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Human rights situations that require the Council's attention

Written statement* submitted by Amnesty International, 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.

[1 June 2016]

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

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SAUDI ARABIA SHOULD BE HELD TO ACCOUNT FOR GROSS AND SYSTEMATIC HUMAN RIGHTS VIOLATIONS

In November 2013 when Saudi Arabia was elected as a member of the Human Rights Council, it pledged among other things “to protect and promote human rights”, as is expected of a Council member, and to “support the human rights bodies and mechanisms of the United Nations and cooperate constructively with them”.¹ It made additional pledges during its Universal Periodic Review (UPR) in 2014, including to consider ratifying the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and abolish the system of male guardianship over women.² However, since becoming a Council member, Saudi Arabia has committed gross and systematic violations of human rights both inside the country and in Yemen. Its conduct demonstrates a persistent failure to live up to the solemn requirements of membership of the Council.

In this submission, Amnesty International provides information on gross and systematic violation of human rights by Saudi Arabia during its membership of the Council, and calls on Members of this Council to be seized of the issue and take steps to hold Saudi Arabia accountable for commission of these violations during its membership.

VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW IN YEMEN

During its membership, Saudi Arabia has led a military coalition which since March 2015 has carried out a devastating campaign of air attacks on Yemen, repeatedly violating international humanitarian law (IHL), including in strikes that should be investigated as war crimes.

Since the start of this campaign, Amnesty International has documented at least 32 coalition airstrikes across six different governorates in Yemen that appear to have violated IHL. These have resulted in 361 civilian deaths (including at least 127 children) and 272 civilian injuries. Some of these appear to have deliberately targeted civilians and civilian objects such as hospitals, schools, markets and mosques; some may amount to war crimes. The Saudi Arabia-led coalition has used imprecise munitions with a wide impact radius. It has also used inherently indiscriminate cluster munitions, which are internationally banned.³

The UN Panel of Experts on Yemen, in a report made public on 26 January 2016, “documented 119 coalition sorties relating to violations of international humanitarian law”. Overall, the UN Office of the High Commissioner for Human Rights (OHCHR) estimates that at least 3,221 civilians have been killed and 5,780 wounded since March 2015,⁴ the majority of them in coalition airstrikes. UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein stated in March 2016 “... we are possibly looking at the commission of international crimes by members of the Coalition”.⁵

GROSS AND SYSTEMATIC HUMAN RIGHTS VIOLATION IN SAUDI ARABIA

Throughout its Council membership, Saudi Arabia has continued to commit gross and systematic violations of human rights at home.

¹ UN, GA, Note verbale dated 6 October 2013 from the Permanent Mission of Saudi Arabia to the United Nations addressed to the President of the General Assembly, A/68/535, 17 October 2013, page 8, at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/68/535

² HRC, Report of the Working Group on the Universal Periodic Review – Saudi Arabia, 26 December 2013, A/HRC/25/3, recommendations 138.11 (Iraq), 138.12 (Romania), 138.17 (Japan), 138.18 (Spain), 138.101 (Republic of Korea), 138.102 (Australia), 138.103 (New Zealand), 138.106 (Greece).

³ See Amnesty International, Yemen: New evidence challenges coalition’s denial it used cluster munitions in recent attack, MDE 31/3208/2016 (15 January 2016), at <https://www.amnesty.org/en/documents/mde31/3208/2016/en/>

⁴ Introduction to country reports of the Secretary-General and the High Commissioner under items 2 and 10 by Ms. Kate Gilmore, UN Deputy High Commissioner for Human Rights, 23 March 2016, at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=18517&LangID=E#sthash.B2e0nj8W.dC156JXv.dpuf>

⁵ OHCHR, Zeid condemns repeated killings of civilians in Yemen airstrikes (18 March 2016), at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=17251&LangID=E>

Since early 2013, all of Saudi Arabia's prominent and independent human rights defenders have been imprisoned, threatened into silence or have fled the country. Most of them had already been subject to arbitrary travel bans and had endured intimidation from and harassment by the security forces. Many were subsequently sentenced to harsh prison terms after grossly unfair trials in the Specialized Criminal Court, a security and counter-terrorism court.⁶

The counter-terror law which took effect in February 2014 has been used to silence human rights defenders and peaceful activists, including through imprisonment. The law defines "terrorist crimes" in an overly broad and vague manner, effectively criminalizing peaceful expression.⁷ All forms of peaceful gatherings and demonstrations in Saudi Arabia are banned.

