

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Ref.: UA SAU 2/2024
(Please use this reference in your reply)

13 June 2024

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 53/4, 54/14, 52/9, 53/12, 49/10 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged imminent execution of Mr. Abdullah al-Derazi, Mr. Youssef al-Manasif and Mr. Jalal al-Labbad**, who were sentenced to death for crimes that were reportedly committed when they were under the age of 18 and on the basis of confessions made under torture and other forms of ill treatment. We would also like to bring to the attention of your Excellency's Government information received regarding the practice of secret executions and the failure to return the bodies of executed individuals to family members.

Replies from your Excellency's Government

We note that these cases have been brought to your Excellency's Government attention on several occasions, including in communications AL SAU 8/2022 concerning the case of Mr. al-Manasif, AL SAU 1/2023 concerning several cases including Mr. al-Derazi, Mr. al-Manasif and Mr. al-Labbad, and UA SAU 4/2023 concerning the cases of Mr. Al-Derazi and Mr. al-Manasif. We acknowledge your Excellency's Governments responses including the one received on 31 August 2023.

We would like to seize this opportunity to recall some of the concerns raised in previous communications, which we deem not to have been sufficiently addressed in your Excellency's Government responses and bring new allegations of ongoing serious human rights violations to your attention.

With regards the reply on 31 August 2023, we take note of the lengthy response. However, we regret that, while extensive details are provided on the general legal provisions, limited information is provided on the individual cases in question.

For example, we note information on page 4 of the English translation of the reply ([31 Aug 2023](#)) (page 4 of the original reply in Arabic) that "the two individuals in question were arrested after evidence was found that they had committed terrorist

crimes.” However, we regret that no specific information is provided on the nature and content of that evidence. Similarly, we note the information on page 5 that “the Public Prosecution Service decided that there was sufficient evidence to charge the individuals in question” but regret that no detail on this evidence was provided.

In response to questions 5 on page 6 and 7 of the translated reply (pages 7 to 9 of the original reply in Arabic), we take note of the information on the number of visits and calls received by Mr. al-Derazi and Mr. al-Manasif, and that they had legal representation. However, we note that no information is provided on whether these visits occurred in the initial phases of the detention as requested, nor is detailed information provided specifically on their access to legal representation during the initial stages of detention. We similarly note the information conveyed on pages 8 and 9 of the translated reply (page 9 and 10 of the original reply in Arabic) regarding the general standards applicable to the use of solitary confinement but regret that no information was provided on the reasons for its application in these specific cases, and whether it exceeded the 15-day maximum duration according to international standards.

We further note the indication on page 10 of both the translated and original reply from your Excellency’s Government, information that the allegations of torture were brought before the court, which took measures to verify the allegations. However, we note that no specific information was provided on the exact steps taken by the court to investigate and whether the investigation complied with relevant international standards. Similarly, we take note of the information also on page 10 of the translated reply (page 11 of the original reply in Arabic) that the verdict “was based on evidence established by the court, including the confessions presented to the judges, the arrest and search records, technical reports and the questioning and statements made during the proceedings,” and that “judges do not rely solely on confessions as evidence.” However, we regret that no further detail is provided on the content of the evidence excluding the confessions.

We take note of the list of charges including terrorism-related offences provided on pages 11 and 12 of the translated reply (pages 14 and 15 of the original reply in Arabic) and the information that “Saudi Arabia has experienced terrorist crimes that resulted the killing of innocent men, women and children.” However, we note that the specific charges brought against these individuals do not include intentional killing and thus should not be considered “the most serious crimes” for which the death penalty can be imposed under international law. We further note that none of the charges are dated.

According to the information received:

Mr. Abdullah al-Derazi

Mr. al-Derazi was arrested on 27 August 2014 when he was 18 years old. He was reportedly beaten after his arrest. He was initially held in Tarout Police Station, then Qatif Prison, then he was transferred to Damman Investigations centre five to six months after his arrest. He was held incommunicado for three months and solitary confinement for six months. He was subjected to physical and psychological torture which led to his hospitalization. He was forced into signing a false confession.

