



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture Seventy-fourth session

### Summary record of the 1917th meeting

Held at the Palais des Nations, Geneva, on Thursday, 14 July 2022, at 3 p.m.

*Chair:* Mr. Heller

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention** *(continued)*

*Initial report of the United Arab Emirates (continued) (CAT/C/ARE/1)*

1. *At the invitation of the Chair, the delegation of the United Arab Emirates joined the meeting.*
2. **Mr. Alblooshi** (United Arab Emirates) said that constitutional protection against torture and degrading treatment was afforded not only to citizens but to all persons on national territory, irrespective of their status. The wording of the relevant provision of the Constitution had been drawn from article 5 of the Universal Declaration of Human Rights in its official Arabic translation. The fact that Islamic sharia was a major source of national legislation entailed no inconsistency with the country's obligations under the Convention. Sharia was subject to multiple interpretations and, in any case, all forms of corporal punishment considered by the Committee to be cruel had been abolished.
3. The guide to judicial cooperation in criminal cases, adopted by the Ministry of Justice in 2021, had been drafted in the light of relevant regional and international treaties, including the Convention, and of Federal Act No. 39 of 2006. That Act, which predated the State's ratification of the Convention by six years, provided that extradition requests were to be refused if there was a risk that the person concerned might be subjected to torture or ill-treatment in the requesting State. The practice of the United Arab Emirates in that connection was thus consistent with article 3 of the Convention as well as with the Committee's general comment No. 4 and other instances of international jurisprudence.
4. The law of the United Arab Emirates and the bilateral judicial cooperation agreements into which the country had entered envisaged the principle of dual criminality in matters of extradition. In the absence of a bilateral agreement, the Convention could be used as the legal basis for extradition to another State party in respect of torture offences. Foreigners who had committed offences outside the country could be detained in the United Arab Emirates with a view to their extradition; however, no cases of that nature had yet arisen. The Criminal Code listed a number of cases in which persons resident in the State could be prosecuted for serious offences committed abroad. Torture was not currently designated as one of those offences but consideration would be given to its inclusion.
5. Judges were appointed on the basis of merit. Candidates were first required to pass a series of oral and written examinations after which they followed a year-long training programme at a judicial institute before joining the prosecution service. Then, following eight years of work experience, they could be appointed as judges. All judges also underwent continuous training. The United Arab Emirates continued to employ foreign judges, notably on loan from ministries of justice in other Arab States that had similar legal systems. Foreign judges represented 20 per cent of the judiciary and were appointed for six-year terms.
6. Federal Act No. 7 of 2014 was consistent with ordinary domestic law, notably the Criminal Code and the Code of Criminal Procedure, as well as with the Convention, and security agencies scrupulously respected individual rights and freedoms. Persons deprived of liberty enjoyed certain inalienable rights enshrined in the Constitution, including the right to be informed of the charges against them, to seek legal assistance, to communicate with their families and to receive medical care. All procedures related to arrest and investigation took place under the supervision of State prosecutors.
7. The death penalty was envisaged only for the most serious offences, such as premeditated murder, but it was not widely applied. Persons accused of offences that attracted the death penalty enjoyed a broad range of legal guarantees and had their cases heard by courts of three levels: first instance, appeal and cassation. The judges' verdict at each level had to be unanimous. If upheld by the courts, a sentence of death could be carried out only once it had received presidential approval. In murder cases, the victim's relatives were involved at every stage of the proceedings and at any time, even after a judgment had been upheld in cassation, had the power to request that a death penalty be commuted to life

imprisonment. In recent years, six death sentences had been handed down in murder cases but, thanks to the clemency shown by victims' relatives, none had been carried out.

8. **The Permanent Representative of the United Arab Emirates to the United and other international organizations in Geneva** said that his Government was supporting efforts to find a political solution to the conflict in Yemen. In that regard, it had participated in the Coalition to Support Legitimacy in Yemen and was working to uphold Security Council resolution 2216 (2015), the Agreement on the implementation mechanism for the transition process in Yemen in accordance with the Initiative of the Gulf Cooperation Council and the Riyadh Agreement. Although the United Arab Emirates had withdrawn its own forces from Yemen in 2019, it continued to support United Nations and Saudi efforts to bring an end to the conflict there and it remained one of the largest contributors of humanitarian assistance, having donated over \$6 billion since 2015.

