Who will be left to defend human rights? Persecution of online expression in the Gulf and neighbouring countries.
WHO WILL BE LEFT TO DEFEND HUMAN RIGHTS?

PERSECUTION OF ONLINE EXPRESSION IN THE GULF AND NEIGHBOURING COUNTRIES

NOVEMBER 2021

Gulf Centre for Human Rights
International Human Rights Law Clinic, Berkeley Law
THE GULF CENTRE FOR HUMAN RIGHTS

The Gulf Centre for Human Rights (GCHR) is an independent, non-profit NGO that provides support and protection to human rights defenders (HRDs) in order to promote human rights, including but not limited to freedom of expression, association and peaceful assembly. GCHR is based in Lebanon and documents the environment for HRDs in the Gulf region and neighbouring countries, specifically Bahrain, Kuwait, Iran, Iraq, Jordan, Oman, Qatar, Saudi Arabia, Syria, the United Arab Emirates and Yemen. GCHR was founded in 2011.

INTERNATIONAL HUMAN RIGHTS LAW CLINIC

The International Human Rights Law Clinic (IHRLC) designs and implements innovative human rights projects to advance the struggle for justice on behalf of individuals and marginalized communities through advocacy, research, and policy development. The IHRLC employs an interdisciplinary model that leverages the intellectual capital of the university to provide innovative solutions to emerging human rights issues. The IHRLC develops collaborative partnerships with researchers, scholars, and human rights activists worldwide. Students are integral to all phases of the IHRLC’s work and acquire unparalleled experience generating knowledge and employing strategies to address the most urgent human rights issues of our day.
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Gulf Centre for Human Rights
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Dedication
To human rights defenders in the Gulf states and neighbouring countries who, in the face of enormous obstacles, continue to struggle for human rights, and for a more just and equitable world.

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Number of incidents that fit the inclusion criteria of this study
INTRODUCTION

Between 01 May 2018 and 31 October 2020 there were five reported incidents in Qatar that fit this study’s inclusion criteria.1 Qatar is ruled by a constitutional emirate.2 These incidents provide credible evidence that Qatar has violated the freedom of online expression of human rights defenders (HRDs), including bloggers and journalists, who authorities viewed as criticising the government.

Officials punished these individuals and groups through criminal prosecution, fines, forced deactivation of Twitter accounts, summons, arrests (including arbitrary arrest and detention), and closing down organisations. While reporting does not identify the specific provisions enforced against defenders, the authorities in Qatar have enacted multiple laws that criminalise online expression.

Human rights advocacy is further limited in Qatar through the threat of surveillance, strict laws prohibiting collective political advocacy and associations, and the potential imposition of harsh penalties on the vast majority of Qatar’s population who are migrant workers. Based on this research, the government has violated its obligation to respect online freedom of expression and additional associated rights of HRDs. These violations also constitute breaches of the duty of the State, pursuant to the United Nations (UN) charter, “as the main duty-bearer” to ensure “defenders enjoy a safe and enabling environment” and that government institutions and processes “are aligned with their safety and the aim of their activities.”3

Qatar is party to several international human rights treaties protecting the right to freedom of expression, including the International Covenant on Civil and Political Rights (ICCPR).4 As a UN member State, Qatar is also bound by the UN Charter and has pledged to adhere to the principles reflected in the Universal Declaration of Human Rights (UDHR), including article 19, which enshrines the right to freedom of opinion and expression.5
LEGAL ENVIRONMENT FOR ONLINE EXPRESSION IN QATAR

While none of the documented cases collected for this report indicate which laws the government enforced against HRDs, international human rights bodies and experts have criticised several laws in Qatar that restrict human rights, such as the exercise of the right to online expression by HRDs, including journalists. These include the 2014 Cybercrime Prevention Act (“cybercrime law”), the 2004 Penal Code, the 1979 Press and Publications Law, and other laws that enable authorities to arbitrarily detain HRDs. In addition to this legal framework, the State Security Bureau has used its broad authority to detain individuals for online human rights advocacy. Civic space in Qatar is severely constrained, due to restrictions on the formation of civil society organisations, widespread government surveillance, and the threat of deportation that engagement in online human rights advocacy poses to Qatar’s majority, non-citizen population.

Laws Related to Online Expression

2014 Cybercrime Prevention Act

Qatar’s cybercrime law contains several vague and overbroad provisions, and one imposes criminal penalties, including imprisonment for defamation, contrary to Qatar’s obligations under ICCPR article 19. It also requires service providers to assist the State in surveilling online communications, including by blocking content and retaining user data. In its 2019 Universal Periodic Review, several countries and the UN High Commissioner on Human Rights urged Qatar to repeal or amend this law to meet its human rights obligations under ICCPR article 19. The Qatari government took note of, but did not accept these recommendations. As part of Qatar’s first upcoming ICCPR review, the Human Rights Committee explicitly asked the State in August 2020 to respond to the criticism that the cybercrime law, article 136 (bis) of the Penal Code, and the Press and Publications Law lead to “severe restrictions on the freedom of expression and opinion, including in relation to the sharing of information online” that are incompatible with Qatar’s commitments under the ICCPR.

Article 6 of the cybercrime law prohibits “set[ting] up or run[ning] a website to publish false news to threaten the safety and security of the state or its public order or domestic and foreign security” or “promot[ing], disseminat[ing] or publish[ing] in any way such false news for the same purpose.” Under both article 19 of the ICCPR and the UDHR, criminal laws that restrict freedom of expression must be sufficiently precise so as to enable individuals to determine how to comply with the law and to limit the discretion conferred on authorities enforcing it. Vaguely and broadly worded provisions have been found by UN Special Procedures mandate holders to violate this requirement, allowing authorities to use their excessive discretion to target protected expression, and encouraging individuals to engage in self-censorship. UN Special Rapporteurs have criticized as overly vague provisions that prohibit individuals from using the internet to “upset social order” or “harm the public interest”, or from publishing “articles or photos that could harm national security, public order, public health or public interest, incite violence, constitute sedition or have negative consequences for the financial climate of the country.” Similarly, international human rights experts, including the UN Special Rapporteur on freedom of opinion and expression (SR on FOE),
have urged States to abolish general prohibitions on disseminating “false news” because of their vagueness.\textsuperscript{16}

Article 8 of the cybercrime law punishes anyone who “violates social values or principles, [or] publishes news, photos or video or audio recordings related to the sanctity of people’s private or family life, even if the same is true.”\textsuperscript{17} Similar to article 6, this article is impermissibly vague and overbroad. Article 8 also imposes criminal penalties on anyone who “insults or slanders others.”\textsuperscript{18} The UN Human Rights Committee and the SR on FOE have cautioned that laws on defamation should be crafted carefully so that they do not restrict freedom of expression, and have recommended the decriminalisation of defamation.\textsuperscript{19} The UN Human Rights Committee has interpreted ICCPR article 19 to require that “the application of criminal law should only be countenanced in the most serious of cases, and imprisonment is never an appropriate penalty.”\textsuperscript{20} Finally, it has stated that defamation laws should include the defense of public interest in the subject matter of the criticism, the defense of truth, and, at least in the case of expression related to public figures, the defense of error.\textsuperscript{21}

Individuals convicted of offenses under these provisions could face significant penalties. Under article 6, if convicted of managing or creating a website with false news, individuals face sentences of up to three years in prison and/or a fine of up to QAR 500,000 (USD 138,000), while those convicted of spreading false news could receive an up to one year prison sentence and/or a fine of up to QAR 250,000 (USD 69,000).\textsuperscript{22} Article 8 offenses carry sentences of up to three years in prison and/or a fine of up to QAR 100,000 (USD 28,000).\textsuperscript{23} Under article 53, the court can close accounts or block websites involved in any offenses under the cybercrime law.\textsuperscript{24} Article 52 provides that non-citizens may be deported for any of the offenses found in the act.\textsuperscript{25}

\textbf{2004 Penal Code}

Several relevant provisions of Qatar’s Penal Code, promulgated in 2004, are inconsistent with the ICCPR because they are overly broad and vague. In 2020, Qatar amended its penal code to add article 136 (bis), which imposes criminal penalties on individuals publishing, broadcasting, or spreading false or biased information “with the intention of harming national interests, provoking public opinion, or violating the social system or public order of the state.”\textsuperscript{26} This article provides for sentences of up to five years in prison and a fine of up to QAR 100,000 (USD 28,000).\textsuperscript{27} The SR on FOE and the Special Rapporteur on human rights defenders (SR on HRDs) expressed concern about the amendment’s vagueness.\textsuperscript{28} The provision fails to define key terms like “national interests,” “public order,” “false,” “malicious,” “social system,” “rumours,” or “provoking public opinion,” which could “result in disproportionate restrictions on freedom of expression.”\textsuperscript{29} It does not identify when expression would be considered “fake news” that sought to harm national interests, who would decide if it were, and through what the process.\textsuperscript{30}

Article 136 of the Penal Code, which is distinct from the recently added article 136 (bis), allows the State to impose life imprisonment for anyone who “instigates by public means to overthrow the regime of the country, or conducts propaganda or calls by public means for the adoption of a doctrine aiming to destroy the fundamental values of the state, to change the social or economic system prevailing in the country by use of force or through any illegal means.”\textsuperscript{31} Article 134 criminalises anyone who publicly criticises or challenges the authority of the Emir and other members of the royal family.\textsuperscript{32} Individuals can be sentenced to up to five years in prison for this offense.\textsuperscript{33} The UN Working Group on Arbitrary Detention (WGAD) and several Special Rapporteurs have criticised “the vagueness of the[se] provisions and their overly broad application,” with WGAD urging Qatar to revise them to conform to human rights obligations.\textsuperscript{34} Specifically, they have condemned article 134 as incompatible with human rights law because it aims to silence criticism of a head of State, and it has been used to target HRDs.\textsuperscript{35}

Article 138 of the Penal Code punishes those who destroy or insult flags of Qatar, non-hostile countries,
and other international and regional organisations with up to three years in prison and/or up to QAR 200,000 (USD 55,000) in fines. The Human Rights Committee has noted concerns with laws prohibiting “disrespect for [State] flags and symbols” because they infringe on freedom of expression.

Finally, the Penal Code also includes criminal defamation provisions, which are inconsistent with the ICCPR. Articles 326, 327, and 330 criminalise defamation when accusing someone of a crime, defaming a public employee or their family’s reputation, or defaming or insulting someone in private, through phone, in a letter, or “in an indirect way.”

1979 Press and Publications Law

Qatar’s 1979 Press and Publications Law regulates the media. Article 46 makes it a criminal offense to criticise the Emir. Article 47 bars journalists “from publishing material that damaged the supreme interests of the country or anything that would offend public morals.” It also allows for imprisonment for libel in certain cases. The penalties for violating these provisions differ based on the activity, but they include sentences of between one and six months in prison and/or fines of QAR 1,000–300,000 (about USD 275–83,000), or other penalties outlined in the Penal Code. Additionally, a court may close a media outlet or publishing house convicted of these provisions, and double the sentences for repeated violations. These provisions are inconsistent with ICCPR article 19 because they are vague and overbroad, and/or prohibit expression critical of a public official.

Other relevant laws

Qatari authorities, including the State Security Bureau, have arbitrarily detained HRDs for exercising their right to freedom of expression online. Such actions are enabled by a number of laws that allow for detention, including the Law on the State Security Service, the Law on Protection of Community, and the Law on Combating Terrorism. The Law on the State Security Service (Law No. 5 of 2003) created the State Security Bureau and its powers to detain individuals engaged in “activities which are harmful to the security and stability of the state and its relationship with other countries,” as well as Qatar’s economy and resources.

The Law on Protection of Community (Law No. 17 of 2002) allows authorities to detain individuals on the basis of a well-founded belief they committed “crimes involving state security, honour, decency or public morals.” The Law on Combating Terrorism (Law 27 of 2019) allows authorities to investigate, detain and criminalise individuals suspected of terrorism or recruiting, assisting or inciting others for terrorist activities outside general procedures for criminal investigations. Article 4 specifies this law applies to activities online, while articles 24 and 25 authorise broad surveillance, including monitoring online communication and information systems, to investigate suspects. The UN WGAD expressed concerns with these three laws as they allow detention for vaguely worded offences. WGAD and the Committee Against Torture have criticised these laws for violating articles 9 and 14 of the ICCPR by providing broad executive powers to detain people for long periods without judicial oversight.

Policy and Political Environment

Limited civil society

Several additional Qatari laws limit freedom of association and restrict civic space, which in turn stifles human rights advocacy and online expression, as well as the reporting on such advocacy. Qatar has erected barriers to the formation and operation of advocacy groups, political organisations, and labour unions, particularly those led by and for non-citizens. Organisations are not allowed to engage in political activities, so civil society organisations that do exist often are focused on community, cultural or charitable activities. Consequently, the Gulf Centre for Human Rights (GCHR) has noted a “distinct lack of oppositional civil society and a dearth of human rights activism in the country.”

Qatari authorities further restrict online advocacy through laws and practices that force non-citizens to
choose between advocating for their human rights and facing deportation. Ninety percent of Qatari residents are non-citizens, and 71% are low-wage workers whose livelihoods depend on their continued employment in the country. These workers face serious human rights abuses as a result of what the Special Rapporteur on racism, racial discrimination, xenophobia and related forms of intolerance has described as a “de facto caste system based on national origin, which results in structural discrimination against non-citizens.” However, non-citizens, both migrant workers and non-citizens working on the human rights of migrant workers, risk their residency status, detention, and deportation for their advocacy and writing. The laws described above further enable these practices by giving Qatari authorities the power to deport individuals for online expression. The threat of deportation for human rights-related expression and organised advocacy risks interfering with the rights to freedom of expression, association, and peaceful assembly of non-citizen workers’ and HRDs.

**Surveillance**

The surveillance of HRDs impacts a number of interrelated human rights, including their rights to freedom of expression and opinion, to peaceful assembly and association, to religion or belief, and to privacy. The SR on FOE has noted that surveillance, if conducted for an unlawful purpose, “may be used in an effort to silence dissent, sanction criticism or punish independent reporting (and sources for that reporting).” This in turn has a chilling effect on expression and association.

Qatar has likely engaged in surveillance of residents, although the extent and priorities of this surveillance are unknown. Qatar appears to have purchased surveillance and censorship technologies from Danish, British, American, and Canadian companies, including FinFisher, Evident, Netsweeper, and Blue Coat ProxySG. The State also may have engaged in surveillance through ISPs, including Vodafone. In 2020, human rights organisations raised concerns about mass government surveillance through the EHTERAZ app, which the Qatari government required all citizens, residents, and visitors to download on their phones for contact tracing during the COVID-19 pandemic.

**Social media and internet**

Social media and internet usage in Qatar is high, reaching approximately 99% of the population. Of the 2.91 million people living in Qatar in January 2021, 2.88 million were internet users and 2.87 million used social media. While individuals in Qatar access many social media platforms, most of the cases identified for this report show that the Qatari government punished individuals for their expression on Twitter.
The reported incidents reveal that since May 2018, Qatar has targeted HRDs with various identities and relationships to the State—some who have consistently been critical of the government, and some who were otherwise supportive of it—but all of the targeted expression was perceived by Qatari authorities as critical of government policy. Some of these individuals are members of marginalised groups, such as stateless communities and women. Although reports of these cases do not describe specific charges, two identify the State Security Bureau and Cybercrime Police in the Ministry of the Interior as enforcement agencies. Individuals who faced violations of the right to freedom of expression often experienced additional rights violations, including arbitrary and incommunicado detention.

Violations of the Right to Freedom of Expression

*Targeting individuals for criticising government action or policy*

Across the reported incidents, officials targeted HRDs for their online expression politically critical of the Qatari government. This is inconsistent with article 19 of the ICCPR. On 04 October 2020, Mohammed Al-Sulaiti was detained by State Security Bureau officers and held incommunicado by the bureau for at least two weeks on unspecified “State Security Crimes.” While Qatari authorities have not revealed why Al-Sulaiti was targeted, his detention followed tweets criticising the government, and his Twitter account was deleted while Qatari authorities held him. Two years prior, Al-Sulaiti had been arbitrarily detained by Qatar’s State Security Bureau for five months. Following his release, Al-Sulaiti was subjected to a travel ban without legal justification or recourse. Leading up to his most recent detention, he had shared an Amnesty International statement about his travel ban online multiple times, criticised travel bans and government policy on social media, and launched a Twitter poll to connect with others who were impacted by travel bans. His case was also raised with WGAD. Al-Sulaiti’s case demonstrates the power the State Security Bureau—which reports directly to the Emir—has to enforce broad provisions allowing for long periods of administrative detention and restricting the right to freedom of expression online. Qatar’s imposition of this travel ban also raises concerns regarding its obligations to protect HRDs’ freedom of movement. Article 13 of the UDHR provides that “[e]veryone has the right to freedom of movement” as well as “the right to leave any country, including his own.” Similarly, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has criticised a trend of governments restricting the freedom of movement of civil society activists under the guise of national security concerns.

Authorities also targeted Faisal Muhammad Al-Marzouki, a Qatari writer and blogger, for online expression, specifically tweets to his nearly 195,000 Twitter followers, officials considered critical of the Qatari government. In June 2020, he tweeted “[n]othing equals the corruption of education,” criticising the Qatari education system. In a March 2020 comment on Qatari stock exchange management, he tweeted “[t]he crash continues, and the stock market is running like a donkey carrying travels.” Borrowing from a Quranic verse, this tweet criticised corruption...
in the management of the stock market by suggesting its managers are in charge of something they do not understand. Al-Marzouki received a three-year-suspended prison sentence, his Twitter account was seized, and he was fined QAR 30,000 (about USD 8,250). 89

Targeting marginalised groups for their online advocacy

The Qatari government has also breached its human rights commitments by targeting members of marginalised groups including women and stateless members of the Al-Ghufran clan. The UN Human Rights Council and the SR on FOE have emphasised the importance of ensuring the right of marginalised communities to exercise freedom of expression, and the SR on FOE has highlighted the value of the internet, particularly where marginalised communities can assert their rights and provide their perspectives in public debate. 90 Group arrests of marginalised groups engaged in collective advocacy also raise concerns regarding their rights to freedom of assembly and association. The UN Human Rights Council has emphasised that States have the obligation to respect and protect the rights to freedom of assembly and association both offline and online. 91 The UN Human Rights Committee has underscored that the protection of activities associated with the right to peaceful assembly, including information dissemination, communication between participants, and broadcasting, is crucial to the exercise of that right. 92

In 2019, Amnesty International reported the arbitrary detention of stateless members of the Al-Ghufran clan, who had “spoke[n] out on social media about their situation.” 93 Authorities later released them without charge. 94 Qatar stripped some Al-Ghufran clan members of their citizenship after they supported a failed coup in 1996. 95 Members of the Al-Ghufran clan face rights violations and restrictions in accessing housing, employment, healthcare, education, freedom of movement, and other areas due to their loss of citizenship, and they do not have access to a transparent process to gain or regain Qatari citizenship. 96 Targeting stateless members of this clan for discussing human rights violations against their community online illustrates Qatar’s failure to uphold its obligations under the ICCPR.

