Written evidence from the Gulf Centre for Human Rights and ALQST (GMF0040)

1. Written evidence submitted by Melanie Gingell for Gulf Centre for Human Rights (GCHR) and Josh Cooper for ALQST on threats to journalists, human rights defenders (HRDs) and online activists related to violations of freedom of expression, focused on eight countries in the Middle East.

Introduction to our organisations

2. **GCHR** is an independent NGO that provides support and protection HRDs in order to promote human rights, including but not limited to freedom of expression, association and peaceful assembly. GCHR, founded in 2011 and based in Lebanon, documents the environment for HRDs in the Middle East focused on Bahrain, Kuwait, Iran, Iraq, Jordan, Oman, Qatar, Saudi Arabia, Lebanon, Syria, the United Arab Emirates and Yemen. Our vision is to have vibrant civic spaces in the region in which human rights are fully respected and HRDs, including journalists, bloggers and Internet activists, can work free from oppression and fear. As we write this submission, we particularly remember our advisory board members and co-founders currently detained in prisons in the Gulf states for their peaceful and legitimate expressions of opinion.

3. **ALQST** (pronounced ‘al-kist’, meaning ‘justice’), is an independent NGO that advocates for human rights in Saudi Arabia. Since it was established in 2014, ALQST has played an active role in monitoring and researching violations, assisting victims, and advocating and campaigning for human rights in Saudi Arabia. We defend fundamental rights for all without any distinctions of race, sex, gender, colour, religion or language. By doing so, the value of human rights, dignity and fairness for all shall be reached.

Overview

4. The **2019 Global Press Freedom Index** published by Reporters Without Borders indicates the severity of the restrictions on journalistic freedom in the Middle East. Out of 180 countries, those eight mentioned in this report are ranked at: Syria 174th, Saudi Arabia 172nd, Yemen 168th, Bahrain 167th, Iraq 156th, the UAE 133rd, Oman 132nd, and Kuwait 108th.

5. Following the 2011 Arab Spring, media oppression in the Middle East skyrocketed as authoritarian rulers realised the threat that journalism poses to their control. In states across the region post-2011 we have seen a shift in attention away from traditional media outlets towards citizen journalists.

6. The two most prominent methods of control are: 1) The oppression and silencing of HRDs, journalists and online activists by means of threats, ostracisation, surveillance, imprisonment and torture. 2) State control over citizen journalists’ social media output. This is enacted through the employment of consultancy firms and security agencies to exert influence over social media platforms at the corporate level.

7. This shift of focus towards citizen journalists and social media control necessitates particular scrutiny of “cyberlaws” in the Middle East, where national cybercrime legislation and specialised police departments have been created. These departments are primarily concerned
with monitoring, filtering and prosecuting netizens, HRDs, journalists and bloggers for exercising their online freedom of expression and opinion. In countries without cybercrime laws, police cybercrime departments are used to prosecute online activists, who can be charged for threatening national security, defamation of religion, etc.

8. In June 2018, GCHR produced a report, *Mapping Cybercrime Laws and Violations of Digital Rights in the Gulf and Neighbouring Countries*, presenting a snapshot of the most problematic aspects of national cybercrime laws across the region. It uses two indicators: the CIVICUS Monitor (https://monitor.civicus.org/), for which GCHR is a research partner, and the Freedom House Internet Freedom Score. With the insight of these two indicators, the report demonstrates that lack of online freedom and respect for digital rights is key to understanding and reporting on governments’ wider crackdown on journalists, civic space and activism. Indeed, governments across the region keep a close eye on those who are active in cyberspace, including journalists, to target them or use their work to justify reprisals.

*Country Overviews*

9. **Bahrain:** Prominent human rights defender Nabeel Rajab, co-founder of GCHR and President of the Bahrain Center for Human Rights, was arrested on 01 October 2014 and sentenced to six years in prison for tweets critical of the Ministry of Interior (for which he was later pardoned). Rajab was arrested and sentenced again on 13 June 2016 for publishing “fake news” about torture in Jaw prison and for tweeting about atrocities of the Saudi-led airstrikes on Yemen which were deemed as “offending a foreign country” under the Bahraini Criminal Code. He is serving five years in prison for those tweets in addition to two years for media interviews.