9. His Government also supported diplomatic and political initiatives in Libya, believing them to be the only way to achieve a political solution to the conflict there. It was important for the parties involved to bury their differences and to abide by the road map laid down by the Security Council. He praised the efforts towards a ceasefire in the country being made by the Joint Military Commission of the Government of National Accord and the Libyan National Army.

10. **A representative of the United Arab Emirates** said that prison inmates were entitled to a comprehensive range of health-care services, including for chronic complaints, communicable diseases and mental health conditions. The services – which included treatment, prevention and rehabilitation – were made available at facilities both inside and outside places of deprivation of liberty. Following an initial health assessment when they entered prison, inmates subsequently underwent periodic medical examinations and received health care according to their needs. Special services were available for pregnant inmates and inmates with disabilities, while prison doctors were trained to detect the presence of potential mental health conditions.

11. Doctors and other health-care professionals working in prisons were subject to the same legislation as their colleagues in the rest of society, including Federal Act No. 5 of 2019 regulating the practice of the medical profession and Federal Decree-Law No. 4 of 2016 concerning medical responsibility. Under Federal Act No. 14 of 2014, concerning communicable diseases, prison inmates had continued to receive health care during the coronavirus disease (COVID-19) pandemic, including regular testing, prevention measures and voluntary vaccination, on an equal footing with other members of society.

12. Policies were in place to protect against torture and ill-treatment, and health-care professionals working in prisons had received training in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). The Ministry of Health had an outreach plan intended to raise awareness about the State's health policies in general. Under article 21 of Federal Act No. 5 of 2019, doctors who detected injuries that aroused the suspicion that a crime might have been committed were required to submit a detailed medical report to the competent authorities. If the patient concerned alleged that the injuries were the result of torture or ill-treatment, he or she underwent a forensic medical examination to establish the cause of the injuries. Human organ and tissue transplants were regulated under Federal Decree-Law No. 5 of 2016, which explicitly prohibited the trade in human organs and tissues and envisaged penalties for violations.

13. **A representative of the United Arab Emirates** said that, under the law, the director of a correctional facility must appoint inspectors to ensure that all laws, including health and hygiene requirements, were being upheld at the facility. A guide had been developed for such inspections in accordance with national and international human rights standards. Doctors employed at correctional centres monitored health conditions at the facility, in particular regarding hygiene and nutrition. By law, officials at the facility were obliged to implement all hygiene and nutrition recommendations put forward by the doctor.

14. **A representative of the United Arab Emirates** said that all employees at prisons and detention centres underwent competency assessments and psychological evaluations.

They also undertook targeted basic training to ensure that they performed their duties in compliance with international human rights standards.

15. **A representative of the United Arab Emirates** said that the Department of Human Rights in the Ministry of the Interior and the Public Department of the Dubai police handled complaints of human rights violations. Complaints could be submitted through a variety of channels. All complaints were treated with respect for the principle of privacy. The handling of complaints was monitored internally in the Ministry.

16. The Office to Promote a Culture of Respect for the Law within the Ministry represented a partnership between the units responsible for promoting a human rights culture. Its responsibilities included preventing the abuse of power.

17. **A representative of the United Arab Emirates** said that a policy regulating the use of force by law enforcement officials that was aligned with the relevant international human rights standards and principles had been adopted. The policy provided that force could be used only when strictly necessary. Law enforcement officials must apply non-violent means before resorting to the use of force. If that was not possible, they must minimize damage and injury and preserve human life. They received first aid training so that timely assistance could be rendered to any injured person.

18. **A representative of the United Arab Emirates** said that, in 2021, a ministerial decree had been issued amending the law regarding misconduct by law enforcement officials. Responsibility for any illegal act, including abuse of power, during the performance of one's duties was clearly defined as falling on the individual who had committed the act. A professional code of conduct and ethics code adopted by the Ministry of the Interior was designed to ensure that all employees fully respected the law, including regarding the rights of victims and detained persons, and used force only to protect human life.

