



# **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*

**13 April 2023**

# Introduction

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The present submission provides information on several individuals who were subjected to continued acts of reprisals – between 1 May 2022 and 13 April 2023 – in Algeria, Djibouti, Egypt, Morocco, and Saudi Arabia.

The cases included in this report are the 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 to have their case raised by the United Nations Secretary-General (UNSG) in his annual report.

## Cases of reprisals

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### 1.1 Algeria

On 24 August 2022, the Border Police Services of the Oran airport prevented Mr Kaddour Chouicha from leaving the country and travelling via the Oran-Paris flight. He and his wife, Mrs Jamila Loukil, journalist and human rights defender, were travelling to Paris.

Mr Kaddour Chouicha was the Vice-President of the Algerian League for the Defence of Human Rights (LADDH), now dissolved, and is the national coordinator of the Union of Teachers. As such, he had several engagements with the International Labour Organization, including with the Committee on the Application of Standards, during its 105<sup>th</sup>, 106<sup>th</sup> and 107<sup>th</sup> sessions as well as with the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families during its 28<sup>th</sup> session.

Mrs Jamila Loukil also intended to travel from Paris to Geneva as she was invited by the United Nations in Geneva to attend the UPR pre-session on Algeria organised by the Geneva-based NGO *UPR Info*. At the airport, the Border Police Services only allowed Mrs Jamila Loukil to pass through, but she did not want to leave without her husband. When he requested the reason for the ban, he was not given a clear answer and was asked to report to the Office of the Security Officer at Oran International Airport to review the situation. Understanding that the security services only sought to have him lose time and miss his flight, he refused to answer their questions or sign minutes, as he is allowed to.

The judicial police agents insisted that he responds or else they would be transferred to the police station of Es-Senia, a municipality close to the airport. Mr Kaddour Chouicha sustained his refusal to cooperate, and after the flight departed, he and his wife were released and found their luggage which had already been taken off the plane. As a result, Mrs Jamila Loukil was unable to attend the UPR pre-session in person and to participate in the advocacy activities organised in this context.

On 27 March 2023, Mr Kaddour Chouicha, as a former member of the now dissolved Algerian League for the Defence of Human Rights (LADDH), delivered an oral statement on behalf of a coalition of NGOs composed of the International Service for

Human Rights (ISHR), MENA Rights Group, CIVICUS, Euromed Rights and the Cairo Institute for Human Rights Studies.<sup>1</sup> The statement addressed the issue of arbitrary detention in Algeria and the recent attacks on freedom of peaceful assembly and association. He also mentioned the acts of reprisals faced by human rights defenders, recalling that he was prevented from travelling in the context of the UPR pre-session.<sup>2</sup>

In reaction to his intervention, Mr Lazhar Soualem, Ambassador Permanent Representative of the People's Democratic Republic of Algeria, explained that Mr Kaddour Chouicha was placed under judicial control and as a result was not allowed to travel, unless he requested an authorisation from judicial authorities. However, none of the judicial decisions pronounced against Kaddour Chouicha, against whom criminal accusations were made along with his wife and Mr Said Boudour, make reference to a judicial control or any form of sanction limiting his freedom of movement. In this regard, Mr Chouicha has appealed to the Council of State to challenge the arbitrary nature of his travel ban.

The judicial harassment against Mrs Jamila Loukil, Mr Kaddour Chouich and Mr Said Boudour was previously highlighted in an allegation letter (AL DZA 4/2021) addressed to the Algerian authorities on 17 June 2021.

## 1.2 Djibouti

The case of Mr Kadar Abdi Ibrahim was included in the 2018, 2019, 2020, 2021 and 2022 reports of the UNSG (A/HRC/39/41; A/HRC/42/30; A/HRC/45/36; A/HRC/48/28; A/HRC/51/47).

Mr Kadar Abdi Ibrahim is a Djibouti-based human rights defender and journalist. Between 9 and 12 April 2018, he 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. 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.<sup>3</sup> Although he was released shortly after his arrest, he was unable to retrieve his passport, preventing him from leaving the country. He was therefore unable to participate in the review of Djibouti by the Working Group on the UPR, held on 10 May 2018. 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.

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<sup>1</sup> MENA Rights Group, *HRC 52: Civil society calls on Algeria to put an end to reprisals and release arbitrarily detained individuals*, 27 March 2023, <https://www.menarights.org/en/articles/hrc-52-civil-society-calls-algeria-put-end-reprisals-and-release-arbitrarily-detained> (accessed 10 April 2023).

<sup>2</sup> The statement is available at: <https://media.un.org/en/asset/k1j/k1j7skf05r> (accessed on 6 April 2023).

<sup>3</sup> 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 11 April 2022).

