



GCC Cases Raised in the HRC 37 Special Procedures Joint Communications Report

Bahrain:

Complaint	Mandate(s)	Communication Summary and Findings
31 Oct 2017 Bahrain JUA BHR 11/2017	<ul style="list-style-type: none"> • arbitrary detention • freedom of opinion and expression • human rights defenders • torture 	Alleged victims: 1 Information received concerning allegations of torture and other ill-treatment of Mr. Ibrahim Jawad ‘Abd Ullah Sarhan , a Bahraini lawyer, as well as threats of prosecution against him for charges related to the expression of a legal opinion denouncing human rights violations. “We express grave concern at the allegations of torture and other cruel, inhuman or degrading treatment, as well as threats of prosecution, against Mr. Sarhan , which appear to be related to the expression of legal views denouncing human rights violations in Bahrain. We furthermore wish to express our most serious concern at the growing number of cases of alleged use of torture and other cruel, inhuman or degrading treatment against, as well as criminalization of, persons expressing criticism or dissent in Bahrain. Finally, we express our concern at article 165 of the Penal Code, the text of which lends itself for prosecuting persons who legitimately express criticism and dissent towards the Government.”
19 Aug 2017 Bahrain JUA BHR 10/2017	<ul style="list-style-type: none"> • education • freedom of opinion and expression • health • migrants • racism • terrorism 	Alleged victims: 3,694 Information received concerning the adverse situation and the violations of human rights of Qatari migrants in the Kingdom of Bahrain, as well as Bahraini migrants in the State of Qatar as a result of the Kingdom of Bahrain government’s decision to suspend ties with the State of Qatar, particularly their right to movement and residence, family unity, education, work, freedom of opinion and expression, health and the right to property. “Given the harm this order has on thousands of Qatari residents in the Kingdom of Bahrain and Bahraini residents in the State of Qatar, we consider the alleged situation of extreme gravity. Serious concerns are expressed at the numerous rights being infringed, including the right to movement and residence, family reunification, education, work, freedom of expression, health, and the right to private property, without discrimination on any basis.”
13 Jul 2017 Bahrain JUA BHR 9/2017	<ul style="list-style-type: none"> • arbitrary detentions • human rights defenders • torture • violence against women 	Alleged victims: 1 Information received concerning the alleged arbitrary arrest and detention of a human rights defender, Ms. Ebtesam

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Abdullhusain Ali Alsaegh, in the Isa Town women’s prison by agents of the National Security Agency (NSA), as well as the torture and ill-treatment she is at imminent risk of being subjected to.

“We wish to express our **grave concern** at the alleged arbitrary arrest and incommunicado detention of **Ms. Alsaegh** for her human rights activities, in an apparent reprisal for her cooperation with United Nations human rights mechanisms. Furthermore, we express our grave concern at the imminent risk of torture, including sexual violence, faced by Ms. Alsaegh.”

06 Jul 2017
Bahrain
JUA
[BHR 7/2017](#)

- arbitrary detention
- torture

Alleged victims: 1

Information received concerning the alleged **torture** and other ill-treatment of **Mr. Ali Mohamed Hakeem al-Arab** at the Criminal Investigation Directorate and the Dry Dock prison by the law enforcement authorities of Bahrain.

“While we do not wish to prejudge the accuracy of the information we received, **grave concern** is expressed at the alleged **torture** and other cruel, inhuman and degrading treatment of **Mr. Ali Mohamed Hakeem al-Arab** at the Criminal Investigation Directorate and the Dry Dock prison in Bahrain.”

04 Jul 2017
Bahrain
JUA
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- human rights defenders
- torture

Alleged victims: 1

Information received concerning allegations of **torture** and other cruel, inhuman and degrading treatment inflicted on **Ms. Ebtessam Abdullhusain Ali Alsaegh**, by agents of the National Security Agency (NSA), in the Muharraq police station, Bahrain.

“We express grave concern at the allegations of **torture** and ill-treatment of **Ms. Alsaegh** in an apparent reprisal for the legitimate exercise of her right to freedom of expression through her human rights work and her collaboration with the UN human rights mechanisms. **Grave concern** is further expressed for the physical and psychological integrity of Ms. Alsaegh and her family.”

