



INTERNATIONAL COUNCIL SUPPORTING FAIR TRIAL & HUMAN RIGHTS

Registration No. 2795/2012

HIGHLIGHTS OF THE SECOND AND THIRD WEEK OF THE HUMAN RIGHTS COUNCIL (HRC) 40 (FEB 25-MARCH 22)

At the Human Rights Council (HRC) 40 the following topics of discussions and events were the focus of ICSFT's advocacy engagements. Interactive Dialogue (ID) with Special Rapporteur (SR) on freedom of religion, Interactive Dialogue (ID) with the High Commissioner, Interactive Dialogue (ID) with the Commission of Inquiry (COI) on Syria, General Debate (GD) under Item 3 and 4, and ICSFT side event titled the human rights situation in the gulf region. ICSFT also organized a peaceful gathering in front of Palais des Nations by the broken chair titled freedom of expression in Kuwait where human rights defenders from Kuwait including ICSFT president Dr Abdulhameed Dashti spoke about the lack of freedom of opinion and expression in Kuwait and the rest of GCC countries as opinion is deemed as a serious crime punishable by capital punishment.

ID with Special Rapporteur on freedom of religion and with the High Commissioner:

Mr. Ahmed Shaheed, SR on freedom of religion or belief in his report addressed that freedom of religion or belief is both foundational to and dependent on the wider human rights framework for its full enjoyment. In his report the SR emphasized the impact that excessive restrictions on freedom of expression have on freedom of religion or belief. The SR further explained "freedom of expression is evidently indispensable to the enjoyment of all other rights, including for the meaningful enjoyment of freedom of thought, conscience, religion or belief. The exercise of a core aspect of freedom of religion or belief, namely the peaceful manifestation of religion or belief, relies on the degree of protections afforded to freedom of expression, among other rights. Accordingly, where there is no respect for the freedom of expression, the freedom of religion or belief is likely to face similar challenges. Of course, this is not a novel view. The interrelatedness of the two rights has been widely recognized, including by Human Rights Council resolution 16/18, the Rabat Plan of Action, and in the work of the Human Rights Committee and previous mandate holders."

In this context, we would like to highlight the issue of freedom of religion or belief in Saudi Arabia, a country labelled as a country of particular concern for severe violations of religious freedom and repression of Shia Muslim minority. Saudi Arabia acts with complete impunity on several human rights abuses, disregard for freedom of religion and religious persecution should no longer be tolerated. Saudi Arabia's systemic religious and cultural discrimination against Shia minority is manifested through the destruction of Shia religious and cultural sites and closing mosques.

The same goes for Bahrain where security forces target and attack Shia clerics and religious leaders especially at the commemoration of annual Ashura. Bahrain's Shia population faces institutionalized

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discrimination and suppression of their right to belief by the Sunni ruling family. To illustrate Abdulmajeed Abdulla Mohsen, Sheikh Isa Qassim and Ahmed abdulla alajaimi are amongst the many citizens at the receiving end of this harsh government crackdown against freedom of expression and religion. Other Shia leaders like Sheikh Salman, Hassan Mushaima have been the subject of government abuse and judicial harassment, including lack of medical access and confiscating religious texts.

Meanwhile Bahrain took the floor during this ID and presented its fake and fabricated story of religious tolerance and freedom. In reality Bahraings Shia population is under constant discrimination and judicial harassment.

Despite routinely issuing long prison sentences for individuals for expressing religious or social opinion to systematically block reform, UAE claimed the country is an example of freedom of religion, belief, tolerance and expression. Ahmed Mansoor is sentenced to ten years in prison for simply sharing his opinion on social media.

Bahrain, UAE and Saudi Arabia should stop their false narrative and disingenuous engagement with HRC, release arbitrarily detained Shia clerics, and address the religious prejudice and intolerance at home. The judicial harassment and crackdown against Shia Muslims and #leaders can't be tolerated any longer. ICSFT urges Member states to pressure Bahrain, UAE and Saudi Arabia to implement reforms that protect religious rights for all and end religious discrimination against Shia minority.

Under no circumstances should any person face judicial persecution and harassment for expressing any opinion or idea, pertaining to religion or otherwise. We should end such discriminatory practices, and laws that provide such punishments.

The repeal of these laws must therefore been seen as central to any strategy to address the most severe human rights violations. As per article 18 and 19 of UFHR Freedom of religion or belief and freedom of expression are fundamental human rights. Freedom to exercise once belief and to exchange information without fear of persecution is an intergalactic part of this right. However this right has become an outdated concept in most GCC countries. Lack of religious freedom, religious persecution and juridical harassment make up the current climate in countries like Saudi Arabia, Bahrain, UAE and Kuwait.

