



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

1 May 2020

Cases of reprisals in Saudi Arabia

1.1.1 Mohammad Fahad Al Qahtani

The case of Mohammad Fahad Al Qahtani was included in the 2012, 2013 and 2019 reports of the UNSG (A/HRC/21/18; A/HRC/24/29; A/HRC/40/30).

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 17 December 2018, Mr Al Qahtani started a hunger strike and was subsequently punished with solitary confinement for two days. On 20 March 2019, Mr Al Qahtani was moved from the political prisoners wing of Al Hai'r Prison to the wing hosting regular criminals. He complained about the circulation of drugs and requested to be transferred back. To date, his request has not been granted.

Update

In February 2020, Mr Al Qahtani was denied contact with his family for several days, during which he was transferred from one prison ward to another.

1.1.2 Essa Al Nukheifi

The case of Mr Essa Al Nukheifi was included in the 2018 and 2019 reports of the UNSG (A/HRC/39/41; A/HRC/40/30).

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

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

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

On 8 April 2019, Mr Al Nukeifi requested to be transferred to Jizan prison in order to be closer to his 80-year-old mother, who struggles to visit him at Makkah General Prison, which is over 700 km away from their usual residence.

Update

In August 2019, instead of his request being granted, Mr Al Nukheifi was transferred to Al Ha'ir prison in Riyadh for re-trial. It appears that this trial is no longer going ahead and may have been used as a punitive measure against him in order to cause fear and place him further from his mother and family.

Information disclosed in July 2019 revealed that Mr Al Nukheifi has been subjected to on-going ill-treatment, including being stripped of his clothes and having his hands and feet shackled.

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.

1.1.3 Abdullah Al Hamid

The case of Mr Abdullah Al Hamid was included in the 2013 report of the UNSG (A/HRC/24/29).

Mr Al Hamid was co-founder of the ACPRA. On 9 March 2013, the Riyadh Specialised Criminal Court sentenced him to six years of imprisonment on charges of having provided false information to external sources, including human rights mechanisms of the United Nations.

Update

Throughout the reporting period, Mr Al Hamid was denied phone calls and visits on several occasions and the prison authorities refused to let him inform his family, or anyone else outside the prison, about his state of health, impacting his psychological wellbeing.

In January 2020, a doctor advised Mr Al Hamid that he urgently needed a heart catheterisation operation. However, the prison administration delayed the operation by several months and it was eventually decided that the operation would take place in late May or early June 2020. Despite his request, Al Hamid was not allowed to remain in hospital whilst awaiting the operation. He was not provided with medical care in prison.

On 9 April 2020 Mr Al Hamid suffered a stroke, whilst in prison, and entered into a coma. He was subsequently hospitalised at the King Saud Medical City Hospital (KSMC) and died on 23 April 2020.

1.1.4 Issa Al Hamid

The case of Mr Issa Al Hamid was included in the 2017 and 2018 reports of the UNSG (A/HRC/36/31; A/HRC/39/41).

On 21 November 2013, Mr Al Hamid, a member of the ACPRA, was summoned for interrogation for the first time. On 3 July 2014 he was officially informed of the charges against him, which included "incitement to demonstrate", "harming the credibility of religious authorities", "contempt of a state constituent body" and "contacting foreign organisations and providing false information".

On 24 April 2016, Mr Al Hamid was sentenced to nine years in prison, followed by a nine-year travel ban upon his release. On 13 December 2016, three special procedures mandate holders

raised concerns over allegations of reprisals against Mr Al Hamid for cooperating with the United Nations (SAU 8/2016).

Following an appeal, on 1 December 2016 Al Hamid's sentence was increased to 11 years in prison, an 11-year travel ban upon his release, and a fine of 100,000 Saudi Riyals. Mr Al Hamid began serving his sentence on 16 September 2017 and has been held in Onazyia Prison ever since.

Update

On 21 November 2019, the WGAD adopted Opinion No. 71/2019, wherein the WGAD stated that Mr Al Hamid was being detained arbitrarily and called on the authorities for his immediate release.

In April 2020, Mr Al Hamid was placed in solitary confinement for approximately ten days, including the time during which his brother Abdullah Al Hamid was in hospital.

1.1.5 Samar Badawi

The case of Ms Samar Badawi was included in the 2015 and 2019 reports of the UNSG (A/HRC/30/29; A/HRC/40/30).

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 Mabahith Intelligence service arrested Ms Badawi from her house in Jeddah without an arrest warrant and without informing her of the reasons for her arrest. They took her to an unknown location, where she remained in *incommunicado* detention for approximately one month before being allowed contact with her family.

Ms Badawi was among the women who faced sexual harassment, torture and other forms of physical and psychological ill-treatment during interrogation. Throughout the investigation period, Ms Badawi was denied her right to legal counsel.

Update

On 27 June 2019, Ms Badawi was brought to trial before the Criminal Court, alongside several other women's rights activists, in relation to charges under the Cybercrime Law. Her appearance before the court was the first since her arrest and there is no indication that legal representation was present.