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Bahrain
JUA
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- arbitrary detention
- executions
- freedom of opinion and expression
- freedom of peaceful assembly and of association
- human rights defenders

Alleged victims: 300

Information received concerning the alleged **killing** of at least five individuals, including one human rights defender, **injuries** sustained by dozens of protestors and the arbitrary **detention** of at least 286 individuals, in the context of protests organized in the city of Duraz, Bahrain.

“We express **grave concern** about the allegations of excessive use of force by security forces – including military and parliamentary forces – in the context of **peaceful protests**, leading to the **unlawful killings** of at least five individuals, and

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(continued)

injuring of dozens of individuals since the beginning of the sit-in in Duraz. We express equal concern at the allegations of arrests and detention of numerous protestors in locations where they are reportedly being subjected to **torture** and other ill-treatment. We also express concern about the **restriction of movement** into and out of Duraz in recent months. We reiterate our concerns at the broader effect of this form of criminalization of the right to freedom of peaceful assembly and freedom of expression, which has a detrimental effect on civil society as a whole, in particular on dissenting and critical voices.”

Saudi Arabia:

<u>Complaint</u>	<u>Mandate(s)</u>	<u>Communication Summary and Findings</u>
14 Nov 2017 Saudi Arabia OL SAU 11/2017	<ul style="list-style-type: none">women in law and in practice	<p>Information received relating to the criminalization of adultery in Saudi Arabia which seems to contravene international human rights norms and standards as outlined below.</p> <p>“We would like to express our concerns that the criminalization of adultery contravenes article 5 of the Convention on the Elimination of All Forms of Discrimination against Women, by reinforcing social and cultural patterns that are based on prejudice and stereotyped roles for men and women. We are concerned that such judicial rulings may exacerbate gender-based violence, as women who are accused and/or convicted of adultery tend to be targets of violence and abuse, by members of family, community or law enforcement officers, due to a belief that they deserve to be punished for their moral crimes.”</p>
13 Nov 2017 Saudi Arabia JUA SAU 10/2017	<ul style="list-style-type: none">violence against womenwomen in law and in practicereligion or belief	<p>Alleged victims: 1</p> <p>Information received concerning the alleged kidnapping and possible harm of Amnah AlJuaid, in connection with policies discriminating against women in the Kingdom of Saudi Arabia.</p> <p>“Grave concern is expressed at the allegations that Ms. AlJuaid has been subject to kidnapping and/or violence, at least in part as a result of her expression as an atheist, exercising her right to freedom of religion or belief. Further grave concern is expressed at the allegations of forced marriage and at a perpetuated system that provides no recourse for abuse victims resulting in a lack of access to their human rights.”</p>
19 Aug 2017 Saudi Arabia JUA SAU 8/2017	<ul style="list-style-type: none">educationfreedom of opinion and expressionhealthmigrantsracism	<p>Alleged victims: 11,948</p> <p>Information received concerning the adverse situation and the violations of human rights of Qatari migrants in the Kingdom of Saudi Arabia, as well as Saudi Arabian migrants in the State of Qatar as a result of the Saudi Arabian government’s decision to suspend ties with the State of Qatar.</p>

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- religion or belief
- terrorism

“Given the harm this order has on thousands of Qatari residents in the Kingdom of Saudi Arabia, Saudi Arabian residents in the State of Qatar, as well as **migrant workers** living in the Kingdom of Saudi Arabia, we consider the alleged situation of extreme gravity. **Serious concerns** are expressed at the numerous rights being infringed, including the right to movement and residence, family reunification, education, work, freedom of expression, health, freedom of religious practice, and the right to private property, without discrimination on any basis.”

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Saudi Arabia
JUA
[SAU 7/2017](#)

- arbitrary detention
- disability
- disappearances
- executions
- freedom of opinion and expression
- freedom of peaceful assembly and of association
- torture

Alleged victims: 104

Information received concerning **imminent executions** of 17 individuals convicted of protest-related charges and on the basis of trials that did not meet fair trial and due process guarantees, including allegations of confessions obtained under torture, as well as allegations of human rights violations in relation to several other death penalty cases at various stages of proceedings before the Specialized Criminal Court and Criminal Court in Saudi Arabia.