10. Freedom of expression is routinely violated and media freedom is severely curtailed. In 2017, Bahrain’s only independent newspaper, *Al-Wasat*, was forcibly closed, and the Ministry of Information Affairs refused to renew the licenses of journalists working for foreign news agencies, including Nazeefa Saeed, of Radio Monte Carlo Doualiya and France24, who was convicted and fined for working for international media outlets without a license – even though her application was refused. Furthermore, following a failed court case, there has been no justice for Saeed, who was tortured in prison in 2011.

11. **Iraq:** For bloggers, citizen journalists and traditional media, self-censorship is an important method of control as they are only too aware of the consequences of crossing well-established but unwritten red lines. Those who cross the line face the most severe penalties including assassination by non-state actors. The ongoing impunity enjoyed by perpetrators results in a fatal continuum of violence for journalists across the region. The assassination of Dr. Alaa Mashthob Abboud in Iraq on 2 February 2019 is an example. On 06 June 2019, journalist Haidar Al-Hamdani published a video on Facebook revealing the alarming threat "Wanted for Blood," a term often used to threaten people during disputes between Iraqi tribes, painted in large red letters on the front door of the home rented for his family in Al-Rumaitha.

12. **Kuwait:** The trial of Sarah Al-Drees is emblematic of wider legal issues facing journalists and HRDs in the Gulf. The Al-Drees trial observation report concludes that the democratic opening in 2011 was followed by a narrowing of space for citizen journalists and free expression in general – not least through the closure of independent media like *Al-Yawm*. 
13. The issue of the rights of the Bedoon (the large group of stateless people) remains off the table in the media, and over a dozen activists were jailed in July 2019, including leading Bedoon activist Abdulhakim Al-Fadhli. The courts are full of cases of netizens and activists being prosecuted for criticising the Emir or the state; and the Emir lies beyond even the mildest public reproach.

14. **Oman**: All Gulf States have severe restrictions on freedom of expression but in Oman the restrictions are increasing, and the *Azamn* case is a classic example of attacks on newspapers. On 14 January 2018, a new penal code came into force doubling prison terms for criticising the Sultan of Oman and imposing maximum terms of three years for publishing “false or tendentious news” and “spreading provocative propaganda”. Similar provisions exist in the CyberCrime Laws of 2016, which were used to permanently shut down *Azamn*, the country’s leading opposition newspaper which operated out of three offices in the country with over 80 staff, including 15 journalists. Three senior journalists were prosecuted for publishing a story about corruption by the head of the Supreme Court, senior officials and their interference in judicial decisions, in a trial perceived as unfair, according to a trial observation report by GCHR and partners.

15. **Saudi Arabia**: The Saudi government exerts total control over all domestic media, and prevents activists and independent journalists from expressing their views. The authorities have targeted a number of websites and Internet accounts by blocking and hacking them, and have contracted foreign companies to carry out cyber espionage and hacks. The authorities routinely hack websites and block those that might be of interest to the public, such as the websites of ALQST, GCHR, Amnesty International, and all sites that might contain material critical of the Saudi regime.

16. The authorities have not only escalated their war on free speech but also cracked down harshly on those calling for it. The Saudi authorities systematically harass, prosecute and convict anyone exercising their rights to freedom of expression. Many journalists, bloggers, online activists and HRDs are serving long-term prison sentences, including human rights defender Waleed Abu Al-Khair, blogger Raif Badawi, and journalist Alaa Brinji.

17. These individuals are convicted under draconian laws that are used to stifle freedom of expression in the kingdom, including the Anti-Cybercrime Law (2007) and the Counterterrorism Law of 2014 (amended in 2017), on charges including “inciting chaos,” “jeopardising national unity,” and “harming the image and reputation of the king and the state.” Many are tried in the Specialised Criminal Court, set up in 2008 to hear terrorism cases.

