



GCC Cases Raised in the HRC 41 Special Procedures Joint Communications Report

Bahrain:

Complaint	Mandate(s)	Communication Summary and Findings
11 Dec. 2018 Bahrain JUA BHR 6/2018	<ul style="list-style-type: none"> • Executions • Independence of judges and lawyers • Terrorism • Torture 	<p>Alleged victims: 20</p> <p>Information received concerning the imposition of the death penalty, including cases where there is an immediate risk of execution, and the conduct of trials in the Bahrain.</p> <p>“. . . [W]e are expressing our most serious concern that if confirmed the acts alleged would amount to instances of arbitrary detention, enforced disappearance, torture and convictions following trials that would not meet international standards of fair trial and due process . . .”</p> <p>“We are extremely concerned about the allegations that confessions were obtained under torture and used as evidence in court, thus forming the basis of conviction, particularly when defendants were denied the right to be assisted by a lawyer.”</p> <p>“The imposition and implementation of the death penalty in such circumstances would constitute a violation of the right of every individual to life, liberty, and security . . .”</p> <p>“We urge Your Excellency’s Government to halt the executions of all individuals whose cases are described in this communication and to ensure that all of them are re-tried in full compliance with the Kingdom of Bahrein’s [sic] international human rights obligations.”</p>
17 Jan. 2019 Bahrain JAL BHR 7/2018	<ul style="list-style-type: none"> • Arbitrary Detention • Executions • Freedom of opinion and expression • Human rights defenders • Religion or belief • Women in law and in practice 	<p>Alleged victims: 3</p> <p>Information received concerning threats, including death and rape threats, travel restrictions and other human rights violations against two human rights defenders and allegations regarding further acts of reprisals, including physical abuse in detention against the mother-in-law of a well-known defender who is currently outside the country.</p> <p>“. . . [W]e would like to bring to the attention of your Excellency’s Government allegations we have received concerning threats, including death and rape threats, travel restrictions and other human rights violations against two human rights defenders: Ms. Ebtessam Abdulhusain Ali-AlSaegh and Ms. Zainab Abdullah Salman AlKhamis. We have also received allegations regarding further acts of reprisals, including physical abuse in detention, against Ms. Hajar Mansoor Hasan, the mother-in-law of a well-known</p>

defender who is currently outside the country.”

“. . . [W]e wish to express **serious concern** at the fact that travel restrictions, politically motivated charges, threats, including death threats and threats of sexual violence, and physical violence appear to be **among the measures used to prevent human rights defenders from carrying out their peaceful and legitimate work in defense of human rights** in Bahrain. Our concerns in this case are heightened by the fact that the violations against Ms. AliAlSaegh and Ms. Mansoor Hasan are reported as **acts of intimidation and reprisal for their cooperation with the United Nations . . .**”

“We reiterate our concern over the **criminalization of freedom of expression as well as freedom of association** through the use of repressive, broad and unspecific State security legislation, **including counter-terrorism legislation, to target human rights defenders in Bahrain** and note that the use of such legislation is a **violation of the international human rights law**, to which Bahrain is a party.”

Saudi Arabia:

<u>Complaint</u>	<u>Mandate(s)</u>	<u>Communication Summary and Findings</u>
08 Feb. 2019 Saudi Arabia JUA SAU 1/2019	<ul style="list-style-type: none">• Freedom of opinion and expression• Human rights defenders• Violence against women• Women in law and in practice	<p>Alleged victims: 6</p> <p>Information received concerning torture, sexual harassment and ill-treatment of six women human rights defenders in prison.</p> <p>“[W]e would like to bring to the attention of your Excellency’s Government information we have received concerning torture, sexual harassment and ill-treatment of six women human rights defenders in prison.”</p> <p>“We express grave concern at the allegations received about the detention, torture, sexual harassment and ill-treatment of the six women human rights defenders in prison, including in the form of gender based violence. The brutality of the allegations raises serious concern at the physical and psychological well-being of the six women defenders. We reiterate our concern at the apparent lack of due process guarantees, including the lack of any official charges. Their arrest and imprisonment seem to be a reprisal for their legitimate exercise of freedom of expression, and it forms part of a widespread crackdown on human rights defenders, especially those defending the rights of women in Saudi Arabia.”</p> <p>“Our concerns are heightened by the fact that the violations against two of the women human rights defenders have been reported as acts of intimidation and reprisal for cooperation</p>

with the United Nations . . .”

15 Feb. 2019
Saudi Arabia
JUA
[SAU 2/2019](#)

- Migrants
- Minority issues
- Racism

Alleged victims: 2

Information received about **Mr. Hatim Farajallah**, a Palestinian, born and residing in Saudi Arabia, and his father **Mr. Majid Farajallah**, who are members of the Palestinian minority and find themselves in a stateless-like situation

“ . . . [W]e wish to **express serious concerns** over the reported legal status of Mr. Hatim Farajallah and Mr. Majid Farajallah, who find themselves in a **stateless-like situation**, deprived of identification and travel documents, as well as of official residency in Saudi Arabia. **We are alarmed by their precarious situation**, which poses serious risks to the enjoyment of their human rights, including access to education and health care, as well as to an adequate standard of living, and which, if not resolved, would have **negative legal implications for them as a result of their statelessness, including arrest and possible removal.**”

22 Feb. 2019
Saudi Arabia
JAL
[SAU 4/2019](#)

- Education
- Privacy
- Violence against women
- Women in law and in practice

Alleged victims: -

Information received concerning legislation and social practices of **“male guardianship” in Saudi Arabia**, including the mobile phone application ‘Absher’, which seem to **contravene international human rights norms and standards** as outlined below.

