

**AMNESTY
INTERNATIONAL**



Re: Gulf Cooperation Council Summit

April 19, 2016

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Ave NW
Washington DC 20500

Dear President Obama,

I am writing to urge you to put human rights at the heart of your agenda at your meeting with the leaders of the Gulf Cooperation Council (GCC) in Riyadh on April 21, 2016. As the GCC's key international partner on security, you are in a unique position to act to halt the slide into deep repression taking place across the region.

In particular, I urge you to address repression of freedom of expression and the abusive use of criminal justice systems in the name of security, and violations of international humanitarian law by the Saudi Arabia-led coalition in the Yemen conflict.

In recent years, GCC leaders have aggressively stifled dissent, often under the pretext of 'national security.' Last year you told the *New York Times* that you believed the GCC's greatest security threat stems from the dissatisfaction of their populations, including from a sense that there is no political outlet for grievances. This meeting is an opportunity for you to convey directly to the leaders of the GCC states the paramount importance of respect for human rights.

Silencing such voices – whether human rights defenders, activists, online commentators, journalists or opposition figures – has become routine in the GCC. All six states use vaguely framed provisions relating to national security, along with flawed judicial systems, in order to harass, detain, put on trial, and imprison political activists and human rights defenders. Across the GCC, human rights defenders face judicial harassment and other reprisals for their domestic human rights advocacy, engagement with UN human rights mechanisms, or engagement with the international human rights community.

Individuals should not fear imprisonment for posting a peaceful statement on a social networking platform. And social commentators, journalists and political and human rights activists should be able to peacefully express themselves without undue restriction or fear of reprisal. I urge you to seek public commitments from each of the leaders to reform their criminal justice systems to ensure that GCC states no longer criminalize peaceful expression, association or assembly.

I also ask you to seek the immediate and unconditional release of the many prisoners of conscience from across the region detained solely for peacefully exercising their right to freedom of expression. I attach a list of individuals who need your intervention. The imprisonment of some of these people

has rightly sparked international outrage, while the cases of others – like **Fadhel al-Manasif**, serving a 14-year sentence for highlighting discrimination against Saudi Arabia’s Shia minority; UAE lawyer and reform activist Dr Mohammed al-Roken, serving ten years; or Bahraini doctor Dr Ali al Ekri, serving five years in jail for treating protesters - are less well-known.

I further urge you to press GCC leaders publicly to end violations of international humanitarian law in the Saudi Arabia-led coalition’s military campaign in Yemen. Airstrikes by the coalition have been responsible for the majority of the more than 3000 civilians killed in the Yemen conflict. Many died or were injured in attacks that violated international humanitarian law, including some possible war crimes. As a key ally of Saudi Arabia and one its largest suppliers of arms, the US could send a powerful message that violations by the coalition must stop by suspending the transfer of arms for use in Yemen. By continuing to supply the coalition with arms for use in Yemen, the US risks complicity in violations of international humanitarian law and possible war crimes. As a first step, you should cancel the \$1.29 billion arms sale to Saudi Arabia that was notified to Congress on November 13, 2015. The arms deal violates your own policy on arms sales and provides thousands of bombs and warheads to a government that unlawfully targets civilians. We further urge you to support the establishment of an independent international mechanism to investigate alleged serious violations of international humanitarian law and international human rights law by all parties to the conflict.

I attach detailed human rights analysis and recommendations in relation to the GCC states.

Yours sincerely,



Margaret Huang
Executive Director
Amnesty International USA

Annex 1: Individuals designated by Amnesty International as prisoners of conscience in the GCC states, detained solely for the peaceful exercise of their right to freedom of expression.

