



Intimidation and reprisals for cooperation with the UN

Submission to the Secretary-General

Report submitted to the Secretary-General in the context of the preparation of the annual report on intimidation and reprisals for cooperation with the UN in the field of human rights

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1 Introduction

Since the adoption of resolution 12/2 by the Human Rights Council in 2009, the UN Secretary-General (UNSG) has issued nine reports on intimidation and reprisals for cooperation with the UN in the field of human rights. However, acts of reprisals continue unabated.

In the Middle East and North Africa (MENA) region, the vast majority of countries – 16 in total – have appeared in at least one of the UNSG annual reports on reprisals. However, the cases highlighted in this report are only a small proportion of the actual cases of reprisals, as many individuals fear to report on such cases. In this regard, the report does not take into account the climate of self-censorship in which human rights defenders operate, which might lead them not to take certain action for fear of putting themselves in danger.

The cases included in this report are only ones for which we have direct contact with the victims and/or their relatives, and who have all given their consent to be featured in this submission and have their case raised by the UNSG in his annual report.

2 New cases of reprisals

2.1 Iraq

2.1.1 Trends

Iraq has been featured in every UNSG reprisals report since 2016: all cases raised by the UNSG since then are related to acts of intimidation and threats against volunteers from the NGO Al Wissam Humanitarian Assembly, which documents cases of enforced disappearances in Iraq and submits them to the UN human rights mechanisms.

Al Wissam Humanitarian Assembly has filed over 350 urgent actions with the Committee on Enforced Disappearances (CED) despite operating in an increasingly dangerous environment. Activists have been arbitrarily detained, tortured, threatened and harassed by the Iraqi authorities, including state-sponsored militias, with many being forced to flee the country as a result.

2.1.2 Imad Al Tamimi and Israa Al Dujaili

On 2 October 2018, a number of UN Special Procedures mandate holders raised concerns over allegations of reprisals against Mr **Imad Al Tamimi** and Ms **Israa Al Dujaili** as result of their cooperation with the UN human rights mechanisms (UA IRQ 3/2018). The Iraqi authorities have not responded to the communication to date.

On 14 July 2018, Mr Al Tamimi participated in a demonstration on Mutanabbi Street in Baghdad against corruption and chronic mismanagement of resources by the Iraqi government.

Later during the day, he was arrested by officers from the Special Weapons and Tactics (SWAT) Unit, who did not show a warrant nor give any reasons for his arrest. The abduction occurred in the vicinity of the “Medical City” in Baghdad. Al Tamimi was forced into a black pick-up truck before being transferred to an unknown location and interrogated.

While detained in a secret facility run by the SWAT, Mr Al Tamimi was subjected to acts of torture for the first two weeks of his detention. Methods used included severe beatings all over his body and repeated electric shocks to his limbs.

Mr Al Tamimi was interrogated about his involvement with Al Wissam Humanitarian Assembly and on the issue of enforced disappearances in Iraq in general as well as about his relationship with the founder of the organisation, Mr Salam Al Hashimi. Mr Al Tamimi was also questioned about “Jurf Sakhar”, a secret detention facility operated by the Hezbollah Brigades,¹ and about whether he knew anyone detained there. He was then forced to sign a document stating that he would no longer participate in any event related to enforced disappearances in Iraq, and that if he failed to do so, he would be re-arrested along with his brothers.

Mr Al Tamimi was held *incommunicado* until 7 September 2018. On that day, he was transferred blindfolded from the unofficial detention centre to Aden Square, where he was released.

In recent years, Ms Al Dujaili has participated in a series of events related to the issue of enforced disappearances in Iraq.

On 30 August 2017, Ms Al Dujaili took part in a sit-in on the occasion of the International Day of the Victims of Enforced Disappearances. On 3 February 2018, she attended a conference in Karada calling on Iraq to ratify the Rome Statute of the International Criminal Court (ICC). On 24 August, she joined a demonstration in Tahrir Square in Baghdad in solidarity with anti-corruption protestors in Basra.

Three days later, she went to a copy shop located in the Al Saadoun neighbourhood near Al Nasser Square in Baghdad to collect posters advertising events organised by Al Wissam Humanitarian Assembly on the occasion of the 2018 International Day of the Victims of Enforced Disappearances. After leaving the shop, a group of men blocked her way and interrogated her about the posters she was carrying. She was verbally assaulted and subjected to threats in relation to her participation in these events. As a consequence, she fled to her sister’s home in Erbil for fear of further reprisals.

