



INTERNATIONAL COUNCIL SUPPORTING FAIR TRIAL & HUMAN RIGHTS

Registration No. 2795/2012

OFFICIAL LETTER HEAD OF THE ORGANIZATION

HIGHLIGHTS OF THE FIRST WEEK OF THE 39TH SESSION OF THE HRC



39th Session of the Human Rights Council at Room XX of the United Nations Office in Geneva

On 12 and 13 September, the Human Rights Council discussed the following items under agenda Item 3 which stands for “promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development”.

1. Clustered ID on arbitrary detention and on enforced disappearances

1.1. Working Group on Arbitrary Detention

Acknowledging the clear evident connection between arbitrary detention and instances of torture and ill-treatment, the [Working Group on Arbitrary Detention](#)



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focused on the issue of consular assistance and diplomatic protection for persons deprived of liberty as essential instruments to their protection from torture and ill-treatment. Further the Working Group highlighted that widespread or systematic imprisonment and deprivation of liberty may constitute crimes against humanity.

Speaking countries – such as Japan – concurred that authorities that detain persons have to do so in a manner that is prescribed by the law and with safeguards in place against human rights violations. Reprisals against human rights defenders were particularly worrying, such as the detention of Nabeel Rajab- the WG had previously released a report confirming that his imprisonment is unlawful and constitutes an arbitrary detention. The delegation of Palestine also took the floor to make the following remarks. "Israel, the Occupying Power, continues to systematically detain Palestinians, on average 20 Palestinians are detained every night. All in complete violation of their right to liberty as specified in various human rights instruments.

To date 465 Palestinians, including children remain under administrative detention by Israel, the occupying power and for the first half of the year, 502 administrative detention orders were issued by the occupation. The basis of the detentions, frequently made unclear to the detainees and their lawyers. These Israeli imposed administrative detention orders are unlawfully renewed and extended on an ad hoc and politically motivated basis.

The systematic ill treatment and torture of Palestinian prisoners has been widely documented in recent years, Israel had tortured and ill-treated Palestinian detainees, including children, particularly during arrest and interrogation with methods including beating slapping, prolonged shackling, stress positions, sleep deprivation and threats. According to recent data, 58% of prisoners who endured interrogation were placed in stress positions for hours; and 59.5% experienced prolonged



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periods of sleep deprivation. All of which constitutes a breach of article 14 (3) (g) of the ICCPR."

1.2. Working Group on Enforced or Involuntary Disappearances

[Bernard Duhaime](#), Chair of the [Working Group on Enforced or Involuntary Disappearances](#), stating that enforced disappearance is a crime and an offense to human dignity, and remarking that it continues to be used in many countries, appealed the Council to do more to seriously tackle this issue mentioning communications that had been transmitted to a number of States, including allegations of harassment, threats and reprisals against human rights defenders.

States were called on to act urgently to search for people who had been subjected to enforced disappearances. The WG's interim [report](#) outlined standards and public policies for an effective investigation of enforced disappearances. Through the thematic study, the WG aimed to recognise good practices and be able to detect negative experiences.

In the ensuing discussion on enforced disappearances, speaking States stressed their support to the work of the WG and called for the ratification of the [International Convention for the Protection of All Persons from Enforced Disappearances](#). Some – like Venezuela – voiced concern that enforced disappearances were used on the pretext of combatting terrorism, adding that the increase in the number of cases of enforced disappearances across the world was alarming, particularly short-term enforced disappearances, which were often used as a means of intimidation.



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Bahrain and Saudi Arabia authorities have committed increasingly severe human rights violations, including arbitrary detention, enforced disappearance, and systemic torture as a form of silencing dissenting ideas demanding political and human rights reform. Such as in case of the so-called “Zulfiqar Brigades,” a mass terrorism trial in which 115 Bahrainis were convicted and denaturalized. the arbitrarily detained women human rights defenders in Saudi Arabia, and hundreds of prisoners of conscience languishing in prison for merely exercising their freedom of expression.

2. ID on the right to development and on unilateral coercive measures

2.1. Special Rapporteur on the right to development

After having held a series of regional consultations on the implementation of the right to development focused on identifying and promoting good practices in the practical implementation of the right to development, [Saad Alfarargi](#)'s thematic [report](#) explored the connection between the right to development and equality, and examined the consequences of inequalities for the enjoyment of the right to development, which threatened long-term social and economic development and impeded poverty reduction.

In the ensuing discussion on the right to development, speakers – such as Tunisia, intervening on behalf of the Arab Group – reaffirmed that the realization of the right to development was the responsibility of each country, but it had to be accompanied by international efforts. The right to development required the realization of civil, political, economic, cultural and social rights, and its realization was important for the implementation of the 2030 Agenda. International cooperation and global partnership had to be recognized as essential elements to fight inequality and ensure that the right to development was turned into a reality.



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2.2. Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights

Idriss Jazairy's fourth annual report to the Council discussed recent developments regarding the use of unilateral coercive measures, and presented issues of outstanding concern. One of the objectives of his mandate was to promote the rule of law in the field of human rights and humanitarian affairs. In doing so, the Special Rapporteur avoided systematic “naming and shaming”, as experience showed that it did not improve the mandate’s capacity to engage in quiet diplomacy and dialogue to advance the cause of the actual victims on the ground, preferring instead the promotion of constructive engagement and of consensus as much as possible.

Syria, speaking as a concerned country, expressed its satisfaction with the conclusions of the Special Rapporteur on unilateral coercive measures. The delegate said “The Syrian Arab Republic welcomes this first dialogue in the Human Rights Council on the illegal and immoral measures of coercion that amount to the total economic siege on Syria and its impact on the human rights of Syrian citizens, which in effect have had devastating effects on their living conditions and rights, Which has been under Syrian control for more than seven years, and the possibilities of providing their basic needs, primarily food, medical and medicines. “

Syria further pointed out the negative impact that the sanctions has on its citizens, who are already being affected by terrorism. Syria stated that the adoption of such measures go against the United Nations’ principles and are not in keeping with the international commitment to the preservation of human rights, since they are manifestly disproportionate. Thus, Syria called for the lifting of the sanctions against it so that its citizens should enjoy their more fundamental human rights.



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The responsibility of those States imposing unilateral coercive measures was stressed, whose actions towards Syria are a crime against humanity, since the aims of these countries could not go hand in hand with humanitarian goals and international solidarity because their actions prevented humanitarian aid from reaching Syria.

Speakers – such as Pakistan – during the ensuing discussion said that a mechanism to compensate victims of unilateral coercive measures had to be created. Several States – including Syria – voiced concerns that universal coercive measures were politicized and used as means of exerting political pressure. Moreover, they paralyse the development of developing countries and were a flagrant violation of their human rights.

Cuba also took the floor to highlight the negative impact of unilateral coercive measure imposed by USA. “In relation to the presentation of the Rapporteur on unilateral coercive measures, which we also appreciate, I cannot fail to refer to the economic, commercial and financial blockade implemented by the United States government against Cuba for almost six decades, and which continues to be applied with all rigor .This blockade is not only the system of more severe and prolonged unilateral sanctions that has been applied against any country, but it constitutes the most flagrant and massive violation of the human rights of the Cuban people.”

History has shown that sanctions imposed on nations negatively affected the lives of innocent civilians. States should continue to work within the multilateral system, engage in a cooperative and inclusive dialogue, and strive to achieve development together, which would promote human rights!

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