“While we do not wish to prejudge the accuracy of these allegations, we express our most serious concern:

- at the recent executions of the above-mentioned four men, Messrs. **Yousef Musheikhas, Amjad al-Muebad, Mahdi al-Sayegh** and **Zaher al-Basri**, which were carried out without prior notice to the families concerned; and at the allegation that they were convicted and sentenced to death on protest-related charges that might not meet the threshold of “most serious crimes” as required under international law

- at the **imminent executions** of the above-mentioned 14 individuals, who are part of a group of defendants known as the “Awamiyah 24 Cell”, and in particular the two juvenile offenders and a man with disabilities, in relation to pro-democracy protests and after trials that did not meet fair trial and due process guarantees. Of particular concern in this regard are the reported acts of torture and ill-treatment, including prolonged solitary confinement, invocation and admission of **confessions obtained under torture** as evidence; lack of investigation into the allegations of torture; the denial of access to medical care in detention; as well as the lengthy pre-trial detention, the denial of access to legal representation before and during the trial, the denial of the principle of equality of arms including by denying the defendants and their legal representatives access to the charges brought against them as well as supporting evidence, and the right to defend oneself in court. Meanwhile, **serious concern** is expressed at the allegation that these 14 men were convicted and sentenced to death on charges that do not meet the threshold of “most serious crimes” as required by international law for the implementation of their death sentences to be lawful.

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- at the imminent executions of three other juvenile offenders, Messrs. **Ali Mohammed al-Nimr**, **Dawood al-Marhoon** and **Abdullah al-Zaher**, who were all under age of 18 at the time of the commission of the alleged crime for which they were sentenced to death. Similar grave concern is expressed at the death sentence issued against **Mr. Abdelkareem al-Hawaj**, who was also a juvenile at the time of the commission of the alleged crime of which he was convicted. Of particular concern are the allegations of his lengthy pre-trial detention, including incommunicado detention and solitary confinement for five months, acts of torture and ill-treatment, and that the charges for which he was convicted and sentenced to death relate to pro-democracy protests and might not meet the threshold of “most serious crimes” prescribed under international law.
- at the **death sentences** handed down to the above-mentioned 15 individuals on charges of committing acts of espionage against the Kingdom of Saudi Arabia on behalf of Iran, which do not meet the threshold of “most serious crimes”; as well as about fate and whereabouts of the other 17 men.
- at the allegations that the death sentences issued against Messrs. **Hussein Abu alKheir** (or Husain Abu al-Khair), **Ashraf Fayyad** (or Fayadh) and **Haydar al-Leif**, which were overturned, remain subject to appeal amidst reports of lack of fair trial and due process guarantees, including that their sentences were based on **forced confessions** obtained under torture.
- at the refusal by Saudi authorities to return the bodies of those that have been executed to their families for burial, despite requests made. In this regard, concern is also expressed at the reported reason for this denial, being to hide signs of torture still visible on their remains.

It is our **overarching concern** that the charges for which the above-mentioned individuals were convicted and sentenced to death do not reach the threshold of “most serious crimes” as required by international law, and if implemented will constitute **arbitrary executions**. We equally express overarching concern at the criminalization of protests and that the charges brought under the cybercrimes law, as well as defamation charges, do not meet the threshold for lawful restrictions to the exercise of freedom of expression and assembly under international standards. We reiterate that the criminalization of expression through the application of national security provisions to target speech that is deemed dissenting or critical is incompatible with international human rights standards.”

11 Jul 2017
Saudi Arabia
 JAL
[SAU 6/2017](#)

- business
- migrants
- poverty
- slavery

Alleged victims: 1

Information received concerning allegedly **abusive labour practices** of a Saudi construction operator, the United Seemac Co., in violation of the human rights of its **migrant workers**.

“We express **serious concerns** over alleged violations of the human rights of the concerned **migrant workers**, including the rights to just and favorable remuneration and conditions of work, to an adequate standard of living, and to freedom of movement. We also express concern over the sponsorship (kafala) system that continues to exist in the Kingdom of Saudi Arabia. With due respect to your Excellency’s Government’s position that such a system does not exist in the Kingdom, we note that the fundamental elements of the sponsorship system largely remain intact and still dictate the employer-migrant worker relationship in the country. The legal residency status of migrant workers is tied to the employer throughout their contract period and they are not at liberty to resign or terminate their employment or leave the country without the consent of the employer. The migrant workers are also required to obtain the approval of the current employer if they wish to transfer to another employer, except under narrowly defined circumstances. The amendments to the Labor Law introduced over the last few years have not changed the architecture of the sponsorship system and the employer still retains significant control over the legal residency status of migrants workers, their choice of employment, and their movements within and out of the country. These factors inevitably lead to a significant power imbalance within the employment relationship and may give rise to conditions akin to slavery or **forced labor**.”

