

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE:
UA SAU 9/2019

15 July 2019

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 33/30, 35/15, 34/18, 32/32, 34/5 and 34/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the execution of 37 individuals on 23 April 2019, including Mr. **Munir Al-Adam**, and the wave of arrests in the period 4-9 April 2019 of intellectuals, writers, and human rights defenders, including Mr. **Bader Al Ibrahim**; Mr. **Thamar Al Marzogi**; Ms. **Khadija Al Harbi**; Mr. **Abdullah Saad Al Shehri**; Ms. **Shaika Hamad Al Orf**; Mr. **Fahad Aba Al Khail**; Mr. **Mohammad Al Sadiq**; Mr. **Salah Al Haidar**; Mr. **Moqbel Al Saqqar**; Mr. **Yazed Al Faife**; Mr. **Ayman Al Drees**; Mr. **Abdullah Al Dehailan**; Mr. **Nayef Al Hindas**; Mr. **Redah Ali Al Boori** and Mr. **Ali Abdullah Al Saffar**.

Mr. Munir Al-Adam was the subject of two previous communications sent on 28 July 2017 (case no. SAU 7/2017) and on 31 August 2016 (case no. SAU 5/2016). We thank your Excellency's Government for its replies of 13 December 2017 and 17 January 2017. He was one of 14 individuals arrested separately between September 2012 and December 2013, in relation to pro-democracy protests that took place in the city of al-Awamiyah in 2011. The prosecution of this group of 24 individuals became known as the "Awamiyah 24 Cell" trial.

Mr. Bader Al Ibrahim is a doctor and writer who has published books on sectarianism, democracy and free speech. He wrote for Arab and Saudi newspapers on topics such as feminism and identity politics, and participated in a number of TV

programs on the cultural and sectarian situation in the region. He is a dual Saudi and US citizen.

Mr. Thamar Al Marzogi is a writer, blogger and social media activist and a support of the Saudi feminist movement. He has co-authored a book on national independence, and wrote regularly in local newspapers. He is the husband of Ms. Khadija Al Harbi.

Ms. Khadija Al Harbi is a social media activist and wife of Mr. Thamar Al Marzogi. She has written articles on feminism in local magazines and websites.

Mr. Abdullah Saad Al Shehri is a lawyer who has previously defended human rights defenders. He is the husband of Ms. Shaika Hamad Al Orf.

Ms. Shaika Hamad Al Orf is a doctor and the wife of Mr. Abdullah Saad Al Shehri.

Mr. Fahad Aba Al Khail is a banker and has written several articles on the economic situation and commented on the economic situation in local TV. He has also supported feminism via YouTube.

Mr. Mohammad Al Sadiq is a writer who has published books on sectarianism and political identities and on minorities and multiculturalism.

Mr. Salah Al Haidar is a writer and host of a YouTube channel discussing cultural and historical issues. He is a dual Saudi and US citizen.

Mr. Moqbel Al Saqqar is a writer and novelist who has published a novel about the situation of women in Saudi Arabia.

Mr. Yazed Al Faife is an author.

Mr. Ayman Al Drees is a translator, a human rights defender and husband of the feminist Ms. Malak Al Shehri.

Mr. Abdullah Al Dehailan is a writer and journalist in local newspaper. He has written books and short stories on the Arab spring and hosts a YouTube cultural program interviewing academics.

Mr. Nayef Al Hindas is a writer and a translator. He has participated in a local translation blog and given speeches in local fora on topics of feminism and the history of the political movement in Saudi Arabia.

Mr. Redah Ali Al Boori is a writer and a photographer. He was a co-founder of a local forum discussing feminism and democracy.

Mr. Ali Abdullah Al Saffar is a co-author of a book on the economic situation in Saudi Arabia. He is also a co-founder of a local forum.

According to the information received:

Executions

On 23 April 2019, Saudi authorities executed 37 individuals, including Mr. Munir Al-Adam, born in 1992. The executions were reportedly carried out without prior notice to the families. It has been reported that Mr. Al Adam may have been the victim of reprisals during his incarceration. He and the other individuals were reportedly subject to acts of torture and ill-treatment, including prolonged solitary confinement and confessions obtained under torture, denial of access to medical care in detention and lengthy pre-trial detentions, the denial of access to legal representation before and during trial, and the denial of access to charges brought against them.

Wave of arrests of writers and human rights defenders

Between 4 and 9 April 2019, Saudi Arabian authorities carried out a wave of arrests of writers, social media bloggers and human rights defenders who have previously engaged in public discourse on political reform. Among those arrested were Mr. Bader Al Ibrahim; Mr. Tamar Al Marzogi; Ms. Khadija Al Harbi; Mr. Abdullah Saad Al Shehri; Ms. Shaika Hamad Al Orf; Mr. Fahad Aba Al Khail; Mr. Mohammad Al Sadiq; Mr. Salah Al Haidar; Mr. Moqbel Al Saqqar; Mr. Yazed Al Fafife; Mr. Ayman Al Drees; Mr. Abdullah Al Dehailan; Mr. Nayef Al Hindas; Mr. Redah Ali Al Boori; and Mr. Ali Abdullah Al Saffar.

