

HUMAN RIGHTS IN THE UNITED ARAB EMIRATES

HEARING BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION HOUSE OF REPRESENTATIVES

ONE HUNDRED AND ELEVENTH CONGRESS

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TOM LANTOS HUMAN RIGHTS COMMISSION

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CONTENTS

WITNESSES

Samer Muscati, Researcher, Human Rights Watch.....	8
Zahir Janmohamed, Advocacy Director, Amnesty International.....	12

APPENDIX

Hearing Notice.....	24
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WEDNESDAY, MAY 13, 2009

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION,
Washington, D.C.

The commission met, pursuant to call, at 1:34 p.m., in Room B318, Rayburn House Office Building, Hon. James P. McGovern [co-chairman of the commission] presiding.

Mr. McGOVERN. [Mike unplugged.] More specifically, we are looking at cases of torture. Despite being a very important ally and partner of the United States and the Persian Gulf and the Middle East, I am guessing that many would be hard put to find the UAE on a map, and if we carry an image of the UAE in our minds, it might be of the gleaming, modern architecture of an oil- and investment-rich nation which is attempting to become a leader among modern Arab states.

Very few of us would likely know that the UAE is a federation of seven semi-autonomous emirates with a resident population of five million, of whom fewer than 20 percent, about 900,000, are citizens.

The rulers of each emirate make up the Federal Supreme Council, the highest legislative and executive body, and the council selects the president and the vice president, who, in turn, appoint the prime minister and the cabinet. There are no democratically elected legislative institutions or political parties. There are no general elections.

We are not here to review the UAE's system of government, which, in many ways, operates efficiently, but we are here to take a look at whether a culture of impunity if being fostered within the UAE for members of the ruling family and their associates, which has allowed some, operating under the cover of authority, to engage in gross violations of human rights, including torture.

Today's hearing, in large measure, is part of the international outrage and concerns over acts of torture committed by one member of the UAE royal family, Sheikh 'Issa bin Zayed Al Nahyan, brother of the country's president, Sheikh Khalifa, and of the crown prince, Sheikh Mohammed. 'Issa's father was Sheikh Zayed, the late

president of the UAE.

As many of you are aware, on April 22nd, ""ABC Nightline" broadcasted the story of Sheikh 'Issa's vicious acts, including a few minutes of videotape documenting his torture of a male victim, an Afghan grain dealer identified as Mohammed Shah Poor. While carrying out his brutal acts, Sheikh 'Issa is assisted by several individuals wearing uniforms.

At the invitation of ABC Journalist Brian Ross, I reviewed this videotape on Tuesday, April 21st. I cannot describe the horror and revulsion that I felt when witnessing what is on this video. The very brief excerpts publicly broadcasted by "ABC Nightline" do not even come close to revealing the cruel and inhumane acts depicted on the longer videotape.

I could not watch it without constantly flinching. It truly shocks the conscious. The incidents depicted on the video are said to have occurred around 2004. Around that same time, the matter was brought to the attention of the UAE Ministry of Interior, which is headed by Sheikh 'Issa's brothers. The Interior Ministry failed to investigate this matter, and when ABC News brought it again to their attention, the ministry replied that the incidents were not part of a pattern of behavior and that the police had correctly followed procedures.

As Human Rights Watch has stated so clearly about this incident, and I quote, "The UAE government's failure to prosecute those involved in this undisputed incident of torture and abuse at the hands of the royal family, at the hands of a royal family member, and the police is an appalling miscarriage of justice."

What is even more shocking is the government's assistance that it investigated and found no violation of UAE laws.

Contrary to official assertions, the incident with the Afghan grain dealer is part of a larger pattern of abuse by Sheikh 'Issa. Today, we will review a 10-minute video showing three separate incidents of abuse of Sheikh 'Issa. These include two clips of the incident broadcasted by "ABC Nightline" and the third clip involving the abuse of a group of individuals.

In each case, Sheikh 'Issa is seen beating and terrorizing his victims, and, in each case, he is assisted by uniformed individuals, some of whom, especially in the group incident, appear to be official uniformed security or police officers.

Now, I would like to note for the record that Mr. Bassan Nablusi, a U.S. citizen from Houston, Texas, and former business associate of Sheikh 'Issa, got these tapes out of the UAE. It is also my understanding that Mr. Nablusi had earlier presented portions of these tapes to a U.S. official stationed at the U.S. Embassy in Abu Dhabi.

A question I had posed to the State Department, and which they are currently reviewing, is whether this information failed to be brought to the attention of higher-ranking embassy officials and State Department officials at the time, or, if it was, what actions were taken, or failed to be taken, by the U.S. Government in response.

I also want to note that Mr. Nablusi himself asserts that he was also threatened and abused by Sheikh 'Issa, imprisoned in the UAE, and abused while incarcerated by official security forces. The details of this matter are currently pending before a civil court in Houston.

Now, our first testimony today, as I noted before, is a 10-minute video of two incidents by Sheikh 'Issa. Some of this material, while only seconds in length, is very graphic, and I would invite anyone in the audience who does not wish to view this material to exit the room for 10 minutes. Also, there are no minors here, but this is a terribly graphic video.

Let me also state for the record that, for us, the decision to show this video was not arrived at lightly, but it is important that we understand that torture is not some abstract concept. It is real. It is horrifying, and, as you will see on this tape.

Let me describe the three clips that you are going to see.

The first clip is the video of Sheikh 'Issa torturing a grain dealer, Mr. Poor, on his ranch in the UAE. Sheikh 'Issa has the torture session videotaped, and he can be clearly seen directing the video camera operator.

