



**Report: Online European Parliamentary Briefing Event –
“Behind Bars: When the Law is Turned into Repression”**

The Case of Egypt, Saudi Arabia and United Arab Emirates

09 November 2022 18:00 – 19:00

Hosted by Hon Pierfrancesco Majorino, Member of the European Parliament

ONLINE EUROPEAN PARLIAMENTARY BRIEFING

8 November 2022 18:00 - 19:00 (Brussels time)

BEHIND BARS:

WHEN THE LAW IS TURNED INTO REPRESSION

The cases of Egypt, Saudi Arabia and United Arab Emirates

CHAIR

Pierfrancesco Majorino, MEP

DEVE vice chair, ING2 & DMED member

PANELISTS

Jess Kelly

Journalist, wife of Karim Ennarah, Egyptian Initiative for Personal Rights (EIPR)

Ahmed Al Nuaimi

UAE Human Rights activist

Lina al-Hathloul

Head of Monitoring and Communications at ALQST For human rights, sister of women's rights activist Loujain al-Hathloul

CLOSING REMARKS

Niccolò Figà-Talamanca

Secretary General, No Peace Without Justice

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- Italian



Facebook livestream

- English
- Italian



YouTube livestream

- English



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Overview

Following the brief period of hope for democratic reforms and advancement of individual, political and economic human rights in the Middle East and North Africa, which swept the Region in early 2011, restoration of the old power structures came back with a vengeance. While certain countries of the Region have been engulfed in open war, such as Syria, Libya and Yemen; others, such as Bahrain and Egypt, have witnessed the violent repression of the popular movements which led to the Arab Spring. The few countries that did not experience unrest and strife, such as Saudi Arabia and the United Arab Emirates, did so by exporting political instability abroad and strengthening their use of the judiciary, coupled with a massive and intrusive use of new technologies as a tool of oppression of any kind of dissent.

The continued and intensifying crackdown by state authorities and security forces on the fundamental rights of human rights defenders, journalists, bloggers, trade unionists, women's rights activists, political opponents and their family members, and civil society organisations in Egypt, Saudi Arabia and UAE represent a broader pattern of intimidation and repression of the whole society.

The ruthless use of the judiciary and its subjugation to the will of those in power - including the practice of continuously postponing hearings to keep people in pre-trial detention indefinitely; the harsh, unjust and unjustified sentences handed down to opposition figures for exercising their universal rights, including freedom of expression; the continued detention of human rights activists, even after these unfair sentences have been served – is the common denominator in Egypt, Saudi Arabia and UAE, which amounts to a use of the judiciary as a tool of oppression, leading to a phenomenon also known as *rule by law*, as opposed to *rule of law*, which incorporates a non-independent judiciary into the repressive machinery of the regimes.

The cases of Ahmed Mansoor in UAE, Loujain al-Hathloul in Saudi Arabia and Karim Ennarah and Patrick George Zaki in Egypt, are only illustrative cases of the political use of the law for curbing fundamental rights, criminalising the work of human rights defenders and cracking down on the development of an independent and free civil society; in other words, to stop and eliminate any possibility for democratic development and enjoyment of fundamental freedoms.

Side Event Summary

1.1 The Participants

The event was hosted by Hon. **Pierfrancesco Majorino**, Member of the European Parliament and Vice - Chair of the EP Committee on Development (DEVE) and member of the EP Delegation to the Parliamentary Assembly of the Union for the Mediterranean (DMED). Hon. Majorino has always been committed to the defence of human rights and has followed the cases of both Giulio Regeni and Patrick Zaki very closely.

The panellists included Jess Kelly, Lina al-Hathloul and Ahmed Al Nuaimi. **Jessica Kelly** is a BAFTA nominated documentary filmmaker focused on the Middle East. Her husband is Karim Ennarah, the criminal justice unit director at the Egyptian Initiative for Personal Rights (EIPR). Mr. Ennarah was at a beach resort in South Sinai back in 2020 when he was arrested on allegations of “joining a terrorist group” and “spreading false news”. After global outcry, he was released but remains under a strict travel ban and assets freeze which prevent him from joining his wife in the UK or working with foreign partners.

Lina Al Hathloul is head of Monitoring and Communications at the Saudi independent and not-for-profit organisation ALQST for Human Rights. She is well-known for her relentless advocacy to free her sister, Loujain Al-Hathloul - Saudi women's rights activist that was arrested in 2018 for her activism to abolish the abusive male guardianship system and the driving ban on women. She was released after 3 years in prison on 10 February 2021, but lives under a travel ban and her suspended sentence means authorities could detain her at any time for perceived criminal activity.