According to the information available to us, the arrests took place without arrest warrants, and the charges against them are at this time unknown. Some of the individuals are currently in incommunicado detention and they reportedly have had no access to a legal representative. Only a few of them have been able to receive visits from their relatives. At least one of them has reportedly been subjected to torture and ill treatment in detention.

The arrests are the first wave of arrests since the arrest of women's rights defenders in May and July 2018, and the first since the murder of journalist Jamal Khashoggi in October 2018.

We express our most serious concern at the recent executions of 37 individuals, including Mr. Al Adam, which were carried out without prior notice to the families concerned, and based on convictions on protest-related charges that do not meet the threshold of “most serious crimes” as required under international law. Furthermore, we reiterate our concerns that the process against Mr. Al Adam, having been a juvenile offender and a man with disabilities, did not meet fair trial and due process guarantees. Of particular concern are the reported acts of torture and ill-treatment while in detention, including prolonged solitary confinement, invocation and admission of confessions obtained under torture as evidence, denial of access to medical care and denial of access to the charges. At the time of Mr. Al-Adam's execution on 23 April 2019, his matter was under consideration by the Working Group on Arbitrary Detention following a communication to your Excellency's Government dated 2 August 2018. While we acknowledge the response of your Excellency's Government to that communication, we express our grave concern that Mr. Al-Adam's execution took place while a communication was pending before the Special Procedures which, in this case, had specifically requested your Excellency's Government to ensure his physical and mental integrity.

We express serious concern at the arrest and incommunicado detention of writers, social media bloggers and human rights defenders, including the fifteen above-named individuals, which appear to be directly linked to the exercise of their right to freedom of expression on political and human rights issues.

We equally express our overarching concern at the criminalization of protests and reiterate that the criminalization of expression through the application of national security provisions to target speech that is deemed dissenting or critical is incompatible with international human rights standards.

These allegations, if confirmed, indicate a prima facie violation of the right of every individual to life, liberty and security; of the right not to be arbitrarily deprived of life; of the right to physical and psychological integrity; of the right to be free from arbitrary arrest and detention; of the right to fair proceedings before an independent and impartial tribunal and to an effective defense; of the right to freedom of opinion and expression, and the rights to freedom of peaceful assembly and association, as guaranteed by articles 3, 9, 10, 11, 19 and 20 of the Universal Declaration of Human Rights (UDHR).

The allegations also indicate a prima facie violation of the absolute and non-derogable prohibition of torture and other cruel, inhuman and degrading treatment or punishment as set forth in articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT), to which Saudi Arabia acceded on 23 September 1997. The prohibition is also contained in article 15 of the Convention on the Rights of Persons with Disabilities, to which Saudi Arabia acceded on

24 June 2008, and article 37 (a) of the Convention on the Rights of the Child (CRC), to which Saudi Arabia acceded on 26 January 1996. Furthermore, article 15 of CAT prohibits the use of information obtained under torture as evidence.

We furthermore bring to the attention of your Excellency's Government article 1 of the United Nations Safeguards guaranteeing protection of the rights of those facing the death penalty (UN Safeguards), which provides that countries that have not abolished the death penalty may only impose it for the *most serious crimes*, it being understood that their scope should not go beyond international crimes with lethal or other extremely grave consequences.

Article 5 of the UN Safeguards, provides that capital punishment may only be carried out pursuant to a final judgment 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. Any judgment imposing the death sentence and execution of juvenile offenders is incompatible with international human rights standards.

The United Nations Declaration on the Protection of All Persons from Enforced Disappearances, sets out necessary protection by the State, in particular that no State shall practice, permit or tolerate enforced disappearances (article 2), that any person deprived of liberty shall be held in an officially recognized place of detention (article 10.1) and that an official up to date register of all persons deprived of their liberty shall be maintained in every place of detention (article 10.3).

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

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As 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 be grateful for your observations on the following matters:

1. Please provide any additional information you may have on the above-mentioned allegations.
2. Please provide information about the execution of the 37 individuals on 23 April 2019, including why Mr. Al-Adam was executed while a communication concerning his situation was pending before the Working Group on Arbitrary Detention.

3. Please provide information about the allegations that Mr. Al Adam was subject to reprisals during incarceration.
4. Please provide information about the reasons for the arrests of the 15 individuals named above, including their place of detention; about any charges brought against them and about whether they have had access to a legal representative and their families.

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.

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Leigh Toomey
Vice-Chair of the Working Group on Arbitrary Detention

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Clement Nyaletsossi Voule
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Michel Forst
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Nils Melzer
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