Human Rights Watch and others have reported that, in August 2019, Qatari authorities summoned at least one of the women activists behind the @QatarFem (Qatari Feminists) Twitter account, and also summoned her parents. 97 The summons was apparently due to the account’s tweets on women’s rights issues, including male guardianship rules, other discriminatory laws, and domestic violence, and tweets challenging Qatar’s suitability as host of the 2022 World Cup given its human rights record. 98 Qatar’s National Human Rights Committee identified the Cyber Crime Police of the General Directorate of Criminal Investigation of the Ministry of the Interior as the agency involved. 99 The @QatarFem account was reportedly shut down after this summons, though it is now an existing but locked account. 100 Under CEDAW, Qatar must protect the rights of women human rights defenders (WHRDs) to freedom of expression, including online expression, and freedom from arbitrary detention, 101 but by targeting feminist Twitter users for their online expression, Qatar is violating these obligations. The SR on FOE and the SR on HRDs have condemned attacks targeting WHRDs for their advocacy on the internet and noted the heightened vulnerability of women online. 102

Additional Human Rights Violations

Arbitrary deprivation of liberty is prohibited under article 9 of the ICCPR and customary international law, and is a jus cogens norm. 103 A deprivation is arbitrary including when it is without a legal basis as well as when it results from the exercise of freedom of expression. 104 As WGAD has reiterated, any measure
depriving an individual of liberty must meet strict standards of lawfulness, necessity and proportionality to avoid arbitrariness. Deprivations may be arbitrary when they are based on discriminatory grounds against HRDs and activists, violating the rights to equality before the law and the right to equal protection under article 26 of the ICCPR.

While there is limited information regarding many of the reported incidents, at least two involve arbitrary deprivations of liberty, including arrests and detentions. Qatari authorities arbitrarily detained several stateless members of the Al-Ghufran clan for online expression about their situation, and authorities also detained Mohammad Al-Sulaiti after he used social media to condemn the travel ban imposed on him.

Detained individuals may have experienced other due process violations. Fundamental principles of fair trials are protected under international law at all times. Individuals have universal rights to seek competent, independent, impartial judicial review of the arbitrariness and lawfulness of deprivations of liberty and to obtain without delay adequate and appropriate remedies.

The UN Working Group on Arbitrary Detention considers incommunicado detention a form of arbitrary detention. The SR against Torture has stated that “[i]n all circumstances, a relative of the detainee should be informed of the arrest and place of detention within 18 hours.”

Contrary to these obligations, the State Security Bureau subjected Al-Sulaiti to detention and Amnesty International reported there were no disclosed charges against him. He was unable to contest his detention, and he was denied meaningful access to his lawyer.

During his detention, Al-Sulaiti was also unable to communicate with his family for at least two weeks. Incommunicado detention “places an individual outside the protection of the law,” in violation of the article 6 of UDHR and article 16 of the ICCPR, protecting the right to be recognised as a person before the law. The Special Rapporteur against torture has observed that torture is “most frequently practiced during incommunicado detention,” and it is outlawed by international law. The UN Working Group on Arbitrary Detention considers incommunicado detention a form of arbitrary detention.
CONCLUSION AND RECOMMENDATIONS

The government of Qatar has enacted overly broad and vague laws and used arbitrary arrests and detention when enforcing these laws. The government reportedly has targeted and punished individuals for expressing criticism of government policies, speaking out about injustices they have faced personally, as well as speaking out about injustices experienced by members of marginalised groups in Qatar. Based on reported credible evidence, Qatar’s actions in these cases violate its international human rights obligations, particularly under ICCPR article 19, to protect the freedom of expression, including online expression.

To address these concerns, we offer the following general recommendations and country-specific recommendations.

General Recommendations

To Governments of Gulf States and Neighbouring Countries:

- Eliminate laws and articles in national legal frameworks that criminalise online freedom of expression protected under international human rights law, specifically:
  - All laws including anti-cybercrime, anti-terrorism, communications, media, penal, and technology laws that restrict online or offline expression through provisions to protect public order, national security, or the national economy; insults laws; and laws that criminalise fake news, that do not conform to international human rights standards and satisfy the principles of legality, legitimacy, necessity and proportionality;
  - Decriminalise the offense of defamation;
  - Revise anti-cybercrime laws to include affirmative protection for the legitimate online expression of HRDs, including journalists.
- Cease using deportation and travel bans as tools for targeting HRDs for their online human rights advocacy, and refrain from infringing on their right to freedom of movement.
- Reform legal institutions, including the criminal legal system, to promote the independence and autonomy necessary for:
  - Investigating human rights violations committed against HRDs by law enforcement, such as engaging in unlawful surveillance of HRDs, enforced disappearances, holding HRDs in unlawful detention, incommunicado, and subjecting them to ill-treatment and torture;
  - Ensuring that HRDs’, citizens’, and residents’ right to freedom of movement is not violated;
  - Ensuring the judiciary upholds international standards guaranteeing the right to fair trial.