Ahmed Al Nuaimi is an Emirati activist currently residing in the United Kingdom (UK). He has been unable to return to the UAE since 2012, out of fear of arrest after he got sentenced to 30 years in prison in the "UAE-94" case. His older brother, Khaled Al Nuaimi, is also one of the "UAE-94" dissidents and, although he has finished his sentence, he is still imprisoned. Ahmed's son, Muhammad Al Nuaimi, who had a cerebral palsy, had been placed under a travel ban as a form of reprisal for his father's activism and passed away in 2021 – 10 years after the last time he had seen his father.

Niccolò Figà-Talamanca, Secretary General of No Peace Without Justice, provided the closing remarks.

1.2 The Panel Discussion

Hon Pierfrancesco Majorino introduced the topic of discussion by underscoring how repressive models of governance are taking root in the absence of attention and intervention from the international community. Governments, institutions and the law have all been utilised as mechanisms of oppression for which members of civil society who dissent against the regime are to be dealt with. Hon Majorino stressed the importance of the work the panellists are doing, especially since international leaders are currently meeting in El-Sisi's Egypt for COP27. He highlighted that as we reflect on the statements made by the panellists, we need to remember that there are many victims of repression whose stories have not been told as many have lost their lives as a result of their advocacy efforts. The cases presented will prove how arbitrary uses of the judiciary and the laws have become a tool of repression in Egypt, Saudi Arabia and the United Arab Emirates. Although the cases in each country are different, the use of repression through the judiciary as a tool to deprive people of their freedoms is consistent. Thus, now is not the time to remain silent. At present, the European Parliament has made their position known in many cases of human rights violations and will continue to do so. Hon Majorino then invited the panellists to share their experiences in their respective countries.

Jess Kelly, began the panellist intervention by detailing her husband, Karim Ennarah's case in Egypt. While working as the director of the criminal justice unit at the Egyptian Initiative for Personal Rights (EIPR) regarding the death penalty, arbitrary arrests, and prison conditions; Karim was arrested for allegedly joining a terrorist group after attending a meeting with ambassadors from 13 countries including the United Kingdom. Typically in Egypt, political prisoners can be detained for months or years in pretrial detention, but as a result of international outcry, Karim was released after two weeks. Although no longer detained, Karim still bears the weight of the Egyptian government's crackdown – travel bans and asset freezes have been issued against him and his terrorism charges are still open. Travel bans have no legal framework governing them in Egypt. As such, they can be imposed for arbitrary lengths of time and can't be appealed under the law. According to Egyptian law, people should be given the opportunity to appeal asset freezes every three months, but as exemplified by Karim's case, this standard isn't always upheld. While these restrictions are more invisible and less life-threatening than prison, they still have devastating impacts on people's lives.

Lina al-Hathloul, then proceeded to share her sister's case, Loujain al-Hathloul, a prominent women's rights activist in Saudi Arabia who was detained for three years for her peaceful activism until her release in 2021. Although not officially charged, Loujain was placed in an unofficial prison for months, subjected to torture and placed in pretrial detention for almost a year. During her trial, sessions were indefinitely postponed despite lacking any legal justification. Eventually, she was sentenced as a terrorist, released from prison, and is now placed on a travel ban. Loujain's case is emblematic of the Saudi government's crackdown in May and June 2021 against activists and bloggers who peacefully expressed their opinions online. They include Rina Abdelaziz, Yasmine Al-Ghafaili and Lina al-Sharif, to name a few, all of whom remain in prolonged detention for more than a year after their arrests. Other prisoners of conscience who have been referred to courts continue to face endlessly prolonged trials and dozens of other detainees, including a number of minors, remain at risk of execution following grossly unfair trials. These practices are grave violations both of international human rights standards and of the Kingdom's own laws. Under the law of Criminal Procedure, the Public Prosecutor can extend detention for up to a maximum of 6 months, after which the detainee must be either released or referred to courts. However, Article 19 of the Counter-terrorism Law effectively removes the upper limits on pretrial custody for terrorism crimes, which can include activism efforts. Al-Hathloul highlighted a growing concern for harsh and unjust punishments in Saudi Arabia as a result of unprecedentedly long sentences for those exercising their freedom of speech. Two women's rights activists, Salma al-Shehab and Noura al-Qahtani, were sentenced to 34 and 45-year-long sentences respectively. As such, many awaiting trials are at risk of similarly unjust sentencing after their unfair convictions.

