



# Asamblea General

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## Consejo de Derechos Humanos

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21 de junio a 9 de julio de 2021

Tema 3 de la agenda

**Promoción y protección de todos los derechos humanos,  
civiles, políticos, económicos, sociales y culturales,  
incluido el derecho al desarrollo**

### **Nota verbal de fecha 18 de junio de 2021 dirigida a la Oficina de la Presidencia del Consejo de Derechos Humanos por la Misión Permanente de Qatar ante la Oficina de las Naciones Unidas en Ginebra**

La Misión Permanente del Estado de Qatar ante las Naciones Unidas y otras organizaciones internacionales en Ginebra por la presente transmite a la atención de la Presidencia del Consejo de Derechos Humanos la correspondencia que se adjunta (véase el anexo).

La Misión Permanente agradecería que la presente nota verbal y su anexo\* distribuyeran como documento del Consejo de Derechos Humanos, en relación con el tema 3 de la agenda.

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\* Se reproduce como se recibió, en el idioma en que se presentó únicamente.



## **Annex to the note verbale dated 18 June 2021 from Qatar to the United Nations Office at Geneva addressed to the Office of the President of the Human Rights Council**

### **Letter from H.E. Mr. Ali Khalfan Al-Mansouri, Permanent Representative of the State of Qatar to the United Nations Office at Geneva addressed to the President of the Human Rights Council**

I write in response to the 6 April 2021 Note verbale from the Permanent Representative of the United Arab Emirates (“UAE”) addressed to the Office of the President of the Human Rights Council regarding the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights (“Special Rapporteur”) in which the UAE expressed reservations about the scope, methodology and balance of the Special Rapporteur’s work concerning the measures taken against the State of Qatar (“Qatar”) by the UAE.

Qatar wishes to express its appreciation to the Special Rapporteur for the work she has undertaken in this regard, including the submission of her first thematic report to the Human Rights Council on 21 July 2020, her official visit to Qatar in November 2020, and the publication of her preliminary findings later that month.<sup>1</sup> Qatar also wishes to express its gratitude for the independent, impartial and otherwise unassailable manner in which the Special Rapporteur has discharged her functions.

Qatar respectfully expresses its disagreement with the position taken by the UAE in its 6 April 2021 Note verbale. Out of respect for the Special Rapporteur’s independence, and in line with the Parties’ commitment to the reconciliation process inaugurated by the Al Ula Declaration, however, Qatar will not address each and every point made in the Note verbale, but will instead limit itself to the following general observations.

First, the dismissal of jurisdiction by the International Court of Justice (“ICJ”) over the claims brought by Qatar against the UAE under the International Convention on the Elimination of All Forms of Racial Discrimination (“CERD”) does not mean that the measures were lawful or that they did not constitute “unilateral coercive measures” under international law. The ICJ only assessed whether the claims fell within the scope of the CERD, and did not opine on the legality of the measures under international law. As the Separate Opinion of Judge Yuji Iwasawa confirmed, a finding of no jurisdiction does not imply that the measures imposed did not amount to a violation of international law more broadly.<sup>2</sup>

Second, the UAE itself acknowledges that “its severance of relations [with Qatar] had an impact on Qatari nationals”.<sup>3</sup> It is also of note that the impact of the UAE’s measures on human rights was the subject matter of a report by the Office of the United Nations High Commissioner for Human Rights,<sup>4</sup> as well as the basis for the formation of an *ad hoc*

<sup>1</sup> Human rights and unilateral coercive measures: UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Ms. Alena Douhan, concludes her visit to Qatar - Preliminary findings of the visit to Qatar (12 Nov. 2020), available at <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26495&LangID=E>.

<sup>2</sup> See Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates), Judgment, 4 Feb. 2021, Separate opinion of Judge Iwasawa, para. 21 (“[T]he present dispute concerns solely ‘the interpretation and application of [CERD]’ and not other rules of international law. The Court has no jurisdiction to make determinations as to whether the measures taken by the UAE comply with other rules of international law.”).

<sup>3</sup> Annex to the Note verbale dated 6 April 2021 from the Permanent Mission of the United Arab Emirates to the United Nations Office at Geneva addressed to the Office of the President of the Human Rights Council, Letter from H.E. Mr. Ahmed Aljarman, Permanent Representative of the United Arab Emirates to the United Nations Office at Geneva addressed to the President of the Human Rights Council (Attachment), para. 4.

<sup>4</sup> OHCHR Technical Mission to the State of Qatar, 17-24 November 2017, *Report on the Impact of the Gulf Crisis on Human Rights* (December 2017), ¶¶ 60-61, 64.

conciliation commission following the CERD Committee's decision on Qatar's inter-State communication.<sup>5</sup>

Third, the impact of those measures has not yet been addressed or repaired. Indeed, as acknowledged by the UAE,<sup>6</sup> the consequences of its measures continue to be the subject of discussion in the context of ongoing bilateral talks that have commenced under Section 3 of the Al Ula Declaration. Qatar remains hopeful that through the mechanisms established pursuant to the Al Ula Declaration, the Parties will effectively address that impact and move even closer to reconciliation after a difficult period in their relations.

In this regard, Qatar remains of the view that the United Nations bodies may positively assist the Parties as they turn the page in their bilateral relations, and is grateful for the Special Rapporteur's continued interest in and attention to the matter.

*(Signed)* Ali Khalfan Al-Mansouri

Ambassador, Permanent Representative

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<sup>5</sup> See CERD Committee, Admissibility of the Inter-state communication submitted by Qatar against the United Arab Emirates, CERD/C/99/3, 30 August 2019, para. 62.

<sup>6</sup> Annex to the Note verbale dated 6 April 2021 from the Permanent Mission of the United Arab Emirates to the United Nations Office at Geneva addressed to the Office of the President of the Human Rights Council, Letter from H.E. Mr. Ahmed Aljarman, Permanent Representative of the United Arab Emirates to the United Nations Office at Geneva addressed to the President of the Human Rights Council (Attachment), para. 30.