Sheikh 'Issa has the assistance of uniformed police officers as he first smothers Mr. Poor. Sheikh 'Issa then shoots at Mr. Poor with an M-16, after which Sheikh 'Issa shocks Mr. Poor with a cattle prod and then begins to beat him with wooden planks with protruding nails. Finally, Sheikh 'Issa drives an SUV over Mr. Poor's body.

The second clip you are going to see begins by showing victims who are being held in a pigeon coop on Sheikh 'Issa's ranch in the UAE. These victims were being loaded into two police trucks. Officers and soldiers wearing different police/shoulder uniforms are seen assisting Sheikh 'Issa. The video then cuts to a scene where Sheikh 'Issa is beating and stomping on one of his victims.

The final clip shows Sheikh 'Issa ordering a uniformed officer to assist him as he chains up Mr. Poor. Next, Sheikh 'Issa shoots at Mr. Poor with an M-16 and then smothers Mr. Poor.

The next scene shows Sheikh 'Issa whipping Mr. Poor with the fiberglass handle of a cattle prod. As Sheikh 'Issa tires, he has other individuals continue the beating for him. The video then shows Sheikh 'Issa as he pours salt onto Mr. Poor's wounds.

Finally, the video shows Sheikh 'Issa as he shocks Mr. Poor around the neck and facial area with a cattle prod.

Again, this is terribly graphic material, and I would, again, urge anybody who wants to, at this time, to leave the room. With that, I would instruct the staff to show the videotape.

[The videotape was played.]

Mr. McGOVERN. I feel that I should almost apologize for having to put people through this, but the sad fact is, if it was not for this videotape, that poor grain dealer's horrific experience would have gone unnoticed, and, shame on us, for not being able to bring something like this to light without this.

The "ABC Nightline" story about Sheikh 'Issa's acts of torture and abuse caused near universal outrage, including, I am told, inside the UAE. To its credit, the UAE government has announced a number of steps that it has taken, and intends to take, to investigate and prosecute this case, beginning with the arrest of Sheikh 'Issa and his detention in a police jail.

The UAE government has also informed me that others identified on the videotape as assisting Sheikh 'Issa have also been placed in detention, although I do not have a list of the names or how many people. As you can see from the videotape, there are many people in uniform who assisted in this.

On the literature table, we have made available the UAE's outline of the process underway to investigate the Sheikh 'Issa case, and I am pleased that these steps are happening, and I will be following them closely to see how they proceed and what results from these new measures.

I regret to say, however, that, in the time I have been so deeply engaged on this situation of human rights inside the UAE, I have received information about a number of cases of abuse, some involving various members of the royal family and other associates, which range from individual abuse to human trafficking to gross abuse of migrant laborers, and we are going to be looking into all of these cases.

One case, in particular, has already been taken up by the Swiss courts and a judgment rendered. This is the case of Mr. Silvano Orsi, a U.S. citizen from Upstate New York who was severely beaten by Sheikh Falah, the brother of Sheikh 'Issa, in a hotel restaurant in Geneva, Switzerland, when Mr. Orsi was dining with friends.

While UAE officials attempted to characterize this incident to me as nothing more than a barroom brawl between two men who had been drinking too much, the evidence submitted in Swiss courts say otherwise. Mr. Orsi, who was not drinking alcohol that evening, was approached by Sheikh Falah, who made unwelcomed

overtures to Mr. Orsi. Upon rejection, Sheikh Falah beat Mr. Orsi severely and repeatedly with a leather belt and buckle, with the assistance of his personal security entourage.

Mr. Orsi suffered severe injuries from this assault, some of which continue to cause him pain and suffering. His description of events was confirmed by an eyewitness, who testified in the Swiss courts, where Sheikh Falah was found guilty of assault and battery.

The case was appealed on a technical issue of whether a leather belt and buckle constitute a lethal weapon, and the judgment of the first court overturned.

The matter is now pending before the Swiss Supreme Court, where a final determination will be issued this year. It is my understanding, however, that, at no point in the appeals process, have the findings of the brutality of Sheikh Falah's actions or his culpability been rejected by the courts.

I would like to acknowledge the presence of Mr. Orsi, who is here today in the audience, and he is available to speak with individuals and the press who might be interested in knowing more about his case.

I met with him. I think he is credible. I believe he is credible, and he has been through an awful ordeal. This Commission will continue to monitor his case closely. No one, and I mean no one, should ever have to experience what Mr. Orsi did, and I am concerned by reports that U.S. Embassy and Consular personnel may not have been as responsive, as we might hope, when contacted by a badly beaten and threatened U.S. citizen in need of support, help, and the possibility, even, of protection, and I am looking into this matter with the State Department.

Now that the press has exposed these acts of torture and flagrant abuse by a member of the UAE elite, what happens next? How can the UAE turn this dark and horrific incident into an opportunity that results in something good and lasting? What are the concrete actions that the UAE might take to strengthen the rule of law and assure that no member of society is above law? How might it improve its police and investigative procedures, judicial and prosecutorial institutions, and its ability to promote and protect human rights?

Surely, no one wants to wait for the next videotape to appear or for more witnesses to bring abuses to the attention of the international community. To respond to these questions, we have asked experts from Human Rights Watch and Amnesty International for their recommendations, for while today's hearings focus on the UAE, it is hardly the only country in the world attempting to break a culture of impunity where social elites or military have operated above the law with little fear of consequences for abusive acts.

