



# ARMS SALES: FRANCE AND THE UNITED ARAB EMIRATES, PARTNERS IN THE CRIMES COMMITTED IN YEMEN ?

**fidh**

Ligue  
des **droits de**  
**l'Homme**  
FONDÉE EN 1898





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# INTRODUCTION

On 3 September 2019, as the conflict in Yemen, which is in the midst of the worst humanitarian crisis according to the UN and aggravated violations of human rights and international humanitarian law, enters its fifth year, a group of eminent international experts established by the UN Human Rights Council is sounding the alarm. It calls on the international community to denounce the crimes committed by all the warring parties, calls on States to refrain from supplying weapons that could be used in the conflict and reminds them of their obligation to take all necessary measures to ensure respect for international humanitarian law. In particular, the experts stressed that “States may be held responsible for aiding or assisting in the commission of violations of international law if the conditions for complicity are met”, finding that the “legality of arms transfers by France, the United Kingdom, the United States and other States remains questionable”<sup>1</sup>.

Two years later, the same group of experts published its report in September 2021 and reiterated its concern about the supply of arms:

*“Notwithstanding the strong recommendations by the Group of Eminent Experts in its previous reports, third States, including Canada, France, Iran (the Islamic Republic of), the United Kingdom of Great Britain and Northern Ireland and the United States of America, continued their support of parties to the conflict, including through arms transfers. (...) As the Group has previously noted, arms sales are fuel that perpetuates the conflict »*<sup>2</sup>.

*What has happened in the meantime?*

Since the start of the conflict’s escalation in 2015, several NGOs have highlighted the presence of French equipment sold to the warring parties in Yemen<sup>3</sup>. Among these, the United Arab Emirates is now the fifth-largest client of France for arms and military equipment for the 2011-2020 period.

Our report aims to highlight, through the analysis of our member organisation Gulf Centre for Human Rights, how this country, a strategic ally of the Western powers, is, in reality a particularly repressive dictatorship, where any dissenting voice risks imprisonment and torture, as exemplified by the fate of Ahmed Mansoor, winner of the Martin Ennals Award for Human Rights, who was convicted for his criticism of the regime and remains in detention despite having served his sentence.

In addition, and thanks to the work of Mwatana for Human Rights, our member organisation in Yemen, this report highlights the direct and indirect responsibilities of the Emirati authorities in the commission of some of the most serious violations on the ground in the Yemen conflict.

Finally, as evidence of these violations has accumulated in recent years, our report analyses the manner in which the French authorities have continued to equip the regime militarily, in violation of its international obligations on arms exports. Has it been complicit in violations? French support now extends to French companies themselves, which have set up shop in the Emirates, helping to build an industrial hub for military arms and surveillance equipment, feeding an autocratic police state internally and a criminal one on the ground in Yemen, in violation of French laws on due diligence.

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1. See Report of the Group of Eminent International and Regional Experts on Yemen as submitted to the United Nations High Commissioner for Human Rights « Situation of human rights in Yemen, including violations and abuses since September 2014 », A/HRC/42/17 (3 septembre 2019), available at : <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/240/87/PDF/G1924087.pdf?OpenElement>

2. See Report of the Group of Eminent International and Regional Experts on Yemen as submitted to the United Nations High Commissioner for Human Rights « Situation of human rights in Yemen, including violations and abuses since September 2014 », A/HRC/48/20, para. 19, (10 septembre 2021), available at : <https://www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/A-HRC-48-20-AUV.pdf>

3. See investigations, reports and campaigns notably of FIDH, Disclose and Amnesty International



# METHODOLOGY

This report is the product of research conducted between April 2019 and April 2021 by the Armaments Observatory, FIDH and its Yemeni, Gulf and French member organisations, Mwatana for Human Rights, the Gulf Centre for Human Rights (GC4HR), l'Observatoire des armements and the Human Rights League (LDH) respectively.

The goal was to unfold on the one hand, the role potentially played by weapons that France supplied to the United Arab Emirates in the repression carried out by the regime internally and in the commission of grave human rights violations and war crimes in Yemen.

On the other hand, the evidence revealed in this report shows that French companies and the French State have failed to respect some of their international human rights commitments, which would make them responsible for the crimes committed by the UAE.

This report is based on an analysis of:

Information on arms sales and the French-Emirati relationship :

- Public documents reporting French arms sales: Reports to Parliament on French arms exports, the United Nations Register of Conventional Arms, Reports to the European Union, the UN Comtrade Database, the Stockholm International Peace Research Institute (SIPRI) Database – and information from the International Peace Information Service (IPIS), CIEEMG, Export Authorization of Explosive Products (EAEP) regime and anti-torture regulations, written and oral parliamentary questions, specialized media
- Meetings with sources, experts and/or engineers in the arms industry, other experts and journalists;
- Internal arms industry documents and brochures;

Information on the Human rights situation in the UAE :

- Publications from trusted human rights organisations based outside of the country, UN institutions reports, are the main sources of information for this part of the report<sup>4</sup>.

Information from Yemen :

- Between 2018 and 2019, Mwatana field researchers collected eight testimonies of survivors and witnesses of human rights violations in the south of Yemen, either after the releases of the survivors or testimonies of family members of the victims and survivors. The data collected concern incidents that happened between 2016 and 2018 and include accurate information and data, as well as witnesses informed consent to providing information. Mwatana used pseudonyms in all cases in the interests of witnesses' and victims' safety. The collected information in this report, which was assessed and reviewed by Mwatana's Central Research team, is part of a wider effort by Mwatana to document human rights abuses and violations of international humanitarian law within the context of the armed conflict in Yemen.
- Publications from trusted human rights organisations, including previous reports from Mwatana for Human Rights, UN institutions reports, etc.

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4. The extremely severe attacks on the human rights movement by the Emirati authorities internally over the past ten years have managed to dismantle it almost completely and have rendered human rights investigations and the documentation of human rights violations nearly impossible.

Ahmed Mansoor, as described by a European Parliament Resolution as « the last remaining human rights defender in the UAE who had been able to criticise the authorities publicly » and who was one of the main sources of information for international NGOs over the past years, was re-arrested in 2017 and therefore silenced, in one of the latest blows inflicted by the authorities to the Emirati Human Rights movement. Since then, it has been increasingly challenging to obtain information and direct testimonies on the human rights situation inside the country.

# APPLICABLE LEGAL FRAMEWORK

Several international instruments regulate the manner in which arms and surveillance equipment are exported, requiring states parties to these instruments to ensure that they do not sell arms or surveillance equipment if there is a risk that these materials and goods will be used to commit serious human rights violations.

Legal obligations also apply in France on companies, to prevent their direct or indirect participation in human rights violations.

Failure to respect them may characterise the potential liability and complicity of the French government or French enterprises for the perpetration by the UAE authorities of grave human rights violations.

## 1. Specific obligations of the French State concerning arms transfers

### 1.1. The Arms Trade Treaty (ATT)

France is a party to the Arms Trade Treaty (ATT). As a Member State, France must, under Article 6 §3 « not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party. Also article 7 of this treaty, dispose that States must carry out an assessment of all conventional arms exports, ammunition, or associated parts and components in order to determine whether that equipment risks being used to commit or facilitate grave violations of international law relative to human rights or international humanitarian law, or to commit or facilitate any act constituting an offence with regard to the international conventions and protocols on terrorism or organized transnational criminality to which the exporting State is a party. France must also assess the risk of any conventional arms covered by the treaty being diverted. The exporter must consider adopting effective measures to reduce the risks of the negative consequences described in Article 7.1. When it has been established that there is a substantial risk of negative consequences, no export authorisation must be given.

### 1.2. The European Union Council's Common Position 2008/944/PESC defining [common] rules governing control of exports of military technology and equipment

The Common Position adopted on 8 December 2008 under the French presidency of the European Union established the legally binding character for EU Member States of the "Code of Conduct for Arms Exports" adopted in 1998 by the EU ministers of foreign affairs<sup>5</sup>. In order to promote convergence among member States on arms exports policies and ensure their transparency and responsibility in the matter, the Common Position obliges States to subordinate their arms export authorisations to eight decision-making criteria:

- The recipient's compliance with its international commitments;
- Respect for human rights;
- The domestic situation in the country of final destination and the risk of aggravation of tensions in that country;
- Preservation of regional peace, security and stability;

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5. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:335:0099:0103:fr:PDF>

- The national security of Member States and of allied or friendly States;
- The behaviour of the purchasing country with respect to the international community, especially its attitude toward terrorism;
- The existence of a risk of diversion of the material within the purchasing country or of its export under undesirable conditions;
- Compatibility of the arms exports with the technical and economic capabilities of the recipient country.

Having assessed the attitude of the recipient country, the second criterion of the Common Position specifically requires Member States to (a) deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used for internal repression; and (c) deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used in the commission of serious violations of international humanitarian law.

In order to harmonise Member States' policies in this matter, the Common Position also requires them to share and explain their respective decisions in cases when they refuse to issue arms export licenses. It prescribes a mechanism of consultation and notification of denials among the States, including a specific exchange when a State considers authorising a transaction that is "essentially identical" to one that has been denied by another Member State during the three preceding years.

## 2. Specific obligations of the French State concerning exports of "dual-use goods"

According to the French government's official definition, "a 'dual-use good' is a product or service 'likely to have either a civilian or a military use', i.e., one meant primarily for civilian use, in industry for example, but also capable of being used to develop arms or military equipment"<sup>6</sup>. Exports of such equipment or services are not banned a priori for companies but subject to binding control, generally in the form of a license obligation.

Since 2009, the matter is dealt with EU's common commercial policy, by the Regulation number 428/2009 of 5 May 2009 that is directly applicable law in EU member states, as revised lately in June 2021 EU Regulation 2021/821 (Recast 2021). Dual use items are defined as goods, software and technology that have the potential to be used in both civilian and military products. The EU's dual-use export controls seek to address both commercial and security objectives and its structure reflects this duality, by establishing at the first stage a list of items that are subject to control (the 'dual-use list'). This list, updated annually, is a composite of the control lists of the multilateral export control regimes—including the Wassenaar Arrangement (WA) to which France is a party (see below). Mechanisms exist also to capture items that do not appear on the dual-use list or to make additional dual-use items subject to national list-based controls 'for reasons of public security or human rights considerations'<sup>7</sup>.

### 2.1. The Wassenaar Arrangement

France is a signatory to the Wassenaar Arrangement (1996), which today includes forty-two States. While export control remains in the hands of the States, its purpose is to promote "transparency and greater responsibility in transfers of arms and dual-use goods in order to prevent destabilizing

6. Some dual-use goods or technology are likely to have conventional military use; others may be used for weapons of mass destruction: nuclear, chemical or biological weapons, or missiles capable of carrying such weapons'. Cf. <https://www.diplomatie.gouv.fr/fr/politique-etrangere-de-la-france/desarmement-et-non-proliferation/la-france-et-le-controle-des-exportations-sensibles/article/controle-des-biens-et-technologies-sensibles-a-double-usage>

7. [https://www.sipri.org/sites/default/files/2021-09/eunpdc\\_no\\_77.pdf](https://www.sipri.org/sites/default/files/2021-09/eunpdc_no_77.pdf)



accumulations", i.e., to prevent transfers of arms and dual-use technologies from undermining international stability.

The Signatory States to the Wassenaar Arrangement have agreed to control, each under its own national laws, exports of the goods that are on the Arrangement's list of dual-use goods, and to transparently report exports of dual-use goods deemed sensitive and denials to transfer dual-use goods in general. The Member States are also required to hold consultations and to exchange information in their possession concerning transfers of very sensitive dual-use goods and technology. The list of "dual-use" goods and technologies established by this regulation is regularly updated. It includes electronic equipments, specific components and materials, but also software (4.d.4) and surveillance equipment (5.8.1.j) for example. The Wassenaar Arrangement specifically targets systems that make it possible to extract IP metadata and content linked to Internet applications (voice, video, messages and attachments), systems that model the social network of an individual or group of individuals, and telecommunications inspection systems. Cryptography equipment (5.a.2)<sup>8</sup> of the biometric type is also on the list. While the list does not include biometric data analysis systems, it does specify a certain number of technical functions: "authentication"; "digital signature"; "data integrity"; "non-repudiation"<sup>9</sup>; "data rights management"; "data encryption and decoding in the field of entertainment, television recordings or recordings related to patients in the medical sector".

## 2.2. The EU regulation related to dual-use goods' exports

EU regulations related to dual-use goods, including surveillance technologies Cyber surveillance technologies have been a subject of increasing attention in the European Union, against a background in which malware has proliferated and surveillance and interception technologies have been used repeatedly by many States to target journalists, activists and human rights defenders.

The review and recast of the 2009 regulation, finally adopted in June 2021, introduces a wide range of changes to the EU's system of dual-use export controls, and among them a new 'enforcement coordination mechanism'; new controls on exports of cyber-surveillance items; a new public report for exports of dual-use items; and an expanded mechanism to control unlisted items—including emerging technologies. To prevent exports of potentially malicious software (especially systems for intercepting telephone calls, for hijacking computers or for making it possible to circumvent passwords, which could be used by foreign States to repress political opponents or activists) to States that violate international legislation on human rights, the 2021 recast stipulates that Member States must deny license applications if the export of a surveillance technology may lead to grave human rights violations. Authorities must examine the legal framework governing the use of all surveillance technologies in the country to which they are being exported and assess the impact of the exports on the right to privacy, the right to data protection, freedom of expression, and the freedom of assembly and association. Improved transparency measures require Member States to register and publish authorisation data concerning exports approved and denied, thereby permitting democratic oversight bodies, individuals, civil society and journalists to gain insight into the global trade in surveillance technologies. Other measures include a new list of technologies requiring export authorisation and obligations on exporters to provide evidence of their diligence with respect to human rights. It entered into force on 9 September 2021.

## 2.3. The French control system

The French system of control remains very opaque with respect to exports of dual-use goods by companies. The report on arms exports includes no information on dual-use goods. The authority that issues export licenses for dual-use goods is the Dual-Use Goods Department (SBDU) of the Ministry of the Economy, Industry and Digital Sector. The ministries involved in the sector in question

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8. With the exception of certain very sensitive goods registered on a list specifically annexed to the regulations, transfers within community territory are not subject to these controls'.

9. Possibility to verify that the sender and the receiver indeed are the parties that declare having received and sent the message.

give their opinion in an advisory capacity. The French Inter-ministerial Commission of Dual-Use Goods (CIBDU), created by Decree No. 2010-294 of 18 March 2010, examines the most sensitive requests<sup>10</sup>. CIBDU is composed of representatives of the [French] General Secretariat of Defence and National Security, and the ministries of the Interior, Defence, Industry, Energy, Foreign Trade, Research, Health, Agriculture, and Customs. Approval from the Ministry of Foreign Affairs is required<sup>11</sup>. In 2021, the transparency of the system was increased whereby the government will present a report to the Parliament on an annual basis, summarizing the transactions and export decisions on the matter.

### 3. Obligations of the French State concerning the actions of companies

In addition to the specific obligations of the French State with respect to exports of arms and dual-use goods, France has more general obligations regarding the actions of companies domiciled on its territory or companies under its jurisdiction.

Under Human rights international law, States have the obligation to take all necessary measures to ensure that human rights are respected by all entities under their jurisdiction, including when they operate beyond their territorial borders. As recalled by the Committee on Economic, Social and Cultural Rights in its Observation 24<sup>12</sup> (which is binding for States having ratified the International Covenant,) States may be called to “take the measures necessary to prevent human rights violations [from being] committed abroad by companies domiciled in their territory and/or jurisdiction”. This is also established by European Convention on Human rights<sup>13</sup>. In addition, and according to the international covenant, States may be called to “adopt a legal framework obliging commercial companies to give proof of reasonable diligence with respect to human rights in order to identify, prevent and attenuate the risks of violation of the rights set out in the Pact”<sup>14</sup>. The Committee further emphasizes that States must take all measures necessary to remedy violations that take place beyond their borders owing to the activities of commercial entities over which they can exercise control, in particular in cases in which the national courts of the State where the harm took place are unavailable or ineffective. Finally, it affirms the need for criminal and administrative sanctions when companies have not acted with the required diligence. Moreover, in cases involving human rights violations, it suggests, for example, the review of government procurement contracts, export credits and other forms of State support, and of privileges and advantages. Concerning cases in which businesses that have ties to or are wholly or in part controlled by the State, or that receive substantial support and services from public bodies, the authorities must take especially rigorous measures to prevent human rights violations by those businesses. Indeed, the closer a company is to the State, or the more it depends on statutory authority or taxpayer support, the more critical is the approach taken by the State in ensuring that the company respects human rights.

The United Nations Guiding Principles on Business and Human Rights (“UN Guiding Principles”) also indicate that States must encourage and where appropriate require the exercise of effective due diligence with respect to human rights. This obligation also applies to institutional investors, even

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10. Decree No. 2010-294 of 18 March 2010 establishing an inter-ministerial commission for dual-use goods, Légifrance, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000021996426>

11. Cf. Decree of Creation of the CIBDU <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000021996426>

12. United Nations Committee on Economic, Social and Cultural Rights. ‘General Comment No. 24 (2017) on the obligations of States under the International Covenant on Economic, Social and Cultural Rights in the context of corporate activities. (Paragraph 11), 10 Aug 2017, available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FGC%2F24&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FGC%2F24&Lang=en).

See also: <https://www.fidh.org/en/issues/globalisation-human-rights/business-and-human-rights/the-un-committee-on-escr-underlines-states-obligations-with-regard-to>

13. See in particular the interpretation of Articles 2 and 8 provided by the European Court of Human Rights in relation to the obligations of States to protect human rights on their territory with respect to industrial activities. See for example: D. Augenstein, State responsibilities to Regulate and Adjudicate Corporate Activities under the European Convention of Human Rights, April 2011.

14. *Ibid.*, United Nations Committee on Economic, Social and Cultural Rights. ‘General Comment No. 24, 10 Aug 2017 para. 16.

minority shareholders<sup>15</sup>, as do the OECD Guiding Principles for Multinational Companies<sup>16</sup>, which in their 2011 revision include a chapter on human rights that is in line with the UN Guiding Principles. These Guiding Principles also indicate that when States hold or control companies, they have more resources for ensuring the exercise of effective due diligence<sup>17</sup>.

Thus, the French State has an obligation to protect against human rights violations that could be committed by third parties, including businesses domiciled in France that operate not only on French territory but also abroad. Clearly, in order to be able to fulfil this obligation, France must make sure its policies are coherent and consistent with its international commitments, including by providing the information, training and support needed by governmental bodies and other public institutions (for example, public investment banks, development banks, export credit agencies or State participation agencies). States can influence businesses' behaviour, and as such, they must act in conformity with their human rights obligations<sup>18</sup>.

#### **4. The French system for controlling exports of military equipment: opaque and inadequate**

The French arms exports regime is based on the principle of prohibition. According to the 1939 decree, revised by a 2004 order, "the production, trade, storage and exporting of military equipment may be done only with the authorisation of the State and under State control"<sup>19</sup>. The decision to export arms rests with the Prime Minister, after consultation with the Inter-ministerial Commission for the Study of Military Equipment Exports (CIEEMG). The Commission is chaired by the Secretary General of Defence and National Security (who reports directly to the prime minister), and is made up of the ministries responsible for Foreign Affairs, Defence and the Economy. Until June 2014, military equipment export operations were subject to a two-phase authorisation process (prior agreement and export authorisation). It has now been replaced by a single license issued by the Minister responsible for Customs, after consultation with the Prime Minister and the ministers of the Economy, Foreign Affairs and Defence, within the framework of CIEEMG.

To reach its decision, in addition to complying with the "general directives approved by the political authorities", CIEEMG must ensure compliance with the commitments undertaken under the international instruments to which France is a party (ATT, the EU Common Position, the Wassenaar Arrangement, and more) and any sanctions or measures adopted by the UN Security Council and the European Council. According to a legal opinion requested by ACAT France and Amnesty International France, Article L2335-4 of the Defence Code makes it possible to suspend, cancel, or modify licenses granted "for reasons of honouring France's international commitments"<sup>20</sup>.

As explained previously, under the Arms Trade Treaty, France is obliged to assess whether exports of military equipment risk contributing to human rights violations. In addition, according to the EU Common Position, before issuing an arms export authorisation, France must evaluate the compatibility of that request with several criteria, including respect for human rights. In the context of the military cooperation between France and the UAE since 2013, it appears that CIEEMG has not particularly sought to assess the risk that military equipment supplied to the UAE could contribute to human rights violations or that it could be used during the war in Yemen.

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15. Letter from OHCHR to OECD Watch, 'The issue of the applicability of the Guiding Principles on Business and Human Rights to minority shareholdings', Geneva, 26 April 2013.

16. OECD. Due diligence in the financial sector: adverse impacts directly linked to financial sector operations, products or services by a business relationship, June 2014.

17. Working Group on the issue of human rights and transnational corporations and other business enterprises, op. cit.

18. United Nations Guiding Principles on Business and Human Rights, Principle No. 8, p. 12.

19. Decree of 18 April 1939 defining the regimen of the military equipment, arms and ammunition. Legifrance, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006071834&dateTexte=19940228>

20. Brehm, J., and Greig, L., 'Les transferts d'armes de la France dans le cadre du conflit au Yémen, à compter d'avril 2015 jusqu'à la période actuelle', 16 March 2018, p.13. (Arms transfers from France in the context of the conflict in Yemen, from April 2015 until the current period) [https://www.acatfrance.fr/public/etude-juridique\\_cabinet-ancile\\_transfert-d-armes-de-la-france-dans-le-cadre-du-conflit-au-yemen.pdf](https://www.acatfrance.fr/public/etude-juridique_cabinet-ancile_transfert-d-armes-de-la-france-dans-le-cadre-du-conflit-au-yemen.pdf)

The lack of transparency surrounding discussions and decisions relating to exports of military equipment, attributed largely to “Military Secrecy”, supports this policy. CIEEMG deliberates behind closed doors and never reports to the National Assembly on its decisions or its methods for assessing the legality of export licenses. Each year the authorities publish a report to Parliament on arms exports from France.

But this report gives no information on the precise description of the equipment sold under a particular contract, such as the exact name of the equipment sold, the name of the manufacturer, or the amount of equipment exported. It only lists the financial value of the licenses by country, broken down by European Union equipment lists, and the number of licenses granted. Those numbers are too broad, however, to identify the material sold. With respect to data on order intakes and deliveries, there is less information, because only the financial amounts per country are given. These missing data are necessary, however, if one is to comprehend the reality of the arms transfers.

France also lags far behind its European partners in terms of transparency. According to the Flemish Peace Institute, which conducted a comparative study rating the most transparent and rigorous European arms export control systems in 2017, France ranked behind Sweden, Great Britain, the Netherlands, the Flemish Region of Belgium, and Germany<sup>21</sup>. In most other European countries, government interference in arms exports is a regular occurrence. It has been facilitated by the establishment of an export control commission or by the obligation, under certain conditions, to inform Parliament when a new license is granted.

## **5. Human rights obligations of businesses**

### **5.1. The obligation to identify, prevent and mitigate the adverse impacts of their activities on human rights**

While most of the binding obligations laid down in international law are directed at States, individuals and companies are also subject to certain obligations and responsibilities concerning respect for human rights. The United Nations Guiding Principles (UNGPs) on Business and Human Rights (approved unanimously by the United Nations Human Rights Council) and the OECD Guiding Principles for Multinational Companies, revised in 2011, represent a major development in this regard. These two documents reiterate the responsibility of companies to respect human rights no matter where they operate, and international human rights law in conflict situations<sup>22</sup>. These responsibilities concern all of the human rights recognised by international law<sup>23</sup>. The OECD Guiding Principles also establish an extrajudicial mechanism for their implementation: the National Contact Point (NCP), which provides a procedure for mediation and conciliation between companies and victims, giving victims’ representatives the means to refer to the NCP if a company should fail to respect the Guiding Principles.

According to the United Nations Guiding Principles, the responsibility to respect human rights requires companies:

1. To avoid having adverse human rights impacts or contributing thereto by their own activities, and to remedy such impacts when they occur, while highlighting the preventive function of this tool;
2. To attempt to prevent or mitigate adverse human rights impacts directly related to their activities, products or services by their business relationships, even if they have not contributed to those impacts<sup>24</sup>.

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21. Cops, D., Duquet, N., and Gourdin, G., Towards Europeanised arms exports controls, Flemish Peace Institute, p.156.

