

General Allegation Letter to the Special Rapporteur on the Right to Freedom of Opinion and Expression Concerning Widespread and Systematic Restrictions on the Freedom of Opinion and Expression in the Middle East and North Africa Region

To the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,

I. Introduction

Beginning in January 2011, mass protest movements arose across the Middle East and North Africa (MENA) region. Popular protest movements in Tunisia, Egypt, Bahrain, Syria, Libya, Jordan, Morocco, and, to a lesser extent, Oman and Saudi Arabia, expressed critical opinions of current governmental policies and practices that restricted the rights, freedoms, and opportunities in these countries, and called for reforms. After their genesis, these movements diverged in response to their varied national contexts. Yet today, a significant number of governments in the MENA region have returned to policies that legally, administratively, and physically restrict the right to freedom of opinion and expression.

Since January 2011, the mandate on free expression has published 224 cases regarding restrictions on free expression in MENA, including cases on Bahrain, Egypt, Kuwait, Lebanon, Libya, Oman, Qatar, UAE, and Yemen, on behalf of at least 5,782 victims. The mandate has also commented on these cases in public remarks, at least 55 times in press releases and other statements. You have previously commented on these situations of concern individually, noting:

*(Regarding **Bahrain**) “The authorities have resorted to drastic measures to curb dissenting opinions such as torture, arbitrary detention, unfounded convictions, the stripping of citizenship, the use of travel bans, intimidation, including death threats, and reprisals for cooperating with international organizations, including the Office of the High Commissioner for Human Rights.”¹*

*(Regarding **Egypt**) “The use of force against civil society and against the expression of dissenting views on political issues contribute to a deteriorating climate for the promotion and protection of fundamental rights that form the essential components of a democratic society.” And, “Security concerns should not be used as a pretext to harass journalists, lawyers and protestors and ban peaceful political opposition, which will undermine not only public debate and fundamental rights, but security and long-term stability.”²*

*(Regarding **Qatar**) “...the articles of the Penal code penalizing criticism of the authorities are still in force and can be used abusively to charge and imprison people for the legitimate use of their freedom of expression, in clear contravention of international human rights law.... The laws of Qatar and the policies of its Government should protect those who exercise their freedom of expression, including artistic expression, and their right to take part in cultural life instead of prosecuting them.”³*

¹<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21762&LangID=E>

²<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19933&LangID=E>

³<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17250&LangID=E>

(Regarding Saudi Arabia) “As the world struggles to fight terrible forms of violence, national authorities everywhere should avoid the targeting freedom of expression, especially against those who advocate tolerance, respect and human rights.”; “[A]ttacks on freedom expression deter critical thinking, public participation, and civic engagement, the very things that are crucial to human development and democratic culture.”; and, “International law... does not allow governments to restrict expression merely because the person expresses an opinion contrary to popular views or officially-sanctioned beliefs.”⁴

(Regarding the United Arab Emirates) “We fear that [Emirati human rights defender Ahmed Mansoor’s] arrest and secret detention may constitute an act of reprisal for his engagement with UN human rights mechanisms, for the views he expressed on social media, including Twitter, as well as for being an active member of [human rights] organizations.”⁵

(Regarding Oman) Rapporteurs “expressed concern over reports of increased and more severe control over civil society in the country by Omani security and intelligence services, and the impact that these restrictions have on the enjoyment of the right to freedom of opinion and expression... [and] steadfastly condemn the detention of individuals who seek to contribute to the promotion and protection of human rights.”⁶

(Regarding Jordan) “I urge the authorities to bring its legislation into line with international human rights law and to encourage a culture of diverse expression. [...] The [assassination of journalists] can only be deterred by encouraging an open space for diverse expression, where expression is countered by expression instead of bullets.”⁷

(Regarding above and other countries in MENA region) “We urge all countries to create an enabling environment for human rights defenders and civil society organisations. [and] call on the various International mechanisms including the UN system need to take effective actions to address the closure of civic space in MENA region.”

MENA member organizations in the IFEX network have dedicated interests in supporting and protecting the right to free expression. This network includes organizations representing human rights issues in a number of MENA countries, including Bahrain, Egypt, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates (UAE), (Palestine/Occupied Territories?) and Yemen. The work of these organizations has documented hundreds of cases of human rights abuses across the region.

Our findings indicate that the scope of free expression restrictions, and the complexity of the systems for restricting these rights, have increased significantly in recent years. The most common methods of restriction on freedom of expression perpetrated by MENA governments include: restrictive legal frameworks; threats or acts of violence; arbitrary detention; restrictions on freedom of movement; revocation of citizenship; legal or administrative restrictions on free press, and journalists; reprisals and restrictions against human rights defenders, civil society organizations, or political dissidents; online surveillance; and, restrictions on online activism.

⁴<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16892&LangID=E>

⁵<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21449&LangID=E>

⁶<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15525&LangID=E>

⁷<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20596&LangID=E>

While this complaint cannot claim to be exhaustive, this complaint attempts to illustrate parallel patterns of systematic restrictions on free expression across the MENA region. The purpose of this thematic complaint is to exhibit a pattern of government restrictions on the right to freedom of opinion and expression common throughout the Middle East and North Africa region.

II. Restrictive Legal Frameworks

In the MENA region, many governments maintain and enforce a variety of laws that significantly restrict the rights to freedom of opinion and expression. Press laws are often used to closely monitor, censor, or restrict independent media. Cyber-crimes laws are used to monitor bloggers, social media users, online activists, and online forums created to voice dissenting opinions. Laws governing associations and civil societies are used to police groups that may take part in human rights work, or that organize individuals wishing to express dissenting opinions against their government. Finally, under the pretense of efforts to combat terrorism and violent extremism, many MENA governments abuse wide-reaching counter-terrorism laws to restrict free opinion and expression.

In **Bahrain**, the Public Gatherings Law of 1973, together with subsequent amendments, provide the Interior Minister with the power to ban rallies near “security-sensitive areas” like airports, hospitals, and shopping malls, and requires demonstration organizers to assume full civil and criminal responsibility for damage to private or public property during the demonstration. The law also restricts legal gatherings to select public spaces between daylight hours, subsequent to three-day pre-approval. The Press Law of 2002 permits the Public Prosecution to seek up to five years’ imprisonment for any individual who publicly criticizes Islam or the king, advocates for a change in government, or speaks contrary to the interests of “state security.” The 2006 anti-terrorism legislation known as the Law of Protecting Society from Terrorist Acts is utilized as a legal deterrent to dissent. This law incorporates a broad and ambiguous definition of “terrorist acts and incitements to such acts” that includes basic freedoms of expression, assembly, and association. Finally, Articles 112, 138 and 139, criminalize speech or acts that affect national unity, as well as criminalizing others from conspiring or inciting others to commit such acts.

