



General Assembly

Distr.: General
30 August 2022

English only

Human Rights Council

Fifty-first session

12 September–7 October 2022

Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by Americans for Democracy & Human Rights in Bahrain Inc, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2022]

* Issued as received, in the language of submission only.



Death Penalty in Saudi Arabia

Ahead of the 51st session of the United Nations (UN) Human Rights Council, Americans for Democracy & Human Rights in Bahrain (ADHRB) wishes to take the opportunity to raise concerns over Saudi Arabia's use of the death penalty and over death row inmates in Saudi prisons. Recent executions continue to demonstrate the blatant disregard of Saudi courts as it concerns inmates' claims of gross fair trial and due process rights violations and have exacerbated concerns that Saudi Arabia could move ahead in other capital punishment cases.

Continuing the use of the death penalty

2019 marked a record-breaking year as it concerns Saudi Arabia's use of the death penalty, with 184 prisoners executed. Following a drop in 2020, which coincided with the Saudi Arabia's G20 presidency, the number of executions in Saudi Arabia has been rising steadily. Between January and July of 2021, Saudi Arabia executed at least 40 individuals, surpassing the total number of executions from the previous year. On 12 March 2022, Saudi Arabia executed 81 men in what was its largest mass execution in years, despite recent commitments made by the government to limit its use of the death penalty. In keeping with the biased and deeply flawed nature of the broader Saudi criminal justice system, the majority of those executed had a Shia background, and had been convicted for allegedly committing crimes such as associating with foreign terrorist groups or the vaguely worded offense of "monitoring and targeting officials and expatriates". Many of these convictions were based on coerced confessions obtained through torture and subsequently upheld due to unfair trials. While it is not known how many prisoners are currently on death row in Saudi Arabia, in 2021 the judiciary resumed handing down discretionary (ta'zir) death sentences against individuals convicted of crimes not punishable by death under sharia. Although Ali al-Nimr and Abdullah al-Zaher were released in October and November, respectively, after finishing 10-year prison terms following the commutation of their death sentence by the Specialized Criminal Court (SCC), numerous other prominent political prisoners are currently awaiting execution despite international attention and pressure on the Saudi government to not move ahead on these cases.

At risk of execution

Jaafar Mohamed Sultan and Sadeq Majeed Thamer

On 8 May 2015, King Fahd Causeway Customs Saudi authorities arrested Bahraini nationals Jaafar Mohamed Sultan and Sadeq Majeed Thamer. Police officers seized their car without presenting an arrest warrant or providing a reason for their arrest. Concurrent to their arrest, authorities in civilian clothing conducted a warrantless search of the homes of both individuals. Sadeq and Jaafar were then taken to the General Investigation Prison where they were placed in solitary confinement and subjected to enforced disappearance for 115 days. Both men were accused of transporting and possessing explosive materials and suffered physical and psychological forms of torture throughout their interrogation process; during his detention, Jaafar was transferred to the hospital for ten days as a result of the torture he had been subjected to. The Public Prosecution charged them with joining a terrorist cell, smuggling explosive materials, and misleading the Saudi investigation authorities. On 7 October 2021, the Saudi Specialized Criminal Court convicted both individuals and sentenced them to death. The cases of both men were marred by due process violations, beginning during the interrogation period, wherein Saudi authorities did not allow them access to their legal counsel. Furthermore, they were not given enough time to adequately prepare for the trial nor were they allowed to present evidence in their defense. In response to the Saudi Court of Appeal's upholding of the death sentence on 11 January 2022, UN Working Groups and Special Rapporteurs issued an urgent appeal to the Saudi government for the annulment of the death sentences, on the grounds that the abuses suffered by both men violated Articles 9 and 10 of the Universal Declaration of Human Rights (UDHR), and Articles 2, 5, and 16 of the Convention against Torture and other Cruel, Inhuman, Degrading Treatment or Punishment (CAT), which Saudi Arabia ratified in 1997. Despite this

intervention, the Saudi Supreme Court upheld the death sentences on 6 April 2022. With this recent decision, Jaafar Mohamed Sultan and Sadeq Majeed Thamer have now exhausted all legal remedies and are at risk of imminent execution.

