

# Cut Off From The World:

Systematic Reprisals Against Human Rights Defenders  
In The Gulf Region For Engaging With The United Nations

March 2013

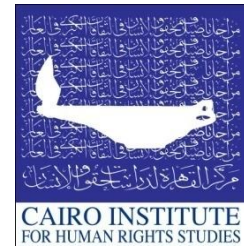


Report by  
the Cairo  
Institute  
for Human  
**Rights  
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(CIHRS)



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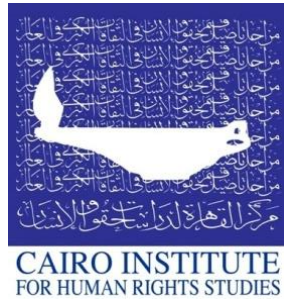
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March 2013

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# **CUT OFF FROM THE WORLD: *SYSTEMATIC REPRISALS AGAINST HUMAN RIGHTS DEFENDERS IN THE GULF REGION FOR ENGAGING WITH THE UNITED NATIONS***

**Report by the Cairo Institute for Human Rights Studies (CIHRS)**

This report is a briefing prepared by the Cairo Institute for Human Rights Studies<sup>1</sup> on government led attacks and acts of intimidation and defamation carried out by the governments of the Kingdom of Bahrain (Bahrain), the United Arab Emirates (UAE), the Kingdom of Saudi Arabia (Saudi Arabia), and the Sultanate of Oman (Oman) against human rights defenders for their cooperation with United Nations human rights mechanisms, particularly during the 21<sup>st</sup> session of the United Nations Human Rights Council in September 2012.

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<sup>1</sup> Cairo Institute for Human Rights Studies (CIHRS) is an independent regional non-governmental organization founded in 1994. It enjoys consultative status with the United Nations Economic and Social Council (ECOSOC), and observer status in the African Commission on Human and Peoples' Rights. CIHRS is also a member of the Euro-Mediterranean Human Rights Network (EMHRN) and the International Freedom of Expression Exchange (IFEX). CIHRS is registered in Egypt, France and Geneva, has its main offices in Cairo, an office in Geneva for its work at UN human rights mechanisms and an institutional presence in Paris. CIHRS was awarded the French Republic Award for Human Rights in December 2007. CIHRS aims at promoting respect for the principles of human rights and democracy, analyzing the difficulties facing the application of International Human Rights Law and disseminating Human Rights Culture in the Arab Region as well as engaging in dialogue between cultures in respect to the various International Human Rights treaties and Declarations. For more information about CIHRS, see [www.cihrs.org](http://www.cihrs.org).

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## Introduction

Over the last two years, human rights defenders and organizations that work on the Gulf region (in particular the countries of Bahrain, Saudi Arabia, the United Arab Emirates/UAE, and Oman) have initiated and strengthened their engagement with the United Nations (UN) to bring attention to the worsening human rights situation in this region. Such engagement has resulted in an increase in awareness of human rights violations occurring in these countries, and more international pressure from the UN and state officials on these governments to end these violations. This type of increased pressure and concentration has contributed to developments such as the creation of the Bahrain Independent Commission of Inquiry (BICI) by the King of Bahrain in June 2011. In response to the increasing efforts of local, regional and international human rights defenders and organizations in this regard and as human rights violations are reaching unprecedented levels in these countries, a number of Gulf countries have begun to launch a campaign of intimidation and retribution against those who denounce rights violations within the Arab Gulf region at the United Nations, particularly targeting local rights defenders. This briefing is intended to give an overview of some examples of such attacks.

Attacks and intimidation against human rights defenders and activists for their cooperation and engagement with UN human rights mechanisms by governments of the Gulf region have significantly intensified in recent months, and appear to have become systematic in some countries. Such acts have been carried out against human rights defenders who have attempted to bring human rights violations by governments of the Gulf region to the attention of the UN and the international community. These attacks have included: defamation and smear campaigns in government controlled media outlets, death threats, physical assaults, criminal charges, arbitrary arrests, detentions and harsh prison sentences. In some instances, the public smear campaigns that have been propagated by government and government affiliated media towards human rights activists who have engaged with the UN has amounted to incitement to hatred and violence, and often put the safety of these individuals at risk.

Such acts constitute reprisals as defined by UN resolution A/HRC/18/19. Some of the reprisals in this briefing constitute serious human rights violations. However, as the UN human rights system is often reliant on its ability to engage with local rights actors in any particular country or region, such acts, as a whole, also amount to a direct attack on the UN as an institution and its ability to properly function. CIHRS believes that the current level of reprisals used against activists for engaging with the UN are of serious concern to the effectiveness of the entire UN human rights system in relation to the Gulf region.

Reprisals are “*acts of intimidation*” and/or attacks “*against those who...Seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them.*” This includes those who have “*provided assistance,*” “*submitted communications*” or “*are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims.*”<sup>2</sup>

Bahrain and Saudi Arabia, as former members of the Human Rights Council and the United Arab Emirates as a current a member of the Council, have obligation to uphold the highest standards with regards to the promotion and protection of human rights as per General Assembly resolution 60/251 establishing the Council. While reprisals are unacceptable under any circumstances; it is particularly worrying to see member states and states that have made voluntary pledges to protect rights and freedoms within their territories in their bid for membership to the Council practice them. This is also indicative that a thorough review of the selection criteria for membership to the Council, to be one based on human rights protection and promotion, is urgently needed in order to guarantee the sustainability and effectiveness of the Council as a whole.

Below is a brief description of attacks against a number of human rights defenders from Bahrain, the UAE, Saudi Arabia and Oman who have been subject to retributive measures carried out by government and/or

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<sup>2</sup> Paragraph 1, UN Resolution A/HC/RES/12/2

government related actors in response to their engagement with the 21<sup>st</sup> Session of the Council and/or the Special Procedures of the Council. The increasing use of an arsenal of repressive laws and “government friendly” media and personnel as tools of intimidation against these defenders, as well as harassment by ‘nongovernmental organizations’(NGOs) affiliated to governments from the region, constitute long-term and growing challenges to the ability of local independent civil society in this region to engage internationally.

## 1. United Arab Emirates

It is hard to dissociate the reprisals against Emirati human rights defenders who have chosen to cooperate with the UN human rights system from the government’s widespread campaign of intimidation, arrests and fear campaign against all of the country’s reform activists.

Throughout the last two years, the human rights situation in the UAE has witnessed a sharp decrease in the already very limited spaces and freedoms allocated for human rights defenders and democracy advocates to operate. A policy of zero tolerance was applied towards criticism to the country’s worsening human rights situation and demands made for democratic reforms. Those who dare to talk about the UAE human rights record have been subjected to arbitrary arrests, unfair trials, revocation of citizenship, travel bans and prison sentences. The Federal Decree No. 2/ 2008 on associations in UAE imposes restrictive measures on the registration and the work of national NGOs<sup>3</sup> and is not in compliance with international standards regulating the right to freedom of assembly. Article 16 of the law prohibits NGOs from interfering in politics or matters that “impair state security and its ruling regime.” State authorities have used this section in 2011 to disband the elected board of two NGOs for issuing a public appeal calling for greater reform in the country.

Throughout 2012 arrest warrants and legal charges were brought against a total of 64 individuals, including human rights defenders and lawyers Mohamed Al-Roken and Mohamed Al-Mansoori, as well as judges, teachers and democracy activists, in connection to their exercise of their right to freedom of opinion and their peaceful expression of their political opinions. These numbers have only increased in 2013 to over 90 individuals as of March 2013. On 4 March 2013, the trial of the defendants, whom the majority of them belong to Al Islah Islamic group, started before the Federal Supreme Court in case number 17/2013– almost one year since the crackdown on and arrest of activists started- amid several concerns that the detainees were subjected to alleged torture and other forms of ill-treatment while held in undisclosed locations in arbitrary detention. The defendants face charges of committing crimes against national security and attempting to overthrow the ruling regime. Additionally worrying is the accusation brought forth against the defendants of cooperating with international entities and sending them false information liable to harm the image of the state.

On 27 January 2013, The Attorney General of the UAE, Salem Saeed Kubaish, released a statement informing the public that the 94 defendants will be brought before the Federal Supreme Court.<sup>4</sup> In his statement, the Attorney General stated that the defendants: “communicated with individuals and international and foreign entities and establishments based outside the State in order to distort the image of the State; they also provided these individuals, entities and establishments with inaccurate information in order to create international public opinion that would put pressure on the government and the leadership of the State, so as to weaken its status in terms of its foreign relations.”