22. For further details, see: FIDH report of 2015, “Dangerous links of Orange in the Occupied Palestinian Territory”. <https://en.scribd.com/document/264256909/Report-Dangerous-Connections-d-Orange-in-the-TPO>

23. The responsibility in question refers to all human rights recognized internationally, at least to those included in the International Human Rights Charter (which consists of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights) and the Declaration on Fundamental Principles and Rights at Work of the International Labor Organization (UNGC 11 and 12, PDOCDE Chapter II, paragraph 2 and Chapter IV, Commentary).

24. PDNU 13; see also PDOCDE Chapter II, paragraphs 11 and 12.

Companies must therefore exercise due diligence in order to identify, prevent and mitigate adverse human rights impacts, and they must report on how they remedy them. “Adverse impacts” mean actual or potential human rights impacts that companies may have, to which they may contribute, or which are directly linked to their activities, products or services by virtue of a business relationship or through their trade relations. Due diligence with respect to human rights must be exercised continuously and be based on the risks that economic activities produce for individuals. It entails impact studies and relevant internal assessment processes allowing companies to “monitor the effectiveness of the measures that they have taken”, basing themselves on appropriate qualitative and quantitative indicators” and appropriate internal and external sources”.

To report on how they remedy their human rights impacts, companies should be prepared to communicate this information externally. Companies whose activities or operating frameworks present risks of grave human rights impacts must officially reveal how they are countering them and how they take the necessary measures to prevent or halt possible adverse impacts (Principle 21).

This ‘due diligence’ measure contained in the Guiding Principles was recently the object of several legislative measures in different States. In France, it resulted in Law No. 2017-399 of March 2017 on the Duty of Vigilance of Parent Companies and Contracting Companies<sup>25</sup>. This law obliges large French companies to effectively implement a vigilance plan including “reasonable vigilance measures likely to identify risks and prevent grave infringements of human rights and fundamental freedoms, the health and safety of people and the environment resulting from company activities, and those of the companies that it controls, directly or indirectly, as well as the activities of subcontractors or suppliers with which it maintains an established business relationship, when those activities are associated with this relationship” (Article 1/I). This plan and the report on its implementation must be made public in the company’s annual report. The law also specifies that “when a company that has been formally notified that it must comply with the obligations stipulated in I does not fulfil those obligations within three months as of the date of formal notification, the competent court may, at the request of anyone demonstrating locus standi (capacity to act), order said company to comply therewith, under threat of a penalty if necessary” (Article 1/II).

This law is applicable to every limited company which, at the end of two consecutive periods, either employs at least 5,000 employees in its branches and subsidiaries headquartered in France, or at least 10,000 employees in its branches and subsidiaries headquartered in France or abroad<sup>26</sup>. It is also specified that “a company that goes beyond the applicable size will be considered to be complying with such obligations if the company that controls it establishes and implements a vigilance plan related to its activity and the activities of all the companies which it controls”.

The United Nations Guiding Principles also define the concept of “relationship of business and influence”, which is decisive in establishing the liability of a company within its supply chain. They also clarify that “influence exists when the company has the ability to make changes to the illegal practices of an entity that is committing an abuse.” In order to avoid contributing to adverse human rights impacts, including impacts connected to their external relationships, companies must use their influence and intervene with the responsible entity in order to prevent and mitigate these adverse impacts. By “contributing to adverse impacts”, the United Nations Guiding Principles mean “an activity that provokes, facilitates or incites another entity to provoke an adverse impact”. If the company has the power to prevent or mitigate the adverse impact, it must exercise that power, or it must attempt to increase its influence in that direction, where applicable. When a company lacks this power, it must consider ending the business relationship. In addition, “in all cases, as long as the infringement continues and the company remains in the relationship, it must be able to demonstrate the continual efforts that it has taken to mitigate the impact and be prepared to accept all the consequences – to its reputation and its financial and/or legal status – of maintaining this association” (PDNU 19, Commentary). When a company is unable to prevent or mitigate adverse impacts directly linked to its services by its business relationship with another entity, it can be prevailed upon to consider ending that relationship (Principle 19, Commentary).

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25. <https://www.legifrance.gouv.fr/eli/loi/2017/3/27/2017-399/jo/texte>

26. <https://www.lemondedudroit.fr/decryptages/55598-2018-premiere-annee-plan-vigilance-grandes-entreprises.html>



In case of a conflict between national and international human rights law, a State's failure to respect its international human rights obligations does not exempt companies from their own responsibility to respect human rights. "When circumstances in the country make it impossible to fully discharge that responsibility, companies are supposed to respect universally recognized human rights principles to the greatest extent possible under the circumstances and be able to provide evidence of the efforts that they are making in this regard" (Principle 23, Commentary).

## **5.2. Potential criminal liability of companies – precedents from the Amesys/Nexa Technologies cases**

In France, Article 121-2 of the Criminal Code lays out a general principle concerning the criminal liability of corporations, and also stipulates that "the criminal liability of corporations does not exclude that of any individuals who are perpetrators of or accomplices to the same acts". This means that companies can be criminally liable, as perpetrators or accomplices, for offences that they commit, even abroad, under the extraterritorial jurisdiction of French courts prescribed for certain crimes defined by criminal internal legislation.

Based on these provisions, FIDH and LDH, its member organisation in France, filed a complaint against French company Amesys in October 2011 for complicity in torture, following reports in the international press of the sale of surveillance equipment to the Libyan regime of Muammar Gadhafi in 2007. A judicial investigation was opened on 23 May 2012 by the war crimes unit of the Paris Tribunal (Tribunal de grande instance de Paris).

A few years later, on 9 November 2017, FIDH and LDH filed information on events related to the participation of the French company Nexa Technologies (formerly Amesys) in acts of repression by Egypt through the sale of surveillance equipment. This information was a follow-up to the revelations published in French media, which also pointed out that the SBDU had refrained from expressing an opinion on these exports, thereby violating provisions of the Wassenaar Arrangement that had been introduced in the French system of control of this kind of exports. A judicial investigation was opened a few days after the submission of this denunciation by the Paris Prosecutor.

In June 2021, four executives of Amesys and Nexa Technologies were indicted by investigating judges of the crimes against humanity and war crimes unit of the Paris Judicial Court for complicity in torture in the Libyan portion of the investigation and complicity in torture and enforced disappearance in the Egyptian portion. In July and September 2021, the companies were indicted by the investigative judges.

These indictments constitutes the recognition by French investigating judges of the possibility of determining the role of surveillance companies in human rights violations from the perspective of complicity. The judicial investigation will follow its course. It will be up to the investigating judges to decide when to close the investigation, and then to decide whether to refer the defendants to trial before a Criminal court (cour d'assises) or to dismiss the case<sup>27</sup>.

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27. <https://www.fidh.org/en/region/north-africa-middle-east/egypt/surveillance-and-torture-in-egypt-and-libya-amesys-and-nexa>



# PART 1. THE UAE AS A KEY PERPETRATOR OF MASSIVE HUMAN RIGHTS VIOLATIONS

## Context and background on the UAE:

The UAE is a key ally of Western powers, within the framework of the fight against terrorism and an important partner with military and commercial ties amounting to very important figures over the past decade.

It benefits from a relatively positive image in most Western countries, promoted by public relations companies deployed and paid by the UAE, which has so far been extremely efficient and powerful in hiding the human rights violations committed by the country, both internally against its own citizens and numerous migrant workers residing on its territory, as well as outside its borders, notably in Yemen.

The UAE can be described as an autocratic police state, with widespread censorship laws and high surveillance<sup>28</sup>, is a champion of counter-revolutions in the region, and is increasing its power by the years. The country and its recent State institutions were created by the father of the current ruling Crown Prince Mohamed Ben Zayed<sup>29</sup>. The Crown Prince is a figure of authoritarianism who controls all strategic institutions in the country, while maintaining an image of modernity outside, spending enormous amounts of money in communications, as was the case with the 2019 'Year of Tolerance' Operation. The UAE created a Ministry for tolerance in 2016, despite the authorities' continued failure to release prisoners of conscience, and its trend to hold them in prison long after the end of their sentences<sup>30</sup>.

As described by a 2019 investigation from the New York Times, "Prince Mohammed [Ben Zayed], crown prince of Abu Dhabi and the *de facto* ruler<sup>31</sup> of the United Arab Emirates, is arguably the most powerful leader in the Arab world. His special forces are active in Yemen, Libya, Somalia and Egypt's North Sinai. He has worked to thwart democratic transitions in the Middle East, helped install a reliable autocrat in Egypt and boosted a *protégé* to power in Saudi Arabia"<sup>32</sup>.

UAE State institutions lack the minimum democratic international standards, with an Executive power relying heavily on the State Security Apparatus, controlled by the ruling Crown Prince, who also holds the title of Deputy Supreme Commander of the UAE Armed Forces since January 2005, while his brother Khalid ben Mohammed ben Zayed is the Head of the State Security Apparatus since 2016. The judiciary is a heavily politicized institution, not delivering justice, as evidenced by a report of the [Gulf centre for Human Rights](https://www.gch4r.org/news/view/2612) on the case of Ahmed Mansoor (see below)<sup>33</sup>. The legislative power relies on the Federal National Council (FNC) which is the consultative council, the parliamentary body of the UAE. It has 40 members, is composed of the rulers of the seven emirates, and is the UAE's highest constitutional, legislative and executive authority. The Council selects the President and Vice-President of the UAE from among its members; they are appointed for renewable five-year terms. It is a consultative body with no real legislative or oversight powers. It may discuss any general subject relating to the affairs of the state, except where the Council of Ministers determines "that such discussion is contrary to the highest interests of the Federation". It may also approve, amend or reject draft laws, but the President is nevertheless empowered to promulgate the law after ratification by the Federal Supreme Council.

Calls for reforms from within the country have been crushed. On March 3, 2011 a petition from a group of 133 people addressed to the UAE President and the Federal Supreme Council (highest constitutional authority in the UAE) called for a comprehensive reform of the Federal National Council, including demands for free elections by all citizens in the method of universal suffrage.

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28. <https://www.adhrb.org/2020/05/uae-2/>

29. <https://www.nytimes.com/2020/01/09/magazine/united-arab-emirates-mohammed-bin-zayed.html>

30. <https://www.gc4hr.org/news/view/2612>

31. <https://www.washingtoninstitute.org/media/4199>

32. <https://www.nytimes.com/2019/06/02/world/middleeast/crown-prince-mohammed-bin-zayed.html>

33. 2018 mission report on Ahmed Mansoor's case <https://www.gc4hr.org/report/view/76>

The leaders of the petition were arrested and were tried in a deeply flawed mass trial of 94 activists before the State Security Chamber of the Federal Supreme Court – widely known as the “UAE 94” trial.

In 2011, Prince Mohammed Ben Zayed also hired a company linked to Erik Prince, the founder of the private security company formerly known as Blackwater, to create a force of Colombian, South African and other mercenaries to “crush any hint of dissent”, and rounded up dozens under suspicion of sympathizing with the Muslim Brotherhood<sup>34</sup>.

It is also notable that the UAE has not ratified most international Human Rights instruments and treaties, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Rome Statute of the International Criminal Court, and has reservations on others such as the CEDAW convention<sup>35</sup>.

This section of the report will evidence (2.1.) the grave human rights violations committed by the UAE inside its borders, and the role of the UAE and its proxy forces in the commission of alleged war crimes in Yemen.

## PART 1.1 Grave human rights violations in the UAE

Over the past ten years, the Emirati authorities have engaged in a severe repression of the human rights movement of the country, through the adoption of repressive laws and the perpetuation of grave human rights violations. This apparatus has led to almost complete dismantling of the human rights movement, rendering human rights investigations and the documentation of human rights violations in the country nearly impossible.

This situation is exemplified by the situation of **Ahmed Mansoor**, a prominent Emirati human rights defender, who was described in a European Parliament Resolution as « the last remaining human rights defender in the UAE who had been able to criticise the authorities publicly<sup>36</sup>. » Ahmed Mansoor who was one of the principal Emirati human rights voice. He was re-arrested in 2017<sup>37</sup> and therefore silenced, in one of the latest blows inflicted by the authorities to the Emirati Human Rights movement.

### A legal apparatus using counter-terrorism and cybercrime laws to curtail dissent<sup>38</sup>

In 2015, Federal Decree Law No. 2 on anti-discrimination and anti-hate was enacted, which contains numerous broadly worded provisions that jeopardize free speech. The law provides for a minimum of five years in jail for anyone who commits “an act that may instigate any form of discrimination, using any forms of expression or any means.” Article 3 says that freedom of expression cannot be invoked as a defence in cases relating to acts or statements “that may incite the contempt of religions or offend them<sup>39</sup>.”

The 2006 Emirati Cybercrime law, which was the first to be promulgated in the region, and its later amendments of 2012 and 2016, together with the special court that was created with the UAE’s Federal Public Prosecution for Cybercrimes in 2017<sup>40</sup> constitute a key pillar of the

34. <https://www.nytimes.com/2011/05/15/world/middleeast/15prince.html>

35. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/107/40/PDF/G1810740.pdf?OpenElement>

36. European Parliament Resolution on « The UAE, notably the situation of human rights defender Ahmed Mansoor », of October 4th 2018 [https://www.europarl.europa.eu/doceo/document/TA-8-2018-0376\\_EN.html?redirect](https://www.europarl.europa.eu/doceo/document/TA-8-2018-0376_EN.html?redirect)

37. <https://www.gc4hr.org/news/view/1521>

38. UPR 2017 - ALKARAMA'S REPORT on HR violation in UAE (<https://www.alkarama.org/en/documents/morocco-universal-periodic-review-3rd-review-alkaramas-report-june-2017>)

39. <https://www.hrw.org/news/2016/01/27/uae-torture-and-forced-disappearances>

40. <https://www.gc4hr.org/report/view/78>

repressive apparatus and is used to crackdown on peaceful dissent. Cybercrime Law No. 5 of 2012, criminalizes defamation and provides for harsh prison sentences up to “life imprisonment for anyone, who publishes information aiming or calling to overthrow or change the ruling system of the State” (article 30). The Law further criminalizes “insulting the ruler” (articles 20 and 29), “damaging national unity”, (article 24 and 28) “damaging state reputation” (article 29 and 32), “organizing without permission”(article 32) and “the participation in unlawful groups” (article 26).

Jordanian writer and journalist **Tayseer Al-Najjar**<sup>41</sup>, 45 years old, died<sup>42</sup> in the early hours of dawn on 19 February 2021, two years after finally being released, as a result of health complications caused by diseases contracted during his prison term in the UAE. He had been prosecuted under provisions of the cybercrime law.

Activist **Nassir Bin Ghaith**<sup>43</sup> was also prosecuted under this law and sentenced to ten years imprisonment.

The Anti-terrorism Law No. 7/2014 on the “fight against terrorist crimes” provides an extremely broad and vague definition of terrorism. Article 1 of the law defines a terrorist act as any act that would cause “unrest or panic among a group of people” or that would otherwise “upset the State”, without specifying for example the violent nature of such acts, and hence paves the way for the incrimination of peaceful dissent. Under the Anti-terrorism Law, the custody period can be extended by renewable three-month periods without the detainee having to be brought before a judge (article 41), therefore establishing an exceptional legal regime in violation of international standards. The law prescribes for the restraint of individuals in Munasaha Centres [According to Article 1 of the Law, Munasaha centres are “administrative units aiming at the enlightenment and reform of persons [who] are deemed to pose a terrorist threat or convicted of terrorist offences”]. The transfer of individuals is initiated by virtue of a judgment issued by the Court and upon a request of the prosecution (article 40), yet basing the detention on an administrative decision by the authorities as opposed to a judicial decision and thus denying individuals the right to challenge the legality of detention. This was the case for blogger Osama Al Najjar<sup>44</sup>, who was sent to a counselling centre after having served his full three-year prison sentence for “instigating hatred against the State via Twitter” and “designing and running a website harmful to UAE institutions”.

## Systematic use of torture

On 19 July 2012, the UAE acceded to the UN Convention against Torture (UNCAT), thereby committing to take active measures to prevent and prosecute such practice and to offer reparation to victims, as to ultimately abide by the principle of the absolute prohibition of torture. The UAE has not joined the Optional Protocol to the Convention Against Torture, which authorises the Subcommittee on the Prevention of Torture to investigate torture allegations. Another reason for not ratifying the Optional Protocol is to not commit to establishing a national mechanism for the prevention of torture within one year from the date of admission, per the Protocol's requirements. The practice of torture persists with numerous cases reported and a prevailing climate of impunity for perpetrators<sup>45</sup>.

Following her visit to the UAE in 2014, the former UN special Rapporteur on the Independence of Judges and Lawyers reported that more than 200 complaints of torture and ill-treatment had been presented before judges and prosecutors, but were not investigated or accounted for in judicial proceedings. She further expressed her concern over the fact that the lack of serious investigation into torture allegations “encourages impunity for perpetrators<sup>46</sup>”.

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41. Alkarama, UAE: Jordanian Journalist Sentenced to Three Years in Prison for a Facebook Post, 30 March 2017, <https://www.alkarama.org/en/articles/united-arab-emirates-jordanian-journalist-sentenced-three-years-prison-facebook-post>

42. <https://www.gc4hr.org/news/view/2612>

43. Alkarama, UAE: Prominent Activist Naser Bin Ghaith Sentenced to Ten Years in Prison for a Series of Tweets, 13 April 2017, <https://www.alkarama.org/en/articles/prosecuted-having-exercised-his-right-freedom-expression> .

44. Alkarama, UAE: Arbitrary Detention of Blogger Osama Al Najjar in Counselling Centre Despite Termination of Full Prison Sentence, 31 March 2017, <https://www.alkarama.org/en/articles/uae-arbitrary-detention-blogger-osama-al-najjar-counselling-centre-despite-termination> (accessed on 21 June 2017).

45. <https://www.alkarama.org/en/articles/uae-five-years-after-ratification-un-convention-against-torture>

46. Human Rights Council, Report of the Special Rapporteur on the independence of judges and lawyer, Mission to the United Arab Emirates, A/HRC/29/26/Add.2.

In the UAE, torture continues to be consistently employed in detention centers in order to extract confessions of guilt or testimonies against other detainees, as documented by several NGOs<sup>47</sup>.

According to a recent report on torture in the UAE published by GC4HR and Wejha Centre for Studies, since the beginning of 2017, reports and testimonies<sup>48</sup> indicate that the UAE authorities continue to practice torture, as former and current detainees were subjected to various forms of torture and cruel, inhuman or degrading treatment in the country's notorious prisons, including Al-Razeen prison, Al-Wathba prison and Al-Sadr prison. In addition, some prisons such as Al-Awair prison and Al-Barsha police detention centre are overcrowded and unsanitary, which makes observing social distancing and the recommended hygiene practices extremely difficult, against the backdrop of the COVID-19 pandemic.

In 2019, ADHRB looked at the UAE and its track record of torture as the "government has an extensive history of using torture against those they perceive as a threat; this 'threat' most commonly includes human rights defenders, political opposition, religious figures, and journalists". In addition, "the UAE's police state not only punishes those who peacefully dissent, but harasses and abuses even those related to them"<sup>49</sup>.

Among the methods officials use are sleep deprivation, denial of medical treatment, verbal threats, sexual assault, fingernails being pulled out, torture to death, severe beatings by hands or canes, especially on the face, head and the eyes, electric shocks, suspension by hands, pulling hair from the head, face and body; hurling cold water on the prisoner's body in front of a fan; placing the detainee in a coffin for many hours; solitary confinement in extremely small cells without windows; threatening the use of an electric chair; sleep deprivation and carrying out interrogations at late hours; denial of outdoor access and sunshine for several months; forcing detainees to stand on one leg during interrogation; leaving detainees under the sun for long periods; stripping detainees naked and taking away all their clothing items; preventing the detainees from practising religious rites such as fasting, or congregational and Friday prayers<sup>50</sup>.

Prison authorities also use solitary confinement as a punitive measure, holding detainees narrow, hot, and unventilated cells. Excessive use of solitary confinement is regarded as a form of "white torture," which is understood as abuse meant to weaken prisoners by making them psychologically unstable and that can bring on depression, insomnia, confusion, hallucinations, and psychosis. Prison personnel use other forms of abuse as well, including chaining prisoners' hands and legs from behind to inflict pain and forcing them to sit in the prison yard under the sun. Guards have also deliberately put loudspeakers in jails, forcing detainees to listen to loud music at every hour of day and night. Inmates can also be forced to eat expired food or drink salt water. Furthermore, prisoners are routinely denied medicine and medical treatments for pre-existing health conditions or illnesses developed while in detention<sup>51</sup>.

## Enforced disappearance

The UAE authorities regularly disappear activists, human rights defenders and government critics. When people are forcibly disappeared, they are taken directly off the street or from their homes by state officials with no explanation as to why they are being detained or where they are being taken, and they are unable to notify their families or a lawyer. UAE government authorities try to conceal the fate of the disappeared person and do not acknowledge the deprivation of their liberty. Victims of enforced disappearances are often tortured or otherwise ill-treated and endure ongoing physical and psychological abuse.

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47. See notably:

- Joint report of Wejha Centre for Studies and Gulf Centre for Human rights, « Torture in the United Arab Emirates: The Tolerance Charade » February 2021, file:///tmp/English\_-Wejha\_-UAE\_-Final.pdf

- Submission of ADHRB to the UN Committee against Torture, 2019, [https://www.adhrb.org/wp-content/uploads/2019/10/2019.08.13\\_ADHRB\\_UAE-CAT-submission\\_FINAL.pdf](https://www.adhrb.org/wp-content/uploads/2019/10/2019.08.13_ADHRB_UAE-CAT-submission_FINAL.pdf)

48. It is difficult to reveal the identities of the sources or give details about what they have been subjected to, given the risk to the detainee and people close to him should the source of information be identified by the authorities.

49. Financing Poison at the Top of the Well: How a Culture of **Impunity** has Allowed the UAE to Continue to Flaunt Grave Human Rights Abuses (<https://www.adhrb.org/2020/05/uae-2/>)

50. *Ibid.*

51. "Report on the prison conditions in the United Arab Emirates," International Centre for Justice and Human Rights, 30 August 2013, <http://www.ic4jhr.org/en/activites/reports/519-uae-report-on-the-prison-conditions-in-the-united-arab-emirates.html>.

In December 2015, Jordanian journalist and poet Tayseer al-Najjar<sup>52</sup>, was arrested by UAE authorities without charge, and taken to an unknown location where he was denied access to a lawyer, or contact with his family. He was held for over a year in this state, before eventually being charged with committing cybercrimes in reference to a series of Facebook posts in which he criticised the UAE's human rights record, as well as its role in support of Israel's war on Gaza. In March 2017, he was sentenced to 3 years in prison. He died after having completed his sentence of the complications of the diseases caught in detention.

In August 2015, academic and economist Dr. Nasser bin Ghaith was arrested without charge and forcibly disappeared after political tweets. He was tortured while being detained for nine months. His complaints were rejected in court and never investigated.

After posting comments on Twitter on the unlawful imprisonment of their brother Dr. Issa al-Suweidi, his three sisters Asma, Mariam, and Al Yazzyah al-Suweidi were forcibly disappeared in February 2015. They were secretly detained for three months before being released<sup>53</sup>.

## Women rights violated in law and in practice

Women in the United Arab Emirates continue to face incredible barriers to their rights to civic freedoms in law and in practice. Living under the male guardianship system, that grants control over their movement, finances and interactions, UAE women can face detainment for merely reporting sexual violence to authorities. Women suffer from discrimination within the family because of extremely conservative family law; enjoy restrictive physical integrity; suffer from a failing legal framework with regards to violence against women – for example, under Article 53 of the Penal Code, “a husband's discipline of his wife” is “considered an exercise of rights<sup>54</sup>”, to reproductive and sexual health and rights; have a restricted access to productive and financial resources; and major restrictions to civil liberties and women's access to justice, as evidenced by the OECD 2019 Gender Index<sup>55</sup>.

Because of this patriarchal system, women human rights defenders face additional barriers in campaigning for their rights – they are frequently targeted and shamed by state and non-state actors (including family, communities and society at large). While imprisoned, women are also subject to torture and violence – but largely erased from the public sphere<sup>56</sup>.

Many reports have documented the abuses and the human rights violations against female prisoners as well as their testimonies from inside the prison<sup>57</sup>. Perhaps one of the most striking examples is the suffering that led to the death of the detainee **Alia Abdel Nour** in 2019, after a long fight with cancer inside the UAE prison. The UAE authorities refused to release the cancer sufferer Alia Abdel Nour whom health terribly deteriorated as a result of torture, ill-treatment, and health negligence. The family's complaint to the Crown Prince of the UAE and other senior officials did not help. The authorities ignored the invitation issued in February 2019 by the UN experts and special rapporteurs calling for her release, so that she could spend her last days among members of her family. Alia Abdel Nour died in custody on Saturday 4 May 2019<sup>58</sup>.