Ms Al Dujaili believes that her assailants acted on behalf of the Iraqi National Intelligence Service (INIS), as the Ministry of Interior issued a circular ordering all copy shops to inform the Ministry about any printed publication deemed critical of the authorities in the context of the ongoing social unrest.

¹ The Hezbollah militias are part of the Popular Mobilisation Units (PMU) – an umbrella organisation composed of various militias that supported the Iraqi armed forces during the fight against IS. On 19 December 2016, the PMU were incorporated into the Iraqi armed forces, and on 8 March 2018, a Prime Minister’s decree formally included the group into the country’s security forces.

2.2 Riyadh Al Karawi

On 9 January 2019, MENA Rights Group wrote to the Committee on Enforced Disappearances regarding the case of **Riyad Al Karawi**, a representative of Al Wissam Humanitarian Assembly in Diwanya.

At the beginning of November 2018, Mr Al Karawi participated in a sit-in in Baghdad, in solidarity with protests against corruption and the lack of basic services in southern Iraq. He held a poster depicting Al Wissam Humanitarian Assembly's logo, as a means of advocating for the eradication of the practice of enforced disappearance in Iraq.

Following the sit-in, Mr Al Karawi was approached by unidentified individuals, who threatened to beat him up if he did not stop his work documenting cases of enforced disappearance. Mr Al Karawi suspects that they were members of a militia from the Popular Mobilisation Units (PMU), because they were wearing civilian clothes and did not arrest him immediately as is typical of the security forces.

On 7 December 2018, Mr Al Karawi participated in another demonstration, this time in Diwanya, in solidarity with anti-corruption protestors. Again, he carried a poster depicting Al Wissam Humanitarian Assembly's logo.

On 12 December 2018, as Mr Al Karawi was leaving his house at around 8:00 a.m., he found a piece of paper near his garage that read "stop or we will end you" (تبتل لو ننهيك). He found a Kalashnikov bullet wrapped inside.

Mr Al Karawi fled Iraq at the end of 2018 fearing for his safety.

3 Follow-up to previous reports

3.1 Djibouti

The case of **Kadar Abdi Ibrahim** was included in the 2018 report of the UNSG (A/HRC/39/41).

Kadar Abdi Ibrahim is a Djibouti-based human rights defender and journalist. Between 9 and 12 April 2018, Mr Kadar travelled to Geneva to carry out advocacy activities ahead of Djibouti's third Universal Period Review (UPR). Notably, he presented the recommendations included in a joint Defend-Defenders/CIVICUS/FIDH report and took part in a pre-session meeting organised by the NGO UPR Info on 10 April. During his stay, he also met with representatives of a dozen States as well as the Office of the UN High Commissioner for Human Rights (OHCHR). On 15 April 2018, just two days after coming back from Geneva, he was briefly detained and had his passport confiscated by eight members of the Information and Security Service (SDS), Djibouti's secret service, who raided his home.² Although he was released shortly after his arrest, he was unable to retrieve his passport, preventing him from leaving the

² For more information : Fédération internationale des ligues des droits de l'homme, *Djibouti: Reprisals against human rights defender Kadar Abdi Ibrahim upon his return from an advocacy mission in Geneva*, 18 April 2018, <https://www.fidh.org/en/issues/human-rights-defenders/djibouti-reprisals-against-human-rights-defender-kadar-abdi-ibrahim> (accessed 17 April 2019).

country. He was therefore unable to participate in the review of Djibouti by the Working Group on the UPR, held on 10 May 2018.

Update

To date, Mr Kadar's passport is still being retained by the SDS. On 2 September 2018, he sought the assistance of the Mediator of the Republic and the president of the National Council for Human Rights, to no avail. During that same period, he also sent letters to the head of the SDS as well as Djibouti's public prosecutor.

3.2 Egypt

3.2.1 Trends

The reprisals against individuals who cooperated and engaged with the UN fall into a pattern of violations committed by the Egyptian authorities to silence any form of peaceful dissent. These violations have been further enabled by several laws passed since 2013, which have severely restricted peaceful criticism and human rights activism.