ID with the High Commissioner on Human Rights (HCHR):

The UN High Commissioner for Human Rights Michelle Bachelet presented her annual report to the HRC 40 on 6 March. During her oral update the HCHR expressed her concern about the arbitrary arrest and detention, and ill-treatment and torture, of several human rights defenders in particular, women human rights defenders in Saudi Arabia. HCHR remarked "The persecution of peaceful activists would clearly

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contradict the spirit of the country's proclaimed new reforms." She urged that all human rights defenders including women human rights defenders be released with out any delay.

HCHR also addressed the dire human rights and humanitarian situation in Yemen, the world's worst man made humanitarian catastrophe. She said "he conflict has not just killed and injured thousands of civilians. It has brought famine, deprived people of the most essential goods and services, and destroyed vital infrastructure and a unique cultural heritage". HCHR remarked Yemen led political solution and peace and accountability are paramount to attain sustainable peace and development in the country.

While addressing the situation in the occupied Palestinian Territories, the HCHR stated the negative sociopath-economic impact of the occupation that has a direct implication in the violations of civil and political rights of Palestinians. The HCHR specifically addressing the great March of return she recalled "the end of this month will mark one year since the start of demonstrations which – as the Council's Commission of Inquiry reported – have been met with deadly, disproportionate force by the Israeli Security Forces, leading to a very high toll of killings and injuries. I was disappointed to see the immediate dismissal of that report by Israel, without addressing any of the very serious issues raised." In addition the HCHR addressed the negative impact of settlement activities in the West Bank where Palestinians lack freedom of movement, and access to work, education and healthcare.

HCHR expressed deep concern over the increasing attack on human rights defenders by governments. Widespread attack on journalists and media institutions is a threat to UN founding principles and democratic governance.

Reprisals against human rights defenders and civil society who cooperate with the U.N. mechanism is very alarming, governments' impunity must end.

ID with the COI on Syria:

On 12 March the COI on Syria presented its annual report to hrc 40as per the usual. After the Chair COI, Paulo Sérgio Pinheiro, presented his biased and unfounded report – which completely ignored the crimes committed by terrorist groups and unilateral aggressions by USA, UK, France, Israel, and Turkey– Syria was given the floor as the concerned country.

H.E. Ambassador Hussam Edin Aala, Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva and specialized institutions in Switzerland, took the floor to once again express his disappointment at the biased and politically driven report presented to the council. He remarked that this ID has become a monologue dictated by the same European countries running a political game in Syria as opposed to an inclusive interactive dialogue.

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H.E H. Aala said in part “Once again, the current debate provides a stark example of politicized practice and the continued exploitation of the Council and its mechanisms in promoting geopolitical agendas that have nothing to do with human rights issues or the principles of justice and humanity.

In the context of this politicized climate associated with imposing decisions on the Council at each of its sessions, we are not surprised by the ICRC's involvement in marketing accusations against the Syrian armed forces, the campaign to discourage displaced persons from returning to their country and the questioning of the rule of law and the application of Syrian laws and state institutions To undermine it as a target for terrorist groups and their operating States. The recent report is full of inaccuracies and examples that confirm the continuing campaign to defame the image of the Syrian government. While reaffirming our well-known position on the mandate of the Commission and its non-recognition, we responded to the allegations and accusations raised by the Committee's report by circulating our replies and observations in an official document.”

He reiterated that his government refuses to be the target of an unprecedented and unacceptable propaganda hidden behind the work of the Council. The commission continues to favour the American International Alliance and evade giving it a legal description of its illegitimacy and violation of the principles and purposes of the Charter of the United Nations In the investigation of crimes and massacres against civilians and escape from characterization as war crimes integrated elements.

H.E. H. Aala further remarked “Syria deplores the Commission's reliance on the role of Turkey in the Syrian Arab Republic a fallacies that ignore the fact that Turkey is an occupying state that played a major role in the emergence and spread of terrorism since the beginning of events in Syria and evade implementation of its obligations under the Sochi Agreement on terrorist groups violating the most basic rights of Syrians Areas of their spread.”

Finally Syria reaffirmed its position against the politicized discussion of Item 4 under the pretext of human rights, urged the council to distance itself from politicization, selectivity and biased human rights agenda.

During the discussion the Democratic People's Republic of Korea (DPRK) stated its strong opposition of politicization, selectivity and double standards and strongly rejects any attempt to use human rights issue as a tool for pressure, interference in internal affairs and overthrowing the systems of sovereign states like Syria. DPRK expressed concern over some reports and mechanism under the name of human rights including the one on Syria which are far from reality on the ground lacking correct reflection of the sincere efforts by the country concerned for the solution of the problem.