Among the prisoners who completed their sentences but remain in prison in the UAE are also two women human rights defenders<sup>59</sup>. **Amina Al-Abdouli**, who was arrested on 19 November 2015, and sentenced to five years' imprisonment. Her sentence expired on 19 November 2020. **Maryam Al-Balushi** was arrested on 19 November 2015, and sentenced to five years' imprisonment. Her

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52. Mentioned above in the report in the section on Cybercrime law

53. Enforced disappearances in the United Arab Emirates [FACT SHEET] ([http://icfuae.org.uk/sites/default/files/Enforced Disappearances in the UAE-2017.pdf](http://icfuae.org.uk/sites/default/files/Enforced%20Disappearances%20in%20the%20UAE-2017.pdf))

54. <https://www.amnesty.org/en/countries/middle-east-and-north-africa/united-arab-emirates/report-united-arab-emirates/>

55. <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/AE.pdf>

56. <https://www.civicus.org/index.php/media-resources/news/3800-emirati-women-continue-to-face-systemic-oppression-by-authorities>

57. Women in United Arab Emirates Prisons (ADHRB statement to HR council) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/181/97/PDF/G1918197.pdf?OpenElement>

58. <http://icjhr.org/icjhrs-statement-on-international-womens-day-female-detainees-in-uae-jails/>

59. <https://www.gc4hr.org/news/view/2612>



sentence expired on 19 November 2020. As of today, on the publication date of our report, they remain in detention.

## Migrants rights

Migrant workers remain tied to employers under the kafala (sponsorship) system, making them vulnerable to labour abuses and exploitation<sup>60</sup>.

The UAE implemented labour reforms in January 2016 that enable some workers to more easily change employers. Migrants in “highly skilled” occupations may end a fixed-term contract without facing the usual employment ban if they give notice in accordance with the contract, or a minimum of one month, or if their employer waives the notice period. Migrants categorised in “lower-level” occupations, including construction workers and service workers, will not face a ban if they end their contract after six months of service. If they end their contract before completing six months of service, they will face a six-month employment ban. Any worker may still be required to pay up to 45 days worth of salary for ending a contract before its expiry. Domestic workers and Agricultural workers remain excluded from these laws<sup>61</sup>.

“Migrant workers in the Emirates live under terrible conditions, as second class citizens. These labourers and domestics are faced with various types of exploitation and treatment (including extra working hours, unsuitable housing conditions, physical abuse etc.). While denied access to independent and unbiased justice officials, most often they are faced with decisions issued in support of Emirati employers.<sup>62</sup>” Rothna Begum, senior researcher at Human Rights Watch, said that “employment contracts are often vague and contain false information about the terms of employment for the employees. This facilitates workers being lured into jobs under false pretences, and once they are subject to a contract, they cannot leave, or else they face prosecution or deportation.” Employers must sponsor foreign workers for purposes of obtaining a visa. This frequently involves passport confiscation, restrictions on an employee’s ability to leave his or her employer, and sometimes wage withholding—giving the employers absolute control over their workers. This sponsorship system has resulted in forced labour in the Emirates, and arguably is a modern form of slavery<sup>63</sup>.

## Human rights defenders

Human rights defenders in the UAE have been largely repressed and public advocacy in support of reforms have been suppressed. The « UAE 94 » trial is emblematic of such repression. 94 Emirati human rights lawyers, academics, judges, teachers and student leaders had been advocating peacefully for political reform. Many are members of a local group, the Reform and Social Guidance Association (Al-Islah), which advocates greater adherence to Islamic precepts. The group has engaged in peaceful political debate for many decades in the UAE. They have called on the ruling families of the UAE to take evolutionary steps towards democracy in the country.

At the conclusion of the trial on 2nd July 2013, 69 defendants were convicted and 25 acquitted. Many were sentenced to 10 years and others to 7 years imprisonment, on charges with founding, organising and administering an organisation aimed at overthrowing the government, contrary to article 180 of the penal code.

FIDH joined a coalition of four human rights organisations – alongside FIDH, the Gulf Centre for Human Rights (GCHR), the Arab Network for Human Rights Information (ANHRI) and the Cairo Institute for Human Rights Studies (CIHRS) – to monitor and report on the trial<sup>64</sup>. While no independent observation of the trial was allowed, information gained from interviews with family, from local activists and local press reports concludes that the trial was marred by recurrent and serious

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60. <https://www.amnesty.org/en/countries/middle-east-and-north-africa/united-arab-emirates/report-united-arab-emirates/>

61. <https://www.migrant-rights.org/campaign/end-the-kafala-system/>

62. [http://www.odvv.org/resources/attachment/1562750894\\_cdb22f7b4e928546ecd41eb0fc2cf985.pdf](http://www.odvv.org/resources/attachment/1562750894_cdb22f7b4e928546ecd41eb0fc2cf985.pdf)

63. <https://insidearabia.com/how-the-uaes-workers-sponsorship-system-facilitates-human-trafficking/>

64. See UAE- Criminalizing Dissent UAE 94 Trial Deeply Flawed / Judicial Observation Report August 2013



breaches of internationally agreed standards of fair trial, and that this has led to 69 unfair convictions and the imposition of lengthy terms of imprisonment from which there is no right of appeal.

In addition, our investigation found that credible allegations of torture, which were repeatedly made by defendants to the tribunal, were ignored. The allegations are consistent with other reports of torture that have been made in UAE over the last 10 years, leading to the fear that torture is systematic within the state's penal system and the conclusion that it has occurred in this case.

**Ahmed Mansoor**, the most high profile human rights defender in the UAE, remains behind bars. An Emirati blogger, he was running an opposition blog calling for reforms and human rights within the United Arab Emirates.

He was arrested in April 2011, as part of a sweeping arrest of 5 human rights activists<sup>65</sup>, and charged of breaking UAE law of defamation by insulting heads of state, namely UAE president Khalifa bin Zayed Al Nahyan, vice president Mohammed bin Rashid Al Maktoum, and Abu Dhabi crown prince Mohammed bin Zayed Al Nahyan through running an anti-government website that express anti-government views. The five activists were condemned on 27 November 2011, to two and three years of imprisonment. However, the following day, the five received a presidential pardon from Sheikh Khalifa bin Zayed and were released.

On March 20, 2017, Ahmed Mansoor was re-arrested from his home in a pre-dawn raid. He was held for over a year in pre-trial detention until the State Security Chamber of the Federal Appeals Court sentenced him on 29 May 2018 to ten years in prison and fined him more than 1 million dirhams on charges of "insulting the 'status and prestige of the United Arab Emirates' and its rulers" and publishing false reports on social media aiming to harm the country's relations with neighboring countries. These charges stem from his human rights work and public criticism of the United Arab Emirates. His sentence was upheld on 31 December 2018, and since then he reportedly has been held in solitary confinement in a small cell with no bed or water. In March 2019, Mansoor began a hunger strike to protest those conditions.

Investigations over his arrests by independent technology monitoring group highlight the role of foreign companies' surveillance material used by the UAE to monitor and potentially hacked the activist. A report by Citizen Lab, revealed how such companies equipment led to his arrest in 2012. In 2011, Ahmed Mansoor was targeted with FinFisher's FinSpy spyware, and in 2012 he was targeted with Hacking Team's Remote Control System. Both the Italian company "Hacking Team" and the German company "FinFisher" have been the object of several years of revelations highlighting the misuse of spyware to compromise civil society groups, journalists, and human rights workers. Another attempt at phishing, this time by NSO Group's government-exclusive Pegasus product (Israeli spyware) in 2016, is the **third commercial "lawful intercept" spyware suite employed** in attempts to compromise Mansoor<sup>66</sup>.

In October 2018, the EP issued a resolution<sup>67</sup> on his case where they "strongly condemned the harassment, persecution and detention of Ahmed Mansoor as well as of all other human rights defenders solely on the basis of their human rights work and their use of their right to freedom of expression both online and offline;" and "urged the UAE authorities to conduct thorough and impartial investigations into the attacks against civil society actors in order to bring the perpetrators to justice". This resolution also called for "an EU-wide ban on the export, sale, update and maintenance of any form of security equipment to the UAE which can be or is used for internal repression, including Internet surveillance technology; expresses its concern at the ever-increasing use of certain cyber-surveillance dual-use technologies against activists and journalists".

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65. The five arrested activists were:

- Nasser bin Ghaith; an Emirati economist and lecturer at the Abu Dhabi branch of the Paris-Sorbonne University ;
- Ahmed Mansoor; an Emirati engineer, a blogger and a human rights activist ;
- Fahad Salim Dalk; an Emirati online activist ;
- Hassan Ali al-Khamis; an Emirati online activist ;
- Ahmed Abdul Khaleq; a bedoon online activist.

66. <https://citizenlab.ca/2016/08/million-dollar-dissident-iphone-zero-day-nso-group-uae/>

67. [https://www.europarl.europa.eu/doceo/document/TA-8-2018-0376\\_EN.html?redirect](https://www.europarl.europa.eu/doceo/document/TA-8-2018-0376_EN.html?redirect)

On 7 May 2019, the UN Special Rapporteur on torture and six other UN human rights experts condemned this situation, noting that those conditions may amount to torture<sup>68</sup>.

However, he remains detained in solitary confinement in an isolation ward in Al-Sadr prison, Abu Dhabi, in dire conditions<sup>69</sup> with no bed or access to books, and no access to a shower or cleaning products. While he has a toilet and sink, running water has occasionally not worked properly in the prison. Since his arrest on 20 March 2017, Mansoor has only been permitted to leave his small cell for a limited number of family visits and only once has he been allowed outside for fresh air in the prison's exercise yard. In protest, he went on two separate hunger strikes in 2019 which have damaged his health, leaving him unable to walk<sup>70</sup> during the visit with his family in January 2020. In a subsequent phone call, he told his family that he was okay, leading to the presumption that he had ended a lengthy hunger strike which he began in September 2019 and which lasted for at least five months<sup>71</sup>.

Despite concerns voiced by UN Human Rights Experts on March 28, 2017 "We regard Mr. Mansoor's arrest and detention as a direct attack on the legitimate work of human rights defenders in the UAE." and later again on May 07, 2019 "According to reports at our disposal, throughout his deprivation of liberty, Mr. Mansoor has been kept in solitary confinement, and in conditions of detention that violate basic international human rights standards and which risk taking an irrevocable toll on Mr. Mansoor's health. He sleeps on the floor, denied a mattress or pillow, between the four walls of a tiny solitary cell in a desert prison in the United Arab Emirates (UAE), a country which zealously strives to portray itself as tolerant and rights-respecting<sup>72</sup>." To this date, his conditions of detention do not seem to have improved.

Ahmed Mansoor is only one of many individuals arrested for questioning the authorities, calling for freedom of expression, or criticizing the United Arab Emirate's role in the war in Yemen. Arrested dissidents are frequently forcibly disappeared, denied access to legal counsel before trial, tortured, kept in solitary confinement, and coerced into confessing. Despite allegations of such abuse, courts routinely ignore or deny defendants' claims<sup>73</sup>.

"Human rights activists Osama al-Najjar and Ahmed Mansoor, attorney at law Mohammad Al-Roken<sup>74</sup>, university lecturer Nasser Bin Geith, women human rights defenders Amina Abdulali, Alia Abdalnour and Mariam Al-Baloushi were sentenced to long prison terms by UAE officials for peacefully expressing their beliefs. Audio recordings of these prisoners indicates their being subjected to torture and cruel behaviour and treatment<sup>75</sup>." The Gulf Centre for Human Rights (GCHR) has received reports confirming that human rights defender Osama Al-Najjar along with two other prisoners of conscience, Badr Al-Bahri and Othman Ibrahim Al-Shehhi, were released from Al-Razeen prison on 08 August 2019. Osama Al-Najjar, an online activist, was due for release on 17 March 2017, but at the prosecutor's request, the court labelled him a "threat" to national security and extended his detention indefinitely. Al-Bahri was supposed to be released on 12 April 2017 while Al-Shehhi was due for release on 23 July 2018<sup>76</sup>.

Lastly, such repression targets also Human rights defenders that are not nationals of the UAE but foreign citizens, who are advocating for reforms in other countries. As such in february 2021, Ahmed Etoum, a Jordanian citizen resident of the UAE, was sentenced to 10 years in prison, on vague charges of "acts against a foreign State", following posts he had published on Facebook that were peacefully criticizing the Jordanian State, to an audience of a mere 4000 followers<sup>77</sup>.

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68. Press Release, UAE: UN experts condemn conditions of detention for jailed activist Ahmed Mansoor, OHCHR (May 7, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24571&LangID=E&fbclid=IwAR22NPue4IVgNOAz3QvR3CsMuFAyy1zzfPOH9PshHRVt9PK4czLrWzCwBDc>

69. <https://www.gc4hr.org/news/view/2109>

70. <https://www.gc4hr.org/news/view/2319>

71. <https://www.gc4hr.org/news/view/2408>

72. <https://www.gc4hr.org/report/view/125>

73. Prosecution of Human Rights Defenders and Intellectuals – Written statement by ADHRB to UN Human Rights Council (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/181/97/PDF/G1918197.pdf?OpenElement>)

74. <https://www.omct.org/human-rights-defenders/urgent-interventions/united-arab-emirates/2019/11/d25593/>

75. [http://www.odvv.org/resources/attachment/1562750894\\_cdb22f7b4e928546ecd41eb0fc2cf985.pdf](http://www.odvv.org/resources/attachment/1562750894_cdb22f7b4e928546ecd41eb0fc2cf985.pdf)

76. <https://www.gc4hr.org/news/view/2185>

77. See Human Rights Watch presser « UAE: Jordanian Convicted for Criticizing Jordan on Facebook », 11 February 2021, <https://www.hrw.org/news/2021/02/11/uae-jordanian-convicted-criticizing-jordan-facebook>

## PART 1.2. ROLE OF THE UAE IN YEMEN

### Impunity & international support

After more than seven years of war, numerous violations of international humanitarian law and human rights law were and are being committed by all the warring parties. The lack of rule of law in any part of the territory, affected everyone in Yemen, whether through direct impact -such as the effects of air-strikes, landmines or ground shelling, obstruction of humanitarian aid, the direct consequences of the blockade of ports- or indirect ones -like the emergence of epidemics -cholera, diphtheria, Covid-19. While Yemen's health care system has almost collapsed<sup>78</sup>, the collapsed economic situation and poverty rate are widely affecting the Yemeni people. The effects of the war on the population are accumulating over the years. All the parties to the conflict have consistently attacked civilians and civilian infrastructure in violation of the laws of war through arbitrary detention, enforced disappearance, torture, and other inhumane behaviors. The Saudi-Emirati-led Coalition forces have also enforced a naval blockade of the major ports of the country (Hodeidah port, Ras Isa and Salif) controlled by the Houthis, which has obstructed the imports of food, fuel, and medical supplies. In a country going through the worst humanitarian crisis in the world, according to UN agencies, parties to the conflict have deprived civilians of objects that are essential to their survival (OIS)<sup>79</sup>.

Despite years of credible reporting of the Saudi-Emirati-led Coalition's abuses in Yemen by NGOs, and despite the recent decision from the Biden administration in the USA to suspend arms sales to the Kingdom of Saudi Arabia (but not to the UAE)<sup>80</sup>, some Western partners of the Kingdom of Saudi Arabia (KSA) and the UAE, namely the UK and France, have continued to sell weapons that are being used in the Yemen conflict. Western partners have also provided the coalition with intelligence, logistical support, targeting assistance and training to the forces of the coalition. The country is now on the verge of separation, while one of the key objective of France was to "maintain the unity of Yemen".

### Political context

#### Key players

The armed conflict in Yemen began in late 2014, when Ansar Allah (the Houthi armed group) took over Yemen's capital, Sana'a, by force, and escalated in 2015 with the intervention of the Saudi-Emirati-led coalition on behalf of the internationally-recognized government of Yemen against the Houthis. Even prior to that escalation, Yemen was one of the poorest countries in the world, with the lowest human development indicators in the Middle East and North Africa. Since March 26, 2015, KSA and the UAE have launched the Decisive Storm offensive and led a coalition against the Houthi movement in Yemen, in the declared objective to defend the President Hadi and his legitimate government, and to defend the integrity of the Yemeni territory, against the Houthi movement, backed by Iran. The internationally recognized government (IRG) of President Hadi, now in exile in Riyadh (KSA), is supported by the KSA and UAE-led coalition.

In late January 2018, an armed conflict erupted in Aden between troops under command of President Hadi and those affiliated with the Southern Transitional Council (STC), both in principle on the same side of the Yemeni war. The consequence of the fragmentation of State authority in southern Yemen, a secessionist body – the Southern Transitional Council (STC) – established itself, not without protestation, as the "legitimate representative" of the southern people (Southern Transitional Council, 7 December 2018). Since its emergence in 2017, the STC has evolved into a

78. For more info, see the attacks of the health care facilities in Yemen committed by the parties to the conflict, consider Mwatana and PHR's report, "I ripped the IV out of my arm and started running", published on March 18, 2020, available at: <https://mwatana.org/wp-content/uploads/2020/03/Attacks-on-Health-Care-in-Yemen-Report.pdf>

79. For more info, see the attacks of objects that are essential to civilians' survival (OIS) in Yemen committed by the parties to the conflict, consider Montana and GRC's report, «Starvation Makers», published on Wednesday, September 1, 2021, available at: <https://mwatana.org/wp-content/uploads/2021/09/Starvation-Makers-2021-En.pdf>

80. [https://twitter.com/K\\_Beckerle/status/1382970421855805441?s=20](https://twitter.com/K_Beckerle/status/1382970421855805441?s=20)

state-like entity with an executive body (the Leadership Council), a legislature (the Southern National Assembly), and armed forces, although the latter are under the virtual command structure of the Interior ministry in the internationally-recognised government of President Abdrabbuh Mansur Hadi<sup>81</sup>.

As the rest of warring parties, namely the Ansar Allah (Houthi movement) and KSA-UAE-led Coalition forces, the Southern Transitional Council (STC) and the joint forces in the West Coast, directly backed by the UAE, are also very important perpetrators of violations. The UAE after announcing withdrawal publicly from the country in 2019 maintained its special forces in Al-Mukha, Shabwah, Hadhramaut, Bab al-Mandab, Socotra.

On 5 November 2019, the internationally recognised government of Yemen (IRG) signed the Riyadh Agreement with the Southern Transitional Council (STC) separatist group backed by UAE, aiming to settle an armed conflict between the sides that had reignited three months earlier, when the STC expelled the IRG from its temporary capital of Aden. This outbreak of violence forced the international community to focus on the southern question, after it had side-lined the issue to deal with the crisis resulting from the Houthi takeover of Sana'a and most of the country's highlands in 2014<sup>82</sup>.

On Feb. 9, 2020, after five years of involvement in Yemen's civil war as part of the Saudi-Emirati-led Coalition, the UAE's leadership celebrated<sup>83</sup> the completion of its phased military withdrawal from the country in a ceremony at Zayed Military City. Although the UAE's withdrawal has provided an exit strategy from the stalemate in Yemen, it neither suspends its role in the coalition nor curtails Emirati influence on the ground. It rather constitutes a switch from direct to indirect engagement in the country through increased reliance on local proxies and partners, as the deputy chief of staff of the UAE's armed forces, Lt. Gen. Eisa Saif al-Mazrouei, recently reiterated<sup>84</sup>.

Another stakeholder whose presence is ongoing since the beginning of the conflict and which is surviving on the very fertile grounds of the conflict are Jihadist groups, namely AQAP, ISIS and Ansar Al Sharia. The UAE has been heavily involved in countering the threat of violent extremism, notably as they pushed AQAP out of the port city of Mukalla in 2016, and through their training of local units, most notably the Security Belt Forces (see below), to carry out counter-terrorism campaigns in, for instance, Abyan governorate in 2017. UAE-backed operations have been ongoing, coupled with U.S. counter-terrorism strikes in Yemen. However, the absence of an effective Yemeni government, evident in the volatile security situation in the southern governorates (despite the conclusion of the Riyadh Agreement), suggests that the environment remains conducive for AQAP to resurge<sup>85</sup>.

## Strategic objectives of KSA & UAE in the conflict

As previously mentioned, while launching the 'Decisive Storm' offensive in 2015, KSA and UAE declared as their key objective the will to defend President Hadi and his legitimate government, to defend the **integrity of the Yemeni territory**, against Ansar Allah Houthi movement, backed by Iran.

In parallel, the two countries had slightly different objectives while engaging in this conflict. KSA was willing to assert its regional power in front of Iran, while the UAE had a territorial objective of controlling the Southern part and western coast of Yemen, which is seen as a way to expand Emirati influence over the red sea and the horn of Africa. One of the undeclared goals of the UAE in their intervention was to gain a strategic access to the Indian ocean. Their modes of action were also different: KSA mainly conducted air-strikes in the North, while the UAE sent troops on the ground in the South, in the western coast of Yemen, in Socotra island in the Indian ocean. The amount of international outcry they provoked is also different and the UAE seems to be much better at keeping its crimes and violations discrete than KSA.

81. <https://acleddata.com/blog/2019/05/09/yemens-fractured-south-shabwah-and-hadramawt/>

82. [https://ecfr.eu/publication/war\\_and\\_pieces\\_political\\_divides\\_in\\_southern\\_yemen/](https://ecfr.eu/publication/war_and_pieces_political_divides_in_southern_yemen/)

83. <https://www.thenationalnews.com/uae/uae-rulers-celebrate-armed-forces-efforts-in-yemen-1.976400>

84. <https://www.mei.edu/publications/uae-may-have-withdrawn-yemen-its-influence-remains-strong>

85. <https://www.mei.edu/publications/uae-may-have-withdrawn-yemen-its-influence-remains-strong>

While the UAE officially withdrew from the Yemeni conflict in 2019, leaving the Saudis alone on the ground, they are not abandoning their own objectives, notably continuing to occupy the gas port of Balhaf and the island of Socotra. "The UAE's strategy of influence involves the creation of commercial and military ports from the Horn of Africa to the Mediterranean," explains Soubrier. At the same time, they support Yemeni factions, such as the Southern Transitional Council (STC) and the Joint Forces in the western coast of Yemen. "We no longer need our own forces [on the ground]. We are funding, training and equipping thousands of Yemeni soldiers to fill the vacuum," says Abdulkhaleq Abdulla, a professor of political science at the UAE University <sup>86</sup>.

## Political situation in the South of Yemen

The oil-producing regions of Shabwah and Hadhramaut, in the South of Yemen, have long enjoyed a high degree of autonomy from the central government. Alongside a presence of Islamist militants affiliated with the local branch of Al-Qaeda in the Arabian Peninsula (AQAP), which has been significantly limited since 2016, a fragile security situation has exacerbated tensions between the state and the local authorities and an ongoing conflict between the government forces of President Hadi against the forces of the Southern Transitional Council.

### Shabwah Governorate

Between 2015 and 2017, Shabwah was one of the central frontlines in the conflict between Houthi-Saleh forces and Hadi loyalists. In addition to its centrality in the civil war, Shabwah has been home to a prolonged insurgent campaign by AQAP. The group has typically engaged in attacks against army and security forces<sup>87</sup>.

The United States and the UAE-trained Shabwani Elite Forces (*see below in Perpetrators*) conducted several counter-terrorism operations that have succeeded in inhibiting AQAP's activity in Shabwah<sup>88</sup>. Yet the US-led drone strikes claimed an increasingly high number of civilian fatalities. The frequency of US-led strikes dwindled as of 2016, while the Shabwani Elite Forces were involved in an increasing number of events during the same period. During the 2017-2019 period, the Shabwani Elite Forces extended their territorial outreach across the governorate and UAE-backed armed units were deployed in southern Shabwah, Azzan, As Said, Ataq, under the pretext of conducting counter-terrorism campaigns against militants<sup>89</sup>.

### Hadhramaut Governorate

While it was spared from any Houthi incursions, the governorate of Hadhramaut made the headlines when AQAP took over its capital, al-Mukalla, in April 2015, and managed to run Hadhramaut's capital for an entire year<sup>90</sup>. The control of Yemen's third largest port and the country's fifth largest city, with a population of around 500,000, arguably allowed AQAP to become "stronger than at any time since it first emerged almost 20 years ago"<sup>91</sup>. From January 2016 until the ousting of AQAP militants from the city in April 2016, ACLED data show that Mukalla was the second district in Yemen with the most AQAP activity, reflecting the organisation's grip on the city<sup>92</sup>.

