

**Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association;
the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on
extrajudicial, summary or arbitrary executions; and the Special Rapporteur on torture and other
cruel, inhuman or degrading treatment or punishment**

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the independence of judges and lawyers; 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 24/5, 26/7, 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 **torture and imminent execution of juvenile offender Mr. Dawood Hussain Al-Marhoon in Saudi Arabia.**

According to the information received:

In late 2011 and early 2012, Mr. Dawood Hussain Al-Marhoon, a Saudi Arabian national, when he was aged 16, participated in a number of Arab Spring anti-government protests in Qatif, Eastern Province.

In mid-January 2012 Mr. Al-Marhoon was shot in the leg by security forces during a protest in Awamiya, in which other incidents of excessive use of force were reported.

On 15 May 2012, when he was still just 17 years old, Mr. Al-Marhoon was arrested from the street by Saudi authorities. He was sent to Awamiya police station and released that same day, apparently on the condition that he reports on the activities of other activists. Mr. Al-Marhoon did not comply with that request.

On 22 May 2012, Saudi government forces arrested Mr. Al-Marhoon from Dammam Central Hospital, where he was receiving treatment for an eye injury sustained in a traffic accident. The police did not present an arrest warrant and failed to provide an explanation for his arrest at the time. Subsequent to his arrest, Mr. Al-Marhoon was transferred to the Military Hospital where he was held for approximately three days before being moved to the Dammam Juvenile Detention Centre (dar al-ijtima'iyah). There, he was placed in solitary confinement for two weeks. During that time, government officials subjected him to various forms of ill-treatment, including trampling, verbal abuse, beating and kicking. State authorities interrogated Mr. Al-Marhoon for 18 hours on the first day of his transfer to the detention centre; all subsequent interrogations were conducted without access to legal counsel or other appropriate assistance. During the course of the interrogation, the authorities forced him to sign a blank document, which was later used as Mr. Al-Marhoon's "confession" and formed the basis for the charges and subsequent conviction against him. Mr. Al-Marhoon was held at the Dammam Juvenile Detention Centre for one year and four months without access to legal counsel.

During Mr. Al-Marhoon's first two weeks of detention his family was not informed of his whereabouts. They were subsequently granted permission to visit him, at which time he recounted the torture he had been subjected to.

Around 9 November 2013, Mr. Al-Marhoon was transferred to the General Department of Investigations (GDI) headquarters in Dammam, where he was held in solitary confinement for one month. During this time, GDI officers subjected him to electrocution on various parts of his body, hung him upside-down, tied him to a chair and beat him. GDI authorities also subjected him to verbal abuse and taunts on the basis of his Shi'a religious beliefs. During the course of the investigation, Mr. Al-Marhoon was not granted access to legal assistance or to an adult guardian.

On 29 January 2014, the Attorney General initiated proceedings against Mr. Al-Marhoon before the Specialized Criminal Court (SCC). The prosecution relied on the forced confession obtained from him during torture. The Attorney General charged him with "sowing corruption and breaching security" for his participation in protests in Qatif. The charges brought against him included: participating in a number of marches and demonstrations across the Qatif district, and chanting slogans "with the intention to overthrow the government"; inciting, others to participate in the protests; supporting protesters by buying and distributing water to them during protests; gathering with 'perverse and rogue-minded friends' and harboring them; causing damage to the contents of a pharmacy; stealing medical supplies to treat persons wounded by security forces during marches; accompanying a fugitive and trying to attack a police station; shooting at security

officers during the protests; attempting to attack the cars of the security forces; observing the movements of vehicles belonging to security forces; stealing a machine gun from inside a burning vehicle belonging to the security forces; participating with others in the bombing of a gas cylinder; and participating with others in possession and distribution of ammunition.

Mr. Al-Marhoon had not been informed of the charges against him until this first hearing. At that hearing, he also met with a legal counsel for the first time, a year and eight months after his arrest. During the hearing, the only evidence or information provided to the defense counsel was the list of charges against Mr. Al-Marhoon. The prosecution argued that attendance at anti-government demonstrations and other acts of protest amounted to *herabah* (banditry or unlawful warfare) – one of the six offences under Islamic law for which there are “set” punishments. The set punishment for *herabah* is beheading or beheading followed by crucifixion.

Mr. Al-Marhoon’s lawyers appealed against the decision but received no information of the progress of the proceedings and were denied access to information relating to the hearing dates.

On 29 September 2015, the SCC confirmed the death sentence against Mr. Al-Marhoon. The SCC did not take into account Mr. Al-Marhoon’s age at the time of the alleged offence, despite the fact that his passport, which was valid at the time of his arrest, confirmed his age. It did not take into account either the allegations of torture, the confession extracted under duress, the lack of legal counsel for 18 months or the other irregularities reporting upon arrest during detention and in the course of the trial. The case was subsequently transferred to the Ministry of Interior, where the sentence awaits implementation.

