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Human rights situations that require the Council's attention

Written statement* submitted by Americans for Democracy & Human Rights in Bahrain Inc, 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.


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Impunity in Kuwait, Saudi Arabia, and the United Arab Emirates

Americans for Democracy & Human Rights in Bahrain (ADHRB) takes this opportunity at the 41st session of the United Nations (UN) Human Rights Council (HRC) to raise serious concerns regarding the issue of impunity throughout the Arab Gulf – specifically in Kuwait, Saudi Arabia, and the United Arab Emirates (UAE). By routinely failing to hold security officers and government agents accountable, these states have emboldened human rights abusers and encouraged a culture of corruption and brutality.

Kuwait

There is clear evidence of impunity in Kuwait, particularly within the Kuwaiti government and police forces. The United States (US) Department of State (DOS) 2018 human rights report on Kuwait noted that there “continued to be reports of torture and mistreatment by police and security forces against detained members of minority groups and noncitizens.”¹ However, despite reports of mistreatment and torture, Kuwaiti officers rarely face consequences.

In addition to reports of police brutality and allegations of mistreatment and torture that are not prosecuted, there are reports of unpunished corruption by government officials. The DOS reported that police corruption, specifically, is a common problem in Kuwait.² In particular, the DOS noted that officers’ personal relationships frequently enabled individuals accused of crimes to avoid conviction. In this, police favor Kuwaiti citizens over noncitizens to the point where crimes committed by nationals against non-nationals are rarely prosecuted. Furthermore, police rarely prosecute high-ranking officials who are implicated in corruption scandals. For example, in 2017, top officials at the Ministry of Health, the Ministry of Communications, and Kuwait’s Port Authority were referred to government corruption services. Despite this, the majority of officials were not charged, although there is evidence of common and widespread bribery across agencies.

Saudi Arabia

Saudi authorities have routinely mistreated and tortured activists, dissidents, and human rights defenders without being punished or held accountable. The refusal by the Saudi government to hold its agents accountable has contributed to an atmosphere of pervasive impunity, that in some cases has empowered government agents to commit gross human rights violations, including extrajudicial killings.

In October 2018, Saudi expatriate journalist Jamal Khashoggi³ disappeared after entering the Saudi consulate in Istanbul. Following Khashoggi’s disappearance, Saudi Arabia denied having any knowledge of his whereabouts, although Turkish authorities presented evidence finding that Khashoggi had been killed by a team of members of Saudi Arabia’s military and security forces. Initially, Saudi Arabia and Crown Prince Mohammad bin Salman (MbS), denied any involvement in the killing, simply “we have nothing to hide.”⁴ On 20 October 2018, Saudi Arabian authorities admitted Jamal Khashoggi was killed in the Saudi consulate. The kingdom subsequently arrested 21 individuals for their alleged participation, charging 11.

¹ "Kuwait 2018 Human Rights Report." United States Department of State. 2018. Accessed May 22, 2019. <https://www.state.gov/wp-content/uploads/2019/03/KUWAIT-2018.pdf>.

² Ibid.

³ For further information on Khashoggi, see Written statement submitted by Americans for Democracy & Human Rights in Bahrain Inc, a non-governmental organization in special consultative status, U.N. Doc. A/HRC/40/NGO/165 (Feb. 20, 2019).

⁴ “A Timeline of Events in the Khashoggi Case.” *AP NEWS*, Associated Press, 25 Oct. 2018, www.apnews.com/0be4f39142be4b3b90fd3fadcece4467

Ahmed al-Asiri and Saud al-Qahtani, were high-level officials who were allegedly directly involved in Khashoggi's killing. Despite this, they were fired but they were neither arrested nor charged. There also have not been steps to hold those who ordered the killing accountable. For example, the United States' Central Intelligence Agency concluded that MbS likely ordered Khashoggi's murder, but the king has not taken any steps to hold him accountable.⁵

As a result of the Saudi government's refusal to hold any high-level officials accountable for their role in Khashoggi's murder, Agnes Callamard, the UN HRC's Special Rapporteur on extrajudicial, summary, or arbitrary executions labeled the kingdom's efforts "substandard."⁶ In March 2019, she called on Saudi Arabia to take concrete steps to demonstrate its commitment to human rights and transparency, and stressed that Saudi Arabia's closed-door trials of those accused in the killing have "fallen short of meeting international standards."⁷

Khashoggi's murder and the lack of accountability for all involved is indicative of a broader culture of impunity in the kingdom.