In **Saudi Arabia**, Saudi authorities have primarily used two different laws to prosecute those who exercise their freedom of expression: The Law of Terrorism Crimes and its Financing and the Anti-Cyber Crime Law. Among other things, the anti-terror law defines terror crimes as acts that are “disrupting the public order,” “harming the reputation or status of the country,” and “risking national unity.” Because the law does not expand on the definitions of these offenses, the authorities have broadly applied them to criminalize dissent and other forms of free expression. Article 3 of the terror law also criminalizes attempts to change the ruling system in the kingdom; the government has consistently interpreted non-violent criticism of the king, the government, or the Al-Saud family as advocating for governmental reform or change, and thus grounds for these terror charges. Similarly, the 2007 Anti-Cyber Crime Law, like the anti-terror law, broadly authorizes the government to prosecute individuals for dissenting or critical speech acts. Article 2 states that the law seeks to ensure the “protection of public interest, morals, and common values.” Article 6 mandates imprisonment and/or a fine for the “production, preparation, transmission, or storage of material impinging on public order, religious values, public morals, and privacy, through the information network or computers.”

Judges operating within Saudi Arabia’s counterterrorism framework operate with less independence than their counterparts in criminal courts of first instance. The 2014 Law of Terrorism and Its Financing retroactively formalized the jurisdiction of the Specialized Criminal Court (SCC), a national security tribunal initially organized by the government in 2008. The law cedes powers typically ascribed to courts to Ministry of Interior in ways that compromise judges’ independence.

In May of this year, authorities in **Egypt** passed a new law that regulates the work of NGOs. This law was exclusively passed by the will of the Executive, after obtaining approval from an unrepresentative and highly politicized parliament, ignoring opposition voices of some political forces and civil society organizations. The law targets the appropriation and nationalization of civil society work in Egypt, and completely eliminates the autonomy of civil society organizations. Moreover, this law transforms NGOs to mere offshoots of the Ministry of Social Solidarity, while granting the executive branch of government full control over the work of human rights organizations, through intervening in, and rejecting their activities and projects. All organizations have been granted one year from the date the Law was passed, to reconcile their status in accordance with the new Law.⁸

Furthermore, the new Press and Information Act that was passed a few months ago, without taking into consideration the proposals and recommendations provided by the Journalists Syndicate, has allowed Egyptian authorities to control the media in all its forms. This Law is to be added to an arsenal of legislative decisions that have systemically restricted freedom of expression; the Protest Law for example, has resulted in the dispersal of countless protests, and the arrest of thousands of demonstrators. Although Article 71 of the Constitution prohibits sanctioning imprisonment in publishing cases, jailing journalists and activists is still possible under the provisions of the Penal Code.⁹

In **Lebanon**, the freedom of expression is subject to harassment by high ranked public officials through misuse of obsolete legal texts which are inconsistent with the concept of public liberties, constitutional provisions, and international treaties and covenants, or through abuse of power and discrimination among Lebanese people based on their opinion. These harassments are in their majority targeted at journalists, civil society activists, and defenders of individual political and civil rights. Public authorities use the provisions of the Lebanese Penal Code as a pretext to prosecute activists and journalists, particularly article 386 which forbids criticism of public authorities and punishes by imprisonment for a period up to one year. While criticism of the president of the republic, judiciary, military authorities, and public administrations is punished by imprisonment up to two years.

Moreover, freedom of issuance of political prints is limited according to article 27 of prints law strictly prohibits the publication of any periodic publication without obtaining a prior authorization. In addition, Article 1 of Decree-law No. 74 of 1953 restricts the granting of new licenses to political periodical publications until the number of the current political periodical publications becomes 45.

The General Security also exerts censorship over artistic, cinematographic and theatrical productions in accordance with the provisions of decree No. 2 of 1977, which authorizes monitoring theater texts prior to presenting them on stage. Moreover, the law issued on November 27, 1947 subjects all cinema movies to monitoring prior to their screening. The General Security recently prohibited the presentation of a play produced by a non-governmental organization in Lebanon working censorship issues under the pretext that it contained the names of politicians.

⁸ “Egypt: NGOs law threatens to annihilate human rights groups”, Amnesty International, 30 May 2017, <https://www.amnesty.org/en/latest/news/2017/05/egypt-ngo-law-threatens-to-annihilate-human-rights-groups/>

⁹ “Press and Information Act, A Reading”, AFTE, 26 September 2016, https://afteegypt.org/media_freedom/2016/09/26/12550-afteegypt.html (Arabic)

Morocco's 2011 Constitution, adopted in the wake of the collapse of Tunisian President Ben Ali and amid rising protests against autocratic rule in different parts of the MENA region, while stipulating that the right to freedom of assembly, association and expression is guaranteed, grants huge powers to King Mohamed VI. Unsurprisingly, the implementation of these basic human rights remain arbitrarily and routinely impeded by Moroccan authorities.

The Penal Code is increasingly invoked to criminalize freedom of assembly, association and expression and to harass, silence and jail rights activists and critical journalists in Morocco, particularly in the context of the Rif protests in the North of Morocco, and in the Western Sahara, which is considered by the United Nations as a “non-self-governing territory.”

Moroccan courts are inclined to use the Penal Code in cases involving political and rights defenders and critical journalists, despite the adoption in 2016 of a new Press and Publications code, officially described as an “essential step” toward democratic rule for not including prison sentences. But human rights lawyers and journalists call the changes introduced in the new press code and the Penal Code “cosmetic”, since journalists expressing their views are now jailed under the penal code

III. Threats or Acts of Violence

Across the MENA region, governments have used acts or threats of violence to punish or restrict free expression. Within the legal framework laid out in Section II, government security forces arrest individuals for exercising their rights of free expression or freedom of opinion. Those detained often face torture and other ill-treatment as a form of reprisal against their expression. Journalists in MENA countries face increased pressure as well. Journalists have likewise been arbitrarily arrested and tortured in relation to their work, and in a number of cases, journalists were extra-judicially killed.

In **Bahrain**, the National Security Agency summoned human rights defender **Ebtisam Al-Saegh** in May 2017. Throughout a seven-hour interrogation relating to her work with the United Nations, NSA officials subjected Ms. Al-Saegh to physical and psychological torture, including beatings and sexual assault. The Government of Bahrain has also targeted family members of exiled activists as a reprisal for their work. In March 2017, the government arrested and tortured the mother-in-law, brother-in-law, and cousin of **Sayed Ahmed Alwadaei**, a human rights defender living in exile in London. In 2011, Bahraini journalist **Nazeera Saeed** was arrested and tortured and **Kareem Fakhrawi**, editor in chief of *Al-Wasat* newspaper was tortured to death in police custody. In late 2016, another Bahraini journalist was shot and killed by a member of the Al Khalifa royal family.

In **Saudi Arabia**, the government arrested the prominent blogger **Raif Badawi** in June 2012. Mr. Badawi was sentenced to 10 years in prison, a 1 million riyal fine, and 1,000 lashes. Human rights defender **Mikhlif Al-Shammari** maintains that, on 27 July 2011, guards beat him and poured antiseptic fluid down his throat, which led to his hospitalization. Saudi authorities arrested Al-Shammari in June 2010 “after he published an article criticizing what he said was prejudice by Sunni religious scholars against members of the Shi’a community and their beliefs.” He also maintains that prison officials repeatedly “suspended [him] from the walls by his arms with his feet barely touching the floor.”

In May 2014, the Specialized Criminal Court (SCC) sentenced youth protester **Ali Al-Nimr** to death for crimes he reportedly committed at the age of 17, including nonviolent offenses such as “breaking allegiance with the ruler” and “going out to a number of marches, demonstrations, and gatherings.” On 14 October 2014, the Specialized Criminal Court (SCC) sentenced two other individuals to death for crimes they purportedly committed as minors. In May 2012, authorities arrested **Dawood Hussein Al-Marhoon** when he was 17 years old for allegedly participating in anti-government rallies. Security forces arrested **Abdullah Hasan Al-Zaher** for similar offenses in March 2012, when he was still 16 years of age.