Another worrying development is the issuing of Federal Decree No. 5/ 2012 on combating cybercrimes on 12 November 2012. The decree contains a number of problematic provisions that are seen to infringe upon the rights to freedom of expression, assembly, and association. There are a number of loosely put articles stipulating prison terms and harsh fines on using information technology to “endanger state security and the higher interest of the state,” “infringe on public order,” “harm the reputation and stature of the state and any

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<sup>3</sup> The Law is available through the following link: <http://www.jurists.ae/library/gameat.pdf>

<sup>4</sup> The statement is available through the following link:

[http://www.wam.org.ae/servlet/Satellite?c=WamLocEnews&cid=1290002895580&pagename=WAM%2FWAM\\_E\\_Layout&parent=Collection&parentid=1135099399973](http://www.wam.org.ae/servlet/Satellite?c=WamLocEnews&cid=1290002895580&pagename=WAM%2FWAM_E_Layout&parent=Collection&parentid=1135099399973)

of its institutions, including the president, or vice president, the rulers of the emirates, their crown princes or their deputies, the state flag, national safety, its motto, its national anthem, or its symbols,” as well as a sentence of up to life in prison for using the internet to advocate for change of government. Article 38 is additionally disturbing, as it potentially prohibits nationals to provide information to independent news outlets as well as regional and international human rights organizations. The Article stipulates prison terms against any person who uses the internet to provide organizations or any other entities with “incorrect, inaccurate, or misleading information liable to harm state interests or damage its reputation, stature, or status.”

- **Attacks against human rights defender Ahmed Mansoor:**

On 17 September 2012 at 7: 45 PM, Ahmed Mansoor, a well known rights activist and blogger in the UAE and a member of the Human Rights Watch MENA advisory committee, was subjected to a physical attack by an unidentified person while at Ajman University following his participation by pre-taped video in a side event co-sponsored by CIHRS at the 21<sup>st</sup> session of the UN Human Rights Council. There are strong reasons to believe that the security apparatus of the government was behind the attack. The attack on 17 September against Monsoor is not an isolated event, but appears to have been carried out in this particular instance due to his participation at the UN event, as the attack occurred at the same time as several threats were directed at him within government related social media for his participation at the mentioned event.

Ahmed Mansoor is a victim of an unfair trial in 2011 in a case that came to be known as the UAE 5 case. He was found guilty of publicly insulting the political figures in the country, after he, along with other individuals, arranged for and signed a petition<sup>5</sup> calling for greater political participation via an elected parliament with legislative and regulatory powers. In November, he was sentenced to 3 years in prison and was then released on presidential pardon one day following the verdict, and after spending nearly 8 months in detention. Since then, Mansoor has been subjected to several harassments and defamation campaigns believed to be instigated by people belonging to State Security, in addition to unrestricted access to his e mail accounts, and surveillance, which research alluded to be instigated by State Security authorities,<sup>6</sup> as well as a *defacto* travel ban against him, as his travel documents remain confiscated by the authorities since the date of his arrest.

- **Details of the physical attack against Mansoor**

Mansoor was attacked in the parking lot, before reaching his car. The attacker twisted his right arm around Mansoor’s neck and grabbed him to the ground and then started hitting him repeatedly on his head. After several minutes, and as Mansoor started calling out for help and other students started showing up, Mansoor’s attacker headed to a car which was waiting for him in the parking lot and escaped before anyone was able to reach him.

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<sup>5</sup> The petition is available through the following link: <http://www.ipetitions.com/petition/uaepetition71/>

<sup>6</sup> “ Spyware Leaves Trail to Beaten Activist Through Microsoft Flaw,” *Bloomberg*, 10 October 2012, <http://www.bloomberg.com/news/2012-10-10/spyware-leaves-trail-to-beaten-activist-through-microsoft-flaw.html> ; And “Backdoors are Forever: Hacking Team and the Targeting of Defense?,” *Citizen Lab*, 10 October 2012, <https://citizenlab.org/2012/10/backdoors-are-forever-hacking-team-and-the-targeting-of-dissent/>



Below is Mansoor's testimony describing the attack:

*"I was attacked at the university today [17 September, 2012]. The attacker this time was taller and has[a] strong body, he approached me before I reach my car, twist his right arm around my neck and pulled me to the ground and started to give me series of powerful punches on my head. The hostility of the punches and the targeting of my head [appeared] like he was aiming to create a disability or even to kill.*

*I started asking for help and protecting myself as much as I could, when people started to show up, he ran away, I managed to stand up and run after him, but another person jumped in front of me from the other side of the parking (in between the trees there) trying to stop me from running toward the car, when he saw his friend inside the car, he ran quickly inside toward the car and they drove away. People could not take the car plate [number]; it could be that the car was without plates too. The car was parking in the same spot [as] the other car of the first attack last Tuesday. Today's attack happened at 7:45 pm, so it was bit dark at the parking lot.*

*The closest person to the attack was an old Sudanese man, who could not be of much help. Other students were not so close, but some of them saw part of the incident, but none could tell who is the guy, as he is not from the university."*

On the same day, Mansoor obtained a medical report detailing the injuries he sustained as a result of the attack, some of which were obvious bruises on his head, neck and hands, and filed a police report at the Ajman Police Station (Al-Humaidiah Police Center). No further legal action or investigations have been taken by authorities to date.

It is important to mention that this is the second physical attack against Mansoor while on campus in University in the same month. On 11 September, Mansoor was attacked by an unidentified man, who spat on his face and pushed him to the ground. Mansoor tried to run after him, but failed as the attacker ran into a parked car, where another man was waiting for him and drove off. The car's plate numbers were reportedly removed.

According to Mansoor, both attacks were very similar in style and are interlinked, as both cars were parked in the same spot inside the University. He further added that *"neither this guy nor the previous attacker said any word while they were attacking, they were conscious it seems not to talk."*

- **Smear campaign and threats against Mansoor and rights groups for participating at the 21<sup>st</sup> session of the Human Rights Council:**

Parallel to the physical attack, a fierce defamation campaign over twitter started as soon as Mansoor's participation via a recorded video in the side event addressing the rights situation in the Gulf region at the United Nations became public. The side event, which took place on Monday 17 September 2012, was entitled *"Waging War on Human Rights: Ongoing Crackdown in the UAE, Oman and Saudi Arabia"* and was organized by CIHRS, the Bahrain Center for Human Rights (BCHR), the Gulf Center for Human Rights (GCHR), Human Rights Watch (HRW), and Al Karama.<sup>7</sup> While all the participants to the panel were present in Geneva, Mansour couldn't travel and was only able to deliver a short statement through a recorded video due to the travel ban against him.

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<sup>7</sup> "Waging War on Human Rights: Rights defenders from the Gulf region under attack", CIHRS, 18 September 2012, <http://www.cihrs.org/?p=4065&lang=en>





*Picture of Ahmed Mansoor presenting his video intervention during the event in Geneva*

Among the common allegations that were being circulated by a number of individuals and newspapers known for their close connections to the government were alleged connections between the organizers of the event and the government of the Islamic Republic of Iran, in an attempt to present the organizers as agents to foreign entities. It was also claimed that the event was prepared with the purpose of defaming the UAE and other Gulf countries as part of a wider scheme of conspiracy to bring down ruling governments in the Gulf and instigate chaos and instability.

Additionally, it was alleged that Mansoor's video presentation defamed the UAE and falsely accused him of saying that police officers had raped him while in detention. Such accusations are of very serious nature given the legal system and laws which are in place in the UAE which criminalize false accusations and defamation of the government's reputation.<sup>8</sup> Given the sensitive political situation in the country, these accusations against Mansoor also constitute direct acts of incitement to hatred and violence against him and might be considered as a ground for the physical attack against him on 17 September.