During his trial before the Specialized Criminal Court, he detailed how he was tortured and coerced into signing a false confession. He made numerous requests for the court to admit as evidence medical records which would demonstrate his hospitalisation from the torture. These requests were not granted by the court. He was sentenced to death by the Specialized Criminal Court in 2018. He was denied access to a court-appointed lawyer until 2021. Prior to this he was represented by his father who had no legal training as the family could not afford to appoint a private lawyer.

Two of the seven undated charges brought against him relate to activities allegedly undertaken with someone else. That individual died when Mr. Al-Derazi was 17 years old. Another relates to an event a year before his arrest when he was also 17 years old. Only one charge relates to a protest which took place when Mr. Al-Derazi was 18 years of age.

He is not charged with causing any deaths or injuries to others.

His sentence was upheld by the Supreme Court in 2023. His family was not formally notified of the Supreme Court's verdict. He is at imminent risk of execution.

Mr. Youssef al-Manasif

Mr. al-Manasif was arrested on 9 March 2017, when he was 20 years old. Following his arrest, he was held at a police station for one week, and reportedly subjected to ill-treatment. Persons associated with him were not informed of the arrest. After one week he was able to contact his family but not to disclose his location. He was later transferred to another facility where he was held in solitary confinement for five months, without access to a lawyer. During this period, he was reportedly tortured to induce him to sign a confession and admitted to hospital as a result. Despite requests, his family have not been given access to his medical reports.

During hearings in 2019, he indicated he had been forced to sign a confession and asked for a copy of the register showing the judge the period during which he was detained in solitary confinement. This request appears to have been disregarded.

The 12 charges brought against Mr. al-Manasif are undated. Some of the charges relate to attending funerals which occurred between 2010 and 2012 when he was between 15 and 17 years old. None of the allegations provided have been backed by evidence by the prosecution other than his forced confession. Mr. al-Manasif denies 11 of the charges. He has admitted to the consumption of hashish and has expressed his regret for doing so.

He is not charged with causing any deaths or injuries to others.

Mr. al-Manasif did not have access to a lawyer until 2022. He was only able to speak with him three times and his family was unable to contact him.

Mr. al-Manasif was sentenced to death on 2 November 2022. His sentence was upheld by the Specialized Criminal Court of Appeal on 9 March 2023. In

August 2023, his case was passed by the Supreme Court back to the Court of Appeal. No explanation for this was provided to his family or lawyer despite multiple requests.

On 30 March 2024, the Court of Appeal upheld the death sentence for a second time and sent the case back to the Supreme Court for a final decision. His family was only informed of this on 22 April 2024.

Mr. Jalal al-Labbad

Mr. al-Labbad was arrested on 23 February 2017 without a warrant. He was 21 years old at the time.

He was kept in solitary confinement for nine and a half months. During this period, he was reportedly tortured to induce him to sign a confession including, amongst others, being beaten until he lost consciousness and beatings focusing on his right femur, where he already had metal pins. He was also allegedly shocked with electricity and choked. He was admitted to hospital several times as a result of fainting, low blood pressure, weak heartbeat and severe swelling in his right thigh apparently due to the torture. He was also held in a one-by-two-meter room at a low temperature and in complete darkness. The investigator made several threats against the safety of his family members and threatened Mr. al-Labbad with death in order to induce him to sign a pre-written confession. He did not have access to a lawyer.

The torture which Mr. al-Labbad was subjected to has left him with ongoing medical issues. He continues to suffer constant pain as a result of the ill-treatment which prevents him from sleeping without medication. He also has persistent swelling in his right thigh, loss of focus and persistent forgetfulness.

In July 2019, Mr. al-Labbad appeared for the first time before the Specialized Criminal Court in Riyadh, where charges were filed. He was only able to appoint a lawyer after the trial session had started.