“We **express our concern about the negative impact of male guardianship** and the use of mobile phone application Absher on the enjoyment of women’s human rights in Saudi Arabia. It is our assessment that they are based on and result in discrimination against women and **severely impair their enjoyment of human rights**, including the **rights to freedom of movement, education, work, access to justice, privacy and family life**, among others.

Despite your Excellency’s Government’s commitment to adopt reforms limiting the impact of male guardianship on women’s human rights, **we are concerned that Absher may represent a step back**, as a technological tool which allows male “guardians” to extend the control of women to the digital sphere and to restrict their freedom of movement in ways that are **incompatible with their enjoyment of human rights**. It can also **increase the risks for women who attempt to escape from abusive husbands or households**.

We therefore call upon your Excellency’s Government to increase its efforts to abolish male guardianship in law and practice and to eliminate, without delay, Absher’s capabilities

that allow male “guardians” to monitor and restrict women’s whereabouts and freedom of movement.”

25 Feb. 2019
Saudi Arabia
JAL
[SAU 5/2019](#)

- Disappearances
- Executions
- Independence of judges and lawyers

Alleged victims: 5

Information received concerning Mr Kashoggi's[sic] killing.

“. . . [W]e would like to observe, at the outset, that when there exist plausible allegations that public officials have committed, or have been complicit in the commission of gross or systemic human rights violations, **the authorities of the State concerned are obliged, under international law, to ensure that an effective, official investigation, is undertaken.**”

“Any criminal proceedings ensuing from the investigations should serve as a mechanism to clarify the occurrence and circumstances of the act being investigated, in this case the killing and whereabouts of Mr. Khashoggi’s remains, to **establish full accountability of those responsible for them and to provide adequate remedies to the victim’s relatives.** It is therefore essential that the proceedings are conducted by a **competent, independent and impartial jurisdiction, in accordance with international fair trial and due process standards,** including in terms of publicity and public participation.”

United Arab Emirates:

Complaint	Mandate(s)	Communication Summary and Findings
06 Dec. 2018 United Arab Emirates JUA ARE 3/2018	<ul style="list-style-type: none">• Disappearances• Executions	Alleged victims: 1 Information received concerning the continuous enforced disappearance and alleged death of Ms. Sheikha Latifa al Maktoum. “ Serious concern is expressed over the continuous enforced disappearance and alleged killing of Ms. Sheikha Latifa al Maktoum.”
17 Jan. 2019 United Arab Emirates JUA ARE 1/2019	<ul style="list-style-type: none">• Disappearance• Executions	Alleged victims: 1 Information received concerning a Pakistani national who is forcibly disappeared and at risk of being deported from the United Arab Emirates back to Pakistan. “In this connection, we would like to bring to the attention of your Excellency’s Government information we have received concerning Mr. Rashid Hussain Brohi , a Pakistani national who is forcibly disappeared and at risk of being deported ”

from the United Arab Emirates back to Pakistan, where his life would be at risk.”

“. . . [W]e appeal to your Excellency’s Government to seek clarification of the circumstances regarding the situation of Mr. Brohi and **express great alarm at allegations that he may be deported to Pakistan where his life would be at risk.** We also express **serious concern** that Mr. Brohi’s whereabouts remain unknown.”

“We would like to recall the right of every individual to life and security and not to be arbitrarily deprived of his or her life . . . The deportation of this person, if carried out, would appear to be in **contravention of the principle of non-refoulement** and we recall that . . . **no one shall be involuntarily returned or extradited to a country where there are substantial grounds for believing that he or she may become a victim** of extra-legal, arbitrary or summary execution in that country . . .”

12 Feb. 2019
United Arab Emirates
JUA
[ARE 2/2019](#)

- Health
- Terrorism
- Torture

Alleged victims: 3

Information received concerning the alleged torture and ill-treatment due to the conditions of detention and lack of appropriate medical treatment, resulting in the deteriorating health of Emirati nationals.

“In this connection, we would like to bring to the attention of your Excellency’s Government information we have received concerning the alleged torture and ill treatment due to the conditions of detention and lack of appropriate medical treatment, resulting in the deteriorating health of **Ms. Amina Ahmed Saeed AlAbabdouli, Ms. Maryam Suliman Al-Balushi** and **Ms. Alia Abdalnour** who are Emirati nationals serving sentences varying lengths at Al-Wathba prison.”

“We would like to stress that **each Government has the obligation to protect the right to physical and mental integrity** of all persons . . .”