It is my hope, and the intent of this Commission, to provide recommendations

that might be taken under consideration by the U.S. State Department and the UAE government and that might also be reviewed by the State Department for application in other countries where we are encouraging and supporting government efforts to strengthen the rule of law and respect for human rights.

Before I turn to our two expert panels, I want to yield to my colleague from Maryland, Congresswoman Edwards, for any opening comments.

Ms. EDWARDS. Thank you, Mr. Chairman, and I do have a brief opening comment.

I sit, like many of us here, shocked at what we have witnessed on this videotape and ashamed not just for the people of the UAE and the victims but for ourselves that, as part of an international community, that it takes a videotape like this for us to be able to call to the attention of all of us the danger and tragedy of torture.

There is no cultural identification for torture or excuse for it. There is no royal entitlement to torture, and I just commend you for holding this hearing and inquiry today so that we can make both positive recommendations to the UAE, but also for our own government, that there is a moral imperative that we have to each other, as brothers and sisters around this world, to call attention to torture and violence and human rights violations and to hold each of us accountable for that, and that is what I hope that we come out with at this hearing.

I recently visited the United Arab Emirates just a few weeks ago, actually, and had an opportunity to ask about domestic violence and domestic abuse, about trafficking and sexual abuse and assault. Had I only known, I should have been asking the royal family about torture, had I only known, and so I appreciate being here today.

I look forward to the testimony that we will hear and to the documentation that we will assess from our own State Department on human rights violations in the UAE and from NGOs, Human Rights Watch, and Amnesty International, and I commend you for your work because our relationships with our friends and allies around the world cannot simply be a commercial relationship.

There is an obligation that we have to each other and to all of our communities that is a higher standard than a commercial relationship or a defense relationship or a cooperative relationship around nuclear or other technologies, and in order to make those relationships right, we first have to be right on human rights.

So I thank you, Mr. Chairman, and I look forward to the testimony today.

Mr. McGOVERN. Thank you very much. Our two expert panelists are Samer Muscati, a lawyer specializing in the fields of human rights and development, who is a researcher for the Middle East and North Africa Division of Human Rights Watch. Samer monitors, investigates, and documents human rights issues in the region with a

specific focus on the United Arab Emirates and Iraq. I would like to point out that he was accepted by the Massachusetts Bar, in 2003, and, being from Massachusetts, I am not a lawyer, but I think it is always nice to be part of the team up there, but thank you.

Zahir Janmohamed is the advocacy director for the Middle East and North Africa for Amnesty International. Prior to coming to Amnesty, he worked for the Center for the Study of Islam and Democracy, which is a State Department grant recipient.

We appreciate both of you being here, and, Mr. Muscati, why do not we begin with you?

STATEMENT OF SAMER MUSCATI, RESEARCHER FOR THE MIDDLE EAST AND NORTH AFRICA DIVISION, HUMAN RIGHTS WATCH; ZAHIR JANMOHAMED, ADVOCACY DIRECTOR, MIDDLE EAST AND NORTH AFRICA DIVISION, AMNESTY INTERNATIONAL

Mr. MUSCATI. Thank you. The acts on the tape are truly horrific. What happened to the Afghan grain dealer, at the hands of a member of UAE's royal family, is repulsive, sadistic, and a gross violation of human rights, by anyone's definition or standard.

What is more troubling to me than the brutal actions of Sheikh 'Issa is that the UAE government has known about this for years and has sat on its hands. It now feels compelled to act not because of its legal obligations under international law and domestic law or because it is the right thing to do. More likely, it is taking action because of the mounting international condemnation.

The case is an incredibly important and significant one because while Sheikh 'Issa does not hold an official government position, he is a member of the royal family that runs the UAE government. As the half-brother of the country's president and the brother of the Minister of Interior, he commands wide authority, especially among the country's security personnel.

Also, the actions by what appear to be police, which include tying the victim's arms and legs to facilitate torture and restraining him as Sheikh 'Issa literally pours salt on the wounds are tantamount to state complicity in torture.

Since it appears the officer was in full police uniform, his actions appear to be under a cover of law. These actions constitute clear violations of the UAE's constitution, as well as international human rights law. The Constitution of the United Arab Emirates guarantees, in absolutely and unconditional terms, that no person shall be subjected to torture or degrading treatment.

The prohibition of torture is one of the most fundamental under customary international law, which binds the United Arab Emirates. Countries have an obligation not only to prevent torture but also to conduct thorough and impartial investigations and to prosecute those responsible for committing them, but based on information we have received to date about the Minister of Interior's initial response to the brutal events depicted in the video, the ministry failed to properly investigate and prosecute or discipline any of the perpetrators in this incident.

Initially, the government did not characterize the abuse in question as "torture" but simply as an assault between the two parties that was held privately. The government's initial review concluded that all of the rules, policies, and procedures were followed correctly by the police department. Furthermore, neither the police department nor the Ministry of Interior has made public the findings of the police review and investigation or the basis for their inexplicable conclusion that the police

followed all rules, policies, and procedures correctly.

As of this week, we understand that Sheikh 'Issa has been detained, and the government is reinvestigating the incident. The moves by the government are definitely a positive sign, but simply holding another investigation will not be enough, especially in light of the previous investigation that went nowhere.

In a letter to the country's president, Human Rights Watch has urged that the United Arab Emirates presidents take the following steps with respect to this case. As well as investigating Sheikh 'Issa and anyone else involved in this incident, the government must investigate the initial flawed review that was conducted by the Ministry of Interior and police department, as well as the basis for the ministry's findings that the police did not violate the rules, policies, or procedures of the United Arab Emirates.