Cuba also took the floor to criticize the one sided human rights agenda stating “developed countries are narrating a one sided human rights agenda in this council session while gender inequality, racism and xenophobia persists in their own countries.

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Iran said “terrorists groups sponsored by some countries are committing war crime in the country. Israel is also attacking Golan with impunity. Humanitarian aid is more important to Syrians not this one sided military solution. Sovereignty comes before political games.”

ICSFT president Dr Abdulhameed Dashti presented ICSFT’s oral intervention under this item. In his speech Dr Dashti stressed “Syrian events reached the stage of clarity despite fabricated reports of use of chemical weapons to legitimize the reactionary colonial aggression, which targeted the Syrian national state and the Syrian society from 8 – years, and chemical fabrications in Duma and Khan Sheikhoun and others are exposed, it is best for the Council not to Repeat these circumstances.”



Dr Abdulhameed Dashti, ICSFT president

Dr Dashti in his intervention highlighted “the Syrian national state has steadfastly resisted the aggression and has firmly established its constitutional legitimacy, starting with the United Nations and its halls, the Security Council, and the international community. The General Assembly, where the Syrian legitimate position remains steadfast in the face of shaking the positions of the aggressor states and their allies before the world as rogue states, has acted contrary to the provisions of international law and the principles and objectives of the Charter of the United Nations.”¹

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[https://www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/830A0851F51D2FB2C12583BB00504C8F?OpenDocument](https://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/830A0851F51D2FB2C12583BB00504C8F?OpenDocument)

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Marie Nassr, ICSFT delegate

ICSFT also made another oral intervention in a joint statement with Khiam Rehabilitation Center for Victims of Torture. Ms Marie Nassr presented the oral intervention. In the statement she said “ICSFT and Khiam oppose the interference of certain countries in the Syrian conflict, in violation of the United Nations Charter. The unilateral sanctions and financing of terrorism by some countries hampered the country’s path towards peace.”²

The continued reports of the Commission on the unilateral handling of the situation in Syria and its insistence on adopting selective criteria of proof that reflect serious errors in the approved legal methodology confirm the failure of the Commission to carry out its work in an objective and independent manner and prompt us to call again for the discontinuance of its mandate. Genuine dialogue and cooperation should be pursued for the promotion and protection of human rights and accusations based upon unsubstantiated or incorrect information must be rejected.

²[https://www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/830A0851F51D2FB2C12583BB00504C8F?OpenDocument](https://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/830A0851F51D2FB2C12583BB00504C8F?OpenDocument)



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ICSFT stresses the human rights of the Syrian people can fully be guaranteed only when terrorism is eliminated throughout the country with the termination of foreign support to them, only then can we achieve peace and security in the country.

The progress and victory achieved by the Syrian government and people in the fight against terrorism and for restoring peace, stability and territorial integrity are encouraging and will be of significant contribution to the protection and promotion of human rights of the Syrian people.

ICSFT support Syrian government and its people in their just struggle against terrorism in order to safeguard national sovereignty and territorial integrity. We strongly reject the politicized approach toward Syria, and urge the council to discontinue the mandate of the COI. We also urge the international community to sincerely engage in constructive dialogue and cooperation with the government for the genuine promotion of human rights.

ICSFT presented an oral intervention under General Debate Item 3 and 4. Mr Saqer al-Hashash, human rights activist and ICSFT delegate, delivered the oral intervention under GD Item 3. He said "I have exceeded the sentences issued by imprisoning me for 100 years because of the exercise of my right of expression when I criticized the Emir of Kuwait and I pointed to the corruption of the authorities and state institutions and tampering with parliament in the name of the law."

Mr Saqer stated that the Kuwaiti authorities cheated the international community when the Jeddah conference was held, and it committed itself to an unrealistic form of commitment to return to democracy. Years after the conference later the government controls the parliament by rigging the elections through corrupt judges and establishing their own parliament, through which oppressive laws were established that contravened the international human rights treaties and the right to freedom of speech. He also highlighted the dire human rights situation Bidoon minorities are faced with in Kuwait.



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Mr Saqer al-Hashash, human rights activist and ICSFT delegate

Dr Fouad Ibrahim, ICSFT deputy president read ICSFT statement under GD item 4 highlighting the human rights issues that needs the council's attention in Saudi Arabia, Bahrain, and Yemen. Dr Fouad raised the extrajudicial killing of journalist Jamal Khashoggi by Saudi authorities. He stated the Khashoggi murder and the horrific torture stories against prisoners and prisoners of conscience in detention camps is a clear illustration that Saudi Arabia is operating outside the founding principles of this council and the UN. In addition he mentioned thousands of human rights activists and reformers are imprisoned in the prisons simply because they demand a legal framework to guarantee their right to expression and to engage in activities that are at the core of the obligations of the members of your Council. He urged the council to pressure Saudi Arabia to live up to its commitment to respect human rights and fundamental freedoms.

