

1 HEARING ON "'HUMAN RIGHTS IN THE UNITED ARAB EMIRATES''

2 Wednesday, May 13, 2009

3 House of Representatives,

4 Tom Lantos Human Rights Commission,

5 Committee on Foreign Affairs,

6 Washington, D.C.

7

8 The commission met, pursuant to call, at 1:34 p.m., in

9 Room B318, Rayburn House Office Building, Hon. James P.

10 McGovern [co-chairman of the commission] presiding.

11

12 Mr. **McGovern**. [Mike unplugged.] More specifically, we

13 are looking at cases of torture. Despite being a very

14 important ally and partner of the United States and the

15 Persian Gulf and the Middle East, I am guessing that many

16 would be hard put to find the UAE on a map, and if we carry

17 an image of the UAE in our minds, it might be of the

18 gleaming, modern architecture of an oil- and investment-rich

19 nation which is attempting to become a leader among modern

20 Arab states.

21 Very few of us would likely know that the UAE is a

22 federation of seven semi-autonomous emirates with a resident

23 population of five million, of whom fewer than 20 percent,

24 about 900,000, are citizens.

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

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

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

45           As many of you are aware, on April 22nd, "'ABC  
46 Nightline'" broadcasted the story of Sheikh 'Issa's vicious  
47 acts, including a few minutes of videotape documenting his  
48 torture of a male victim, an Afghan grain dealer identified

49 as Mohammed Shah Poor. While carrying out his brutal acts,  
50 Sheikh 'Issa is assisted by several individuals wearing  
51 uniforms.

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

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

69 As Human Rights Watch has stated so clearly about this  
70 incident, and I quote, "'The UAE government's failure to  
71 prosecute those involved in this undisputed incident of  
72 torture and abuse at the hands of the royal family, at the

73 hands of a royal family member, and the police is an  
74 appalling miscarriage of justice.''

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

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

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

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

96       A question I had posed to the State Department, and

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

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

107 Now, our first testimony today, as I noted before, is a  
108 10-minute video of two incidents by Sheikh 'Issa. Some of  
109 this material, while only seconds in length, is very graphic,  
110 and I would invite anyone in the audience who does not wish  
111 to view this material to exit the room for 10 minutes. Also,  
112 there are no minors here, but this is a terribly graphic  
113 video.

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

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

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

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

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

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

142           The next scene shows Sheikh 'Issa whipping Mr. Poor with  
143 the fiberglass handle of a cattle prod. As Sheikh 'Issa  
144 tires, he has other individuals continue the beating for him.

145 The video then shows Sheikh 'Issa as he pours salt onto Mr.  
146 Poor's wounds.

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

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

153 [The videotape was played.]

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

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

167 The UAE government has also informed me that others  
168 identified on the videotape as assisting Sheikh 'Issa have

169 also been placed in detention, although I do not have a list  
170 of the names or how many people. As you can see from the  
171 videotape, there are many people in uniform who assisted in  
172 this.

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

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

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

191       While UAE officials attempted to characterize this  
192 incident to me as nothing more than a barroom brawl between

193 two men who had been drinking too much, the evidence  
194 submitted in Swiss courts say otherwise. Mr. Orsi, who was  
195 not drinking alcohol that evening, was approached by Sheikh  
196 Falah, who made unwelcomed overtures to Mr. Orsi. Upon  
197 rejection, Sheikh Falah beat Mr. Orsi severely and repeatedly  
198 with a leather belt and buckle, with the assistance of his  
199 personal security entourage.

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

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

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

214 I would like to acknowledge the presence of Mr. Orsi,  
215 who is here today in the audience, and he is available to  
216 speak with individuals and the press who might be interested

217 in knowing more about his case.

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

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

238 Surely, no one wants to wait for the next videotape to  
239 appear or for more witnesses to bring abuses to the attention  
240 of the international community. To respond to these

241 questions, we have asked experts from Human Rights Watch and  
242 Amnesty International for their recommendations, for while  
243 today's hearings focus on the UAE, it is hardly the only  
244 country in the world attempting to break a culture of  
245 impunity where social elites or military have operated above  
246 the law with little fear of consequences for abusive acts.

247       It is my hope, and the intent of this Commission, to  
248 provide recommendations that might be taken under  
249 consideration by the U.S. State Department and the UAE  
250 government and that might also be reviewed by the State  
251 Department for application in other countries where we are  
252 encouraging and supporting government efforts to strengthen  
253 the rule of law and respect for human rights.