18. Since 2017, in particular, increasing numbers of bloggers, journalists and citizen journalists, have been arrested. Leading women’s rights activists and bloggers were arrested between May and July 2018, including activist Loujain Al-Hathloul, blogger Eman Al-Nafjan and journalist Dr. Hatoon Al-Fassi. Some women were subjected to torture and ill-treatment, and over a dozen are now on trial on charges relating to their human rights activism, including contacting foreign journalists. Many remain in prison. At least four more journalists were arrested in the latest wave of arrests in April 2019.

19. There has been a rise in the practice of enforced disappearance in Saudi Arabia, including Yemeni writer and journalist Marwan Al-Muraisi and Saudi journalist Turki Al-Jasser, who have been disappeared since June and March 2018 respectively. In May 2019, Al-Muraisi
was finally permitted to contact his family and let them know that he is alive, but his location remains unknown. There has not been any news whatsoever on Al-Jasser.

20. The brutal extrajudicial killing of Saudi journalist Jamal Khashoggi in October 2018 shone a light on Saudi Arabia’s total crackdown on freedom of expression, including abroad. On 26 June 2019, the UN Special Rapporteur on extrajudicial, arbitrary or summary killings, Agnes Callamard, presented her report into the murder of Jamal Khashoggi. It concluded that Khashoggi was the "victim of a premeditated extrajudicial execution... overseen, planned and endorsed" by high-level officials including the Crown Prince.

21. **Syria**: Syria is one of the most dangerous places to be a journalist, HRD, blogger or social media activist. They face harassment, beatings, torture and imprisonment, and a shocking number of journalists and online activists have been murdered, whether in prison or through targeted assassinations like radio show host Raed Fares, murdered in Idlib in November 2018. Some reports put the number of media workers killed in detention over 50, in addition to many assassinated on the job with impunity. Citizen journalist Ali Mahmood Othman died in prison in December 2013, but his family was only informed recently. Around 700 media workers have been killed and over 400 detained since 2011.

22. **United Arab Emirates (UAE)**: Ahmed Mansoor, a member of both GCHR’s Advisory Board and Human Rights Watch Middle East and North Africa Advisory Committee, is an internationally recognised HRD based in the UAE and a recipient of the prestigious Martin Ennals Award, currently detained in Al-Sadr prison in Abu Dhabi on a 10-year sentence. He was the last working HRD at the time of his arrest.

23. Mansoor first came to prominence after his imprisonment as a member of the ‘UAE Five’ during the 2011 popular movement. Then in 2016, Mansoor was the target of a highly sophisticated attempt at remote hacking by the UAE which would have enabled the state to turn his phone into “a digital spy in his pocket, capable of employing his iPhone’s camera and microphone to snoop on activity in the vicinity of the device, recording his WhatsApp and Viber calls, logging messages sent in mobile chat apps, and tracking his movements.” The technology used by the UAE is Pegasus – a “government-exclusive lawful intercept spyware product” sold by the Israeli/American NSO Group, now owned by European private equity firm Novalpina Capital, based in London and founded by British businessman Stephen Peel. While the NSO Group is usually described as an Israeli organisation, this umbilical link to the UK necessitates our democratic attention. In 2016-17 Mansoor was the target of another clandestine surveillance and hacking operation by Emirati contractor DarkMatter.

24. In 2017, Mansoor was detained again, and then sentenced in 2018 to 10 years on accusations of slandering the state on social media. He remains imprisoned and has served much of his sentence in solitary confinement in conditions which a fellow prisoner described as “medieval”, in a report published by GCHR. Political/diplomatic intervention is therefore urgent.
25. **Yemen:** In Yemen, the free press faces extinction. After more than four years of war, journalists risk the perils of reporting in a conflict zone as well as the threats and violence emanating from the authorities and all parties to the conflict. In June 2019, GCHR spoke to Sami Ghalib, formerly editor in chief of the now closed *Al-Nida*. Ghalib told GCHR: “The situation for journalists in the Middle East is a miserable one. On the one hand there are the extreme violations against journalists, the physical threats, but also on the other hand we are not afforded the right to access information or the freedom to criticize institutions. In Aden for example, you cannot even write something critical of Saudi Arabia and the UAE, if you do you have nowhere to publish it. You have a formal government and an actual ruler in Aden who is backed by the Emirates. In these cases, the journalist is facing internal and external threats from several countries and governments which limits what can be said to the extreme.”