The same twitter account and website leading the campaign against the currently detained activists in the UAE, and which was also at the forefront of publishing defamatory information on Mansoor and the other 4 activists in the UAE 5 Case, preceding and following their arrest, also took part in defaming Mansoor and the independent regional and international human rights organizations which sponsored the mentioned side event on the Gulf region.<sup>9</sup>

Some of the text which was circulated over the internet included:

*"Ahmed Mansoor is currently available in Geneva in a conference financed by Iran and is presenting a paper that offends the UAE and a Bahraini MB stands and defends the UAE," "Citizens are expressing their discontent from Ahmed Mansoor's offence on the country and are asking the authorities to prosecute him, noting that this person was previously convicted and was pardoned by the President" Another comment stated "Ahmed Mansoor does not deserve revocation of citizenship or travel ban, he deserves to be hanged on the street's light pole."*

Hash tags on Twitter asking for the arrest and trial of Ahmed Mansoor and to ban the work of international human rights organizations cooperating with him were being used as part of the defamation campaign. Another statement by a government affiliated research center entitled *"Ahmed Mansoor fails to publicize for his human rights campaign in Geneva"* stated *"A group of Emiratis, traitors to their countries, most of which have relations with external organizations attempt to spread negative rumors against the UAE...This includes systematic campaigns targeting national unity and aiming to disturb state security. In this context,*

<sup>8</sup> For example, See Article 176 of the UAE penal code 3/1987 which stipulates prison sentences against anyone who "publicly insult the President of the country, its flag or its national slogan." The Law is available through the following link:

<http://www.gcc-legal.org/mojportalpublic/BrowseLawOption.aspx?LawID=2767&country=2>

<sup>9</sup> "Khafaya mo'tamar Geneve", *Emirati and Proud*, 23 September 2012, (Content available in Arabic)

<http://www.emirati001.com/?p=54042>

a number of people affiliated with foreign entities were arrested on charges of conspiring to disturb national security and affiliations with groups working from outside the Emirates and holding agendas that are foreign to the Emirati community.”<sup>10</sup> On 1 October 2012, the same research center held an event on “Political Islam and the Arab Spring,” which hosted over 1000 participants and included the participation of the Minister of High Education, where by references to international human rights and humanitarian NGOs were made in the context of accusing those NGOs of working to publish false information on the status of rights in the country.<sup>11</sup>

Starting 26 September 2012, the defamation campaign against Ahmed Mansoor intensified as a group called “Lawyers, Belonging and Loyalty”<sup>12</sup> widely known for their affiliations with state security in the country, organized a conference entitled “The Role of International Organizations in the Arab Spring,”<sup>13</sup> to respond to Mansoor’s participation at the mentioned side event in Geneva (see pictures below).



Invitation to the “International organizations and the Arab Spring” event

One of the main speakers at the conference was a journalist with *Al Arabeya* news channel, who along with another journalist was responsible for harassing human rights defenders from the Gulf region during the proceedings of the 21<sup>st</sup> session of the UN Human Rights Council in Geneva.<sup>14</sup> Both were formally accredited for participation at the session by the government of Bahrain at the United Nations.

Several faulty claims about the Geneva event were made by these actors, one of which was that it was funded by Iran and that Mansoor was introduced at the event in Geneva by a close acquaintance of the Iranian president Mahmoud Ahmadinejad. Additional allegations included that only 12 individuals attended the event, counting the organizers and Iranian press, while *Al Arabeya news* crew were prevented from covering, alluding to a certain “conspiracy” being plotted with Western news outlets.

Another journalist known for his connections with the government of the UAE, attended the side event in Geneva and later participated as a guest speaker at the mentioned event in the UAE. He stated the following

<sup>10</sup> “Fashal Ahmed Mansoor fe Tasweeq Hamlah Hoqooqeya Tastahdef Al Imarat”, *Al Mezmaah Studies and Research Center*, 18 September 2012, (Content available in Arabic) <http://almezmaah.com/articles/178/view.aspx>

<sup>11</sup> “Lel mara Al Oula, Nadwat Markaz Al Mezmaah Tabhath Wadae Al Ikhwan Al Muslemeen Fe Al Imarat”, *Al Mezmaah Studies and Research Center*, 2 October 2012, (Content available in Arabic) <http://almezmaah.com/articles/243/view.aspx>

<sup>12</sup> According to the organization’s Facebook page, its mission is to show allegiance and loyalty to the ruling Sheikhs in the UAE and denounce any attempt to break away from the ruler .

<http://www.facebook.com/pages/%D8%A7%D9%84%D9%85%D8%AD%D8%A7%D9%85%D9%88%D9%86-%D9%88%D9%84%D8%A7%D8%A1-%D9%88%D9%88%D9%81%D8%A7%D8%A1/112612625490896?sk=info> (Content available in Arabic)

<sup>13</sup> Link to the invitation to the event on Twitter: <https://twitter.com/dbelhoul/status/250583895333040128/photo/1/large>

<sup>14</sup> More information is available under the section dealing with reprisals against human rights defenders from Bahrain.

on his Twitter account while present in Geneva: “The Emirati Ahmed Mansoor is one of the leaders of the Muslim Brotherhood in the UAE. Today, he collaborates with agents to Iran against the Gulf countries in Geneva. This is not a surprise from them.”



Dozens of pro-government newspapers published articles covering the event which was hosted in Dubai on 26 September 2012, paying close attention to references made during the event regarding Mansoor’s participation at the side event in Geneva. These papers directed insults and defaming statements against the organizers of the event calling them agents of Iran and accusing them of receiving foreign funds with the purpose of disturbing public peace in certain Arab countries as well as training the youth to overthrow their respective governments.<sup>15</sup> Such accusations, when applied to Mansoor could be used to instigate legal proceedings against him and incite violence against him.



Picture from: <http://www.albavan.ae/across-the-uae/news-and-reports/2012-09-27-1.1735436>

Picture of the attendees at the side event entitled *International organizations and the Arab Spring*. In the “*International Organizations and the Arab Spring*,” in the background a picture from the Geneva side event.



Picture from Amjad Taha’s twitter Account: <https://twitter.com/amjad25/status/250861100441149440>

Another picture for the attendees at the event, this time showing one of the journalists who was responsible for harassing the participants at the Geneva side event in attendance

<sup>15</sup> “Nadwa le “muhamuun walaa wa wafaa” tatrah ‘almaat istifham hawl dawr al munazamat al dawleya fe al khaleej,” *Al Khaleej*, 27 September 2012, <http://www.alkhaleej.ae/portal/939ac596-8f8d-46ca-872e-ddb6cfeb511a.aspx> (Content available in Arabic)



- **Smear campaign targeting international and regional human rights organizations**

Under the subtitle “*the academy of lies*” another government newspaper, *Emarat Alyoum*, covered the debate over the Geneva side event.<sup>16</sup> It stated that there are NGOs which work on teaching youth “*the arts and sciences of change*” under the slogan of non-violence, whereby those institutes provide steps for how to divide societies based on sectarian, racial and religious lines taking the “Arab Spring” as an umbrella for those illegal activities.<sup>17</sup> Defamation alluded to the funding of international and regional NGOs working on the Arab Gulf region, stating that around 90% of the funds are received from the United States, the European Union, Iran and “an Arab country”- namely Qatar.

Additionally, a large number of opinion articles flooded almost all of the UAE and other “friendly” newspapers in the Arab Gulf addressing the same topic and labeling human rights NGOs as spreading “terrorism,”<sup>18</sup> “a gang aiming to spread harmful lies,”<sup>19</sup> and as carrying foreign agendas with the purpose of disrupting the stabilities in the monarchies of the Arabian Gulf.

Other accusations directed to CIHRS and other regional and international human rights organizations were allegations suggesting connections to Iran, Qatar, and the Muslim Brotherhood.

Defamation targeting CIHRS included stating that it had direct relations with the Muslim Brotherhood, who were “agents” to CIHRS sending it information and report on the UAE. Additionally, E mail accounts and information of two CIHRS staff as well as scripts from newspapers addressing foreign funding of civil society NGOs in Egypt were published to suggest that the NGO receives fund with the purpose of causing turmoil and instigating chaos in the Gulf region.<sup>20</sup>

“*Khafaya mo’tamar Geneve*”, *Emirati and Proud*, 23 September 2012, <http://www.emarati001.com/?p=54042> (Content available in Arabic)

<sup>16</sup> “Nadwat “Dawr Al Munazamant Al Dawleya Fel Rabee Al A’rabi” Tatalib Be Tagreem Al Afa’al Al Musee’a Lel Imarat-Tawheed el Johood le muwajahat mohawalat al massas be amn al bilad,” *al-Bayan*, 27 September 2012, <http://www.albayan.ae/across-the-uae/news-and-reports/2012-09-27-1.1735436> (Content available in Arabic)

<sup>17</sup> “Khubaraa’: Monazamat Mashbooha Tudareb Imaratieen Wa Khaleejyeen ala “Al Taghyeer Al Na’em,”” *Emirates Today*, 27 September 2012, <http://www.emaratalyoun.com/local-section/other/2012-09-27-1.514941> (Content available in Arabic)

<sup>18</sup> Hamdan, Saeed, “Al Imarat wa “Irhab” Al Monazamat Al Insaneyya,” 30 August 2012, <http://www.emarati001.com/?p=50214> (content available in Arabic)

<sup>19</sup> Al Shimari, Shafeeqa, “Fan Tasweek Al Akazeeb, Al Imarati Ahmed Mansoor Namoozagan,” *Al Bilad Press*, 30 September 2012, <http://www.albiladpress.com/column14208-11442.html> (Content available in Arabic)

<sup>20</sup> Ibid.