## Update

Mr Kadar Abdi Ibrahim's passport is still retained at the SDS headquarters, preventing him from leaving the country and carrying out his legitimate political activities.

## 1.3 Egypt

### 1.3.1 Ebrahim Abdelmonem Metwally Hegazy

The case of Mr Ebrahim Abdelmonem Metwally Hegazy was included in the 2018, 2019, 2020, 2021, and 2022 reports of the UNSG (A/HRC/39/41; A/HRC/42/30; A/HRC/45/36, A/HRC/48/28; A/HRC/51/47).

Mr Ebrahim Abdelmonem Metwally Hegazy is a human rights lawyer as well as the co-founder and coordinator of the Association of the Families of the Disappeared. On 10 September 2017, he was arrested while *en route* to Switzerland to discuss enforced disappearances with the United Nations Working Group on Enforced or Involuntary Disappearances (WGEID). Since then, he has been held in pre-trial detention under the practice of rotation, despite having been cleared of all the charges brought against him by the Cairo Criminal Court on 14 October 2019.

On 26 August 2020, the Criminal Court of Cairo renewed the order to release Mr Metwally under precautionary measures in Case No. 1470 of 2019 (in which he was charged with "joining a terrorist group" and "funding terrorism"). The nature of the precautionary measures is unknown.

Despite the August 26 release decision, Mr Metwally was kept in detention until new charges were brought against him on 6 September 2020, which was manifestly a way to keep him under preventive detention.

On 6 September 2020, the Egyptian Commission for Rights and Freedoms (ECRF) reported that Mr Metwally was investigated by the Supreme State Security Prosecution (SSSP) in Case No. 786 of 2020 and charged with "leading a terror group", which the Egyptian authorities have accused him of having formed during his transfers to and from the prosecution for pre-trial renewals.

These new charges have been used to justify a renewed order to keep Mr Metwally under preventive detention and to avoid exceeding the permissible maximum pre-trial detention time allowed for felonies punishable by death or life imprisonment according to article 143 of Egypt's Code of Criminal Procedure.

Mr Metwally is also still facing charges of "founding and leading a group established in contravention of the provisions of the law", "publishing and spreading false news", and "communicating with foreign entities in order to undermine national security" (Case No. 900 of 2017).

## Update

Mr Metwally is currently held at the Correction and Rehabilitation Center in Badr 3. His detention is being renewed remotely (by video conference) and he has not been presented before a judicial authority within the past 90 days.

He is prevented from family visits and suffering from ill-treatment inside the prison. For example, there are cameras equipped with audio recording inside his cell, as well as continuous lighting. In addition, he is only allowed small amounts of food and none of his medicines are allowed inside the prison.

### 1.3.2 Ahmed Shawky Abdelsattar Mohamed Amasha

The case of Dr Ahmed Shawky Abdelsattar Mohamed Amasha was included in the 2017, 2018, 2019, 2020, 2021 and 2022 reports of the UNSG (A/HRC/36/31; A/HRC/39/41; A/HRC/42/30; A/HRC/45/36; A/HRC/48/28; A/HRC/51/47).

Dr Amasha is a veterinarian and human rights defender who has helped the families of those forcibly disappeared and arbitrarily detained in Egypt, both at a domestic and international level, including by submitting cases to the WGEID. He is the co-founder of the League for the Families of the Disappeared, a member of the “Kefaya” opposition group and a trade unionist. Dr Amasha has long been targeted by the Egyptian authorities.

On 17 June 2020, Dr Amasha was arrested and forcibly disappeared. The police raided his home and confiscated his phone. His family did not know where he had been taken.

On 12 July 2020, after 25 days of enforced disappearance, he reappeared at the office of the SSSP and was investigated in yet another case, Case No. 1360 of 2019, on the charge of “joining a terrorist group”. He was then taken to an unknown location. Dr Amasha remained missing despite the lodging of formal complaints by his lawyer and family with the Public Prosecutor and the Minister of Interior to report on his arrest and enforced disappearance and to request that the necessary measures to disclose his location and to release him were taken.

On 7 December 2020, Dr Amasha was seen from far away by his lawyer in a glass cell in Tora Maximum Security Prison 2 (also known as “Aqrab 2”), along with around 250 further detainees. While Dr Amasha is summoned to the Prosecution every 15 days, the latter extends his detention in his absence.

Dr Amasha’s health has deteriorated since his arrest in 2017. His family does not know if he receives the necessary medical care and medication.

#### Update

Since 24 September 2022, several hearings were held on the Case No. 1360 of 2019 at the terrorism circuit of the Emergency State Security Court, but they have been adjourned to allow all defendants to appear in court. Dr Amasha is still prevented from family visits and from meeting his lawyer privately.