United Arab Emirates:

Complaint	Mandate(s)	Communication Summary and Findings
14 Nov 2017 United Arab Emirates OL ARE 8/2017	<ul style="list-style-type: none"> • women in law and in practice 	<p>Information received related to the criminalization of adultery under Federal Law no. 3 of 1987, the United Arab Emirates Penal Code, which seems to contravene international human rights norms and standards as outlined below.</p> <p>“We would like to express our concerns that the criminalization of adultery contravenes article 5 of the Convention on the Elimination of All Forms of Discrimination against Women, by reinforcing social and cultural patterns that are based on prejudice and stereotyped roles for men and women. We are concerned that such discriminatory legislation and judicial practices may exacerbate gender-based violence, as women who are accused and/or convicted of adultery tend to be targets of violence and abuse, by members of family, community or law enforcement officers, due to a belief that</p>

they deserve to be punished for their moral crimes.”

- 26 Oct 2017
United Arab Emirates
JUA
[ARE 7/2017](#)
- arbitrary detention
 - freedom of opinion and expression
 - human rights defenders
 - torture

Alleged victims: 1

Information received concerning the continued **detention in solitary confinement** and without access to a lawyer of **Mr. Ahmed Mansoor** since 20 March 2017. Considering Mr. Mansoor’s collaboration with the Human Rights Council, its Special Procedures, the Universal Periodic Review mechanism and treaty bodies, we reiterate our concern that the measures adopted against him may amount to acts of intimidation and reprisal for his cooperation with the United Nations and its mechanisms.

“We reiterate our **deep concern** at the arrest of and the criminal proceedings held against **Mr. Mansoor**, for charges related to the expression through social media of critical views on the human rights situation in the UAE. We are furthermore gravely concerned about the allegations regarding his detention in an unverified location, in conditions of prolonged solitary confinement and with serious restrictions to receive visits, which may amount to cruel, inhuman or degrading treatment. Finally, we express our dismay at the allegations that Mr. Mansoor has to date had no access to a lawyer, and the severe implications this may have in the context of the procedures against him.”

- 04 Oct 2017
United Arab Emirates
JUA
[ARE 6/2017](#)
- arbitrary detention
 - torture

Alleged victims: 1

Information received concerning the transfer to **solitary confinement** of **Mr. Mohamad Ismat Mohamad Shaker Az**, for a lengthy period of two months, allegedly as a measure of retaliation after the issuance of Opinion No. 21/2017 by the United Nations Working Group on Arbitrary Detention.

“We express our very serious concern that **Mr. Az** was placed in isolation from other detainees (solitary confinement), that he was deprived of proper ventilation in his cell, that he was not provided adequate medical care, and that he may be retried and given a longer sentence. Our concern in these regards is heightened by the fact that these new measures appear to have been taken in retaliation against Mr. Az, after his case was examined by the Working Group on Arbitrary Detention. Should this be the case, this is a matter of utmost importance that the Working Group is bringing up to the attention of Your Excellency’s Government, and that it may publicly report to Human Rights Council. The placement of Mr. Az in solitary confinement constitutes an additional restriction on his right to liberty, indeed, a form of further punishment, protected by article 9 of the Universal Declaration of Human Rights. According to rules 43 to 45 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), prolonged solitary confinement in excess of 15

consecutive days is prohibited and may amount to **torture** or cruel, inhumane or degrading treatment or punishment.”

- 19 Aug 2017
United Arab Emirates
JUA
[ARE 5/2017](#)
- education
 - freedom of opinion and expression
 - health
 - migrants
 - racism
 - terrorism

Alleged victims: 4,478

Information received concerning the adverse situation and the violations of human rights of **Qatari migrants** in the United Arab Emirates, as well as **Emirati migrants** in the State of Qatar as a result of the United Arab Emirates government’s decision to suspend ties with the State of Qatar, particularly their right to movement and residence, family unity, education, work, freedom of opinion and expression, health and the right to property.

“While we do not wish to prejudge the accuracy of these allegations, and given the harm this order has on thousands of Qatari residents in the United Arab Emirates and Emirati residents in the State of Qatar, we consider the alleged situation of extreme gravity. Serious concerns are expressed at the numerous rights being infringed, including the right to movement and residence, family reunification, education, work, freedom of expression, health, freedom of religious practice, and the right to private property, without discrimination on any basis.”