ICSFT side event and peaceful gathering:

ICSFT held a peaceful gathering in front of the UN by the broken chair in support of freedom of expression in Kuwait and the gulf region in general. Dr Dashti opened the peaceful gathering by remarking the current climate of oppression and reprisal against human rights defenders and activists who opt to express their opinion on relevant socio-economic and political situation in their country.

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Dr Abdulhameed Dashti, ICSFT president, opening the peaceful gathering at UN Geneva

Following Dr Dashti's opening remark Mr Al-Rasheed took the floor to share his experience in Kuwait. Mr Anwar highlighted the current climate of oppression and reprisal against human rights defenders in Kuwait. He said opinion that does not favor the authorities is taken as a crime in contravention to international law and standards. Mr Anwar remarked human rights defenders, lawyers and rights groups are fighting the status quo to end reprisal and oppression against human rights defenders and freedom of expression in the country.

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Mr Anwar Al-Rasheed, Kuwaiti human rights activist

Following this Mr Saqer al-Hashash, human rights activist from Kuwait, addressed the participants stating the shrinking space for dissent and freedom of expression and opinion in Kuwait.

Dr Dashti also echoed the speakers by saying the deteriorating civic space in Kuwait is concerning and should be addressed accordingly by relevant stake holders including the UN and HRC. We have to stop the suffering of human rights defenders and activists under rigid laws and regulations in Kuwait that want to maintain the status quo. Dr Dashti further highlighted the reckless foreign policy of governments like UK follow that further emboldens authoritarians like Kuwait, international law and standard must be respected across the board without exception. Dr Dashti called for transitional constitution and democracy in in Kuwait.

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ICSFT side event on the human rights situation in the Gulf region:



This side event discussed the deteriorating human rights situation in the gulf region in order to bring more visibility and harness way forward to end such oppression once and for all.

Mr Saqer, in his address stated opinion and criticism is met with arbitrary detention, arrest and de facto sentencing. As illustration he said he is sentenced to +100 years prison for the mere fact of expressing criticism of the administration in Kuwait. He said such act of reprisal is becoming the norm, the international community should put pressure and urge these authoritarian regimes to stop criminalizing opinion, a fundamental right that's enshrined in international law.

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At this event Dr Dashti also spoke on the current climate of repression and crackdown against freedom of expression and critical opinion in Bahrain. He further highlighted UAE and Saudi Arabia have waged war against the people of Yemen committing war crimes with complete impunity. Dr Dashti also highlighted he's sentenced for several years in de facto with a series of fabricated cases for his work defending human rights in the GCC specifically against the HR violation by Saudi and UAE in Yemen. Dr Dashti remarked in Kuwait there are many forms of discrimination against minorities and rights defenders against int'l standard and law, Mr Saqer's +100 years and my +63 years de facto sentence for our opinion is an illustration of the lack of freedom of opinion- opinion not a crime. He also reiterated ICSFT along with partner organizations prepared and signed the Geneva declaration two years ago demanding freedom of expression and transitional constitutional procedure in the GCC however nothing has changed till now.

Following this Ms Amani Al-ahmadi, woman human rights defender from Saudi Arabia, addressed the participants through a pre-recorded video message highlighting the current climate of repression in Saudi Arabia. She said "Women human rights defenders in Saudi Arabia are under increasing crackdown and repression where we don't feel safe in our own country." Ms Amani said arbitrary detention, torture and enforced disappearance make up the human rights environment in Saudi Arabia.