In November 2022, his doctors informed him that he needs a gallbladder surgery, but the prison administration would only allow him to have this surgery in the prison hospital, which he refused, as he would like to do it in a private hospital or a university hospital. He is currently detained in Badr Prison, Cairo Governorate, Egypt.

## 1.4 Morocco

Mohammed Zian is a human rights lawyer and politician. In recent years, Mr Zian has been increasingly critical of the Moroccan security services and has defended several

political opponents and journalists such as Nasser Zefzafi and Taoufik Bouachrine. After making critical statements about the head of the General Directorate of National Security (DGSN) and the General Directorate of Territorial Surveillance (DGST), the Ministry of Interior pressed charges against him. On 30 November 2021, he was charged on 11 counts. On 23 February 2022, the first instance tribunal of Rabat sentenced him to three years in prison. He was arrested on 21 November 2022 after the Rabat Court of Appeal confirmed the sentence.

Before he was arrested in November 2022, the police had summoned Mohammed Zian 15 times. In this context, on 11 November 2021, Mr Zian was specifically questioned about comments he had made on Youtube regarding Opinion No. 85/2018 of the UN Working Group on Arbitrary Detention (WGAD) concerning Toufik Bouachrine, one of Mr Zian's clients.<sup>4</sup>

The video, published on 20 June 2021 on the channel Canal13, is titled "Mohammed Zian answers 13 questions on politics and doubts the possibility for Aziz Akhannouch (i.e., the Moroccan Prime Minister) and those who accompany him to reopen the Bouachrine file."<sup>5</sup>

Following the interrogation, the police transcribed the allegedly incriminating words of Mr Zian as follows:

After viewing it [YouTube video interview] and writing down its content, it became clear that the so-called Mohammed Zian stated in part of the interview the following: "Yes, Tawfiq Bouachrine, as we think the file is clear. The United Nations examined his case, they ordered his release, and Morocco did not want to implement the decision of the Working Group. They [the Moroccan authorities] used trickery and lies and manoeuvred. We hope that they will not keep Abdel Nabawi [Mohammad Abdel Nabawi] at the Presidency of the Public Prosecutor's Office, and tomorrow inshallah M. Hammouchi [Abdellatif Hammouchi, the head of the DGST], will no longer be in security."

On 30 November 2021, he was charged on 11 counts, including "offending judiciary personnel and public officials" and "offending institutions". These two charges are related to the comments he made regarding the WGAD Opinion.

The transcript of the aforementioned interrogation was included in a list of 14 pieces of evidence appearing in the verdict pronounced against Mohammed Zian to prove his guilt in relation to his criticism of the Ministry of Interior and the two charges mentioned above. On 21 November 2022, the Rabat Court of Appeal found him guilty of all charges pressed against him.

## 1.5 Saudi Arabia

### 1.5.1 Mohammad Fahad Al Qahtani

The case of Mohammad Fahad Al Qahtani was included in the 2012, 2013, 2019, 2020, 2021, and 2022 reports of the UNSG (A/HRC/21/18; A/HRC/24/29; A/HRC/42/30; A/HRC/45/36; A/HRC/48/28; A/HRC/51/47).

Mohammad Fahad Al Qahtani, lawyer and co-founder of the Saudi Association for Civil and Political Rights (ACPRA), was sentenced on 9 March 2013 by the Criminal Court in

<sup>4</sup> UN Working Group on Arbitrary Detention, *Opinion No. 85/2018 concerning Toufik Bouachrine (Morocco)*, 23 November 2018, UN Doc. A/HRC/WGAD/2018/85.

<sup>5</sup> The video is available at: <https://www.youtube.com/watch?v=cu63KEiQ9k4> (accessed 11 April 2023).

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.”

He is currently being detained at al-Hair prison in Riyadh. In December 2020 and March 2021, Mr Al Qahtani and more than 30 other prisoners of conscience carried out two separate hunger strikes in protest of the harassment they were facing in prison, including being placed in the same ward as psychiatric detainees and being denied family contact and access to essential medication. They ended the hunger strike after the authorities said they would meet the prisoners’ demands.

## Update

Al Qahtani continued to face vindictive targeting in prison. In May 2022, the Al-Ha’ir prison administration deliberately placed him and several other prisoners of conscience on a wing for prisoners with mental disorders, despite requests from the prisoners to be moved to another wing. Subsequently, on 26 May, Al Qahtani was beaten up by a man before the other prisoners intervened to stop the attack and protect him. This was not the first attack of this kind.

On 22 November 2022, Al Qahtani completed his 10-year prison sentence. Since 24 October, he has been subjected to enforced disappearance. Indeed, Mohammad Al Qahtani has since been denied any kind of communication with his family. On the day of his disappearance, his wife Maha Al Qahtani inquired about him to the authorities of the al-Ha’ir prison where he was supposed to be detained. She was told by the authorities of the prison that her husband had been transferred to another prison. The prison’s officer refused to disclose his location and the Saudi authorities have refused to give any information about him or his whereabouts, thus subjecting him to enforced disappearance.

