



MENA
Rights
Group

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

April 2024

Introduction

The present submission provides information on several individuals who were subjected to continued acts of reprisals – between 1 May 2023 and 30 April 2024 – in Algeria, Djibouti, Egypt, Saudi Arabia and the United Arab Emirates (UAE).

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

1.1 Algeria

1.1.1 Mr Kaddour Chouicha and Mrs Jamila Loukil

The situation of Kaddour Chouicha, Jamila Loukil and of the Algerian League for the Defence of Human Rights (LADDH) were included in the 2023 report of the UNSG (A/HRC/54/61).

In 2022, the LADDH was part of the process of preparing two alternative civil society reports referenced in the summary of stakeholders' submission to the Universal Periodic Review (UPR) of Algeria. LADDH members Ms Jamila Loukil and Mr Kaddour Chouicha had planned to travel to Geneva to participate in the UPR pre-session of Algeria, scheduled to take place in-person in Geneva, Switzerland. On 24 August 2022, Mr Chouicha and Ms Loukil were questioned by the border police services at Oran airport delaying them so that they missed their flight. During the interrogation, they were reportedly asked about their "involvement with foreigners" and the nature of their work. Mr Chouicha reportedly refused to answer any questions and police officers warned him that they would take him to a police station. Ms. Loukil was allowed to fly but refused to do so given the perceived threats of arrest against her husband; she spoke via pre-recorded message at the UPR NGO pre-session on Algeria on 31 August.

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.¹ 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.²

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

¹ 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).

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

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 Ms Jamila Loukil, Mr Kaddour Chouicha and Mr Said Boudour was previously highlighted in an allegation letter (AL DZA 4/2021) addressed to the Algerian authorities on 17 June 2021.

Update

Concerning the dissolution of the LADDH, Mr Kaddour Chouicha has lodged an appeal in his capacity as Vice-Chairman before the Administrative Court of Appeal in Algiers. The appeal should have been examined on 29 January 2024. During the hearing, it was established that the president of the court was also the president of the Algiers administrative court, which ruled in favour of dissolution of the LADDH in first instance. The presiding judge had to recuse himself and the hearing was postponed. When the hearing resumed in the afternoon, the LADDH's lawyer learned that the Ministry of Interior had issued a legal brief. As a result, he requested that the hearing be postponed to a later date so that he could withdraw the legal brief and be in a position to respond to the Ministry of Interior's arguments. He was then able to withdraw the brief within a week and comment on it. The appeal was supposed to be examined on 8 April 2024, but the hearing was postponed until 22 April 2024.

On a side note, in the initial complaint filed by the Ministry of Interior requesting the dissolution of the LADDH, it is written that Mr Chouicha "spreads his subversive activity against everything that symbolises the regime, participated in unauthorised demonstrations and disrupted public order, rejecting the presidential elections; he participated in several meetings in Tunisia, Switzerland and France during which he criticised Algerian authorities and posted video clips on YouTube inciting job and housing seekers".

As to the situation of Mr Kaddour Chouicha specifically, on 14 February 2023, Mr Chouicha filed a complaint in relation to the travel ban he was subjected to shortly before the pre-session organised by UPR-Info (see above). The complaint was filed before the State Council asking the authorities to annul the decision banning him from entering and leaving the country. The complaint was later referred to the Algiers Administrative Court of Appeal. In their response to communication AL DZA 3/2023 dated 12 August 2023, the Algerian authorities explained that the complaint was rejected by court decision No. 752 of 14 June 2023. Mr Chouicha has not been formally informed of this decision. Mr Chouicha's lawyer was only able to obtain the decision on 29 January 2024. The decision states that his application was rejected on two grounds: 1. the complainant has failed to demonstrate that he was prevented from travelling; 2. the Ministry of Interior has never issued any travel ban against him. Although it is reassuring to know that Mr Chouicha is not subjected to a travel ban, this decision is inconsistent with the aforementioned statement of Mr Lazhar Soualem, who explained in the context of the UPR that Mr Chouicha was under judicial supervision and that it is normal that he should be subject to a travel ban as a result. He filed an appeal before the State Council on the grounds that he was effectively subjected to a travel ban.