Bahrain

- Dr 'Ali al-Ekri (<https://www.amnesty.org/en/documents/mde11/058/2012/en/>)
- Ahmad Fardan (<https://www.amnesty.org/en/documents/mde11/3393/2016/en/>)
- 'Abdelwahab Hussain (<https://www.amnesty.org/en/documents/mde11/053/2012/en/>)
- Mohammad 'Ali Ridha Isma'il (<https://www.amnesty.org/en/documents/mde11/053/2012/en/>)
- Mohammad Hassan Jawad (<https://www.amnesty.org/en/documents/mde11/053/2012/en/>)
- Zainab al-Khawaja (<https://www.amnesty.org/en/documents/mde11/3701/2016/en/>)
- Abdulhadi al-Khawaja (<https://www.amnesty.org/en/documents/mde11/053/2012/en/>)
- Abdullah al-Mahroos (<https://www.amnesty.org/en/documents/mde11/053/2012/en/>)
- Abdel-Jalil al-Miqdad (<https://www.amnesty.org/en/documents/mde11/053/2012/en/>)
- Mohammad Habib al-Miqdad (<https://www.amnesty.org/en/documents/mde11/053/2012/en/>)
- Fadhel Abbas Mahdi Mohamed (<https://www.amnesty.org/en/documents/mde11/3622/2016/en/>)
- Hassan Mshaima' (<https://www.amnesty.org/en/documents/mde11/053/2012/en/>)
- 'Abdul-Hadj 'Abdullah al-Mukhodher (<https://www.amnesty.org/en/documents/mde11/053/2012/en/>)
- Sa'eed Miraza al-Nuri (<https://www.amnesty.org/en/documents/mde11/053/2012/en/>)
- Sheikh 'Ali Salman (<https://www.amnesty.org/en/documents/mde11/2882/2015/en/>)
- Dr Saeed al-Samahiji (<https://www.amnesty.org/en/documents/mde11/3527/2016/en/>)
- Ebrahim Sharif (<https://www.amnesty.org/en/documents/mde11/3525/2016/en/>)
- Dr Abdel-Jalil al-Singace (<https://www.amnesty.org/en/documents/mde11/053/2012/en/>)

Kuwait

- Musallam al-Barrak (<https://www.amnesty.org/en/documents/mde17/1872/2015/en/>)
- Abdullah Fairouz (<https://www.amnesty.org/en/documents/mde17/2987/2015/en/>)
- Hamad al-Naqi (<https://www.amnesty.org/en/documents/mde17/2987/2015/en/>)

Oman

- Saeed Jaddad (<https://www.amnesty.org/en/documents/mde20/2974/2015/en/>)
- Talib al-Ma'mari (<https://www.amnesty.org/en/press-releases/2014/10/oman-release-politician-jailed-taking-part-environmental-protest/>)

Saudi Arabia

- Saleh al-Ashwan (<https://www.amnesty.org/en/latest/news/2014/10/muzzling-dissent-saudi-arabia-s-efforts-choke-civil-society/>)
- Raif Badawi (<https://www.amnesty.org/en/latest/news/2015/06/saudi-arabia-every-lash-of-raif-badawi-defies-international-law/>)
- Alaa Brinji (<https://www.amnesty.org/en/latest/news/2016/03/saudi-arabia-journalist->

- [sentenced-to-five-years-in-prison-for-tweets-latest-victim-of-ruthless-crackdown/](https://www.amnesty.org/en/documents/mde23/004/2014/en/)
- Dr Abdullah al-Hamid (<https://www.amnesty.org/en/documents/mde23/004/2014/en/>)
- Abdulrahman al-Hamid (<https://www.amnesty.org/en/documents/mde23/2663/2015/en/>)
- Fowzan al-Harbi (<https://www.amnesty.org/en/documents/MDE23/033/2014/en/>)
- Waleed Abu al-Khair (<https://www.amnesty.org/en/documents/mde23/003/2015/en/>)
- Dr Abdulkareem al-Khoder (<https://www.amnesty.org/en/latest/news/2015/10/saudi-arabia-prisoner-of-conscience-latest-to-be-convicted-in-counter-terror-purge-of-human-rights-ngo/>)
- Dr Zuhair Kutbi (<https://www.amnesty.org/en/documents/mde23/3193/2016/en/>)
- Fadhel al-Manasif (<https://www.amnesty.org/en/documents/mde23/008/2014/en/>)
- Dr Mohammad al-Qahtani (<https://www.amnesty.org/en/documents/mde23/004/2014/en/>)
- Sheikh Suliaman al-Rashudi (<https://www.amnesty.org/en/press-releases/2015/11/saudi-arabia-un-expert-working-group-highlights-appalling-record-on-unlawful-detention-of-peaceful-activists/>)
- Abdulaziz al-Sunaidi (<https://www.amnesty.org/en/documents/mde23/2856/2015/en/>)

UAE

- Dr. Nasser Bin Ghaith (<https://www.amnesty.org/en/documents/mde25/2299/2015/en/>)
- Dr. Mohammed al-Mansoori (<https://www.amnesty.org/en/documents/mde25/013/2014/en/>)
- Osama al-Najjar (<https://www.amnesty.org/en/documents/mde25/023/2014/en/>)
- Dr. Mohammed al-Roken (<https://www.amnesty.org/en/documents/mde25/013/2014/en/>)

Annex 2: Human rights and the April 2016 GCC summit

The US government must speak out for human rights in the GCC states, including respect of peaceful expression, association and assembly and the development of civil society; and press for full adherence to international humanitarian law in the conflict in Yemen.

Key human rights concerns in the GCC states include:

- The **criminalization of peaceful expression, association and assembly**, and the arrest, trial and imprisonment of those expressing opinions at variance with dominant social and political views, including those that criticize government policies or leaders' conduct or state sanctioned/tolerated corruption;
- The harassment, intimidation and prosecution of **human rights defenders**, including those who work with international human rights bodies such as the UN or international human rights organizations, in order to marginalise, isolate and silence them; the creation of obstacles in the form of withholding of state papers such as 'no objection [to work] certificates;' the imposition of travel bans and other state-sanctioned measures;
- The practice of **enforced disappearance** of those arrested on often vaguely-formulated accusations relating to 'national security;' and their detention in unknown locations for prolonged periods of time, beyond the reach of law, prior to charging them;

- The use of **unfair trial procedures** marked by arbitrary arrest; limited or complete denial of access to family and independent legal representation of one's choice; limited time to prepare a defense on charges that often do not meet minimum international standards for what constitutes a criminal offence, whether in respect to defamation or in relation to 'national security;'
- The use of **torture and other ill-treatment** in pre and post-trial detention, sometimes in order to secure "confessions" which are then used as a basis for convictions; implementation of corporal judicial punishments such as flogging which violate the prohibition of torture and other ill-treatment;
- The **failure to independently and effectively investigate human rights violations** by state authorities and to hold accountable those responsible;
- The **implementation of new counter-terrorism and cyber-crime laws** that restrict fundamental rights to peaceful expression, association and assembly and which pave the way for the harassment, prosecution and imprisonment of political activists and human rights defenders in the name of 'security;'
- The **stripping of nationality and expulsion** for politically motivated reasons in contravention of international human rights laws;
- Discrimination against **women** in law and practice, particularly in relation to family matters such as marriage, divorce, child custody and inheritance, and inadequate protection against sexual and other violence;
- Discrimination against **minority communities** such as the Shia community in Saudi Arabia's Eastern province, who face entrenched discrimination that limits their access to state services and employment; and
- The widespread **exploitation of migrant workers**, despite labor laws which should provide protection against such abuse. The *kafala* ("sponsorship") system of employment in place across the region facilitates human rights violations including forced labor and human trafficking.

Specific human rights concerns and cases relating to freedom of expression, association and assembly within the six GCC member-states

In April 2015, the President stated his belief that the GCC's greatest security threat stemmed from dissatisfaction inside their own countries, including from alienated, unemployed youth and a sense that there was no political outlet for grievances.

The phenomenon the President identified in 2015 has further intensified. The GCC states have aggressively stifled freedom of expression, imposing criminal charges, lengthy prison sentences and travel bans, rooted in spurious claims of 'national security', against those who express critical or dissenting views peacefully. Silencing such voices – whether human rights defenders, activists, online commentators, journalists or opposition figures – has become routine in the GCC.

All six GCC states use vaguely framed provisions relating to national security, along with flawed judicial systems in order to harass, detain, try and imprison not just political activists, but also human rights defenders. Across the GCC, human rights defenders face judicial harassment and other reprisals, including for their participation in UN human rights mechanisms, human rights NGOs, or for seeking to communicate with or travel to engage with the international human rights community.

In **Bahrain**, freedoms of expression, association and assembly have continued to be curtailed, with laws which criminalize peaceful freedom of expression and a ban on protests in the capital, Manama, remaining in place. As those taking to the streets to peacefully protest can no longer do so legally, many activists have turned to social media to express their dissent. This has resulted in an increased crackdown on online criticism of the Bahraini authorities or its “brotherly nations,” in particular, Saudi Arabia and Yemen. The crackdown on dissent includes the imprisonment of the political opposition leaders Sheikh ‘Ali Salman, Secretary General of al-Wafaq National Islamic Society, Fadhel Abbas Mahdi Mohamed, former Secretary General of The Unitary National Democratic Assemblage (*al-Wahdawi* party) and Ebrahim Sharif, former Secretary General of National Democratic Action Society (*Wa’ad*). Other prisoners of conscience include Abdulhadi al-Khawaja and 10 other opposition activists who have been imprisoned since 2011; Zainab al-Khawaja, who is in prison with her two-year old son for ripping up photos of the King, amongst other freedom of expression related convictions; Dr ‘Ali al-Ekri, imprisoned for treating injured protesters during the 2011 protests and criticizing the excessive force used by the armed forces against them; and Dr Sa’eed al-Samahiji, imprisoned for his criticism of the execution of prominent Saudi Arabian Shi’a cleric Nimr al-Nimr at the beginning of 2016.

The Bahraini authorities have increasingly resorted to stripping citizens of their nationality through arbitrary decisions by the Ministry of Interior or through court decisions, mostly in cases where defendants were convicted of terrorism-related offenses. At least 208 Bahrainis, including nine children, had their nationality revoked in 2015, many of whom only have Bahraini nationality and have effectively been rendered stateless. Between February and March 2016, four Bahrainis were expelled.

Despite pledges from the authorities to prosecute security forces responsible for human rights violations in 2011, very few have been brought to justice and those who were, including those who fatally shot protesters, were either acquitted for “self-defense” or given token sentences that did not reflect the gravity of the violations. The use of torture and ill-treatment continues to be documented, in particular at the Criminal Investigations Directorate. Institutions such as the Special Investigations Unit and Ministry of Interior’s Ombudsman have failed to independently investigate and hold perpetrators to account and in spite of these institutions.

The **Kuwait** authorities use a web of vaguely-worded laws relating to criminal defamation and national security to detain and convict critics. Opposition figures, activists, human rights defenders and journalists have faced a revolving door of imprisonment, release and prosecution on new charges. Political activist Musallam al-Barrak, was imprisoned on the basis of a speech that did not incite to violence or hatred. Microblogger and human rights advocate Abdullah Fairouz is serving jail sentences amounting to three and half years at Kuwait Central Prison because of tweets he sent more than two years ago that contained no more than the peaceful exercise of his right to freedom of expression. The recently enacted Cybercrime Law looks set to further undermine the exercise of the right to peaceful expression.