“We respectfully remind your Excellency’s Government of the relevant provisions of the United Nations Security Council resolutions . . . as well as Human Rights Council resolution . . . and General Assembly resolutions . . . [which] require that **States must ensure that any measures taken to combat terrorism and violent extremism**, including incitement of and support for terrorist acts, **comply with all of their obligations under international law, in particular international human rights law**, refugee law, and humanitarian law.

“We would like to remind your Excellency’s Government of the **absolute and nonderogable prohibition of torture** and

other cruel, inhuman or degrading treatment or punishment as codified in articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which the UAE acceded on 19 July 2012.”

Additional communications sent relating to GCC Countries

Thailand:

Complaint	Mandate(s)	Communication Summary and Findings
7 Dec. 2018 Thailand JUA THA 5/2018	<ul style="list-style-type: none"> Arbitrary detention Torture 	<p>Alleged victims: 1</p> <p>Information received concerning Mr. Hakeem Ali Mohamed Alaraibi, a refugee and former member of Bahrain’s national football team, who is at imminent risk of being deported from Thailand to Bahrain despite being at great risk of being persecuted and tortured. It is alleged that steps to execute the extradition order may be in process as a court hearing is scheduled at Bangkok Criminal Court on 7 December.</p> <p>“We express great alarm as this case appears to be in contravention of the principle of non-refoulement as set forth in article 3 of the Convention against Torture (CAT), signed by Thailand on 1 November 2007, which provides that “[n]o State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture”; and that, “[f]or the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights”.”</p>

Additional communications sent and published but not included in the HRC 41 Joint Communications Report:

Kuwait:

Complaint	Mandate(s)	Communication Summary and Findings
8 Mar. 2019 Kuwait OL KWT 1/2019	<ul style="list-style-type: none"> Business Development Environment Foreign debt Indigenous peoples International order Water and sanitation 	<p>Alleged victims: -</p> <p>Concerns in relation to the ongoing work of the Working Group III on Investor-State Dispute Settlement (ISDS) Reform.</p> <p>“. . . [W]e wish to express our overarching concerns that international investment agreements (IIAs) and their ISDS mechanism have often proved to be incompatible with</p>

international human rights law and the rule of law.”

“The inherently asymmetric nature of the ISDS system, lack of investors’ human rights obligations, exorbitant costs associated with the ISDS proceedings and extremely high amount of arbitral awards are some of the elements that lead to **undue restrictions of States’ fiscal space and undermine their ability to regulate economic activities and to realize economic, social, cultural and environmental rights.** The ISDS system can also **negatively impact affected communities’ right to seek effective remedies against investors** for project-related human rights abuses.”

“We believe **what is necessary is a fundamental, systemic change**, which entails moving towards a fairer and more transparent multilateral system, which duly takes into account the rights and obligations of investors and States in line with all applicable international laws and standards concerning human rights, labour rights and environmental rights.”

Saudi Arabia:

<u>Complaint</u>	<u>Mandate(s)</u>	<u>Communication Summary and Findings</u>
1 Apr. 2019 Saudi Arabia UA SAU 6/2019	<ul style="list-style-type: none">• Arbitrary Detention• Disappearances• Freedom of opinion and expression	Alleged victims: 1 Information received concerning alleged arrest and enforced disappearance of Yemeni journalist, Marwan Ali Naji Al Muraisy in Saudi Arabia. “We express grave concern at the alleged arrest and enforced disappearance of Mr. Al Muraisy since June 2018. We are particularly concerned that his arrest and disappearance may be directly connected to his work as a journalist. The deprivation of liberty and disappearance of Mr. Al Muraisy would be inconsistent with the right of every individual to life, liberty and security of the person, the right to recognition as a person before the law and the right not to be subjected to arbitrary arrest or detention, as set forth in articles 3, 6 and 9 of the Universal Declaration of Human Rights (UDHR). If found to be connected to his dissenting voice and his work as a journalist, the arrest and disappearance of Mr. Al Muraisy would moreover be inconsistent with the right to freedom of opinion and expression as set forth in article 19 of the UDHR. We reiterate our concerns raised at the reported crackdown on dissent by Saudi authorities.”
17 Apr. 2019 Saudi Arabia AL SAU 7/2019	<ul style="list-style-type: none">• Arbitrary Detention• Education	Alleged victims: 1 In this connection, we would like to bring to your attention information that we have received regarding the alleged arrest and continued detention of Mr. Abdulaziz Saeed Saad

Halwan Abdullah, a Qatari national (ID number 29563404734) in Saudi Arabia.

“ . . . [W]e express grave concern at the arrest and continued detention of Mr. Abdul Aziz Abdullah. We also express serious concern that both Mr. Abdullah’s whereabouts and the reasons for his detention remain unknown raising questions as to his **physical and psychological welfare.** We further recall that the Declaration on the Protection of All Persons from Enforced Disappearance establishes that **no State shall practice, permit or tolerate enforced disappearances and recall that prompt and effective investigations should be carried out in order to clarify the fate or whereabouts of Mr. Abdul Aziz Abdullah** and to ensure that his rights are protected (article 2(1)).”