The UAE government must publicly, and unequivocally, renounce the use of torture and physical abuse by the police, others in positions of authority, or private citizens in the UAE. It should reaffirm its commitment to abide by international law provisions banning the use of torture and other cruel, inhuman, and degrading treatment.

The UAE government must create an independent body to inquire more broadly into the prevalence of abuse and torture by UAE police, inviting the public to submit anonymous testimony of such incidents.

It must require the police to abide by international rules on the use of force by law enforcement officers and that any incident of torture will lead to investigations and prosecutions of the perpetrators. It must establish policies and procedures with respect to the manner in which investigations of police misconduct shall be conducted in the future, and it must implement a wide-scale training program on abuse and torture prevention for UAE police officers.

The torture incident also highlights the need for other legal reforms in the UAE to help prevent such abuses from happening again. There are three general areas that need to be addressed by the government as a starting point.

In order to show the country is genuinely sincere about combating torture, the UAE must sign international instruments that prevent torture around the world. The Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment requires states to take effective measures to prevent torture within their borders.

Second, international legal instrument. The International Covenant on Civil and Political Rights also has provisions protecting the physical integrity of individuals against actions, including torture.

There are about 150 signatories to each of these conventions, and the UAE has not ratified either international instrument.

If the government is serious about demonstrating that it will no longer allow impunity for acts of torture on its soil, it should and ratify both of these instruments immediately.

Another serious issue that this torture case draws attention to is the complete lack of government accountability when it comes to issues of human rights. Within the country, there is very little room for criticizing government actions. Human rights defenders and government critics face harassment, including criminal charges.

There are only two legally recognized human rights organizations operating in the country, and their actions are restricted.

The government has made it extremely difficult for any local nongovernmental organization to operate in the country, and those that do have to keep the government fully informed of their activities.

The media also face barriers and regulations designed to insulate the government from public criticism, deterring investigative journalism and undermining the media's role as public watchdog.

As the world has watched in horror the events depicted on the video, astonishingly, these incidents have received very little coverage from the UAE's local media. The government must remove impediments on journalists and allow independent reporting that could curb such abuses, but, instead, the United Arab Emirates government is doing the opposite.

A new draft media law that has been passed by the legislature and now awaits the president's signature to take effect prohibits anyone from making disparaging comments about government officials and the royal family. The vaguely worded provision in the law offers no explanation of commentary regarding what sort of criticism might constitute unlawful disparagement and will further entrench the culture of self-censorship. Media organizations found guilty of this provision face fines of up to \$1,350,000 US.

In another provision, the law grants the government virtually complete control in deciding which media organizations may or may not be allowed to publish information in the country.

The new law, if passed as is, will undermine free speech and interfere with the media's ability to report on sensitive subjects, such as torture and abuse by members of the royal family or others in positions of power in the UAE.

I was in the country last month to release our report on the draft media law,

and I was astonished by the number of journalists who took me aside to complain about the lack of media freedom and the list of taboo subjects in the country. This law will only make things worse for them.

Finally, from what we know, the person shown torture on the tape is an Afghani national who was working in the country as a grain dealer. Foreigners account for up to 85 percent of UAE residents and nearly 99 percent of the private sector work force.

Immigration-sponsorship laws grant employers extraordinary powers over the lives of migrant workers. Women domestic workers are at risk of unpaid wages, food deprivation, forced confinement, and physical or sexual abuse. Exploitation of migrant construction workers is also severe. Abuses include nonpayment of wages, extended working hours without overtime compensation, unsafe working environments leading to death or illness, squalid living conditions in labor camps, and withholding of passports and travel documents.

There has to be a fundamental shift in how these foreign workers are perceived and treated. Their rights must be respected, and the government must end their abuse and set an example, if these abuses are to stop.

For those of you who are interested, we are releasing a report next week highlighting some of these issues that I have discussed and to talk more about specific cases of torture is my colleague, Mr. Zahir.

STATEMENT OF ZAHIR JANMOHAMED

Mr. JANMOHAMED. Thank you, Representative McGovern and Representative Edwards, for sponsoring this forum. I could not agree with you both more, in your introduction, that the UAE is a country where oftentimes the human rights abuses are not discussed, and probably that is because there is a perception that the economic boom in UAE has made it an exception to some of the human rights abuses, and, obviously, it is overshadowed by some of its neighbors, in terms of U.S. media. I want to thank you both for sponsoring this.

In this presentation, I thought I would talk about some other examples of torture and then speak about the issue of domestic workers and then, finally, about gender discrimination.

Now, first, one thing on the tape that I wanted to point out, when I watched the tape, there was one clip, in particular, and, to be honest, I do not know if we showed it here because I could not look, but the first time I saw the tape, there is one line where Sheikh 'Issa tells the camera man, he says, "'Come closer, come closer. Let his suffering show."

Now, as somebody who has done human rights work for quite a long time, unfortunately, I have seen a lot of really gruesome videos, but usually the videos are of somebody not knowing that here is a camera there, and then, later, when they find out, they freak out, "Oh, my God, I cannot believe I got caught by a camera."

We see that with police-brutality videos, regardless of where they are, but here is an example of somebody, with a uniformed police officer, torturing this man and then prodding the camera man to say, you know, "Come and watch me torture him some more," and, to me, that is really shocking. To me, here, we are seeing somebody who was acting, knowing that he would be granted impunity, and that is just absolutely appalling.