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Similar information was circulated with the purpose of defaming Front Line Defenders, which was accused of supporting the overthrowing the ruling monarchy in Bahrain and cooperating with “agents” of Iran. Particular attacks were directed at Khaled Ibrahim, Director of the Gulf Center for Human Rights and previous employee of Front Line Defenders, whose nationality and personal information were used to claim that he was bias against the UAE.

Additionally worrying are demands which are endorsed by a number of pro-government media calling for more repressive legal and logistical measures to limit the work of local rights defenders and human rights organizations working on the UAE. Among the demands voiced was a “*need to re visit the criminal code and make sure that the current loopholes which are used by a number of international organizations are fixed.*” Other demands included a call for the creation of a branch within State Security to deal with institutions and organizations which “*work against the state*” under the cover of “*Islam and religiosity at times and other times human rights,*” as described by the newspaper.<sup>21</sup>

In November 2012, a fabricated video<sup>22</sup> of a protest in Geneva over rights violations in the UAE was shot and released by one of the journalists who harassed the participants at the proceedings of the September 2012 session of the Human Rights Council, and prepared and edited by a group of individuals known for their coordination with the state security. The video was published on official TV and Radio station (Noor Dubai TV and Radio) and the Kuwaiti Scoop TV. The video falsely claimed that Ahmed Mansoor and CIHRS were behind the organization of the protest with the purpose of defaming the UAE.

All these events are instigated in order to create a climate of fear that would limit the participation of the already small human rights defenders community in UAE with UN instances, and provide an excuse for a greater state control over the civil society organizations currently operating in the country.

## 2. Bahrain

A similar smear campaign targeted almost all of Bahrain’s civil society delegation participating at 21<sup>st</sup> session of the UN rights Council. In fact, the scope and frequency of the current attack and intimidation against Bahrain’s human rights defenders and activists for their participation at the September 2012 session in Geneva could be viewed as the most dangerous thus far.

Since the outbreak of mass pro-democracy protests in Bahrain in February 2011, the situation of human rights has witnessed severe deterioration. Despite the establishment of the Bahrain Independent Commission of Inquiry (BICI) in June 2011, which presented its findings and recommendations to the King in November of the same year, the government of Bahrain chooses to continue, and in certain incidents escalate, its use of repressive measures against protestors, human rights defenders, and democracy activists. An additionally alarming development in this regards was the government’s decision to issue a ban on all protests and rallies on 30 October 2012.

Despite the clear recommendations published in the BICI report calling on the Bahraini authorities to immediately release and commute the sentences against political prisoners, some of whom are prominent human rights activists, this remains to be realized. Instead, human rights defenders in Bahrain continue to operate under extremely constrained circumstances. Authorities in Bahrain continue a policy of systematic targeting of human rights defenders, which include additional prison sentences against some of the most well-known rights defenders in the country, as well as ongoing restrictions and violations, which include brief arrests, physical assault, death threats, previously documented attacks with teargas on their homes, smear campaigns, and travel bans. Other forms of restrictions placed on human rights defenders have included the prevention of several international human rights defenders and organizations from entering

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<sup>21</sup> “Huquutuqyoon Wa Seyaseyoon Yutaleboon Bel Iltefaf Hawl Al Qeyada Al Seyaseya Wa Taa’zeez Qeyam Al Intimaa’ Lel Watan,” *Al Ittihad*, 27 September 2012, <http://www.alittihad.ae/details.php?id=93353&y=2012&article=full> (Content available in Arabic)

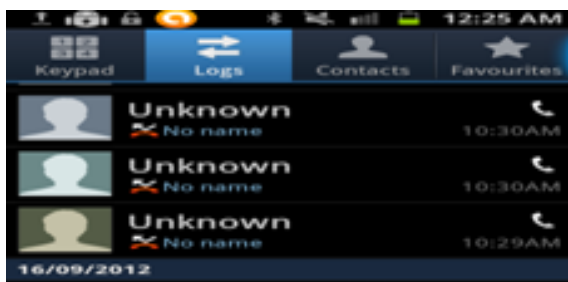
<sup>22</sup> The video is available through the following link: <http://www.youtube.com/watch?v=dF0L8nf3Vwg>

Bahrain. Bahrain’s laws on association, particularly law 21 (1989), continue to pose severe restrictions to the functioning and registration of a number of independent local human rights organizations.

Similar to the UAE, government affiliated media outlets and individuals focused their attention on defaming members of the delegation, suggesting their strong ties to Iran and labeling them as traitors. False information was circulated by dozens of government affiliated media outlets with threats of bringing formal libel charges and potential imprisonment as a result of their participation at the Council’s session. Additional forms of reprisals included death threats against at least one human rights defender, as well as legal charges brought forth against at least two of the members of the civil society delegation to Geneva.

- **Death threats against human rights defender Mohamed Al- Maskati**

From the period between 10 until 18 September 2012, Mohamed Al-Maskati, a well known human rights activist and President of the Bahrain Youth Society for Human Rights (BYSHR)<sup>23</sup> received dozens of anonymous phone calls threatening his life as well as the wellbeing of his family in Bahrain as a result of an announcement he made over Twitter informing his followers that he was participating at 21<sup>st</sup> session of the Council in Geneva. Al-Maskati posted a Geneva phone number on Twitter as soon as he reached Switzerland to maintain regular contacts with victims inside Bahrain. Unidentified callers threatened to harm Al-Maskati for his participation at the Council upon his return to Bahrain. Elaborating on the threats he received for his participation at the UN rights council, Al-Makati stated: *“I received anonymous calls threatening me with death because of my participation in Geneva, and I was threatened with assault upon my arrival in Bahrain. The callers also cursed me, and they also turned on disturbing sounds for long periods of time starting at one AM”*



*A picture of the logs on Maskati’s personal cell phone*

Additionally, Al- Maskati received a number of slander messages via Twitter, in a continuation of a libel campaign, which started a few weeks earlier and was orchestrated by unknown persons and pro-government pages, after he had published names of officers allegedly accused of abusing prisoners.

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<sup>23</sup> The Bahrain Youth Society for Human Rights (BYSHR) is a nonprofit, nongovernmental organization, founded in March 2005, with the mission of encouraging and supporting young people to learn about human rights and pushing them to participate actively in the protection of human rights cases, and the struggle to promote human rights among young people in accordance with international standards. The BYSHR was refused registration by the Ministry of Development and continues to work without official recognition. [www.byshr.org](http://www.byshr.org)





On 13 September 2012, Al-Maskati delivered an oral intervention during the Council’s proceedings and in response to the UN Secretary General’s report addressing cooperation with the United Nations, its representatives and mechanisms in the field of human rights, which was being presented on a panel discussion on the issue of intimidation or reprisals against individuals and groups who cooperate with the UN rights mechanisms.<sup>24</sup>

During his oral intervention at the HRC 21<sup>st</sup> session, Al- Maskati informed members of the Council of the reprisals against him saying:  
*“I have received more than a dozen anonymous phone calls threatening my life and the safety of my family for my engagement here. None-the-less, I have chosen to speak today because my case is not unique.”*<sup>25</sup>

Responding to Al- Maskati’s statement, Bahrain’s Minister of External Affairs declared that no individual will be punished upon return to Bahrain for expressing dissenting opinion in Geneva.<sup>25</sup> Additionally, the Minister of Human Rights Affairs promised investigations into any claims of harassments.<sup>26</sup>

Contrary to official statements, on 17 October 2012, Maskati appeared before Bahrain’s public prosecution on charges of participating in illegal protests. A day prior, he was summoned to Al- Hoora police station, where he was kept overnight before being referred to the prosecutor’s office. Although he has since been released, the prosecution may raise his case again at any time, a practice that is currently commonly revoked against activists in Bahrain, which is viewed as a clear form of intimidation against him.<sup>27</sup>

The arrest of Al-Maskati and the charges leveled against him for taking part in “illegal protests” and “gatherings” could be viewed as an attempt to intimidate and punish him for his engagement with the UN Human Rights Council, and, as such, constitute a reprisal for cooperating with the UN.