Emirati military officials reportedly set their eyes on regaining control over Mukalla in late 2015. To that effect, they brought back Yemeni military leader Faraj Al-Bahsani from his 20-year exile in Saudi Arabia and Egypt, and placed him as commander of the 2nd Military District in November 2015, to oversee, alongside Emirati officials, the training of the Hadhrami Elite Forces. A total of around 12,000 tribal fighters and other locals from the governorate were mobilised, and successfully recaptured Mukalla in just a few days, with air and ground support from Emirati and US forces<sup>93</sup>.

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86. <https://www.monde-diplomatique.fr/2021/03/THIEBAUD/62841>

87. <https://sanaacenter.org/publications/analysis/7306>

88. <https://sanaacenter.org/publications/analysis/7306>

89. Al-Ittihad, 8 January 2019; Al-Mashareq, 22 January 2019; Sky News Arabia, 26 March 2019

90. The Independent, 17 August 2018

91. Reuters, 5 April 2016

92. <https://acleddata.com/2019/05/09/yemens-fractured-south-shabwah-and-hadramawt/>

93. The Atlantic, 22 September 2018



The Hadhrami Elite Forces, which might amount to as many as 30,000 fighters according to some Emirati estimates<sup>94</sup>, have since largely replaced regular forces in the coastal areas of Hadhramaut, moving from their initial counter-terror task to becoming the region's main security provider.

Coastal Hadhramaut is now *de facto* ruled by the STC, although its governor, Faraj Al-Bahsani, has not broken ties with the Hadi government. Similarly, the Hadhrami Elite Forces are one of the armed wings of the STC, although they officially fall under the jurisdiction of the Ministry of Interior in the internationally-recognised government (IRG)<sup>95</sup>. In Mukalla, the headquarters of the 2nd Military District, headed by Al-Bahsani, can be found alongside an Emirati military base<sup>96</sup>.

## UAE proxy forces

The UAE established several organisations designed to provide security in southern governorates: "Security Belts" in Abyan, Aden, Dhali', Lahij, and Socotra; and "Elite Forces" in Hadhramaut and Shabwah. These groups have been trained and deployed with Emirati assistance, and are paid directly by the UAE. So, they do not answer to Yemen's Ministry of Defence or Ministry of the Interior. These forces are associated with the STC in western and southern governorates. Thus, the STC can enforce its will through the Security Belts<sup>97</sup>.

As clearly stated by the report of the UN Panel of Experts, "official Yemeni sources informed the Panel that the Government of Yemen does not have complete operational control over these forces [the Security Belt, Aden, and the Elite Forces (Shabwani and Hadhrami Elite forces)] and their leadership. These forces carry out operations independently of the Government, and are, sometimes, tasked by the UAE forces themselves. The Panel was also informed by official Yemeni sources that: (a) Salaries of the Security Belt, for example, are paid directly by the UAE to the Security Belt forces, and the salary paid exceeds significantly from what is paid to regular forces operating under the Government of Yemen (see annex 65); The Panel has identified the Elite Forces and Security Belt as proxy forces of the Saudi Emirati-led coalition. The fact that the UAE military forces themselves engage in violations with impunity creates an environment conducive to violations. It then enables the Yemeni forces operating with the UAE, also to engage in the same violations with enhanced impunity<sup>98</sup>."

Shabwani Elite Force, a group trained by the UAE with the ostensible goal of protecting the governorate from jihadist groups, remained active until September 2019, when the Yemeni IRG drove its 6,000 fighters out of most of the governorate<sup>99</sup>.

These counter-terrorism proxy forces do not always have a clear and delineated division of responsibility and there is a split within forces under the Ministry of Interior between units loyal to the Hadi government and others working with the UAE, as explained by Amnesty International in a 2018 report<sup>100</sup>. In Aden, for instance, at least three different forces have carried out arrests: in addition to the Security Belt, at least two different forces under the Aden Security Directorate –in theory an entity of the Ministry of Interior –have been carrying out raids and arrests in collaboration with the UAE. One of the Security Directorate forces is a much-dreaded counter-terrorism unit. In several of the cases of arrests in Aden documented by Amnesty International, families could not tell for sure which of the three UAE-backed forces mentioned in this paragraph carried out the arrests.

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94. The National, 11 September 2018

95. UN Panel of Experts, 26 January 2018, available at: [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2018\\_68.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2018_68.pdf)

96. <https://acleddata.com/blog/2019/05/09/yemens-fractured-south-shabwah-and-hadramawt/>

97. [https://ecfr.eu/publication/war\\_and\\_pieces\\_political\\_divides\\_in\\_southern\\_yemen/](https://ecfr.eu/publication/war_and_pieces_political_divides_in_southern_yemen/)

98. S/2018/68 [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2018\\_68.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2018_68.pdf) **Annex 62 / page 283**

99. [https://ecfr.eu/publication/war\\_and\\_pieces\\_political\\_divides\\_in\\_southern\\_yemen/](https://ecfr.eu/publication/war_and_pieces_political_divides_in_southern_yemen/)

100. <https://www.state.gov/wp-content/uploads/2019/03/YEMEN-2018.pdf>



## Identification of Perpetrators of Human Rights violations

In eight cases reviewed for this report, perpetrators of grave human rights violations were identified as being either directly Emirati officers or their proxy forces: the above mentioned Elite Forces (either Shabwani Elite Forces or Hadhrami Elite Forces), the Security Belt Forces, or the Yemeni anti-terror forces under the control of the UAE, referred to as the 'masked anti-terror forces'.

**Arbitrary arrests** were mostly conducted by proxy forces in terrifying night raids at their home, or at checkpoints, or from victims and survivors workplace.

*Ali Saleh was arrested in August 2016 by armed men from Hadhrami Elite Forces in al-Mukalla district, Hadhramaut governorate.*

*Muhammad was arrested in June 2018, at Dofas security checkpoint in Abyan, where he was stopped and beaten by the commander of the checkpoint, before being transported aboard a brown pickup vehicle without license plates that was carrying ten armed men from the Security Belt Forces to an unknown location.*

*In the case of Ali Ahmad, seven security belt military vehicles and two Emirati armoured vehicles belonging to the Security belt came to a residential house in Mansoura district, Aden governorate, and searched for him. When they did not find Ali Ahmed, the forces arrested two of his relatives and took them to the projects camp of the security belt forces in the Mansoura district, Aden governorate and requested that Ali Ahmed surrender himself to release his relatives. Ali Ahmed later surrendered to the camp where he was arrested.*

*Sami was arrested in August 2016, as forces consisting of 12 military vehicles and 5 armored vehicles affiliated with the Security Belt Forces surrounded a hospital in Abyan Governorate, and arrested him as the director of a hospital, and took him blindfolded and handcuffed to Mansoura prison in Aden governorate.*

*Muhsin Muhammad was arrested in May 2017 by masked gunmen from the anti-terror forces who stormed his house in the Mansoura district of Aden governorate, tied his hands and took him on a military vehicle to an unknown destination.*

*In the case of Nasser and his brother, seven armed men in black military uniforms and wearing masks of black anti-terrorist forces raided a house in the Brega district of Aden governorate in December 2017 to arrest them. The father of the victims told Mwatana: "I was asleep when I heard a heavy gunfire, and I rushed to see what was happening. I was horrified and I saw seven masked gunmen storming the house. They tied Nasser's hands and blindfolded him and took him outside. My other son (17 years old) had gone out to the roof of the house to tell what was happening, but the soldiers were deployed on the rooftops of the neighbouring houses, they started shooting and arrested him, too. We found a lot of blood on the roof of the house and the neighbour's house." To this date, Nasser's brother is still disappeared.*

*In the case of Kareem Ali armed members belonging to the Shabwani Elite Forces raided his house in Ataq city in Shabwah governorate in June 2019 and arrested him.*

**Torture in the eight cases reviewed, was mostly (in six cases out of eight) conducted by Emirati officers themselves.** (For detailed descriptions of patterns of torture, see below).

*Ali Ahmed told Mwatana "Emirati soldiers used to torture us naked using electricity under water." In the case of Sami, all the officers who tortured him in Bir Ahmed I prison were Emirati soldiers. Nasser was tortured, beaten and insulted during interrogation by Emiratis officers in the coalition prison. Kareem Ali told Mwatana "I was tortured most of the days with electricity by an Emirati officer who always wore black glasses and was swearing all the time."*

## Grave human rights violations committed in the South of Yemen

The political situation in the South of Yemen and particularly in Shabwah, Hadhramaut (described above), also Abyan, Aden, governorates has allowed for grave human rights violations to be perpetrated in total impunity by the different political actors controlling the territory and constituting the UAE-backed Southern Transitional Council, namely Emirati army officers, Support and Attribution Brigades, Anti-terror masked armed officers, and armed groups such as the Security Belt forces, Shabwani Elite forces, Hadhrami Elite forces. The wide range of human rights violations they have committed and the gravity of the cases is alarming and widely documented.

The eight incidents collected for this report follow a similar pattern of violations, which also correspond to findings coming from previous documentation efforts undertaken by Mwatana and the GEE in their various reports. The eight incidents are cases of arbitrary arrests, arbitrary detention and enforced disappearance and torture. Arrests happened between 2016 and 2018 and testimonies were collected by Mwatana between 2018 and 2019, either after the releases of the survivors or were testimonies of family members of the victims and survivors. For six out of the eight cases, the victims and survivors were also forcibly disappeared. There is one case of death in detention. For four out of the eight cases, mentions of sexual violence have been made. **It is notable that the eight victims and survivors were targeted due to their alleged affiliation to terrorist groups or their political opinions perceived as from the 'enemy' side of the conflict.**

We will focus on the type of human rights violations that the eight incidents collected allowed us to study, but it is important to remind the reader that other types of violations have been committed by the UAE-backed forces as of 2015, such as torture, enforced disappearance, arbitrary detention and attacks on hospitals and schools, documented by Mwatana in their previous reports as of 2016. It is also important to recall that in areas of Yemen controlled by other political forces, similar type of human rights violations are also widely documented.

### Arbitrary arrests

Arbitrary arrests are conducted on a wide scale by UAE-backed STC forces. In most of the cases reviewed, arrests happened in the middle of the night, with heavily armed forces and large number of armoured vehicles and men – whether Security Belt forces, Shabwani Elite forces, Hadhrami Elite forces, or Anti-terror masked army officers - entering the house of the victim/survivor, without presenting a warrant and taking the victim/survivor to an undisclosed location.

- *“17 masked gunmen from the masked anti-terror forces backed by UAE in Aden came to residential house in the Mansoura district of Aden governorate, arrested Muhsin Muhammad, his hands were tied and he was taken on a military vehicle to an Unknown destination.”*
- *“Seven armed men in black military uniforms and wearing masks of black masked anti-terror forces in Aden raided a house in the Brega district of Aden governorate, where they arrested Nasser (23 years old - motorcycle driver) and his brother (17 years old). As part of a large-scale campaign of arrests and raids in the Brega district that night, they were taken on military vehicles and armoured vehicles to an unknown destination.”*
- *“Armed members belonging to the Shabwani Elite Forces raided the house of Kareem Ali in Ataq city in Shabwah governorate.”*

Most arrests target individuals who are seen as political opponents – in one case the survivor is someone who criticized the Saudi-Emirati coalition exactions on social media; in another case the survivor is a civil rights activist – or accused of being affiliated to terrorist organisations (AQAP, Al Qaeda or ISIS) without any proof of such allegation. As reported by the GEE in its third report, “in many cases, these violations are being committed against persons who are perceived as opposed to a particular party to the conflict, including human rights defenders and journalists<sup>101</sup>.”

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101. <https://www.amnesty.org/download/Documents/MDE3186822018ENGLISH.PDF>

According to Mwatana's report, *Into the Darkness*, "people were forcibly taken, disappeared and tortured on the accusation of belonging to al-Qaeda or other extremist organizations like ISIS. Because the coalition pays sums of money for collaborators who report suspicious people or behaviour, this encouraged and widened the scope of abuse. People were reported to settle personal accounts or to earn money." This pattern is used by the UAE and its allies "to suppress any opposition to their activities and abuse in Yemen. Mwatana has documented the detention of activists due to their criticism of Coalition practices and of its military and security operations. After August 2019, accusations of working with "government forces" or "cooperating with them" were sufficient to inflict the most severe responses by the Security Belt and Elite Forces of the UAE-backed Southern Transitional Council.<sup>102</sup>"

- *In one of the cases reviewed for this report, after the death of the victim, the father of the victim received threatening letters from the security belt that asked him to leave his house on the pretext that his son was a terrorist. (see the case of death in detention)*
- *In another case, "They accused Kareem Ali of communicating with a foreign country hostile to Yemen, according to what they mentioned in his file consulted by the family."*

## Enforced disappearance, including death in detention

Enforced disappearance is also a current practice of the UAE-backed and UAE officers directly involved in the Southern governorates they control. During 2018, Mwatana documented at least 203 enforced disappearances, including at least 112 incidents that occurred in areas under the control of armed groups loyal to the Saudi- Emirati-led Coalition and President Abdrabbuh Mansur Hadi, in the governorates of Aden, Al Jawf, Taizz, and Marib. 91 other disappearances took place in areas under the control of the armed group Ansar Allah (Houthis)<sup>103</sup>. During 2017, all parties to the conflict in Yemen: Ansar Allah group (the Houthis), armed groups supported by the Saudi-Emirati-led- Coalition, pro-Hadi forces, were responsible for cases of enforced disappearance in the areas under their control. All parties to the conflict committed such violations against their political opponents or against civilians suspected of links with or sympathy for their opponents<sup>104</sup>.

As recalled by the Declaration on the Protection of all Persons from Enforced Disappearance (UN 1992)<sup>105</sup>, this practice places the persons subjected thereto outside the protection of the law and inflicts severe suffering on them and their families. It constitutes a violation of the rules of international law guaranteeing the right to recognition as a person before the law, the right to liberty and security of the person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life, as evidence by the case of Muhammad (case of death in detention – see below) who was killed during the time of his enforced disappearance.

This widespread practice concerned five out of the eight cases studied. In most cases, the victim/survivor is subjected to enforced disappearance right after the arrest, and it is generally during the time of enforced disappearance that the victim / survivor is first subjected to torture.

- *Ali Saleh was forcibly disappeared for one full year after his arrest by the Hadhrami Elite forces.*
- *Ali Ahmed was forcibly disappeared for one year and two months after he had to hand himself down to a "project camp" belonging to the Security Belt forces where he was immediately detained.*
- *Muhsin Muhammad was forcibly disappeared for five months after masked gunmen from the Anti-terror forces came to his house in the Mansoura district of Aden governorate, his hands were tied and he was taken on a military vehicle to an unknown destination.*
- *Nasser was forcibly disappeared for 3 months. His brother is still disappeared. In December 2017, seven armed men in black military uniforms and wearing masks of black anti-terrorist forces*

102. <https://www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/2020-09-09-report.pdf>

103. <https://mwatana.org/wp-content/uploads/2020/06/In-the-Darkness.pdf> page 18-19

104. Mwatana 2018 Annual Report 'Withering Life' page 60

105. Mwatana 2017 Annual Report 'Woes of Arabia Felix' page 66

*raided a house in the Brega district of Aden governorate, where they arrested Nasser (23 years old - motorcycle driver) and his brother (17 years old). Both were taken on military and armoured vehicles to an unknown destination.*

## **Death following torture during enforced disappearance**

One of the cases reviewed is a case of death in detention following torture.

- *Muhammad was stopped at Dofas security checkpoint in Abyan, where the commander of the checkpoint started to beat him. He was then transported aboard a brown pickup vehicle without license plates that was carrying ten armed men from the security belt to an unknown location. Muhammad was forcibly disappeared for several days until his body was found, dropped in front of a hospital. Mwatana received a picture of the victim's body, which was stained with blood with two missing eyes, broken teeth, in addition to six gunshots throughout his body, one of which was in his genitalia. The effects of electric torture were visible, and the feet were still bound with iron chains. The victim's father received the body and buried it, after the hospital refused to make a medical report on the pretext that the victim had been found in the hospital courtyard and had not entered the emergency room.*

## **Arbitrary detention**

All eight cases reviewed are cases of arbitrary detention. As documented by Mwatana in numerous previous reports, arbitrary detentions are widely used by all parties to the conflict. In 2018, Mwatana for Human Rights documented at least 224 arbitrary detentions<sup>106</sup>. In 2017, Mwatana for Human Rights documented as many as 69 arbitrary detention cases<sup>107</sup>. The GEE three reports also investigated several cases of arbitrary detention by all parties to the conflict including the UAE and UAE-backed forces. In its third report published, the GEE found that parties to the conflict have continued to arbitrarily arrest and detain people in violation of Yemeni and/or international law. Persons arrested on criminal charges are frequently denied their right to be brought before a court within 24 hours as required under the Yemeni constitution. Many cases investigated by the Group involved persons being detained by militias affiliated with authorities in control of territory, and held without charge for prolonged periods.

The pattern of the eight detention cases reviewed shows the recurrent practice of changing place of detention, as most of the cases changed at least three times of detention site, while in a case the detainee was moved to five different detention places over his two years of detention:

- *according to Kareem's father, "he was detained in the Elite Camp prison in Azzan district, and later that day he was transferred to Belhaf prison, Shabwah governorate. I learned later that Kareem was in al-Dhabba prison in al-Shihr, Hadhramaut governorate for two months. Kareem was then transferred to the Criminal Investigation prison in the city of Mukalla, in which he remained for three months. Finally, he was taken to the Central Prison in Mukalla." Kareem was finally released in April 2021.*

## **Arbitrary detention including in unofficial and secret detention sites**

The findings of the GEE third report refer to the practice of detaining people in unofficial and secret detention sites. (see below – *Network of unofficial and secret places of detention*)

## **Detention conditions**

In all eight cases reviewed, the detention conditions were extremely bad. Detainees are regularly deprived of contact with their families and lawyers. Hygiene conditions are precarious. Food and drinking water are scarce. Space is extremely limited.

106. <https://www.ohchr.org/EN/ProfessionalInterest/Pages/EnforcedDisappearance.aspx>

107. Mwatana annual reports 2019 and 2020 available at : <https://mwatana.org/en/without-accountability/> and <https://mwatana.org/en/a-tragedy-without-justice/>

- *Mohamed Ahmed, in Al Rayyan prison, was not allowed to use the bathroom and was given only one bottle of water a day, sometimes contaminated and dirty water. He said "we didn't have enough water to drink, we had to drink our urine".*
- *Detainees as submitted to psychological pressure by their guards through regular searches and intimidation practices as recalled by Ali Ahmad "I stayed in Bir Ahmed prison for about a year and two months. During my prison period, Emirati soldiers came twice to search us in an insulting way, Emirati soldiers stripped us of our clothes to search us and those who refused to that they let police dogs enter their cells."*
- *Sami was denied his medication « they refused to give me my medication and later they gave me medicines other than the one I used, which caused me side effects including dizziness, shortness of breath and poor eyesight and focus, even though I gave them the names of my medications specifically »*
- *Muhsin Muhammad recalls "I was put in a light and air-conditioned 2 \* 4-meter cargo container, there were about 7-11 detainees. The food was barely enough for us."*
- *Nasser suffered from skin diseases as a result of poor conditions inside the detention centre.*
- *Karim told Mwatana "In Dhaba Prison in the city of Shihr in the Hadhramaut governorate we were subjected to psychological but not to physical torture. "One time", he said, "they came and told me: "Your father died", and another time they told: "Your mother died". They used to interrogate me one day every week."*

## Torture

The use of torture has also been denounced as the beginning of the conflict. As mentioned in the GEE third report, "those in detention are frequently subjected to torture and other forms of cruel, inhuman or degrading treatment. The Group of Eminent Experts continued to investigate arbitrary detention and torture, including sexual violence against men and boys, perpetrated by United Arab Emirates forces.

In 2017<sup>108</sup>, Mwatana documented 29 incidents of torture committed by Ansar Allah (the Houthis), in four Yemeni governorates, Sa'ada, Sana'a, Taizz and Al Hudaydah, including three cases where torture led to death. It also documented 52 cases, which armed groups – affiliated to the Saudi-Emirati-led Coalition and pro-Hadi forces– carried in six Yemeni governorates: Aden, Abyan, Lahj, Marib, Hadhramaut and Shabwah, including 1 case where torture led to death.

In 2018<sup>109</sup>, Mwatana documented 62 torture cases, including at least 45 committed by the Security Belt Forces and Hadhrami and Shabwani Elite Forces (proxy Emirati forces) and forces loyal to President Hadi in Abyan, Shabwah, Taizz, Aden, and Hadhramaut governorates. Four people died as a result of the documented torture.

## Patterns of torture

As documented in Mwatana 2017 annual report, the Ansar Allah Houthi Movement, as well as the armed groups of the Saudi- Emirati-led Coalition, such as the Security Belt and the Hadhrami Elite forces, practice torture and fatal torture, using beatings with batons, metal bars, kicking, slapping, burning and water-boarding. In some of the cases, documented by Mwatana, torture led to death. Torture is used as a means to coerce a confession during interrogations.

According to Mwatana 2018 annual report, "despite the brutality of the torture so frequently carried out, perpetrators on all sides have escaped punishment. Victims of torture usually do not submit complaints, either because there is widespread lack of confidence in judicial institutions or because they are afraid of retaliation from the responsible authorities."

In the eight cases reviewed for this report, **all eight were subjected to torture, and one died as a result of it.** Torture included severe beatings with iron bars, wood batons or wires, kicks,

108. Mwatana 2017 Annual Report 'Woes of Arabia Felix' Page 76

109. Mwatana 2018 Annual Report 'Withering Life' page 64



electrocution, sunlight deprivation, drowning in the water while being upside down.

- Ali Saleh told Mwatana « I was blindfolded and handcuffed, they beat me cruelly with a thick wooden stick, until I passed out. »
- Ali Ahmad said « They stripped me of my clothes and hung both my hands and tied them to the ceiling and they started to beat me with a headband that Emirati traditionally wear, and a thick electric wire, then they moved me into a cell with only one prisoner with me and I stayed there for about a month.” The survivor adds: “During this time, they used to take us out three times a week in to interrogate us and torture us. The Emirati soldiers used to torture us naked using electricity under water.”
- Sami told Mwatana: “After 11 days of detention [in the unknown detention centre], I was taken to the interrogation room and tortured, they tied every hand to the opposite leg and they beat me with wire and electrocuted me and beat me with a large wooden stick. In old Bir Ahmed prison the torture and beatings sessions continued for 6 days”
- Kareem was detained in Balhaf [see encadré about Balhaf] where he said “I was tortured most of the days with electricity by an Emirati officer who always wore black glasses and he was using profanity all the time.” The Emirati officer burned Kareem’s clothes, so he was left naked in detention, wearing only underwear for five months.

### Sexual and Gender Based Violence

Despite the difficulty in collecting testimonies of sexual violence, it is admitted that sexual violence is largely used against detainees in Yemen. According to Mwatana 2019 annual report, “the true number of victims of sexual violence is likely to be much higher, as fear of stigma is a barrier to reporting these incidents. Victims face ostracism from families and the community after experiencing sexual violence. They are often blamed for what is considered a loss of honour. Survivors and their families also often do not report sexual violence due to their fear of the security services and the dominant forces to which abusers belonged. Mwatana is unaware of any steps taken to charge or prosecute the perpetrators in any of the cases [already] documented.”

In its third report; the GEE verified that 14 men and 1 boy had been subjected to torture, including sexual violence in eight cases, to extract written confessions or punish them while levelling accusations of affiliations to different political and military groups.

Mwatana for Human Rights documented seven cases of sexual violence against 8 children in 2018<sup>110</sup>. Forces loyal to the Saudi-Emirati-led Coalition and President Hadi were responsible for sexual violence against 6 children, while the Ansar Allah Houthi movement was responsible for sexual violence against 2 children.

