

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Working Group on Arbitrary Detention; 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; Working Group on Arbitrary Detention; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 44/5, 42/22 and 43/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning Mr. Ali Hassan Al Rabie, a national of Saudi Arabia, who reportedly faces imminent execution as a result of an allegedly unfair trial.

According to the information received:

Mr. Ali Hassan Al Rabie, born in 1979, is a national of Saudi Arabia. He is married and has one child.

On 9 December 2013, Mr. Al Rabie was arrested while paying a visit to his brothers, Mr. Ahmed and Mr. Hussein Ali. He had never received any information or notice before that he was being investigated or might have been wanted.

Following his arrest, Mr. Al Rabie was reportedly interrogated without a lawyer and, while held in custody, allegedly tortured or subjected to ill-treatment, including sleep deprivation for days and exposure to poor hygiene and sanitation conditions. He was placed in solitary confinement for a period of six months and was denied access to his family.

Furthermore, he was forced to sign a pre-written self-incriminating statement, under threats that he would be left indefinitely in solitary confinement and that he would not be able to see his son again,

Mr. Al Rabie was charged with participating in protests and demonstrations; attending the funeral of his cousin; chanting anti-government slogans; possessing weapons; and participating in shootings at Al Awamiyah police station. He was sent to trial before the Specialized Criminal Court.

Mr. Al Rabie repeatedly informed the Specialized Criminal Court of the torture and other abuses he had suffered. His complaints, however, were reportedly ignored. His forced confession was eventually admitted as evidence to sentence

him to death, for the above-mentioned charges and for violating the Sharia principle of *ta'zir*.

In April 2019, Mr. Al Rabie's brothers, Mr. Ahmed and Hussein Ali Al Rabie, were reportedly executed along with 35 other individuals after having been sentenced to death following an allegedly unfair trial marred by torture allegations. Among these individuals, six were allegedly charged when they were below the age of eighteen. Mr. Ali's third brother, Mr. Thamer, was allegedly killed by Saudi security forces on 20 December 2014, when he was 17 years old, along with four other individuals, during a raid carried out in the city of al-Awamiyah. The raid was reportedly described by the Ministry of Interior as a successful anti-terrorist operation.

Mr. Al Rabie's death sentence was reportedly recently upheld by the Supreme Court of Saudi Arabia in a final ruling, not subject to appeal. The execution may allegedly be carried out any time.

While we do not wish to prejudge the accuracy of the above-mentioned allegations, we are concerned that, if confirmed, they would constitute violations of the rights to life and to freedom and personal security; the right not to be arbitrarily arrested and detained; the right to be promptly charged and brought before a judge or to be released; the right not to be tortured or otherwise ill-treated; the right not to be forced to testify against oneself; the right to adequate time and assistance to prepare one's defence; and the right to a fair trial before an independent and competent court under Articles 3, 5, 7, 8, 9, 10, 11, 12, 18, 19, 20 of the Universal Declaration of Human Rights (UDHR), as well as Articles 5, 6, 13 and 27 of the Arab Charter on Human Rights (ACHR), to which Saudi Arabia is a State Party since 2009.

The allegations also seem to indicate a *prima facie* violation of the absolute and non-derogable prohibition of torture and other cruel, inhuman and degrading treatment or punishment, including the absolute prohibition on the use of statements made as a result of torture or other ill-treatment in any proceedings, as set forth in Articles 2, 15 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which was ratified by Saudi Arabia in 1997.

We wish to stress that, when not legally prohibited, the death penalty may be imposed only following compliance with a strict set of substantive and procedural requirements. In particular, capital punishment may only be carried out for the "most serious crimes", involving intentional killing. We are concerned that Mr. Al Rabie might have allegedly been charged and may reportedly be sentenced to death for offences that do not reach this threshold.

Similarly, capital punishment may only be imposed 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 of anyone suspected of or charged with a crime for which capital punishment may be imposed, to adequate legal assistance

at all stages of the proceedings. Furthermore, anyone sentenced to death shall have the right to seek pardon or commutation of sentence.

We reiterate that the imposition and subsequent execution of a death sentence upon the conclusion of a trial in which due process and fair trial standards have not been respected constitutes an arbitrary killing for which the State is responsible.

Lastly, we recall that victims of torture and other ill-treatment must have a right to lodge a complaint about their treatment while held in custody. Any allegation in this regard must be promptly followed by an impartial examination by a body that is independent of the alleged perpetrator. Whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed, Article 12 of the CAT imposes an obligation on the State to investigate. The Government must ensure that complainants are not subject to reprisals and that victims of torture or ill-treatment receive adequate reparation.

In view of the above, we respectfully urge your Excellency's Government to immediately halt any steps being taken toward the execution of Mr. Al Rabie, which, on the basis of the information made available to us would violate international human rights law and standards, and thus constitute an arbitrary execution. We further urge your Excellency's Government to ensure that the death sentence against the aforementioned individual is annulled and that he is re-tried in full compliance with international human rights law and standards. We also respectfully call upon your Excellency's Government to establish an official moratorium on the death penalty and to consider its complete abolition.

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 and any comment you may have on the above-mentioned allegations;
2. Please provide detailed information on the factual and legal grounds for the arrest and detention of Mr. Ali Hassan Al Rabie. Please clarify whether he was promptly brought before a judge and/or was afforded the opportunity to challenge the lawfulness of his arrest and detention/deprivation of liberty before a judicial authority;

3. Please explain whether the trial of Mr. Al Rabie was conducted in a manner that is consistent with international fair trial and due process standards;
4. Please provide information about the conditions of detention of Mr. Al Rabie, including the material conditions in which he was detained, and with regard to contacts with other prisoners, his family and lawyer, and how these conditions were and are consistent with the provisions of the Standard Minimum Rules for the Treatment of Prisoners (“The Mandela Rules”);
5. Please provide information as to whether the allegations, including with regard to the complaints made in court by Mr. Al Rabie, that he was tortured in custody were investigated as required under the Convention against Torture; if no investigation was carried out, please explain why, and how this is consistent with Saudi Arabia’s international human rights obligations under CAT;
6. Please also provide information on the existing procedures for persons sentenced to death to seek clemency or a pardon, and provide detailed information on how they can access such procedures.

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.

We may publicly express our concerns in the near future in this case, as we are extremely concerned by the allegation that Mr. Al Rabie may be imminently executed. These fears are heightened by the allegation that two of his brothers were executed in similar conditions, and that in the three cases evidence obtained against them was obtained under torture. Should this be the case, we believe that the wider public should be alerted to the implications of the allegations for the enjoyment and exercise of human rights in Saudi Arabia.

We respectfully urge you to stay the execution and initiate a process to review the case.

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

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

Elina Steinerte
Vice-Chair of the Working Group on Arbitrary Detention

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