



Systematic Torture:
Statistics from Dubai Central Jail

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Introduction

When the case of Grant Cameron, Karl Williams, and Suneet Jeerh hit the headlines earlier this year, the public was shocked and surprised to learn about the horrendous torture to which they had been subjected by police. The three British men, who were arrested while on holiday in the United Arab Emirates, were subjected to electric shocks, violent beatings and threatened with guns. Despite the intervention of British Prime Minister David Cameron, the UAE have still not conducted an adequate investigation into the torture in this case. Now Reprieve has accumulated stories and statistics from inside Dubai Central Jail which suggest that far from being unusual, the abuse suffered by Karl, Grant and Suneet is all too common.¹

Recent events have made it increasingly clear that the UAE's use of torture is not confined to isolated incidents. In June 2013 Alkarama, Amnesty International and Human Rights Watch voiced fears about the use of systematic torture in state security facilities in the UAE.² The organizations analysed correspondence from a number of defendants in the case of 94 peaceful political dissidents who were put on trial for trying to "overthrow the government".³ They concluded that the letters contained enough evidence to suggest that torture might be being systematically practiced at the facilities where the men were being held. Joe Stork, deputy Middle East director at Human Rights Watch, said: "Unless the government investigates and takes action, it will be hard to avoid concluding that torture is routine practice in the UAE." To

date, the UAE has failed to take any action on this issue and at the date of writing 69 of the 94 defendants have been convicted without any meaningful investigation into their claims.

Over the past ten years there have been numerous other cases where credible allegations of torture have been raised. In 2009 a video emerged that might provoke particular concern: a member of the Abu Dhabi royal family was captured on film directing the torture of an Afghan grain dealer, Mohammed Shah Poor. Mr Shah Poor's abuse included the application of electric shocks to his genitals, a form of abuse that was also inflicted on Karl Williams during his own ordeal three years later. Earlier this year, Amnesty International published information on a number of cases where victims have made allegations of torture against Amn al-Dawla (State Security), including the case of 17 Indian men sentenced to death for murder.⁴ Despite the fact that the men's claims were raised with the authorities, it appears that no investigation into this incident has yet taken place.

The pattern that emerges has led a number of organizations to believe that systematic torture may be being practiced in the UAE. It has, however, been extremely difficult to develop the data on this issue due to government restrictions on the flow of information. The data contained in this report is some of the first statistical evidence of systematic torture ever released.

Of the 124 prisoners for whom we have

data:

- Over 75% said they had been physically abused at some time after their arrest
- All but five (96%) were subjected to questioning by police without ever having seen a lawyer, and 95% were interviewed by prosecutors without a lawyer present.
- 85% of prisoners said they were forced to sign documents in a language they didn't understand. Of the 78 prisoners who were later able to have these documents translated, 91% said that the documents did not accurately represent what they had said.

In addition to suggesting the routine abuse of prisoners' rights, these statistics also have grave implications for compliance with basic rights guaranteed by the International Covenant on Civil and Political Rights (ICCPR), as well as the safety of criminal convictions in a system which still relies heavily on "confession" evidence.

The UN Convention Against Torture has long since reached the status of *jus cogens* in international law. Be that as it may, since the UAE ratified the CAT in June 2012, the government has been under an accepted legal obligation to conduct a prompt, independent, and impartial investigation whenever credible allegations of torture occur. So far, Reprieve is unaware of any case where an investigation compliant with the requirements of international law has been

conducted. Given the extent of the abuses suggested by these statistics, the need for the international community to take action and ensure that the UAE honours its commitments is more vital than ever.

The statistics

The statistics below relate to the 124 survey participants for whom we currently have data.