**Here out of the eight cases reviewed, sexual violence accounts were described in six cases. It includes targeting violence to the genitalia, forced nudity, rape (“one of them put his finger in my anus under the pretext of inspection”<sup>111</sup>).**

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110. Mwatana 2018 Annual Report ‘Withering Life’ page 68

111. As defined by the accompanying Elements of Crimes of the Rome Statute, which states that rape may occur when:

- The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body.
- The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent



## Network of unofficial and secret places of detention

As mentioned earlier in this report, the UAE after withdrawing publicly from Yemen in 2019 maintained its special forces in Aden, Lahjj, Al-Mukha, Shabwah, Hadhramaut, Bab al-Mandab, Socotra. In Shabwah governorate, two military bases, one airport and one prison have retained our attention, namely the Balhaf base and the Al Alam base, Al-Rayyan airport (in al-Mukalla), and the Bir Ahmed prison I, as UAE and UAE-backed forces are allegedly directly involved in grave human rights violations in those unofficial detention facilities. To this date, Balhaf, Al-Alam, and Al-Rayyan airport secret prisons are close. But Bir Ahmed prison is still operating.

Previous reports from NGOs, journalists and UN experts have extensively documented the existence of secret detention places led by the UAE as of 2017. To name but a few, the Observatoire des armements report<sup>112</sup> of November 2019 revealed the implication of Total in Balhaf secret prison; Human Rights Watch report and an Associated Press report<sup>113</sup> of June 2017 documented the existence of at least 18 informal detention facilities run by the UAE in Southern Yemen, Amnesty International report of 2018 documented that “the UAE effectively established an entire security structure in Yemen parallel to that of President Hadi’s government; as well as the UN Group of Eminent Experts who repeatedly mentioned the existence of secret prisons in Yemen (such as in its communication of March 2020<sup>114</sup>).

To this date, no official recognition from the UAE or its Western allies have been made of their implication into running these prisons nor of the human rights abuses committed there. UAE officials claim prisons are under the control of IRG authority, while Yemeni officials deny they have any oversight over those facilities located in the STC-controlled territory. The GEE in its investigation proved the direct responsibility of the UAE [see perpetrators]. Yemeni prosecutors gained access to at least two UAE-supervised detention facilities in Aden and started issuing release orders in October 2017<sup>115</sup>. Families in Aden and the southern city of al-Mukalla have been holding regular demonstrations calling on the coalition to implement the prosecutor’s orders and free their sons after they were cleared of any accusations<sup>116</sup>. Important number of detainees were released in different waves of liberations in July 2018<sup>117</sup>. Other detainees were subsequently transferred from unofficial detention places to newly constructed Bir Ahmed II in Aden and the Central Prison in al-Mukalla, Hadhramaut<sup>118</sup>, as has been the case for some of the cases reviewed for this report, who reappeared either in Bir Ahmed II or the Central Prison in al-Mukalla where they were finally authorised visits from their families.

- *For instance, Ali Saleh, after being held in various unofficial detention centers as of August 2016, was transferred to al-Mukalla Central Prison at the beginning of 2019. Since then the family members were allowed to visit him almost on a weekly basis.*
- *Kareem Ali, was transferred to al-Mukalla Central Prison in November 2019 five months after his arrests during which he was moved four times of places of detention, including Balhaf secret prison (see below). Kareem Ali was finally released in April 2021.*
- *Ali Ahmed, 27 years old, was transferred to Bir Ahmed II prison where he was able to communicate with his family for the first time since his arrest about a year and two months earlier. He was then released in late 2018 after two years of arbitrary detention.*
- *Sami, 44 years old, also reappeared in Bir Ahmed II prison which was his fourth place of detention in over two years of detention. He was released in July 2018.*

112. <http://obsarm.org/spip.php?article325>

113. <https://www.hrw.org/news/2017/06/22/yemen-uae-backs-abusive-local-forces>

114. « political, security and military detention facilities, official and secret alike »

115. <https://www.amnesty.org/en/latest/news/2018/07/timeline-uaes-role-in-southern-yemens-secret-prisons/>

116. <https://apnews.com/article/2ff1101408a24c6ca8d5a2c2e5ecd5f7>

117. <https://apnews.com/article/2ff1101408a24c6ca8d5a2c2e5ecd5f7>

118. <https://www.amnesty.org/en/latest/news/2018/07/timeline-uaes-role-in-southern-yemens-secret-prisons/>

- For Muhsin Muhammad, 47 years old, Bir Ahmed II was also the last place of detention where he was transferred to in October 2017, five months after his arrest, and where his family was first allowed to visit him. He was released in July 2018 after more than a year of arbitrary detention. The prosecution in Bir Ahmed prison investigated the victim and did not return the file of the charges.

*Nasser, 23 years old, also appeared in Bir Ahmed II after being forcibly disappeared for three months. He was released in April 2020.*

It is also important to note that despite being official and not secret detention places, those detention places where detainees reappear also violate their rights. For instance, in the Central Prison in al-Mukalla, as of April 2021, at least 27 individuals remain in detention in spite of being granted release: 13 were granted acquittals, three had their cases nullified by the court, and 11 have served their full sentences. According to witness testimonies and the families of the detainees, Emirati commanders are putting pressure on the Hadhramaut authorities to prevent the release of detainees. Since mid-March 2021, the city's central prison has witnessed six suicide attempts by individuals who are being arbitrarily detained. The suicide attempts were in protest of their continued detention in spite of the acquittals that had been granted to them by the prosecution and the Hadhramaut Specialized Criminal Court. Reliable sources told Mwatana that the detainees had attempted suicide by using razors in the prison bathrooms in at least four of the incidents, after which the victims were secretly taken to a hospital in Mukalla for treatment, and then were returned to the prison. According to family members' testimonies, the six detainees are now in stable condition<sup>119</sup>.

To this date, some of these unofficial detention facilities are still operating. Scores of detainees are still being abused in some of these unofficial prisons despite several waves of releases in 2018. The immediate release of those still arbitrarily detained in dire conditions is needed, especially considering the spread of Covid-19 into detention places. Truth and justice measures including reparation, redress and guarantee of non repetition for the survivors who were released and victims are needed.

119. <https://mwatana.org/en/al-munawara-central-prison/>

## 1\* BALHAF FACILITY AND MILITARY BASE – (GOVERNORATE OF SHABWAH)

From 2017 until at least 2019, the site run by the company Yemen LNG, in which Total was the main shareholder<sup>120</sup>, housed the Shabwani Elite Forces, accused of war crimes and enforced disappearances, and the Emirati special forces. Balhaf site is considered by the French Ministry of Armed Forces (DRM document) to be the base for the Emirati forces, as part of their counter-terrorism fight and its air and land operations in Yemen.

Balhaf area is located in Radhum district in Shabwah governorate on the Arabian Sea on the southern coast of Yemen, which is a coastal area extending from Balhaf in Shabwah governorate to the shores of Buroom in the Arabian Sea in Hadhramaut governorate, 150 km from al-Mukalla, the capital city of Hadhramaut, and 130 km from Ataq, the capital city of Shabwah.



The port of Balhaf is one of the main ports for the export of oil in Yemen, on the coast of the Arab Sea to Yemen, and it is used to export a mixture of crude oil from Sector 14 in Al-Masila. The port was established in 1993, after the discovery of oil in western “Ayad”, in Shabwah, and it is considered the largest industrial project in the history of Yemen at a cost of 4.5 billion US dollars. Work on the project was completed and the first shipment was exported in October 2009, and a second line was added in April 2010. It is used to export Shabwah Light oil. The Yemeni Liquefied Gas Company also operates a pipeline extending 320 km from the production and gas processing units in Marib Governorate and the extracted oil from “Jannah” fields in Asilan district of Shabwah governorate.

Regular work in Balhaf company stopped on April 13, 2015, after the Houthis took control of most of Shabwah Governorate, which forced the Yemen Company for Liquefied Gas to stop its production and its export operations and to evacuate its employees out of the company. The company completely stopped working, until the Shabwani Elite Forces backed by the UAE took control of it in August 2017. This enabled the coalition forces to gain control of the facility and turn it into

120. The Yemen LNG Consortium consists of a group of seven joint-stock companies and institutions:

The French company Total is the managing company of the project and the owner of the largest share of the company ; and the consortium also counts Hunt Oil Company (UAE company) ; Yemen Company for Liquefied Gas ; The South Korean SK Corporation ; Hyundai Corporation ; The General Authority for Social Insurance and Pensions (Yemeni company) ; and BBR (US company).

a military base and operations room for the coalition forces. The companies' employees left the Balhaf facility temporarily. All companies had signed a contract in 2009 for 20 years with the government of former President Ali Abdullah Saleh and they were hoping to find a solution with the government of President Hadi and the coalition forces that would enable their return and resuming of work in the facility. In the meantime, the Shabwani elite forces used the facility as an airport for the landing of warplanes Apache and troop carriers, in addition to a living space for dozens of soldiers from the coalition forces and storage for various weapons and military vehicles.

The Emirati forces who came to support the Shabwani Elite forces, were present in the facility and were the first responsible for running this military base. Saudi and Sudanese forces, as Military forces of the Saudi-Emirati-led Coalition, were also present inside the facility. The process of military expansion in the Shabwah governorate began through the Shabwani Elite Forces from this military base, while Emirati commanders were taking turns to lead the facility. The real names of these Emirati commanders are not known, as only their surnames were available to help to identify them, such as: Abu Khaled, Abu Sultan, Abu Ahmed. It was estimated that more than 200 Shabwani Elite soldiers were inside the facility to protect it. The facility also included a training camp for the Shabwani Elite Forces supervised by the Emirati forces.

Inside the military base there is a small airport where have been seen by verified sources Apache helicopters, war planes, a lot of military vehicles, armoured vehicles, and troop carriers. **There was also a secret detention centre of the coalition forces supervised by Emirati forces, which was closed in August 2019**, when the Emirati forces transferred an undetermined number of detainees and forcibly disappeared people to other detention centres in Hadhramaut governorate.

As of August 2019, Balhaf facility was not used as a secret detention centre any more but remained a military base and operation room of the coalition forces led by the UAE, even during the episode of violence at the end of August 2019, whereby forces of President Hadi's government on the one hand and the Shabwani Elite Forces with the UAE-backed South Transitional Council forces, on the other hand, fought for about a week at the end of August 2019. As of today, the Balhaf facility remains under the control of the coalition forces, even though President Hadi's government IRG forces control the entire governorate.

Numerous questions over the implication of Total and the French authorities have been asked regularly since the publication of the 2019 Obsarms report revealing the existence of a secret prison in the Balhaf military base, both in private meetings between NGOs and MoFA representatives, and publicly by journalists and by Parliamentarians at the National Assembly, but French authorities have never provided elements acknowledging any implication nor given any proof that their liability was not engaged<sup>121</sup>.

Out of the eight testimonies collected for this report, one case of torture, the case of Kareem Ali, directly happened at Balhaf secret detention center, perpetrated by the Shabwani Elite forces in 2019.

### **Testimony about torture in Balhaf :**

- *On Monday, 10 June 2019, at midnight, armed members belonging to the Shabwani Elite Forces of the UAE-backed "Southern Transitional Council" raided the house of media and civil activist Kareem Ali, 24 years old, in Ataq city in Shabwah governorate. He was detained in the Elite Camp prison in Azzan district, and later that day he was transferred to Balhaf prison, in Shabwah governorate.*

*Kareem's father said « There were 6 military vehicles belonging to the Shabwani Elite forces in front of my house, with dozens of armed men on board. Three of them took my son in one of those vehicles and drove away. I told my family that the elite forces took him; his sick mother fainted. »*

*After the outbreak of clashes between government forces and the Shabwani Elite forces following the Transitional Council in August 2019, they transferred him and others from Balhaf to Hadhramaut. « I learned later that Kareem was in al-Dhabba prison in al-Shihr, Hadhramaut governorate, from one of the released persons who was with Kareem in the same prison which is run by the Emirati forces. They didn't acknowledge Kareem's presence and he remained there for two months. After that, Kareem was*

121. <https://basedoc.diplomatie.gouv.fr/vues/Kiosque/FranceDiplomatie/kiosque.php?fichier=bafr2020-09-30.html#Chapitre10>



*transferred to the Criminal Investigation prison in the city of al-Mukalla, in which he remained for three months. Finally, he was taken to the Central Prison in al-Mukalla also. I met the Hadhramaut security director [an official from the Yemeni security forces in Hadhramaut] and he told me that he can't do anything for me as it is not his call. »*

*« When Kareem was transferred to the Central Prison in al-Mukalla, I was able to visit him several times. He told me all his suffering inside the prisons to which he was being transferred, starting with Balhaf in Shabwah and ending with the Central Prison in Hadhramaut.*

*He told me that he was subjected to physical and psychological torture in the Balhaf detention camp, where he was tortured with electricity. He said: "I was tortured most of the days with electricity by an Emirati officer who always wore black glasses and was swearing all the time". The Emirati officer burned Kareem's clothes, so he was left in detention wearing only underwear for five whole months."*

## **2\* AL ALAM MILITARY BASE CAMP (GOVERNORATE OF SHABWAH)**

According to eyewitness accounts and the Yemeni press, prisoners appear to have been held in this base from late 2019 to mid-2020<sup>122</sup>. It appears that this base is now closed<sup>123</sup>. This secret prison is called the Black Prison and belongs to the coalition forces inside the camp, but there are no detainees at present, as the prison was closed after the events of Shabwah in August 2019, which resulted in armed clashes between the forces of IRG President Hadi's authority on the one hand and the forces of the Southern Transitional Council and the Shabwani Elite on the other hand.

Al Alam military base is an old camp from the remnants of the Yemeni Socialist Party, in a mountain of the Shabwah desert, about 40 kilometers from Ataq city, the center of Shabwah governorate. The camp is approximately 2 \* 2 kilometers, it is bounded to the north by the Uqla oil company, to the east by Jordan district, and to the south by the city of Ataq, the capital of Shabwah governorate, which is approximately 40 kilometers from the camp, and on the west, the Shabwah desert and the Markha district.

The camp was renovated by the coalition forces in March 2016 to become a stronghold of the coalition forces and the Shabwani Elite Forces in Shabwah governorate. The camp has been led by forces from the coalition and the UAE since 2016, and it currently hosts officers from KSA, the UAE and Bahrain. The leadership of the camp has been taken over by Emirati leaders who take turns commanding the camp every month, as the commanders and the Emirati forces change at the end of each month and come from the main headquarters of the Emirati forces in the Balhaf area. There are currently around 1000 soldiers from the Shabwani Elite Forces in the camp, in addition to the coalition officers, whose numbers are estimated as follows: 10 Emirati soldiers, 10 Saudi soldiers, 10 Bahraini soldiers.

Inside the camp is a coalition military base, a military airport, a US Patriot system, many military vehicles, weapons stores, and drones, and there are surveillance devices around the camp.

Inside the camp, there are contracting companies owned by a group of young investors from Shabwah governorate with close ties and loyal to the UAE. Inside the camp there is a lot of workforce for the ongoing development work inside the camp, and there is also an artesian well, restaurants and housing units far from the headquarters of the coalition forces inside the camp.

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122. <https://www.yemenakhbar.com/2244502>

123. <https://almawqeaapost.net/news/48617>



### 3\* AL-RAYYAN AIRPORT

Al-Rayyan Airport in al-Mukalla (Hadhramaut governorate) was closed after al-Qaeda took control of al-Mukalla in 2015. After the city was reconquered by UAE-backed forces in April 2016, the facility became a military base and headquarters of the UAE and Saudi forces. In November 2019, Yemeni officials said the airport reopened after a five-year closure, during which United Arab Emirates forces used it as a military base and a secret prison, and two months after the UAE handed over the facility to Yemeni authorities. Officials said the detainees, allegedly al-Qaida and Islamic State militants, were moved to other UAE-run prisons in Yemen and demanded anonymity because they weren't authorized to brief the media<sup>124</sup>. However, in January 2021, another news report quoted the adviser to the Yemeni Minister of Information saying "The Emirati forces have refused the instructions of the Yemeni government to reopen Al-Rayyan airport," said Mukhtar al-Rahbi, adviser to the Yemeni Minister of Information. "The Emirati forces continue to use the airport as an illegal prison to commit heinous forms of torture against Yemenis" he said. On April 9, 2021, the Governor of Hadhramaut announced the opening of Al-Rayyan airport to flights.

According to Mwatana, Al-Rayyan airport is no being used as unofficial prison any more, its officials had moved the prisoners to Al Rabwah unofficial prison. This prison is also located in Hadhramaut governorate.

What is clear is that human rights violations have been committed on a wide scale in this facility while under the control of the UAE. Mwatana in its 2020 report *Into the Darkness* reported that "Emirati forces turned the Al-Rayyan International Airport in Mukalla city in Hadhramaut Governorate into an unofficial detention center. Mwatana investigated at least 38 cases of arbitrary detention and 10 of torture at the Al-Rayyan airport detention site. Former detainees said that they were held in dark and narrow warehouses and were subjected to different forms of torture and other abuse<sup>125</sup>." Between May 2016 and April 2020, Mwatana investigated at least 38 cases of arbitrary detention and 10 cases of torture in the Al-Rayyan airport detention center. At least 23 of these detainees were released<sup>126</sup>.

Two testimonies out of the eight studied in this report include the use of torture in Al-Rayyan prison.

- *Mohamed Ahmed, 23 years old, was transferred to Al-Rayyan prison, which was his third place of detention, where he stayed for 15 days, and where Emirati officers kept interrogating and torturing him until he vomited blood. He was released in October 2017 and was given 2,000 SAR in exchange for signing a written commitment not to tell what had happened to him.*
- *Ali Saleh, 46 years old, after one year of enforced disappearance, was detained in Al-Rayyan Airport from August 2017 until the beginning of 2019 where he was transferred to Al-Mukalla Central Prison. While at Al-Rayyan prison, he was subjected to various forms of torture and ill-treatment, including beatings, kicks, electrocution, sunlight deprivation and drowning in water while being upside down, at the hands of Emirati officers. He was released in January 2020.*

### 4\* BIR AHMED I

Bir Ahmed I prison or old Bir Ahmed (not to be confused with the Bir Ahmed II prison or New Bir Ahmed – see above in Network of Unofficial detention places) [is/was] a secret detention site in that authorities, until early november 2017, denied its existence to families, and those in that facility were forcefully disappeared until their relocation to Bir Ahmed II<sup>127</sup>. According to the Human Rights Watch report of 2017, Bir Ahmed is an overcrowded, informal detention facility in a military

124. <https://apnews.com/article/a8946bba6ce04c838860da4ffd0c9e02>

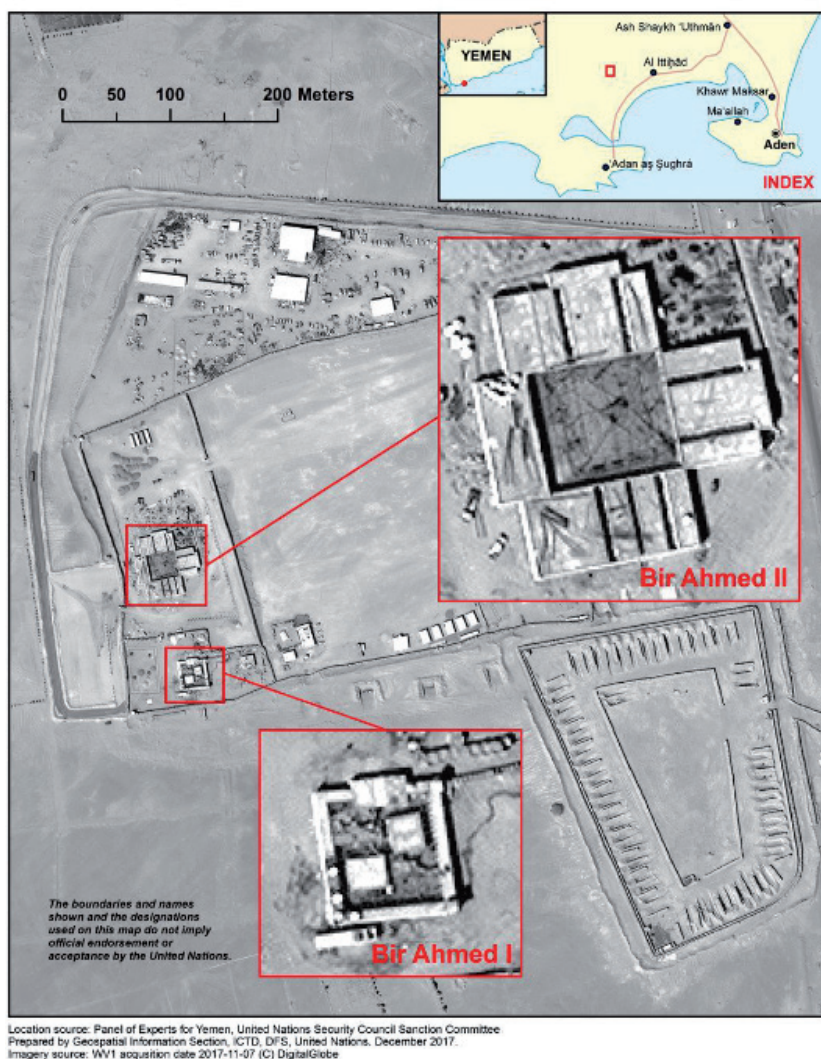
125. <https://mwatana.org/wp-content/uploads/2020/06/In-the-Darkness.pdf> page 13

126. Page 82 <https://mwatana.org/wp-content/uploads/2020/06/In-the-Darkness.pdf>

127. S/2018/68 [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2018\\_68.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2018_68.pdf) page 306

camp controlled by the UAE-backed Southern Transitional Council. The [Mothers of Abductees Association \(MAA\)](#), a group started in 2017 by Yemeni women whose relatives had been arrested and often forcibly disappeared, said that detainees have been held at Bir Ahmed without charge or trial for up to two years<sup>128</sup>. President of the Geneva-based SAM Human Rights organization, Tawfiq al-Humaidi, described the Bir Ahmed I detention center in southern Yemen as “a notorious and a dark prison that the UAE created to humiliate the Yemenis and practice all kinds of torture on them<sup>129</sup>.” The staff of Bir Ahmed I are primarily Yemeni, however military officers in the prison are from the UAE as well as American personnel in uniforms. Security is provided by the Security Belt [see perpetrators]. After the situation in Bir Ahmed I and the human rights violations committed in it was revealed by several reports, and after hunger strikes from the detainees and demonstrations from their families, most of them were transferred to the official prison Bir Ahmed II.

On November 2017, the attorney general of Yemen received the case files of detainees. Following his intervention, some detainees had family visits and some of them were released. In early 2018, the Minister of Interior issued a ministerial decision for adopting Bir Ahmed II among the official prisons. It belongs now to the criminal prosecution, and still under the control of STC.



One out of the eight cases studied for this report was tortured while detained in Bir Ahmed I prison.

- *It is the case of Sami, 44 years old “While I was in old Bir Ahmed prison, they used to take me periodically to the coalition prison where the Emirati officers interrogated and tortured me” He added “In old Bir Ahmed prison the torture and beatings sessions continued for 6 days in a row.”*

128. <https://www.hrw.org/news/2020/07/02/yemen-aden-detainees-face-dire-covid-19-risk>

129. <https://emiratesleaks.com/en/violations-prison-bir-ahmed-yemen-makes-uae-version-abu-ghraib/>

## PART 2: MILITARY COOPERATION BETWEEN FRANCE AND THE UNITED ARAB EMIRATES

France has made a major contribution to the development of the UAE military-industrial complex. According to the French MP Guy Teissier, from 1976 to 2011, the UAE acquired 70% of its military equipment from France<sup>130</sup>. For the last forty years, France has been selling its advanced technologies (fighter aircraft, corvettes, satellites, etc.) to Abu Dhabi. At the turn of the 2010s, major technology transfers were made alongside these exports, allowing the small Gulf State to develop its own arms industry and, above all, to conduct military operations (Libya, Yemen).

These arms sales are the consequence of political agreements between Paris and Abu Dhabi, signed throughout the 1990s and in 2009, which make the two countries partners in the Middle East and Africa. The UAE and France share a common geopolitical vision in Yemen and the rest of the Gulf, in Algeria, Libya, Somalia and Mozambique, etc. While France is the UAE's favoured ally, it also competes with a growing number of countries in relation to arms sales: the United States, the United Kingdom, Russia, China, Germany, South Africa. The UAE, in its quest for military autonomy, have a reputation for incorporating the best military technology on the market, regardless of who owns it. The UAE defence industry continues to depend on foreign labour, mainly from Western arms companies, to develop its own original platforms. There is still a long way to go before the country is able to master the end-to-end design chain of the most complex military products, such as ships or fighter aircraft. However, on closer inspection, the technologies in which the UAE have invested as a priority (drones, maritime patrol boats and light armoured vehicles), and which they can produce autonomously today, are at the heart of today's urban and maritime wars.