As to the situation of Mr Kaddour Chouicha and Ms Jamila Loukil, on 3 December 2023, the Dar El Beida court acquitted Jamila Loukil and Kaddour Chouicha as well as

the other defendants. They had been facing unfounded terrorism-related charges since 29 April 2021 (See AL DZA 4/2021). However, the prosecutor has appealed against this decision. The date of the appeal has not yet been set.

1.1.2 Mustapha Bendjama

Mr Mustapha Bendjama is a journalist and editor-in-chief of the independent newspaper *Le Provincial*. In recent years, Mr Bendjama had been summoned by the police dozens of times and prosecuted several times for his work as a journalist and his critical stances.

He was arrested on 8 February 2023, in the newsroom of the daily *Le Provincial* in Annaba. This arrest occurred only two months after Mr Bendjama met with Mr Mohammad Ali Alnsour, chief of the MENA Section at the OHCHR.³

Mr Bendjama was held in police custody for 11 days at the al-Hattab gendarmerie of Annaba. There, he was interrogated for hours on end, notably about his contacts and relationship with the OHCHR. During the custody, Mr Bendjama was physically abused by the officers. On 19 February 2023, Mr Bendjama was charged in two different cases, the first one for trafficking migrants as part of an organised criminal conspiracy, as he was accused of helping the activist Amira Bouraoui flee Algeria while on travel ban.⁴ For the second case, he was charged with “receiving funds from foreign institutions to commit offences against public order” and “publishing on electronic networks information that is classified as secret”. That same day, he was transferred to the Boussouf prison of Constantine.

For the second case, the first instance trial took place on 22 August 2023. During that trial, while discussing the first charge of “receiving funds from foreign institutions”, the judge asked Mr Bendjama about his contacts with international organisations. Mr Bendjama responded that he was in contact with the OHCHR,⁵ as well as different NGOs as he advocates for more fundamental freedoms in the country through his activism in the Hirak movement and his independent journalism. Then, the prosecutor asked about Mr Bendjama’s meeting with Mr Mohammad Ali Alnsour, notably asking him why he met with the UN official and what they talked about.⁶ The defence lawyer Mr Belahrech stated during the hearing that the fact that Mr Bendjama discussed with NGOs and the OHCHR is not against the law and should not be discussed on trial as it isn’t linked to the accusations.⁷ Yet, these elements were kept in the judgement.

On 29 August 2023, the Constantine Court handed down its verdict and sentenced Mr Bendjama to two years’ imprisonment for this case. On 26 October 2023, the Constantine Court sentenced Mr Bendjama to eight months imprisonment and one year of suspended prison on appeal. He should have been released that day, but he was kept in pre-trial detention waiting for the hearing regarding the Bouraoui trial. In that case, he was sentenced to six months in prison on 7 November 2023, which was confirmed on appeal on 11 January 2024.

³ Mustapha Bendjama’s X (Twitter) account: @M_Bendjama, 3 December 2022, 6:50PM, https://twitter.com/M_Bendjama/status/1599098772617035776?s=20, (accessed 27 March 2024).

⁴ Le Monde, « Algérie : dix ans requis contre l’opposante Bouraoui, trois ans contre le journaliste Bendjama », 1 November 2023, https://www.lemonde.fr/afrique/article/2023/11/01/algerie-dix-ans-requis-contre-l-opposante-bouraoui-trois-ans-contre-le-journaliste-bendjama_6197649_3212.html, (accessed 27 March 2024).

⁵ This is written on page 17 of the first instance judgement of Mr Bendjama.

⁶ This was reported to us from people witnessing the trial, as the whole trial is not transcribed in Algerian judgements.

⁷ *Maghreb Emergent*, « Le verdict sera rendu le 29 août : Retour sur le procès de Mustapha Bendjama et Raouf Farrah », 27 August 2023, <https://maghrebemergent.net/le-verdict-sera-rendu-le-29-aout-retour-sur-le-proces-de-mustapha-bendjama-et-raouf-farrah/>, (accessed 27 March 2024).