In **Kuwait**, in March 2015, human rights defender **Nawaf Al-Hendal** was arrested while documenting a protest in Kuwait City. Security forces beat Mr. Al-Hendal with batons along with nine others during his arrest.¹⁰ In February 2014, Kuwaiti security forces tortured Bidoon human rights defender, **Abdulahkim Al-Fadhli**. While in detention, security officers reportedly beat Mr. Al-Fadhil and threatened him with rape. In April 2017, human rights defender **Hadeel Buqrais**, as well as other participants in the "Walking for Her" campaign, were threatened by telephone, e-mail and social media websites after joining the campaign aimed at solidarity with Saudi women and calling for the overthrow of the Guardian System.¹¹

Iraq remains one of the most dangerous countries for journalists. On 19 June 2017 Iraqi Kurdish journalist **Bakhtiar Haddad** died on 19 June 2017 after an explosive device went off in Mosul, injuring three French journalists at the same time. One of them, **Stéphane Villeneuve**, also died of his injuries, and another, **Veronique Robert**, is in critical condition. Freelance journalist **Samuel Forey** was also injured.¹²

In March 2017, the **UAE** convicted prominent Emirati academic and economist **Dr. Nasser bin Ghaith** to a ten-year prison sentence on free expression charges. Dr. Bin Ghaith’s charges stem from comments he made on Twitter. He was also charged with posting information “intended to damage the UAE” by “claiming he was tortured and unjustly accused during a previous trial,” which related to comments he made in 2011 regarding the trial of the “UAE 5.” His final charge relates to his alleged association with two political parties classified as terrorist organizations by the government: Ummah and Al-Islah. Dr. Bin Ghaith reported that UAE security officers tortured him with beatings and deprived him from sleep for approximately one week.

Dozens of journalists and human rights defenders are in Egyptian prisons for expressing their opinions, the most prominent is journalist and chairman of the board of trustees of MADA Development Foundation, **Hisham Jaafar**. Jaafar is in pre-trial detention with no evidence against him, and his lawyers are prevented from accessing his case files. As well, there is the case of the academic and researcher **Ismail Al-Iskandarany**, who was arrested upon his return to Egypt. They were both prevented from receiving regular medical care, and were subjected to ill-treatment in their confinement. They are two examples of the many who are subjected to blackmail due to their medical condition.

¹⁰<http://www.gc4hr.org/news/view/960>

¹¹ Kuwait: Human rights defender Hadeel Buqrais and participants in “Walking for Her” campaign threatened <http://www.gc4hr.org/news/view/1543>

¹² Iraq: Kurdish journalist Bakhtiar Haddad killed in Mosul by explosive device <http://www.gc4hr.org/news/view/1628>

Additionally, all protests, particularly those in the second half of June 2017, rejecting the transfer of the two islands -Tiran and Sanafir- to Saudi Arabia, were met with excessive violence by Egyptian authorities. On June 16th of this year, security forces fired bullets at demonstrators in Faysal neighbourhood in Cairo. The Protest Law allows the authorities to use excessive force against demonstrators without holding them legally accountable.

The biggest threats to opposition voices in Egypt are the use of pre-trial detention, ill-treatment in jails and prisons, and arbitrary detention. These tactics are used extensively by the authorities to imprison activists for long periods of time without a court verdict, and with no evidence. The most recent example of illegal detention can be illustrated through the case of the lawyer at the Egyptian Centre for Economic Rights, **Tarek Hussein**, who has been detained since his arrest on June 16th of this year, and remains in custody despite the prosecution's decision to release him on bail. As well, the phenomenon of enforced disappearances is a real threat to all those who are interested in public affairs and activism. Both Jaafar and Al-Iskandarany disappeared for a brief period of time before they were presented to the prosecution. According to a report by the Egyptian Commission for Rights and Freedoms, there were at least 107 disappearances in the first quarter of 2017.¹³

In **Yemen** journalists have been both caught in the crossfire of the conflict and deliberately targeted by the authorities. On 17 January 2016, **Al-Muqdad Majali**, 34, a reporter for IRIN, was killed in an air strike by the Saudi-led coalition forces in the Jaref area, south of the capital Sana'a. The journalist was wounded by missile splinters during his field work in the Jaref area, which was hit by coalition airstrikes. He died of his wounds before arriving at hospital. Two of his colleagues were also injured during this incident: the driver **Abdulbari Al-Sama'i**, 24, and one of the residents of the area, **Omar Sarub**, 25, while TV cameraman **Baher Al-Sharabi**, 23, survived without injury.¹⁴

It is believed that the death of journalist **Mohammed Al-Abbsi** on 20 December 2016 by exposure to a toxic gas was a result of his reporting. In the months prior to his death he had been investigating a story linked to oil companies owned by Houthi leaders in Yemen. He had worked for the pro-government newspaper Al-Thawra until it was shut down in September 2014 by Houthi forces. His reporting covered topics including corruption, the black market and war economy in the country.¹⁵

During a peaceful demonstration of support for the Rif protest movement near the Parliament in Rabat on 8 July 2017, the violent assault on scores of rights activists and journalists, including **Abdelaziz Nouaydi**, a prominent human rights lawyer, lawyer at Rabat Bar, academic and adviser to former Prime Minister Abderrahmane Youssefi, came as a reminder of King Mohamed VI and his top aides' declining tolerance for criticism.

¹³ "Enforced disappearance is a crime and an unconstitutional practice, which resulted in 107 cases of disappearance in the first quarter of 2017", ECRF, 22 May 2017, <http://www.ec-rf.org/?p=1947> (Arabic)

¹⁴ <http://www.gc4hr.org/report/view/67>

¹⁵ Yemen: Call for investigation into the suspicious death of journalist Mohammed Al-Abbsi <http://www.gc4hr.org/news/view/1495>

Police violence on that day also targeted Nouaydi's close friend, **Maati Monjib**, a historian and well known political analyst and the president of "Freedom Now", an NGO arbitrarily not acknowledged by Moroccan authorities. Several other peaceful protesters including journalists, bloggers and "even passers-by" were "savagely attacked" and injured, according to human rights defenders. Episodic cases of police abuse and a crackdown on peaceful protests have been documented in recent past, but not in such a large scale in many years. Also, a former independent editor silenced by the Moroccan authorities, and currently with Human Rights Watch.¹⁶

Nouaydi is one of the lawyers representing **Nasser Zefzafi**, the leader of the peaceful social protests, which erupted at the end of May 2017 and prompted police brutality and a large wave of arbitrary arrests among rights and social activists, reminiscent of the dark era of repression under King Hassan II.

Zefzafi, who has been investigated on politically motivated charges, including one that carries the death penalty, told his lawyers in June that he was beaten up and injured. So did scores of assaulted and jailed activists.

Ahmed Rachid, a photographer with the news website Lakome2, and **Hicham El Amrani** of the news website *Badil.info* were among the journalists beaten by the police during the 8 July demonstration supporting the Rif social protest movement, according to independent news websites and local and international human rights groups. El Amrani was quoted by Reporters without Borders as saying, "I had the feeling that they treated me with even more contempt when I identified myself as being a journalist."