Security forces systematically arrest any individual deemed to be criticising the authorities, including human rights defenders and the relatives of victims of human rights violations, without providing any warrant nor reasons for the arrest.

Following the arrests, individuals are usually held *incommunicado* and often kept in secret and unacknowledged detention by the authorities for prolonged periods of time that can range from several weeks to several months, amounting to enforced disappearance. During these periods, victims are systematically subjected to torture and ill-treatment in order to force them to sign confessions that will be used against them at trial. Their families are at risk of reprisals if they try to enquire about their fate and whereabouts. Individuals reappear only when brought before a judicial authority that charges them – usually with terrorism-related crimes – and regularly renews their pre-trial detention often without the presence of a lawyer.

During trials, defendants are tried *en masse* before civilian, military and emergency state security courts in proceedings that violate basic fair trial guarantees. Furthermore, conditions of detention in Egyptian prisons are extremely poor: detainees are regularly held in overcrowded cells lacking basic hygiene standards, deprived of medical treatment and regularly denied visits by families and lawyers.

Additionally, we highlight that, following the visit of the Special Rapporteur on the right to adequate housing in 2018, individuals who cooperated with the mandate holder were subjected to several acts of intimidation and reprisals, including physical assault, arbitrary detention, harassment, travel bans, forced evictions and house demolitions (UA EGY 16/2018).

3.2.2 Ebrahim Abdelmonem Metwally Hegazy

The case of Mr **Ebrahim Abdelmonem Metwally Hegazy** was included in the 2018 report of the UNSG (A/HRC/39/41).

Mr Ebrahim Abdelmonem Metwally Hegazy is the co-founder and coordinator of the Association of the Families of the Disappeared. In his work, he provides the relatives of those forcibly disappeared in Egypt with legal counselling both at the domestic and international

level, including through the submission of cases to the United Nations Working Group on Enforced or Involuntary Disappearances (WGEID). He is the father of Mr Amr Ibrahim Abdel Metwally Hegazy, who remains missing since his arrest on 7 August 2013, and whose case has been submitted by his father to the WGEID.

On 10 September 2017, Mr Hegazy was about to board a flight to Geneva to attend a meeting with the WGEID when he was arrested by members of the Egyptian security forces and the airport police at Cairo International Airport and taken to an unknown place of detention. He reappeared on 12 September 2017 before the State Security Court, which extended his detention for 15 days pending investigation by the Egyptian State Prosecution on charges of “establishing an illegal organisation”, “conspiracy with foreign entities to harm the security of the state” and “spreading false information”. A letter from the WGEID inviting Mr Hegazy for a meeting in Geneva was used by the prosecutor as inculpatory evidence. Mr Hegazy was held in Al Aqrab maximum security section of Tora prison. He reported having been subjected to torture, including being electrocuted while naked, and being held in solitary confinement.

The case was addressed by the Assistant Secretary-General for Human Rights in September 2017, and several Special Procedures mandate holders submitted a joint urgent appeal (JUA EGY 14/2017) the following month. On 8 November 2017, Egypt replied that Mr Hegazy was arrested “pursuant to a warrant issued by the Public Prosecution [...] on the basis of investigations conducted by the security services”. They accused him of being a member of the banned Muslim Brotherhood and of being instructed by “fugitive leaders [...] living abroad [...] to contact a number of human rights organizations in and outside the country for the purpose of securing their support through false or misleading reports concerning the security and political situations in the country with a view to harming its interests” (HRC/NONE/2017/141). On 31 July 2018, Egypt provided a further update on the case, confirming that he had been charged with “leading a terrorist group” and “spreading false news”, and that he was still being investigated (A/HRC/39/41).

Update

Mr Hegazy is still held *incommunicado* and in solitary confinement in Al Aqrab maximum security section of Tora prison, where he is subjected to systematic physical and psychological abuse amounting to torture and ill-treatment.

Since February 2019, the prison administration has not allowed his family to visit him in prison, despite permission being granted by the prosecution to allow such visits. During this period, the abuses against Mr Hegazy have intensified.

Mr Hegazy has been held in solitary confinement for a year and a half since his arrest in September 2017, a practice that amounts to torture. His conditions of detention are extremely poor: he is held in a dark cell that lacks basic hygiene and which is infested with insects and mice.