To the UN Human Rights Council:

- Instruct the UN Office of the High Commissioner for Human Rights to undertake a study of the transnational cooperation among governments to affect the apprehension and rendering of foreign HRDs to their countries of origin for prosecution of online expression that is protected under international law.
- Instruct the UN Office of the High Commissioner for Human Rights to undertake a study to identify and track developments in the surveillance regimes in each State in the region. The governments in question should cooperate in this study. The study should identify third party actors including business enterprises and other States that contribute to advancing the surveillance infrastructure in each State concerned. State and non-State actors complicit in illegal surveillance of HRDs by governments should be held accountable.

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To All States:

• Implement an immediate moratorium on the use, acquisition, sale and transfer of surveillance technology. This moratorium should extend until adequate global controls and safeguards against abuse are in place.

Country Recommendations

In addition to the above recommendations, States should revise their domestic laws and institutions to ensure compliance with international human rights standards regarding online freedom of expression as indicated below.

We call on the government of Qatar to create a safe and enabling environment for HRDs including by taking the following steps:

• Eliminate laws and articles in Qatar’s legal frameworks that criminalise online freedom of expression protected under international human rights law, or that are inconsistent with the right to due process and a fair trial, including:
  - 2019 Law on Combating Terrorism, articles 4, 24, 25;
  - 2014 Cybercrime Prevention Law, articles 6, 8, 53;
  - 2004 Penal Code, articles 134, 136, 136(bis), 138, 326, 327, 330;
  - 2003 Law on the State Security Service, article 2;
  - 2002 Law on Protection of Community, article 1;
  - 1979 Press and Publications Law, articles 46, 47, 82–84.

• Eliminate the laws and articles in Qatar’s legal frameworks that restrict the labour rights of migrant low-wage workers and threaten them with deportation for advocating for their human rights online, including:
  - 2014 Cybercrime Law, article 52;
  - The Kafala system used for migrant workers, which underwent significant reform in 2019 and 2020, but continues to enable systemic rights violations of migrants.
Case information was compiled from the following international sources: Amnesty International, Al Jazeera, ARTICLE 19, British Broadcasting Corporation (BBC), Committee to Protect Journalists, Front Line Defenders, Gulf Centre for Human Rights, Human Rights Watch, and UN Communications to the State of Qatar. Researchers searched these sources for violations of freedom of expression online between 01 May 2018 and 31 October 2020. Researchers also searched for incidents in Qatari news sources: Gulf Times, Qatar Tribune, and The Peninsula. Using the search engine on each news source’s website, researchers ran searches with the following terms: Qatar, freedom of expression, online expression, cybercrime, human rights defender, internet, free speech, prosecution, jail, prison, arrest, activist, trials, social media, and censor. Researchers searched “Qatar” to find cases on human rights organisations’ websites. Once cases were identified, researchers conducted web searches using the names of those targeted to find more case details. See methodology section for more information.

Jill Ann Crystal & John Duke Anthony, Qatar: Government and Society, Britannica (June 26, 2021). This characterisation of the political system of the country is offered for descriptive purposes; a normative evaluation of the political system as such is beyond the scope of this chapter.


Article 21 of the cybercrime law requires service providers to block objectionable content based on judicial requests. They are also required to retain user information for a year and other user data for a renewable period of ninety days. Cybercrime Law, supra note 7, at art. 21. The Cybercrime Law defines service


12 Cybercrime Law, supra note 7, at art. 6.


15 SRFOE Report of May 2016, supra note 13, ¶ 39; Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), Situation of Human Rights Defenders, ¶ 24, U.N. Doc. A/67/292 (Aug. 10, 2012) (“Provisions that criminalize the publication of articles or photos that could harm national security, public order, public health or public interest, incite violence, constitute sedition or have negative consequences for the financial climate of the country are overly broad and restrictive.”).


17 Cybercrime Law, supra note 7, at art. 8.


19 HRC General Comment No. 34, supra note 7, ¶ 47. See also SRFOE Report of May 2011, supra note 14, ¶ 36 (“defamation should be decriminalized”).

20 HRC General Comment No. 34, supra note 7, ¶ 47.


22 Cybercrime Law, supra note 7, at art. 6.

23 Id. at art. 8.

24 Id. at art. 53.

25 Id. at art. 52.

26 Law No. 2 of 2020 Amending Some Provisions of the Penal Code Issued by Law No. 11 of 2004, art. 2 [hereinafter 2020 Penal Code Amendment Adding Article 136 (bis)] (Qatar) (unofficial Arabic version); see also Apr. 2020 Communication to Qatar, supra note 6, at 1. In a letter, the SRs include an unofficial English
translation of article 136 bis: “A penalty of imprisonment for a period not exceeding five years and a fine of no more than (100,000) one hundred thousand riyals, or one of these two penalties, shall be imposed on anyone who broadcasts, or publishes or re-publishes rumours, statements, false or malicious news or propaganda, at home or abroad, with the intention of harming national interests, provoking public opinion, or violating the social system or public order of the state. The penalty stipulated in the previous paragraph shall be doubled if the crime occurred in wartime.” Apr. 2020 Communication to Qatar, supra note 6, at 1.

