

**Mandates of the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on trafficking in persons, especially women and children**

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on trafficking in persons, especially women and children, pursuant to Human Rights Council resolutions 26/7, 26/12, 25/13, and 26/8.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **imminent execution of seven Pakistan nationals in Saudi Arabia**, Messrs. Mohammad Afzal; Mohammad Irfan; Mohammad Fiaz; Liaquat Ali; Mohammad Imran; Ghulam Shabbir, and Safeer Ahmad.

According to the information received:

In 2005, Mr. Mohammad Afzal, a worker in a textile mill in Pakistan, was arrested for drug trafficking at King Abdelaziz International Airport in Jeddah, Saudi Arabia, where he had arrived from Pakistan. In 2009, he was sentenced to death for drug offenses by the Jeddah Courts. He awaits execution at Bariman Jail, Jeddah.

In 2010, Mr. Mohammad Irfan, a rickshaw driver in Pakistan, was arrested for drug trafficking upon his arrival to Saudi Arabia from Pakistan and later sentenced to death. He is detained at Al-Hair Jail in Riyadh where he awaits execution by beheading.

Also in 2010, Mr. Mohammad Fiaz, a 32 year-old unemployed man from Pakistan, was arrested for drug trafficking upon his arrival to Saudi Arabia from

Pakistan and later sentenced to death by the Riyadh Courts. He awaits execution by beheading at Al-Hair Jail in Riyadh.

In 2011, Mr. Liaquat Ali, a laborer from Pakistan, was arrested for drug trafficking upon his arrival in Saudi Arabia from Pakistan. In the same year, he was sentenced to death by the Riyadh Courts. He awaits execution by beheading at Al-Hair Jail in Riyadh.

Also in 2011, Mr. Mohammad Imran, a worker in a rice mill in Pakistan, was sentenced to death by the Jeddah Courts in connection to his arrest for drug trafficking the previous year at King Abdelaziz International Airport, where he had arrived from Pakistan. He awaits execution by beheading at Bariman Jail, Jeddah.

In 2012, Mr. Ghulam Shabbir, a laborer from Pakistan, was sentenced to death for drug trafficking by the Jeddah Courts, following his earlier arrest by the Saudi police at an airport in Saudi Arabia, where he had arrived from Karachi, Pakistan. He awaits execution at Bariman Jail, Jeddah.

In 2013, Mr. Safeer Ahmad, a worker in an iron factory in Pakistan, was sentenced to death by the Jeddah Courts, in connection to his arrest the previous year at King Abdelaziz International Airport, where he had arrived from Pakistan. He awaits execution by beheading at Bariman Jail, Jeddah.

The seven men are citizens of Pakistan from rural areas, with little or no formal education and families financially dependent on them. They were working in the local informal economy prior to their trip to Saudi Arabia and had no criminal history. The men had arrived in Saudi Arabia after having been approached by Overseas Employment Promoters (“OEPs”) in Pakistan. OEPs had promised to arrange work for them in Saudi Arabia that could provide significant remittances to their families. Mr. Irfan and Mr. Imran, for example, gave sums between 1,400 and 1,600 dollars of the United States to the OEPs in exchange for the service of securing overseas employment, visas and travel to Saudi Arabia.

Several days before their respective departure to Saudi Arabia, the OEPs contacted the men asking that they travel to Islamabad or Karachi in order to receive plane tickets and visas. At that point, the men were reportedly subjected to torture and/or ill treatment by the OEPs to force them to ingest narcotics concealed in capsules. The OEPs reportedly subjected the victims to one or more of the following actions: kidnapping; threats at gunpoint; death threats; threats of death and violence against their families; and drugging and/or poisoning. In all cases, the OEPs transported the men to the airport to board their respective flights to Saudi Arabia.

The seven men were arrested by Saudi police at various airports across Saudi Arabia upon their arrival from Pakistan, or within days of their entry in the

country. All seven men were accused of trafficking narcotics in violation of Royal Order No. 4/B/966 on Drugs.

Numerous irregularities were reported in connection to the arrests and legal proceedings that led to the imposition of the death penalty against them. The seven men reported that they informed Saudi authorities that they had been coerced into transporting the narcotics but these reports were ignored and not investigated. During their interrogation by Saudi authorities, all seven men were denied access to lawyers. It is believed that due to lack of access to legal counsel, they were unable to challenge the legality of their arrest or detention. Moreover, the Saudi authorities did not inform the seven men of their right to notify consular officials, nor did they inform the Pakistan Consulate of their nationals' arrests, with the effect of seriously delaying or restricting consular access.