<sup>24</sup> Link to the oral intervention: [http://www.cihrs.org/wp-content/uploads/2012/09/HRC21.OI\\_Panel\\_Reprisals.Draft\\_JS.4-1.pdf](http://www.cihrs.org/wp-content/uploads/2012/09/HRC21.OI_Panel_Reprisals.Draft_JS.4-1.pdf)

<sup>25</sup> As per statements made during an interview with *Al Arabeya news* on 22 September 2012

<http://www.alarabiya.net/programs/2012/09/22/239575.html>

<sup>26</sup> “UN faults 16 gov’ts for reprisals against critics,” *Associated Press*, 13 September 2012, <http://news.yahoo.com/un-faults-16-govts-reprisals-against-critics-165433729.html>

<sup>27</sup> “Bahrain Prosecutes Human Rights Activist for his UN Work,” CIHRS & ISHR, 18 October 2012, <http://www.cihrs.org/?p=4556&lang=en>

- **The arrest of human rights defender Said Yousif Al-Muhafdha**

On 2 November 2012, Said Yousif Al-Muhafdha, Head of the Monitoring Unit and Vice President of the BCHR, was arrested in the context of a protest in Diraz, North West of Manama while he was documenting the injuries of a man. On the following day, he appeared before the public prosecution which decided to detain him for seven days on charge of ‘participating in illegal protests.’ Al-Muhafdha was later released, before he was rearrested again shortly after. Such charges under Article 178 of the Penal Code are commonly used by authorities in Bahrain to crackdown against human rights defenders and prevent them from carrying on with their work.

There are reasons to believe that Al-Muhafdha’s detention in November 2012 was related to his participation at the 21<sup>st</sup> session of the UN Human Rights Council, where he participated as a speaker in a side event and delivered a statement before the Council. During interrogation, his colleagues reported that he was questioned about his participation at the Council’s session.

Al-Muhafdha was arrested and interrogated several times in the following months, including spending more than one month in detention on charges of spreading false news over Twitter, a charge which the court acquitted him from on 11 March 2013.

- **Smear campaign against Bahraini local civil society for participating at the 21st session of the Human Right Council**

On 17 September 2012, around 20 minutes before the start of “Waging War on Human Rights: Ongoing Crackdown in the UAE, Oman and Saudi Arabia,” a parallel event organized by CIHRS, BCHR, GCHR, HRW and Al Karama and previously mentioned *infra*, a number of journalists and members accredited with the Bahrain government delegation started harassing the speakers, namely Maryam Al-Khawaja, Acting President of the BCHR and Co-Director of the GCHR,<sup>28</sup> who was chairing the event, and Khalid Ibrahim, Co- Director of the GCHR,<sup>29</sup> who was to cover the situation of rights defenders and activists in Oman.

Two individuals, who identified themselves as journalists, appear to have engaged in behavior intended to harass, intimidate and defame human rights defenders, and to disturb their activities. They first introduced themselves as affiliated with *Al Arabeya news* and were later verified by CIHRS staff to be holding accreditation badges belonging to Bahrain’s government mission. According to Al-Khawaja, *“one of them was carrying a camera started stalking me and maintaining a very close proximity while taking pictures at a close range of my face and verbally assaulting me with various accusations concerning my lack of respect for freedom of expression and lack of independence. He then started to do the same to my colleague Khalid Ibrahim from the GCHR.”*

Consequently, they were asked to remove their film camera from the room as a result of their behavior. One of them then started to make accusations against Al-Khawaja accusing her of being like Saddam Hussein. Both journalists continuously kept harassing and attempting to intimidate the participants by screaming that they were against free journalism and that they did not want anyone capturing what they are doing because they had something to hide.

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<sup>28</sup> The Bahrain Center for Human Rights (BCHR) is a nonprofit, nongovernmental organization, registered with the Bahraini Ministry of Labor and Social Services since July 2002. Despite an order by the authorities in November 2004 to close it, the BCHR is still functioning after gaining a wide internal and external support for its struggle to promote human rights in Bahrain. It aims to encourage and support individuals and groups to be proactive in the protection of their own and others' rights; and to struggle to promote democracy and human rights in accordance with international norms. [www.bahrainrights.org](http://www.bahrainrights.org)

<sup>29</sup> Gulf Center for Human Rights is an independent, non-profit, and non-governmental centre that works to strengthen support for human rights defenders and independent journalists in the states of the Gulf by promoting the role of the media and networking with international organizations. The centre focuses on Bahrain, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates and Yemen. [www.gc4hr.org](http://www.gc4hr.org)

One day later, on 18 September, during a side event entitled “Bearing Witness: Bahrain and the UPR Process”<sup>30</sup> organized by CIHRS, the International Federation for Human Rights (FIDH), CIVICUS, HRW, Khiam Rehabilitation Center for Victims of Torture, and Bahrain Rehabilitation and Anti-Violence Organisation (BRAVO), the same two individuals also interrupted the gathering. They accused the participants of being funded by Iran and being terrorists, while one of them accused opposition in Bahrain of raping children.

After the panelists had given their presentations, and the floor was open for questions and comments, one of the same two individuals once again began a pattern of behavior meant to harass, intimidate and defame the panelists and participants at the event. He falsely accused Al- Khawaja of breaking his camera the day before and physically attacking him and his colleague. He then started to scream at one of the attendance and held a picture which he claimed was him with the Iranian President Mohamed Ahmedinejad, and started accusing him of being “a spy and an accessory to murder.” His behavior lead to him being escorted outside of the room by UN security and a police report on his acts of harassment was filed.<sup>31</sup>

After the event was over, several newspapers known for their affiliation with the government of Bahrain published false information regarding the event, and defamed the speakers and the hosting human rights organizations.



Picture form video on Amgad Taha’s channel on (Youtube): <http://www.youtube.com/watch?v=XhFultdmC0s>

Local newspapers known for their affiliation with the government covered the two side events, from what appeared to be information conveyed by the two individuals mentioned *infra*. The coverage depended on highly fabricated information, including allegations against the organizers and the speakers at the event to have prevented *Al Arabeya news* team from covering the event.<sup>32</sup> The coverage accused Khalid Ibrahim, Maryam Al-Khawaja and CIHRS staff of being Iranian agents affiliated with militant groups associated to Iran. Given the current situation in Bahrain, these media attacks may constitute incitement to hatred and

<sup>30</sup> “Bearing Witness: Bahrain and the UPR Process”, *CIHRS*, 19 September 2012, <http://www.cihrs.org/?p=4088&lang=en>

<sup>31</sup> Video of the mentioned individual being escorted by UN Security outside the room where the side event on Bahrain was held: <http://www.youtube.com/watch?v=XhFultdmC0s>

<sup>32</sup> “Hadaraha Wasa’el Al I’lam Al Iranyea Faqt: Tandeed Dawli Be Tard Murasel Al Arayeba Men Nadwa Fe Geneve,” *Al Bilad Press*, 18 September 2012, <http://www.albiladpress.com/article162979-1.html> (Content available in Arabic)



violence.<sup>33</sup> This is in addition to the participation of the mentioned two journalists as speakers during the event in Dubai mentioned above.



Mohamed Al Arab on his Twitter account: *“The number of those attending the side event held by opposition from UAE and Bahrain and covering the Arab Gulf in Geneva is 6 people only, among them are 4 opposition. And they prevented media. Weird”*



Mohamed Al Arab on his Twitter account: *“Journalists were prevented to attend an event where opposition from Bahrain, UAE and Saudi Arabia are discussing human rights”*

Other coverage labeled speakers at the side event as “radical opposition” and “GCC opposition members” and accused the organizers of the event to have prevented 9 journalists from the Gulf region from covering the event on the expense of 4 TV channels; namely Iranian channels *Press TV* and *Al Aalam*, Hezbollah’s channel *Al Manar*, and the Syrian government channel.<sup>34</sup>

Other press coverage claimed that the side event on Bahrain was canceled all together due to lack of interest from participants at the conference, while suggesting that only 9 people were present at the side event covering the Gulf on 17 September 2012.

