

Le Bâtonnier

H.R.H. Khalifa ben Zayed Al Nahyane
Ministry of Presidential Affairs
Abu Dhabi
P.O. Box 280
United Arab Emirates

Fax: +971 2 622 2228
Email: ihitimam@mopa.ae

Geneva, 3 October 2016

Ref: Violation of the rights to defence in United Arab Emirates: Detention of Mohammed Al-Roken

Your Royal Highness,

I am writing you on behalf of the Geneva Bar Association (*Ordre des avocats de Genève*; "ODAGE"), which represents more than 1,500 lawyers in Geneva, Switzerland. The ODAGE is member of the Swiss Federation of Lawyers, the International Association of Lawyers, as well as of the International Bar Association.

The ODAGE places great emphasis on respect for human rights and rule of law and is particularly concerned by the situation of human rights defenders in the world.

We are writing to you, considering the influence you have on the judiciary, to express our concern about the continuing imprisonment and the revocation of the license to practice law of human rights lawyer **Dr. Mohammed Al-Roken**.

Dr. Mohammed Al-Roken is an eminent lawyer and teacher, who dedicated his life to the defence and the promotion of human rights and fundamental rights in United Arab Emirates. His work as a defender of human rights has been notably awarded by the Foundation Alkarama in 2012 and by Front Line Defenders in 2014.

We understand that Dr. Mohammed Al-Roken has been arrested on 16 July 2012, after he got officially engaged in favour of constitutional reforms, aiming notably a wider protection of human rights in the UAE. He is presently serving a 10 years prison sentence in the UAE after he was convicted, in July 2013, through a mass trial of 94 individuals (the "UAE 94"), on the charge of "*establishing an organisation seeking the government's overthrow*", an accusation he denied in Court.

As you know, many international human rights organizations expressed concerns about the fairness and impartiality of the above-mentioned mass trial. Indeed, the indicted persons never had access to a lawyer during their detention; several of them denounced in court the torture they suffered (in order to obtain "confessions" which were afterwards used in the procedure as

evidence); and none of the accused persons had the right to appeal the judgment, in violation of the basic international standards.

The Geneva Bar Association strongly fears that the arrest, imprisonment and revocation of the license to practice law of Dr. Mohammed Al-Roken were due to his legitimate activities as attorney and human rights teacher and defender. Such methods may be considered as a direct obstruction aiming to prevent him from continuing his legitimate work in defence of human rights in United Arab Emirates, which would be a clear violation of the rights of the defence as enshrined in all international and regional human rights instruments.

The Geneva Bar Association would like to draw the attention of the authorities of United Arab Emirates to the 1990 UN Basic Principles on the Role of Lawyers, according to which "[l]awyers are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization" (Principle 23).

Furthermore, Emirati authorities have an obligation "to ensure that lawyers can perform all of their professional functions without intimidation, hindrance, harassment or improper interference and that they do not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics" (Principle 16).

We remind in this respect that the UN Basic Principles were adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990, have a normative value under customary international law, and should be respected by United Arab Emirates.

The Geneva Bar Association therefore urges the Emirati authorities to comply with the standards set forth by the Basic Principles on the Role of Lawyers as well as their obligations under International Human Rights Law and to:

- **immediately and unconditionally release Dr. Mohammed Al-Roken;**
- **immediately end any (possible) proceedings initiated against Dr. Mohammed Al-Roken;**
- **immediately reinstate Dr. Mohammed Al-Roken's licence to practice law;**
- **protect Dr. Mohammed Al-Roken and all lawyers and human rights defenders in the United Arab Emirates against any present or future harassment, intimidation and/or reprisal in the exercise of their profession and of legitimate human rights activities.**

I thank you for your attention to this very serious matter, which the Geneva Bar Association and I will continue to closely monitor.

Respectfully yours,



Grégoire Mangeat
Chairman

Copy to:

H.E. Mohammed bin Rashid Al Maktoum

Prime Minister of the United Arab Emirates
Prime Minister's Office
P.O. Box: 2012000
Dubai
United Arab Emirates

The Ministry of Justice

Al Khubirah, Sector 93, Street 5
P.O. Box: 260
Abu Dhabi
United Arab Emirates
Email: customer.s.ad@moj.gov.ae
Fax: +971 2 6810680

Embassy of Switzerland in the United Arab Emirates

P.O. Box 95199
Abu Dhabi
United Arab Emirates
Email: adh.vertretung@eda.admin.ch
Fax: +971 2 626 96 27

Embassy of the United Arab Emirates in Switzerland

Chancellerie
Schwarztorstrasse 31
3007 Berne
Email : bern@mofa.gov.ae

The Government of Dubai Legal Affairs Department

Al Hudaiba Awards Building, Block C, 8th Floor
P.O Box: 446
Dubai
United Arab Emirates
Email: contact@legal.dubai.gov.ae
Fax: +971 4 3537544

Emirats Association for Lawyers and Legal

P.O.Box: 2233
Sharjah
United Arab Emirates
Email: info@eall.org.ae
Fax: +971 (6) 577-0012

Special Rapporteur on the Independence of Judges and Lawyers

Office of the United Nations High Commissioner for Human Rights, United Nations Office
at Geneva,
8-14 Avenue de la Paix
1211, Geneva 10 Switzerland
E-mail: SRindependenceJL@ohchr.org