27 2020 Penal Code Amendment Adding Article 136 (bis), supra note 26; see also Apr. 2020 Communication to Qatar, supra note 6, at 1.

28 Apr. 2020 Communication to Qatar, supra note 6, at 3.

29 Id.

30 Id.


32 Penal Code, supra note 31, at art. 134; see also WGAD Qatar Visit Report, supra note 6, ¶ 39; Joint Submission on Qatar to the UPR, supra note 6, ¶ 4.2.

33 Penal Code, supra note 31, at art. 134; see also Joint Submission on Qatar to the UPR, supra note 6, ¶ 4.2.

34 See WGAD Opinion No. 48/2016, supra note 31, ¶¶ 47, 62; Farida Shaheed (Special Rapporteur in the Field of Cultural Rights) et al., Communication to Qatar, at 2, Ref. No. AL QAT/2/2015 (Oct. 16, 2015).

35 See WGAD Qatar Visit Report, supra note 6, ¶¶ 39-41; WGAD Opinion No. 48/2016, supra note 31, ¶¶ 45-47.

36 See Law No. 22 of 2015 Amending Law No. 11 of 2004, art. 138 (Qatar) (unofficial Arabic version; unofficial English translation of this amendment on file with author); Emir Issues Laws on Schools, Penal Code, Peninsula (Nov. 16, 2015); Amnesty Int'l, supra note 6, at 5.

37 See HRC General Comment No. 34, supra note 7, ¶ 38.

38 See Penal Code, supra note 31, at arts. 326-27, 330; HRC General Comment No. 34, supra note 7, ¶ 47.


40 Law No. 8 of 1979 on Publications and Publishing (Qatar) (unofficial English translation).

41 Id. at art. 46.

42 Id. at art. 47.

43 Id. at arts. 47, 82.

44 Id. at arts. 80-82, 85.

45 Id. at arts. 83-84.

46 See HRC General Comment No. 34, supra note 7, ¶¶ 38, 47 (expressing concern regarding States’ criminalisation of criticism of public figures and criminalisation of defamation).

47 Different sources translate the name of the agency created by this law differently in English. Depending on the source, it is called the State Security Service, State Security Agency, or State Security Bureau. For consistency, this chapter includes the term Qatari State officials use for this institution, State Security Bureau. See Entities Subject to Audit: Qatar State Security Bureau, State Audit Bureau—QATAR (June 21, 2019).

48 WGAD Qatar Visit Report, supra note 6, ¶ 68.


50 Law No. 17 of 2002 on Protection of Community, art. 1 [hereinafter Community Protection Law] (Qatar) (unofficial English translation).

51 Law No. 27 of 2019 Promulgating the Law on Combating Terrorism [hereinafter Anti-Terrorism Law] (Qatar) (unofficial English translation); see also WGAD Qatar Visit Report, supra note 6, ¶¶ 77, 94.

52 Anti-Terrorism Law, supra note 51, at arts. 4, 24-25.


54 WGAD Qatar Visit Report, supra note 6, ¶¶ 76, 78, 102(a); Comm. against Torture, Concluding Observations.

56 Joint Submission on Qatar to the UPR, supra note 6, ¶¶ 2.2-2.5, 5.2; Gulf Ctr. for Hum. Rts., supra note 6, at 10; Comm. on the Elimination of Discrimination against Women Concluding Observations of July 2019, supra note 55, ¶ 21; Amnesty Int’l, Reality Check 2020: Countdown to the 2022 World Cup—Migrant Workers’ Rights 25-26 (2020).

57 Joint Submission on Qatar to the UPR, supra note 6, ¶ 2.5; Gulf Ctr. for Hum. Rts., supra note 6, at 8.

58 Gulf Ctr. for Hum. Rts., supra note 6, at 8.

59 See, e.g., Nov. 2019 Letter by the High Commissioner to Sultan bin Saad Al-Muraikhi, supra note 9, at 5; Gulf Ctr. for Hum. Rts., supra note 6, at 8; see generally “How Can We Work Without Wages?: Salary Abuses Facing Migrant Workers Ahead of Qatar’s FIFA World Cup 2022,” Hum. Rts. Watch (Aug. 24, 2020); Amnesty Int’l, supra note 56; Amnesty Int’l, “Why Do You Want to Rest?: Ongoing Abuse of Domestic Workers in Qatar (2020); Amnesty Int’l, All Work, No Pay: The Struggle of Qatar’s Migrant Workers for Justice (2019).


61 See id. at Summary, ¶¶ 16-17.

62 Qatari authorities have arrested and deported, or threatened to deport, migrant workers for demanding better working conditions. See Joint Submission on Qatar to the UPR, supra note 6, ¶ 5.3; Gulf Ctr. for Hum. Rts. & CIVICUS, The State of Qatar: Submission to the UN Universal Periodic Review, 19th Session of the UPR Working Group ¶ 2.5 (Sept. 16, 2013). Qatari authorities also deport journalists for reporting on workers’ rights.

