ICSFT's COMMENTARY ON THE SR ON TERRORISM REPORT ON SAUDI ARABIA

THE Special Rapporteur, Ms. Fionnuala Ní Aoláin, addressed the 40th HRC today at Palais des Nations, Geneva. In her address she highlighted the report is presented following the mandate commitments of the former Special Rapporteur Ben Emmerson.

"In the context of the Kingdom of Saudi Arabia, my predecessor Ben Emmerson noted comprehensive efforts in relation to radicalization and an important model of "all family" support advanced in the rehabilitation context, evidenced in dedicated prisons he visited. He nonetheless stressed the importance of judicial oversight in placing individuals in this setting.

The Report goes on to address *inter alia* the wide and imprecise definition of terrorism contained in national law, the use of such measures against civil society activists, including lawyers and HRD's including women, repressive and coercive measures levied against the Shi'a minority, extensive fair trial concerns with respect to the Specialized Criminal Courts including the use of torture and coercive measures in pre-trial detention as well as the application of the death penalty to persons who may not have received a fair trial. Mr. Emmerson's report also outlined profound concerns about the Saudi involvement in the war in Yemen premised on addressing State sponsored terrorism. I draw attention as did Mr. Emmerson to the scale of civilian causalities, and the obligations under international humanitarian law to observe the principle of distinction and safeguard civilian objects indispensable to the survival of the civilian population such as schools and hospitals from attack.

I join with the High Commissioner for Human Rights in deploring the scale of harm, and note that counter-terrorism is not a cloak or justification for disregard of the humanitarian and human rights law obligations. My mandate has

continued to communicate with the Kingdom of Saudi Arabia, particularly in respect of the definition of terrorism contained in national law, and the use of domestic terrorism legislation against civil society activists and human rights defenders, and the detention and fair trial dimensions of terrorism proceedings. Compliance with international human rights law is essential and overdue in all these realms."

Ms. Fionnuala Ní Aoláin, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Saudi Arabia took the floor to deny the findings of the report, to no ones surprise. The reality on the ground is reflected in this report, the regime targets and attacks anyone challenging the status quo including, human rights defenders, journalists and political oppositions. 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.

More often than note, the convictions are obtained through unfair trials marred by human and civil rights violations, including in some cases torture, forced confessions and lack of access to counsel. Each defendant is tried before the Specialized Criminal Court, a counterterrorism tribunal controlled by the Ministry of Interior that has few procedural safeguards and is often used to persecute political dissidents. Lawyers are generally prohibited from counseling their clients during interrogation and have limited participatory rights at trial. Prosecutors aren't even required to disclose the charges and relevant evidence to defendants.

The problems aren't just procedural. Saudi law criminalizes dissent and the expression of fundamental civil rights. Dissent of any kind is quelled.

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.

We urge Saudi Arabia to stop violating the fundamental rights and freedoms of its people under the pretext of combatting terrorism. Further we call on the country to amend 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.

To read the full report, download it here:

https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/004/07/PDF/G1900407.pdf?OpenElement