Abdullah al-Huwaiti

In May 2017, at the age of 14, Abdullah al-Huwaiti was arrested by security forces in relation to an armed robbery and the murder of a security officer. Al-Huwaiti was subjected to a myriad of abuses during his time in detention: he was held in solitary confinement, denied access to a lawyer, and forced to “confess” under duress. Despite having an alibi corroborated by CCTV footage which showed that he was not present at the scene of the crime, he was charged with murder and armed robbery, and was convicted on 11 May 2017 along with five other defendants; all six pleaded not guilty on the basis that their confessions were coerced. Al-Huwaiti was initially sentenced to death by the Criminal Court in Tobruk in 2019, after which his sentence was upheld by the Court of Appeal in January 2021. Although the Saudi Supreme Court ordered a retrial in 2021 due to false confessions, al-Huwaiti was resented to death on 2 March 2022 by the Criminal Court in Tobruk. On 13 June 2022, the Appeals Court upheld his death sentence after a grossly unfair trial. Al-Huwaiti, a torture victim, is now at imminent risk of execution for a crime he allegedly committed as a child.

Conclusion and Recommendations

With these arrests, the government of Saudi Arabia has violated a number of internationally recognized fundamental human rights and legal principles enshrined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, to which Saudi Arabia is a party to. In accordance with its obligations under international law, Saudi Arabia must discontinue its systematic and widespread practice of severely disregarding numerous human rights by depriving individuals of their fair trial rights, relying on coerced confessions, and subjecting individuals to extrajudicial execution.

In the light of these imminent death row cases, ADHRB calls on Saudi Arabia to:

- Institute a moratorium on the death penalty, with a view towards ultimate abolition.
- Commute all capital punishment sentences against all individuals on death row, with a particular focus on individuals whose trials were marred by due process violations and allegations of torture, and ensure the cases are re-tried in accordance with standards set by international law.
- Ensure that any subsequent trial follows international fair trial standards.
- Investigate all allegations of torture by government officials with a view of holding perpetrators accountable.

ABC News. Saudi Arabia Executed Record Number of Prisoners in 2019. <https://abcnews.go.com/International/saudi-arabia-executed-record-number-prisoners-2019-report/story?id=68250502>

Al Jazeera. Saudi Arabia ramped up executions in first half of 2021: Amnesty.

<https://www.aljazeera.com/news/2021/8/3/saudi-arabia-ramped-up-executions-in-first-half-of-2021-amnesty>

Human Rights Watch. Saudi Arabia: Mass execution of 81 men.

<https://www.hrw.org/news/2022/03/15/saudi-arabia-mass-execution-81-men>

Ibid.

Amnesty International. Saudi Arabia 2021 Report. <https://www.amnesty.org/en/location/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/>

Ibid.

ADHRB. ADHRB urges the Saudi King to Annul the Death Sentences of Jaafar Sultan and Sadeq Thamer. <https://www.adhrb.org/2022/05/adhrb-urges-the-saudi-king-to-commute-the-death-sentences-of-jaafar-sultan-and-sadeq-thamer/>

Ibid.

Ibid.

Ibid.

Ibid.

Amnesty International. Saudi Arabia: Halt imminent execution of Bahraini men sentenced after flawed trial. <https://www.amnesty.org/en/latest/news/2022/05/saudi-arabia-halt-imminent-execution-of-bahraini-men-sentenced-after-flawed-trial/>

Ibid.

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26985>

Amnesty International. Saudi Arabia: Arrested at 14, tortured, now faces execution: Abdullah al-Huwaiti. <https://www.amnesty.org/en/documents/mde23/5715/2022/en/>

BBC News. Abdullah al-Howaiti: Saudi child 'offender' sentenced to death at retrial. <https://www.bbc.com/news/world-middle-east-60603447>