Five charges were brought against him. None of these are dated. However, some incidents are referenced in his forced confession, some of which occurred when he was under the age of 18. These include participating in demonstrations on 20 occasions in 1423 (between December 2010 and November 2011) when he was aged 15 or 16. Training in weapons in 1433 (November 2011 to November 2012) when he was aged 16 or 17. Firing during raids including in 1433 (November 2011 to November 2012) when he was aged 16 or 17. Participating in funerals in 1432 (December 2010 to November 2011) when he was aged between 15 and 16, and in 1433 (November 2011-November 2012) when he was between 16 and 17.

He was also charged with participation in the murder of a judge. However, no detail was given on his alleged involvement in this incident.

The evidence provided consisted of his confession reportedly obtained under torture and the confession of other detainees.

During the third session of his trial before the judge at the Specialised Criminal Court, Mr. al-Labbad indicated he had been tortured, detailed the methods of torture he had been subjected to and his ongoing medical issues following this torture. He also noted there is a video with the General Investigations that proves he was tortured.

Mr. al- Labbad denies all the charges against him.

On 4 October 2022 al-Labbad was sentenced to death. As he was sentenced under Ta'zir sentence including for charges that took place when he was under the age of 18, he would fall under the scope of the 2020 Royal Decree which abolished the death penalty for this category of child defendants.

His sentence was upheld by the Supreme Court at an unknown date. His family and lawyer were not formally notified of the Supreme Court's verdict. He is at imminent risk of execution.

The practice of executing individuals without notification of their family members

According to the information received, Saudi Arabia routinely carries out secret executions. Individuals are executed without notifying families or lawyers in advance. This leaves families in a state of ongoing uncertainty and mental distress and causes extreme shock and pain to the families of individuals executed.

In one case, the family of a child defendant learned that he had been executed through social media. His body was never returned for burial. In another, the family of a child defendant was informed by prison authorities that his execution was not going to take place and the death sentence would be set aside. He was subsequently executed without notice and his family learned of his execution via news reports. His body was not returned to his family, and they were not informed of the location of his remains.

While we do not wish to prejudge the accuracy of the information received, we express serious concern at the death sentences against the aforementioned individuals, reportedly under the age of 18 at the time of the commission of some of the alleged crimes.

We reiterate our concern that all of the alleged offences of Mr. al-Derazi and Mr. al-Manasif and the majority of those of Mr. Jalal al-Labbad do not meet the "most serious crimes" threshold for execution and are reportedly based only upon torture-coerced confessions. We are also concerned that reportedly the three individuals did not benefit from the services of a competent defense counsel at every stage of the proceedings as is required for cases involving capital punishment.

With regards to the terrorism-related charges brought against the three individuals, we reiterate our concern regarding the 2017 Law on Combatting Terrorism Crimes and its Financing specified in SAU 12/2020, SAU 1/2022, SAU 5/2922, SAU 7/2022, and SAU 1/2023 and SAU 4/2023. We are also concerned that Mr. al-Manasif was reportedly forcibly disappeared during the initial stages of his detention as well as by the practice of not providing notification to families of

execution dates and reports that the bodies of executed individuals have not been returned to families.

The above allegations appear to be in contravention of articles 3, 5, 9 and 10 of the Universal Declaration of Human Rights (UDHR) regarding the right to life, the prohibition on torture, the prohibition on arbitrary arrest and the right to a fair trial, the provisions of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) which Saudi Arabia acceded to in 1997 and articles 5, 8, 13, 14, 16 and 20 of the Arab Charter on Human Rights, regarding the rights to life, not to be subjected to torture or cruel, inhuman or degrading treatment, the right to a fair trial and prohibition on arbitrary arrest and to be treated with humanity while in detention. With regard to the alleged enforced disappearance, if confirmed, it would amount to violations of articles 7, 9-12, 13 and 19 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearances. We are further drawing your Excellency's Government's attention to the absolute and non-derogable prohibition of enforced disappearances (articles 2 and 7) which has attained the status of jus cogens. In this connection, we stress that a failure to acknowledge deprivation of liberty by state agents and refusal to acknowledge detention constitute an enforced disappearance, even if it is of a short duration.