Saudi Arabia has taken some small steps to improve respect for women's rights, but has persistently failed to follow through on UPR commitments, in this context. It has yet to abolish the male guardianship system of women, who continue to face pervasive discrimination in all fields.

Members of Saudi Arabia's Shi'a Muslim minority continue to face systemic discrimination: Shi'a leaders and activists have been arrested, imprisoned following unfair trials and subjected to the death penalty.

The authorities have executed at least 341 people since 2014, including 47 in a mass execution on 2 January 2016. At least 40% of executions have been for offences which under international law must not be punishable by death. Death sentences have been upheld against juvenile "offenders", in violation of Saudi Arabia's obligations under the Convention on the Rights of the Child. Sometimes death sentences have been based on "confessions" alone, which have been obtained under torture, and numerous executions have followed grossly unfair trials.

COOPERATION WITH THE COUNCIL, ITS MECHANISMS AND OTHER UN HUMAN RIGHTS BODIES

When it ran for election to the Human Rights Council in 2013, Saudi Arabia pledged to "support the human rights bodies and mechanisms of the United Nations and cooperate constructively with them, particularly the Council and its subsidiary mechanisms".⁸ But Saudi Arabia's engagement with the Council and other UN human rights mechanisms has been far from satisfactory;

During the 30th session of the Council, in September-October 2015, Saudi Arabia used its membership to prevent the creation of an international mechanism to investigate violations by parties to the Yemen conflict. A draft resolution that called for an independent international investigation was replaced with an alternative resolution tabled by Saudi Arabia, which requested that the UN support a national commission of inquiry set up by the internationally recognized Yemeni government, backed by Saudi Arabia. To date, the national commission has failed to carry out credible investigations.

During its current Council membership, and its previous term, Saudi Arabia has actively targeted NGOs and activists in order to prevent them cooperating with UN mechanisms and international NGOs. In September 2013, Samar Badawi, a prominent human rights defender and former wife of human rights defender Waleed Abu al-Khair, made an oral intervention at the Council, during which Saudi Arabia's representatives attempted to silence her by interrupting her statement a number of times. Subsequently, on 3 December 2013 the authorities prevented her from travelling to Brussels to attend a EU forum on human rights. The authorities have recently invoked the counter-terror law to make contacting international organizations a "terrorist crime".⁹

⁶ Amnesty International, Saudi Arabia's ACPRA: How the Kingdom silences its human rights activists (Index: MDE 23/025/2014) (10 October 2014), at <https://www.amnesty.org/en/documents/mde23/025/2014/en/>

⁷ Amnesty International, Saudi Arabia: Counter-terror law continues to provide legal cover to silence dissent a year on, MDE 23/012/2015 (2 February 2015), at <https://www.amnesty.org/en/documents/mde23/0012/2015/en/>

⁸ UN, GA, Note verbale dated 6 October 2013 from the Permanent Mission of Saudi Arabia to the United Nations addressed to the President of the General Assembly, *ibid.* footnote 1.

⁹ See also Reports of the Secretary-General on Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, A/HRC/27/38 (27 August 2014), at

After a 10-year delay, Saudi Arabia submitted its second periodic report to the Committee against Torture and the review took place in April 2016. In its concluding observations, the Committee noted some positive developments, but expressed serious concern that legal provisions fail to provide a definition of torture and to ensure the absolute and non-derogable prohibition of torture, as required by the Convention. The Committee also expressed serious concern that no data was provided by the authorities concerning a number of cases of torture.¹⁰

Saudi Arabia currently has 10 outstanding requests from the Council's Special Procedures to visit the country, some of which date back 10 years.¹¹

RECOMMENDATION TO THE HRC

During its membership on the Council, Saudi Arabia has continued to commit gross and systematic violations of human rights both in Yemen and at home. There is no evidence of serious effort on the part of Saudi Arabia to address these violations; indeed it has used its position to block scrutiny of its human rights record. In this regard, Saudi Arabia's membership undermines the Council's credibility. Amnesty International calls on this Council and its members to be seized of these issues and take steps to hold Saudi Arabia accountable for its commission of serious violations of human rights and international humanitarian law.

http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A_HRC_27_38_ENG.doc and A/HRC/30/29 (17 August 2015), at
http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_29_ENG.docx

¹⁰ Committee Against Torture, Concluding observations on the second periodic report of Saudi Arabia, fifty-seventh session (18 April- 13 May 2016), at
http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/SAU/INT_CAT_COC_SAU_23913_E.pdf

¹¹ See further
http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=SAU