The act itself is appalling, and his taunting the camera and saying, "Look, I am just going to do this in front of the camera," I do not know why he thought the need to tape something like this, but, clearly, he is somebody who thought he was above the law, and I think that this case; it is unfortunate that this is the reason why we are here today, but it is an opportunity to discuss UAE because, again, UAE issues are not addressed that often.

Now, on the issue of torture, I think the one thing that this tape shows is the essential inhumanity of torture, and I know that is kind of a given thing to say, but one of the biggest campaigns at Amnesty, and this was particularly big in the Bush administration, was our "Denounce Torture" campaign, and this is something that really resonates at the core of our membership.

Anytime we send out an action denouncing torture, regardless of where it is

around the world, we get huge numbers of our Amnesty members responding because torture is something that is a fundamental violation of a person's dignity, and I think this video shows that very clearly.

Now, unfortunately, in the United Arab Emirates, this is not the only example of torture, and I wanted to give two other examples that illustrate different patterns of torture that we see in the United Arab Emirates.

The first example is of an individual by the name of Monsour al-Shamsi. Now, Dr. Monsour al-Shamsi, who was a writer and was arrested on the 26th of November 2006 at his residence in Sharjah by the state security [Amn al-Dawla] officials, who did not show an arrest warrant, which is very common, or inform about the reason for his arrest. His house was searched, and personal documents and books were seized. Dr. Shamsi was then taken to Abu Dhabi and held incommunicado until his release on the 20th of February 2007, after 86 days in detention, during which he was said to have been ill-treated and perhaps tortured.

Following his arrest, he was not permitted to contact his family, nor was he accorded the right to legal representation or to challenge the basis of his detention. Despite repeated requests, the authorities apparently also refused to provide any information to his family on the reasons for his arrest and detention or regarding his whereabouts.

That is one of the patterns that we see a lot, particularly as it relates to the state security apparatus in the United Arab Emirates, people being arrested, not being charged, held incommunicado in detention, unable to contact their lawyers, families are not able to reach them, and, oftentimes, reporting ill treatment and torture.

Now, because the UAE has not been good at allowing international monitors into these detention centers, it is hard to verify that, but there are a lot of examples, including the gentleman here and others, showing patterns of abuse by state security.

Now, in terms of the issue about accountability, he is reported to have had a legal representative, though it is not known if this was appointed or assigned, so there are questions about flawed legal procedures as well, or whether he has had access to the evidence being used, purportedly, against him, and he was also denied an opportunity to meet his lawyer. He was told that the evidence held against him was "secret" and was held by the state security.

Another example that I wanted to give about torture and abuse in the UAE is the case of Naji Jawdat Hamdan, which is a case that has been worked on by the ACLU of Southern California, which is representing Naji Hamdan's brother.

Now, Naji Hamdan is actually a U.S. citizen of Lebanese origin; he is not a UAE national. I have written, in the written testimony that I provided over there, the full case, so I will just give a summary.

He was detained in the UAE on the 26th of August 2008 and subsequently tortured for three months. At least, on one occasion, Hamdan reported that an American official was involved in his interrogation and witnessed local interrogators torture him.

One week after the ACLU of Southern California filed the habeas petition on behalf of his wife and brother, both U.S. citizens and residents in Southern California, Hamdan was transferred from a secret location in Abu Dhabi, a prison known for its human rights abuses, and charged with three terrorism-related charges. These charges are extremely vague, and the Hamdan file is primarily and exclusively based on confessions that Hamdan signed while being tortured.

Currently, Hamdan is awaiting trial before the UAE Supreme Court, where there is no appeal process. While the UAE has violated international law in torturing and detaining Hamdan incommunicado detention and continuing hold him without due process, the ACLU strongly believes that the UAE is acting at the behest of the U.S. The ACLU believes that Naji is the latest victim of the U.S. program of proxy detention.

The ACLU offers two recommendations on this particular case.

Since it is clear that the UAE tortured Hamdan and that his file is primarily and almost exclusively based on the confessions derived under torture, the U.S. must do everything in its power to prevent any sort of prosecution of Hamdan in the UAE; and, second, is calling for transparency in this case.

I wanted to give that as an example of now primarily what we see is the torture by state security, and here we see an impossible collaboration, something that the ACLU has been working on.

There are many other cases as well, too, which I have provided in my written testimony, but, for the sake of time, I will not go over them.

I think it would be remiss to not talk about the situation of domestic workers in UAE, which Samer did a great job touching on, but I just want to focus on a few cases.

As Samer mentioned, about 80 percent of the population and 95 percent of its work force is comprised of foreigners, i.e., domestic laborers. Conditions for migrant workers, and this is something that I have seen myself on my numerous visits to the UAE, vary, but many are housed in shanty camps and have little recourse in the case of labor violations, such as long hours, stolen passports, and recruitment fees.

International attention highlights children forced to work as jockeys and women from Uzbekistan, Moldova, and South Asia forced into prostitution. As of

2008, 5,000 boys worked as camel jockeys; the number of these who were trafficked in persons is hard to say.

While 398 women were arrested on charges of prostitution in 2007, there are no numbers available on how many women were trafficked into the UAE.

One of the things that we see very often is the cases reported of debt bondage of ill treatment of domestic workers or deaths of construction workers due to unsafe conditions. Here are examples from the last few months, actually.

In February of 2009, a Dubai court sentenced about 45 Indian construction workers to six months' imprisonment followed by deportation in connection with protests in 2007. So the lack of protest about some of these conditions; anyone who has been to the UAE knows that the construction and the hot conditions, coupled by the poor living arrangements for them, makes for oftentimes a very inhumane setting.