The charge sheets relating to Ms Badawi and other women included "undermining public order, religious values, good morals and private life" and "communicating with journalists, UN human rights bodies and human rights organisations" including Amnesty International, Human Rights Watch and ALQST, groups described as "hostile to the state".

The legal charges being brought against the activists have not been publicly released, but the punishments being sought by prosecution indicate the nature of the charges. The prosecution is calling for the maximum penalty under Article 6 of the Cybercrime Law. Article 6 prescribes a prison term of up to five years and/or a fine of three million riyals as punishment for “any person who produces, prepares, transmits or stores by means of the Internet or a computer anything that might breach public order, religious values or personal privacy”.

Throughout the trial, Ms Badawi’s hearings have been regularly postponed. Most recently, Ms Badawi was scheduled to attend a hearing on 18 March 2020. However, her hearing date was indefinitely postponed due to the COVID-19 outbreak.

1.1.6 Loujain Al Hathloul

The case of Ms Loujain Al Hathloul was included in the 2019 report of the UNSG (A/HRC/40/30).

On 27 February 2018, Ms Al Hathloul attended the session of the Committee on the Elimination of Discrimination against Women (CEDAW) during its consideration of Saudi Arabia. In early March 2018, shortly after returning from Geneva, she was arrested in Abu Dhabi by Emirati authorities and taken to Riyadh by Saudi authorities for interrogation. After three days she was released and a travel ban was imposed.

On 15 May 2018, Saudi police forces raided Ms Al Hathloul’s home, arrested her and held her *incommunicado* for three months. The charges against her included promoting women’s rights, calling for the end to the male guardianship system and contacting foreign organisations including the media, other activists and human rights organisations. The case of Ms Al Hathloul was raised by several special procedures mandate holders (SAU 15/2014; SAU 7/2018 SAU 1/2019).

In 2018 the CEDAW Chair and Focal Point on Reprisals wrote confidential letters to the Government related to the allegations of arbitrary detention and degrading treatment and punishment, to which the Saudi authorities responded.

On 13 March 2019 her trial began before the Criminal Court. Similarly, all of her subsequent court sessions have been closed, with diplomats and journalists prevented from attending.

Update

On 13 August 2019, Ms Al Hathloul’s family advised that Saudi state security had recently visited her in prison in order to negotiate a deal whereby Ms Al Hathloul would be released from prison in return for making a video statement denying that she was tortured. However, it is reported that she rejected this proposal.

Ms Al Hathloul appeared before the Criminal Court in Riyadh on 30 January and 12 February 2020. In mid-March, Ms Al Hathloul was due to appear in court again. However, her hearing date has been indefinitely postponed due to the COVID-19 outbreak.

The charge sheets relating to Ms Al Hathloul and other women included “undermining public order, religious values, good morals and private life” and “communicating with journalists, UN human rights bodies and human rights organisations” such as Amnesty International, Human Rights Watch and ALQST, groups described as “hostile to the state”.

Charges being brought against the women’s rights activists have not been publicly released, but the punishments being sought by prosecution indicates the nature of the charges. The

prosecution is calling for the maximum penalty under article 6 of the Cybercrime Law. Article 6 prescribes a prison term of up to five years and/or a fine of three million riyals as punishment for “any person who produces, prepares, transmits or stores by means of the Internet or a computer anything that might breach public order, religious values or personal privacy”.

Ms Al Hathloul has been subjected to long spells in solitary confinement. In April 2020, Ms Al Hathloul’s family had a call cut off and were denied their weekly call. Physical visits have been suspended in light of the COVID-19 outbreak.

1.1.7 Yahya Al Assiri

The case of Mr Yahya Al Assiri was included in the 2019 report of the UNSG (A/HRC/40/30).

In March 2019, Mr Yahya Al Assiri, director of the Saudi human rights organisation ALQST, delivered a statement on behalf of the International Federation for Human Rights (FIDH), during the adoption of the UPR outcome of Saudi Arabia, and spoke as a panellist at a side-event on Saudi Arabia organised by MENA Rights Group, Right Livelihood Foundation, World Organisation Against Torture (OMCT) and the Gulf Centre for Human Rights (GCHR). As a result of his engagement, Mr Al Assiri received threats on social media. In addition, some of the women human rights defenders detained in 2018 were reportedly interrogated about Mr Al Assiri, including explicitly regarding his engagement with the UN HRC.

Update

The charge sheets relating to Ms Hathloul, Ms Badawi and other women’s rights activists included contacting Mr Al Assiri personally, as well as journalists, UN bodies and human rights organisations.

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

ALQST for Human Rights is a UK-based human rights NGO established in 2014 for the purpose of defending and promoting human rights in Saudi Arabia. ‘Al-qist’ means ‘justice’ in Arabic, and a passion for justice lies at the heart of our work. ALQST defends fundamental rights for all without any distinctions of race, colour, sex, language, religion and national or social origin. We conduct on the ground research, engage in international legal and public advocacy and campaign on behalf of victims of human rights abuses.