

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. Abdullah al-Huwaiti**, a national of Saudi Arabia, who reportedly faces imminent execution, after having been allegedly arbitrarily arrested, tortured and sentenced to death following an unfair trial, for a crime that allegedly occurred when he was 14 years old.

We recall that in an allegation letter dated 22 May 2020 (AL SAU 6/2020) we welcomed the decision announced by your Excellency's Government to abolish the death penalty for minors¹. We wish to thank Your Excellency's Government for their reply to that letter. We understand that pursuant to the Royal Order issued in March 2020, the enforcement of final discretionary death sentences handed down to all juveniles, including those sentenced to death for terrorism offences and who were under the age of 18 at the time of committing the offence, was suspended².

We remain concerned, however, that the reply does not fully clarify whether the suspension also applies to cases of offences punished under *qisas* and *hudud*; and, most of all, whether there are concrete plans, and if so what would be the envisaged course of their implementation, to fully abolish the death penalty for minors.

According to the information received:

Mr. Abdullah al-Huwaiti, is a national of Saudi Arabia, born on 18 July 2002 (national identification n. [REDACTED]).

On 8 May 2017, when he was 14 years old, masked security agents raided his family's home arresting him and [REDACTED]. They were both taken to the police station in Dubai, where they were charged with robbery and murder, allegedly committed on 6 May 2017. While at the police station, Mr. al-Huwaiti was forced to stand still for hours, insulted and verbally abused by guards.

¹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25260>

² <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35427>

Subsequently, Mr. al-Huwaiti was transferred to the criminal investigation centre in Tabouk, where, at the direction of [REDACTED], he was allegedly subjected to torture and forced to sign statements of which he was unaware of the content.

Mr. al-Huwaiti was reportedly forced to stand still for hours until, at times, he lost consciousness; he was repeatedly beaten and slapped on the face; he was hit with an electrical cable on the soles of his feet (*falaqa*) and on different parts of his body until, at times, he lost consciousness; he was forced to stand still for hours in front of an air conditioner; he was beaten while forced to hold the legs of [REDACTED] when he was being beaten with *falaqa*; and he was repeatedly told that his [REDACTED] and [REDACTED] had been arrested and were in prison and would only be released if he confessed to having committed the crime.

At an unspecified date, Mr. al-Huwaiti was transferred to the juvenile observation centre in Tabouk. Once there, he informed investigator [REDACTED] that he had been forced to sign statements at the criminal investigation centre. He was placed in a prison cell.

At an unspecified date, [REDACTED] and a group of soldiers visited Mr. al-Huwaiti's cell at night. They woke him up and informed him he was being transferred again. Mr. al-Huwaiti was blindfolded and brought back to the criminal investigation centre. There, [REDACTED] threatened him to pull his nails out, to hang him from his hands, and to torture him in ways that he could not even imagine.

At an unspecified date, [REDACTED] brought Mr. al-Huwaiti to court. The judge read out the statements he had been forced to sign, following which Mr. al-Huwaiti pleaded guilty, afraid of what would happen to him if he revealed that he had been tortured.

On 27 October 2019, the criminal court in Taobuk convicted Mr. al-Huwaiti of murder and sentenced him to death under *qisas*. [REDACTED] were reportedly convicted with him for their involvement in the crime and sentenced to fifteen years' imprisonment and one thousand lashes. [REDACTED] ordered to pay 800,000 Saudi riyals, an amount equal in value to the stolen goods.

The criminal court's decision was later upheld by the Tabouk Court of Appeals and it is now pending confirmation before the Supreme Court in Riyadh.

According to witnesses and surveillance cameras' footages, Mr. al-Huwaiti was with [REDACTED] and friends on the corniche in Duba when the crime took place. He was also seen there by a [REDACTED], whose testimony was never taken into account during the investigation. It is further submitted that another person confessed that he had committed the crime but this was discarded by the police [REDACTED].

According to the information received, the execution of Mr. al-Huwaiti may be imminent.

While we do not wish to prejudge the accuracy of the information received, we are concerned that the execution of a death penalty **for a crime committed by a person below the age of eighteen at the time of the offence, is contrary to international human rights law**. The prohibition of executions for crimes committed by persons under the age of eighteen is provided in several international and regional human rights treaties, in particular in Article 37 of the Convention on the Rights of the Child, which Saudi Arabia ratified in 1996.