The prisoners gave details of their nationalities as follows:

Country of nationality	Number of prisoners
Bangladesh	21
India	17
Pakistan	15
Nigeria	15
Philippines	13
Tanzania	7
Egypt	5
Other*	31

*For the protection of participants exact figures have not been included where there were fewer than five participants with any given nationality. Other prisoners gave their country of nationality as: Afghanistan, Azerbaijan, Bengal, Bulgaria, Cameroon, Ghana, Iran, Kenya, Kuwait, Oman, Russia, Senegal, South Africa, Spain, Sri Lanka, Uganda, UK, Ukraine, USA, and Uzbekistan.

The prisoners also gave details of the offence with which they were charged or for which they were convicted as follows:

Type of offence	Number of prisoners
Drug offences	108
Fraud and Embezzlement	4
Consumption of Alcohol	1
Property Offences	4
Offences Against the Person	7

Prisoners were then asked the following questions:

1. Right to counsel

When you were interviewed by police after your arrest was a lawyer present?

Yes	No
5	119

When you were interviewed by the prosecutor was a lawyer present?

Yes	No	N/A
6	116	2*

*One of the prisoners who answered that this question was not applicable explained that this was because he had never even been interviewed by a prosecutor.

When you attended court was a lawyer present to represent you?

Yes	No	N/A
95*	27	2*

*Of the 95 prisoners who answered yes to this question, 82 said that they believed they had probably been appointed lawyers by the government. In an overwhelming number of these cases prisoners explained that although they had been informed that a lawyer had been appointed, they never met any such lawyer.

*This question was not applicable to two of the prisoners who participated in the survey because they had not yet been to trial.

2. Right to interpretation

Were documents you were asked to sign (e.g. transcripts of the interview with the prosecutor) translated for you into a language you understand?

Yes	No	N/A
11	105	8*

*Of the prisoners who said this did not apply to them seven were native Arabic speakers.

If you answered no to the question above, if you were able to have documents translated later did you find they correctly represented what you had said?

Yes	No	N/A
7	21	27

3. Torture and abuse

Were you physically abused at any time after your arrest?

Yes	No
93	31

4. Bail

Were you granted bail after arrest?

Yes	No
0	124

5. Remand Period

How long were you held on remand?

Time on remand	Number of prisoners
Up to 3 months	11
3-6 months	20
6-12 months	62
Over 1 year	29
N/A	2*

*This question was not applicable to two of the prisoners who participated in the survey because they had not yet been to trial.

6. Length of sentence

What sentence did you receive?

Length of sentence	Number of Prisoners
Up to 1 year	2
1-5 years	4
5-10 years	23
10-25 years	7
25 years or more	86
N/A	2*

*This question was not applicable to two of the prisoners who participated in the survey because they had not yet been to trial.

7. Proportionality of Sentence

When prisoners were convicted of drug offences they were asked to give details of the quantity of drugs involved in their case. For the 68 prisoners who were sentenced to 25 years or more and gave the quantity of drugs in grams, the quantities involved were as follows:

Quantity of drugs	Number of prisoners
0 – 1g	14
1 – 10g	7
10 – 100g	18
100 – 500g	16
500g – 1kg	4
1kg or more	9

The stories⁵

In addition to the statistics discussed above, Reprieve has also been provided with statements and details about the practices commonly used by UAE police officers, and specifically officers from the Criminal Investigations Department (CID), including the physical and psychological torture they employ. Verbatim comments and quotes have been included in the discussion below, however no attributions have been made in order to protect survey participants.

1. **Electrocution**

“While I was in the back of the car, the two police officers showed me a weird looking battery with wires on it. They then said that if I did not give them [the whereabouts of another suspect], then they would make sure that I could never have kids.”

“They took me to CID, they beat me body with fists and gave electric shocks, many, ask give us names of people where you get stuff.”

There have already been a number of reported cases of electric shocks being administered to prisoners in the course of their torture, including Mohammed Shah Poor and Cameron, Williams, and Jeerh discussed in the introduction to this report. A number of survey participants have also informed us that they have been subjected to electric shocks or threatened with electric shocks, and electrocution or threats of electrocution have also been documented in state security cases.

