

**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 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 execution of Mr. **Mojtaba Nader Abdullah Suwaiket**.

According to the information received:

On 11 December 2012, Mr. Mojtaba Nader Abdullah Suwaiket, a 17-years old student on his way to complete his studies in the United States, was arrested at King Fahd International Airport in Saudi Arabia, in relation with anti-government protests, and taken to the General Directorate of Investigation (Al-Mabahith) detention centre in Al-Dammam city. No warrant was provided and Mr. Suwaiket was never informed of the reasons of his arrest.

While detained at Al-Mabahith, he was routinely subjected to torture including suspension from his hands and feet, sleep deprivation, severe beatings with cables and shoes, cigarettes burns and pouring of cold water on his body during winter. He was put in solitary confinement for three months. As a result, Mr. Suwaiket suffers from a broken shoulder, sustained pain in back and knees and blood deficiency due to insufficient nutrition. He has been deprived of any medical care. Mr. Suwaiket was reportedly subjected to acts of torture until he confessed to armed disobedience against the King and to attacking, shooting and injuring security forces, civilians and passers-by.

Mr. Suwaiket was brought before the Specialised Criminal Court (SCC) of Riyadh on 23 August 2015, without prior notice or access to a lawyer. The Bureau of Investigation and Prosecution requested a punishment in line with Islamic Law provisions, including execution by crucifixion. On 1 June 2016, after several

hearings, Mr. Suwaiket was convicted and sentenced to death by the SCC, on the sole basis of the confession extracted under torture.

While we do not wish to prejudge the accuracy of these allegations, serious concern is expressed at the decision of the SCC to sentence Mojtaba Nader Abdullah Suwaiket to death, in contravention with 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 also 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.

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, expressly prohibits the imposition of the death penalty for offences committed by persons below 18 years of age.

Concerning the allegations of unfair trial, we wish to recall article 5 of the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty which provides that capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after a legal process which gives all possible safeguards to ensure a fair trial, including the right to adequate legal assistance at all stages of the proceedings. Only full respect for stringent due process guarantees distinguishes capital punishment as possibly permitted under international law from an arbitrary execution. The above allegations appear to contravene articles 3, 10 and 11 of the Universal Declaration of Human Rights which guarantee the right of every individual to life and security and not to be arbitrarily deprived of life, as well as the right to fair proceedings before an independent and impartial tribunal and to an effective defense; as well as 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

Concerning the allegations that Mr. Suwaiket was convicted on the sole basis of his confession under torture, we also wish to recall article 4 of the Safeguards which stipulate that the death penalty may only be imposed when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts.

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

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on any measures taken to ensure the physical and psychological integrity of Mojtaba Nader Abdullah Suwaiket.
3. Please indicate what kinds of measures are being taken to ensure that any public officials are being investigated and prosecuted in relation with the above-mentioned allegations, and in particular please indicate what measures are being taken to investigate the allegations of torture and other ill-treatment in a prompt, impartial and effective manner.
4. Where available, please provide the details and the results of any such investigation, and judicial or other inquiries carried out in relation to the above-mentioned allegations.
5. Please indicate measures taken to avoid the reliance on coerced confessions in criminal trials.
6. Please indicate what kinds of measures are being taken to incorporate the international standards about the absolute prohibition of torture in the criminal justice system.
7. Please indicate how Mr. Suwaiket judicial process and sentence to death complies with existing international standards on safeguards and restrictions relating to the imposition of capital punishment.

We would appreciate receiving a response within 60 days.

While awaiting a reply, and in view of the irreversibility of the punishment of the death penalty, **we urge your Excellency's Government to take all steps necessary to prevent the execution of Mujtaba Nader Abdullah al-Swaiket**, 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 based is sufficiently reliable to indicate a matter warranting immediate attention.

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.

Agnes Callamard

Special Rapporteur on extrajudicial, summary or arbitrary executions

Nils Melzer

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment