



General Assembly

Distr.: General
16 June 2016

English only

Human Rights Council

Thirty-second session

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by the Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-10047(E)



* 1 6 1 0 0 4 7 *

Please recycle



Saudi Arabia: The Nation Where Violation of Human Rights and Arbitrary Execution is the Norm

Saudi Arabia continues to be the prime government of tyranny. The kingdom does not countenance political or religious dissent in any form. The Saudi government continues to arrest, prosecute and imprison human rights defenders, prisoners of conscience and government critics mainly under the 2014 anti-terror law, and time and again after unfair trials. The justice system's norm remains to be Torture and other ill-treatment of detainees. In principle, in several cases, courts do not exclude statements elicited by torture, ill-treatment or coercion and convict defendants solely on the basis of pre-trial "confessions" without investigating their allegations that the confessions had been obtained through torture.

In particular, the 2014 anti-terrorism law is there to legitimize and cover up the horrendous crimes that are committed by the authorities against peaceful activists and human rights defenders. Of substance, the abuse of war on terror by Saudi authorities has led to a dramatic increase of executions. The Saudi participation in international coalition against terrorism is not solely geared towards Daesh, but also targeting human rights activists and defenders. The first victim of this law was Waleed Abu al-Khair, a human rights defender who received a prison sentence.

In addition, Specialized Criminal Court (SCC), a special court for hearing terrorism-related cases, remains to be the home for unfair trials with most trials resulting in death sentences. For illustration, in January, the SCC appeal court in the capital Riyadh confirmed the 15-year prison sentence imposed on prominent lawyer and human rights defender Waleed Abu al-Khai, with the judge ordering that he serve the full 15-year term for refusing to apologize for his "offences". Discrimination against the Shi'a minority remained entrenched; some Shi'a activists were on death row awaiting execution.

The Special Rapporteur on Torture, Juan Mendez, during an annual report to the UN Human Rights Council said "it was becoming clear the escalating number of executions in the Kingdom amounted to torture and breached international law." Regardless of the leadership change in 2015, the Saudi authorities continue to arbitrarily arrest, try, and convict peaceful dissidents. Human rights defenders and activists are serving long prison sentences for criticizing authorities and, or advocating political and rights reforms.

Courts continue to impose death sentences for a range of crimes, including non-violent drugs offences, often after unfair trials in which they failed to adequately investigate defendants' claims that interrogators tortured, coerced or misled them into making false confessions in pre-trial detention. The flood in executions that began in August 2014 continues till now. Many executions were carried out for offences that did not meet the threshold of "most serious crimes" and should therefore not incur the death penalty according to international law. And executions are carried out publicly by beheading.

As reported by several advocacy groups monitoring the application of death penalty worldwide, Saudi Arabia made 157 executions in the year 2015, which is highest number in two decades. The kingdom is showing no sign of slowing down in this regard as it executed 47 people at the beginning of 2016 for "terrorism offences" in one day, including the prominent Shia cleric Sheikh Nimr al-Nimr. This number has risen to 70, Alaa al-Zahrani was executed following the usual unfair and partial court proceeding that several activists and human rights organizations are calling a mockery of the justice system and international law.

Moreover, Saudi Prosecutors are seeking the death penalty against 25 of the 32 men for allegedly spying on behalf of Iran. As per the current norm in Saudi Arabia's court, the trial lacks due process and the verdict has been decided beforehand and the defendants are not given adequate chance to defend themselves. Again this trial is referred to as another reflection of "Saudi Arabia's grossly unfair and biased criminal justice system"

Ironically, the Arab Charter on Human Rights that Saudi Arabia ratified in 2009, guarantees the right to a fair trial and the right of anyone arrested or detained on a criminal charge to be brought promptly before a judge or other officer of the law, and to have a trial within a reasonable time or be released. It further reiterates that "Pre-trial detention shall in no case be the general rule" (article 13 & 14).

Likewise, although article 25 & 4 of the Arab Charter guarantees the right of minority groups to practice their own religion and bans discrimination on the basis of religion. More often than not, Saudi Arabia's Shia citizens face systematic discrimination in public education, government employment, and permission to build houses of worship in the majority-Sunni country. As such we are at a point where being a Shia muslim amounts as a crime. Shi'a leaders and activists faced arrest, imprisonment and in some cases the death penalty, following unfair trials.

As such, in January the prominent Shi'a cleric Sheikh Tawfiq Jaber Ibrahim al-'Amr was sentenced to eight-year prison term and subsequent 10-year travel ban imposed in August 2014 by the SCC appeal court for delivering religious sermons and speeches deemed to incite sectarianism, defame the ruling system, ridicule religious leaders, show disobedience to the ruler, and advocate change.

In the meantime, Saudi Arabia issues extraordinary defence of human rights record in a speech to UN Human Rights Council during its 31st session claiming "the Kingdom was one of the first countries to promote human rights and fights torture in all its physical and moral manifestations." This claim is not sitting well with several advocacy groups and human rights organizations as the narrative portrayed by the kingdom to the Human Rights Council is not the reality with in the country.

The human rights abuses of the Kingdom of Saudi Arabia are not secrets; however, the UN and other stakeholders look at the severe human rights situation in the kingdom with mere disapproval, but impotence which in a way is perpetuating the tyranny in the land- a monarchy under rigid Islamic Law, with only rare and arbitrary local elections.

By the same token, the UN has failed time and again to put real pressure on Saudi authorities, publicly, to abide by international human rights and humanitarian law. It is only a few month back that the UN named the Saudi Kingdom as chair of a key UN Human Rights Council panel, with the power to select top officials who shape international human rights standards and report on violations worldwide. Such a serious appointment and recognition from the UN is disappointing and almost comical for human rights activists and defenders. Arguably, the appointment of Saudi kingdom as the head of the committee gives the authorities solid pretext to harshly crush human rights activists under the umbrella of Human Rights Council. As a result, instead of being a refuge for those whose rights are violated, the Council becomes a weapon and safe haven for such governments that have the worst human rights records and show disrespect to basic principles of human rights and freedom.

Despite the absence of synergized plan of action from the UN and other relevant organs to halt the tyranny, several strong and courageous individuals and groups continue to exert great effort and take enormous risks to organize and call for reform.

As an elected member of this Council, Saudi Arabia is obliged to "uphold the highest standards in the promotion and protection of human rights" and "fully cooperate with the Council". If it is to retain any credibility as a member, we urge it to reform its laws so as to protect freedom of religion, belief, and expression, cease the use of corporeal punishment and arbitrary detention.

The nature and scope of the human rights violations taking place in Saudi Arabia in response to those who are largely demonstrating peacefully for their fundamental human rights and freedoms is alarming. Today, thousands like Waleed AbulKair, Shaikh Tawfiq al-Aamer, Dr. Abdullah al-Hamid, Dr. Mohammed al-Qahtani, Fadil al-Manasif, Fadil Shuelah, Zuhair al-Katabi and many others are behind bars without criminal charges merely because they exercised the right of freedom of expression.

It is critical that the UN Human Rights Council promotes mechanisms to monitor the performance, commitment and implementation of international legal and policy frameworks that promote and protect human rights. Otherwise the human rights situation is destined to deteriorate at the hands of UN and its state members.

ICSFT as part of its core mission calls for the proliferation of the rights to free belief and expression in the middle east and in particular in Saudi Arabia.

Finally, we hope to hear a clear voice of opposition to the executions of freedom fighters and human rights defenders in Saudi kingdom from the Human Rights council as such a step will hail the wounds and deter further senseless violations of fundamental human rights.