The government of **Oman** uses arbitrary arrest and periods of incommunicado detention in order to harass and silence activists and specific users of social media platforms. During 2014 and 2015, Amnesty International recorded at least 21 cases in which activists or users of social media faced arrest and detention. The government imposed travel bans, and an online journal decided to close due to pressure endured by its staff. Human rights activist Saeed Jaddad and former Shoura Council member Talib al-Ma’mari, were imprisoned for the exercise of their right to freedom of

expression and are prisoners of conscience. In recent years, Omani human rights activists have sought asylum outside Oman to avoid persecution and arrest at home.

Amnesty International welcomes the March 2016 release by the Government of **Qatar** of poet Mohammad al-'Ajami. He was serving a 15 year prison term following his arbitrary arrest in 2011 and a grossly unfair trial based on his alleged 'insult' of the Emir of Qatar. Amnesty International condemns the unfair trial and convictions of Filipino migrant workers Rafael Alamares, Abdullah Chua and Ronaldo Ulep. The Qatar government should release them, accord them reparations, and order a retrial of Ronaldo Ulep and ensure that no "evidence" obtained by torture is admitted.

In **Saudi Arabia**, despite the country's election to the UN Human Rights Council in 2014, the government's crackdown on all forms of dissent has only accelerated in recent years, with nearly all of the country's independent human rights activists having been imprisoned, harassed and intimidated into silence, or forced to flee. Dozens of human rights defenders, peaceful activists and dissidents remain behind bars, including blogger Raif Badawi and his lawyer Waleed Abul-Khair, the first human rights defender to be sentenced under Saudi Arabia's counter-terror law, in force since February 2014. Most of the founding members of the now-disbanded Saudi Civil and Political Right Association (ACPRA) – one of the country's only independent human rights organizations – are serving lengthy prison sentences for their peaceful human rights work, including Dr Abdulrahman al-Hamid and Dr Abdulkareem al-Khoder who were sentenced to nine and 10 years in prison respectively in late 2015 after unfair trials at the Specialized Criminal Court (SCC), a secretive counter-terror court. Most human rights defenders detained for their peaceful activism experience incommunicado detention for periods ranging from a few days to several months before they are brought to trial, and some report that they are tortured or otherwise ill-treated.

The 2014 counter-terror law has also been used to crack down on dissident Shi'a Muslims criticizing discrimination against members of their community, including by sentencing them to death after unfair trials at the SCC. On 2 January 2016, Sheikh Nimr Baqir al-Nimr, a prominent Shi'a Muslim cleric and vocal critic of the Saudi Arabian government, was executed alongside 46 others, following his conviction in political and grossly unfair trial at the SCC. Sheikh Nimr's nephew Ali al-Nimr is also now at risk of execution, having been arrested in 2012 at the age of only 17 after taking part in anti-government rallies in the country's predominantly Shi'a Muslim Eastern Province. He was convicted alongside two other juvenile offenders, Dawood al-Marhoon and Abdullah al-Zaher, all of whom were denied access to their lawyers throughout pre-trial detention and say they were tortured into "confessing."

The government of the **United Arab Emirates**, also a member of the UN's Human Rights Council, has undertaken a sharp clampdown on freedom of expression and association since 2011. The authorities have arbitrarily arrested scores of activists, including human rights defenders and political activists. Many have been subjected to prolonged enforced disappearance followed by unfair trial. The government has tried cases such as these in unfair mass trials that have resulted in convictions of up to 15 years. A total of 94 individuals (the "UAE94") were accused of seeking to overthrow the government and subjected to a grossly unfair mass trial. Dr Mohammed al-Roken and Dr. Mohammed Al-Mansoori are prisoners of conscience currently languishing in Emirati jails. Others include judges, academics, and student leaders, some of whom have faced torture following imprisonment. Economist and social commentator, Dr. Nasser Bin Ghaith, whom the authorities tried unfairly and convicted in 2011, was subject to an enforced disappearance in August 2015.

