



INTERNATIONAL COUNCIL SUPPORTING FAIR TRIAL & HUMAN RIGHTS

Registration No. 2795/2012

OFFICIAL LETTER HEAD OF THE ORGANIZATION

HRC38 | Interactive Dialogue with the SR on Summary Executions and Freedom of Expression

On 19 and 20 June the 38th Session of the Human Rights Council held a clustered interactive dialogue with the Special Rapporteur on Summary Executions and Special Rapporteur on Freedom of Expression. The Special Rapporteurs presented their corresponding reports followed by interventions from concerned countries, member and observer states of the council, and CSOs.

Agnes Callamard, Special Rapporteur on extrajudicial, summary or arbitrary executions, and David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression gave an oral presentation of their thematic report and interacted with the states and CSOs in regards to the agenda item under discussion.

Ms. Callamard's thematic report on extrajudicial, summary or arbitrary executions was a result of her country visits to Iraq and El Salvador. Stating that armed non-state actors had carried out countless violations against international law, she remarked the urgent need for accountability and protection of the victims.

Focusing more specifically on the situation of El Salvador Ms. Callamard commented the "Mano Dura" strategy, term used to describe the tough-on-crime policies used by the Salvadoran government to combat gang violence, criticising the weak governmental response characterised by high levels of incarceration and militarization of official forces and private security personnel in response to the problem, rather than addressing the root causes for gang violence. She also appointed the high numbers of summary executions committed by official and private security personnel and stressed the need for combating criminal impunity in this context as well.

Citing article 1 of the Universal Declaration of Human Rights – which states that all human beings are born equal in rights – and reminding the inalienable nature of such rights she expressed the necessity to

ICSFT in special consultative status with the ECOSOC / Center Oecumenique des eglise 150, Route de Ferney 1211, Offices: 191&192, Geneva, Switzerland, Tel: +41227884808/ 5&6- Fax:+ 41227884807- Website: www.icsft.net- Email: uncoordinator@icsft.net / info@icsft.net



INTERNATIONAL COUNCIL SUPPORTING FAIR TRIAL & HUMAN RIGHTS

Registration No. 2795/2012

OFFICIAL LETTER HEAD OF THE ORGANIZATION

work towards the need to ensure that the human rights of all human beings be respected. Among other recommendations, she called Iraq for a moratorium of application of the death penalty.

When the floor was open to the commentary of the States, Iraq assured that capital punishment in the country was carried out in accordance with Iraqi and international law. Further explained that this penalty is applied for serious crimes, including terrorism following the principle of due process of law and impartiality.

During the discussion with the special rapporteur David Kaye on the promotion and protection of the right to freedom of opinion and expression, he said since his last report in 2017, there had been an increase in attacks on freedom of expression around the world. Speaking about his missions to Mexico and Liberia he highlighted allegations of breaches of this right – comprising attacks and even the murder of journalists and media figures, but also laws that put pressure on individuals who exercise their freedom of opinion and expression, particularly through social media. He further reiterated that the diminishing space for human rights activists and organizations to express their opinions through peaceful assembly, and restrictions on freedom of speech are still very widespread.

While highlighting that repression of freedom of expression is a sign of profound weakness, he suggested strengthening mechanisms, such as independent investigations, reinforcement of national systems, training of journalists, publishing of statistics and national dialogues to be put in place in order to face these problems.

The second part of his speech was directed to freedom of expression on social media. He focused on the need to protect human rights through public accountability and guaranteeing minimal levels of media content and transparency. States shall repeal all laws of censorship (whether before or after the publication of the content) and only restrain contents after an impartial judiciary decision in order to guarantee legality, proportionality, and legitimacy to the process assuring the full enjoyment of such a fundamental human right.

ICSFT in special consultative status with the ECOSOC / Center Oecumenique des eglise 150, Route de Ferney 1211, Offices: 191&192, Geneva, Switzerland, Tel: +41227884808/ 5&6- Fax:+ 41227884807- Website: www.icsft.net- Email: uncoordinator@icsft.net / info@icsft.net



INTERNATIONAL COUNCIL SUPPORTING FAIR TRIAL & HUMAN RIGHTS

Registration No. 2795/2012

OFFICIAL LETTER HEAD OF THE ORGANIZATION

The delegation of France and Poland commented on the report expressing their concerns about respecting the enjoyment of freedom of expression online, and guaranteeing national security. The Netherlands affirmed that online rights are the same as offline rights and shall be respected accordingly.

Mr. Kaye highlighted that States should clarify the scope and definition of online human rights. To do so he suggested a series of best practices such as granting the opportunity for appeal of blocked contents, creating algorithms which can distinguish content and context (for example, not only see words out of context but allowing for a better differentiation between hate speech and mere reference). As well he pointed out the need for clear substantive rules in regards to internet regulation given the lack of standard definition of the concept of hate speech, fake news, and other related terms.

ICSFT is concerned by the growing crackdown on human rights defenders and CSOs in the middle east, specifically in Saudi Arabia, Bahrain, UAW, and Kuwait. Dozens of human rights defenders are languishing in prison for solely exercising their freedom of expression and opinion. These countries practice a systemic and extensive campaign against activists in order to silence dissent and maintain the status quo. As such Saudi Arabia remains amongst the top global executioners, with 8 minors currently on death row, and 14 individuals sentenced to death for protest related charges.

ICSFT condemns in the strongest terms the ongoing oppression on freedom of expression in the gulf region, and calls for these countries to turn a new page and embark on a real human rights reform- mere PR campaign and lip service will not suffice anymore. Meaningful reform that addresses the ongoing human rights abuses and violent crackdowns on CSOs and rights activists should be put in place, if human rights reform is the priority for these countries. ICSFT urges these Gulf States to release prisoners of conscience and effectively engage with UN human rights mechanisms to ensure accountability and transparency in regards to the implementation of freedom of expression and opinion, and moratorium on death penalty.

Follow us on twitter @ICSFT for more updates on #38HRC

ICSFT in special consultative status with the ECOSOC / Center Oecumenique des eglise 150, Route de Ferney 1211, Offices: 191&192, Geneva, Switzerland, Tel: +41227884808/ 5&6- Fax:+ 41227884807- Website: www.icsft.net- Email: uncoordinator@icsft.net / info@icsft.net