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The role of France has therefore evolved from that of arms seller to that of partner in the production of armaments made directly in the UAE, to the point where the roles have themselves been reversed: the UAE no longer need to buy large armaments systems in order to obtain France's political support, they already have it. UAE officials buy weapons when they directly share a military project with France (control of the Red Sea and the Indian Ocean via orders for CMN patrol boats or Gowind corvettes). Otherwise, the French contribution to the UAE defence industry is increasingly in the form of modules and components, as a growing proportion of the equipment is assembled or renovated on site in the UAE. Since 2007, France has therefore set up its own companies in the UAE and become part of new military equipment design platforms that involve other states.

130. <https://www.assemblee-nationale.fr/13/rapports/r3514.asp>



France is involved in the Emirati defence industry in 4 ways:

- **Through the direct export of armaments to the United Arab Emirates (parts 1 and 2);**
- **Through the transfer of knowledge and skills (part 3);**
- **Through joint development of armaments with the UAE in the framework of a project involving other suppliers (German, British, etc.) (part 4);**
- **Through the development of armaments by foreign subsidiaries of French companies (part 5).**

The United Arab Emirates (UAE) has developed a significant defence industrial base in recent years, with more than 80 foreign defence companies operating in the country and 10,000 employees. The Abu Dhabi Free Zone, which attracts many foreign companies, recruits numerous specialists from the military high-tech sector and former directors of major European armament companies, such as BAE, Leonardo, Raytheon or Ruag. The opening of subsidiaries or joint ventures allows these companies to gain a foothold in local production, to develop subcontracting, to counter competition from Chinese, Indian and Russian companies, but also, through the recruitment of an underpaid local workforce, to make savings on maintenance of the equipment sold to the Gulf States. The attraction of Abu Dhabi explains France's involvement in the UAE industrial base, through sales of its own arms, but also through partnerships established by its other clients (Netherlands, South Africa, Russia...).

**France's responsibility in Yemen thus goes beyond that which has already been documented. It is also involved in operations that are partially outside the scope of existing regulations: the production or rather co-production in Abu Dhabi of original military equipment by subsidiaries of French companies. Equipment that is then used, in particular, in Yemen.**

## INTRODUCTION AND HISTORICAL BACKGROUND:

### 1990s: The first stages of cooperation

Since the 1990s, the relationship between France and the UAE has developed considerably. At that time, the military project of the small Gulf state was clearly visible in the press: the aim was to "build a common army of 100,000 men on the basis of an equipment programme of 9 billion dollars per year over a decade<sup>131</sup>". Acquisitions were the subject of a global military equipment plan within the Gulf Cooperation Council. After the first Iraq war in 1990, "[the Gulf States] successfully manipulated this market to secure access to cutting edge Western military technology at more affordable prices<sup>132</sup>," according to defence experts at Jane's.

The UAE opted for a mix of suppliers so as to avoid constraint. France thus found itself in competition with the United Kingdom and the United States. The United Kingdom suffered from its bad reputation as a former coloniser. Washington was considered too close to Riyadh and Israel<sup>133</sup>. Abu Dhabi therefore went with France, which won emblematic contracts: the purchase of 62 Mirage 2000 aircraft in 1998 and 388 Emirati Leclerc tanks in 1993. "The French do not want to be mere suppliers. We want to be partners who accept technology transfers and cooperation on open markets," said Serge Dassault in 1993<sup>134</sup>. In addition, a military cooperation agreement signed between France and the UAE in 1997 provided for French assistance in case of aggression against the UAE. Finally, dependence on hydrocarbons encouraged the French-UAE bond. In return for the Mirage aircraft, in 1985 France negotiated the delivery of two million tons of crude oil<sup>135</sup>.

In the 1980s and 1990s, France provided technical assistance on the service and maintenance of the equipment, but the UAE also needed assistance from Pakistan, a close ally of Paris at the

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131. Jacques Isnard, "Français et Américains sont en compétition sur un marché d'une soixantaine d'avions de combat à Abou Dhabi", *Le Monde*, 11 November 1993.

132. "Confidential - Background Material on Yemen", email of 11 March 2013, *Wikileaks.org*, [https://wikileaks.org/gifiles/docs/90/90301\\_confidential-background-material-on-yemen-.html](https://wikileaks.org/gifiles/docs/90/90301_confidential-background-material-on-yemen-.html)

133. Jean-Dominique Merchet and Jean-Pierre Perrin, "La carte française d'Abou Dhabi", *Libération*, 30 October 1996.

134. Jacques Isnard, op. cit.

135. "Abou Dhabi s'apprête à commander dix-huit Mirage 2000 à la France", *Le Monde*, 18 January 1985.

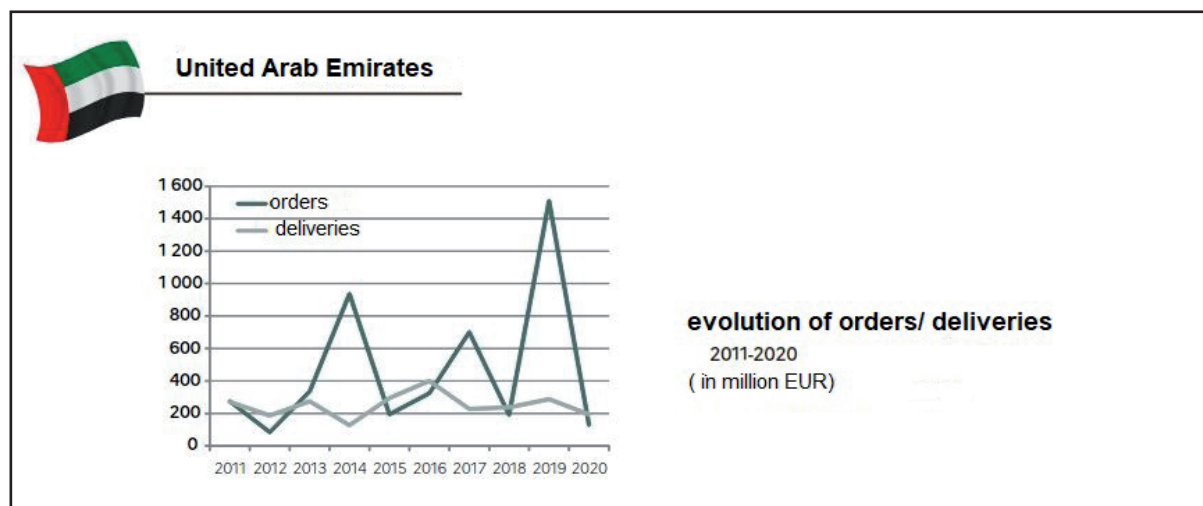
time<sup>136</sup>. Islamabad even helped to secure the contracts<sup>137</sup>. In the region, France had long relied on Pakistan as a military support centre in the Middle East to provide engineers for the maintenance of French equipment purchased by the Gulf States. However, it fell out with Islamabad following the Karachi attack. France then relied on the UAE which served as an “advanced military base” but also as a repair centre for French equipment in the region.

## Recent developments in French arms sales to the United Arab Emirates

Over the last ten years, UAE has been the fifth most important client of French military equipment (for the orders issued between 2011 and 2020)<sup>138</sup>. 1 093 export licenses were granted for the sole period of 2015-2020<sup>139</sup>. The UAE's orders have generally fluctuated between 180 and 400 million euros, with peaks in 2014, 2017 and 2020.

In 2020, last year, the French government granted export license agreements to military armament orders from the UAE worth 14 billion euros<sup>140</sup>, and delivered for more than 2,29 billion euros worth of armament<sup>141</sup> (corresponding to 155 previously granted export licences).

Abstracts of the [Report of the Ministry of Armed Forces to the Parliament 2021 about the exports of French arms](#)



Among the most recent contracts, in 2019 Paris signed a contract for five Airbus Multi Role aircraft<sup>142</sup> and two Gowind corvettes (Naval Group)<sup>143</sup>. According to journalist Eva Thiébaud, in 2021 Nexter wants to make a new offer for the sale of 400 Titus armoured personnel carriers<sup>144</sup>.

The UAE have also increased surveillance of the national territory, with the help of American<sup>145</sup>, Israeli and French<sup>146</sup> private military companies.

A private US military company, Spear Operations Group, which has been involved in targeted killings

136. La France et les Etats-Unis sont en compétition pour la vente de nouveaux avions à Abou-Dhabi", *Le Monde*, 7 January 1974.

137. Jacques Isnard, "Du pistolet automatique à l'avion Mirage", *Le Monde*, 20 December 1976, [https://www.lemonde.fr/archives/article/1976/12/20/du-pistolet-automatique-a-l-avion-mirage\\_2954464\\_1819218.html](https://www.lemonde.fr/archives/article/1976/12/20/du-pistolet-automatique-a-l-avion-mirage_2954464_1819218.html)

138. See Annex 14 of Rapport du Ministère des armées au Parlement 2021 sur les exportations d'armement de la France

139. *Ibid*, Annex 6.

140. *Ibid*, Annex 8.

141. *Ibid*, Annex 9.

142. United Arab Emirates orders five Airbus C295 aircraft", 15 November 2017, 8 pt

143. "Émirats arabes unis: et un nouveau contrat important à l'export pour Naval Group", *La Tribune*, 7 June 2019, <https://www.latribune.fr/entreprises-finance/industrie/aeronautique-defense/emirats-arabes-unis-et-un-nouveau-contrat-important-a-l-export-pour-naval-group-812087.html>

144. "Made in Auvergne-Rhône-Alpes": ces armes fabriquées près de vous, utilisées dans la sale guerre du Yémen", *Médiacités*, 26 January 2021, <https://www.mediacytes.fr/enquete/lyon/2021/01/26/made-in-auvergne-rhone-alpes-ces-armes-fabriquees-pres-de-vous-utilisees-dans-la-sale-guerre-du-yemen/>

145. Jenna McLaughlin, "Deep Pockets, Deep Cover", *Foreign Policy*, 21 December 2017, <https://foreignpolicy.com/2017/12/21/deep-pockets-deep-cover-the-uae-is-paying-ex-cia-officers-to-build-a-spy-empire-in-the-gulf/>

146. "Amesys doing well in Dubai", *Intelligence Online*, 18 December 2013,



in Yemen, includes members of the French Foreign Legion, as revealed by investigative journalist Aram Roston<sup>147</sup>.

## 1) The 2009 military cooperation agreement signed between France and the UAE

In 2009, France entered into an extremely significant military cooperation agreement with the UAE that covers various sectors: a) intelligence; b) education and training; c) planning; d) joint exercises; and e) special forces. In the event of a “threat” of aggression against the UAE, France is to provide assistance by the “agreed means”, which the agreement does not specify.

To this end, a French naval, land and air base opened in Abu Dhabi. According to a French Foreign Ministry official quoted in a Wikileaks cable, it serves to: (1) meet France’s energy needs; (2) establish a military base in the Gulf; (3) facilitate French arms sales<sup>148</sup>.

As of 2016, the facility houses the maritime command of French ships deployed in the Indian Ocean. This architecture raises questions about the extent of political and technical coordination with the UAE, particularly in the context of the maritime blockade in Yemen. What information does France have on UAE manoeuvres? It is difficult not to imagine at least an active exchange of intelligence. As for military exercises, they took shape and continued during the war in Yemen in 2017 and 2018, as detailed in an earlier note of the *Observatoire des armements*<sup>149</sup>.

The military partnership included a quid pro quo for Paris at the time, as a telex from the US Embassy in the UAE in 2009 testifies: “French embassies supported FM Abdullah bin Zayid’s recent whirlwind tour of Africa. Now, in a political payback to the African States that support the UAE bid, UAE diplomats will be placed in French embassies principally in West Africa<sup>150</sup>”.

The UAE use France’s diplomatic network stemming from its former colonial empire to gain a foothold on the African continent, while France benefits from Emirati funds (financing of the G5 Sahel, arms contracts) to support its policy of influence.

The proximity of France and the UAE is illustrated by exchanges relating to the most tactical aspects of warfare: intelligence and special forces assistance. Tactical operations are of major importance because today’s conflicts are asymmetric, urban and contribute to erasing the border between “civilian population” and “combatants”. On the intelligence side, the UAE purchased two Airbus-Thales satellites in 2013<sup>151</sup> which helped to ensure their autonomy in this area: Abu Dhabi has thereby acquired some of the most powerful technology on the market and no longer needs to ask the French or Americans for access to satellite images, which could be denied to them.

In relation to drones, France has also made commercial proposals. While the United States has long refused its armed drone technology, the UAE pre-ordered the French armed drone Patroller from Safran in 2018<sup>152</sup>.

Finally, on the tactical level, the UAE benefited from the contribution of French special forces in Yemen: targeting assistance, communications interception, artillery adjustment, mine clearance, etc<sup>153</sup>.

## 2) The UAE as an arms hub and showcase for French equipment

The UAE promoted two arms markets on its territory: a regional market for advanced technologies from Western countries destined for the oil monarchies; and a ‘second-hand’ market in which

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147. Investigation by Aram Roston, <https://www.buzzfeednews.com/article/aramroston/mercenaries-assassination-us-yemen-uae-spear-golan-dahlan>

148. [https://wikileaks.org/plusd/cables/09PARIS832\\_a.html](https://wikileaks.org/plusd/cables/09PARIS832_a.html)

149. <http://obsarm.org/spip.php?article303>

150. [https://wikileaks.org/plusd/cables/09ABUDHABI529\\_a.html](https://wikileaks.org/plusd/cables/09ABUDHABI529_a.html)

151. “Emirates: behind scenes of Falcon Eye deal”, *Intelligence Online*, 20 November 2013, [https://www.intelligenceonline.fr/intelligence-economique\\_ligne-rouge/2013/11/20/eau-les-secrets-du-contrat-falcon-eye,107995542-art](https://www.intelligenceonline.fr/intelligence-economique_ligne-rouge/2013/11/20/eau-les-secrets-du-contrat-falcon-eye,107995542-art)

152. La France partie prenante de la guerre contre le Yémen”, *OrientXXI*, 4 October 2018, <https://orientxxi.info/magazine/la-france-partie-prenante-de-la-guerre-contre-le-yemen,2662>

153. “The French special forces deployed in Yemen have, thanks to satellite imagery, ‘helped with jtac (joint terminal attack controller) targeting, but also with artillery adjustment and interceptions’, says a French military source”, @malbrunot, Twitter, 16 June 2018, (translated from French), <https://twitter.com/Malbrunot/status/1007891247007191042>

mainly non-Western states (Russia, UAE) supply the 'emerging' and sub-Saharan African countries.

On the regional market, France, for example, has in recent years sold some parts of its Mark 3 Crotale anti-aircraft system to the UAE<sup>154</sup>. By "placing" it in Abu Dhabi, France hopes to sell it to other states in the region (Saudi Arabia, Qatar, Kuwait). The network of SMEs of the Rhône-Alpes cluster Eden in Lyon even travelled to the UAE to negotiate small contracts. For example, Lyon-based company Ouvry won a 22 million euro contract for protective equipment to be sold in Abu Dhabi at the IDEX arms fair in early 2021<sup>155</sup>. In this way, the arms companies hope to build a network of buyers in the Gulf countries.

On the **second-hand market**, the company Secamic, which provides operational support for older Alouette helicopters and Mirage aircraft<sup>156</sup>, is based in Abu Dhabi.

### 3) French participation in the UAE defence industry, enabling the transfer of French skills to the Emirates

- **French nationals leading UAE companies:** Between 2014 and 2019, the former head of Thales, the Frenchman Luc Vigneron, took over as head of EDIC, the largest defence industrial group in the UAE, indicating a readiness to transfer Thales technology to the UAE in exchange for arms sales (see below, Box on EDIC).

#### - Creation of joint ventures between French and UAE companies

\*In 2009, the French companies **Airbus, Safran, Constructions mécaniques de Normandie (CMN), Dassault** and **Lacroix** established joint ventures with UAE companies<sup>157</sup>. **MBDA** (an Anglo-French company) equipped the Hafeet and Ajban 440 vehicles (from the UAE Nimr company) with its air defence system in 2015<sup>158</sup>. This equipment was later proposed for the Ajban 440<sup>159</sup>. A version of the Nimr vehicle was to include the MILAN anti-tank system<sup>160</sup>, but in the end a Russian company was chosen<sup>161</sup>.

\*Technology transfer structures established by **Thales** have multiplied in the UAE since 2009 (see below *Other joint ventures appear in 2009*) to secure contracts in the strategic sectors of armaments and population control: city surveillance, radar, military communication, guidance and targeting systems. Through Thales Advanced Systems, a joint venture with C4AS (C4 Advanced Solutions, a subsidiary of Emirates Advanced Investments), Thales installs and upgrades UAE air force<sup>162</sup> communication systems<sup>163</sup>. In addition, the French company is in charge of maintaining the electronic navigation (and therefore firing) systems of the UAE Mirage 2000 fighter aircraft<sup>164</sup>.

In 2016, an agreement was signed with the Abu Dhabi shipyards, under the supervision of Privinvest (see Box on Privinvest below). This agreement provides for the supply of ship maintenance across the Middle East in the field of military electronics<sup>165</sup>. In terms of land forces, the Nimr armoured vehicles (manufactured in the UAE) have a digital link to the Airbus-Thales satellites sold by France.

154. Thales in the UAE Factsheet, <http://docplayer.net/52761962-Thalesgroup-com-thales-in-the-uae-factsheet.html>

155. "Les bonnes affaires du lyonnais Ouvry au salon de l'armement d'Abou Dhabi", *Médiacités*, 4 March 2021, <https://www.mediacites.fr/breve/lyon/2021/03/04/les-bonnes-affaires-du-lyonnais-ouvry-au-salon-de-larmement-dabou-dhabi/>

156. [https://www.secamic.com/support\\_assistance\\_aeronautique.php](https://www.secamic.com/support_assistance_aeronautique.php)

157. For example, the joint venture with MBDA is called Baynuna MBDA Missile Technology (BMT). Dassault is part of Dasbat Aviation, etc.

158. "EDIC's NIMR Automotive & MBDA unveil the HAFEET Air Defence Vehicle (HAFEET ADV)", Press statement, 22 February 2015, <https://www.mbda-systems.com/wp-content/uploads/2015/07/Press-release-2015-02-19-EN-2.pdf>

159. MBDA product information sheet, [https://www.mbda-systems.com/?action=force-download-attachment&attachment\\_id=18761](https://www.mbda-systems.com/?action=force-download-attachment&attachment_id=18761)

160. Nimr, *Military today*, <http://www.military-today.com/trucks/nimr.htm>

161. "UAE Nimr armoured personnel carriers mounted with Kornet-E anti-tank guided missiles engaging coastal targets. Part of a recent combined arms Ex with Jordan", Twitter, 8 July 2019, <https://twitter.com/EgyptDefReview/status/1148301387333361666>

162. "Thales in the UAE", op. cit.

163. Victor Gervais, op. cit., p. 200

164. Victor Gervais, "Du pétrole à l'armée: les stratégies de construction de l'Etat aux Emirats arabes unis", *études de l'Irsem*, No. 8, 2011, p. 207

165. "Thales in the UAE", op. cit

## Other joint ventures appear in 2009<sup>166</sup>

GTS (Gamco Thales Systems), a joint venture with ADAT, a subsidiary of Mubadala, and specialised in the maintenance of electronic systems; CTI (CERT Thales Institute) a joint venture with the Center of Excellence for Applied Research and Training (CERT), linked to the Higher Colleges of Technology, and offering training programmes in the fields of electronics, maintenance. TAS (Thales Advanced System) created in partnership with C4 Advanced Solutions (C4AS), a subsidiary of Emirates Advanced Investments (EAI); NTS (National Telesystems and Services) created with Bin Jaber Group Ltd., Dhahi Group and Thales; GEM (Gulf Energy Maritime), created in partnership with Emirates National Oil Company, IPIC (International Petroleum Investment Company) and Oman Oil Company.

Through CMN, a company owned by Privinvest (see Box on Privinvest below), France and the UAE have been involved in major contracts for the sale of patrol boats in Mozambique<sup>167</sup> and Angola<sup>168</sup>, countries in which France has energy-related interests, in particular through Total. In Mozambique, in the midst of an insurgency, one of these patrol boats even ended up in the hands of the rebel armed group<sup>169</sup>. In 2018, CMN also signed a contract with Saudi Arabia for 39 patrol boats<sup>170</sup>, the first of which were delivered in 2019<sup>171</sup>. According to a military specialist interviewed by the *Observatoire des armements*, "these patrol boats are intended for the control of the Red Sea". This contract came with a technology transfer, Saudi Arabia having finalised the manufacture of an interceptor in late 2020<sup>172</sup>. For several years, France has been in negotiation with Ethiopia for the sale of military ships. CMN is involved in these negotiations<sup>173</sup>.

Also in the maritime area, on 20 March 2018, Chantiers Couach entered into a contract with the UAE company ADD Military Supplies for the transfer of naval technology concerning patrol boats<sup>174</sup>.

French start-ups set up business directly in Abu Dhabi providing technology in particular sectors: from 2015, **Photonis** (a French company) working on night vision goggles<sup>175</sup>; ECA (robotics) in 2017<sup>176</sup>; Atos in the field of military communication; MC2 Technologies (nanotechnologies); Rtsys (underwater drones) in 2021<sup>177</sup>.

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166. Victor Gervais, op. cit.

167. "Cherbourg: commande de 30 bateaux pour les chantiers CMN", *La Croix*, 5 September 2013, <https://www.la-croix.com/Actualite/Economie-Entreprises/Economie/Cherbourg-commande-de-30-bateaux-pour-les-chantiers-CMN-2013-09-05-1008327>

168. "L'Angola s'offre 17 navires de guerre du chantier naval de Cherbourg CMN", *Latribune.fr*, 10 September 2016, <https://www.latribune.fr/entreprises-finance/industrie/aeronautique-defense/l-angola-s-offre-17-navires-de-guerre-du-chantier-naval-de-cherbourg-cmn-598116.html>

169. "Bandidos Armados' atacam Quissanga quando ministros da Defesa e Interior estão na provincial", *Moz24horas*, 25 March 2020, <https://en.moz24h.co.mz/post/bandidos-armados-atacam-quissanga-quando-ministros-da-defesa-e-interior-est%C3%A3o-na-provincia>

170. Thomas Clerget, Eva Thiebaud, "En plein conflit au Yémen, la France cherche à vendre des navires de guerre à l'Arabie saoudite", *Mediapart*, 30 January 2019, <https://www.mediapart.fr/journal/international/310119/en-plein-conflit-au-yemen-la-france-cherche-vendre-des-navires-de-guerre-l-arabie-saoudite>

171. "Les CMN livrent, discrètement, les premiers intercepteurs à l'Arabie Saoudite", *France 3 Normandie*, 24 July 2019, <https://france3-regions.francetvinfo.fr/normandie/manche/cherbourg-cotentin/cmn-livrent-discretement-premiers-intercepteurs-arabie-saoudite-1703372.amp>

172. "Grâce au 'transfert de technologie' avec les CMN, l'Arabie Saoudite construit son premier HIS", *La Presse de la Manche*, 17 October 2020, [https://actu.fr/normandie/cherbourg-en-cotentin\\_50129/grace-au-transfert-de-technologie-avec-les-cmn-l-arabie-saoudite-construit-son-premier-hsi\\_36845920.html](https://actu.fr/normandie/cherbourg-en-cotentin_50129/grace-au-transfert-de-technologie-avec-les-cmn-l-arabie-saoudite-construit-son-premier-hsi_36845920.html)

173. Les équipementiers français défilent devant les Ethiopian National Defence Forces", *Africa Intelligence*, 10 May 2019, [https://www.africaintelligence.fr/afrique-est-et-australe\\_business/2019/05/10/les-equipementiers-francais-defilent-devant-les-ethiopian-national-defence-forces\\_108356523-art](https://www.africaintelligence.fr/afrique-est-et-australe_business/2019/05/10/les-equipementiers-francais-defilent-devant-les-ethiopian-national-defence-forces_108356523-art)

174. "Bassin d'Arcachon : le chantier naval Couach se renforce dans la péninsule arabique", 20 March 2018, *Sud Ouest*, <https://www.sudouest.fr/2018/03/20/bassin-d-arcachon-le-chantier-naval-se-renforce-dans-la-peninsule-arabique-4297647-2904.php?nic>

175. See the International Golden Group website: <http://www.iggroup.ae/subsidiary-ph.html>; see also, Florence Gaub, Zoe Stanley-Lockman, "Defence industries in Arab states: players and strategies", *Chaillot Paper*, No. 141, March 2017, [https://www.iss.europa.eu/sites/default/files/EUISSFiles/CP\\_141\\_Arab\\_Defence.pdf](https://www.iss.europa.eu/sites/default/files/EUISSFiles/CP_141_Arab_Defence.pdf)

176. "ECA Group opens ECA Middle East - New subsidiary in Abu Dhabi", 19 February 2017, <https://www.ecagroup.com/en/business/eca-group-opens-eca-middle-east-new-subsiary-abu-dhabi>

177. "Despite its exposure in Libya, IGG still a favourite among French firms Atos and co", *Intelligence Online*, 2 March 2021, [https://www.intelligenceonline.com/international-dealmaking/2021/03/02/despite-its-exposure-in-libya-igg-still-a-favourite-among-french-firms-atos-and-co\\_109647306-ar1](https://www.intelligenceonline.com/international-dealmaking/2021/03/02/despite-its-exposure-in-libya-igg-still-a-favourite-among-french-firms-atos-and-co_109647306-ar1)

## The operation of EDIC/EDGE<sup>178</sup>:

In the regional market, EDIC (Emirates Defence Industries Company), which is a holding company of UAE public companies, provides a framework through which training, post-sale maintenance of equipment and technology transfers are organised, by means of a series of joint ventures with foreign companies. Airbus, Safran, *Constructions mécaniques de Normandie*, Dassault and Lacroix have created joint ventures with UAE companies<sup>179</sup>.

