



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

14 April 2022

Introduction

The present submission provides information on several individuals who were subjected to continued acts of reprisals – between 1 May 2021 and 14 April 2022 – in Djibouti, Egypt, Lebanon, Saudi Arabia and the United Arab Emirates.

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 United Nations Secretary-General (UNSG) in his annual report.

Cases of reprisals

1.1 Djibouti

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

Mr Kadar 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. 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.¹ 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 human rights activities.

¹ 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).

1.2 Lebanon

1.2.1 Mohammad Sablough

Mohammad Sablough is a human rights lawyer in Lebanon. He has been working on documenting cases and assisting victims of torture and arbitrary detention. At the international level, he regularly provides international NGOs, including MENA Rights Group, with documented information, with the aim to file cases with the UN Special Procedures. In 2021, he has been facing a growing number of threats and intimidation that are directly related to his professional activities as a lawyer.

In 2020 and 2021, Sablough provided Amnesty International with testimonies and information regarding violations committed against Syrians refugees in Lebanon. In March 2021, Amnesty International published a report on Syrian refugees arbitrarily detained on terrorism-related charges and tortured in Lebanon, which included information provided by Sablough.

Following the publication of the report, the caretaker Minister of Justice convened a meeting on 14 April 2021, with heads of security agencies and members of the Beirut and Tripoli bar associations. Sablough attended the meeting as rapporteur of the Prisons' Committee of the Tripoli Bar Association.

During the meeting, Sablough mentioned that he had provided Amnesty International with information on human rights violations, including for their latest report, and that he had done so after exhausting all domestic avenues, to no avail. He also explained that he has filed several communications to the UN human rights bodies including the Working Group on Arbitrary Detention and Special Rapporteur on Torture.

At the end of the meeting, the director of the General Security, Abbas Ibrahim, informed Sablough that he “should not communicate with international NGOs” and that doing so meant communicating with the “Zionist entity” and added that he was accused of committing “high treason”.

In this context, on 28 September 2021, the Military Court sent a letter to the Tripoli Bar Association requesting that Mr Sablough's immunity as a lawyer be lifted, in order to prosecute him. This request was rejected on 27 October 2021.

On 16 November 2021, several special procedure mandate holders expressed their deep concern at the “threats and harassment against human rights defender and human rights lawyer, Sablough, which appear to be directly linked to his legitimate work as a human rights lawyer, working on documenting cases and assisting victims of torture, those who are arbitrarily detained, and Syrian refugees facing deportation.”²

More information is provided on Mohammad Sablough in relation to his client, Mr Ahmad Ali Mekkaoui (United Arab Emirates, Section 1.5.1).

² OHCHR, AL LBN 8/2021, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26807> (accessed 11 April 2022).

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 and 2021 reports of the UNSG (A/HRC/39/41; A/HRC/42/30; A/HRC/45/36, A/HRC/48/28).

Mr Ebrahim Abdelmonem Metwally Hegazy is a human rights lawyer and 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. He is currently held in Scorpion Prison, located inside Cairo's Tora Prison 992 Maximum-Security.

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 are 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 for Mr Metwally to be kept 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 Tora Maximum Security Prison 2 in solitary confinement. He suffers from increasingly severe health problems due to the poor detention conditions and is being denied medical care. In October 2021, his family warned about his health situation which is seriously deteriorating. He has been suffering from prostate hyperplasia for over a year and has been denied access to medication. He requires urgent surgery to avoid serious complications that could be life-threatening. He also suffers from poor sight and joint pain due not being exposed

to sunlight in his solitary cell. Only recently has he been allowed family visits and to receive medication. He is currently detained in relation to aforementioned Case No. 786 of 2020.

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 and 2021 reports of the UNSG (A/HRC/36/31; A/HRC/39/41; A/HRC/42/30; A/HRC/45/36; A/HRC/48/28).

Dr Amasha is a veterinarian and human rights defender, who 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 and a member of the “Kefaya” opposition group and a trade unionist. His current location of detention is unknown.

As described in detail in the previous reports submitted to the Secretary-General by MENA Rights Group, Dr Amasha has long been targeted by the Egyptian authorities. In March 2017 he was forcibly disappeared and tortured and subsequently held in pre-trial detention until 4 October 2019, when he was released from prison under probation.

At the end of May 2020, several police forces raided Dr Amasha’s family house and inspected his mother’s mobile phone. The police officers also repeatedly asked his family about his whereabouts.

On 17 June 2020, Dr Amasha was arrested from his home and once again 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 are taken.