In March of this year, 30 people were arrested after 1,500 laborers in Sharjah held protests demanding higher wages, and, in July of last year, over 300 mainly Indian workers in Ras al-Kahimah were detained after protesting about the poor quality of their food. Some were charged with arson and rioting.

I think it is also important to talk about discrimination and violence against women, which often sort of conflates with the issue of domestic workers.

I should note, on a personal level, that, about once a month, I receive a call from a relative in the United States, and the call goes something like this: "My sister is a Filipino woman or an Ethiopian woman --" I will give an example -- an Ethiopian woman who got a permit to work in Dubai, was promised a job working as a nanny but is now working -- in this case, it was at a camel farm picking up camel excrements, wages withheld by the person who is sponsoring her. She is alleging that, unless she performs sexual favors, that her wages will be withheld, or she will be deported.

This is routine. I get a call like this once a month. It is oftentimes difficult to verify, but the frequency of these calls raises alarm.

I should also note that oftentimes they are from countries, let us say, the Philippines, Ethiopia, et cetera, where, when I contact those embassies, they are not very cooperative in doing something, and so we have a whole case of a lot of individuals who are, in a sense, in legal limbo.

The UAE is not doing anything. The UAE is not allowing international monitors to go into some of these work camps, and, third, the countries which they are from are oftentimes plagued by their own problems and are not addressing these cases, and, to be honest, here, in Washington, it is very difficult to raise these cases, which is why I appreciate this opportunity.

I have given some exhaustive recommendations in the written testimony. I will not go through all of them, but I do want to highlight a few.

First, to echo what Samer said, which I cannot emphasize enough, which is that the UAE can make an important first step in ratifying some international treaties. Certainly, the Convention against Torture is one, and the International Covenant on Civil and Political Rights; those are really important things that the UAE can make.

We have seen countries ratify them and still abuse and engage in torture, but it is an important first step and something that should certainly be pushed.

We have some concerns about the death penalty, which I put in my written statement.

Now, on the issue of torture, a few points. Published, up-to-date lists of all cases of detention in a form that is readily accessible to lawyers and members of the public as a step towards ending the practice of incommunicado and secret detention and torture and other ill treatment.

Secondly, make clear to all officers involved in the arrest, detention, and interrogation, in particular, those of the secret police, that torture and other ill treatment will not be tolerated under any circumstances and that those found responsible will be brought to justice in accordance with international standards for fair trial.

In addition, including by bringing to light the practice of torture and ill treatment. I think that this case is really an important first step, and I think the international community has an opportunity to push for accountability and justice on this case, but I cannot stress this enough: If our focus is just narrowly on this case, then we will miss this opportunity because the spotlight does not shine often on abuses in UAE, and there are many people, myself included and Samer and others and yourselves, who have been trying to highlight so many other issues in the UAE.

So I look forward to working with you together to highlight the issue of torture and also the issue of domestic workers and gender violence. Thank you.

Mr. McGOVERN. Thank you both very much for your testimony. You can be assured that, based on your testimony and the information Mr. Orsi provided us, this tape, that this Commission is not going to turn a blind eye to other abuses in the UAE.

Again, it is sad that it took a terrible videotape to kind of jolt us into paying attention to the human rights situation in the UAE, but because of this videotape, I think we are now paying attention more closely.

You know, we have debated, in Congress and in the press, the issue of torture a lot these last two weeks, and I was thinking, when you listen to the banter back and forth, sometimes you get the sense that we are being inundated with so many facts and figures that we are kind of losing our human ability to feel what this is, and when you look at this tape, it shows you just how horrific, how terrible, how awful this is. Again, I will repeat, if it was not for this tape, we would not be talking about this poor grain dealer from Afghanistan who was tortured. That is the sign of a vote.

I guess the question I have -- two questions. One is, if the Sheikh 'Issa case is successfully prosecuted, if the justice system works in this case, and a member of the royal family gets convicted and goes to jail, what does that mean for the judicial system? Does it break the cycle of impunity? Does it put a crack into it, the idea that a member of the royal family would go through all of this, and then a decision would be made that he is guilty, and he is in jail, number one?

Number two, I mean, as U.S. policymakers, we are trying to figure out how best we can influence this situation, and, you know, when you see this, you want to get in lecture mode, and you want to tell the country, "You have to do A, B, C, D."

On the other hand, what I have learned over the years is sometimes lectures from the United States do not work, and they sometimes backfire. So I guess my second question to you is, if we are trying to encourage reform in the UAE, if we are trying to encourage an end to this cycle of impunity, how do we do that in a way that works? We may have good intentions, but we may come on like a ton of bricks, and then there are issues of nationalism, and I am not going to have the United States to know what to do.

What we are trying to figure out is, how are we helpful? This is not about exposing a terrible human rights crime for the sake of exposing a terrible human rights crime. What we are trying to do is, how do we help, in a constructive way, to push that country toward the reforms that I think all of us believe are important? There are two questions, then.

Mr. MUSCATI. To answer your second question first, I know that it is a very important issue, in terms of how you make change in other countries, and that is something that we were faced with as well when we were in the UAE last month for our draft media law.

One of the questions that kept coming up is, as foreigners, outside observers, how can you come into a country and basically tell us what is culturally appropriate or what is not culturally appropriate?

When it comes to torture, there is no cultural relatives. It is just torture is torture, and it has to end, and all countries acknowledge that it is a national crime. I mean, if you look at the jurisprudence on torture, torture has held the same spot as slave traders and as pirates. They are the scourge of humanity. I think the cultural argument does not work in this situation.