19. **A representative of the United Arab Emirates** said that the country had six social support shelters at national level for victims of violence. The centres dealt with all forms of family disputes. Victims were given medical examinations, and steps were taken to prevent further violence within the family. All parties to a dispute must voluntarily agree to any resolution proposed. If the victim was thought to be at serious risk, the case was reported to the police and appropriate legal action was taken. Women's shelters were also operated by the Abu Dhabi Centre for Shelter and Humanitarian Care, the Dubai Foundation for Women and Children and the Aman Centre for Women and Children.

20. **A representative of the United Arab Emirates** said that detained persons had a legal right to contact their lawyers, family members, friends and national consulates. Lawyers could meet their clients in the detention centre in which they were being held. A remote contact system was available through which inmates could communicate with family members in the United Arab Emirates and abroad.

21. Prisoners also had a right to see a doctor and obtain regular treatment for illnesses. All detained persons underwent a medical examination upon entry into detention, and a medical file on their physical and mental health was maintained. In addition, inmates had access to newspapers and televisions. Those arrangements were in line with all relevant international laws and with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

22. **A representative of the United Arab Emirates** said that the domestic legislation on solitary confinement was fully in line with the provisions of the Convention and the Nelson Mandela Rules. An inmate could be placed in solitary confinement for up to seven days. An investigation into the incident leading to the disciplinary measure must first be conducted, taking the prisoner's views into account. The supervising authorities must be informed whenever an inmate was placed in solitary confinement.

23. **A representative of the United Arab Emirates** said that the country operated a multifaceted entry and exit system. Both short- and long-term residence permits were available without the need for a guarantor. The regulations covered employers' and employees' rights equally and provided for support and protection for the rights of all workers. The regulations were highly flexible in order to protect all forms of employment, including new forms.

24. Upon cessation of employment, migrant workers were not obliged to immediately leave the country; rather, they were given time to find new employment, make arrangements for a new residence permit or voluntarily leave the country.

25. **A representative of the United Arab Emirates** said that, in 2017, the law had been amended to strengthen the guarantees against coercion in the deportation of migrant workers. The authority for issuing deportation orders had been transferred from the executive powers to the Federal Public Prosecution. Limitations had been imposed, under which migrant workers could be deported only if they were deemed a threat to the State. Specialist committees had been established within the Ministry of Justice to review all deportation orders, including by meeting in person with the persons concerned to assess their personal situation and the risk to them should they be deported. Before the law had been amended, the judiciary had not overseen deportation decisions, but persons subject to deportation orders had had the right to challenge the decision on appeal.

26. **A representative of the United Arab Emirates** said that the principle of “innocent until proven guilty” was enshrined in the Constitution and all laws of the United Arab Emirates. Persons could not be imprisoned on offences punishable only by a fine.

27. Upon arrest, suspects could be held in custody for 48 hours, during which time the police must refer the case to the Office of the Public Prosecutor, which was responsible for examining the reasons for arrest; if they were deemed insufficient, the suspect was released. Suspects could be held in pretrial detention for 7 days, which could be extended up to 21 days. A further extension, up to a total of 30 days, could be granted only by a judge. All arrest warrants must be issued in writing and must clearly set out the identity of the arrested person and the charges. Arrest warrants were recorded in an electronic database, to which all relevant bodies had access for the purpose of monitoring and investigation.

28. According to the Code of Criminal Procedure, all persons had the right to have a lawyer present at the time of their arrest. Even where legal counsel was absent, suspects had the right to remain silent. All accused persons had the right to a lawyer; if persons could not afford legal counsel, the State provided them with a lawyer for free. Victims also received support from the judiciary and the police, including in the form of translated documents, free legal counsel and transport to and from the court.

29. **A representative of the United Arab Emirates** said that the armed forces operated under strict rules that were fully in keeping with international humanitarian law and human rights standards. All forms of torture were strictly prohibited. The law provided that torture that caused physical or mental harm or suffering to a person, especially if the person was under the supervision of the official who inflicted the torture, and acts of harm against prisoners or injured soldiers unable to defend themselves, were punishable by imprisonment.