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

257       Ms. **Edwards**. Thank you, Mr. Chairman, and I do have a  
258 brief opening comment.

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

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

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

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

288           There is an obligation that we have to each other and to

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

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

296       Mr. **McGovern**. Thank you very much. Our two expert  
297 panelists are Samer Muscati, a lawyer specializing in the  
298 fields of human rights and development, who is a researcher  
299 for the Middle East and North Africa Division of Human Rights  
300 Watch. Samer monitors, investigates, and documents human  
301 rights issues in the region with a specific focus on the  
302 United Arab Emirates and Iraq. I would like to point out  
303 that he was accepted by the Massachusetts Bar, in 2003, and,  
304 being from Massachusetts, I am not a lawyer, but I think it  
305 is always nice to be part of the team up there, but thank  
306 you.

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

312       We appreciate both of you being here, and, Mr. Muscati,

313 why do not we begin with you?

314

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

319

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

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

332       The case is an incredibly important and significant one  
333 because while Sheikh 'Issa does not hold an official  
334 government position, he is a member of the royal family that  
335 runs the UAE government. As the half-brother of the  
336 country's president and the brother of the Minister of

337 Interior, he commands wide authority, especially among the  
338 country's security personnel.

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

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

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

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

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

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

385 or procedures of the United Arab Emirates.

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

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

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

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

408       In order to show the country is genuinely sincere about

409 combating torture, the UAE must sign international  
410 instruments that prevent torture around the world. The  
411 Convention against Torture and Other Cruel, Inhuman, or  
412 Degrading Treatment or Punishment requires states to take  
413 effective measures to prevent torture within their borders.

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

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

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

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

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

433 restricted.

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

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

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

449       A new draft media law that has been passed by the  
450 legislature and now awaits the president's signature to take  
451 effect prohibits anyone from making disparaging comments  
452 about government officials and the royal family. The vaguely  
453 worded provision in the law offers no explanation of  
454 commentary regarding what sort of criticism might constitute  
455 unlawful disparagement and will further entrench the culture  
456 of self-censorship. Media organizations found guilty of this

457 provision face fines of up to \$1,350,000 US.

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

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

466       I was in the country last month to release our report on  
467 the draft media law, and I was astonished by the number of  
468 journalists who took me aside to complain about the lack of  
469 media freedom and the list of taboo subjects in the country.  
470 This law will only make things worse for them.

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

476       Immigration-sponsorship laws grant employers  
477 extraordinary powers over the lives of migrant workers.  
478 Women domestic workers are at risk of unpaid wages, food  
479 deprivation, forced confinement, and physical or sexual  
480 abuse. Exploitation of migrant construction workers is also

481 severe. Abuses include nonpayment of wages, extended working  
482 hours without overtime compensation, unsafe working  
483 environments leading to death or illness, squalid living  
484 conditions in labor camps, and withholding of passports and  
485 travel documents.

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

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

494

495 STATEMENT OF ZAHIR JANMOHAMED

496

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

505 media. I want to thank you both for sponsoring this.

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

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

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

523 We see that with police-brutality videos, regardless of  
524 where they are, but here is an example of somebody, with a  
525 uniformed police officer, torturing this man and then  
526 prodding the camera man to say, you know, "'Come and watch me  
527 torture him some more,'" and, to me, that is really shocking.  
528 To me, here, we are seeing somebody who was acting, knowing

529 that he would be granted impunity, and that is just  
530 absolutely appalling.

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

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

546       Anytime we send out an action denouncing torture,  
547 regardless of where it is around the world, we get huge  
548 numbers of our Amnesty members responding because torture is  
549 something that is a fundamental violation of a person's  
550 dignity, and I think this video shows that very clearly.

551       Now, unfortunately, in the United Arab Emirates, this is  
552 not the only example of torture, and I wanted to give two

553 other examples that illustrate different patterns of torture  
554 that we see in the United Arab Emirates.

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

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

573         That is one of the patterns that we see a lot,  
574 particularly as it relates to the state security apparatus in  
575 the United Arab Emirates, people being arrested, not being  
576 charged, held incommunicado in detention, unable to contact

577 their lawyers, families are not able to reach them, and,  
578 oftentimes, reporting ill treatment and torture.

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

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

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

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

600         He was detained in the UAE on the 26th of August 2008

601 and subsequently tortured for three months. At least, on one  
602 occasion, Hamdan reported that an American official was  
603 involved in his interrogation and witnessed local  
604 interrogators torture him.

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

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

621 The ACLU offers two recommendations on this particular  
622 case.

623 Since it is clear that the UAE tortured Hamdan and that  
624 his file is primarily and almost exclusively based on the

625 confessions derived under torture, the U.S. must do  
626 everything in its power to prevent any sort of prosecution of  
627 Hamdan in the UAE; and, second, is calling for transparency  
628 in this case.

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

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

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

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

646 International attention highlights children forced to  
647 work as jockeys and women from Uzbekistan, Moldova, and South  
648 Asia forced into prostitution. As of 2008, 5,000 boys worked

649 as camel jockeys; the number of these who were trafficked in  
650 persons is hard to say.