EDIC also organises the maintenance of equipment and the training of pilots/engineers. The acquisition of equipment requires a period of training (at least one year). In the absence of EDIC, it would have been difficult to ensure the continuity of the war in Yemen as military equipment requires constant repair and updates which run for several decades. According to the Note of the French Directorate of Military Intelligence, maintenance and upgrading of Leclerc tanks takes place in the UAE<sup>180</sup>. The ambition of this power, which also seeks to cast itself as the “military strategists” of the Gulf Cooperation Council, is also to become “the repair centre” for military material in the Arabian Peninsula<sup>181</sup>.

Finally, the EDIC units enable technology transfer operations<sup>182</sup> when establishing a joint venture between two companies, Dassault and Baynunah Aviation, France and the UAE provided that 60% of the total value of a future contract had to be reinvested in the UAE<sup>183</sup>. The aim is to locate part of production in the UAE, including the production of avionics and missile-related components so that the country can eventually become self-sufficient in the production of armaments. The first goal is political: to meet the needs of the UAE armed forces to enable them to carry out military operations.

From the perspective of the exporting company, joint ventures serve to maintain the relationship with the UAE in order to ‘secure’ the award of future armament contracts: *“The time has gone when countries bought turnkey products. Today, it is necessary to adapt to the specific demands and needs of each of them. Creating a joint venture means adapting to a particular market. At the moment (our company) has not yet established a joint venture, but we have to do so right away, otherwise we will disappear”*<sup>184</sup>.

Today, the UAE manufacture certain types of armaments such as drones, armoured vehicles, satellites and ships with the contribution of their many partners (Austria and South Africa in the case of drones<sup>185</sup>, South Africa for armoured vehicles<sup>186</sup>, South Korea for satellites<sup>187</sup>, France for ships)<sup>188</sup>. These are not always original creations but also copies/adaptations of foreign products such as the light armoured Nimr N35 vehicle, with anti-mine protection, which is a copy of the RG-35 vehicle developed by the South African company Denel<sup>189</sup>. Local military equipment is produced for the UAE armed forces, but it is also exported abroad. Light armoured Nimr vehicles are exported to Algeria and Libya<sup>190</sup>. The UAE also make their mark in the naval field. The Abu Dhabi shipyards (Abu Dhabi Mar as well as Abu Dhabi Shipbuilding), which have benefited from

178. Florence Gaub, Zoe Stanley-Lockman, “Defence industries in Arab states: players and strategies”, Chapter 5, “UAE the up and comer”, p. 50, [https://www.jstor.org/stable/resrep06934.10?seq=4#metadata\\_info\\_tab\\_contents](https://www.jstor.org/stable/resrep06934.10?seq=4#metadata_info_tab_contents)

179. Baynuna MBDA Missile Technology (BMT), Dasbat Aviation

180. “Yémen: situation sécuritaire”, Note of the French Directorate of Military Intelligence, 25 September 2018, published by Disclose, <https://made-in-france.disclose.ngo/en/>

181. “Thales in the UAE”, op. cit; Florence Gaub, Zoe Stanley-Lockman, op. cit.

182. Victor Gervais, “Du pétrole à l’armée: les stratégies de construction de l’état aux Emirats arabes unis”, études de l’Irsem, No. 8, 2011, p. 206

183. Victor Gervais, “Du pétrole à l’armée: les stratégies de construction de l’état aux Emirats arabes unis”, études de l’Irsem, No. 8, 2011, p. 208

184. Victor Gervais, “Du pétrole à l’armée: les stratégies de construction de l’état aux Emirats arabes unis”, études de l’Irsem, No. 8, 2011, p. 208

185. Florence Gaub, Zoe Stanley-Lockman, “Defence industries in Arab states: players and strategies”, *Chaillot Paper*, No. 141, March 2017, [https://www.iss.europa.eu/sites/default/files/EUISSFiles/CP\\_141\\_Arab\\_Defence.pdf](https://www.iss.europa.eu/sites/default/files/EUISSFiles/CP_141_Arab_Defence.pdf)

186. Op. cit.

187. See Wikipedia: <https://en.wikipedia.org/wiki/KhalifaSat>

188. See paragraph on CMN below

189. Florence Gaub, Zoe Stanley-Lockman, op. cit.

190. Ibid.

almost thirty years of French technology transfer, and ten years of exchanges with the Germans and the Greeks, have positioned themselves in relation to arms contracts in Israel<sup>191</sup>, Algeria<sup>192</sup>, Mozambique<sup>193</sup> and Angola<sup>194</sup>. These projects are carried out in partnership with Europeans (mostly French and German companies).

The European shipbuilding industry is not the only industry to have been “restructured” under the auspices of Abu Dhabi, it is also the case of the small arms industry, with Manuhrin, a French company specialising in machine tools for the manufacture of ammunition having been acquired by EDIC in 2018<sup>195</sup>. This was a takeover in line with previous acquisitions: German gun manufacturers Merkel and CG Haenel<sup>196</sup> were acquired by the UAE in 2007<sup>197</sup>.

In 2019, EDIC was replaced by EDGE an even larger conglomerate of companies, to encourage more synergies and increase arms exports, particularly in the field of digital surveillance. A conglomerate that is meant to complete the “Emiratisation” of military equipment, with the UAE increasingly seeking to develop their own product lines. According to Pieter Wezeman, Senior Researcher with the SIPRI Arms and Military Expenditure Programme, “EDGE is a good illustration of how the combination of high national demand for military products and services with a desire to become less dependent on foreign suppliers is driving the growth of arms companies in the Middle East”<sup>198</sup>. Luc Vigneron (former head of Thales) was excluded from this new organisation. However, the role of French companies remains significant: Thales remains close to UAE companies such as the International Golden Group<sup>199</sup>, Lacroix and CMN have been involved in many projects in recent years (see below). Meanwhile, the company Nexter is soon to open a joint venture in the UAE, whose precise purpose remains unclear, in addition to its involvement in the International Golden Group under a contract for the maintenance/upgrading of UAE equipment<sup>200</sup>.

As a result of this “Emiratisation” of equipment, France’s role is changing. Sales of major products (such as fighter aircraft or armoured vehicles) are becoming rarer, but Paris puts itself forward as one of Abu Dhabi’s favoured partners in the production of the UAE’s own arms systems, by providing the know-how, the plans, the technologies, the “high-level” electronic parts and components required by the industry. It should be noted that EDIC’s funding structure, Mubadala, also works in partnership with the investment fund “Lac d’Argent”, created by the French State in 2020 to support “innovative French industrial companies”<sup>201</sup>.

191. <https://www.aljazeera.net/midan/reality/politics/2018/2/6/%D8%A5%D8%B3%D9%83%D9%86%D8%AF%D8%B1-%D8%B5%D9%81%D8%A7-%D8%A5%D9%85%D8%A8%D8%B1%D8%A7%D8%B7%D9%88%D8%B1-%D8%AA%D8%AD%D9%88%D9%84-%D9%84%D9%88%D8%B3%D9%8A%D8%B7-%D9%85%D9%87%D9%85-%D8%A8%D9%8A%D9%86>
192. “Alger-Abou Dhabi: Les Emirats, ce partenaire ‘encombrant’”, *El-Watan.com*, 28 January 2020, <https://www.elwatan.com/edition/actualite/alger-abou-dhabi-les-emirats-ce-partenaire-encombrant-28-01-2020>
193. “Cherbourg: commande de 30 bateaux pour les chantiers CMN”, *La Croix*, 5 September 2013, <https://www.la-croix.com/Actualite/Economie-Entreprises/Economie/Cherbourg-commande-de-30-bateaux-pour-les-chantiers-CMN-2013-09-05-1008327>
194. “L’Angola s’offre 17 navires de guerre du chantier naval de Cherbourg CMN”, *Latribune.fr*, 10 September 2016, <https://www.latribune.fr/entreprises-finance/industrie/aeronautique-defense/l-angola-s-offre-17-navires-de-guerre-du-chantier-naval-de-cherbourg-cmn-598116.html>
195. “Mulhouse: Manuhrin repris par un groupe de défense des Emirats Arabes Unis”, *France 3 Grand Est*, 1 August 2018, <https://france3-regions.francetvinfo.fr/grand-est/haut-rhin/mulhouse/mulhouse-avenir-manuhrin-se-decide-au-tribunal-ce-mercredi-1520546.html>
196. C.G. Haenel, see Wikipedia, [https://en.wikipedia.org/wiki/C.G.\\_Haenel](https://en.wikipedia.org/wiki/C.G._Haenel)
197. “Caracal takes over Germany’s Merkel”, *Khaleej Times*, 15 July 2007, <https://www.khaleejtimes.com/business/caracal-takes-over-germany-s-merkel>
198. “Global arms industry: Sales by the top 25 companies up 8.5 per cent; Big players active in Global South”, SIPRI Press Statement, 7 December 2020, <https://www.sipri.org/media/press-release/2020/global-arms-industry-sales-top-25-companies-85-cent-big-players-active-global-south>
199. “International Golden Group key Emirati supporter of Haftar: The Abu Dhabi para-state armaments company is an essential link in Khalifa Haftar’s equipment supply chain”, *Intelligence Online*, 7 October 2020, <https://www.intelligenceonline.com/international-dealmaking/2020/10/07/international-golden-group-key-emirati-supporter-of-haftar,109612017-gra>
200. Eva Thiébaud, “Made in Auvergne-Rhône-Alpes: ces armes fabriquées près de vous, utilisées dans la sale guerre du Yémen”, *Mediacités*, 26 January 2021, <https://www.mediacytes.fr/enquete/lyon/2021/01/26/made-in-auvergne-rhone-alpes-ces-armes-fabriquees-pres-de-vous-utilisees-dans-la-sale-guerre-du-yemen/>
201. Abu Dhabi va investir 1 milliard d’euros dans le fonds ‘Lac d’Argent’ pour les fleurons français”, *L’usine nouvelle*, 24 February 2020, <https://www.usinenouvelle.com/article/abu-dhabi-va-investir-1-milliard-d-euros-dans-le-fonds-lac-d-argent-pour-les-fleurons-francais.N933414>



## The operation of the International Golden Group

In addition to EDIC, the presence of another industrial group should be noted: the International Golden Group which focuses on equipping UAE land forces, including special forces. This group was founded by Mohammed Hilal al-Kaabi, who negotiated the Leclerc tank contract in the 1990s. *Intelligence Online* points out that shortly after Luc Vigneron took over as head of the International Golden Group (IGG), Thales [his former company] signed a strategic partnership with IGG "to protect critical infrastructure, including oil and gas"<sup>202</sup>. France and South Africa were the group's first partners. Many French companies are involved: Thales, Nexter, Atos, MC2 Technologies, etc. The International Golden Group is responsible for the maintenance of Nexter tanks<sup>203</sup>. According to *Intelligence Online*, "IGG is at the forefront of supporting the UAE war effort in Libya", in particular to strengthen the forces of Field Marshal Khalifa Haftar and is a shareholder in a company run by the mercenary Erik Prince. Over the years, "many Western-based defence groups have begun to turn away from IGG, such as BAE Systems, which ended its relationship. French groups, on the other hand, remain close to it"<sup>204</sup>.

### 4) Armaments equipment developed jointly by France and other suppliers, directly involved in Yemen:

France directly or indirectly provides the firing system for the majority of UAE military equipment:

Firing system for:	Thales firing system	Safran firing system
<b>Artillery</b>	> G6-52 Rhino (South Africa)	
<b>Fighter aircrafts</b>	> Mirage 2000 (France)	
<b>Ships</b>	> Arianespace ships (Netherlands)	> Baynunah Corvettes (France)
<b>Armoured vehicles</b>	> Agrab Mk 2 (South Africa) mounted on RG-31	> Leclerc tanks (France) > BMP-3 (Russia)

\*Since 2017<sup>205</sup>, **Lacroix** has been equipping the Russian BMP-3 combat vehicles used by the UAE with its Galix launcher (self-protection and vehicle response system including sensors, smoke and ammunition)<sup>206</sup>. Since 2011, it has also been equipping the Emirati Nimr Ajban armoured vehicles with the same Galix launcher (identified in Yemen **on multiple occasions**<sup>207</sup>). In 2021, for the release of the new Ajban 445 Mk 2 4x4 armoured vehicle, Lacroix added an acoustic fire localisation system to its Galix system, designed by the company based in Rhône-Alpes, Metravib Defence<sup>208</sup>.

202. "IGG thinks big in Abu Dhabi defence", *Intelligence Online*, 13 March 2013, <https://www.intelligenceonline.com/due-diligence/2013/03/13/igg-thinks-big-in-abu-dhabi-defence,107949090-art>

203. "International Golden Group key Emirati supporter of Haftar", *Intelligence Online*, 7 October 2020, <https://www.intelligenceonline.com/international-dealmaking/2020/10/07/international-golden-group-key-emirati-supporter-of-haftar,109612017-gra>

204. "Despite its exposure in Libya, IGG still a favourite among French firms Atos and co", *Intelligence Online*, 2 March 2021, <https://www.intelligenceonline.com/international-dealmaking/2021/03/02/despite-its-exposure-in-libya-igg-still-a-favourite-among-french-firms-atos-and-co,109647306-ar1>

205. "Lacroix showcases its Galix AOS system at MSPO 2017", *Army Recognition*, 7 September 2017, [https://www.armyrecognition.com/mspo\\_2017\\_news\\_official\\_online\\_show\\_daily\\_coverage/lacroix-showcases-its-galix-aos-system-at-mspo-2017.html](https://www.armyrecognition.com/mspo_2017_news_official_online_show_daily_coverage/lacroix-showcases-its-galix-aos-system-at-mspo-2017.html)

206. Lacroix company website: <http://www.lacroix-defense.com/produit.php?langue=en&code=galix&pole=land>

207. "Nimr Ajban", *Military Today*, [http://www.military-today.com/trucks/nimr\\_ajban.htm](http://www.military-today.com/trucks/nimr_ajban.htm); "Footage was recorded by @nytimes in #Kilo16 #Hudaydah Western coast - The vehicles are: Nimr Ajban 450 - Nimr Ajban 420 - MaxxPro MRAP - caiman MRAP #Yemen #YemenWar", @mansourtalk, Twitter, 22 October 2018,

208. "LACROIX s'allie à Metravib Defence pour muscler le système d'autoprotection Galix AOS", Forces Operations Blog, 22 February 2021, <https://www.forcesoperations.com/lacroix-sallie-a-metravib-pour-muscler-le-systeme-dautoprotection-galix-aos/>

Lacroix has also equipped Denel's South African RG-31 armoured vehicles, the G6s, with this product<sup>209</sup>. They are used by the UAE armed forces in Yemen. The Nimr Ajban vehicles, equipped with grenade launchers, were used against the civilian population during protests in Sudan in 2019<sup>210</sup>.

\*In the late 2000s, Russia was a UAE ally and participated in the UAE defence industry. At that time, France was also moving closer to Russia. Under the presidency of Nicolas Sarkozy, the two nations developed joint armaments programmes (project to sell the helicopter carrier Mistral, partnership between Renk France and Nexter on the design of armoured vehicles, partnership between Safran, Thales and Russian Helicopters<sup>211</sup>, in breach of the EU embargo), until the invasion of Crimea and Syria. France thus found itself involved with Russia in projects relating to UAE equipment.

In 2013, Emirates Defence Technologies, Renault Trucks Defence (now Arquus) and the Russian company Uralvagonzavod joined forces to design the 8x8 Atom armoured vehicle. This vehicle was to be equipped with thermal imaging cameras supplied by Safran. As a result of the war in Crimea, EU sanctions were imposed on Russia, and France suspended its partnership. Russia and the UAE continued to design the armoured vehicle, named Enigma.

However, in 2011, Safran participated in the renovation of the Emirati BMP-3s, which are among the light armoured vehicles most often seen in Yemen<sup>212</sup>. Russia supplied 250 of these light armoured vehicles to the Emirates from 1992 to 1994. Their renovations are done in the Emirates.

## **5) Development of armaments equipment by foreign subsidiaries of French companies**

**France is also involved through the participation of foreign subsidiaries of French armaments companies in the UAE defence industry.**

France, through its subsidiaries in South Africa, Russia and the Netherlands, is involved in foreign projects for armaments that have been used in the war in Yemen. Many of these contracts concerned military refurbishments that took place in 2015, 2016 or 2017, in the middle of the war in Yemen. While the responsibility of the French state is shared with these various selling States, it does not appear to be any less real. On the one hand, the French headquarters of the Thales group endorsed the sales made by its subsidiaries in its communication<sup>213</sup>. On the other, some of these contracts were secured through Emirati industrial groups that are known to be close to French companies. The South African mortar systems were acquired by the International Golden Group, in which Thales and Safran are partners<sup>214</sup>. Finally, France maintains military cooperation with the Netherlands and South Africa, in the first case through joint membership of the EU and NATO, in the second through a 1998 military cooperation agreement<sup>215</sup>. All the evidence points to this industrial collaboration taking shape with the approval of the French government.

\*In 2016, Thales South Africa provided the sighting systems for certain armoured vehicles and artillery systems. The South African subsidiary of Thales is responsible for the 20mm mortar firing system mounted on Spanish RG-31 vehicles, the Agrab Mk 2<sup>216</sup>. According to Amnesty International, this South African product which benefits from British (BAE Systems) and Singaporean (Singapore

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209. Lacroix company website, op. cit.

210. Christian Triebert, "The Emirati-made NIMR Ajban 440As with smoke grenade launchers are once again spotted on the streets of Khartoum, #Sudan", Twitter, 8 August 2019, <https://twitter.com/trbrtc/status/1159571023651647491>

211. Nathan Gain, "Démonstration de force de l'industrie russe", *Forces Operations Blog*, 20 August 2017, <http://forcesoperations.com/demonstration-de-force-de-lindustrie-russe/>

212. Safran, reference document, 2011, <http://www.xavierpaper.com/documents/rap/r.Safran.31.12.11.pdf>; Leone Hadavi, "Logbook, Part I: The UAE's BMP-3 IFV in Yemen", *Bellingcat.com*, 11 April 2019, <https://www.bellingcat.com/news/mena/2019/04/11/logbook-part-i-the-uaes-bmp-3-ifv-in-yemen/>; Tamir Eshel, "UAE To Upgrade 135 BMP-3 Armored Infantry Vehicles", *Defense Update*, 25 February 2011, [https://defense-update.com/20110225\\_uae\\_bmp3.html](https://defense-update.com/20110225_uae_bmp3.html)

213. "Thales consolidates its position in the UAE naval market", 28 February 2017, <https://www.thalesgroup.com/en/worldwide/press-release/thales-consolidates-its-position-uae-naval-market>

214. "IGG of Abu Dhabi integrates last batch of Agrab Mobile Mortar Systems for UAE Armed Forces", 25 February 2015, *Emirates News Agency*, <http://wam.ae/en/details/1395277092211>

215. Webpage of the *Observatoire des armements*: [http://www.obsarm.org/obsarm/transfert\\_armes/accords/cooperation.htm](http://www.obsarm.org/obsarm/transfert_armes/accords/cooperation.htm)

216. "Denel South Africa will deliver 24 RG31 Agrab 120mm mortar carrier vehicle to United Arab Emirates", *Army Recognition*, 22 July 2016, [https://www.armyrecognition.com/july\\_2016\\_global\\_defense\\_security\\_news\\_industry/denel\\_south\\_africa\\_will\\_deliver\\_24\\_rg31\\_agrab\\_120mm\\_mortar\\_carrier\\_vehicle\\_to\\_united\\_arab\\_emirates\\_12207161.html](https://www.armyrecognition.com/july_2016_global_defense_security_news_industry/denel_south_africa_will_deliver_24_rg31_agrab_120mm_mortar_carrier_vehicle_to_united_arab_emirates_12207161.html)

Technologies Kinetics) know-how, is used in Yemen by militias supported by the Saudi-Emirati-led Coalition<sup>217</sup> and assembled in the UAE. In 2011, 72 units were ordered for the UAE. Since 2003, Thales South Africa has also been providing the artillery firing system G6-52 Rhino<sup>218</sup>. According to a note by the French Directorate of Military Intelligence published by *Disclose*, this artillery unit was used in Yemen in 2018 to bomb positions from Ghulayfiquah and in Al-Khawkhah<sup>219</sup>. 78 units were supplied to the UAE in the early 1990s.

South Africa has sold a large number of armoured vehicles, artillery and ammunition to the UAE for the war in Yemen. Meanwhile, France has been a major partner of South Africa since the 1970s through Aerospatiale, Matra and Thomson, which supplied the apartheid regime and used South Africa to transfer arms to countries at war or under embargo, such as Angola in the 1990s. Anticipating the international embargo, South Africa became autonomous in arms production very early on, with the acquiescence of Western countries, primarily France. The end of apartheid and ANC's coming to power in 1994 did not change these practices. The country still has little regard for international embargoes and continues to serve as a gateway for the supply of countries at war. Pretoria has expertise in armaments designed to suppress social movements and 'rebel groups': first helicopters, then light armoured vehicles and ammunition. "Years of urban uprisings and now crime have forced local engineers to develop sophisticated systems, which have been found discreetly in many foreign forces. South Africans are not known for putting obstacles in the way of their manufacturers", says former French military pilot Vincent Gojon. Pretoria produced a number of munitions for the Mirage 2000 fighter aircrafts that were supplied in 2014, on the eve of the war in Yemen.

France has therefore retained a key role in the provision of technical support for some of the earlier aviation equipment through Thales<sup>220</sup>, or Airbus, which has a large operational maintenance centre for the helicopters deployed in the region. Safran is also involved in the motorisation of a number of helicopters through its subsidiary Turbomeca Africa. Thales and Safran collaborate with the major South African arms company Denel.

In relation to recent equipment, the Pretoria-based Thales subsidiary has equipped many of the South African armaments with sighting systems (frigates, armoured vehicles, cannons, etc.).

"There is an increasing participation of European defense groups and investors are increasingly participating in the South African industry, at prime contractor and sub-contractor levels. This participation is part of an ongoing restructuring and expansion of defense groups such as EADS and Thales. Local divisions can influence government-to-government dealings to the benefit of the parent company and the local subsidiary", says John Paul Dunne, Professor of Economics at the University of Cape Town in South Africa<sup>221</sup>.

The South African arms industry, which is based on technology transfers from foreign companies (BAE Systems, Blohm and Voss, Thales, Safran, etc.), would thus appear to be the ancestor of the UAE model. In any case, it is an export base to Africa and the Middle East.

\*In 2017, Thales' Dutch subsidiary supplied the firing systems for the two Arialah ships<sup>222</sup>. It provided the combat system for the two Arialah patrol boats made by the Dutch company Damen and a communication system for the Leclerc tank<sup>223</sup>. Since the end of 2018, the Arialah ships have been detected at a military base in Assab, Eritrea, for projection towards Yemen<sup>224</sup>.