63 See Cybercrime Law, supra note 7, at art. 52; see also Qatar: Significant Labor and Kafala Reforms, Hum. Rts. Watch (Sept. 24, 2020). Qatar has enacted some reforms, but restrictive labour laws continue to limit migrant workers’ rights. See Qatar: Significant Labor and Kafala Reforms, supra.


66 Id.

67 See generally, Freedom in the World 2020: Qatar, Freedom House (2020); How BAE Sold Cyber-Surveillance Tools to Arab States, BBC News (June 15,
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70 Submission to the Human Rights Council on the UPR for Qatar in 2019, supra note 69, ¶ 19.

71 See Bahrain, Kuwait and Norway Contact Tracing Apps Among Most Dangerous for Privacy, Amnesty Int’l (June 16, 2020); SMEX, DATA PROTECTION AND PRIVACY LAWS IN MENA: A CASE STUDY OF COVID-19 CONTACT TRACING APPS 8, 10-11 (Grant Baker & Nerissa Naidoo eds., 2021); AP Muhammad Afsal, Coronavirus: Qatar Contact-Tracing App Exposes Divide Between Rich and Poor, MIDDLE E. EYE (June 11, 2020).


73 Id.


77 Amnesty Int’l, supra note 74.

78 Id.

79 The State Security Bureau first detained Al-Sulaiti under the Law on State Security Service, see Amnesty Int’l, supra note 74. Research did not indicate the legal basis for his 2020 detention. “State security crimes” are also included in other laws, such as the Law on Protection of Community, the Penal Code, and the Cybercrime Prevention Act. See State Security Law, supra note 49, at art. 2; Community Protection Law, supra note 50, at art. 1; Cybercrime Law, supra note 7, at art. 6; Penal Code, supra note 31, at arts. 130-39.

80 Amnesty Int’l, supra note 74.

81 Id.

82 Id.

83 Maat Foundation Renews Its Complaint to the United Nations Against # Qatar Regarding the Arrest of Citizens and Their Travel Ban, Including One of the Members of # the Ruling Family, MAAT FOR PEACE DEV. & HUM. RTS. (Dec. 2, 2020).

84 See Amnesty Int’l, supra note 74; State Security Law, supra note 49.

85 UDHR, supra note 5, at art. 13.


87 Authorities Suppress Freedom of Expression for Everyone, supra note 74.

88 Id.

89 Id.

90 See H.R.C. Res. 12/16, supra note 76, ¶ 5(p)(i); David Kaye (Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression), PROMOTION AND PROTECTION OF THE RIGHT TO


94 Id.


96 SRR Report of Apr. 2020, supra note 60, ¶¶ 56, 73.


98 See id. at 23; David Harding, Can Qatar’s Feminists Go Where Saudi Arabia’s Couldn’t?, OZY (June 22, 2020); Did Qatar Govt. Force Feminists to Close Their Accounts on Twitter?, Al Bawaba (Aug. 8, 2019).

99 Nat’l Hum. Rts. Comm., supra note 75, at 47; Harding, supra note 98. This discussion of the Cyber Crime Police likely refers to authorities in the Cybercrime Combating Centre. See Qatar 2020 Crime & Safety Report, OVERSEAS SEC. ADVISORY COUNCIL (May 8, 2020) (outlining several of the actors involved in cyber security prevention, education, response, surveillance, data collection, and enforcement, including that the "Ministry of the Interior’s] Cybercrime Combating Centre provides data and security intelligence to roving security patrols to interdict and investigate criminal acts").

100 See Did Qatar Govt. Force Feminists to Close Their Accounts on Twitter?, supra note 98; Hum. Rts. Watch, supra note 62, at 23.


104 WGAD Report of July 2015, supra note 103, ¶ 10; UDHR, supra note 5, at art. 19; ICCPR, supra note 4, at art. 19.


108 See Amnesty Int’l, supra note 93, at 56; Amnesty Int’l, supra note 74.


110 WGAD Report of July 2015, supra note 103, at annex, princ. 1; HRC General Comment No. 32, supra note 109, ¶¶ 15, 19, 31–34, 38; ICCPR, supra note 4, at art. 14.

111 WGAD Report of July 2015, supra note 103, at annex, princs. 7–9; HRC General Comment No. 32, supra note 109, ¶ 10.

112 Amnesty Int’l, supra note 74. As of the date of writing researchers did not locate any further updates.

113 Id.

114 See id.


116 UDHR, supra note 5, at art. 6; ICCPR, supra note 4, at art. 6.
Additionally, incommunicado detention violates the right to be brought promptly before a judge protected by ICCPR article 9(3) and the right to challenge the lawfulness of detention protected by ICCPR article 9(4).