26. In June 2017, GCHR and Mwatana Organisation for Human Rights published a report on the situation for journalists in Yemen which remains relevant today. It records numerous verbatim accounts from Yemeni journalists of their daily struggle to report the news.

**Recommendations**

GCHR and ALQST express deep concern for the protection of journalists, HRDs and online activists in the Gulf region in light of everything set out above. We have particular concern for the status of digital rights. We further believe that because of the close engagement between the UK and Middle Eastern countries, based not only on the previous colonial relationship but also on the current trading relationship, particularly the arms trade, the UK has a responsibility to support those who accept risk in order to express free opinions in a way that liberal democracies such as the UK claim to celebrate and hold dear. The UK has a responsibility to promote free media in the Middle East. Therefore, we recommend:

1. **To the UK government:**
   - Provide support for projects and initiatives to reopen independent newspapers online, including expert technical and financial support, and digital security training;
   - Press counterparts in the Gulf regions to:
     - Repeal repressive articles in cybercrime laws, press and media laws and the penal code which are used to prosecute the exercise of digital rights and freedom of press.
     - Rescind prison sentences for the exercise of digital rights by HRDs, bloggers, journalists and netizens critical of corruption, violations of human rights and wars.
     - Refrain from imposing any form of network disruption, in order to protect human rights, especially in conflict-torn regions.

2. **To Internet Service Providers (ISPs) everywhere:**
   - Develop a code of conduct and consumer protection regulations that observes human rights in business and does not infringe upon netizens’ digital rights.
3. To all States:

We reiterate the recommendations made in June 2019 at the Global Media Freedom Conference by 36 NGOs calling on all States to:

- Publicly condemn acts of violence against journalists and media freedom violations whenever they occur online or offline and ensure impartial, thorough, independent, effective and transparent investigations into all such incidents;
- Immediately and unconditionally release all journalists imprisoned for their work. Set up national multi-stakeholder expert panels to review all legislation that can be used to harass, imprison, or otherwise target journalists, and bring legislation in line with international freedom of expression standards, including by providing effective safeguards against abuse;
- Investigate all murders of journalists and media workers. Ensure that investigations are sufficiently and effectively resourced, timely, and re-opened if necessary. The aim should be to substantially increase the percentage of prosecution of all those responsible for the murders of journalists and media workers;
- Refrain from targeting and denigrating the media, online or offline;
- Adopt and fund the proposal made by the UN Special Rapporteur on Extrajudicial Killings to reinforce the capacity of the UN to investigate violence against journalists by establishing a standing instrument for the investigation of violent crimes against journalists and media workers targeted for their work;
- Ensure that all media workers, including newsgatherers, freelance reporters, citizen journalists, fixers, field producers, translators, and drivers, are included in any initiatives for the protection of journalists;
- Provide visas to journalists at risk to enable them to participate in safety training, and provide asylum when appropriate;
- Ban the export, sale, transfer, use, or servicing of privately developed surveillance tools, often used to target journalists, and facilitate the export and import of personal protective equipment (PPE) without military authorization;
- Expedite the implementation of effective access to information laws and practices, as agreed in target 16.10 of the Sustainable Development Goals, including by providing adequate funding and technological support and resourcing independent oversight;
- Commit to transparently expediting implementation of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, including through the establishment of effective national safety mechanisms and a stronger, more robust, accountable, and accessible political coordination of focal points in relevant U.N. agencies and programs;
- Support and sustain the work of the media community, civil society, and academia in the promotion and protection of media freedom, the safety of journalists, the financial and economic sustainability of media, an enabling and pluralistic media environment, and access to information, especially in time of digital disruptions.

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