

## **Saudi Human Rights Defender risks imprisonment for Cooperating with the UN Human Rights Council**

The Cairo Institute for Human Rights Studies (CIHRS) and partners<sup>1</sup>, and in accordance with Human Rights Council (Council) resolution 18/118, wishes to address the topic of reprisals against Saudi individuals and groups following their cooperation with the United Nations. Particularly, we would like to direct the Council's attention to the acts of reprisals carried out against prominent human rights defender Dr. Mohamed Fahad Al Qahtani<sup>2</sup>. We recall that this is not the first case of reprisals occurring in the Kingdom, as highlighted by the ongoing detention of Mr. Fadhel Al Manasif, (A/HRC/18/19, paras. 62-68; A/HRC/21/18, paras. 63-64). Dr. Al Qahtani's prosecution and Mr. Al Manasif's prolonged detention, both for providing information to the UN human rights mechanisms, are striking examples of a generalized crackdown on human rights defenders and democracy advocates in Saudi Arabia.

The Saudi authorities appear to have responded to the wave of protests and uprisings sweeping through the Arab region since the beginning of 2011, by increasingly resorting to oppressive practices against domestic reform initiatives. As a consequence, rights activists face a vast array of acts of intimidation, such as arbitrary arrests – often resulting in unfair trials and prolonged periods of detention –, lengthy interrogation sessions or travel bans, and trials before exceptional courts which lack fair trial standards. The accusations against them, which usually include “distorting the reputation of the country”, “affiliation with suspicious groups” or “stirring up civil strife” “establishing organizations without authorization and, most recently, “provoking international organizations to adopt stances against the Kingdom.” clearly indicate that they are targeted because of their human rights work. These types of legal charges are often rubber stamped by a judiciary that lacks sufficient due process guarantees and is often deeply influenced by the executive branch of the government.

Strikingly, the only legal basis invoked to condemn human rights defenders is a vague article of the Anti-Cyber-Crime law, which forbids the “[p]roduction, preparation, transmission, or storage of material impinging on public order, religious values, public morals, and privacy, through the information network or computers.” This underlines that the authorities' primary objective is that of “information management”, as is the case with Dr. Al Qahtani and Mr Al Manasif, who are persecuted for having provided information to the UN. A violently suppressed protest movement – highlighted by numerous families but completely absent from the media – in one of the Kingdom's largest prison, Al Hair, close to Riyadh, shows the alarming efficiency of their methods.

### **Charges Laid Against Dr. Al Qahtani**

Dr. Mohamed Fahad Al Qahtani, 46, co-founder and board member of the Saudi Civil and Political Rights Association (ACPRA), is considered one of the most prominent rights advocates in Saudi Arabia. Since the establishment of ACPRA in 2009, he and his colleagues have been diligently documenting cases of human rights violations in the Kingdom, with a particular focus on the thousands of cases of arbitrary detentions.

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<sup>2</sup> see A/HRC/21/18, paras. 25-38

In order to raise awareness about the consistent pattern of arbitrary arrests and detention, ACPRA contributed to numerous submissions to the UN Special Procedures, in particular the Working Group on Arbitrary Detention, which, in 2011 alone, issued over 10 opinions regarding cases of arbitrary detentions in Saudi Arabia. More recently, the said Working Group noted “with concern a consistent pattern of arbitrary arrests and detention in Saudi Arabia as well as a silence on the part of the Government by not availing itself of the opportunity to respond to allegations set forth by the source and presented to this group” in its Opinion 8/2012, issued on 2 May 2012. Dr Al Qahtani also met with staff members of the Special Procedures during a visit to Geneva in December 2011.