In addition, the execution of a death sentence resulting from what appear to be lack of due process of law and unfair trial procedures could amount to an arbitrary execution, likewise prohibited under international law. In this case, there are serious doubts that Mr. al-Huwaiti was afforded the judicial guarantees of a fair trial, given the allegations that (a) he was arrested without a warrant; (b) he did not have access to a lawyer upon arrest; (c) he was not afforded the possibility to challenge the lawfulness of his detention; (d) he was subjected to torture or other cruel, inhuman or degrading treatment; (e) he was forced to contribute to the torture of ██████████, to compel ██████ to confess to the crime imputed ██████████ (f) he was forced to sign a statement of guilt under torture and the fear of being further tortured; (g) the lack of investigation by the court about the conditions under which his statement was obtained by police interrogators; (h) the admission of that statement by the court as evidence; and (i) his fear to complain about the conditions in which his statement was signed, and his related admission of the accusation before the judges, that led to his conviction and sentence to death. The admission of information obtained under torture as evidence violates numerous international human rights norms prohibiting torture and protecting individuals against it, among others Article 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Saudi Arabia in 1997.

These allegations warrant a close attention to the case to avoid that an innocent person is wrongly sentenced and executed, and a thorough review of the entire case and evidence since arrest. For these reasons, we are concerned that the execution of the death penalty against Mr. al-Huwaiti could amount to an arbitrary execution.

Under these circumstances, we respectfully call on your Excellency's Government **to suspend the execution of Mr. al-Huwaiti; to annul the death sentence imposed on him; to investigate fully the allegations of torture and to ensure that he is re-tried in conformity with international law and standards**.

We also respectfully call on your Excellency's Government to adopt without delay the necessary legislative measures to abolish the imposition of the death penalty for children for all crimes, **including in relation to offences punished under *qisas* and *hudud***.

Lastly, we call on your Excellency's Government to consider establishing an official moratorium on all executions as a first step towards fully abolishing the death penalty in the country.

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 Mr. al-Huwaiti 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 a comment you may have on the above mentioned reported information;
2. Please provide detailed information on the factual and legal grounds for the arrest and detention of Mr. Abdullah al-Huwaiti. Please clarify whether he was arrested on the basis of an arrest warrant; whether following arrest, he was brought promptly before a judge; and whether he had the opportunity to challenge the lawfulness of his arrest and detention before a judicial authority;
3. Please provide detailed information on the judicial guarantees afforded to Mr. al-Huwaiti to ensure that he was given a fair trial throughout his judicial proceedings, in accordance with the fundamental norms of fair trial under international law;
4. Please provide detailed information on the court's effort to assess the evidence adduced by the police before it, including the conditions under which this evidence was produced. Please explain why the court does not seem to have investigated the conditions under which Mr. al-Huwaiti signed the statement extracted from him by the police, 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;
5. Please provide information on the current conditions of detention of Mr. al-Huwaiti and explain whether they are consistent with the provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners (also known as "The Mandela Rules");
6. Please provide detailed information about the scope of application of the March 2020 Royal decree that suspends temporarily the execution of death penalties on juveniles, as well as on persons accuse of crimes of

terrorism who were minors at the time their imputed offence was committed. In particular, please clarify whether this measure abolishes the death penalty involving minors in all cases, including with regard to offences punished under *qisas* and *hudud*. as well as detailed information on the concrete implementation of such measure thus far and in the future.

While awaiting for a reply, we respectfully reiterate our call to your Excellency's government to urgently suspend the execution of al-Huwaiti, who was a minor at the time of his arrest, and thoroughly review the judicial proceedings against him so that a retrial is conducted by a different court, taking into account all elements of the case.

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 urgent 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.

While we welcome the reported executive decision by Royal Order to suspend the execution of juveniles sentenced to death, including for offences of terrorism as an encouraging step towards the abolition of the death penalty³, we remain concerned that it may not apply to all juvenile offenders, irrespective of the crime committed or imputed on them. Hence our request in this communication to seek precise clarification about the scope, the practical implementation of that positive measure, and whether it is temporary or permanent.

We may be considering to publicly express our concern about the imminent execution of Mr. al-Huwaiti. We may also welcome confirmation from your Excellency's Government that the March 2020 Royal Decree applies to all persons sentenced to death for offences committed when they were juveniles. In both case, we believe that the general public should be appraised of the consequences of these policies for the enjoyment and exercise of their human rights in Saudi Arabia. Any public statement on our part will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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.

Agnes Callamard

³ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35427>

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