



# INTERNATIONAL COUNCIL SUPPORTING FAIR TRIAL & HUMAN RIGHTS

Registration No. 2795/2012

OFFICIAL LETTER HEAD OF THE ORGANIZATION

## AN OVERVIEW OF SAUDI ARABIA'S 3<sup>RD</sup> CYCLE UPR



*Saudi Arabian delegation to the 3<sup>rd</sup> UPR cycle*

The thirty-first session of the Human Rights Council's Universal Periodic Review (UPR) Working Group opened today at Palais des nations, Geneva, by reviewing the human rights situation in Saudi Arabia. Saudi Arabia's previous UPR, 2<sup>nd</sup>, cycle was in 2013 where they accepted: 187 and noted: 38 recommendations out of 225. During today's session member states examined what actions Saudi Arabia has taken to improve the human rights situations and to fulfil human rights obligations as well as to assess and identify the challenges faced in the implementation of the UPR recommendations posed during their previous reviews.

The Kingdom does not have a constitution that establishes an institutional human rights protection framework. Several legal statutes are imprecisely defined, and there is no independent judiciary system as the king appoints its high-ranking members and civilians in particular, dissidents and political oppositions, are tried under the Specialized Criminal Court that is established to maintain the status quo and protect the power dynamics in the

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regime. The Specialized Criminal Court is Saudi Arabia's counter-terror court system set up in 2008 to try terrorists, but it has increasingly been used to try human rights defenders and activists. Currently women human rights defender Issa al-Ghomgham is facing a death penalty for criticising the kingdom and promoting women's rights.

Although Saudi Arabia committed itself to bringing its criminal system in line with international standards; however, no measure was taken to this end. Additionally, despite having accepted recommendations to extend a standing invitation to all Special Procedures mandate holders and to accept all the requests for country visits, since the last UPR, Saudi Arabia has 13 pending requests for country visits, some dating back as far as 2004. Among others, Saudi Arabia has accepted the request for a visit of the SR on the situation of human rights defenders in 2015, but failed to set a date, indefinitely postponing the visit.

As well, it is worth nothing that despite accepting a recommendation during last UPR to establish a National Human Rights Institution, till now no measure has been taken to this end. The Human Rights Commission –the kingdom's official human rights institution– is not an independent organ from the executive body as it reports directly to the king, who appoints its members.

Most importantly, fundamental rights and freedoms are systematically violated under the pretext of combatting terrorism. The 2014 Anti-Terrorism Law contained a vague definition of terrorism, criminalized non-violent acts and failed to uphold due process guarantees. In 2017, a new counter-terror law replaced the 2013/4 law and it shared many similarities with its predecessor, specially an overly broad definition of terrorism, allowing authorities to classify peaceful dissent and participation in peaceful assemblies and protests as terrorism.

Specifically human rights defenders, women's rights activists, journalists, political oppositions, civil society organizations, Shia minorities, and dissidents in general are targeted and harassed consistently for merely exercising their right to expression.



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Death penalty has been used increasingly over the past five years with the number of executions per year reaching in 2015 (158 executions), twice as many in 2013 (79 executions). Death penalty is pronounced for a large number of crimes, including non-violent offences as drug crimes and adultery. And Saudi Arabia fail to abide by international standards for due process and fair trial- the countries human rights track record is characterized by arbitrary detention, torture, lack of check and balance system, targeted killing and enforced disappearances. Torture remained rampant in prisons and detention centres and impunity for perpetrators of torture prevails, despite accepting three recommendations.

Women and girls face discrimination in law including in the Civil Status Code, Labour Code and Nationality Act, and in practice. Saudi Arabia failed to implement the eight accepted UPR recommendations pertaining to the system of male guardianship over women. Women's rights activists and women HRDs are arbitrarily detained despite the fake PR campaign by Crown Prince Mohammad Bin Salman claiming women's rights reform.

