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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Americans for Democracy & Human Rights in Bahrain Inc, 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.

[03 June 2020]

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

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Death Penalty in Saudi Arabia

Ahead of the 44th session of the United Nations (UN) Human Rights Council, Americans for Democracy & Human Rights in Bahrain (ADHRB) wishes to take the opportunity to raise concerns over Saudi Arabia's use of the death penalty and over death row inmates in Saudi prisons. Recent executions have exacerbated concerns that Saudi Arabia could move ahead in other capital punishment cases.

Continuing the use of the death penalty

Since 2015, the number of executions in Saudi Arabia has been rising steadily. 2019 marked the highest number, with 184 prisoners executed.¹ On April 23, 2019, alone, 37 men were executed.² Of these 37 men, the vast majority had a Shia background, and had been convicted for allegedly committed crimes such as supporting demonstrators or spreading chaos based on coerced confessions through torture and unfair trials.³ While it is not known how many prisoners are currently on death row in Saudi Arabia, the cases of Ali al-Nimr, Abdullah al-Zaher and Dr. Abbas Alabbad are prominent cases of political prisoners who are currently awaiting execution despite international attention and pressure on the Saudi government to not move ahead on these cases.⁴

At risk of execution

Ali al-Nimr

On February 2012, the 17-year-old Saudi citizen Ali al-Nimr was arrested for participating in a peaceful pro-democracy protest. After being arrested, al-Nimr was interrogated and tortured by officers of the General Intelligence Directorate.⁵ While being tortured, he was coerced into signing a forged confession. His case was referred to the Specialized Criminal Court, which is the kingdom's national security court system responsible for trying cases of terrorism.⁶ In mid-December 2013, al-Nimr was charged with 12 offences, including treason and membership with a terrorist cell.⁷ On 27 May 2014, the court sentenced him to death for these charges. None of these charges against al-Nimr warrant the death sentence, especially not for a minor according to the Convention on the Rights of the Child (CRC), Article 37 of which calls on State Parties to ensure that no child shall be sentenced to capital punishment.⁸ Saudi Arabia is a signatory to the treaty. Furthermore, al-Nimr's trial involved multiple violations of his legal rights, including the authorities' refusal to allow al-Nimr the presence of an attorney and to inform the defendant about the court proceedings.⁹ In September 2015, al-Nimr's sentence was upheld on appeal *in absentia*. With his death sentence confirmed by the High Court, all legal steps have been taken to facilitate the execution, which would be carried out by crucifixion.¹⁰ Al-Nimr's detention was declared arbitrary and unlawful by the UN Working Group on Arbitrary Detention, on the grounds that his conviction was based on a law applied two years retroactively, in violation of his right to free expression, and as a

¹ ABC News. Saudi Arabia Executed Record Number of Prisoners in 2019: <https://abcnews.go.com/International/saudi-arabia-executed-record-number-prisoners-2019-report/story?id=68250502>.

² Human Rights Watch. Saudi Arabia: Mass Execution of 37 men: <https://www.hrw.org/news/2019/04/24/saudi-arabia-mass-execution-37-men>.

³ Ibid.

⁴ Amnesty International. Saudi Arabia: 37 put to death in Shocking Execution Spree: <https://www.amnesty.org/en/latest/news/2019/04/saudi-arabia-37-put-to-death-in-shocking-execution-spree/>.

⁵ ADHRB. Ali al-Nimr turns 25 on Death Row in Saudi Arabia: <https://www.adhrb.org/2019/12/ali-al-nimr-turns-25-on-death-row-in-saudi-arabia/>.

⁶ Ibid.

⁷ Ibid.

⁸ United Nations Human Rights Office of the High Commissioner. Convention on the Rights of the Child. 2 September 1990. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

⁹ Reprieve. Ali al-Nimr: <https://reprieve.org.uk/case-study/ali-al-nimr/>.

¹⁰ Ibid.

result of an unfair trial.¹¹ On April 28, 2020, the Saudi government issued a statement confirming that prisoners convicted with terrorism crimes when they were minors would be spared of the death penalty. However, it remains unclear whether cases that were tried in the Specialized Criminal Court for terrorism-related offenses, such as Ali al-Nimr, will be able to benefit from the abolition of death penalty for minors.¹²

Dr. Abbas Alabbad

On 17 March 2013, Dr. Abbas Alabbad was arrested by security forces without a warrant as part of a larger series of arrests of members of the country's Shia community. Charged with allegedly committed crimes such as "spying on behalf of Iran" (Islamic Republic of) and "high treason" in 2016, Dr. Alabbad's rights to a fair trial and due process were severely violated due to him being held *incommunicado* for the first three months of his detention, interrogated in the absence of his attorney, threatened with physical abuse, subjected to ill-treatment and torture and forced to sign a forged confession.¹³ In December 2016, Dr. Alabbad was sentenced to death in a mass trial by the Specialized Criminal Court, with his conviction being upheld by the Court of Appeal.¹⁴ In February 2018, eleven of the individuals which were convicted in the mass trial in 2016 along with Dr. Alabbad were executed. Thus, concerns regarding developments on Dr. Alabbad's executions have intensified. On May 27, 2019, UN Working Groups and Special Rapporteurs published an urgent appeal addressed to Saudi Arabia concerning the risk of execution of Dr. Abbas Alabbad as a result of an unfair trial and discrimination based on religious belief.¹⁵ On 24 June 2019, the Saudi authorities responded to the appeal, stating that Dr Alabbad's case "remains pending and similar criminal proceedings will be conducted".¹⁶ The current status of Dr. Alabbad's case remains unclear, and concerns regarding the possibility of his execution have not decreased.

Conclusion and Recommendations

With these arrests, the government of Saudi Arabia has violated a number of international recognized fundamental human rights and legal principles enshrined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, to which Saudi Arabia is a party of. As a member of the Human Rights Council, Saudi Arabia must discontinue its systematic and widespread practice of severely disregarding numerous human rights by arbitrarily targeting, arresting, torturing and executing political activists and human rights defenders due to their activism.

In the light of these imminent death row cases, ADHRB calls on Saudi Arabia to:

- Institute a moratorium on the death penalty, with a view towards ultimate abolition.
- Commute all capital punishment sentences against all individuals on death row, with a particular focus on individuals whose trials were marred by due process violations and allegations of torture, and ensure the cases are re-tried in accordance with standards set by international law.
- Ensure that any subsequent trial follows international fair trial standards.
- Investigate all allegations of torture by government officials.

¹¹ https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session77/A_HRC_WGAD_2016_61_AEV.pdf.

¹² Human Rights Watch. Saudi Arabia: Partial Criminal Justice Revisions: <https://www.hrw.org/news/2020/04/29/saudi-arabia-partial-criminal-justice-revisions>.

¹³ ADHRB. UN Special Procedures Publishes Urgent Appeal to Saudi Arabia On the Risk of Execution of Dr. Abbas Alabbad: <https://www.adhrb.org/2019/08/un-special-procedures-publishes-urgent-appeal-to-saudi-arabia-on-the-risk-of-execution-of-dr-abbas-alabbad/>.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ <https://alqst.org/en/un-experts-publish-urgent-appeal-over-dr-abbas-alabbad-at-risk-of-execution-in-saudi-arabia>.

- Launch an investigation into the cases of individuals sentenced to death who allege due process violations and torture in their trial and detention and prosecute all officials found to have tortured or otherwise abused inmates.
 - Respect and uphold international treaty commitments, including to the Convention on the Rights of the Child, and to promulgate legislation ensuring that minors cannot face execution.
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