Government media additionally accused CIHRS to have provided an umbrella for what they described as Bahrain’s political opposition to hold events in Geneva under the pretext of defending human rights. It further falsely accused the NGO of violating the rights to freedom of the media by giving exclusive coverage rights to Iranian press.<sup>35</sup>

- **Smear campaign against Bahraini local civil society and human rights organizations working on Bahrain**

Additionally, local news reported that reservations at 5 stars hotels and between 14-22 fancy cars were rented for members of Bahrain’s civil society delegation to stay in Geneva in addition to directly accusing the human rights defenders to have worked with the Iranian government delegation to the UN to buy expensive perfumes and watches as bribes to participants and media representatives at the Council’s session. According to the Gulf Daily News, which claimed that the civil society side event was cancelled: *“The cancellation of the conference has come as a blow to the organizers after massive amounts were spent on delegates, who have been accommodated in five-star hotels and huge amounts were paid to them by Iranian Abdulhameed Dashti, who also arranged for 22 cars to be rented for transporting them.”*<sup>36</sup>

Moreover, on 23 September 2012, Al Watan newspaper, known for its close affiliation with the government, featured an article in its front page titled *“List of participants defaming Bahrain in Geneva,”* whereby names

<sup>33</sup> “Al Bahrain Tantasur Fe Geneve Wa Al Moarada Al Radicaleya Tusab Be Khaybat Amal Kubra,” *Alayam*, 21 September 2012, <http://alayam.com/newsdetails.aspx?id=97459> (Content available in Arabic)

<sup>34</sup> “Fanadeq Wa Sayarat Fareha Tajmaa Al Muaarada Be Geneve Wa Malafa “Al Khawaja” Wa “Al Mashaimaa” Yashokaha, *Al Watan News*, 18 September 2012, (Content available in Arabic) <http://www.alwatannews.net/NewsViewer.aspx?ID=65RCn5P2ENYngW733337CURzaoA933339933339>

<sup>35</sup> “Li Khelew Al Qa’aa Men Al Hodoor: Elgh’aa Motamar Al Moarada Fe Geneve,” *Al Khaleej*, 18 September 2012, (Content available in Arabic) <http://www.akhbar-alkhaleej.com/12597/article/50573.html>

<sup>36</sup> “Media representatives slam conference bias,” *Gulf Daily News*, 18 September 2012, <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=337971>

and photos of all activists who were participating in Council's session were ringed in red, a sign commonly used in Bahrain to indicate a precursor to arrest. The article called for the arrest of those activists upon their arrival to Bahrain as it viewed them to be defaming the country's reputation abroad.<sup>37</sup>



Al Watan's article on 23 September 2012, showing the pictures and names of those who attended the 21st session of the UN Human Rights Council ringed in red

The following day, the same newspaper published information on lawyers calling for the arrest of the activists, as they viewed defamation of the country's reputation to be punishable by law, using the oral interventions that a number of activists have delivered covering the human rights situation in the country as evidence. The newspaper additionally published the names of around 15 local human rights organizations, in addition to Front Line Defenders, which it allegedly accused of receiving foreign funding with the purpose of defaming the country's reputation abroad.

Similar to the case in the UAE, dozens of pro government newspapers such as *Al Watan Al Ayam*, *Al Bilad*, *Manama Press*, and *Gulf Daily News* published additional articles covering the participation of Bahrain's civil society delegation in Geneva and directing insults and threats against them, implying their relation to Iran and accusing them of receiving foreign fund with the purpose of disturbing public peace.



A caricature published in Akhbar Al Khaleej, a local newspaper in Bahrain, with the description below saying "the Bahraini opposition delegation to Geneva." The Arabic writing on the man's suit states "Iranian pampering."

- **Bahrain's record of reprisals against activists who engage with the UN rights mechanisms**

As highlighted in the Secretary General's report on reprisals, submitted to the 21<sup>st</sup> session of the Council, attacks and intimidations against several Bahraini human rights defenders who engage with the UN human rights system has occurred with regularity.<sup>38</sup> The report cites the cases of human rights defenders and co-founders of the GCHR and the BCHR, Abdulhadi Al-Khawaja and Nabeel Rajab, as clear examples of

<sup>37</sup> "Al Watan Takshif Qa'emat Al Musharekeen Be Tashweeh Suma'at Al Bahrain fe Geneve," *Al Watan*, 23 September 2012, (Content available in Arabic) <http://www.alwatannews.net/NewsViewer.aspx?ID=VOgFRiNsgA2dqIhbwptxIA933339933339>

<sup>38</sup> A/HRC/21/18

reprisals by the government of Bahrain, which include acts of harassment, intimidation, and physical attack against them due to their co-operation and engagement with the UN (par 51- 54).

Additionally, the Secretary General's report cites the government led intimidation and smear campaign that a number of human rights defenders were subjected to following their participation at Bahrain's Universal Periodic Review (UPR) session in Geneva on 21 May 2012.<sup>39</sup>

On 25 May 2012, Laura Dupuy Lasserre, ex President of the Human Rights Council had expressed concern at the media defamation campaign against the defenders who participated in Bahrain's UPR session and asked that they be provided full protection upon their return to Bahrain. Nonetheless, one day later, Bahrain's Minister of Interior implied that activists returning from Geneva maybe investigated with on libel charges, while the Secretary General's report noted harassments against at least two activists upon their return to their country as a result of their participation in the Geneva conference.

### 3. Oman

In Oman, a crackdown against most of the activist community in the Sultanate was initiated in the end of May 2012 and continues to this day.<sup>40</sup> Starting with the arrest of the three human rights defenders, Habiba Al-Hinaee, Ismael Al-Mikbaly and Yacob Al-Kharusi from the Oman Group for Human Rights<sup>41</sup> on 31 May, as they were conducting a field mission to a protest site, and escalating with a statement from the Public Prosecutor threatening prison sentences and legal action against activists practicing their right to free opinion and speech<sup>42</sup> and ending with the arrest and trial of dozens of activists, who include writers, bloggers, rights defenders and protesters.

Such wave of arrests have currently resulted in prison sentences varying from 6 to 18 months upheld by the Muscat Court of Appeal in the end of 2012 against 35 activists, defenders, and protesters on charges such as illegal gathering, defaming the Sultan, and violating the Cyber crimes law.

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<sup>39</sup> Quoting par 18-21, A/HRC/21/18: "According to information received, reprisals against human rights defenders took place in the context of the universal periodic review of Bahrain on 21 May 2012. Reportedly, a number of Bahraini newspapers, including *El Watan* and the *Gulf Daily News* published articles labeling human rights defenders in Geneva who had provided information for the consideration of Bahrain in the Working Group on the Universal Periodic Review as "traitors". Individuals who had been present at the universal periodic review session were described as the "disloyal bunch" whose mission it was to "tarnish Bahrain's reputation."

<sup>40</sup> More information is available on "Oman: Drop Cases Against Online Activists 'Defaming the Sultan' Sentences Part of Wider Repression Campaign," *CIHRS & HRW*, 21 July 2012, <http://www.cihrs.org/?p=3569&lang=en> ; And "Written Intervention submitted to the 21<sup>st</sup> session of the UN Human Rights Council: Alarming increase in repression and attacks against civil society in the Gulf region," *CIHRS, GCHR, and Al Karama*, September 2012, <http://www.cihrs.org/wp-content/uploads/2012/09/Alarming-increase-in-repression-and-attacks-against-civil-society-in-the-Gulf->

<sup>41</sup> The Omani Group for Human Rights was established with the purpose of documenting and monitoring the human rights situation in the kingdom, disseminating the culture of human rights within the Omani society through organizing workshops and seminars on selected topics of human rights, and promoting a culture of dialogue between different sectors of the society. The Group has no legal form, given that the Omani law prevents the creation of nongovernmental groups working on human rights. More information on the team is available through its page on Facebook: <http://www.facebook.com/groups/311082745637293/members/>

<sup>42</sup> On 4 June 2012, Public Prosecution issued a statement announcing that it would take all legal measures against all those who publish, recite, incite to, or help to produce through any other means statements that could be described as defamatory or inciting. An unofficial translation to the statement reads as follows: "It has come to the attention of the Public Prosecution that an increase was noticed in the amount of defamatory writings and inciting calls by some people under the pretext of freedom of expression, while these acts constitute a blatant violation to the right to privacy of the individuals targeted by those statements in either their personal or professional capacities. The rise of rumors and incitement to commit negative behavior eventually harms the nation, its citizens and the national interests, and since these acts constitute a breach to the high religious teachings and to the established norms and behaviors rooted in the Omani society which the sons of the society have been raised to respect and follow, they thus constitute acts that go against the public order. Additionally, these acts are criminalized under the law, as is their dissemination through whatever means, whether through tools, in written format, or via modern communications and technology (which include online communities and social networking websites). Thus, the Public Prosecution affirms to all citizens and residents that it will take all appropriate legal procedures against all those who commit such acts whether through publishing, reciting, incitement, or assisting their dissemination in any other manner."