30. According to Act No. 11 of 2009, concerning martial law, the State could suspend certain laws to combat State-level risks. Under martial law, the State could establish martial courts, headed by a judge and conducted in the presence of the public prosecutor. Arrests could not be made unless the person concerned had violated the law, and all prisoners must be treated in accordance with the usual rules. The Office of the Public Prosecution, which monitored every stage in proceedings, dealt with all allegations of torture and ill-treatment as it would ordinarily. There was an absolute prohibition against torture, including in states of emergencies. All complaints regarding arrests must be transferred to the courts within 7 days. Once an arrest had been made, the case must be presented to the courts within 15 days.

31. **Mr. Tuzmukhamedov** said that it was not clear whether a statute of limitations was applicable to the offence of torture. He would appreciate additional information on the country’s dual legal system, comprised of civil law and sharia courts, particularly the ways in which jurisdiction was delineated between the two types of court. He asked whether, as reported in February 2017, the judge of a criminal case heard by the Sharjah sharia court had told the suspects to recruit a lawyer because the crime that they had committed involved serious punishment, including the amputation of hands, since they were Muslim, and that the insolvent suspects had been unable to get free legal aid. If a sharia court could hand down sentences that maimed or mutilated the human body, could it also sentence a convicted person to deprivation of life by stoning?

32. He would welcome further details of the number of foreign judges serving in the judiciary, information on the definition of family violence and the steps taken to combat harmful practices such as female genital mutilation, comment on the practice of outsourcing guard positions at places of detention to foreign nationals and information on how national military personnel were held accountable for violations of international humanitarian and human rights law, including references to specific cases, if any, and how the conduct and accountability of personnel who were not part of the regular national military was regulated. The delegation might comment on allegations of abuses, including against civilians, committed by the military in Yemen.

33. **Mr. Rouwane** said that alternative information before the Committee had indicated that the counselling centres for persons deemed to pose a terrorist threat known as Munasaha centres were similar to places of detention. He would appreciate more information on the legal basis for and purpose of those centres. It would be useful to hear about the rehabilitation programmes for extremists that they provided and the criteria used to place persons in such programmes.

34. He asked whether forensic doctors were available to assist the courts, whether programmes to raise awareness of the Convention encompassed all its provisions, not only those aspects relating to torture, and whether arrested persons were entitled to a lawyer from the moment of arrest and were informed of their right to remain silent and of the existence of legal aid. He wished to know whether there was a central registry of prisoners, including persons held in provisional detention prior to appearing before a judge, what the maximum length of provisional detention during an investigation was and whether that could be extended. He also wished to know how many visits to prisoners had been made by the Office of the Public Prosecutor and how many prisoners had been able to meet with a public prosecutor.

35. **Mr. Buchwald** asked whether Federal Act No. 12 of 1976 concerning the Police and Security Force, as amended by Act No. 6 of 1986, had been published online.

*The meeting was suspended at 4.25 p.m. and resumed at 5.10 p.m.*

36. **Mr. Alblooshi** (United Arab Emirates) said that the definition of torture would be considered by an ad hoc committee that would prepare draft legislation that adhered to the definition set out in article 1 of the Convention. Criminal law had been updated and was not based directly on sharia law. In cases under sharia law involving capital punishment, the heirs of the victim had the right to refuse the use of the death penalty, and judges could hand down prison sentences of various lengths, including life sentences. The amendments made to criminal law in 2021 had eliminated a number of practices, including whipping and stoning; fines and prison terms were the only criminal sanctions.

37. A lawyer must be present in the courtroom if one is requested by the defendant. In the case at Sharjah sharia court that had been mentioned, such a request had been made but no lawyer had arrived. That should not have happened. Court decisions made in the absence of legal counsel were subject to appeal and the court appointed and paid for a lawyer for any person who was unable to afford one. Foreign nationals could comprise up to 25 per cent of judges and were permitted to act as judges in the fields of administrative and commercial law. Significant efforts had been made to ensure that women were represented in the judicial system: there were currently 28 female judges, 30 deputy prosecutors general and many women working as legal advisers attached to the courts.

