country, possibly in early February, and will be tried under a 2004 law which prescribes the death penalty for certain terrorism-related offences. Verdicts passed by the Federal Supreme Court cannot be appealed.

BACKGROUND INFORMATION

Political suspects in the UAE are commonly held incommunicado in undisclosed locations. Those arrested by *Amn al-Dawla* are reportedly often kept in solitary confinement. A few political detainees have been allowed to make brief and limited phone calls to their families. Political parties do not exist in the UAE; political dissent is not tolerated and there are severe restrictions on freedom of expression.

The use of torture of political detainees has been widely reported. Methods have included sleep deprivation, suspension by the wrists or ankles followed by severe beatings to the soles of the feet and even the use of electric shocks to various parts of the body.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern that Naji Jawdat Hamdan was detained incommunicado for three months and tortured;
- urging that the allegations of torture be fully and independently investigated without delay, and for anyone found responsible be brought to justice;

- expressing concern that charges have been brought against him apparently on the basis of a statement he alleges was signed under torture;
- expressing concern that he is facing an unfair trial and may receive the death penalty if convicted;
- calling on the authorities to ensure that Naji Jawdat Hamdan receives a fair trial, in accordance with international fair trial standards, which prohibit the admission of testimony obtained through torture.

APPEALS TO:

Vice-President, Prime Minister and Ruler of Dubai

Shaikh Mohammad bin Rashid Al-Maktoum
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Minister of the Interior

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Minister of Justice, Awqaf & Islamic Affairs

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Salutation: Your Excellency

Minister of Foreign Affairs

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Ministry of Foreign Affairs
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Salutation: Your Excellency

COPIES TO: diplomatic representatives of the United Arab Emirates (UAE) accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 9 March 2009.