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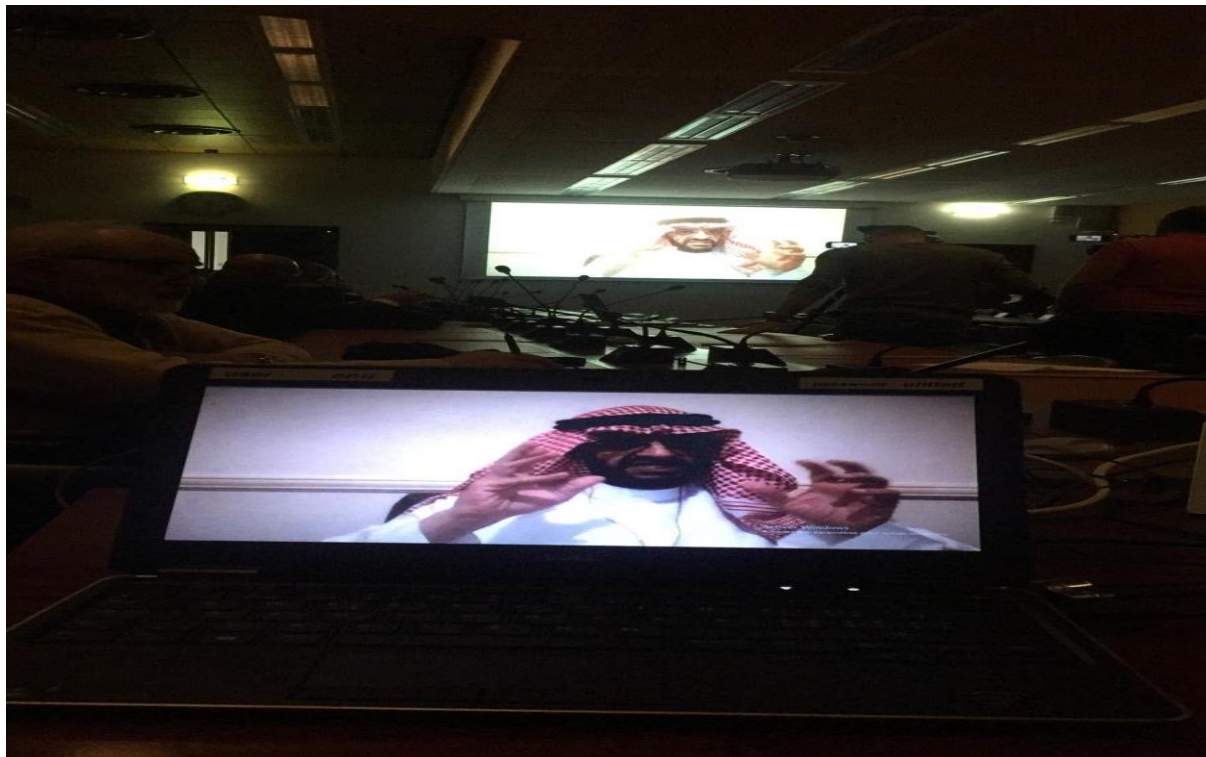


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Mr Anwar Al Rasheed followed her remarks by stating in Kuwait rights groups and activists are targeted and attacked for their human rights related work in contrary to international law.

He highlighted him and his colleagues are lobbying the parliament and relevant authorities to amend discriminatory laws that are in contradiction with UDHR which Kuwait is a signatory. Mr Anwar mentioned Dr Dashti and Mr Saquer are sentenced to +63 and +100 years respectively for their work advocating for respect of human rights and international law. Kuwait must adhere to international law.

Mr Mohammed Al-Qahtani, human rights activist from Saudi Arabia, showcased the lack of check and balance and separation of power in Saudi Arabia where judicial harassment and reprisal remains to be the norm, and urged for due process and fair trial for prisoners of consciences in Saudi Arabia.



Finally the last speaker Mr Sultan Alabdai, human rights activist from Saudi Arabia, addressed the extrajudicial killing of journalist Jamal Khashoggi by Saudi regime as illustration of the climate of impunity and injustice in Saudi Arabia. Mr Sultan further remarked that journalist Jamal Khashoggi was killed for writing articles criticizing the kingdom and Crown Prince Bin Salman is responsible for his killing and must be brought to justice. Mr Sultan called for an official international investigation and report on this case in order to bring accountability and bring the perpetrators to justice. "Saudi Arabia has been able to perpetrate violations in Yemen and other domestic human rights violations with impunity because of the kingdom's power and political affiliation with western powers." The council and member

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states should no longer accept Saudi Arabia's practices of systematic repression, which contravenes its role as a Member of the Council.



Human rights defenders in the GCC are regularly targeted, threatened, imprisoned and tortured for their human rights work. This include, citizenship revocation, de facto imprisonment, sexual harassment, travel bans and attacks and threats against family members. In prison they are often denied adequate access to medical care and face targeted harassment including denial of family visits and the confiscation of personal belongings.

Opinion is not a crime, and these GCC countries should create a fully inclusive environment that respects the rights of freedom of religion and expression as per international law. We urge these governments' to immediately and unconditionally release all prisoners of conscience, amend discriminatory laws that criminalize opinion and allow safe space for freedom of expression and assembly.

We publish our statements as they are published in our advocacy document archive.

For more information, have a look at the HRC calendar on our website www.icsft.net

For live updates, follow us on Twitter @icsft #hrc40

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