38. The Munasaha centre had been created by the Federal Decree of 4 September 2019 to rehabilitate persons with terrorist or extremist tendencies. The rules governing the rehabilitation programmes were based on moral, religious and scientific principles and the aim was to limit the risk posed by terrorist or extremist attitudes, instil moderate views and reintegrate persons with terrorist or extremist tendencies into society. Persons could be admitted voluntarily or by court order.

39. **A representative of the United Arab Emirates** said that under the Code of Criminal Procedure (Act No. 35 of 1992), the limitation period for serious offences, including torture, was 20 years and 5 years for lesser offences. However, there were formal procedures whereby the limitation period could be extended.

40. A defence lawyer must always be present during criminal proceedings. If a defendant did not have access to a lawyer, the court would appoint one and, should it fail to do so, any decisions rendered by the court would be null and void. A free legal aid programme was in place and lawyers sometimes provided their services free of charge to victims or defendants who were unable to pay. All police officers received training on the rights of prisoners and persons taken into custody were always informed of their rights, including the right to remain silent and to be represented by a lawyer, upon arrest.

41. The Office of the Public Prosecution had conducted almost 1,000 inspections of pretrial detention and prison facilities since 2020, during which the service's staff had been able to meet prisoners. Detailed reports covering issues such as the prisoner care and prison capacity had been drawn up and submitted to the Office. Persons held in pretrial detention were entitled to meet with the Public Prosecutor or other high-ranking prosecution officials. Such meetings took place in rooms within detention centres that were fitted with video recording equipment.

42. Pretrial detention was governed by article 111 of the Code of Criminal Procedure. The police were permitted to remand persons in custody for a period not exceeding 48 hours. After that period, they must either be charged or released and, if charged, a court must decide, within 21 days, whether the remand prisoner should remain in pretrial detention or be released on bail. The Office of the Public Prosecution had recently issued instructions to prosecutors to increase the number of cases where bail was used as an alternative to pretrial detention.

43. **A representative of the United Arab Emirates** said that the Government had used the practical guide to engagement with international human rights mechanisms for national mechanisms for reporting and follow-up issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the preparation of its State party report. The National Human Rights Committee had been established to coordinate the submission of reports to human rights bodies. Through that committee, the Government had set up a technical cooperation programme with OHCHR to support national human rights mechanisms and strategies.

44. **A representative of the United Arab Emirates** said that a specialist qualification in forensic medicine had been introduced in 2022. The course included training on the Istanbul Protocol and the Convention. All human rights instruments ratified by the United Arab Emirates were disseminated among all the relevant bodies.

45. The practice of female genital mutilation was prohibited under the code of ethics for health-care professionals and such procedures could never be performed in any State health-care institution. No medical practitioners were permitted to deviate from the standards under the code or to perform unnecessary operations. Female genital mutilation was also prohibited under Federal Act No. 3 of 2016 concerning the rights of the child.

46. **A representative of the United Arab Emirates** said that the Ministry of the Interior had introduced a unified data system to store all information pertaining to prisoners, which allowed for follow-up of their cases and the appropriate decisions to be taken in a timely fashion. Since 2010, private security firms had been hired to make up for shortfalls in prison staff. The employees of such firms guarded the prison entrance and watchtowers but were not permitted to come into direct contact with prison inmates. The Ministry of the Interior had implemented a new training framework for prison staff in order to reduce reliance on the private sector.

47. **Mr. Alblooshi** (United Arab Emirates) said that he wished to thank the Committee for the constructive and fruitful dialogue, which had served to highlight the challenges faced by his country in the implementation of its obligations under the Convention. He reiterated his country's commitment to reinforcing its cooperation with all international human rights mechanisms and to continuing its contributions to the United Nations Voluntary Fund for Victims of Torture and other activities and programmes conducted by OHCHR.

*The meeting rose at 5.45 p.m.*