On 7 December 2020, Dr Amasha was seen in a glass cell from far away, along with around 250 further detainees, by his lawyer in Tora Maximum Security Prison 2 (also known as “Aqrab 2”). 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 medical care and medication necessary.

Update

Dr Amasha’s family is still not allowed to visit him in prison. His lawyer was allowed to meet him in Tora Maximum Security Prison 2 on 10 April 2022, when his pre-trial detention was extended for another 15 days.

In December 2021, a former detainee informed the family of what Dr Amasha was subjected to when he was forcibly disappeared for a second time. Between June and

July 2020. Dr. Amasha was tortured so badly that his left ribs (from the fifth rib down) were broken. Dr. Amasha was then thrown into his cell, as he continued to suffer from severe pain. Since he did not receive any medical treatment for his injuries, it is impossible to know whether his wounds have healed properly. As a result of the violations suffered, Dr. Amasha went to the forensic medicine office in order to prove that he was subjected to various violations. However, he was never informed of the result of the examination, which was performed without a lawyer being present.

His current conditions of detention are very harsh: he is forced to share a very small cell (3 meters by 1.5 meters) with nine other inmates. The cell, furthermore, does not receive any sun exposure.

Similarly to the rest of the detainees in Scorpion Prison 2, Dr. Amasha is denied access to books, papers, pen and medicine. In doing so, the prison authorities are reportedly trying to break the morale of the detainees. Some detainees began developing various skin conditions due to the lack of sun exposure. Furthermore, the prison guards have denied prisoners their right to access medication.

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 and 2021 reports of the UNSG (A/HRC/21/18; A/HRC/24/29; A/HRC/42/30; A/HRC/45/36; A/HRC/48/28).

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.”

He is currently being detained at al-Hair prison in Riyadh. In December 2020 and March 2021, 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 will meet the prisoner’s demands.

Update

On 9 August 2021, Mohammed al-Qahtani began another hunger strike in protest of not being transferred out of the psychiatric detainees’ ward and as a result of the continuous mistreatment he is facing. He suspended his strike on 12 August after the prison administration promised to look into his demands but resumed the hunger strike on 15 August when they failed to rectify his situation.

Mr Al-Qahtani continued to face various forms of ill-treatment in Al-Ha’ir Prison during the period in question, including phone calls being cut unexpectedly, prison officials raiding his prison cell in the middle of the night, and being denied books, ear plugs and

necessary medication, such as eye drops and vitamins, which resulted in the progressive dryness of his eyes.

Mr al-Qahtani also suffers from a skin condition that has gotten much worse as a result of the prison administration's negligence and failure to provide him with access to medical treatment, including by cancelling or postponing his hospital appointments.

1.4.2 Fawzan Mohsen Awad al-Harbi

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

On 22 May 2013, Mr 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. 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

Because Mr al-Harbi's ID card expired, his income was stopped for approximately two months during the period in question. It is unknown if this is still ongoing.

1.4.2 Samar Badawi

The case of Ms Samar Badawi was included in the 2015, 2019, 2020 and 2021 reports of the UNSG (A/HRC/30/29; A/HRC/42/30; A/HRC/45/36; A/HRC/48/28).

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 HRC at its 27th 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. Ms Badawi was informed that a travel ban had been issued against her for an indefinite period.

In January 2016, Ms Badawi was arrested and interrogated, before being released a few hours later. She was again called in for questioning in February 2017 and was held for several hours before being released. On 30 July 2018, members of the Mabathith

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 approximately one month before being allowed contact with her family.

On 27 June 2019, she appeared for the first time before the Criminal Court in relation to charges under the Cybercrime Law, including “undermining public order, religious values, good morals and private life” and “communicating with journalists, UN human rights bodies and human rights organisations” and other groups described as “hostile to the state.”

Update

On 26 June 2021, Samar Badawi was released following the expiry of her sentence. She remains under a travel ban.

1.4.3 Essa al-Nukheifi

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

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 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

Mr al-Nukheifi’s family has failed to receive his salary for approximately two months because his ID card has expired, which has caused his wife and children unnecessary hardship. On 17 April 2022, Mr al-Nukheifi began another hunger strike in al-Ha’ir Prison, protesting the prison administration’s delays over letting him out to complete certain banking transactions relating to his salary and ID card renewal.

