



The Law Library of Congress

REPORT FOR CONGRESS

June 2009

Directorate of Legal Research
LL File No. 2009-002882

Legal Provisions Relating To Torture

United Arab Emirates

This report concerns Constitutional and other legal provisions in the United Arab Emirates which relate to torture.

Directorate of Legal Research for Foreign, Comparative, and International Law
James Madison Memorial Building; 101 Independence Avenue, S.E.; Room LM 240; Washington, DC 20540-3200
Reception: 7-5065 – FAX: 1 (866) 550-0442
www.loc.gov/law/congress

LAW LIBRARY OF CONGRESS

UNITED ARAB EMIRATES

LEGAL PROVISIONS RELATING TO TORTURE

The United Arab Emirates (UAE) has not ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984.¹ The UAE's constitution, penal code, and code of criminal procedures do not define the term "torture." However, the aforementioned legal instruments do forbid the use of torture within the country. A few initiatives were adopted on the national and sub-national levels to combat the use of torture and to promote the protection of human rights. Yet, there have been no indications that these initiatives have yielded any positive results.

The Constitution of the UAE guarantees a number of fundamental rights, including the right to treatment with dignity and respect. Under Part 3, entitled "Freedom, Rights and Public Duties," article 26 of the Constitution prohibits torture and degrading treatment of any person. It specifically states: "Personal Liberty is guaranteed to all citizens. No persons may be arrested, searched, detained, or imprisoned except in accordance within the provisions of law. No persons shall be subjected to torture or to degrading treatment." Further, article 25 provides that all persons are equal before the law, without distinction based on race, nationality, religious belief or social status.²

Torture is also forbidden, under articles 242, 259 and 344 of the Penal Code. Article 242 provides for the punishment of public servants who use torture to extract certain information from any suspect, witness, or expert witness in a specific crime. The article states:

"Every public employee using torture, coercion or threatening the suspect, witness, or an expert witness in order to make that individual confess to a crime or admit certain information or statements concerning a specific crime or to conceal a matter concerning that crime shall be punished by 5 to 30 years of imprisonment."

Article 259 of the Penal Code provides for the punishment of any person who uses torture or coercion, against someone, as means of getting an individual to admit to false information, or to conceal information when appearing before a judicial authority. This article states:

"Every one who uses torture or coercion, against someone, or bribes someone to get [the individual] to admit to false information or to conceal information when appearing before a judicial authority shall be punished by an imprisonment of no more than one year or shall pay a fine of no more than five thousand Dinars."

¹ Status of ratification of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *available at*, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-9&chapter=4&lang=en.

² The Permanent Constitution of the United Arab Emirates, including the 1996 amendments, is *available at*, <http://www.unhcr.org/refworld/pdfid/48eca8132.pdf>.

Article 344 provides for life imprisonment against any individual who kidnaps someone by threatening that individual with means of psychological or physical torture.³

Article 2 of the Code of Criminal Procedure prohibits the use of torture and degrading treatment against persons suspected of having committed felonies and misdemeanors.⁴ Article 10 of the Code of Criminal Procedure grants victims of the offenses contained in the penal code the right to submit a written complaint to the general prosecutor's office. After receiving the complaint, the General Prosecutor's Office (GPO) will then initiate an investigation. However, the GPO has the discretion to refer the case to the criminal court or dismiss the victim's claim.⁵

With respect to efforts made by the government of the UAE to combat the use of torture, Law 23-2006 created the judicial department of Abu Dhabi, which includes the Office of Human Rights. The mission of the office is to investigate human rights violations in Abu Dhabi. In September 1995, the government of Dubai established the Human Rights Division in its police department. In February 2006, the UAE's Federal Ministry of Social Affairs approved the creation of the first human rights non-governmental organization, known as "The United Arab Emirates Association for Human Rights."⁶ Despite the implementation of these initiatives, there has been no evident progress where human rights are concerned.⁷

Prepared by George Sadek
Legal Information Analyst
June 2009

³ The United Arab Emirates Penal Code of 1987, the electronic Law Library for Arab legislation, available at <http://www.mohamoon.com/montada/Default.aspx?action=ArabicLaw&ID=128>.

⁴ Article 2 of Law on Criminal Procedure, The Legal Network of the Gulf Countries Council (GCC), available at <http://www.gcc-legal.org/MojPortalPublic/DisplayLegislations.aspx?country=2&LawTreeSectionID=6016>.

⁵ Article 10 of Law on Criminal Procedure, The Legal Network of the Gulf Countries Council (GCC), available at <http://www.gcc-legal.org/MojPortalPublic/DisplayArticle.aspx?country=2&LawArticleID=88840>

⁶ The Status of Human Rights in United Arab Emirates, United Nations Development Program, available at <http://www.arabhumanrights.org/countries/humanrights.asp?cid=2>.

⁷ United States Department of State, 2008 Human Rights Report: United Arab Emirates, available at <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119129.htm>.