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Dr. Anwar Gargash

Minister of State for Foreign Affairs

United Arab Emirates

Re: Jordanian Journalist Tayseer al-Najjar

Dear Dr. Gargash,

We write to you on behalf of Human Rights Watch and Reporters Without Borders to express our concerns about the treatment of Tayseer al-Najjar, a Jordanian journalist imprisoned in the United Arab Emirates since December 2015. On March 15, 2017, the UAE's Federal Supreme Court convicted al-Najjar under article 29 of the UAE cybercrime law, which provides for prison sentences of between 3 and 15 years for publishing information online with "intent to make sarcasm or damage the reputation, prestige or stature of the State or any of its institutions." He was sentenced to three years in prison and a fine of 500,000 UAE Dirhams (US\$136,000). While his prison sentence expired on December 13, three years after his arrest, he cannot raise the money necessary to pay his substantial fine and therefore will remain in prison another six months, according to UAE law.

The UAE violated al-Najjar's right to freedom of opinion and expression, and his right to due process and a fair trial. Al-Najjar's three-year sentence was based solely on Facebook posts and comments, as well as comments he allegedly made to his wife during telephone calls. The Facebook posts in question were all written prior to his move to the United Arab Emirates to work as a journalist for *Dar* newspaper in April 2015. The Facebook comments noted in his trial judgment are as follows:

- "A message to some journalists and writers who do not like the resistance in Gaza ... there are never two rights in one issue, rather there is one right and it is the Gazan resistance, anything else is invalid like Israel, the Emirates, al-Sisi, and other regimes that are longer ashamed of shame itself."
- "The Emirati state cannot put the Muslim Brotherhood on the terrorism list because it could provoke discord in Jordan because most of the people are Muslim Brotherhood."
- "Historically the Arab Gulf was named the Persian Gulf ... if only it could go back to being Persian. The Persians are generally more just."
- "All the Gulf money increases the division of the Islamic nation and increase its ignorance, baseness, and corruption."

In addition, al-Najjar's trial judgment cited comments he allegedly made to his wife on the telephone that were critical of the UAE, but the judgment does not state how authorities obtained records of the calls or when the calls were allegedly made.

The UAE authorities have disregarded al-Najjar's basic rights since his arrest. On December 3, 2015, UAE authorities at Abu Dhabi airport prevented al-Najjar from boarding a flight to Jordan to visit his wife and children, al-Najjar's wife, Majida Hourani, told Human Rights Watch. She said he had been a journalist for more than 15 years, and had been working in the UAE since April 2015, when he became a culture reporter for the UAE-based newspaper *Dar*.

After blocking him from leaving the country, UAE authorities summoned al-Najjar to a police station in Abu Dhabi on December 13, 2015 and detained him there.

Authorities held al-Najjar incommunicado for nearly two months following his arrest. His detention was only confirmed on February 10, 2016, when Jordanian media outlets reported that the Jordanian Foreign Affairs Ministry had confirmed with UAE officials that al-Najjar was in detention. He was not able to contact his family until several days later. Al-Najjar told his wife he was not aware of the name or whereabouts of the detention center where he was held before his transfer in early March 2016 to al-Wathba prison in Abu Dhabi, where he is currently held. His wife said that he has been able to call her twice a week since his transfer to al-Wathba.

UAE authorities violated al-Najjar's right to a fair trial by holding him without access to a lawyer for more than a year, including during his interrogations, before bringing him to trial in January 2017. WAM, the UAE's official news agency, announced his [conviction and sentence](#) by the Abu Dhabi Federal Appeals Court on March 15, 2016.

UAE authorities have long used broadly worded laws such as article 29 to limit lawful speech in violation of international standards. The Arab Charter on Human Rights, which the UAE has ratified, in article 32 protects the right to freedom of opinion and expression and in article 13 protects the right to a fair trial. Although the UAE has not ratified the International Covenant on Civil and Political Rights, the United Nations Human Rights Committee, the body of independent experts that monitors implementation of the treaty, has provided an authoritative interpretation of the right to fair trial, on which the Arab Charter's provision is based.

Though al-Najjar completed his prison sentence on December 13, he has not been able to pay the 500,000 UAE Dirham fine. Article 309 of UAE's criminal procedure law provides that if a convicted person cannot pay the imposed fine, he or she must face an additional sentence of one day in prison for every 100 dirhams, with a maximum of six months.

Tayseer al-Najjar has already served three years in prison for a crime that violated his right to freedom of expression and after a prosecution that violated his basic due process and fair trial rights. The UAE government should address this situation and release al-Najjar immediately so that he can return to Jordan to rebuild his life with his family.

Sincerely,

Michael Page

Deputy Director of Middle East and North Africa Division

Human Rights Watch

Antoine Bernard

Deputy Director General

Reporters Without Borders