Amongst dozens of foreign nationals held on grounds of 'national security', the government is currently prosecuting US-Libyan Kamal Eldarat and his son Mohammed Eldarat and Canadian/Libyan Salim al-Aradi. Amnesty International has received reports that UAE officials tortured them in order to elicit 'confessions' that have been relied on in court.

The UAE government has stripped tens of people of their nationality and has deported at least one person. The 2012 Cybercrime and 2014 Anti-Terrorism Laws pave the way for further restrictions on expression.

Violations of international humanitarian law in the conflict in Yemen

More than 3,000 civilians have been killed in the Yemen conflict. The Saudi Arabia-led coalition's airstrikes have been responsible for the majority of these civilian deaths. There have been thousands of such airstrikes across the country.

Amnesty International has documented at least 32 air strikes across the country by the Saudi Arabia-led coalition that appear to have violated international humanitarian law. The strikes killed at least 361 civilians including at least 127 children, and some appear to have deliberately targeted civilians and civilian objects, such as hospitals, schools, markets and mosques, which may constitute war crimes. Coalition forces used imprecise munitions including US designed/produced bombs with a wide impact radius, which cause casualties and destruction beyond their immediate strike location, and in Sa'da and Hajar in the north of the country, they also used US-made cluster munitions, inherently indiscriminate weapons whose use is prohibited under customary international humanitarian law, and which scatter bomblets over a wide area and present an ongoing risk to civilians as they frequently fail to detonate upon impact.

The pattern of attacks and the lack of investigations to date into such incidents raises serious concerns about an apparent disregard for civilian life and for fundamental principles of international humanitarian law both by those planning and executing the attacks and by the exiled Yemeni government, at whose behest coalition forces are acting.

The President should call publicly on members of the GCC, and in particular, Saudi Arabia, to fully comply with the relevant provisions of international humanitarian law in the planning and execution of any military operations in Yemen by ensuring that civilians and civilian objects are not targeted, and ending indiscriminate or disproportionate attacks; and to allow full and unfettered access to organizations providing impartial humanitarian aid.

As a key ally of Saudi Arabia and one its largest supplier of arms, we further call on you, Mr. President, to halt transfers of arms for use in Yemen by the parties to the conflict to ensure that no weapons, munitions, military equipment or technology, or logistical and financial support for such transfers, are supplied directly or indirectly to any party to carry out attacks in the country. This should be in place for as long as there is a substantial risk that the arms would be used for serious violations of international law. By continuing to supply the coalition with arms for use in Yemen, the US risks complicity in violations of international humanitarian law and possible war crimes.

As peace talks take place to try to bring the conflict in Yemen to an end, we urge the US to support an independent international mechanism to investigate alleged serious violations of

international humanitarian law and international human rights law by all parties to the conflict in Yemen since the beginning of hostilities in September 2014, with a view to ensuring that those responsible are brought to justice in fair trials and full reparation is provided for victims and their families.

Key human rights asks of the GCC states

We call on the US government to press GCC leaders to:

- Make a public commitment to a reform of GCC criminal justice systems and laws to ensure that no one can be imprisoned for his or her peaceful expression;
- Guarantee that individuals speaking out to promote or protect human rights and fundamental freedoms can do so without fear of arrest or reprisal;
- Release all prisoners of conscience, notably those named above;
- Repeal or reform 'anti-terror', 'cybercrime' and other legislation that restricts freedom of expression, association and assembly;
- End the practice of enforced disappearance;
- End the use of torture in detention and ensure that torture-tainted evidence is inadmissible in court;
- Investigate allegations of torture and other ill-treatment and bring to justice those suspected of responsibility in fair trials;
- Restore the citizenship of those arbitrarily stripped of their nationality;
- Reform laws that restrict freedom of association and facilitate the creation of an independent civil society;
- Fully comply with the relevant provisions of international humanitarian law in the planning and execution of any military operations in Yemen; allow full and unfettered access to organizations providing humanitarian aid; and support the establishment of independent international mechanism to investigate allegations of serious violations by all parties to the conflict.