

**Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions and the
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE: UA
SAU 2/2016:

22 March 2016

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 26/12 and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **imminent executions of Ali Mohammed al-Nimr, Dawoud al-Marhoon and Abdullah al-Zaher**.

Mr. al-Nimr and Mr. al-Marhoon were the subjects of two urgent appeals sent by several mandate holders respectively on 21 September 2015 (Ref. UA SAU 6/2015), and on 19 October 2015 (Ref. UA SAU 8/2015). Your Excellency's Government responded to the communication sent on the case of Mr. al-Nimr but provided no assurance, as requested, that his death penalty would not be executed.

According to the information received:

Case of Abdullah Hassan al-Zaher

On 3 March 2012, Saudi law-enforcement personnel arrested Abdullah Hassan al-Zaher in Al-Awamiyah city, near Al-Rif when he allegedly was 15-year-old. After his arrest, Abdullah Hassan was taken to Awwamiyya city police station, transferred to Qatif police station for investigation, and from there to a juvenile detention centre. He was allegedly tortured during his arrest, detention and interrogation.

On 12 September 2013, Abdullah Hassan was transferred to the General Directorate of Investigations (GDI) in Dammam, where he was coerced to confess under torture several crimes in relation to his participation in demonstrations against the Government.

On 29 January 2014, the Specialized Criminal Court (SCC) started his trial. After several court sessions, where he was denied access to his lawyer, he was sentenced to death on 21 October 2014.

Abdullah Hassan's death sentence was upheld by the appeals and high court in September 2015. On 5 October 2015, he was secretly transferred from the GDI prison in Dammam and placed in solitary confinement in Al-Ha'ir prison in the capital. On 13 November 2015, he was secretly transferred to Asir prison.

Cases of Ali Mohammed al-Nimr and Dawood al-Marhoon

On 11 March 2016, the Saudi newspaper *Okaz*, reported that four individuals sentenced to death would be imminently executed to complete the first batch of 47 persons who were executed on 2 January 2016. Even though there is no name indicated in the article, it is believed that Ali Mohammed al-Nimr and Dawood al-Marhoon - two other juveniles previously sentenced to death – as well as Abdullah al-Zaher may be the subjects of this article.

Among the executions carried out on 2 January 2016, a total of 4 minors may have been executed.

We express our grave concern at the imminent execution of Ali Mohammed al-Nimr, Dawood al-Marhoon and Abdullah Hassan al-Zaher, who at the time of the alleged crimes are believed to have been under 18 years old, which is in contravention of international human rights law, which provides in particular the stringent respect of due process and fair trial guarantees in cases where the death penalty may be imposed, and the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Saudi Arabia ratified on 23 September 1997. We are also drawing the attention of your Excellency's Government to article 15 of the CAT which prohibits the use of information obtained under torture as evidence in any proceedings.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw your Excellency's Government's attention to the fact that the above allegations appear to be in contravention of the rights of every individual to life, liberty and security, and to fair proceedings before an independent and impartial tribunal established by law, in accordance with articles 3, 9 and 10 of the Universal Declaration of Human Rights (UDHR); and articles 5, 6, 13, 14 and 16 of the Arab Charter on Human Rights (ACHR), to which Saudi Arabia is a State Party since 2009.

Furthermore, any judgments imposing the death sentence and executions of juvenile offenders are incompatible with the international legal obligations undertaken by your Excellency's Government under various instruments, and amounts to cruel, inhuman and degrading punishment, which is prohibited inter alia in the CAT. Article 37(a) of the Convention on the Rights of the Child (CRC), ratified by Saudi Arabia on 26 January 1996, furthermore expressly prohibits the imposition of the death penalty for offences committed by persons below 18 years of age.

We would also like to bring to the attention of your Excellency's Government that according to article 5 of the United Nations Safeguards Protecting the Rights of those facing the Death Penalty, capital punishment may only be carried out pursuant to all possible safeguards to ensure a fair trial. Only full respect for stringent due process guarantees distinguishes capital punishment from a summary execution.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the irreversibility of the punishment of the death penalty, we urge your Excellency's Government to take all steps necessary to halt the execution of Ali Mohammed al-Nimr, Dawood al-Marhoon and Abdullah Hassan Al-Zaher, which if carried out, would be inconsistent with standards of international human rights law.

We further appeal to your Excellency's Government to annul the death sentence against the aforementioned individuals and to ensure a re-trial in compliance with international standards. We also reiterate our appeal to your Excellency's Government to extend the moratorium on death penalty, and to consider its complete abolition.

We are intending to publicly express our concerns in the near future as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to warrant immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading
treatment or punishment