IV. Arbitrary Detention

Arbitrary detention of human rights defenders, journalists, activists, and individuals expressing critical views of their governments is increasingly common in the MENA region. Governments regularly and systematically utilize laws that unduly constrain the freedoms of opinion and expression to imprison, and silence, voices of dissent.

In **Bahrain**, leading human rights defenders like **Abdulahdi Al-Khawaja** and **Dr. Abduljalil Al-Singace** continue to serve life sentences for their role in peaceful protests in February 2011. **Sheikh Ali Al-Salman**, Secretary General of the now-dissolved Al-Wefaq political society is serving a five year sentence in relation to political speeches he made. Prisons in Bahrain contain prisoners of conscience that include human rights defenders, bloggers, online activists, journalists, political figures, religious leaders, trade unionists, academics, doctors and lawyers.

Saudi Arabia also detains human rights activists and individuals expressing dissenting opinions. Founding members of the Saudi Civil and Political Rights Association (ACPRA), **Abdullah Al-Hamid** and **Mohammed Al-Qahtani**, remain imprisoned for their work in raising public debate around democratic reforms. The group's lawyers, **Waleed Abu Al-Khair** also serves a 10 year arbitrary sentence for his work providing legal representation to the group.

¹⁶ <https://www.nytimes.com/2017/08/26/world/africa/morocco-berber-rif-nasser-zefzafi.html>

In March 2017, UAE security officers arrested human rights defender **Ahmed Mansoor**. Mr. Mansoor currently held in solitary confinement while awaiting trial. He is accused of using social media websites to: “publish false information and rumors;” “promote [a] sectarian and hate-incited agenda;” and “publish false and misleading information that harm national unity and social harmony and damage the country’s reputation.” **Osama Al-Najjar**, another Emirati activist, remains in prison under a three-year prison sentence for peaceful comments posted on Twitter.

In Egypt, thousands have been arrested since the 2011 Uprising for expressing anti-government sentiment. Since it was signed into law in November 2013, the Egyptian protest law has resulted in more than 19,000 arrests.¹⁷ Moreover, from 2014 onwards, the Government of Egypt has been systematically targeting activists and opposition voices. The decision to transfer the sovereignty of two Egyptian islands to Saudi Arabia has sparked a wave of protests and online opposition from 2016 and until now. In April 2016, at least **387** cases of arbitrary detention were monitored,¹⁸ while the latest call for protest over the transfer has resulted in over 40 arrests in June of this year. Of the latest arrests, lawyer and activist Tarek Hussein was arrested from his home at dawn after 15 masked officers from the Central Security Forces stormed his apartment and confiscated his laptop and cell phone. No due process was followed before or after the arrest, and Mr. Hussein was physically and verbally assaulted. The prosecution ordered Mr. Hussein’s release on bail, which has been paid, but Tarek still remains in jail.¹⁹ Additionally, **Esraa Fehead**, Founder and Executive Director of Horeya for Human Rights Organization, and **Mahmoud Naguib**, a member of the April 6 Youth Movement were arbitrarily arrested and detained in June of this year. Fehead was charged with inciting demonstrations, disrupting public and general security, attacking people and private and public possessions, among other things. They were both released on bail of 10,000 EGP, but the charges against them have not been dropped.

Since the start of the conflict in **Syria** thousands of human rights defenders have been arbitrarily detained and their whereabouts remain unknown. Among those whose whereabouts remained unknown for long time was human rights defender and software engineer, **Bassel Khartabil**. Bassel Khartabil was a computer engineer who worked in software and web development and used his expertise to promote freedom of speech and access to information via the internet. On 15 March 2012, he was detained by Military Intelligence and held in incommunicado detention for eight months before the authorities moved him to Adra Central prison on 24 December 2012 where he was reportedly tortured and subjected to ill-treatment. He remained in Adra prison until 03 October 2015 when he managed to inform his family that he was to be transferred. On 01 August 2017, the family of Bassel Khartabil, confirmed that he had been subjected to an extrajudicial execution in October 2015. On 1 August 2017, [Noura Ghazi Safadi](#), Khartabil’s wife, [announced](#) on Facebook that her husband has been killed. She wrote: “Words are difficult to come by while I am about to announce, on behalf of Bassel’s family and mine, the confirmation of the death sentence and execution of my husband Bassel Khartabil Safadi. He was executed just days after he was taken from Adra prison in October 2015. This is the end that suits a hero like him.”²⁰

¹⁷ “37,000 Egyptians are imprisoned for protesting in the past three years alone”, Al-Araby Al-Jadeed, 30 September 2017, <https://www.alaraby.co.uk/society/2016/9/30/%D8%A7%D8%B9%D8%AA%D9%82%D8%A7%D9%84-37-%D8%A3%D9%84%D9%81-%D9%85%D8%B5%D8%B1%D9%8A-%D8%A8%D8%AA%D9%87%D9%85%D8%A9-%D8%A7%D9%84%D8%AA%D8%B8%D8%A7%D9%87%D8%B1-%D9%81%D9%8A-%D8%AB%D9%84%D8%A7%D8%AB-%D8%B3%D9%86%D9%88%D8%A7%D8%AA> (Arabic)

¹⁸ “AFTE monitors cases of arrest during Friday protests”, AFTE, 18 April 2016, https://afteegypt.org/law_unit/2016/04/18/12098-afteegypt.html (Arabic)

¹⁹ “Egypt: Arrest, arbitrary detention and ill-treatment of Mr. Tarek Hussein”, OMCT, 20 June 2017, <http://www.omct.org/human-rights-defenders/urgent-interventions/egypt/2017/06/d24395/>

²⁰ Syria: More than 5 years on the detention of Bassel Khartabil <http://www.gc4hr.org/news/view/1658>

Other human rights defenders whose whereabouts remain unknown are Syrian human rights defender **Razan Zaitouneh** and her three colleagues, her husband **Wael Hamada, Samira Khalil** and **Nazem Hamadi**. On 9 December 2013, the four human rights defenders – collectively known as the “Douma Four” - were abducted by a group of armed men who raided the offices of the Violations Documentation Centre (VDC) in Douma, near Damascus. There has been no news of their whereabouts but they are presumed to be held by armed groups in control of the area.²¹

In **Yemen**, the number of journalists detained arbitrarily in Houthis prisons now stands at 16, as documented and verified by Mwatana. Among those detained are ten journalists arrested in 2015. **Abdelkhaleq Amran, Hisham Tarmoom, Tawfiq Al-Mansouri, Hareth Hamid, Hasan Annab, Akram Al-Walidi, Haytham Al-Shihab, Hisham Al-Yousefi** and **Essam Balgeeth** have been detained since 9 June 2015 when they were arrested by armed men in a room from where they were working in Qasr Al-Ahlam Hotel, Sana’a. Those who arrested the men were dressed in a mixture of civilian, military and General Security clothing, and some had slogans on their weapons that are associated with the Huthi armed group and its political wing, Ansarullah. On 28 August 2015 a tenth journalist, **Salah Al-Qaedi**, was also arrested by members of the Huthi forces at his home, also in Sana’a. According to their families, the men are not aware of the reasons for their continued detention, and have not been formally charged nor brought to trial.²²

V. Restrictions on Freedom of Movement

MENA governments have increased other non-violent forms of restrictions on individuals expressing dissenting opinions, or exercising their critical expression of their governments. Increasing travel bans significantly constrains the ability of civil society members, human rights defenders, political opposition groups, and independent activists, to carry out their legitimate work, and to exercise their rights freely.