The Saudi Courts further failed to provide adequate interpreters during the proceedings against the seven men. As a result, many of the defendants were forced to resort to writing and submitting their own pleadings and appeals, relying on the assistance of other prisoners for translation into Arabic. The Courts also failed to take into consideration the men's condition as victims of exploitation and human trafficking, and the fact that they had been used as drug mules. Following their conviction, the prisoners were denied the opportunity to request clemency or pardon from the Saudi Arabian executive. In this regard, reports indicate that there is a general practice in Saudi Arabia that bars persons convicted of drug trafficking from pardon.

Although the prisoners and their families were met with secrecy surrounding the date of their respective executions, it is feared that these may be imminent. Since acceding to the throne in January 2015, King Salman bin Abdelaziz Al Saud has approved an unprecedented number of executions in Saudi Arabia. Over 100 prisoners have been executed in the country as of August 2015. It is reported that over half of these executions have been carried out against persons convicted of drug offences. Reports indicate that Pakistan nationals are disproportionately represented on death row in Saudi Arabia. Official statistics reveal that there are over 100 Pakistan nationals currently facing execution for drug offences in Saudi Arabia. In recent executions of Pakistani nationals, death row prisoners and their families were not provided with prior notice of the execution, which exacerbates the concern that the executions of the above mentioned individuals may take place at any time.

We express grave concern that the death penalty may be carried out against seven potential victims of trafficking in persons who have been convicted on drug-related charges, which does not meet the threshold of "most serious crimes", and following judicial proceedings that do not appear to have fulfilled the most stringent guarantees of fair trial and due process, particularly in connection to access to legal counsel, equality of arms, and availability of adequate interpretation. We are further concerned that the

secrecy surrounding the notification of execution is exposing the victims and their families to unnecessary cruel, inhuman and degrading treatment.

In view of the urgency of the matter, and of the irreversibility of the punishment of the death penalty, **we call upon your Excellency's Government as a matter of urgency to halt the seven executions**, which, on the facts available to us may constitute a violation of applicable international human rights standards, and thus an arbitrary execution. We further appeal to Saudi Arabia **to annul the death sentence against the aforementioned individuals and to ensure a re-trial in compliance with international standards.**

Without making any judgment as to the accuracy of the information made available to us, 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.

We would like to draw the attention of your Excellency's Government to article 6 of the ACHR which states that the sentence of death may be imposed only for the most serious crimes and pursuant to a final judgment rendered by a competent court. Furthermore, anyone sentenced to death shall have the right to seek pardon or commutation of the sentence.

Moreover, as stressed in article 5 of the Safeguards guaranteeing protection of the rights of those facing the death penalty, capital punishment may only be carried out pursuant to legal procedures which give all possible safeguards to ensure a fair trial,. Only full respect for stringent due process guarantees distinguishes capital punishment as possibly permitted under international law from an arbitrary execution.

Moreover, we would like to remind your Excellency's Government of 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 and, with regards to possible sentences imposing the death penalty, to the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/67/279), in which retentionist States are called upon to rigorously observe the restrictions and conditions imposed by articles 1 and 16 of the CAT.

We would also like to draw your attention to Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime which Saudi Arabia ratified in 20 July 2007, and which defines trafficking in persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the

threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Furthermore, Guideline 2 of the Recommended Principles and Guidelines on Human Rights and Human Trafficking, launched by the Office of the United Nations High Commissioner for Human Rights in 2002, affirms that States should ensure "that trafficked persons are not prosecuted ... for the activities they are involved in as a direct consequence of their situation as trafficked persons" and that "trafficked persons are not, in any circumstances, held in immigration detention or other forms of custody". Finally, States responsibility under international law to act with due diligence to prevent trafficking, to investigate and prosecute traffickers and to assist and protect trafficked persons is stressed under Guideline 2 of the above-mentioned Recommended Principles and Guidelines.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

It is our responsibility under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your observations on any additional information and any comment you may have on the above mentioned allegations.

We also take this opportunity to inform your Excellency's Government that a copy of this letter will be shared with the authorities of the Islamic Republic of Pakistan.

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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