217. "When arms go astray", Amnesty International, <https://arms-uae.amnesty.org/en/>

218. "G6 155mm Self-Propelled Howitzer", *Army Technology*, <https://www.army-technology.com/projects/g6/>; "South Africa Shows Advanced New Artillery System", *Defence-aerospace.com*,

219. "Yémen: situation sécuritaire", Note by the French Directorate of Military Intelligence, 25 September 2018, published by *Disclose*, <https://made-in-france.disclose.ngo/en/>

220. Craig Hoyle, "Thales lands military avionics deal with South Africa", *FlightGlobal.com*, 28 May 2012, <https://www.flightglobal.com/thales-lands-military-avionics-deal-with-south-africa/105509.article>

221. John Paul Dunne, "The making of Arms in South Africa", *The Economics of Peace and Security Journal*, January 2006, [https://www.researchgate.net/publication/23697504\\_The\\_Making\\_of\\_Arms\\_in\\_South\\_Africa](https://www.researchgate.net/publication/23697504_The_Making_of_Arms_in_South_Africa)

222. "Thales consolidates its position in the UAE naval market", 28 February 2017, <https://www.thalesgroup.com/en/worldwide/press-release/thales-consolidates-its-position-uae-naval-market>

223. Under the radar: The United Arab Emirates: arms transfers and regional conflict", Pax Netherlands, 11 September 2017, <https://www.paxforpeace.nl/publications/all-publications/under-the-radar>

224. Leone Hadavi, "The last analysed vessels are 2 Arialah Offshore Patrol Vessels. According to the 1st one delivered in 2017 and the second one inaugurated in 2019. At least one Arialah OPV is frequently spotted in #Assab since late 2018. Last seen docked there on 29 Mar. 2019.", Twitter, 14 August 2019, [https://twitter.com/leone\\_hadavi/status/1161529665271607297](https://twitter.com/leone_hadavi/status/1161529665271607297)

## Iskander Safa and CMN/Prinvest

Iskandar Safa, a Franco-Lebanese businessman, is today a key figure in the France-UAE arms alliance. His baptism of fire took place in 1988 during negotiations in relation to the French hostage-taking in Lebanon, where he played the role of mediator and was able to introduce himself durably into the business and state networks maintained by Charles Pasqua and Jean-Charles Marchiani<sup>225</sup>.

According to an *Al-Jazeera* investigation, "Iskandar Safa has long-standing ties to the Kingdom of Saudi Arabia, most of which he inherited from his family, who belong to the Lebanese Maronite Christian elite, and who made huge amounts of money through their activities in the Kingdom. As a result, Iskandar, and his younger brother, partner and close assistant Akram, have not only inherited a large fortune from their family, but [...] have also nurtured and developed an invaluable network of relationships"<sup>226</sup>. An address book that has helped him to play the role of intermediary between France and the Gulf countries.

In the early 1990s, Iskandar Safa worked for Sofremi, a French para-state arms export agency, under the Miksa (Ministry Interior Kingdom Saudi Arabia) contract on securing Saudi Arabia's borders (including radars, helicopters and a telecommunication network).

In 1991, Safa also acquired the Cherbourg shipyards through his Emirati group Prinvest, which marked the start of a transfer of skills from CMN to the UAE. Among the Lewa maritime vessels sold by the Normandy company in 1999, only the prototype was built in Cherbourg, the 11 others were manufactured in Abu Dhabi. In 2009, a new contract was signed with the UAE for their replacement: the Baynunah corvettes, of which 5 (of 6) were built directly in the UAE. "Abu Dhabi Mar, the UAE subsidiary of Prinvest based in Abu Dhabi, is often referred to as the repair centre for Middle Eastern military ships", says Layla Mansour, military specialist and author of the blog "*Les arcanes de la géostratégie*"<sup>227</sup>.

The Franco-Lebanese businessman's story is also a European one. In 2010, Iskandar Safa bought several German (Kiel, Noveskrug, Tesenkorp, etc.) and Greek (Hellenic Ships) shipyards on behalf of Prinvest/CMN. The German shipyards, which are oriented towards the European markets, were also involved in transferring skills to the UAE. The Prinvest group supplied frigates and patrol boats to the North African (Algeria) and Middle Eastern (Saudi Arabia, Kuwait) markets. The company, in connection with France, sold patrol boats to Angola (32 interceptors)<sup>228</sup> but also to Mozambique (3 trimarans, 3 interceptors and 24 fishing boats), a contract that was the subject of a lawsuit in the US<sup>229</sup>. One of its interceptors even fell into the hands of insurgents in Mozambique in 2020. The two corvettes sold by TKMS (Thyssen Krupp Marine Systems) to Algeria were invoiced by Abu Dhabi Mar, a subsidiary of Prinvest. The company was also a subcontractor to the Germans in a project to design Israeli ships, which later fell through<sup>230</sup>.

225. Hervé Gattegno, "Iskandar Safa l'insaisissable", 7 October 2005, [https://www.lemonde.fr/a-la-une/article/2005/10/07/iskandar-safa-l-insaisissable\\_696861\\_3208.html](https://www.lemonde.fr/a-la-une/article/2005/10/07/iskandar-safa-l-insaisissable_696861_3208.html)

226. <https://www.aljazeera.net/midan/reality/politics/2018/2/6/%D8%A5%D8%B3%D9%83%D9%86%D8%AF%D8%B1-%D8%B5%D9%81%D8%A7-%D8%A5%D9%85%D8%A8%D8%B1%D8%A7%D8%B7%D9%88%D8%B1-%D8%AA%D8%AD%D9%88%D9%84-%D9%84%D9%88%D8%B3%D9%8A%D8%B7-%D9%85%D9%87%D9%85-%D8%A8%D9%8A%D9%86>

227. <https://laylamind.home.blog/>

228. Guy Martin, "Angola confirmed to be operating HSI 32 interceptors", *Defenceweb*, 24 March 2021, <https://www.defenceweb.co.za/featured/angola-confirmed-to-be-operating-hsi-32-interceptors/>

229. Adrien Barbier, "La justice américaine s'empare du scandale des dettes cachées par le Mozambique", *Le Monde.fr*, 19 January 2019, [https://www.lemonde.fr/economie/article/2019/01/19/la-justice-americaine-s-empare-du-scandale-des-dettes-cachees-par-le-mozambique\\_5411509\\_3234.html](https://www.lemonde.fr/economie/article/2019/01/19/la-justice-americaine-s-empare-du-scandale-des-dettes-cachees-par-le-mozambique_5411509_3234.html)

230. *Al Jazeera*, op. cit.

As the owner of several European shipyards, Iskandar Safa's group is in a good position to propose their restructuring, in view of the financial difficulties encountered by the sector. When asked about a possible merger between CMN and the German shipyards, also owned by Prinvest, Pierre Balmer, an executive of the group, said that "this is one of the very first lines of [his] roadmap in [his] new position. We must continue to progress in our collaboration to build a real group, not a patchwork of industrial sites"<sup>231</sup>. This prospect, consistent with the establishment of a European Defence Fund in 2019, would increase interdependence between France, Germany and the UAE in terms of arms sales and strategic partnerships.

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231. Vincent Groizeleau, "INTERVIEW Pierre Balmer quitte la présidence de CMN", Mer et Marine, 23 August 2019, <https://www.meretmarine.com/fr/content/pierre-balmer-quitte-la-presidence-de-cmn>



# CONCLUSION

The analyses detailing the police state and criminal intervention of the Emirati authorities internally and externally on the ground in Yemen are chilling. Such practices have been denounced by the UN Special Rapporteurs as well as the Group of Eminent Experts that were in charge of investigating the war in Yemen.

But after several years of criminal practices, these authorities remain immune from any sanction or downgrading of their international relations, especially by the French authorities.

Under the UN Arms Trade Treaty, France has committed to prohibit any sale or export of arms when it is aware that they “could be used” to commit violations of international humanitarian law or human rights.

France has also committed under the 2008 EU Common Position not to sell or transfer arms if there is a “clear risk” that the equipment sold will be used to commit serious violations of international humanitarian law.

The continuation of military equipment, new sales and maintenance of the equipment sold, when violations have been denounced, can only raise questions about the possible complicity of the French companies supplying this equipment, and of the French authorities who have given approval for the exports, in the commission of violations to which the equipment supplied contributed.

Through this report, FIDH and its member organisations Mwatana, Gulf Center for Human Rights and the LDH condemn the manner in which France is implementing its obligations, and call on the French authorities to place international legality at the heart of its relationship with its “strategic allies”. The realities in which they are directly or indirectly involved require the urgent establishment of lasting solutions, in order to avoid the suffering of civilian populations, to work towards a reduction in armed conflicts throughout the world, and to reduce the room for manoeuvre of dictatorial regimes. This can be done simply by placing the law at the heart of international relations.

# RECOMMENDATIONS

FIDH, l'Observatoire des armements, LDH, Mwatana and the Golf Center for Human Rights, call on:

## **To the Emirati authorities:**

### ***On the human rights situation in the UAE:***

1. Cease the systematic practices of arbitrary arrests and excessively long pretrial detentions, extrajudicial executions, enforced disappearances, torture and other forms of cruel, inhuman or humiliating treatment; ensure independent and impartial investigations into such violations, particularly violations of the International Covenant on Civil and Political Rights and the United Nations Convention against Torture (UNCAT); and ensure victims' access to justice and compensation, in compliance with their international law obligations;
2. Immediately and unconditionally free all persons, including human rights defenders, detained in the UAE for their convictions and opinions which they have expressed in a peaceful manner, while exercising their rights to freedom of expression, assembly, and association;
3. Launch an independent investigation into the allegations of torture, cruel, inhuman and degrading treatments forthwith, and ensure medical and psychological support, rehabilitation, compensation and other relevant forms of reparation to those who have been victims of such acts;
4. Hold accountable all those confirmed to have been involved in physical and psychological torture, whether they directly committed such acts or instigated them;
5. Introduce a moratorium on the death penalty with a view to its definitive abolition and commute existing death sentences;
6. Ratify the UN International Covenant on Civil and Political Rights, the Optional Protocol to United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
7. Enable the visit of the country of UN Special Rapporteurs that have requested to do so, in particular the Working Group on Arbitrary Detention (Requested in 2017), the SR on Torture (req. repeated in 2021), the SR on human rights and counter terrorism, the WG on disappearances;
8. Repeal and reform restrictive legislation used to perpetrate human rights violations, notably internationally recognised norms related to freedom of expression, including the Federal Decree Law No. 2 of 2015 on anti-discrimination and anti-hate, the Cybercrime Law No. 5 of 2012 which criminalises defamation against public institutions, and the Anti-terrorism Law No. 7/2014 on the "fight against terrorist crimes" which abuses the fight against terrorism to repress peaceful dissent.

### ***On the situation in Yemen:***

Follow and implement the recommendations of the UN Group of Eminent International and Regional Experts on Yemen included in its fourth and last report to the UN Human rights Council<sup>232</sup>, and notably,

1. Agree to a full cessation of hostilities and achieve a sustainable and inclusive peace, through a comprehensive and inclusive peace process with the full involvement of women, young people and minority groups;
2. Immediately cease all forms of support for armed groups on the ground, including arming and financing;

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232. Situation of human rights in Yemen, including violations and abuses since September 2014, Report of the Group of Eminent International and Regional Experts on Yemen, A/HRC/48/20, 13 September 2021, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=27458&LangID=E>

3. Immediately cease all acts of violence committed directly by the UAE or through UAE-backed armed groups on the ground against civilians in violation of applicable international human rights and international humanitarian law and take all feasible precautions to protect civilians and civilian infrastructure;
4. Immediately end any measures that worsen the humanitarian crisis, in particular remove all restrictions on the safe and expeditious entry into Yemen and distribution to civilians of humanitarian supplies and other goods indispensable to the civilian population, cease attacks affecting hospitals and objects indispensable to the survival of the civilian population, and take appropriate steps to ensure the realization of the right to an adequate standard of living of the population;
5. Immediately review, through a competent judicial authority, the legality of detention of all inmates in both official and non-official detention facilities, release those who are arbitrarily detained and ensure respect of all rights of detainees, including the right not to be subjected to torture, including sexual violence and ill-treatment, and the right to a fair trial;
6. Respect and protect the rights to freedom of expression and religion or belief, as well as other fundamental rights and freedoms, and cease arbitrary arrests and acts of harassment aimed at preventing the free exercise of these rights, including those directed at journalists, human rights defenders and minorities;
7. Conduct prompt, transparent, independent, impartial, thorough, credible, effective and gender-sensitive investigations of all violations and crimes committed during the conflict, and ensure accountability of the perpetrators and justice for the victims and take measures to ensure the protection of victims and witnesses in such processes.

## **To the French authorities:**

### ***On its system of export licences on arms and dual use equipment :***

1. Prohibit exports of arms and surveillance technology to the UAE as long as grave human rights violations by UAE authorities, military and proxy forces are being reported, and as long as the abuses committed have not been investigated; making these deliveries subject to the strict respect of human rights by UAE authorities;
2. Shed light on the legality of past sales of arms and surveillance equipment, including those mentioned in this report, in light of France's international legal obligations, in order to determine legal responsibilities of both the French government and French businesses; for example, through a parliamentary commission of inquiry on the authorisation of exports to the UAE since the beginning of the Yemen war;
3. Create a permanent parliamentary commission for the control of French exports of military and surveillance equipment, whose role may include:
  - Regular debates on such exports;
  - Examining requests for weapons exports to 'sensitive' destinations, and/or where the amount of the export exceeds a certain limit, and adopting a warning mechanism that will be triggered prior to export decisions by the Prime Minister and the Inter-ministerial Commission for the Study of Military Equipment Exports (CIEEMG) and the Inter-departmental Commission of Dual-Use Goods (CIBDU) for all transfers to sensitive destinations;
  - Holding regular discussions with the Ministries of Defence and Foreign Affairs, as well as NGOs, on the list of sensitive destinations understood to be 'risk areas' seriously affected by internal or regional tensions, or where grave human rights violations occur. This list must be based on respect for the eight criteria of the European Union's 2008 Common Position, as well as obligations under the Arms Trade Treaty (ATT) ratified by France on April 2, 2014; and it must take into account the risk of the arms' diversion after delivery;
  - Organise regular hearings of independent experts and representatives of civil society organisations;

- Demand government justification for arms exports when there is a risk that these might contravene France's international obligations, or a considerable risk this may occur in the future;
  - Discuss, approve (or reject) and regularly monitor the implementation of any strategic partnership that the Ministries of Defence and Foreign Affairs wish to develop or pursue with other States, and in particular those which would involve strengthening the exports of arms or dual-use items.
4. Adopt robust transparency measures, in particular:
- Reform the process for authorising exports of arms equipment and dual-use goods, whose current opacity is particularly alarming, especially the manner in which the relevant Inter-ministerial Commission evaluates requests and issues licenses;
  - Issue Detailed and regular -preferably monthly- publication of data describing license applications per arms or dual use equipment per item, the exporter name, a description of the end user and destination, the value of the license, and whether the license was granted or denied and why – in short, the information essential to informing public debate on the sales of arms and dual-use articles, which is necessary to the functioning of any democratic society;
  - Reform the Dual-use regulations export control to conform with the new EU regulation on the matter, specifying the type of material under such control, and notably :
    - Interpret “cyber-surveillance” to include the following items which are already subject to export licensing:
      - Mobile telecommunications interception or jamming equipment;
      - Intrusion software;
      - IP network communications surveillance systems or equipment;
      - Software specially designed or modified for monitoring or analysis by law enforcement;
      - Laser acoustic detection equipment;
      - Forensic tools which extract raw data' from a computing or communications device and circumvent “authentication” or authorisation controls of the device;
      - Electronic systems or equipment, designed either for surveillance and monitoring of the electro-magnetic spectrum for military intelligence or security purpose; and
      - Unmanned Aerial Vehicles capable of conducting surveillance.
    - Ensure without delay that systems specially designed to perform biometric identification of natural persons for security purposes are subject to control and constitute « cyber-surveillance material ».
5. Ensure coherence among internal policies and institutions, especially in providing information, training and support to State agencies and other public institutions (including public investment banks, development banks, export credit agencies or agencies with State participation), to ensure they all act in accordance with the country's human rights obligations;
6. Ensure French laws governing the assessment of export licenses' compliance with France's international and European human rights commitments;
7. Exercise their duty of vigilance vis-à-vis the activities of State-owned enterprises and risks of human rights violations ;

8. Address the impunity of rights violations and to that end establish recourse mechanisms to provide an effective remedy for human rights violations committed using the arms equipment or transferred technology.

***And on the situation in Yemen, notably as a permanent member of the UN Security Council and a member of the UN Human rights council***

Follow and implement the recommendations of the UN Group of Eminent International and Regional Experts on Yemen included in its latest and last report to the UN Human rights Council<sup>233</sup>, and notably,

1. Promote and support all efforts, notably by the Special Envoy of the Secretary-General for Yemen, to reach a cessation of hostilities and achieve a sustainable and inclusive peace;
2. Take all reasonable measures to ensure respect for international humanitarian law and international human rights law by all warring parties, in particular, by ceasing to provide arms and military support to the parties;
3. Provide support to parties in strengthening accountability mechanisms, and take specific initiatives at the international level or in third States, as appropriate, in pursuant of accountability;
4. After the historic failure to renew the mandate of the GEE, France must support the re-establishment of an international investigative body similar to the Group of Eminent Experts on Yemen (GEE).
5. Support the establishment of an adequately resourced and sufficiently staffed international criminally- focused investigative mechanism for Yemen that would collect, consolidate, preserve and analyse evidence; prepare case files; and identify victims and document the extent and types of harm suffered in view of reparations claims in each case investigated;
6. Integrate the human rights dimensions of the conflict in Yemen more fully into the agenda of the UN Security Council and ensure there is no impunity for the most serious crimes by, inter alia, referring the situation in Yemen to the International Criminal Court, and expanding the list of persons subject to Security Council sanctions under its resolution 2140 (2014).

**To companies exporting arms and surveillance equipment to the UAE, including French companies:**

1. End exports and supply of military and surveillance material and know-how to the UAE in compliance with their international responsibility to respect human rights in all countries where their activities are located;
2. Respect international law and the UN Guiding Principles on Business and Human Rights, in particular regarding the adoption of due diligence measures in the supply chain in order to identify, prevent and mitigate potential and adverse human rights impact of their operations and throughout their value chain ;
3. Inform the public about the scope, nature, and transferable findings of the human rights due diligence procedures they implemented, and to that end and when applicable, to comply with Law No. 399 of March 2017 on the duty of vigilance incumbent upon parent companies and contractors, to develop and implement a vigilance plan in consultation with stakeholders ;
4. Establish mechanisms to provide an effective remedy for human rights violations committed using the arms equipment, that **could** review government procurement contracts, export credits and other forms of State support, privileges and/or advantages linked to the given contracts, or transferred technology.

**To the European Union:**

- The European Commission should expeditiously develop in consultation with civil society, clear guidelines to ensure adherence to the new EU Dual Use Regulation on Export Control Use

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233. *Ibid.*, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=27458&LangID=E>



and disseminate them among all national and business stakeholders. Most importantly the Commission should closely monitor Member States' implementation of the new regulation, and adopt all necessary measures under EU law to prevent, to discipline, and remedy any possible breach that may occur;

- Support the establishment of an international criminally-focused investigation body to: (a) Collect, consolidate, preserve and analyse evidence, prepare case files; and identify victims and document the extent and types of harm suffered in view of reparations claims in each case investigated;
- Support the re-establishment of an international investigative body similar to the Group of Eminent Experts on Yemen (GEE);
- Support the referral of Yemen's situation to the International Criminal Court (ICC) by the UN Security Council;
- Support the implementation of the GEE's recommendations geared at making progress towards ensuring accountability for crimes under international law committed in Yemen;
- The European Union should change its Common Position dated 2008 (2008/944/CFSP) into a regulation based on article 207 TFEU, make clear that the Eight criteria apply to items on the Military List, as well as components, related maintenance and service contracts, align on the ATT procedures, set up an independent risk assessment unit defining at the EU level sensitive destinations based on the 8 criteria currently referred in the Common position and enhance the transparency and accountability procedures, as well as the participation of civil society and European Parliament in the monitoring and assessment process;
- The EU should decide an arm embargo to the UAE.

### **To the United Nations Working Group on the issue of Human Rights and Transnational Corporations and other business enterprises:**

- Request a country visit to the UAE to look into the impact of business related to surveillance technology on the human rights situation in the country;
- If no State invitation is forthcoming within a fair time limit, issue a report on the situation in the UAE with regard to these issues.
- Support the establishment of an international criminally-focused investigation body to: collect, consolidate, preserve and analyse evidence, prepare case files; and identify victims and document the extent and types of harm suffered in view of reparations claims in each case investigated.
- Support the re-establishment of an international investigative body similar to the Group of Eminent Experts on Yemen (GEE).
- Support the referral of Yemen's situation to the International Criminal Court (ICC) by the UN Security Council.
- Support the implementation of the GEE's recommendations geared at making progress towards ensuring accountability for crimes under international law committed in Yemen.



**The Gulf Centre for Human Rights (GCHR)** is an independent, non-profit NGO that provides support and protection to human rights defenders (HRDs) in order to promote human rights, including but not limited to freedom of expression, association and peaceful assembly.

The GCHR documents the environment for HRDs in the Gulf region and neighbouring countries, specifically Bahrain, Kuwait, Iran, Iraq, Jordan, Oman, Qatar, Saudi Arabia, Syria, the United Arab Emirates and Yemen. The GCHR was founded in 2011.

The vision of the Center is to have vibrant civic spaces in the Gulf region and neighbouring countries in which human rights are fully respected and HRDs, including journalists, bloggers and Internet activists, can work free from oppression and fear.



**Mwatana** is an independent Yemeni organization established in 2007 and advocates for human rights. Even though the former regime of president Ali Abdullah Saleh declined to provide the organization with the permit to conduct its work, Mwatana was able to implement its activities and participate with other parties in advocacy campaigns against the violations of human rights committed in various parts of Yemen.

In April 2013, Mwatana finally obtained its permit and was able to expand its institutional capacities and intensify its activities. Mwatana is currently documenting the violations committed by the parties to the conflict and the various authorities and is publishing the results of its investigations in multiple publications. Mwatana also provides legal support and advice to victims of arbitrary detention and enforced disappearance, in addition to implementing advocacy activities and campaigns at the international level and among decision-makers. It also works to ensure accountability for violators and justice for victims and to build the capacity in the human rights field.

In 2018, the Baldwin Award recognized Mwatana's work. Human Rights First announced awarding the 2018 Roger N. Baldwin Medal of Liberty to Mwatana. In the same year, the 10th International Hrant Dink Award was granted to Mwatana for depicting to the world the status of human rights in Yemen and for fighting against human rights violations in the country. In 2019, the American magazine "Time" listed Radhya Almutawakel (Chairperson of the organization) among its 100 most influential people in the world.

In February 2021, Mwatana for Human Rights and Campaign Against Arms Trade (CAAT) were nominated for the 2021 Nobel Peace Prize.



**L'Observatoire des armements** is an independent center of expertise created in 1984 in Lyon (France). Its objective is to support the work of civil society on defense and security issues, with a view to progressive demilitarization. L'Observatoire operates on two priority axes: transfers and the industry of arms and security; nuclear weapons and their consequences. It publishes studies and a newsletter, Damocles. To find out more: <http://www.obsarm.org/>

Ligue  
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**The Human Rights League (LDH)** is a generalist, independent and apolitical, recognized as being of general interest association, for the promotion and defense of fundamental rights. The league is part of all the struggles for justice, freedoms, civil and political rights, economic, social and cultural rights, but also the defense of freedoms against security intrusions into private life, against racism and antisemitism and the various forms of discrimination for more than 120 years now. The League calls on the public authorities to guarantee our fundamental rights when measures go against rights and freedoms, and observes police practices in order to ensure proper democratic functioning and denounce abusive and repressive practices, the LDH also intervenes in schools and with the general public in order to inform and raise awareness, it goes to court alongside victims of injustice or discrimination and provides access to the law on a permanent basis. The LDH operates throughout the country, in metropolitan France and overseas, through nearly 300 local sections. To find out more about his fights: [www.ldh-france.org](http://www.ldh-france.org)

# Keep your eyes open

**fidh**

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**For FIDH, transforming societies relies on the work of local actors.**

The Worldwide Movement for Human Rights acts at national, regional and international levels in support of its member and partner organisations to address human rights abuses and consolidate democratic processes. Its work is directed at States and those in power, such as armed opposition groups and multinational corporations.

Its primary beneficiaries are national human rights organisations who are members of the Movement, and through them, the victims of human rights violations. FIDH also cooperates with other local partner organisations and actors of change.

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FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

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FIDH was established in 1922, and today unites 192 member organizations in 117 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

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Like its member organizations, FIDH is not linked to any party or religion and is independent of all governments.