Outside of its territory Saudi Arabia has been leading a military campaign in Yemen where thousands of civilians have been killed and injured, and civilian homes, markets, parks, hospitals, and schools destroyed, which amount to war crimes. In addition, the Saudi-led coalition has imposed a naval and air blockade on Yemen since March 2015 that has severely restricted the flow of food, fuel, and medicine to civilians causing one of the worst humanitarian disaster in history.

During today's review most of GCC alliances were heard praising the Saudi regime for its non-existent human rights reform. Namely the speaker from the UAE said Saudi has mainstreamed human rights throughout its public sphere. While the delegate from Kuwait thanked Saudi Arabia for being a pioneer for human rights in the gulf region. This is a clear illustration that business dealings and politics are setting the precedent for human rights

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discourse. These countries do not hold any moral ground when it comes to setting human rights standards as they are also known for reprisal and human rights violation both domestically and in the gulf region.

To no ones surprise, the Saudi Arabian delegation headed by Dr. Bandar Al Aiban continued to push the fake human rights reform and progress by claiming the existence of independent judiciary, proper due process of law and check and balance, and blatantly denying any cases of illegal detention and torture.

Countries including, but not limited to, Netherlands, Estonia, Norway, Russia, Ireland, Switzerland, Iran, Iceland, German, Haiti, Hungary, Georgia, expressed concern over the deteriorating human rights situation and ongoing crackdown against HRDs, civil society, journalists and dissidents, and deeply condemned the the extrajudicial killing of journalist Jamal Khashoggi for criticizing the kingdom.

Of note, ICSFT is extremely concerned about harsh conditions for HRDs, civil society activists and journalists, including the extrajudicial killing of journalist Jamal Khashoggi by Saudi operatives for criticizing the kingdom. Saudi Arabia must respect the right to life, promote and protect freedom of expression, ensure the safety of all its citizens, including journalists, and promptly respond to violations. ICSFT also remains deeply concerned about the continued use of torture.

## **In light of this ICSFT recommends that Saudi Arabia:**

Conduct a thorough, credible, transparent, and prompt investigation into the death of journalist Jamal Khashoggi, and bring the perpetrators to justice. In particular we urge the HRC member states to adopt the resolution, RES. 2018/2885, passed by European Parliament in the case of Khashoggi<sup>1</sup>;

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<sup>1</sup> <http://www.icsft.net/wp-content/uploads/2018/10/ICSFT-pr-on-EU-Resolution-on-journalist-Jamal-Khashoggi.pdf>



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Protect the freedom of expression of all human rights defenders, and foster an environment which is conducive to open debate, tolerant of dissenting voices, and protects individuals against retribution;

Bring its laws into line with international standards under the ICCPR for the exercise of the rights to freedom of expression, peaceful assembly and association;

Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and ensure full consideration of international humanitarian law;

Adopt a written penal code and amend the CCP to comply with international human rights law;

Extend a standing invitation to all UN Special Procedure mandate holders and accept all pending requests for country visits;

Establish an independent NHRI in accordance with the Paris Principles;

Amend the the 2017 counter-terrorism law that call for incommunicado detention and other legislations that criminalize peaceful speech or crimes that do not resemble crimes of terrorism and bring criminal procedures for terrorism crimes in compliance with international human rights law;

Establish a moratorium on executions as a step to abolish death penalty and prohibit the execution of minors and review the cases of all prisoners currently under a death sentence with the aim of commuting their sentences;

Criminalize torture in line with CAT and ratify the OPCAT and ensure that all allegations of torture are investigated and perpetrators prosecuted;

Adopt measures to eliminate all remaining forms of discrimination against women, including abolishing the guardianship system;



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End the war on Yemen and all violations of international humanitarian and human rights law, including the prohibitions on attacks that target civilians and civilian objects, and ensuring that all humanitarian workers are granted freedom of movement;

Finally the international community should harness all available resources to hold the Saudi regime accountable for its violations and to ensure the effective implementation of the country's 3<sup>rd</sup> cycle UPR recommendations.