Mr Bendjama's scheduled release date is 15 April 2024.

1.1.3 Ahmed Manseri

Mr Ahmed Manseri is the head of the Tiaret section of the now dissolved LADDH. On 17 September 2023, Mr Manseri met with the UN Special Rapporteur on freedom of peaceful assembly and of association, Mr Clément Voule, who was conducting an official visit to Algeria from 16 to 26 September 2023.

On 17 September 2023, Mr Manseri published on his Facebook account a picture of him with the Special Rapporteur. On 20 September 2023, Mr Manseri wrote a Facebook post stating that he was honoured to have met with the Special Rapporteur and that both talked about the dissolution of the League, the shrinking civic space in the country, as well as the authorities' grip on independent actors.

On 8 October 2023, Mr Manseri was arrested and taken for interrogation at the Daïra police station in Ksar Chelala before he was transferred to the Urban Security Center of the Shalala Palace. During the arrest, the judicial police searched his house and confiscated all his electronic equipment. During the search, they also allegedly used excessive force against his wife, dislocating her shoulder, according to Mr Manseri's testimony.

While in custody, Mr Manseri was questioned about his meeting with the Special Rapporteur and was accused of sharing sensitive information. Following Mr Manseri's arrest, security forces forcibly entered his house, seizing the phones belonging to him, his wife and his son, along with their internet router, bank cheques, various documents, and books on activism and freedoms.

In another proceeding, on 10 October 2023, the Court of Algiers upheld Mr Manseri's one-year prison sentence and ordered him to pay a fine of 100,000 dinars for "inciting an unarmed gathering" and "disseminating false information likely to undermine public order and public safety" on the basis of content he had posted on Facebook. These were the charges against Mr Manseri for which he was being prosecuted before the Special Rapporteur's visit. The Sidi M'hamed court sentenced him in first instance on 3 November 2022.

On 11 October 2023, Mr Manseri was presented before the Prosecutor of the Ksar Chellala court and charged with "belonging to a terrorist organisation", "public dissemination and deliberate promotion on social media of misleading news and information likely to undermine public security" and "inciting an unarmed gathering". On the same day, the investigative judge ordered that he be remanded in custody.

During the judicial investigation, he was questioned three times by the investigative judge. During the third hearing, on 24 December 2023, the judge questioned Mr Manseri about his statements made on El Magharibia TV where he discussed the visit of Special Rapporteur as well as the content of his meeting with the UN expert. The investigative judge also asked him questions about the visit he had received inside prison from the Special Rapporteur on the situation of human rights defenders, Mary Lawlor. The latter conducted an official visit to Algeria from 26 November to 5 December 2023 during which she visited Mr Manseri in prison.

Following the judicial investigation, on 25 December 2023, the facts were reclassified as "inciting an unarmed gathering", "acts likely to undermine the integrity of national territory", and "public dissemination and deliberate promotion on social media of misleading news and information likely to undermine public security" and "inciting an

unarmed gathering”.⁸ The case was thus transferred to the misdemeanour court and the charge of “terrorism” under article 87 *bis* of the Penal Code was dropped.

On 14 January 2024, Mr Manseri was found guilty by the tribunal of Kasr Chalalah and sentenced to three months in prison and a three-month suspended sentence. He was released the same day. He appealed against the decision.

During the trial, the judge questioned Mr Manseri about his meeting with the Special Rapporteur on freedom of peaceful assembly and of association, asking in what capacity he met with the UN expert. He responded that he was a human rights defender and a member of the LADDH. The judge replied that this organisation had been dissolved and no longer existed, in which case he was not entitled to meet the UN Special Rapporteur.

The appeal was initially scheduled for 27 March⁹ but has now been rescheduled until 8 May.

Special Procedures mandate holders issued a communication (AL DZA 5/2023) on 30 October 2023, sharing their concern on Mr Manseri’s arrest and detention after his meeting with the Special Rapporteur.¹⁰

1.1.3 Malik Riahi

In addition to the case of Mr Ahmed Manseri, it has also been reported that Mr Malik Riahi was subjected to reprisals after meeting with the UN Special Rapporteur on freedom of peaceful assembly and of association, Mr Clément Voule. His case was also included in the aforementioned AL DZA 5/2023.