Specifically, in terms of how policymakers can influence the situation, especially in the U.S., I think it is very important that actions speak louder than words. The U.S. is in a difficult position because it is hard to lecture others on torture because it was happening in the U.S. itself, and I think, in order to have credibility, cases of torture have to be investigated, have to be prosecuted, and people have to be penalized for acts of torture that have happened under the American flag.

So I think that is as a first step, in order to have credibility to preach to other countries, I think we have to ensure that torture does not happen in the U.S., and when it does happen, you know, it has to be prosecuted.

With respect to the first question –

Mr. McGOVERN. We are working on that.

Mr. MUSCATI. Yes, and I applaud your efforts. I think it is a very important issue because it is sort of easy to focus on the UAE on this tape because it is such an outrageous incident, but when you do not have a tape, when the tapes have been destroyed, it makes it much more difficult to discuss and to get people motivated to deal with the issue, and I think, you know, it is very important that we have to stop torture everywhere, in the UAE, the U.S., and everywhere else in the world.

With respect to your first question, I think there would be a huge development if Sheikh 'Issa was actually prosecuted and brought to justice. I mean, the very fact that he has been arrested is remarkable. It is unheard of in the Middle East to have a member of a royal family arrested, especially, you know, a person who is connected to both the president and the minister of interior. So we hope that this is the first sign of things to come.

The UAE, you have to realize, is extremely sensitive to international criticism, and I think we are in a valuable position because they do listen to international criticism because their biggest asset is the image that they have as being a pro-western, modernized, Arab country that is friendly to the U.S. and other countries in the Middle East, and they do not want to tarnish that image.

So I think, in that sense, we are in a position to, at least, use this as a wedge to,

hopefully, bring forward other change.

Mr. JANMOHAMED. Just to echo what Samer was saying, I think, if this discussion were being held a year ago, then I would say, "It is really difficult to raise the issue of torture," but I applaud the efforts of the new administration to look into, as you said, "issues of torture," so I think that is a really important step.

On the issue of UAE, I think, if he is implicated in this, as I think he should be, clearly, I think it would be a huge development because I think the UAE has a way of trying to cast themselves as the aberration from the rest of the Arab world, that somehow, like everything else that you see in the media in the rest of the Arab world, it does not happen here.

I do not like making comparisons between countries, but we do find patterns of abuse in the UAE, and I think it would do two things: First, it would show that the royal family is not untouchable, as they would like to see; and, second, there are abuses in the UAE, and this is an important invitation to explore some of those abuses, and I think the U.S. can play an active part.

If you looked at the documentary on HBO about camel jockeys a few years ago, I mean, the UAE, when we issue statements, they respond oftentimes within a week, or sometimes within 24 hours, because they are very keen to have a favorable image in the U.S., so I think Congress can play an important role in this. Thank you.

Mr. McGOVERN. I would just say that they responded pretty quickly with this statement. I guess, when I read the statement, I guess the proof would be in the pudding, whether there is a prosecution.

The other issue, to me, which is also very concerning, is the men in uniform that are accompanying Sheikh 'Issa that are clearly security officers, which points to some institutional issues, you know, and those who were holding down this poor grain dealer, those who were driving the SUV over his broken body, they are culpable, too. They are complicit. They need to be held accountable. We were told that others have been arrested as well. I do not have a list of how many. There are quite a few people that we saw on that videotape, so I do not know. We will wait to see that.

Look, when countries move towards ending impunity, I think we need to say, "That is a good thing," but we need to make sure it is real.

Let me yield to my colleague, Donna Edwards.

Ms. EDWARDS. Thank you, Mr. Chairman, and thank you for your testimony. I do just have one question, and it actually has to do with foreign workers because, given the extraordinary numbers of foreign workers that are present in the UAE greatly slumping their national population of Emiratis, it occurs to me that there could be

some very concerted action to be taken with the many countries that are actually sending workers into the UAE to serve as their work force, and so I would be interested in hearing about any strategies that you can think of that would be useful to the United States in that regard.

Then, as to gender violence, the UAE has, I think, as you say, Zhair, promoted itself as the moderate, even the progressive, in the region, in an effort to do more business with the West and to cast itself as a progressive and a leader. So I would like to figure out ways that we can use that as a positive enhancement to make changes on human rights and, particularly, the rights of women. So I am curious if you have some ideas about that.

Mr. Janmohamed. Yes. Thanks. I am glad that you raised that question.

Now, on the issue of foreign workers, in my written testimony, I have got actually a whole page of recommendations, but I think that, in short, I would say that this is really an issue of statelessness, which is what we see in a lot of countries, and what we are saying is that pushing the UAE to extend the scope of the labor laws to include the domestic workers and ensure that rights are included in the national legislation, in accordance with international human rights law.

At the moment, it does not extend to include domestic workers, and that is why oftentimes their conditions are, in many ways, slave-like, because the person who holds their residency permit has complete discretion to do, basically, what they want with that worker, and there have to be more provisions in the law, given the pattern of abuse of domestic workers. So, one, the laws can be changed on that.

Second is, if there were to be a more robust civil society and a more free media, as Samer wrote well in his report, then some of these abuses could come to the forefront a lot quicker, but, right now, there is a very censored media; and second is there is not a robust civil society because of restrictions on NGOs.

Now, on the issue of gender violence, again, there is a conflation between gender issues and also domestic workers. The calls that I get oftentimes are of somebody who married an Emirati citizen who will be a Filipino -- sometimes it has actually been an American, but, in that case, usually the embassy will help out -- and they are finding that the law provides them no recourse to talk about domestic violence, and there are very few shelters or organizations or things like that.