We would like to underline that the circumstances surrounding the imposition of the death penalty, as well as the treatment of detainees on death row can themselves constitute cruel, inhuman or degrading treatment or punishment, and in some cases, could amount to torture. In this regard, we are deeply concerned by the reported practice of secret executions without providing notification to families and the alleged failure to return the remains of executed individuals to family members.

We recall that the Special Rapporteur on extrajudicial summary or arbitrary executions has noted that "States do not have any interest that justifies keeping persons on death row and their families in the dark regarding their fate" and that "refusing to provide convicted persons and family members advance notice of the date and time of execution is a clear human rights violation. These practices are inhuman and degrading and undermine the procedural safeguards surrounding the right to life." (E/CN.4/2006/53/Add.3, para 27 and 32). The Special Rapporteur has also underlined that "persons sentenced to death, their families, and their lawyers should be provided with timely and reliable information on the procedures and timing of appeals, clemency petitions, and executions" (E/CN.4/2006/53/Add.3, para 37). Equally, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has stated that secret executions violate the rights of the convict and family members to prepare for death, that secrecy and the refusal to hand over remains to families are especially cruel features of capital punishment, and called upon retentionist states to end the practice of secret executions and the practice of executions with little or no prior warning given to condemned prisoners and their families (A/67/279, paras. 40 and 80, see also A/HRC/48/29 para 42).

The secretive nature of implementing the death penalty and lack of transparency also contradicts article 9 of the United Nations Safeguards Protecting the Rights of those facing the Death Penalty, which states that "where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering." These safeguards, endorsed by consensus by the Economic and Social Council, constitute customary international law that all retentionist states are obliged to follow.

We stress once again that the enforcement of any death sentence in contravention of a State's obligations under international law is tantamount to an arbitrary execution and unlawful.

In view of the urgency of the matter, and of the irreversibility of the punishment of the death penalty, and our concerns expressed above regarding some possible violations of due process guarantees and the fact that these individuals had not reached the age of the majority at the moment of the commission of some of the alleged offenses, we call upon your Excellency's Government to refrain from executing Mr. Abdullah al-Derazi, Mr. Youssef al-Manasif and Mr. Jalal al-Labbad. We have reasons to believe that their executions, on the facts available to us would constitute a violation of applicable international human rights standards and would thus be an arbitrary execution.

We reiterate our call for your Excellency's Government to consider adopting a moratorium on the use of the death penalty and undertake a systematic review of all death penalty cases, particularly those involving offences alleged committed when the defendants were children or involve alleged use of torture to coerce confessions.

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 specific information on the cases of each of the aforementioned individual including:
 - a. The date and reason of arrest;
 - b. The location where they were initially detained;
 - c. The date of the first family phone call;
 - d. The date of the first family visit;
 - e. The date of their first contact with a lawyer and whether legal representation was provided during all interrogations and all stages of the legal proceedings;
 - f. Any dates during which they were kept in solitary confinement;
 - g. The legal reasons for the application of solitary confinement in these specific cases;

11. Please provide information on the measures in place to ensure the remains of executed individuals are returned to their families. If the remains are not returned, please explain how this is compatible with your Excellency's Government's international obligations.

While awaiting a reply, we urge that all necessary interim measures be taken to stay the execution of Messrs. al-Derazi, al-Manasif and al-Labbad, to prevent any irreparable harm to their life or personal integrity, 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 may consider expressing publicly our concern in this case, since we believe that the issue of the death penalty in any country is of utmost importance as it gives the state the authority to deprive someone of his or her life. Also, given that it concerns everyone's most fundamental right, we consider that the general public should be informed. Any public expression of concern on our part will indicate that we have been in contact with your Excellency's Government, on several occasions, to clarify the matter and share our recommendations.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). 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.

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

Aua Baldé

Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Irene Khan

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

Margaret Satterthwaite

Special Rapporteur on the independence of judges and lawyers

Ben Saul

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Alice Jill Edwards

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