Despite suffering from acute prostatitis and serious vision problems that resulted from the lack of lighting in the solitary confinement cell, he has not been allowed to be examined by medical specialists.

He has not been brought to trial yet, as he is still being investigated in case No. 900/2017 before the Supreme State Security Court. During the last two proceedings, Mr Hegazy’s lawyers were notified with adjournment dates that differed from the days in which Mr Hegazy was

physically present in the courtroom. This affected both his right to prepare his defence and the possibility for the lawyers to enquire into the treatment he is receiving in detention. The proceedings have been adjourned to an unspecified date.

3.2.3 Ahmed Shawky Abdelsattar Mohamed Amasha

The case of Dr **Ahmed Shawky Abdelsattar Mohamed Amasha** was included in the 2017 and 2018 reports of the UNSG (A/HRC/36/31; A/HRC/39/41).

Dr Amasha is a veterinarian and human rights defender, who helped the families of those forcibly disappeared and arbitrarily detained in Egypt both at the domestic and international level, including by submitting cases to the WGEID. He is also a member of the opposition and a trade unionist.

On 10 March 2017, he was arrested by police officers at the Nasr City checkpoint and taken to an unknown location. He reappeared on 1 April 2017 before the Public Prosecutor of Tagamo' El Khames (district 5) in Cairo, where he was interrogated without the presence of a lawyer. On 13 April 2017, Dr Amasha was again brought before the prosecutor, this time in the presence of his lawyer, and charged with "belonging to a banned group". He was then transferred to the Tora Prison in Cairo.

Dr Amasha reported that, during his enforced disappearance, he was held at the central police station of Abbasiya in the Cairo governorate. There, he was subjected to torture and ill-treatment for several consecutive days by State Security officers to force him to sign a pre-written confession that declared that he was a member of a "banned group". The officers blindfolded and handcuffed him, electrocuted him on different parts of his body, raped him with a stick and threatened to rape his wife and daughters.

On 3 May 2017, several Special Procedures mandate holders sent an urgent appeal to the Egyptian authorities (UA EGY 5/2017).

Update

Dr Amasha is still held in pre-trial detention in Tora prison. His family and lawyer have not been allowed to visit him in prison to date. His lawyers are able to see him only when he is presented to the prosecutor for the renewal of his pre-trial detention, during which time he is held in a glass cage. In these instances, the lawyers are allowed to speak with him for brief periods of time and only in the presence of the prosecutor. Despite receiving unofficial information that Dr Amasha was charged with "joining a banned group", his lawyers have never been officially notified by the authorities of the charges against him.

Dr Amasha suffers from cartilage and retinal detachment, stomach ulcers, sciatic nerve inflammation, prostatitis, chronic inflammation of the lumbar spine, and from skin and kidney issues. The prison authorities have failed to provide him with adequate medical care by not allowing him the medicine and medical examinations he urgently needs. Furthermore, his conditions of detention are poor, as he is held in a small overcrowded cell that does not meet basic standards of hygiene, and he is frequently subjected to ill-treatment especially during the daily searches of his prison cell.

3.3 Iraq

The case of Mr **Imad Amara** was included in the 2016, 2017 and 2018 reports of the UNSG (A/HRC/33/19; A/HRC/36/31; A/HRC/39/41)

On 6 March 2016, Mr Imad Amara and his colleague Mr Faisal Al Tamimi were arrested, handcuffed, blindfolded and taken to an unknown location. They were severely beaten, insulted and threatened while being interrogated about their work with families of disappeared persons for about two hours. Amara and his colleague were released a few hours later.

Update

On 18 September 2015, Mr Amara, along with two other Al Wissam Humanitarian Assembly volunteers – Mr Dorgham Al Rasheed and Mr Ali Hashim – was arrested by plain-clothes officers from the presidential regiment during a peaceful demonstration against corruption in Tahrir Square in Baghdad. The officers handcuffed and blindfolded them, before taking them to an unknown location. The three men were then insulted, severely beaten and questioned about their involvement with Al Wissam Humanitarian Assembly.

Mr Amara and his colleagues were released a few hours later after being forced to sign a pledge while blindfolded promising to discontinue their human rights work.