In **Bahrain**, human rights defenders **Nedal Al-Salman** and **Abdulnabi Al-Ekri** are two of the activists who have been subjected to repeated and sustained travel bans since June 2016. Throughout the 32nd and 33rd sessions of the United Nations Human Rights Council, the Government of Bahrain imposed widespread, and unsubstantiated travel bans against Bahraini civil and political societies. These blanket travel bans were also imposed during Bahrain’s third cycle Universal Periodic Review in May 2017.

In **Saudi Arabia**, women’s human rights defender, **Samar Badawi**, has remained under a constant travel ban since her return from the 27th session of the Human Rights Council in late 2014. There, Ms. Badawi participated in side events and delivered oral interventions before the Council that were highly critical of her country’s human rights record.

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²² Yemen: NGOs demand release of journalists held by Huthi forces for two years
<http://www.gc4hr.org/news/view/1620>

At least 80 HRDs, media professionals, academics, and members of political parties in **Egypt**, have been banned from travel, from the period of June 2014 and until September 2016. In February 2016 **Gamal Eid** of the Arabic Network for Human Rights Information (ANHRI) was prevented from traveling; in addition to banning travel for **Mohammed Zaree** of the Cairo Institute for Human Rights Studies (CIHRS), and **Mozn Hassan** of Nazra for Feminist Studies, in June of the same year; as well, **Aida Seif Al-Dawla** of Al-Nadim Centre for the Rehabilitation of Victims of Violence, and Torture and **Azza Soliman** of the Centre for Egyptian Women’s Legal Assistance, were also banned in November 2016, among many others.²³

VI. Arbitrary Denaturalization

MENA governments utilize arbitrary and sometimes non-judicial (administrative) means for revoking citizenship from individuals, typically under the name of countering terrorism. Yet, in practice, many governments use these anti-terror powers to target voices of dissent.

Of all MENA countries, the **Bahrain** is the most common state to utilize denaturalization as a means of restricting or intimidating those who choose to exercise their rights to freedom of opinion and expression. Since 2011, more than 400 individuals have lost their Bahraini citizenship. The majority of these are made stateless by this action. In 2015 alone, the government revoked the nationalities of 208 Bahrainis. Bahrain has arbitrarily denaturalized human rights defenders like **Husain Abdulla** and **Sayed Ahmed Alwadaei**, academics like **Dr. Mahsoud Al-Jahroumi**, former Members of Parliament like **Jawad Fairouz**, religious leaders like **Sheikh Isa Qassim** and **Sheikh Husain Najati**, among many more.

According to human rights defender Nawaf al-Hendal in **Kuwait**, the Kuwaiti government has similarly revoked the citizenship of over 120 individuals. And in the **UAE**, **Ahmed Mansour** reports that Emirati officials have denaturalized approximately 200 individuals for their reported affiliation with the Muslim Brotherhood.

VII. Legal or Administrative Restrictions on Free Press, and Journalists

In recent years, the MENA states have imposed increasing restrictions on the press and have consistently targeted independent journalists for reprisal.²⁴

On 4 June 2017, **Bahrain**’s Information Affairs Ministry indefinitely suspended the country’s only independent newspaper, *Al-Wasat*, after the outlet published an editorial about the political situation in Morocco. Fifteen days later, the ministry launched a formal complaint against *Al-Wasat* with the Public Prosecution Office, placing it at imminent risk of outright closure. The government has arbitrarily suspended or closed *Al-Wasat* on three previous occasions, and in 2011 the newspaper’s cofounder, **Karim Fakhrawi**, died after being arrested and interrogated by Bahrain’s National Security Agency.²⁵

²³ “The quarterly report on the status of freedom of expression in Egypt”, AFTE, 22 May 2017, https://afteegypt.org/afte_releases/2017/05/22/13021-afteegypt.html?lang=en

²⁴ “2017 World Press Freedom Index,” Reporters Without Borders, 2017, <https://rsf.org/en/ranking>; “Freedom of the Press 2017,” Freedom House, 2017, <https://freedomhouse.org/report/freedom-press/freedom-press-2017>

²⁵ “Bahrain suspends Al-Wasat, further restricting press freedom,” Americans for Democracy & Human Rights in Bahrain (ADHRB), 6 June 2017, <http://www.adhrb.org/2017/06/bahrain-suspends-al-wasat-restricts-press-freedom/>

Similarly, in **Qatar**, authorities have arbitrarily censored the leading independent, English-language news outlet, *Doha News*. On 30 November 2016, *Doha News* announced that its readers in Qatar could no longer access its site online or on mobile phones. Qatar's two internet service providers, Oredoo and Vodophone, simultaneously blocked access to the outlet and, when it launched a second domain after the initial restriction, the authorities blocked that as well.²⁶

The Government of **Oman** also closed the prominent newspaper *Azamn* in 2016. Omani authorities arrested three of the outlet's journalists, including its deputy editor, between in July and August 2016 after they reported on possible corruption in the country's judicial system.²⁷ *Azamn* and its staff had faced similar judicial harassment in 2011.

In Egypt, the dangers facing press freedom are reflected in the Executive's attempts to nationalize private and public media platforms. In this year alone, Egypt has witnessed over 60 cases of violations against press freedom.²⁸ Egypt's Executive has confiscated newspapers, pressured television channels to block programs that criticize the current regime, as well, a number of journalists face prison sentences, imprisonment, and arbitrary detention. This attack on the press culminated in 2016, when security forces stormed the Press Syndicate and arrested two journalists, **Amr Badr and Mamoud Al-Sakka**, on World Press Freedom Day.²⁹ Accusations range from spreading false news, to destabilizing the Constitution and the Law, and damaging social unity and peace. Moreover, prominent TV presenter and journalist **Ibrahim Issa**, announced the suspension of his show on *Al-Qahera w Al-Nas* channel on January 1, 2017, suggesting that he has been pressured by the government to do so. At least **25** journalists are currently in prison in Egypt.³⁰

In Iraq journalists have also been targeted by the authorities. On 04 June 2017, the Kalar police arrested journalist **Awat Ali**, director of the Kurdish-language TV channel NRT, after the Kalar Investigation Court ordered that he be detained until 07 June pending investigation. Although he was later released by the authorities, his arrest is believed to be connected with his legitimate activities as a journalist.³¹

In January 2017 independent Iraqi journalist **Afrah Shawki** was held for more than a week after being kidnapped by an armed group in Baghdad, Iraq. She had been kidnapped from her home on 26 December 2016 and released a week later unharmed.³²

²⁶ "Qatar government blocks prominent news outlet, restricts press freedom," ADHRB, 5 December 2016, <http://www.adhrb.org/2016/12/qatar-blocks-prominent-news-outlet-restricts-press-freedom/>