On 19 September 2023, Mr Riahi met with the Special Rapporteur on freedom of assembly and association. This meeting took place at the invitation of the Special Rapporteur. After leaving the hotel in the wilaya of Oran where the meeting took place, Mr Riahi was followed by a car carrying people in civilian clothes. On 20 September 2023, Mr Riahi was summoned to the police station in the wilaya of Aïn Temouchent, where he was questioned for approximately an hour, before being released.

The interrogation took place without the presence of a lawyer. During the interrogation, the security officers questioned Mr Riahi about the meeting with the Special Rapporteur and asked him various questions, including: what was the subject of the meeting? what did they discuss? what other activists attended the meeting and which human rights defenders spoke? Questions relating to the meeting with the Special Rapporteur were not taken into account in the interrogation report. The interrogation report indicates that the summons was motivated by Mr Riahi’s solidarity with prisoners of conscience and activists.

Upon his release, Mr Riahi was informed that he would be summoned again.

⁸ Answer of the Algerian government to Communication AL DZA 5/2023, 24 January 2024, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=38101>, (accessed 27 March 2024).

⁹ Riposte Internationale, *Cour de Tiaret : report du procès d’Ahmed Manseri et Hmida Hor*, 14 mars 2024, <https://riposteinternationale.org/cour-de-tiaret-report-du-proces-dahmed-manseri-et-hmida-hor/> (accessed 28 March 2024).

¹⁰ Communication AL DZA 5/2023, 30 October 2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28592>, (accessed 27 March 2024).

1.2 Djibouti

1.2.1 Kadar Abdi Ibrahim

The case of Mr Kadar Abdi Ibrahim was included in the 2018, 2019, 2020, 2021, 2022 and 2023 reports of the UNSG (A/HRC/39/41; A/HRC/42/30; A/HRC/45/36; A/HRC/48/28; A/HRC/51/47; A/HRC/54/61).

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 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 UPR-Info on 10 April. During his stay, he also met with representatives of a dozen States as well as the 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.¹¹ 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.

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. In the context of the adoption of Djibouti's UPR outcome on 25 March 2024, Mr Kadar Abdi Ibrahim made a recorded oral statement in which he recalled that his case was systematically included in the annual reports on reprisals for cooperation with the UN since 2018.¹²

1.2.2 Abdourahman Guelleh (TX)

Abdourahman Mohamed Guelleh, known as "TX", is the chairman of the RADDE party and former mayor of Djibouti.

In late September, in Copenhagen, Denmark, Mr Abdourahman Mohamed Guelleh took part in Copenhagen people power conference, an international conference on climate change, democracy and human rights.¹³ Organisations from every continent fighting non-violently for democracy, human rights and climate change exchanged views. The United Nations High Commissioner for Human Rights, Mr Volker Türk, addressed the conference, highlighting the issue of human rights.¹⁴ During this conference, he met with representatives of the OHCHR in Copenhagen. He was able to discuss with them the situation of three women activists, who are also members of the RADDE party. They were arrested on 2 July 2023 and accused of "wearing the uniform of the armed forces and the police completely illegally and to have called the

¹¹ For more information : Fédération internationale pour les droits humains, *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).

¹² The oral statement is available at:

<https://www.facebook.com/watch/?rdid=kds2m2zvd5AMY11Ky&v=797994409046642> (accessed 1 April 2024).

¹³ More information about the event at: <https://www.ms.dk/en/people-power> (accessed 1 April 2024).

¹⁴ The statement is available at: <https://www.ohchr.org/en/statements-and-speeches/2023/09/people-power> (accessed 1 April 2024).

security forces to rebellion” during a public event.¹⁵ According to him, the OHCHR was able to raise the matter with the authorities of Djibouti. They were finally released on 19 October 2023.