Throughout the reporting period, Mr Amara has reported that he continued to be prevented from carrying out his peaceful human rights work due to the abovementioned pledge. He fears being subjected to further reprisals should he resume his activities with Al Wissam Humanitarian Assembly.

3.4 Saudi Arabia

3.4.1 Trends

The Saudi authorities have established a notoriously difficult and dangerous environment for human rights defenders to carry out their work, and Saudi Arabia has featured in the UNSG's report more often than any other country in the MENA region. While stifling dissent has long been a strategy of the Saudi authorities, the past few years have seen an escalation of this crackdown following the ascension of Mohammed bin Salman to the position of crown prince in 2017.

Since then, bin Salman has attempted to project an image that he is making efforts to modernise the country, while he has also overseen a large-scale crackdown on all forms of dissent, in which human rights defenders have been among the leading victims. The disaccord between bin Salman's projected image of his leadership and the reality on the ground is no more acute than in the arrest of a number of women's rights defenders who campaigned for the right to drive. While bin Salman's lifting of the women's driving ban was hailed around the world in June 2018 as a major success for women's rights in the country, at the same time the Saudi authorities arrested a number of activists who had been instrumental in campaigning for this change. The trials of these activists are ongoing to date.

Reprisals against human rights defenders in Saudi Arabia are severe, and tend to follow similar patterns. Human rights defenders are routinely arrested, and often subjected to enforced disappearance or held in *incommunicado* detention for long periods of time. At times,

individuals are held in custody for exceptionally long periods of time, extending to months or even years. A number of activists have reported being subjected to torture and other forms of ill-treatment, including medical negligence. In addition, a number of women detainees have reported being subjected to sexual harassment. When brought to trial, human rights defenders face hefty sentences, and often additional travel bans, based on charges directly related to their activism including spreading false information, damaging the reputation or social fabric of the state, and others. Individuals are regularly denied – or only intermittently granted – their right to legal counsel, and often not informed of the charges against them.

3.4.2 Mohammad Fahad Al Qahtani

The case of **Mohammad Fahad Al Qahtani** was included in the 2012 and 2013 reports of the UNSG (A/HRC/21/18; A/HRC/24/29).

Mohammad Fahad Al Qahtani, lawyer and co-founder of the Saudi Association for Civil and Political Rights (ACRPA), which campaigns against arbitrary detention, was sentenced on 9 March 2013 by the Criminal Court in Riyadh to 10 years of imprisonment and a 10-year travel ban for several charges including “accusing the judicial and legal system of lack of independence and questioning their integrity”; “antagonising the international organisations against the Saudi government by disseminating false information”; and “using the Internet to disseminate opinions, petitions, and statements against the government.”

Update

On 17 December 2018, Mr Al Qahtani started a hunger strike and was subsequently punished with solitary confinement for two days.

On 20 March 2019, Mr Al Qahtani was moved from the wing of political prisoners inside Al Hai'r Prison to the wing hosting regular criminals. He complained about the circulation of drugs and requested to be transferred back. To date, his request has not been granted.

3.4.3 Essa Al Nukheifi

The case of Mr **Essa Al Nukheifi** was included in the 2018 report of the UNSG (A/HRC/39/41).

Mr Essa Al Nukheifi is a human rights defender and anti-corruption activist, who has been subjected to reprisals for his human rights activism and cooperation with international civil society and the United Nations. He was consulted during the preparation for the Special Rapporteur on Extreme Poverty's visit to Saudi Arabia in January 2017, and he agreed to meet and further assist them on the ground.

Yet, on 17 December 2016, Mr Al Nukheifi was summoned to the Criminal Investigation Department (CID) and immediately arrested upon reporting to the police station the next day. Mr Al Nukheifi's trial before the SCC commenced on 21 August 2017. The charges brought against him included “seeking to destabilise the social fabric and national cohesion”; “communicating with and receiving money from foreign groups considered to be enemies of the state” and “using a personal cell phone and the internet to store and transfer information that is harmful to the public order”.

On 28 February 2018, the SCC sentenced Mr Al Nukheifi to six years in prison, and imposed a six-year travel and social media ban on him upon his release. On 7 April 2018, in a decision that cannot be further appealed, the Court of Appeal confirmed Mr Al Nukheifi's sentence.