On 9 February 2013, 24 of the detained activists undertook a two weeks long hunger strike with the purpose of drawing attention to their cases and in protest of delaying the hearing of their appeal before Oman's High Court.<sup>43</sup>

The current restrictions on civil society and rights advocates in the Sultanate, in addition to the illegality of establishing a group independent from the government that works on human rights and democracy issues, cast serious doubts over the possibility of creating and sustaining a vibrant civil society in Oman. The arrest of the activists and the charges brought against them are facilitated by an arsenal of repressive laws, among which is Royal Decree no. 96/2011, issued on 13 October 2011 following a year of relative unrest due to protests in the Sultanate. The decree amends some provisions of the Omani Penal Code and Penal Procedures Law. The amendments included adding harsh sentences and fines to certain acts in addition to adding more crimes under the jurisdiction of the Penal Code. Article 135 of the Penal Code criminalizes "publishing false news, statements or rumors liable to incite the public or undermine the prestige of the state or weaken trust in its financial state." Article 137 of the Penal Code additionally assigns prison sentences ranging from one month to a year and a monetary fine for participating in an assembly of 10 or more people liable to disturb the public order. The article further elaborates that if violence was used, the prison sentence is to be no less than 6 months and not more than 3 years. Additionally, the Penal Procedures Law, specifically Article 42, was amended to allow the arrest and detention of individuals without an arrest warrant from prosecution.

- **Illegal detention and prison sentences against human rights defender Mukhtar Al-Hinaei**

Among the detainees is human rights defender Mukhtar Al-Hinaei, founding member of the Omani Group for Human Rights, a well known activist, blogger and journalist. In December 2012, the Appeals Court upheld six-month prison sentences originally issued by the Court of First Instance against eleven activists, including rights defender Al-Hinaei, based on charges of illegal gathering. In January 2013, the same court upheld another one-year sentence against Al-Hanaie and others on charges of defaming the Sultan and violating Oman's information crimes law for having published "defamatory information" on social media websites.

According to Al-Hanaie's personal testimony, the activist was initially targeted and repeatedly questioned for his involvement with international human rights organizations and mechanisms. For the first month of his detention, he was kept in a secret state security prison, known in Oman as the "Black Prison," where he was repeatedly questioned on his relations with a number of regional and international human rights organizations, and particularly questioned about a trip he conducted to Egypt 10 days before his arrest to attend a training workshop on the use of the UN human rights mechanisms organized by CIHRS.<sup>44</sup> He was then moved to Al-Sanael prison where he was kept for an additional 26 days in solitary confinement.

Al-Hanaie stated that he was repeatedly asked about the workshop, its organizers and was confronted with e-mail correspondences between him and staff members of CIHRS, including information which he had sent regarding the arrest of his colleagues to be shared with the UN Special Procedures; namely the UN Special Rapporteurs on the situation of human rights defenders, the right to peaceful assembly and of association, and the promotion and protection of the right to freedom of opinion and expression.

According to Al-Hanaei, he was initially questioned on charges of cooperating with foreign entities to overthrow the ruling government in Oman, but as it was hard to compile concrete evidence to support the

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<sup>43</sup> More information is available on "Oman: Immediately and Unconditionally Release all Detained Activists and Human Rights Defenders," released by 20 human rights organizations, 20 February 2013, <http://www.cihrs.org/?p=5930&lang=en>

<sup>44</sup> "Markaz Al Qahira Yu'aqed Dawrataho Al Iqlimeya Al Khamesa Hawl Al Aleyat Al Dawleya Le Hoqooq Al Insan," CIHRS, 31 May 2012, <http://www.cihrs.org/?p=2763> (Content available in Arabic)

accusation, he was eventually charged with defaming the Sultan and was forced to sign on a confession of using social media to carry out this act.

Below is a paragraph from the 20 page reasoning released by the Muscat Court of First Instance on Mukhtar Al Hinaei's one year verdict on the charge of defaming the Sultan. The document contains reference to his previous cooperation with CIHRS, which included attending a training workshop on international human rights mechanisms, and sending CIHRS staff information to be included in an urgent appeal to the UN Special Procedures.



#### Unofficial translation to the text:

*"He [Mukhtar Al Hinaei] sent the statement issued by the Writers Association regarding the recent arrests and which contained signatures from Basma Bint Sulaiman Al Rageheya [one of the current detained activists in Oman] Facebook page and sent it via e mail to the Cairo Institute for Human Rights Studies, which the defendant previously attended a workshop by the Institute aforementioned in its office in the Arab Republic of Egypt regarding human rights issues and Special reporting mechanisms in May 2012, and he contacted CIHRS Researcher, the executive director of the Institute with the purpose of informing her of the arrest of citizens Habiba Al Hinaei and Ismaeil Al Mikbali. He also sent her a copy of a letter sent by the Public Prosecution regarding the illegality of having a lawyer present with the defendants during investigation, in addition to also sending her a copy of Oman's emergency law, after informing her that the law might be invoked in the Sultanate without a public announcement."*

Furthermore, Al Hinaei was subjected to severe forms of ill-treatment while in detention. For the first month of his arbitrary detention in an undisclosed detention facility, Al-Hanaei was handcuffed and blindfolded for most of the time, with no access to legal representation. He was forced to listen to loud voices of national songs, in addition to screams of inmates during the entire month.

He was additionally told by the officers questioning him that he was put under close surveillance before his arrest. It is important to mention in this context that the Omani Human Rights Group is considered to be the only entity working on human rights in Oman, a country known for its lack of tolerance to human rights and political opposition groups.



Al-Hanaei's pictures and others wearing prison clothes were published in the government news agency as part of the defamation campaign against the detainees in the case which was labeled by the media as "the defamatory writings" case.

## 4. Saudi Arabia

The government of the Kingdom of Saudi Arabia, in attempts to fully immunize itself from the wave of pro democracy protests and uprisings sweeping the Middle East and North Africa region, adopted severely oppressive practices against almost all domestic democratic initiatives calling for the realization of fundamental rights and freedoms. A particular rise in violations targeting human rights defenders could be traced with the beginning of the year 2012. While traditionally civil society in Saudi Arabia face severe restrictions, authorities are undergoing a fierce campaign to crackdown on rights defenders to prevent them from monitoring and reporting on ongoing violations, particularly relating to freedoms of expression and assembly and prisoners' rights, demanding political reform, or defending fundamental rights and freedoms in the Kingdom.

Generally, rights activists in Saudi Arabia work under highly repressive conditions, as they often face threats and intimidation, arrest, detention, interrogation, in addition to arbitrary travel bans, and trials before exceptional courts which do not meet basic standards for a fair trial. Charges used against activists normally constitute "distorting the reputation of the country," "affiliation with suspicious groups," "establishing organizations without authorization," "stirring up civil strife and inciting public opinion against the governing institutions," "calling for demonstrations" and, most recently, "provoking international organizations to adopt stances against the Kingdom." These violations are amplified with the existence of an unjust judicial system, often defined by its allegiances to the executive.

Additionally, the government prohibits all forms of peaceful political association or opposition, such as political parties, and punishes those advocating the establishment of such associations with prison time. The Saudi authorities also continue to refuse the registration of independent civil society institutions that work in the field of human rights. In this respect, to date there are no laws in the Kingdom that regulate the establishment and work on human rights organizations. In 12 October 2009, the Association on Civil and Political Rights in Saudi Arabia (ACPRA) submitted an application to the King, in his capacity as the head of the executive authority in the Kingdom, to found the association, but received no response. Similarly, the Monitor of Human Rights in Saudi Arabia (MHRSA) sent a request in 2012, while the founders of Adala Center for Human Rights sent a similar request to the King and attempted to register with the Ministry of Social Affairs, which refused saying that human rights organizations are not stipulated under the rules of producers of the current association laws, and with the government sanctioned and affiliated Saudi Human Rights Commission and the National Society for Human Rights, which both claimed that registering



associations lie outside their jurisdictions. The Ministry refused to license the Center, on the grounds that the Center's objectives did not comply with regulations for associations in force in the Kingdom.