Ahmed Al Nuaimi, an Emirati activist and political prisoner sentenced in the infamous UAE94 case, attested to the current state of affairs for human rights advocates in the United Arab Emirates. 10 years ago, activists who called for democracy and freedom of speech in the UAE were met with an illegal and aggressive retaliation from the government, resulting in mass arrests. Now, all those detained under UAE94 who have completed their sentences remain imprisoned through the creation of Counselling Centers, including Al Nuaimi's brother. Counselling Centers are used as a means of extending prison sentences for arbitrary and indefinite lengths of time. Created under the sanction of state security, which is not beholden to the law, Counselling Centers have been able to operate without any judicial or executive checks. Since the pandemic, the situation within prisons has only worsened. Political prisoners have been denied access to visitors and their family members have been subjected to backlash.

Niccolò Figà-Talamanca from No Peace Without Justice highlighted the recurring theme in the panellists interventions: while they were all called and willing to become activists and advocate for the freedom of others, they were all advised not to make too much noise. He then asked the panellists how they made the difficult choice in deciding to speak out rather than be silenced by institutions and regimes.

Lina al-Hathloul stressed how her sister's story illustrates how the change of regimes impacted the relationship between the Saudi government and its people. Although Saudi Arabia has never been a democracy, there used to be ways of communicating with the government which no longer exist since Mohammed bin Salman came to power. Thus, it became imperative to speak up because the only way for justice to be achieved was to have the force of the international community. Because the government lacks legitimacy, the only way for Mohammed bin Salman to remain stable is to protect his image. So long as his image is broken, he remains responsive, to some degree, to civil society. As

such, it is important not only to have the stories of detainees dispersed around the world, but also to have the trust of Western politicians to recognize that Saudi citizens know what is best for their country.

Jess Kelly highlighted the difficulties entailed in striking the right balance through public outcry so that the cost for governments to keep political prisoners outweighs the apathy in releasing them.

Ahmed Al Nuaimi spoke from an emotional standpoint and stated that speaking out on behalf of detainees simply shows how much they are cared for by their loved ones.

Niccolò Figà-Talamanca illustrated the nature of indefinite sentencing in repressive regimes, where even when individuals have completed their harsh sentences, they are either still detained in unofficial prisons or they become prisoners in their own country after release. He then posed the final question to the panellists, asking what is the objective of these governments' repressive methods?

Lina al-Hathloul pointedly stated that the reason behind Saudi Arabia's actions is because these regimes lack legitimacy. Torture and the publicisation of tortuous methods are used to instil fear to prevent people from speaking out. If these governments were truly chosen by the people, they wouldn't be so vulnerable to the words of civil society.

Ahmed Al Nuaimi responded by stating that they built this model in response to fears that people might change. This repressive model ensures that people are too fearful to speak out against anything, including their needs, by exacting excessive and aggressive forms of punishment.

Jess Kelly simply stated that Egypt's motives stem from fear and paranoia.

Conclusion

The online parliamentary event offered an opportunity for a moderated panel to expose the practices and methods through which advocates, human rights defenders, and opposition figures are repressed and silenced by the very judicial and legislative tools which should protect and defend their fundamental human rights in Egypt, Saudi Arabia, and the United Arab Emirates. Closing the event, Hon Majorino highlighted that the very tools that should safeguard and protect fundamental human rights are the exact tools that are used to carry out harsh forms of repression. One of the root causes of repression in Egypt, Saudi Arabia, and the United Arab Emirates is paranoia. In order to tackle this growing paranoia, the international community must exert constant pressure on these repressive governments. While the actions of the international community have been just, they certainly have not been sufficient. For example, the European Parliament has repeatedly condemned and stigmatised, through Rule 144 and thematic hearings, the abuses and human rights violations carried out through the politicisation of the judicial power and the courts system by the regimes ruling in Egypt, Saudi Arabia and UAE. However, without a firm, strict, and consistent response, human rights defenders and political activists remain at the whims of authoritarian regimes. Raising awareness about the situation of political prisoners in conjunction with the force of the international community are needed to protect citizens against arbitrary sentencing, tortuous conduct, and familial backlash.

Livestreaming information

The event was livestreamed on social media and is available at the following links:

YouTube: <https://youtu.be/hbDikQHiXII> (English)

Facebook: <https://www.facebook.com/npwj.org/videos/924737988501631/> (Italian);
<https://www.facebook.com/npwj.org/videos/behind-bars-when-the-law-is-turned-intorepression-the-cases-of-egypt-saudi-arab/796255494787748/> (English)

Radio Radicale: <https://www.radioradicale.it/eventi/7994>