The United Arab Emirates

The United Arab Emirates commits human rights violations domestically and internationally with impunity. Government-sanctioned impunity emboldens the United Arab Emirates's security forces to torture and extract confessions from detainees and prisoners without fear of consequences.

The United Arab Emirates, which is a member of the Arab coalition in Yemen, operates secret prisons in southern Yemen that have raised serious concerns surrounding allegations of systematic sexual abuse and torture. Reportedly, United Arab Emirates and United Arab Emirates-supported forces blindfold, beat, sexually assault inmates, and torture inmates, many of whom are not charged with crimes. Other reports detailed torture which included the electrocution and abuse of genitals, rape and sodomization, and severe beatings, in addition to other gruesome acts.⁸ Following the release of this information, the United Arab Emirates denied all accusations, maintained it did not operate any secret prisons in Yemen, and dismissed the claims as being politically motivated.

United Arab Emirates officials also abuse detainees with impunity at home. For example, Emirati officials denied Ali Abdulnoor, a terminally ill prisoner, of adequate medical treatment and refused without explanation to release Abdulnoor on a medical basis. Even as her condition worsened and she lost the ability to walk or stand without assistance, she was shackled to her bed.⁹ She died in custody in early May 2019. In a statement, the UN Office of the High Commissioner for Human Rights called on the United Arab Emirates to investigate the circumstances surrounding her death, as well as the credible allegations of

⁵ Labott, Elise, et al. "CIA Concludes Saudi Crown Prince Ordered Journalist's Death, Sources Say." *CNN*, Cable News Network, 17 Nov. 2018, www.cnn.com/2018/11/16/politics/cia-assessment-khashoggi-assassination-saudi-arabia/index.html.

⁶ Reinl, James. "Khashoggi Probe to Push for Accountability: UN Investigator." *News | Al Jazeera*. April 18, 2019. Accessed May 22, 2019. <https://www.aljazeera.com/news/2019/04/khashoggi-probe-push-accountability-investigator-190418171506140.html>

⁷ "Khashoggi Case: UN Expert Calls for Public Trials of Accused Killers in Saudi Arabia." *OHCHR*. March 28, 2019. Accessed May 22, 2019. <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24421&LangID=E>

⁸ "Yemeni prisoners say UAE officers sexually torture them: AP." *Al Jazeera, Associated Press*, 20 June 2018 <https://www.aljazeera.com/news/2018/06/yemen-prisoners-uae-officers-sexually-torture-ap-180620082543379.html>

⁹ O'Hara, Casey and Zuraw, Monica. "Terminally Ill UAE Prisoner Alia Abdulnoor Dies in Custody after Being Denied Medical Release." *Americans for Democracy & Human Rights in Bahrain*, Americans for Democracy & Human Rights in Bahrain, 9 May 2019, www.adhrb.org/2019/05/terminally-ill-uae-prisoner-alia-abdulnoor-dies-in-custody-after-being-denied-medical-release/

her torture and ill-treatment, and to hold those involved accountable. However, OHCHR has not received any response and the United Arab Emirates has not undertaken an investigation.¹⁰

Numerous other human rights organizations and UN agencies have reported multiple instances of torture, including beatings, electrocution, forced standing, and threats of rape or death, perpetrated by United Arab Emirates and United Arab Emirates-backed forces at home and abroad. Despite these reports, the Emirati government has not opened any investigation into the allegations, evaluated its policies, or reformed its security services.¹¹

Conclusions and recommendations

Officials in Kuwait, Saudi Arabia, and the United Arab Emirates are able to commit acts of corruption, as well as severe abuses often directed towards human rights activists, prisoners, and dissidents, with impunity. The lack of accountability for these violations has allowed such crimes to become commonplace.

As such, ADHRB urges each of these countries to:

Investigate and hold accountable officials who have committed human rights violations, or are engaged in corruption;

Encourage a culture of accountability by creating independent investigative mechanisms, empowering anti-corruption offices, and enforcing strict ethical guidelines and conduct codes for police officers and prison officials;

Bring legislation in line with internationally recognized human rights norms.

¹⁰ "Press Briefing Note on United Arab Emirates." *United Nations Human Rights Office of the High Commissioner*, United Nations, 9 May 2019, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24570&LangID=E

¹¹ "United Arab Emirates - United States Department of State." U.S. Department of State - Country Reports on Human Rights. 2018. Accessed May 22, 2019. <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/united-arab-emirates/>