Update

On 8 April 2019, Mr Al Nukeifi requested to be transferred to Jizan prison in order to be closer to his 80-year-old mother, who struggles to visit him at Makkah General Prison, which is over 700 km away from their usual residence. To date, his request has not been granted.

3.4.4 Fawzan Mohsen Awad Al Harbi

The case of Mr **Fawzan Mohsen Awad Al Harbi** was included in the 2014 report of the UNSG (A/HRC/27/38).

On 22 May 2013, Fawzan Mohsen Awad Al Harbi, human rights defender and member of ACPRA, who had contributed to the submission of cases of arbitrary detention, torture and ill-treatment to the United Nations human rights mechanisms, was prevented from boarding a flight to Geneva to attend a human rights conference by airport authorities. In July 2013, Mr Al Harbi was asked to sign a pledge to terminate the association, which he refused to do. On 26 December 2013, Mr Al Harbi was arrested and detained at Al Malaz prison in Riyadh and charged with, among other things, "co-founding an unlicensed organization" and "ignoring judicial decisions ordering its dissolution".

Mr Al Harbi's first hearing before the Criminal Court in Riyadh was held in December 2013. In June 2014, he was sentenced to one year in prison and an additional six-year suspended prison sentence. He was also made to pledge that he would not communicate with other people or write on social media.

Mr Al Harbi appealed this decision, and in November 2014, the Court of Appeal increased his sentence to a 10-year prison term followed by a travel ban of 10 years.

Update

On 30 July 2018 and as part of a larger wave of arrests of Saudi female human rights defenders, Mr Al Harbi's wife, Amal Al Harbi, was arrested. She was abducted from the Corniche in Jeddah by members of the Mabathith Intelligence services without being presented with an arrest warrant nor being informed of the charges against her, and taken to an unknown location.

While not a human rights defender *per se*, Al Harbi has been vocal in campaigning for the release of her husband.

Ms Al Harbi was held in *incommunicado* detention for several weeks, before being granted access to the outside world. She is currently being held at Dhahban Prison.

On 13 March 2019, her trial and that of ten female human rights defenders began before the Criminal Court of Riyadh. In a first hearing, the prosecution pronounced a number of charges all related to their peaceful human rights activism.

On 27 March, a second trial hearing took place, in which the women laid out their defence. Independent monitors and diplomats were prevented from attending both trial hearings, and

Ms Al Harbi has only intermittently been granted the right to legal counsel. No date has yet been set for a third hearing.

3.4.5 Samar Badawi

The case of Ms **Samar Badawi** was included in the 2015 report of the UNSG (A/HRC/30/29).

Ms Samar Badawi is a human rights defender who has been targeted repeatedly by the Saudi authorities for her peaceful activism. She advocates for women's rights; civil and political rights; and the release of her brother, Raif Badawi, as well as her ex-husband, Waleed Abu Al Khair.

In September 2014, Ms Badawi delivered a statement to the Human Rights Council at its twenty-seventh session. On 3 December 2014, Ms Badawi was prevented from boarding a flight to Belgium to participate in a human rights forum by security officials at King Abdulaziz International Airport, and was informed that a travel ban had been issued against her for an indefinite period.

In January 2016, Ms Badawi was arrested and interrogated, then released a few hours later. She was again called in for questioning in February 2017 and held for several hours before being released.

Update

On 30 July 2018, at around 1 a.m., members of the Mabahith Intelligence service arrested Ms Badawi from her house in Jeddah without an arrest warrant and without informing her of the reasons for her arrest. They took her to an unknown location, where she remained in *incommunicado* detention for about one month before being allowed contact with her family.

Samar Badawi was among the women who faced sexual harassment, torture and other forms of physical and psychological ill-treatment during interrogation.

Being detained at Dhahban Prison, she is currently allowed regular contact with her family, but has been denied her right to legal counsel. To date, Ms Badawi has not been informed of the charges held against her.

MENA Rights Group is a Geneva-based legal advocacy NGO, focusing on the protection and promotion of fundamental rights and freedoms in the Middle East and North Africa. Adopting a holistic approach, we work at both the individual and structural level. We provide legal counselling to victims of human rights violations through recourse to international law mechanisms. In addition, we assess the human rights situation on the ground and bring key issues to the attention of relevant stakeholders to call for legal and policy reform.