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

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

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

666         In March of this year, 30 people were arrested after  
667 1,500 laborers in Sharjah held protests demanding higher  
668 wages, and, in July of last year, over 300 mainly Indian  
669 workers in Ras al-Kahimah were detained after protesting  
670 about the poor quality of their food. Some were charged with  
671 arson and rioting.

672         I think it is also important to talk about

673 discrimination and violence against women, which often sort  
674 of conflates with the issue of domestic workers.

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

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

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

694 The UAE is not doing anything. The UAE is not allowing  
695 international monitors to go into some of these work camps,  
696 and, third, the countries which they are from are oftentimes

697 plagued by their own problems and are not addressing these  
698 cases, and, to be honest, here, in Washington, it is very  
699 difficult to raise these cases, which is why I appreciate  
700 this opportunity.

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

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

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

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

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

720 Secondly, make clear to all officers involved in the

721 arrest, detention, and interrogation, in particular, those of  
722 the secret police, that torture and other ill treatment will  
723 not be tolerated under any circumstances and that those found  
724 responsible will be brought to justice in accordance with  
725 international standards for fair trial.

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

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

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

744       Again, it is sad that it took a terrible videotape to

745 kind of jolt us into paying attention to the human rights  
746 situation in the UAE, but because of this videotape, I think  
747 we are now paying attention more closely.

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

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

767       Number two, I mean, as U.S. policymakers, we are trying  
768 to figure out how best we can influence this situation, and,

769 you know, when you see this, you want to get in lecture mode,  
770 and you want to tell the country, ""You have to do A, B, C,  
771 D.'"

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

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

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

792       One of the questions that kept coming up is, as

793 foreigners, outside observers, how can you come into a  
794 country and basically tell us what is culturally appropriate  
795 or what is not culturally appropriate?

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

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

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

816       With respect to the first question --

817 Mr. **McGovern**. We are working on that.

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

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

835 The UAE, you have to realize, is extremely sensitive to  
836 international criticism, and I think we are in a valuable  
837 position because they do listen to international criticism  
838 because their biggest asset is the image that they have as  
839 being a pro-western, modernized, Arab country that is  
840 friendly to the U.S. and other countries in the Middle East,

841 and they do not want to tarnish that image.

842       So I think, in that sense, we are in a position to, at  
843 least, use this as a wedge to, hopefully, bring forward other  
844 change.

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

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

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

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

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

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

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

888           Let me yield to my colleague, Donna Edwards.

889 Ms. **Edwards**. Thank you, Mr. Chairman, and thank you for  
890 your testimony. I do just have one question, and it actually  
891 has to do with foreign workers because, given the  
892 extraordinary numbers of foreign workers that are present in  
893 the UAE greatly slumping their national population of  
894 Emiratis, it occurs to me that there could be some very  
895 concerted action to be taken with the many countries that are  
896 actually sending workers into the UAE to serve as their work  
897 force, and so I would be interested in hearing about any  
898 strategies that you can think of that would be useful to the  
899 United States in that regard.

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

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

910 Now, on the issue of foreign workers, in my written  
911 testimony, I have got actually a whole page of  
912 recommendations, but I think that, in short, I would say that

913 this is really an issue of statelessness, which is what we  
914 see in a lot of countries, and what we are saying is that  
915 pushing the UAE to extend the scope of the labor laws to  
916 include the domestic workers and ensure that rights are  
917 included in the national legislation, in accordance with  
918 international human rights law.

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

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

932         Now, on the issue of gender violence, again, there is a  
933 conflation between gender issues and also domestic workers.  
934 The calls that I get oftentimes are of somebody who married  
935 an Emirati citizen who will be a Filipino -- sometimes it has  
936 actually been an American, but, in that case, usually the

937 embassy will help out -- and they are finding that the law  
938 provides them no recourse to talk about domestic violence,  
939 and there are very few shelters or organizations or things  
940 like that.

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

946       The laws can be reviewed and changed in the UAE to make  
947 sure that vulnerable populations, and I include women as a  
948 vulnerable population, in the UAE are protected.

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

958       They, basically, have their passports confiscated. They  
959 are not allowed to leave the house. Usually, their  
960 conditions are quite cramped, in terms of where they live.

961 All aspects of their lives are basically controlled and,  
962 thus, are in horrible situations. The women are abused  
963 sexually, physically, and mentally.

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

967       Mr. **McGovern**. Unfortunately, we are just on the verge  
968 of a series of votes. Let me just ask you one quick, last  
969 question.

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

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

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

985 tremendous.

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

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

999       Thank you for teaching us today. I appreciate this, and  
1000 we will be back in touch.

1001       Mr. **Janmohamed**. Thank you for your leadership on this.  
1002 I appreciate it.

1003       Mr. **McGovern**. Thanks.

1004       [Whereupon, at 2:40 p.m., the commission was adjourned.]