²⁷ "Oman: Newspaper Shuttered, Editor Held," Human Rights Watch, 13 August 2016, <https://www.hrw.org/news/2016/08/13/oman-newspaper-shuttered-editor-held>

²⁸ "The quarterly report on the status of freedom of expression in Egypt", AFTE, 22 May 2017, https://afteegypt.org/afte_releases/2017/05/22/13021-afteegypt.html?lang=en

²⁹ "Human rights organizations reject the attack on the Journalists Syndicate", AFTE, 3 May 2017, https://afteegypt.org/media_freedom/2016/05/03/12161-afteegypt.html (Arabic)

³⁰ "As Egypt-US relationship moves forward, jailed Egyptian journalists left behind", CPJ, 3 March 2017, <https://cpj.org/blog/2017/03/as-egypt-us-relationship-moves-forward-jailed-egyp.php>

³¹ Iraq: NRT director and journalist arrested following report <http://www.gc4hr.org/news/view/1611>

³² Iraq: Journalist Afrah Shawki released after being kidnapped and held for over a week <http://www.gc4hr.org/news/view/1462>

Unlike the 2002 Press and Publications Code, the 2016 press law does not provide prison terms for “offending” the King, the royal family, Islam, or questioning **Morocco**’s territorial integrity, particularly challenging its control of the **Western Sahara**. Prosecution and prison terms for these offences and also for incitement to violence or spreading false information have been transferred from the 2002 Press and Publications Code to the 2016 Penal Code.

The new press law also allows courts to seize publications and suspend their activities.

Research by local and international human rights groups reveals that freedom of expression and of the press have been backsliding over the past 12 years, and attacks on journalists have been intensifying since the eruption, in October 2016, of widespread social protests spurred by the death of a fish vendor, while trying to retrieve from a garbage truck the fish that officials had confiscated from him in Al Hoceima in the Rif region.

Since October 2016, the arrest and the prosecution of eight journalists and bloggers for doing their job, with “heavy charges under the Penal Code, is the biggest violation of media freedom,” said **Ali Anouzla**, editor of the news website Lakome2 and one of Morocco’s most respected journalists on 26 July, 2017 <https://www.alaraby.co.uk/opinion/2017/7/25/>

Anouzla, who was jailed for weeks in 2013, remains judicially harassed and charged with promoting, supporting and inciting terrorism in an article on the website Lakome. If convicted, he faces up to 20 years in prison.

On 20 July, 2017, Moroccan police arrested **Hamid Mahdaoui**, director of the news website Badil info, in Al Hoceima. Later in July, he was sentenced by a court to three months in prison and fined 20,000 dirhams for “incitement to protests and shouting in public spaces.”

Mahdaoui has been transferred from Al Hoceima prison to a Casablanca prison, as a witness in another case filed against activists involved in the Rif protests. An investigative judge accused him, in the presence of his lawyers including Mohamed m Massoudi and Abdelaziz Nouaydi of “failing to inform the authorities that a plot was in preparation.” The basis of this “new accusation” are telephone calls Mahdaoui received, while his phone was monitored by the police. Such an accusation was “so bizarre that Mahdaoui didn’t take it seriously,” one of his lawyers said. “People plotting cannot tell a journalist over the phone what they are planning,” Mahdaoui told the investigative judge.

On 23 August, 2017, the Committee of Solidarity with Mahdaoui and Other Prosecuted Journalists (CSMOPJ), an emerging group backed by prominent human rights defenders issued a list of eight jailed journalists, including Mahdaoui. Seven of them are still awaiting trial. Most of the accusations range from “advocating terrorism” to “breach of the security of the State,” “undermining the citizens’ allegiance to the State” and “organizing meetings and demonstrations without authorization.”

Other attacks on the press, include the continuous obstruction of coverage of the Rif social protests by international media and the harassment of foreign journalists, said Anouzla, echoing the findings of local and international rights groups.

Moroccan authorities deported **Djamel Alilat**, a reporter for the Algerian daily Al-Watan, on 29 May, 2017 for “media coverage” of protests in the Northern Rif region “without authorization,” said official news agency MAP.

On 27 July, 2017, they deported two Spanish journalists, **José Luis Navazo** and **Fernando Sanz** of the news website El Correo Diplomatico, after their arrival in the Northern Moroccan city of Tetouan.

Furthermore, on 24 May, 2017, a Rabat court postponed for the 7th time, a hearing involving seven rights activists and journalists, including historian **Maati Monjib**, charged under the Penal Code, with “receiving foreign funds to undermine the internal security of the State.” If convicted, they face up to five years’ imprisonment. Lawyers and observers called the charges “baseless and politically motivated.” So did 22 prominent Tunisian academics in May, in a letter calling on Moroccan authorities to drop these groundless charges.

Another defendant **Hicham Mansouri**, left Morocco in 2016, after serving ten months in prison on trumped up charges of adultery.

VIII. Reprisals and Restrictions on Human Rights Defenders, Civil Society Organizations and Political Dissidents

Political opposition and independent civil society activism is effectively criminalized in many of the MENA states.

In **Bahrain**, the government has worked to completely dismantle these groups through targeted judicial harassment and intimidation. In just 2016, Bahraini authorities forcibly exiled activist **Zainab Al-Khawaja**; denaturalized the country’s most prominent Shia cleric, **Sheikh Isa Qassim**; dissolved the largest opposition group, Al-Wefaq National Islamic Society; confirmed a prison sentence for Al-Wefaq’s Secretary-General **Sheikh Ali Salman** over a speech he delivered; rearrested leading human rights defender and Bahrain Center for Human Rights (BCHR) president **Nabeel Rajab**; brought criminal charges against internationally-renowned interfaith leader **Sheikh Maytham Al-Salman**; and judicially harassed more than **75 Shia religious figures** on allegations linked solely to sermons and peaceful demonstrations. In the first half of 2017, the government has gone further, dissolving the second largest opposition group, **Wa’ad** (also known as the **National Democratic Action Society**); issuing charges against Wa’ad’s former Secretary-General **Ebrahim Sharif** based solely on free expression; and launching a new campaign of travel bans and reprisals against activists attempting to engage with international human rights mechanisms like the UN Human Rights Council. **Ebtisam Al-Saegh**, one of the human rights defenders who was able to travel to the 34th session of the Council, was defamed, tortured, and sexually assaulted upon her return to Bahrain. Activists in exile, like **Sayed Ahmed Alwadaei**, Director of Advocacy for the London-based Bahrain Institute for Rights and Democracy (BIRD), saw their family members who remain in Bahrain targeted for arrest and judicial harassment.³³

³³*Crushing Civil Society: Bahraini Government Reprisals for International Engagement*, ADHRB, June 2017, http://www.adhrb.org/wp-content/uploads/2017/06/2017.6.5_crushing-civil-society_web.pdf

The Government of **Saudi Arabia**, has closed off nearly all space for political criticism or debate. Saudi authorities have intermittently imprisoned almost every member of the country's chief coalition of pro-reform and human rights activists, the Saudi Association for Civil and Political Rights (ACPRA),³⁴ and have worked to silence online critics like blogger **Raif Badawi**.³⁵ Badawi's sister, **Samar Badawi**, has similarly faced continued judicial harassment and a travel ban in reprisal for her work documenting human rights abuses and advocating for greater gender equality.³⁶