Reports indicate that the independence and impartiality of the SCC has been called into question, as it falls under the auspices of the Saudi Ministry of Interior, which is the same body that oversees the police and investigation services in the country. Furthermore, court judges are reportedly individually selected by government authorities.

Secrecy surrounding execution practices in Saudi Arabia prevents Mr. Al-Marhoon’s family from receiving prior notification of when the execution will be carried out. Reports indicate that Mr. Al-Marhoon has been moved to Al-Hayir prison, in Riyadh, where he is now being held in solitary confinement. The reason for this move is unclear. He has not been permitted to contact his family since being transferred.

It is reported that at least two other individuals who were juveniles at the time they were arrested for participation in the Arab Spring protests in Qatif are

currently detained and sentenced to death in Saudi Arabia, one of whom was also recently transferred to Al-Hayir prison.

We express our grave concern at the imminent execution of Mr. Dawood Hussain Al-Marhoon, who at the time of the alleged crime is believed to have been less than 18 years old, which is in contravention of international human rights law. We are further concerned that Mr. Al-Marhoon's sentence to death has been upheld following judicial procedures that may not fulfill the most stringent guarantees of fair trial and due process for the imposition of the death penalty, particularly in relation to the apparently arbitrary character of his arrest and detention, his lack of access to legal representation and effective defense, and the independence, impartiality and competency of the sentencing authority. Furthermore, we express serious concern that Mr. Al-Marhoon was sentenced based on a forced confession obtained under torture.

In view of the urgency of the matter, and of the irreversibility of the punishment of the death penalty, **we respectfully urge your Excellency's Government to take all necessary measures to halt the execution of Mr. Dawood Hussain Al-Marhoon**, which on the facts available to us may constitute a violation of applicable international human rights standards, and thus constitute an arbitrary execution. We further urge you to ensure that Mr. Al-Marhoon's death sentence is annulled and that he is re-tried in compliance with international standards. We also urge you to undertake an independent and impartial investigation into the allegations of torture against Mr. Al-Marhoon and that appropriate remedies are provided to the victim. We reiterate our appeal to Saudi Arabia to extend the moratorium on death penalty, and to consider its complete abolition.

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, in accordance with articles 3 and 5 of the Universal Declaration of Human Rights (UDHR) and articles 5 and 16 of the Arab Charter on Human Rights (ACHR), to which Saudi Arabia is a State Party since 2009.

These allegations also appear to be in violation of the right to fair proceedings before a competent, independent and impartial tribunal established by law, and to be assisted by a lawyer in line with articles 4 of the Saudi Code of Criminal Procedure; articles 6, 13 and 16(4) of the ACHR; article 10, 11 of the UDHR; and article 37(d) of the Convention on the Rights of the Child (CRC), ratified by Saudi Arabia on 26 January 1996, as well as with the UN Basic Principles on the Role of Lawyers.

The allegations of torture against Mr. Al-Mahoor also appear to contravene 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), ratified by Saudi Arabia on 23 September 1997, which establishes the absolute and non-derogable prohibition against torture.

In addition, sentencing a person to death for having committed a crime when under 18 years old, amounts to cruel, inhuman and degrading punishment, which is prohibited inter alia in the CRC, and the CAT.

We would further like to recall that article 37(a) of the CRC and article 7(1) of the ACHR, and 3 of the United Nations Safeguards Protecting the Rights of those facing the Death Penalty, expressly prohibit the imposition of the death penalty for offences committed by persons below 18 years of age.

We would further 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 a final judgment rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial to all possible safeguards to ensure a fair trial. Only full respect for stringent due process guarantees distinguishes capital punishment from a summary execution. Similarly, article 19(e) of the Cairo Declaration of Human Rights in Islam (CDHRI) provides that sentences of death imposed after failure to stringently adhere to fair trial guarantees constitute a violation of international law.

Moreover, article 7 of Safeguards and 6 of the ACHR provides that anyone sentenced to death shall have the right to seek pardon or commutation of the sentence.

With reference to Mr. Al-Marhoon's alleged participation in a number of Arab Spring anti-government protests late 2011 and early 2012, we would like to refer to your Excellency's Government to take all necessary steps to ensure the right freedom of assembly, as recognized in articles 20 of the UDHR and 24 of the ACHR

In this connection, we would also like to refer to Human Rights Council resolution 24/5, and in particular operative paragraph 2, that reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully, including persons espousing minority or dissenting views or beliefs, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly are in accordance with their obligations under international human rights law.

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

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

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.

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of association

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