- **Harsh prison sentences against human rights defender Mohamed Al- Qahtani for cooperating with the Special Procedures of the UN Human Rights Council**

On 9 March 2013, the Riyadh Criminal Court sentenced Dr. Mohammad Fahad Al-Qahtani, one of the most prominent rights advocates in Saudi Arabia and co-founder of ACPRA,<sup>45</sup> to 10 years in prison in addition to ordering another 10 year travel ban against him. Additionally, Abdullah Al-Hamed, another co-founder of ACPRA, was sentenced to 5 years in prison along with an additional 6 year previous prison sentence in a case that was formerly pardoned by the King. His prison sentence is to be followed by a travel ban as well. The judge also ordered that ACPRA be dissolved and its money confiscated, based on the fact that it was illegally established.

On 18 June 2012, Dr. Al-Qahtani, was presented with 11 politically motivated charges related to his human rights and advocacy work as he was brought before the Court. Most notably, Dr. Al- Qahtani faces the charge of communicating with the United Nations Human Rights Mechanisms. He stands accused of using 'false' facts and information *"as evidence to official international apparatuses (the mechanisms of the Human Rights Council of the United Nations) by way of some statements which he presented to the aforementioned institutions."* Other charges include inciting the public against authorities, breaking allegiance to the ruler, turning international organizations against the Kingdom by transmitting false information on the status of human rights in the country, accusing the judiciary of allowing torture, and founding an unlicensed organization.

Additionally, Al-Hamed was presented with a list of 8 charges, which all have to do with his advocacy work. Among these charges are "inviting and inciting to breach the system, and creating chaos, breaching public security and peace of mind, through drafting and publishing a statements calling for public demonstrations", defaming the Council of Senior Scholars, the Judiciary, and the Saudi regime, "inciting the public opinion against the Saudi regime by accusing security authorities and officials of resorting to repression, torture, assassination, forced disappearance, and committing human rights violations," "publishing false information on the status of human rights in the country online," "using the internet to prepare, store and dispatch materials prejudice to public order," and "participating in establishing an organization [ACPRA] without authorization and which encroached on the functions of governmental bodies and the Saudi Human Rights Commission and the National Society for Human Rights."

Strikingly, the only legal basis invoked against Dr. Al-Qahtani and Al-Hamed, and indeed several others, is Article 6 of the Anti-Cyber-Crime law<sup>46</sup> which levies a penalty of up to five years imprisonment and a fine of up to 3 million Riyals against any person, who produces, prepares, transmits, or stores through the information network or computers "material impinging on public order, religious values, public morals, and privacy."

The UN Secretary General's report on reprisals, submitted to the Council's 21<sup>st</sup> session and mentioned *infra*, cites the case of Dr. Al-Qahtani following an oral intervention delivered by CIHRS on 29 June 2012 during the 20<sup>th</sup> session of the Council informing it of his situation.<sup>47</sup> The report states that *"concerns have been raised that the criminal charges against him are directly related to his work documenting cases of arbitrary*

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<sup>45</sup> ACPRA was established in October 2009 and has been diligently documenting cases of human rights violations in Saudi Arabia, focusing particularly on the thousands of cases of arbitrary detentions in the Kingdom. ACPRA has contributed to numerous submissions to the UN Special Procedures, namely the Working Group on Arbitrary Detention. Currently, ACPRA focuses its work on documenting violations committed against citizens by the Ministry of Interior. Under Saudi laws, non-governmental human rights organizations are not allowed to operate as legal entities.

<sup>46</sup> The text of the law is available through the following link:

[http://www.citc.gov.sa/arabic/RulesandSystems/CITCSyste/Documents/LA\\_004\\_%20A\\_%20Anti-Cyber%20Crime%20Law.pdf](http://www.citc.gov.sa/arabic/RulesandSystems/CITCSyste/Documents/LA_004_%20A_%20Anti-Cyber%20Crime%20Law.pdf)

<sup>47</sup> "The Cairo Institute addresses reprisals against Saudi rights defenders before the UN Human Rights Council," *CIHRS*, 29 June 2012, <http://www.cihrs.org/?p=3166&lang=en>

*detention in Saudi Arabia and constitute reprisals in response to his engagement with human rights mechanisms, including the Human Rights Council and its special procedures.”*

Another case highlighted in the report is that of Fadhil Mekki Al-Manasif, founding member of the Adala Center for Human Rights, who remains in detention since his arrest in October 2011. The Secretary General’s report mentions the following with regards to his case: *“As in the case of Mr. Al-Manasif”’s detention from May to August 2011, he is reportedly being held in solitary confinement and has not been allowed family visits. Concerns have been expressed that he may have been subjected to torture and that he is being prosecuted on grounds relating to his engagement with international human rights mechanisms. At the time of the completion of the present report, the Government had not responded to the communication sent by several special procedures on 12 May 2011(A/HRC/18/51, p. 110).”*

Unfortunately, Al-Qahtani, Al-Hamed, and Al-Manasef are not the only human rights defenders facing persecution in Saudi Arabia. While legal cases against other defenders do not include direct references to being prosecuted as a result of their cooperation with the UN mechanisms, there is frequent use of charges relating to transmitting information to and cooperating with international organizations, referenced in several cases against activists in the Kingdom.

Other accusations against rights defenders in the Kingdom pertaining to their cooperation with international human rights bodies include accusations brought forth against Mekhlif Al-Shemari, who faces charges like “defaming the reputation of the kingdom in international media outlets”, “communicating with suspicious organizations”, and “accusing government institutions of corruption”; and activist Waleed Abul Kheir who is undergoing trial for “defaming the judiciary”, and “harming the reputation of the Kingdom through giving out false information to international organizations.”

## 5. Conclusions and Recommendations

CIHRS believe that the acts mentioned in this report constitutes acts of intimidation and/or reprisals against individuals and groups who seek to cooperate or have cooperated with the UN, its representatives and mechanisms in the field of human rights, as defined by the Council’s resolution 12/2.<sup>48</sup> They further constitute a flagrant violation to Article 12 (2) of the UN Declaration on Human Rights Defenders,<sup>49</sup> amongst other numerous international human rights covenants.

Documented forms of reprisals and intimidation indicate a systematic retributive campaign to impede the works of human rights defenders in the Arab Gulf region and prevent the UN Human Rights Council from accessing independent accounts of on-ground human rights situation in these respective countries. Those forms of reprisals have serious threats to the physical and psychological integrity of the human rights defenders involved, in addition to legal charges and prison sentences.

We view, with equal worry, the particular rise in aggression by government controlled media outlets in a number of Gulf monarchies, especially Bahrain and the UAE, whereby government affiliated writers and media establishments are used as tools to foster an environment of animosity against the working civil society in the country and reputable independent regional and international human rights organizations working to document cases of human rights violations within those countries.

This way of confronting human rights work clearly aims to silence those who attempt to shed light on human rights violations and ensure restricting the participation of local human rights defenders in international human rights forums. Moreover, authorities in these countries have begun to increasingly

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<sup>48</sup> A/HRC/12/L.8

<sup>49</sup> Article 12 (2) states that “The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.”

criminalize all work in the field of human rights, including engagement with international human rights mechanisms.

We further believe that the current escalation to the crackdown against defenders for their cooperation with international human rights mechanisms stems from the lack of accountability with regards to the majority of previously reported cases of reprisals, as mentioned by the UN High Commissioner for Human Rights during a panel discussing the same topic at the human rights council's 21<sup>st</sup> session.<sup>50</sup>

These acts of reprisals, some occurring inside the premises of the UN, should be immediately and seriously examined by the Human Rights Council, other relevant UN bodies, and UN member states with the view of ensuring non-reoccurrence and full protection for the human rights defenders involved. CIHRS asks that the Council, its Bureau and the Office of the President, take strong and concrete steps against governments who continue to target activists and NGOs for cooperating with its mechanisms. Indeed, committing a pattern of such acts should automatically trigger reconsideration of a state's membership within the UN Human Rights Council, and strongly inform future elections for membership to the body. Additionally, such acts should serve as strong signals for the pressing need to reconsider the criteria for membership of states at the Council.

CIHRS believes that the strength and consistency of reprisals by governments in the Gulf region against local human rights defenders should continue to be urgently addressed by the UN Secretary General as well as the Office of the High Commissioner for Human Rights, including by publicly addressing this issue through statements, reports, and discussions with the states involved.

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<sup>50</sup> Link to the video of the Panel discussion on intimidation and reprisals: <http://webtv.un.org/watch/full-video-panel-discussion-on-intimidation-reprisals-9th-meeting/1838590108001#full-text>