Other cases here

Though **Kuwait** has arguably the most effective participatory political institutions in the GCC, the government has increasingly restricted the right to free expression, targeting human rights defenders and even members of parliament for prosecution. On 23 March 2015, Kuwaiti authorities violently dispersed a peaceful protest in Kuwait City, beating and arresting human rights defender **Nawaf Al-Hendal**, among others. It is believed that al-Hendal was targeted in reprisal for his engagement with the UN Human Rights Council.³⁷ On 27 July 2016, a Kuwaiti court sentenced **Abdulhamid Dashti**, a member of the country's National Assembly, to fourteen years and six months in prison on a series of charges stemming solely from public statements including social media posts and television interviews. Dashti's parliamentary immunity was lifted after he criticized Saudi Arabia and Bahrain, prompting complaints from the Saudi and Bahraini governments. He was convicted in absentia and remains outside Kuwait.³⁸

They **UAE**, likewise, has arbitrarily detained and prosecuted dozens of reform activists and human rights defenders in the last several years. Beginning in 2012, the government arrested **94 individuals** over allegations of planning a coup. The group included prominent lawyers, judges, academics, human rights advocates, and former government officials. At least 44 of the 94 detainees spent between six and eleven months in detention without appearing before a judge, and up to 70 were reportedly held at secret facilities with little to no access to the outside world.³⁹ Sixty-nine of the defendants were ultimately convicted in a mass trial and sentenced to lengthy prison terms. In February 2014, the UN Working Group on Arbitrary Detention issued a report to the General Assembly concluding that the detention of the 94 had been arbitrary, and that the 69 convictions were based on charges related to legitimate acts of free expression and assembly. More recently, in 2015 and 2017, Emirati authorities arrested two of the country's last independent activists, **Dr. Nasser Bin Ghaith** and **Ahmed Mansoor** (more information on these cases below).

³⁴*Roads to Reform: The Enduring Work of the Saudi Association for Civil and Political Rights*, ADHRB, 1 March 2017, http://www.adhrb.org/wp-content/uploads/2017/03/2017.3.1_ADHRB_Roads_Web.pdf

³⁵"ADHRB Condemns Raif Badawi's Continued Imprisonment in Saudi," ADHRB, 17 June 2017, <http://www.adhrb.org/2017/06/adhrb-condemns-raif-badawis-continued-imprisonment-saudi/>;

"Saudi Arabia: Release blogger Raif Badawi, still behind bars after five years,"

Amnesty International, 16 June 2017, <https://www.amnesty.org/en/latest/news/2017/06/saudi-arabia-release-blogger-raif-badawi-still-behind-bars-after-five-years/>

³⁶"Case History: Samar Badawi," Frontline Defenders, 2017, <https://www.frontlinedefenders.org/en/case/case-history-samar-badawi>

³⁷"Kuwait: Nawaf Al-Hendal arrested after speaking at 28th session of UN Human Rights Council," Gulf Center for Human Rights (GCHR), 24 March 2015, <http://www.gc4hr.org/news/view/960>

³⁸*KWT 3/2016, Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders*, OHCHR, 6 October 2016, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=3353>

³⁹"The Trial of the 94," ADHRB, 21 August 2015, <http://www.adhrb.org/2015/08/the-trial-of-the-94/>; "UAE: Unfair Mass Trial of 94 Dissidents," Human Rights Watch, 3 April 2013, <https://www.hrw.org/news/2013/04/03/uae-unfair-mass-trial-94-dissidents>

In **Egypt**, at least **37** human rights defenders and organizations are facing ongoing judicial harassment and restrictions to their freedom of association and movement. These organizations and individuals include: the Cairo Institute for Human Rights Studies (CIHRS), the Egyptian Initiative for Personal Rights (EIPR), the Arab Network for Human Rights Information (ANHRI), the Hisham Mubarak Law Center (HMLC), Nazra for Feminist Studies, the Egyptian Centre for the Right to Education (CRE), the Arab Center for the Independence of the Judiciary and the Legal Profession (ACIJLP), and the Land Center for Human Rights (LCHR). In addition, there has been an asset freeze imposed on **11** human rights defenders and family members within the framework of criminal case No. 173/2011, known as the “civil society case”. The defendants include seven human rights defenders: **Hossam Bahgat**, founder of EIPR, **Gamal Eid**, Director of ANHRI, **Moustafa El Hassan**, Director of HMLC, **Abdel Hafiz Tayel**, Executive Director of CRE, and **Bahey Eldin Hassan**, Director of CIHRS.⁴⁰

In addition to its use of the Penal Code to settle scores with rights activists and critical journalists in **Morocco**, the government increasingly *takes the law in its own hand* and assaults peaceful demonstrators, stifles basic human rights enshrined in the Constitution, and even ignores court decisions, including cases won by the Moroccan Association for Human Rights (AMDH), the country’s largest and most independent organization. ⁴¹

Several public activities of AMDH have been arbitrarily banned, and many of its members assaulted and harassed by the police or jailed over the past years. Other NGOs, including branches of AMDH, the Maghreb Coordination of Human Rights Organizations and Freedom Now, established by prominent journalists and rights defenders, such as Khadija Riadi, Maati Monjib and Ali Anouzla, are still denied legal registration. So is the Collective of Sahrawi Human Rights Defenders (CODESA). Foreign journalists as well as human rights researchers have either been expelled from Morocco and the Western Sahara or denied an entry visa.

IX. Online Surveillance and Restrictions on Online Activism

As the MENA states have established broader restrictive frameworks to constrain freedom of expression, they have specifically sought to monitor and ultimately criminalize critical online speech.

In November 2016, **Bahrain** brought the charge of “misusing a telecommunications appliance” against prominent human rights lawyer **Mohamed Al-Tajer**, for example, after he discussed the danger of authorities intercepting communications in a private WhatsApp group.⁴² The authorities have repeatedly subjected al-Tajer to other forms of judicial harassment, including travel bans, and they have arbitrarily detained his brother since November 2015.⁴³ Similarly, Bahraini security forces rearrested BCHR President **Nabeel Rajab** on 13 June 2016 on a series of charges related solely to social media posts and television interviews.

⁴⁰ “Egypt: Ongoing harassment and restrictions to freedom of association faced by human rights defenders and organizations”, FIDH, 29 August 2017, <https://www.fidh.org/en/issues/human-rights-defenders/egypt-ongoing-harassment-and-restrictions-to-freedom-of-association-20434>

⁴¹ <https://www.hrw.org/news/2017/02/20/morocco-obstruction-rights-group>

⁴² “Bahrain: Human Rights Lawyer Charged,” Human Rights Watch, 1 December 2016, <https://www.hrw.org/news/2016/12/01/bahrain-human-rights-lawyer-charged>

⁴³ “Ali Al-Tajer: Government Reprisal in Bahrain,” ADHRB, 26 May 2016, <http://www.adhrb.org/2016/05/ali-isa-ali-al-tajer-government-reprisal-bahrain/>

He faces up to 18 years in prison and may be prosecuted on additional charges stemming from letters he published in the *New York Times* and *Le Monde*.⁴⁴ The authorities have held Rajab in extended solitary, pretrial detention in unhygienic conditions, causing his health to seriously deteriorate.⁴⁵ On 28 May 2017, after being summoned by the National Security Agency (NSA) in Muharraq, blogger **Hassan Al-Sharqi** declared in his last tweet (https://twitter.com/Hassan_Alsharqi) that he will stop tweeting. Reports conformed that he was insulted, beaten and ordered by a security officer to stop his online activities.⁴⁶