During the course of Reprieve’s work on the Cameron, Williams, and Jeerh

case, Reprieve was made party to the Emirati’s preliminary response to the men’s allegations that they had been tortured. The Emirati’s confirmed that police are issued with equipment capable of administering electric shocks, similar to those described by the three men. They went on to assert, however, that it was not possible that this equipment had been used to torture of the three men because it was only issued to senior officers, who were trained to use it only in ambushes and self-defence, and not during investigations. The admission that electric shock equipment is issued to police officers at all may be cause concern, as the international community has expressed reservations about the use of the majority of types of such equipment by law enforcement officials. Additionally, the conceded existence of this equipment does tend to suggest that it was available for use in the manner described by the victims.

2. **Death threats and verbal abuse**

“When they interviewed me he showed me photos of dead people and said this is how I’d be if I don’t cooperate.”

“Police said this is their country so they can kill me and throw my body in desert as I am foreign”

Many of the prisoners we have heard from have informed us that at some point during their arrest and interrogation death threats or other threats of extreme physical violence were made against them or their families. For many prisoners these threats were made while guns were held to their

heads. We have also been informed that the threats included statements that prisoners' bodies would be "thrown out with the trash" or that no-one would ever know what happened as their bodies would be left in the middle of the desert.

3. Sexual Abuse

"They said they will put me in a cell where I will be raped if I don't admit."

"They kept saying if you don't co-operate, we will all fuck you one by one."

A number of prisoners have said that they have been subjected to abuse of a sexual nature. In a number of cases prisoners have been threatened with sexual abuse or rape if they refuse to cooperate with police. In the cases of Karl Williams and Mohammed Shah Poor, the application of electric shocks to the testicles is also a clear and horrifying example of sexual abuse being used against prisoners.

4. Beatings

"I was beaten so badly I could not kneel to pray for 15 days."

"I was taken out to the desert every day for six days and beaten until I agreed to accept I was guilty"

Almost every prisoner spoken to has informed us that they were badly beaten by police. Prisoners' descriptions of the beatings that they have been subjected also include being repeatedly kicked and punched, being strangled until they can barely breathe, having their hair pulled, and being held down and hit with some

kind of blunt instrument, possibly a whip. At least one prisoner has described being beaten on the soles of his feet with a stick, a kind of torture known as falaka. Falaka has historically been selected as a torture technique as despite being extremely painful it does not leave physical marks on the victim that are readily identified except through expert analysis.

5. Conditions of confinement and stress positions

"They left me 24hrs on floor with my hands cuffed behind me. My wrist got too much injuries"

"You could hear moans and screaming and crying from one of the other cells, there was another person's voice in there - the prisoner was pleading and begging you know."

Prisoners have described being subjected to constant light, being sleep deprived, being subjected to casual abuse by police officers, being forced to see and hear the torture of others, and being held without access to water or bathroom facilities for prolonged periods. Prisoners have also described being forced to remain in "stress positions" for hours, a form of torture made famous by its use at US security facilities such as Abu Ghraib and Guantánamo Bay. It appears that prisoners are most often held in such conditions in the early days of their detention, particularly at the Dubai Police General Headquarters at Al Qusais.

These conditions are highly reminiscent of those documented in state security

cases. The prisoners in the "UAE 94" case also described exposure to continuous fluorescent lighting that made it difficult to sleep, inadequate heating, as well as being subjected to a seemingly systematic programme of insults and abuse from prison guards.

6. Forced confessions and false evidence

"Just after my arrest the CID police pointed his gun at me and said he would shoot me if I don't tell I sell drugs."

"The police, maybe 4 or 5 came in my room to arrest me, put Dhs200 in my pocket."