Mr Guelleh returned to Djibouti on 15 December 2023. In early 2024, he tried to renew his passport with the national police. However, to date, the authorities have still not renewed his passport and refuse to respond to his requests. From 2016 to 2019, Mr Guelleh’s passport was already confiscated. He believes that his trouble in renewing his passport are linked to his advocacy work in Europe. Such practice is well known in Djibouti and his case is not an isolated one. According to him, two other activists have had their passports confiscated following advocacy trips in Europe (see above the situation of Mr Kadar Abdi Ibrahim).

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, 2022, and 2023 reports of the UNSG (A/HRC/39/41; A/HRC/42/30; A/HRC/45/36, A/HRC/48/28; A/HRC/51/47; A/HRC/54/61).

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.

Mr Metwally has been placed in pre-trial detention for two cases. The first case, Case No. 1470 of 2019, then got rotated into a new case, Case No. 786 of 2020. Both cases involve charges of terrorism-related offenses.

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”).

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.

¹⁵ RFI, *Djibouti: des militants de l’opposition arrêtés après une «cérémonie festive» en uniforme*, 5 July 2023, https://www.rfi.fr/fr/afrique/20230704-djibouti-des-militants-de-l-opposition-arr%C3%AAt%C3%A9s-apr%C3%A8s-une-c%C3%A9r%C3%A9monie-festive-en-uniforme?fbclid=IwAR3dwx91qqBW3XDHddfd0DxJp7URqr0-_jCy0i4eidori1qBJdg6FGXgy8l&utm_medium=social&utm_campaign=facebook&utm_source=user&utm_slink=rfi.my%2F9hNX (accessed 2 April 2024).

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).

Mr Metwally has suffered from ill-treatment inside the prison. For example, cameras equipped with audio recording were present inside his cell, as well as continuous lighting.

Update¶

Mr Metwally is currently held at the Correction and Rehabilitation Center in Badr 3. He is currently held in a cell with two other inmates. The cell he is held in and the inmates he is held with change on an irregular basis. His detention continues to be renewed remotely (by video conference). His latest detention renewal hearing was on 24 March 2024, for 45 days.

Mr Metwally’s is allowed visitation every 45-60 days. The latest visit took place on 14 March 2024. During family visits, food delivery from his family is sometimes permitted, however certain types of savoury or salty foods are prohibited, such as fish, salt, and pickles. These rules are imposed by the officer, to his discretion. Additionally, books and letters are also not allowed. Visitation takes place in a glass cabin, where Mr Metwally’s family communicates with him through a phone. The visits are recorded, and a police officer is present to monitor the conversation.

His medical condition is currently stable. It is important to note that the lack of in-person meetings and private conversations between Ibrahim, his family, and his lawyer limits the availability of detailed information regarding his situation 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, 2022 and 2023 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; A/HRC/54/61).

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. 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”.

On 7 December 2020, Dr Amasha was seen 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.

While several hearings were held on the Case No. 1360 of 2019 at the terrorism circuit of the Emergency State Security Court, they were adjourned to allow all defendants to appear in court.

Update

Dr Amasha remains detained in Badr Prison, Cairo Governorate, Egypt.

1.4 Saudi Arabia

1.4.1 Mohammad Fahad al-Qahtani

The case of Mohammad Fahad al-Qahtani was included in the 2012, 2013, 2019, 2020, 2021, 2022, and 2023 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; A/HRC/54/61).

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 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.”

On 22 November 2022, Mr al-Qahtani completed his 10-year prison sentence. Since 24 October, when his family last heard from him as he was detained in al-Ha’ir prison, he has been subjected to enforced disappearance. 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.¹⁶

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, following a hunger strike.

Update

Mohammad al-Qahtani was re-charged for new criminal offences while in detention. In May 2023, his family was informed that he was brought before a judicial authority and re-tried. Hearings took place before the State Security Court in Riyadh, in secret. On 23 July 2023, his wife was informed by prison authorities through a phone call that her husband’s name was “not appearing in the system anymore”. On 22 January 2024, the government of Saudi Arabia informed the UN WGEID that Mr al-Qahtani was being held at the Riyadh Correctional prison and was charged under the terrorism law. He is therefore currently still being held *incommunicado*.

¹⁶ The response can be accessed at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=37348> (accessed 13 April 2023).