Other cases here

In **Saudi Arabia**, security forces also arrest human rights defenders, journalists, and dissidents under cybercrime and anti-terror laws designed to restrict free expression. Writer **Raif Badawi** is currently serving a 10-year prison term with 1,000 lashes for establishing an online forum for political and religious discussion.⁴⁷ Badawi was initially arrested in June 2012 and his family has since fled Saudi Arabia for asylum in Canada. Human rights defender and writer **Nadhir Al-Majid** is also serving a seven year prison term in Saudi Arabia. On 18 January 2017, the Specialised Criminal Court in Riyadh sentenced him to seven years' imprisonment followed by seven years of a travel ban in addition to a fine of 100,000 Saudi Rials. Reports have confirmed that the writer was alone during the hearing and not accompanied by his family or his lawyer. The charges against him included failing to obey the ruler, participating in demonstrations, writing articles supporting protests (dating back to 2007), in addition to having contact with correspondents of foreign news agencies - namely Reuters, AFP, and CNN.⁴⁸

The **UAE** has one of the most pervasive and invasive surveillance apparatuses in the world, and it has used it to track and target government critics. On 29 March 2017, an Emirati court sentenced prominent academic **Dr. Nasser Bin Ghaith** to ten years in prison over social media message he posted and his alleged association with two political groups classified as extremist organizations by the government. Officials initially arrested Dr. Bin Ghaith without charge in August 2015 and forcibly disappeared him until April 2016. He claims he was tortured during his detention.⁴⁹ Most recently, Emirati authorities arrested award-winning human rights defender **Ahmed Mansoor**, on 20 March 2017. He is facing charges related to free expression, including using social media websites to “publish false information that harms national unity.”⁵⁰ On 28 March, a group of UN Special Procedures called on the UAE government to release him immediately, describing his arrest as “a direct attack on the legitimate work of human rights defenders in the UAE.”⁵¹

⁴⁴ “NGOs send letter to UN on 1-year anniversary of the arrest of Nabeel Rajab,” ADHRB, 13 June 2017, <http://www.adhrb.org/2017/06/ngos-send-letter-un-1-year-mark-arrest-nabeel-rajab/>

⁴⁵ “Nabeel Rajab: Defence and Diplomats Walk Out Of Court During Political Trial As Sentencing Looms,” Bahrain Institute for Rights and Democracy (BIRD), 14 June 2017, <http://birdbh.org/2017/06/nabeel-rajab-defence-and-diplomats-walk-out-of-court-during-political-trial-as-sentencing-looms/>

⁴⁶ Bahrain: Relentless persecution, including torture and sentencing, of human rights defenders continues unabated Gulf Centre for Human Rights <http://www.gc4hr.org/news/view/1607>

⁴⁷ “ADHRB Condemns Raif Badawi’s Continued Imprisonment in Saudi,” ADHRB, 17 June 2017, <http://www.adhrb.org/2017/06/adhrb-condemns-raif-badawis-continued-imprisonment-saudi/>; “Saudi Arabia: Release blogger Raif Badawi, still behind bars after five years,”

Amnesty International, 16 June 2017, <https://www.amnesty.org/en/latest/news/2017/06/saudi-arabia-release-blogger-raif-badawi-still-behind-bars-after-five-years/>

⁴⁸ Saudi Arabia: Court of Appeal upholds 7-year sentence against writer Nadhir Al-Majid

⁴⁹ “UAE Sentences Dr. Nasser bin Ghaith to 10 Years in Prison,” ADHRB, 29 March 2017, <http://www.adhrb.org/2017/03/uae-sentences-dr-nasser-bin-ghaith-10-years-prison/>

⁵⁰ “Rights groups call for UAE gov. to release HRD Ahmed Mansoor,” ADHRB, 20 April 2017, <http://www.adhrb.org/2017/04/rights-groups-call-uae-gov-release-hrd-ahmed-mansoor/>

⁵¹ “UN rights experts urge UAE: “Immediately release Human Rights Defender Ahmed Mansoor,” OHCHR, 28 March 2017,

Emirati authorities have repeatedly targeted Mansoor for reprisal and have consistently attempted to hack into his personal electronic devices.⁵² His whereabouts remain unknown.

In **Egypt** during February 2017, **Abd Al-Aziz Mahmoud** was arrested on allegations of administering a Facebook page “Soldiers Against the Coup”, accusing him of inciting violence against state institutions (military and the police), and insulting the President. Mahmoud was prevented from having his lawyer present or informing his family of his whereabouts, in a blatant violation of the Constitution and the law, and he was put in pre-trial detention. In the same month, **Amr Mahmoud** was arrested from a coffee shop in Downtown Cairo, and he was accused of publishing false news on Facebook. In March of this year, Mohamed Abd Al-Aziz was sent to a year in prison after being arrested from his place of work, allegedly protested without police permission, published false news and information on Facebook, and administered online pages that incite violence against state institutions.⁵³ As well, in May of this year, the Egyptian government has been consistently blocking websites in Egypt without any official announcement of the intent behind these actions, 114 websites have been blocked since May 2017, according to a recent report.⁵⁴ The blocked websites include those of Egyptian newspapers that have license to conduct their work, such as Mada Masr, all Al-Jazeera websites, and Egypt Daily News.

Reporters without Borders recently quoted *Agence France-Presse* and many observers in the City of Al Hoceïma in Morocco, as saying that Internet connections “have been slowed down and have at times been cut off altogether, and the telephone network has been disrupted throughout the city, complicating the work of journalists.”

On 24 July 2017, a court of first instance in Al Hoceïma sentenced Elyes Aklouche, a young blogger, to eight months in prison and 20,000 dirhams, and confiscated his mobile phone for “incitement against the Kingdom’s territorial integrity” and “incitement to rebellion and unauthorized protests.” These charges stemmed from “opinions he expressed on Facebook about the Rif protests”, according to news reports.

X. Legal Analysis

International Human Rights Conventions and Treaties

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21449&LangID=E#sthash.FnE5F2aO.dpuf>

⁵² “The ‘Million Dollar Dissident’ Is a Magnet for Government Spyware,” Motherboard-Vice, 26 August 2016, https://motherboard.vice.com/en_us/article/ahmed-mansoor-million-dollar-dissident-government-spyware

⁵³ “The quarterly report on the status of freedom of expression in Egypt”, AFTE, 22 May 2017, https://afteegypt.org/afte_releases/2017/05/22/13021-afteegypt.html?lang=en

⁵⁴ “Decision from an Unknown Body: On blocking websites in Egypt”, AFTE, 4 June 2017, https://afteegypt.org/right_to_know-2/publicationsright_to_know-right_to_know-2/2017/06/04/13069-afteegypt.html?lang=en

I. Conclusions

The undersigned organisations call on the United Nations special rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression to use the information included in this letter in his actions and reports in order to make governments in MENA region, guarantee in all circumstances that all human rights defenders in the region are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.

II. Information on Preparers and Submitting Organizations

This statement was prepared and co-signed by the following MENA members of IFEX:

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