On 30 January 2023, in the State response to the communication of UN Special Procedures AL SAU 10/2022, Saudi authorities stated the following:

With regard to the case of citizens Issa al-Nukhaifi and Mohammad al-Qahtani, they were charged with committing a number of criminal offences within the prison and with inciting others to commit criminal offences at the end of their sentences. The Public Prosecution Service investigated the offences with which they were charged and issued a warrant for their arrest and for periods of detention based on the Code of Criminal Procedure. The case is still being investigated and they are both detained in the Riyadh Correctional Facility.<sup>6</sup>

Around mid-March 2023, Mohammad Al Qahtani was seen in King Saud Medical City, where he is being treated as his health seems to have considerably deteriorated. This is because he has been on a hunger strike ever since the authorities have denied him contact with his family. He is currently still disappeared.

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<sup>6</sup> The response can be accessed at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=37348> (accessed 13 April 2023).

### 1.5.2 Fawzan Mohsen Awad al-Harbi

The case of Mr **Fawzan Mohsen Awad al-Harbi** was included in the 2014, 2019, 2020, 2021 and 2022 report of the UNSG (A/HRC/27/38; A/HRC/42/30; A/HRC/45/36; A/HRC/48/28; A/HRC/51/47).

Mr al-Harbi is a human rights defender and member of the Saudi Association for Civil and Political Rights (ACPRA) who had contributed to the submission of cases of arbitrary detention, torture and ill-treatment to the United Nations human rights mechanisms. On 22 May 2013, he was prevented from boarding a flight to Geneva to attend a human rights conference by airport authorities. 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

Al-Harbi’s 10-year prison sentence is due to expire in September 2023. He currently remains in detention.

### 1.5.3 Essa al-Nukheifi

The case of Mr Essa al-Nukheifi was included in the 2018, 2019, 2020, 2021 and 2022 reports of the UNSG (A/HRC/39/41; A/HRC/42/30; A/HRC/45/36; A/HRC/48/28; A/HRC/51/47).

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. On 28 February 2018, the Specialised Criminal Court (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 appealed, the Court of Appeal confirmed Mr al-Nukheifi’s sentence.

On 21 November 2019, the WGAD adopted Opinion No. 71/2019, in which the WGAD stated that Mr al-Nukheifi was being detained arbitrarily and called on the authorities for his immediate release.

#### Update

On 14 October 2022, Mr al-Nukheifi completed his six-year prison sentence. Instead of being released, the following day, on 15 October, he was subjected to an enforced disappearance by the authorities, and his family has been denied any contact with him

or news of his whereabouts ever since.

As in the abovementioned case of Mr Al Qahtani, on 30 January 2023, in the State response to communication of UN Special Procedures AL SAU 10/2022, Saudi authorities stated the following:

With regard to the case of citizens Issa al-Nukhaifi and Mohammad al-Qahtani, they were charged with committing a number of criminal offences within the prison and with inciting others to commit criminal offences at the end of their sentences. The Public Prosecution Service investigated the offences with which they were charged and issued a warrant for their arrest and for periods of detention based on the Code of Criminal Procedure. The case is still being investigated and they are both detained in the Riyadh Correctional Facility.<sup>7</sup>

#### 1.5.4 Loujain al-Hathloul

The case of Ms Loujain al-Hathloul was included in the 2019, 2020, 2021, and 2022 reports of the UNSG (A/HRC/42/30; A/HRC/45/36; A/HRC/48/28; A/HRC/51/47).

Ms al-Hathloul is a Saudi women's rights defender who was arrested and had a travel ban imposed on her after attending a session of the Committee on the Elimination of Discrimination against Women (CEDAW). On 13 March 2019, Ms al-Hathloul's trial began before the Specialised Criminal Court (SCC). The charges brought against her included "undermining public order, religious values, good morals and private life" and "communicating with journalists, UN human rights bodies and human rights organisations", which are deemed to be "hostile to the state". The case of Ms al-Hathloul was raised by several Special Procedures mandate holders (SAU 15/2014; SAU 7/2018; SAU 1/2019).

In June of 2020, Ms Loujain al-Hathloul was forcibly disappeared for two months, leaving her parents with no knowledge of her fate or whereabouts. On 10 February 2021, after 1001 days in prison, Ms al-Hathloul was released from prison on probation. In March of 2021, a Saudi appeals court upheld her original sentence. As such, Ms al-Hathloul is currently facing a five-year travel ban.

#### Update

Since her original sentence was upheld by the appeals court in March 2021, Ms al-Hathloul's travel ban has not been lifted.

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<sup>7</sup> *Ibid.*