1.4.4 Loujain al-Hathloul

The case of Ms Loujain al-Hathloul was included in the 2019, 2020 and 2021 report of the UNSG (A/HRC/42/30; A/HRC/45/36; A/HRC/48/28). 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 March 13, 2019 al-Hathloul’s trial began before the Specialised Criminal Court. 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, Loujain al-Hathloul was forcibly disappeared for two months, leaving her parents with no knowledge of her fate or whereabouts. On 10 February 2021, and after 1001 days in prison, Loujain 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

In December 2021, the family of Loujain al-Hathloul received an official confirmation of an arbitrary travel ban on them, and they have still not been given a specific reason for the imposition of a travel ban. The ban, which appears to have been issued at the time of al-Hathloul's arrest and kidnapping from the United Arab Emirates (UAE) in March 2018, includes her parents and siblings based in Saudi Arabia, and they only found out about it when attempting to travel outside the country. The official confirmation was made orally by an official, and no written document was provided.

1.5 United Arab Emirates

1.5.1 Ahmad Ali Mekkaoui and his lawyer Mohammed Sablough

The case of Mr. Ahmad Ali Mekkaoui, a Lebanese citizen, was included in the 2019, 2020 and 2021 reports of the UNSG (A/HRC/42/30, A/HRC/45/36, A/HRC/48/28).

On 22 August 2017, the Working Group on Arbitrary Detention (WGAD) adopted Opinion No. 47/2017 concerning Ahmad Ali Mekkaoui (United Arab Emirates). Since then, Mr. Mekkaoui faced reprisals after the issuance of the Opinion. In December 2018, the Opinion was mentioned during an Arabic television segment of Al Araby TV. Following the broadcast, which featured his Lebanese lawyer, Mohammad Sablough, and sister, Mr. Mekkaoui was moved to solitary confinement, put in an underground cell, without natural daylight, and prevented from contacting his family by telephone, in an alleged act of reprisal. In March 2019, the Public Prosecution initiated new legal proceedings against Mr. Mekkaoui, his sister, his lawyer, as well as his nephew who raised his case on Facebook, accusing them of "misrepresentation and incitement against the UAE".

Update

In his capacity as Ahmad Ali Mekkaoui's lawyer, Mohammed Sablough commented, in December 2018, on the Opinion adopted by the WGAD during a television segment on the Al Araby TV channel. He was then charged by the UAE authorities with "misrepresentation and incitement against the UAE" as a result.

On 17 October 2021, Amnesty International sent a letter to the Lebanese Ministry of Interior denouncing attempts to silence and discredit Mohammad Sablough.

In his reponse, the head of General Security, Abbas Ibrahim, explained in a letter dated 12 January 2022 that "it was found that there are many suspicions regarding [Sablough's] abuse of some countries and the use of his electronic accounts on social networking sites to incite against the Lebanese security services [...] the UAE judicial authorities issued a ruling to prosecute the aforementioned lawyer, who is the lawyer

of a Lebanese detainee in UAE, ‘Ahmed Ali Makkawi’ [...] with the crime of insulting the UAE and accusing it of torturing its detainees.”

1.5.2 Ahmed Mansoor

The case of Mr Ahmed Mansoor was included in 2014, 2017, 2018, 2019, 2020, and 2021, reports of the Secretary-General (A/HRC/45/36; A/HRC/42/30; A/HRC/39/41; A/HRC/36/31; A/HRC/27/38; A/HRC/48/28).

Mr Mansoor is an Emirati human rights defender and recipient of the Martin Ennals Award for Human Rights Defenders. On 20 March 2017, Mansoor was arrested by agents of the State Security Apparatus who then held Mansoor in secret and incommunicado detention for more than a year before he was brought to trial. On 29 May 2018, the Abu Dhabi Federal Court of Appeal sentenced Mansoor to ten years in prison, in addition to a fine of 1 million UAE Dirhams and three years of probation following the completion of his sentence. On 31 December 2018, the UAE Federal Supreme Court upheld his sentence. Since his arrest to date, Mr Mansoor has been held in solitary confinement in an isolation cell and has also been subjected to torture.

In October 2020, Mansoor wrote a letter from al-Sadr prison describing the violations he is facing, including being held in indefinite solitary confinement, denied medical care and access to basic necessities such as a bed and mattress and denied any contact with other prisoners and the outside world.

Update

On 16 July 2021, Mr Mansoor’s letter from prison was published by London-based media outlet, *Arabi21*. Following the publication of the letter, the UAE authorities retaliated against Mr Mansoor by moving him into a smaller and more isolated cell within al-Sadr prison, denying him access to critical medical care, and taking away his reading glasses. Mr Mansoor, moreover, remains detained in indefinite solitary confinement.