In fact, I have some examples of violence in my written testimony, but they are all anonymous, and I think that also underscores the extent to which the families, when they call me, they spend the first half of the conversation, "Make sure this is anonymous," et cetera.

The laws can be reviewed and changed in the UAE to make sure that vulnerable populations, and I include women as a vulnerable population, in the UAE

are protected.

Mr. MUSCATI. I agree with Mr. Janmohamed completely. The issue of domestic workers, I think, is a problem in the region, not just in the UAE, and I think it is something that we have to address in Saudi Arabia, as well as some of the other countries, and I think, to clarify to people who do not understand what we are talking about, we are talking about very vulnerable, young women, usually from Indonesia and from other parts of Asia, Filipinos, who basically come to the Gulf States, and they work out of someone's house.

They, basically, have their passports confiscated. They are not allowed to leave the house. Usually, their conditions are quite cramped, in terms of where they live. All aspects of their lives are basically controlled and, thus, are in horrible situations. The women are abused sexually, physically, and mentally.

So it is an issue that needs to be addressed, and it is something that I think we need to focus on, not just the UAE, but the Gulf itself.

Mr. McGOVERN. Unfortunately, we are just on the verge of a series of votes. Let me just ask you one quick, last question.

Going back to the issue of how we play a constructive role in moving in a positive way the UAE on some of these issues and in a way that is helpful, would it be helpful for us to visit there or meeting with the ambassador here?

I met with the ambassador. We had a great conversation about all of this, and he brought me this statement and encouraged us to go back to the UAE. I have never been; my colleague has. Is that helpful, those kinds of one-on-one conversations, or not?

Mr. MUSCATI. I definitely think that you should visit the UAE, and we can help with that visit as well, and there are number of people you could speak to, including activists who are working hard to change things on the ground, but, I am sure, as our colleague can attest to, going there and seeing for yourself what is happening, I think, would be tremendous.

Like I said, I think the UAE, in terms of the government, is very responsive because it is trying to manufacture an image, and, even for the draft media law, when we issued our report, within two hours, they had a response. So they are very keen on engaging with people.

Mr. McGOVERN. Well, this has been very, very helpful. Unfortunately, we have a series of votes, which is going to take some time, and I would like to ask permission that we could submit some questions, in writing, to you and, hopefully, do some follow-up here. We are going to continue to work with Mr. Orsi, who is here, and I would like also like to thank Melody Benavidez, who is our intern, for all of her work

in helping put this together.

Thank you for teaching us today. I appreciate this, and we will be back in touch.

Mr. JANMOHAMED. Thank you for your leadership on this. I appreciate it.

Mr. McGOVERN. Thanks.

[Whereupon, at 2:40 p.m., the commission was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD



**Tom Lantos Human Rights Commission (TLHRC)
Hearing Notice**

Human Rights Abuses in Burma

**Wednesday, May 13
1:30 – 3:00 p.m.
B-318 Rayburn HOB**

Please join the Tom Lantos Human Rights Commission for a hearing on strengthening human rights mechanisms, the rule of law, and criminal investigations to end the climate of impunity in the United Arab Emirates (UAE). The hearing will take place on Wednesday, May 13th, 2009 at 1:30 pm in room B-318 Rayburn, and is open to the interested public and the media.

Please note that the hearing will feature excerpted film footage of video material depicting scenes of torture which are extremely graphic and disturbing in nature. Following an announcement by the Chair, members of the audience may choose to leave the room. The footage is NOT suitable for anybody under age, including minors accompanied by adults or teachers.

Some video footage recently aired by ABC News in late April of this year (<http://abcnews.go.com/Blotter/Story?id=7402099&page=1>) has brought the issue of impunity for gross acts of human rights violations in the UAE to the attention of a larger audience. The footage, reportedly produced in 2005, depicts Sheikh Issa bin Zayed al Nahyan, brother of the country's crown prince, Sheikh Mohammed, and younger brother of the President of the U.A.E., Sheikh Khalifa Bin Zayed, severely torturing an Afghani grain dealer. Parts of the tapes were allegedly shown to an US employee at the US Embassy in Abu Dhabi at the time. Later, excerpts of the tapes were introduced in court in the United States on behalf of a former business associate of Sheikh Issa's in a currently pending civil suit under the Torture Victims Protection Act.

Over the weekend, the Abu Dhabi Public Prosecution Office issued a statement that the Judicial Department of Abu Dhabi had accepted the recommendation of its Human Rights Office to refer all documents related to the broadcasted videos to the Abu Dhabi Public Prosecution Office. The Human Rights Office had met with the victim, and recommended the suspension of all individuals involved from their duties pending a criminal investigation. According to an UAE official representative, Sheikh Issa was put in pretrial detention in a jail attached to a police station.

That the sense of impunity is not limited to members of the royal family, but also includes other UAE citizens, was highlighted by the State Department Country Report for 2008: "Trafficking in persons continued, and legal and societal discrimination against women and noncitizens was pervasive. The government severely restricted the rights of foreign workers. Abuse of foreign domestic servants was common."

To discuss these important issues, we will welcome as witnesses:***

- Samer Muscati, Researcher, Human Rights Watch
- Zahir Janmohamed, Advocacy Director, Amnesty International

***Witness list subject to change.

Please contact Hans Hogrefe (Rep. McGovern) at 202-225-3599.

/s/James P. McGovern, M.C.
Co-Chair, TLHRC

/s/Frank R. Wolf, M.C.
Co-Chair, TLHRC