"I asked for a lawyer and police said lawyer doesn't work in Dubai"

From the information gathered by prisoners it is clear that the police frequently use torture to coerce prisoners into making "confessions", or into naming others who are allegedly involved in criminal activities. Prisoners have informed us that a high number of convictions rest on forced confessions or false testimony from a prisoner's co-accused.

In August 2011 the Federal Supreme Court of the UAE acknowledged that over-reliance on confession evidence could lead to unsafe convictions, particularly when such evidence was contradicted by forensics.⁶ To the contrary, confession evidence is sometimes at its most dangerous when there is no physical or forensic evidence that can corroborate or impeach it – at least where there is other

evidence this may result in an acquittal. According to the information received from prisoners, at least in Dubai, there is little evidence of this judgment being put into practice. Prisoners have also reported worrying incidents of false forensic evidence being used, and of police planting evidence on suspects, or handing "evidence" to prisoners after arrest to ensure that their fingerprints are present.

Conclusions and Recommendations

Coming on top of existing reports of widespread torture in the UAE, the information contained in this report is clearly indicative of the use of systematic torture by Dubai Police. It seems likely that this pattern of abuse may also be common across other law enforcement agencies of the UAE.

Reprivee recommends that the UAE take the following actions in respect to the above:

- Ensure prompt, independent, and impartial investigations consistent with the Istanbul Protocol into all allegations of torture and other ill-treatment, including those contained in this report;
- Provide for the independent inspection of all detention centers;
- Provide or permit independent forensic medical examinations to defendants who say they have been tortured;
- Exclude any evidence that may have been tainted by torture or CIDT from any trial proceedings unless the prosecution can prove the absence of abuse by clear and convincing evidence;
- Ensure that appropriate disciplinary and criminal sanctions are applied against the perpetrators of torture;
- Ensure that victims of torture, CIDT and other abuses receive full reparations;
- Take legislative and administrative

action to ensure that the right to independent defence counsel is protected by UAE law and practice from immediately after the arrest of any criminal suspect;

- Ratify the International Covenant on Civil and Political Rights (ICCPR);
- Ratify the Optional Protocol to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Reprivee also recommends that other governments, particularly those whose citizens have clearly been subject to torture and other human rights abuses, take the following actions in respect to that above:

- Raise allegations of mistreatment on behalf of their citizens;
- Demand that the UAE conduct a prompt, independent, and impartial investigation into these allegations, in line with their obligations under the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as delineated by the Istanbul Protocol;
- Exert diplomatic protection on behalf of citizens who have been subjected to torture or inhuman and degrading treatment;
- Consider bringing litigation in international forums to enforce the rights of their citizens.

Endnotes

¹ These statistics were collected by prisoners inside Dubai Central Jail. The statistics have also been provided to Human Rights Watch, The Emirates Centre for Human Rights, and Detained in Dubai.

² UAE: Reports of Systematic Torture in Jails (27 June 2013 Human Rights Watch), <http://www.hrw.org/news/2013/06/27/uae-reports-systematic-torture-jails> (last accessed 11/10/2013).

³ This case, commonly referred to as the "UAE 94" case, has been the subject of intense international scrutiny and censure from international observers. See Emirates Centre for Human Rights: Trial Observation Report (24 April 2014 Emirates Centre for Human Rights), <http://www.echr.org.uk/wp-content/uploads/2013/04/Trial-Report-UAE-94.pdf> (last accessed 11/10/2013).

⁴ UAE must investigate allegations of torture of Indian men on death row (23 April 2010 Amnesty International), <http://www.amnesty.org/en/news-and-updates/uae-must-investigate-allegations-torture-indian-men-death-row-2010-04-23> (last accessed 11/10/2013).

⁵ Some of this information comes from discussions with prisoners and former prisoners outside the context of the survey.

⁶ Confession no longer the best evidence, Supreme Court rules (19 August 2010 The National) <http://www.thenational.ae/news/uae-news/courts/confession-no-longer-the-best-evidence-supreme-court-rules> (last accessed 11/10/2013).



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