1.4.2 Fawzan Mohsen Awad al-Harbi

The case of Mr Fawzan Mohsen Awad al-Harbi was included in the 2014, 2019, 2020, 2021, 2022 and 2023 reports of the UNSG (A/HRC/27/38; A/HRC/42/30; A/HRC/45/36; A/HRC/48/28; A/HRC/51/47; A/HRC/54/61).

Mr al-Harbi is a 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. 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

Mr Al-Harbi’s 10-year prison sentence expired in September 2023. Yet, he currently remains in detention.

1.4.3 Essa al-Nukheifi

The case of Mr Essa al-Nukheifi was included in the 2018, 2019, 2020, 2021, 2022 and 2023 reports of the UNSG (A/HRC/39/41; A/HRC/42/30; A/HRC/45/36; A/HRC/48/28; A/HRC/51/47; A/HRC/54/61).

Mr 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 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.

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.¹⁷

¹⁷ The response is available at: <https://spcommreports.ohchr.org/TMResultsBase/Details.aspx?queryId=32103>

Update

Mr al-Nukheifi's prison sentence expired in October 2022. Yet, he currently remains in detention.

1.4.4 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 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 al-Hathloul was forcibly disappeared for two months. On 10 February 2021, after 1001 days in prison, Ms al-Hathloul was released on probation. In March of 2021, a Saudi appeals court upheld her original sentence which includes a travel ban that should last as long as her prison sentence.

Update

As such, Ms al-Hathloul completed her full sentence on 12 November 2023, including her travel ban sentence, which should have been lifted on that date. However, Ms al-Hathloul remains under a travel ban without any justification.

1.5 United Arab Emirates

The case of Mr Ahmed Mansoor was included in the 2014, 2017, 2018, 2019, 2021, and 2022 reports of the UNSG (A/HRC/27/38, A/HRC/36/31, A/HRC/39/41, A/HRC/42/30, A/HRC/48/28, and A/HRC/51/47).

Ahmed Mansoor is a prominent human rights defender who has experienced physical assaults, death threats, and government surveillance. He is a member of the Advisory Committee of Human Rights Watch's Middle East and North Africa Division and the Advisory Board of the Gulf Centre for Human Rights (GCHR).

According to the Martin Ennals Foundation, Mr Mansoor attended the 2008-2009 United National Universal Periodic Review of the UAE's Human rights record. He was the only individual outside the official delegation of UAE. He managed to have several countries and NGOs adopt specific comments and concerns and raise them as recommendations to UAE. Inside the UAE, he meets regularly with the international human rights organizations, the United Nations and the International media to address and discuss the human rights situation.¹⁸

He was one of the initiators of the 3 March 2011 petition that called for democratic reform in the UAE. Shortly, afterwards, he was jailed with four others in connection with the online discussion forum, UAEHewar.net, in what became widely known as the UAE5 case. He was accused of publicly insulting the UAE leadership and was sentenced to three years imprisonments but released one day after the verdict on presidential pardon after spending nearly eight months in jail.¹⁹ In 2011, his detention was deemed arbitrary by the Working Group on Arbitrary Detention (A/HRC/WGAD/2011/64).

On 20 June 2013, a group of special procedures mandate holders raised allegations of acts of intimidation and reprisal against him, following his participation by means of a video statement in a side event during the second universal periodic review of the United Arab Emirates (A/HRC/25/74, case ARE 3/2013). Mr Mansoor was prevented from attending the second review of the United Arab Emirates in person as his passport had been confiscated by the authorities. He has allegedly been under surveillance, his e-mail account has been accessed without authorisation and he was physically attacked twice, including on the day his video statement was shown at the side event.

On 20 March 2017, Mr Mansoor was arrested, without a warrant, by Emirati security forces, who searched his home and confiscated laptops and other equipment. He was subsequently disappeared by the authorities, which failed to reveal his whereabouts for over one year. During this period he was detained at Al Wathba prison, where he suffered from torture and ill-treatment.