In recent years, Dr Al Qahtani has been repeatedly subjected to pressure by the Saudi authorities due to his work. Most recently, he was summoned to the Public Prosecutor’s office in Riyadh for several interrogation sessions from 20 March 2012 onwards. This process has now resulted in a set of charges, of which Dr Al Qahtani was formally notified on Monday, 18 June 2012, when he was brought before the Riyadh Trial Court. Most notably, Dr Al Qahtani stands accused of providing ‘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”. This charge, along with the charge of “provoking international organizations to adopt stances against the Kingdom”, which also relates to his work with the UN, leaves no doubt that his is a case of reprisal as defined by resolution 12/2.

Dr. Al-Qahtani’s trial is due to resume at the beginning of September 2012. Based on article 6 of the abovementioned Anti-Cyber-Crime Law, he could - if found guilty - serve up to five years in prison and face a heavy fine of up to 3 million SAR (about 800’000 USD). In addition, it is expected that an eventual prison sentence will be followed by a travel ban of up to five years, now a commonly practice used against activists and defenders.

### **Related Cases of Repression against Human Rights Defenders**

Unfortunately, Dr Al Qahtani is not the only member of ACPRA facing persecution and even though there are no such clear facts indicating that they are punished for interacting with the UN, they have been contributing substantially to ACPRA’s work on arbitrary detention in Saudi Arabia. Another of ACPRA’s co-founders, Dr. Abdullah Al Hamid, for example, was presented with a list of 8 charges during a hearing in front of the Riyadh Criminal Court on 11 June 2012. All of the charges relate directly to his exercise of basic rights and freedoms, including, as for the others, “participating in establishing a rights organization without authorization.” With regard to this common accusation, it should be noted that no official process of registering NGOs exists in Saudi Arabia. People who intend to establish an organization usually send notification letters to the King or other institutions. Such requests either receive no response or – as in the case of Al Adala Center for Human Rights - are refused registration under the pretext that human rights organizations are not stipulated in the rules of procedures of the association laws. Dr. Al Hamid’s trial is scheduled to resume together with the trial against Dr Al Qahtani on 1 September 2012. If found guilty, he also risks a harsh prison sentence.

Mr. Mohamed Saleh Al Bjady, also a member of ACPRA, was arrested following his participation in a demonstration against arbitrary detention on 21 March 2011. More than a year later and after several months of incommunicado detention, he was sentenced to 4 years of imprisonment, to be followed by a 5-year travel ban, by the Special Criminal Court in Riyadh. The legal proceedings against Mr Al Bjady were conducted in the complete absence of legal counsel of his choice and in exclusion of the public, including his relatives. Currently, he is serving his term in Al Hair prison, which has been cordoned off by special security forces since prisoners started to protest in the middle of July 2012.

Other human rights advocates concerned by the series of trials against human rights defenders are Messrs Mekhlef Al Shemari and Waleed Abul Kheir, head of an organization called Monitor of Human Rights in Saudi Arabia (MHRSA). The latter is also undergoing trial for “defamation against the judiciary” and “harming the reputation of the Kingdom by disseminating false information to international organizations.”

In light of these grave acts of repressions against human rights defenders in Saudi Arabia, particularly reprisals against those who interacted with the UN human rights mechanisms, CIHRS, Alkarama and the GCHR recommend the following:

- The UN Human Rights Council, as recommended in the report on the cooperation with the United Nations, its representatives and mechanisms in the field of human rights presented to the Council by the Secretary-General at its 21<sup>st</sup> session, should underscore Saudi Arabia’s obligation “to investigate any alleged acts of intimidation and reprisal and ensure that they report back to the Human Rights Council on their action in this context” (para. 73).
- The President of the Human Rights Council, as recommended in the abovementioned report, should condemn these acts of intimidation and harassment as should the Bureau and members of the Council address these reprisals in a robust and consistent manner.
- More specifically, we take this opportunity to directly call on the Saudi authorities to ensure that all charges against Dr. Al Qahtani and other human rights defenders are dropped. Moreover, we call on the Saudi authorities to “prevent and refrain from all acts of intimidation or reprisal” in order to comply with Human Rights Council Resolution 12/2.