

**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**

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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; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 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 **imminent execution of Ali Mohammed al-Nimr**, a Saudi national sentenced to death by the Saudi Specialized Criminal Court (SCC).

According to the information received:

On 14 February 2012, Saudi authorities arrested Ali Mohammed al-Nimr, a 17 years old high school student, for his participation in Arab Spring protests in Qatif, Eastern Province in 2012. During his arrest and detention, Ali was subjected to torture and ill-treatment by the General Investigation Directorate (GDI) which forced him to confess the charges against him. Subsequently, Ali was transferred to a juvenile detention facility Dar al-Mulahaza, before being returned to the GDI prison in Dammam when he turned 18.

On 17 December 2013, the first hearing in the case took place before the Specialized Criminal Court (SCC) in Ali's absence. The General Attorney charged him with 12 offences, including, inter alia, treason and membership with a terrorist cell. Other hearings were held in secret and in his absence. Ali was only informed of the charges later on. During the investigations, the authorities prevented him from having access to a lawyer who, once appointed on the case, was not allowed to consult the case file.

On 27 May 2014, the SCC sentenced Ali to death, for “herabah” (banditry or unlawful warfare). Ali’s counsel appealed the decision without any success. In September 2015, the SCC informed that Ali’s final appeal had been heard without any prior notification. His death sentence was confirmed by the High Court, and the case has now been transferred to the Ministry of Interior to implement the sentence. Ali is awaiting execution at the General Directorate of Investigations Prison in Dammam and, may be executed by “crucifixion” at any time.

It is also reported that at least two other individuals who were juveniles at the time they were arrested for their participation in the protests in Qatif in 2012 are currently also detained and sentenced to death in Saudi Arabia.

We express our grave concern at the imminent execution of Ali Mohammed al-Nimr, who at the time of the alleged crime is believed to have been under 18 years old, which is in contravention of international human rights law, especially 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 would furthermore like to draw 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](http://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, which if carried out, would be inconsistent with standards of international human rights law. We further appeal to Saudi Arabia to annul the death sentence against the aforementioned individual and to ensure a re-trial in compliance with international standards. We also reiterate our appeal to Saudi Arabia to extend the moratorium on death penalty, and to consider its complete abolition.

We reserve the right 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 indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s 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