On 27 March 2017, six special procedure mandate holders raised its concerns with the Government of the United Arab Emirates with regard to allegations of the arrest, secret detention and risk of enforced disappearance of Ahmed Mansoor, as an act of

¹⁸ Martin Ennals Foundation, *Ahmed Mansoor 2015 Laureate*, <https://www.martinennalsaward.org/hrd/ahmed-mansoor/> (accessed 15 April 2024).

¹⁹ *Ibidem*.

intimidation and reprisal for his collaboration with the Human Rights Council, the special procedures, the universal periodic review mechanism and the treaty bodies (see A/HRC/36/25, para. 13, ARE 1/2017). Several mandate holders have issued a press release on this case.²⁰

On 29 May 2018, Mr Mansoor was sentenced to ten years imprisonment, a fine of 1,000,000 UAE Dirhams, and three years of probation after the completion of his sentence. He was sentenced, under the 2012 Cybercrime Law, on vague charges relating to his activism, including “insulting the status and prestige of the UAE and its symbols, including its leaders”, “publishing false information to damage the UAE’s reputation abroad” and “portraying the UAE as a lawless land.”

On 12 June 2018, seven UN special procedures mandate holders called on the Emirati authorities for Mr Mansoor’s immediate release. The State Security Chamber of the Federal Supreme Court upheld his conviction and sentence on 31 December 2018.

Since his trial began Mr Mansoor has been subjected to long periods of solitary confinement in Al Sadr prison in Abu Dhabi. Initially, he was detained with no bed or water in his cell and with no access to a shower. Visits were rarely offered and he failed to receive adequate medical attention. On 17 March 2019, Mr Mansoor began a hunger strike against his prison conditions and unfair trial. The hunger strike lasted one month, during which his health deteriorated significantly.

On 7 May 2019, seven UN special procedures mandate holders condemned Mansoor’s prison conditions and called for his immediate release.²¹

In early September 2019, in protest against his conditions, Mr Mansoor began his second hunger strike. At the beginning, he was forced by the guards to eat every few days, however, from 14 September 2019 onwards, he began a continuous hunger strike, taking only juice and mineral water. Reports indicated that the hunger strike has continued for at least five months.

Update

On 7 December 2023, a new mass trial began before the Abu Dhabi Federal Court of Appeal, involving 84 defendants. The “UAE87” group includes prominent activists and dissidents already serving prison sentences, including Mr Ahmed Mansoor, as well as those convicted following the grossly unfair “UAE94” trial, many of whom are nearing the end of their sentences or have been held in detention arbitrarily after their sentences ended.

In the inaugural hearing, the charges against Mr Mansoor and his co-defendants were read out, with their reported attendance. Mr Mansoor and others are charged with new terrorism crimes, namely, for establishing another clandestine organisation for the purpose of committing acts of violence and terrorism on UAE soil.

The second hearing took place on 14 December 2023, where three members of the State Security Apparatus (SSA) appeared as witnesses for the Public Prosecution Office (PPO).

The third hearing took place on 21 December 2023, and the entire trial was conducted secretly, with a notable absence of local media coverage.

On 11 January 2024, the fourth hearing took place with no media coverage.

²⁰ See OHCHR, “UN rights experts urge UAE: “Immediately release human rights defender Ahmed Mansoor”, press release, 28 March 2017.

²¹ See OHCHR, “UAE: UN experts condemn conditions of detention for jailed activist Ahmed Mansoor”, 7 May 2019.

On 19 January 2024, nine UN experts expressed their alarm at the new “spurious” terrorism charges brought against civil society in the “UAE87” trial. Importantly, they considered these charges to be a “deeply regressive step, particularly given that the UAE is currently a member of the UN Security Council’s Counter-Terrorism Committee”. They also said that some of the defendants are currently subjected to enforced disappearance and torture, and that these proceedings violate the right to a fair trial, denial or restriction of access to legal counsel, coerced confessions and lack of access to judicial proceedings.

UN experts reiterated their concern about the arbitrary application of the counter-terrorism laws and the grave violations to the right to freedom of expression it entails. They recalled that this law does not appear to “meet the required threshold of legality necessity, proportionality and non-discrimination under international law”.

On 8 April 2024, the UAE authorities replied to the communication but the reply is currently being translated and is not yet available in the OHCHR database.