- 28 Jul 2017
United Arab Emirates
JAL
[ARE 4/2017](#)
- executions
 - terrorism

Alleged victims: 25

Information received concerning a joint United States and Emirati counter-terrorism operation carried out around the village of Al Ghayil, Yakla region, Yemen, on the night of 28 January 2017, during which reportedly up to 25 civilians, including five women and nine children, were killed.

“We express **grave concern** at these allegations of what appears to be indiscriminate **targeting of civilians** by U.S. and Emirati joint forces, and resulting in up to 25 casualties, including six women and nine children. Particular concern is raised that adequate safeguards to protect the right to life might not have been in place while the risks to civilian lives in counter-terrorism operations like the present one in Yemen were or should have been known, and protection measures should have been taken. Further concern is expressed that the use of force appears to be have been applied without sufficient caution under applicable international human rights and humanitarian law.”

Kuwait:

<u>Complaint</u>	<u>Mandate(s)</u>	<u>Communication Summary and Findings</u>
16 Nov 2017 Kuwait OL KWT 1/2017 ¹⁶	<ul style="list-style-type: none">• women in law and in practice	Concerns regarding the criminalization of adultery under the Penal Code (Act. N°16 of 1960), which seems to contravene international human rights norms and standards.

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Kuwait
 OL
[KWT 1/2017](#)
 (continued)

“We would like to express our concerns that the criminalization of adultery contravenes article 5 of the Convention on the Elimination of All Forms of Discrimination against Women, by reinforcing social and cultural patterns that are based on prejudice and stereotyped roles for men and women. We are concerned that such discriminatory legislation may exacerbate **gender-based violence**, as women who are accused and/or convicted of adultery tend to be targets of violence and abuse, by members of family, community or law enforcement officers, due to a belief that they deserve to be punished for their moral crimes. In this regard we are concerned at the mitigating circumstances and exculpatory provisions set out in article 153 of the Penal Code regarding so-called “honour” crimes when they are voluntarily carried out by a man against his wife or another female relative surprised in the act of adultery or sexual intercourse. Indeed, article 153 of the Penal Code provides that “any person who surprises his wife in the act of adultery or surprises his daughter, mother or sister in the act of copulation with a man, and instantly kills her or the adulterer or kills both of them, shall be penalized by incarceration for a period not exceeding three years and a fine not exceeding three thousand Rupees or either of both penalties”.

Oman:

Complaint	Mandate(s)	Communication Summary and Findings
14 Nov 2017 Oman OL OMN 2/2017	<ul style="list-style-type: none"> women in law and in practice 	Information received relating to the criminalization of adultery under Royal Decree 7/74, the Omani Penal Code which seems to contravene international human rights norms and standards as outlined below.

“We would like to express our concerns that the criminalization of adultery contravenes article 5 of the Convention on the Elimination of All Forms of Discrimination against Women, by reinforcing social and cultural patterns that are based on prejudice and stereotyped roles for men and women. We are concerned that such discriminatory legislation may exacerbate **gender-based violence**, as women who are accused and/or convicted of adultery tend to be targets of violence and abuse, by members of family, community or law enforcement officers, due to a belief that they deserve to be punished for their moral crimes. Furthermore, reduced penalties apply to men who kill their wife having found her in an adulterous act. The same reduced penalties do appear to not apply for equivalent circumstances for women. Under Article 252 of the Penal Code, a man who commits a crime against his wife or a female relative immediately after having surprised her in an act of adultery may receive a reduced penalty or be exempted from penalty altogether. The Penal Code does not provide an equivalent mitigation for women in equivalent circumstances. A

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Oman

OL

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wife who finds her husband in the act of adultery in the marital home and kills him does not benefit from this mitigation; instead, she faces murder charges with a sentence of such duration as the judge considers necessary.”

Qatar:

<u>Complaint</u>	<u>Mandate(s)</u>	<u>Communication Summary and Findings</u>
14 Nov 2017 Qatar OL QAT 3/2017	<ul style="list-style-type: none">women in law and in practice	<p>Information received relating to the criminalization of adultery under the Law No. 11/2004 issuing the Qatari Penal Code which seems to contravene international human rights norms and standards as outlined below.</p> <p>“We would like to express our concerns that such discriminatory legislation may exacerbate gender-based violence, as women who are accused and/or convicted of adultery tend to be targets of violence and abuse, by members of family, community or law enforcement officers, due to a belief that they deserve to be punished for their moral crimes.”</p>