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**Racism, racial discrimination, xenophobia and related
forms of intolerance: follow-up to and implementation
of the Durban Declaration and Programme of Action**

Written statement* submitted by Association MIMAN, 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.

[28 January 2024]

* Issued as received, in the language of submission only.



A Case Study of Severe Human Rights Violations against Mr. Ali M. Kassar

Our NGO is submitting the following statement to the Human Rights Council, urgently bringing to your attention a case of severe human rights violations against Mr. Ali M. Kassar, an Australian foreign national residing in Geneva, Switzerland. The facts presented outline a distressing sequence of events involving discrimination, physical assault, medical malpractice, and subsequent threats of expulsion, underscoring the urgent need for international intervention.

Summary of the Case:

Discrimination and Assault by Police: On October 18, 2020, Mr. Kassar was subjected to discrimination and physical assault by Swiss police officers. Despite complying with police requests, Mr. Kassar faced discriminatory insults and suffered physical ill-treatment, as evidenced by video surveillance tapes from Cornavin Train Station.

1. **Falsification of Charges:** Two police officers, Roulin and Binder, subsequently fabricated charges against Mr. Kassar, falsely accusing him of assaulting and injuring them. This fabricated narrative was presented under oath to Swiss Migration Authorities and Judicial Authorities, revealing an ulterior motive to legitimize false arrest, arbitrary detention, and illegal deportation for financial gain.
2. **Medical Malpractice:** Mr. Kassar's health deteriorated post-incident, leading to loss of autonomy and reliance on an electric wheelchair. HUG Hospital in Geneva is under investigation for medical malpractice, raising concerns about unauthorized operations that worsened Mr. Kassar's condition.
3. **Swiss Migration Authorities' Pressure for Expulsion:** Mr. Kassar and his family have faced expulsion threats from Swiss Cantonal Migration Authorities since 2021. These threats escalated following the false accusations made by the police, undermining Mr. Kassar's right to a fair legal process.
4. **Medical Unfitness to Fly:** Mr. Kassar, with full medical insurance coverage in Switzerland, has been deemed medically unfit to fly due to injuries sustained on Swiss soil and subsequent medical complications. He awaits spine surgery to remove metal implants, making his health a significant concern.

Recommendations:

1. **Immediate Investigation and Accountability:** Call for an independent and impartial investigation into the actions of police officers Roulin and Binder. Hold them accountable for the fabricated charges, discriminatory behavior, and physical assault against Mr. Kassar.
2. **Protection Measures and Medical Permit:** Urgently grant Mr. Kassar a medical permit, acknowledging his medical unfitness to fly. Ensure he receives adequate protection and access to necessary medical treatments while awaiting spine surgery.
3. **International Oversight and Assistance:** Request international oversight, potentially through the establishment of a committee or body, to monitor Mr. Kassar's case and ensure compliance with human rights standards.
4. **Examine Swiss Migration Authority's Expulsion Threats:** Investigate the actions of Swiss Cantonal Migration Authorities, particularly their threats of expulsion against Mr. Kassar. Ensure that international human rights standards are upheld in any immigration-related decisions.
5. **Collaboration with Australian Authorities:** Facilitate communication between Swiss and Australian authorities, respecting the bilateral agreement. Keep the Australian government informed about Mr. Kassar's situation, given the ongoing Senate inquiry.

6. Protection Order Compliance: Verify whether the actions of Swiss authorities, including denial of translation, support, and medical attention, violate the internationally recognized Protection Order for Mr. Kassar.

In conclusion, we earnestly request the United Nations to intervene promptly in this matter, ensuring that Mr. Ali M. Kassar's human rights are protected, justice is served, and international agreements are respected. The gravity of the case necessitates urgent action to prevent further harm and uphold the principles of human rights.

As per the accounts of Mr. Ali Kassar he has the sufficient and appropriate evidences in this regard.
