



Though the Kingdom of Saudi Arabia acceded to the UN Convention on the Rights of the Child (UN-CRC) in 1996, it regularly violates a number of its provisions. The government continues to impose the death sentence on those who committed crimes as minors and to utilize corporal punishment as a judicial penalty for minors. Furthermore, the government has regularly imposed penalties on children for exercising their rights to free expression and assembly, as guaranteed by the UN-CRC.

The Government of Saudi Arabia has yet to formally outlaw the execution of minors in its national legislation.<sup>1</sup> In order to determine whether defendants qualify as minors, a trial judge exercises his discretion to determine whether physical signs of puberty are present at the time of the trial, rather than at the time the crime was committed.<sup>2</sup> In past cases, judges have sentenced children to death for crimes committed when they were as young as 13 years old.<sup>3</sup>

The government has not abolished the use of corporal punishment against juveniles. The 1975 Juvenile Justice law allows for corporal punishment, including flogging and amputation, of minors.<sup>4</sup> The government reportedly raised the age of criminal responsibility from seven years old to twelve years old in recent years, but reports on whether criminal courts have implemented this policy in practice remain inconsistent.<sup>5</sup> A number of offenses mandate a flogging sentence, and presiding judges may use their discretion to issue sentences of corporal punishment in other cases.<sup>6</sup>

At least three men currently sit on death row in Saudi Arabia for crimes they reportedly committed as minors.<sup>7</sup> Furthermore, the charges against these minors tie to their protest activities, actions protected by Articles 13, 14, and 15 of the UN-CRC, which guarantee the rights to freedom of expression, thought, and association.<sup>8</sup>

Ali al-Nimr is a young pro-democracy activist from Saudi Arabia's Eastern Province and the nephew of opposition leader Sheikh Nimr al-Nimr, who was executed by Saudi Arabia on 2 January

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<sup>1</sup> "Iran, Saudi Arabia, Sudan: End Juvenile Death Penalty," Human Rights Watch, 8 October 2010, <https://www.hrw.org/news/2010/10/08/iran-saudi-arabia-sudan-end-juvenile-death-penalty>.

<sup>2</sup> Adam Coogler, "Saudi Arabia's Troubling Death Sentence," Human Rights Watch, 26 September 2015, <https://www.hrw.org/news/2015/09/26/saudi-arabias-troubling-death-sentence>.

<sup>3</sup> "Iran, Saudi Arabia, Sudan: End Juvenile Death Penalty," Human Rights Watch, 8 October 2010, <https://www.hrw.org/news/2010/10/08/iran-saudi-arabia-sudan-end-juvenile-death-penalty>.

<sup>4</sup> *The Pretense of Progress: A report on the implementation of Saudi Arabia's recommendations from the special rapporteur on the independence of judges and lawyers*, Americans for Democracy & Human Rights in Bahrain, March 2015, [http://www.adhrb.org/wp-content/uploads/2015/03/ADHRB\\_Pretense-of-Progress\\_v1\\_web.pdf](http://www.adhrb.org/wp-content/uploads/2015/03/ADHRB_Pretense-of-Progress_v1_web.pdf), pg. 27.

<sup>5</sup> "Inhuman Sentencing of Children in Saudi Arabia," Child Rights International Network, October 2015, <https://www.crin.org/sites/default/files/saudiarabiaccraltreport2015.pdf>, pg. 1.

<sup>6</sup> "Corporal punishment of children in Saudi Arabia," Global Initiative to End All Corporal Punishment of Children, January 2016, <http://www.endcorporalpunishment.org/assets/pdfs/states-reports/SaudiArabia.pdf>.

<sup>7</sup> "Saudi Arabia: Fears grow that three young activists could soon be executed," Amnesty International, 16 October 2015, <https://www.amnesty.org/en/latest/news/2015/10/saudi-arabia-three-young-activists-could-soon-be-executed/>.

<sup>8</sup> United Nations General Assembly, *Convention on the Rights of the Child*, UN Doc. A/RES/44/25, November 20, 1989, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>



2016.<sup>9</sup> Security forces arrested Ali on 14 February 2012 for his participation in demonstrations.<sup>10</sup> He was 17 years old at the time of his arrest. Family members reported that Saudi authorities did not permit them to visit Ali for at least four months after his arrest, and that authorities held Ali for nine months before taking him before a judge.<sup>11</sup> During interrogations, Saudi authorities reportedly tortured Ali in order to coerce a confession, which he signed under duress without reading. Saudi Arabia has not investigated Ali's complaint of torture.<sup>12</sup>

Officials frequently prevented Ali from accessing an attorney in the lead-up to his trial. Once Ali obtained counsel, prison officials stopped his attorney from visiting him in prison to help him prepare a defense.<sup>13</sup> Ali appeared before a court for the first time in December 2013. He did not have access to a lawyer during the hearing, and authorities did not provide him with a copy of the charges against him.<sup>14</sup> On 27 May 2014, the Specialized Criminal Court (SCC), Saudi Arabia's national security tribunal tasked with prosecuting crimes related to terrorism, sentenced Ali to death on a number of charges.<sup>15</sup> His alleged crimes included breaking allegiance with the ruler, going out to marches and demonstrations, and using his cell phone to incite demonstrations. The court also accused him of attacking police officers, though prosecutors did not present any evidence of injuries to police officers to support these allegations.<sup>16</sup> On 14 September 2015, Saudi media reported that the Supreme Court had upheld Ali's sentence. He could be executed at any time.<sup>17</sup>

Abdullah Hasan al-Zaher and Dawood Hussein al-Marhoon similarly sit on death row for crimes related to their protest activity. Security forces arrested Dawood on 22 May 2012, when he was 17 years old; and Abdullah on 3 March 2012, when he was 15 years old.<sup>18</sup> Both Dawood and Abdullah reported that Saudi officials denied them access to lawyers during interrogations and

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<sup>9</sup> "Saudi Government Executes Sheikh Nimr," Americans for Democracy & Human Rights in Bahrain, 2 January 2016, <http://www.adhrb.org/2016/01/saudi-government-executes-sheikh-nimr/>.

<sup>10</sup> "Saudi Arabia on the 13<sup>th</sup> Annual World Day Against the Death Penalty," Americans for Democracy & Human Rights in Bahrain, 9 October 15, <http://www.adhrb.org/2015/10/saudi-arabia-on-the-13th-annual-world-day-against-the-death-penalty/>.

<sup>11</sup> "Saudi Arabia's Troubling Death Sentence," Human Rights Watch, 26 September 2015, <https://www.hrw.org/news/2015/09/26/saudi-arabias-troubling-death-sentence>.

<sup>12</sup> "EU Parliament Adopts Resolution Condemning Ali al-Nimr Execution," Americans for Democracy & Human Rights in Bahrain, 8 October 2015, <http://www.adhrb.org/2015/10/eu-parliament-adopts-resolution-condemning-ali-al-nimr-execution/>.

<sup>13</sup> "Ali al-Nimr was a boy when thrown in Saudi prison. Now he's a man, and is sentenced to die," *The Washington Post*, October 7, 2015, accessed February 1, 2016, <https://www.washingtonpost.com/news/morning-mix/wp/2015/10/07/ali-al-nimr-was-a-boy-when-thrown-in-saudi-prison-now-hes-a-man-and-is-sentenced-to-die/>.

<sup>14</sup> "Saudi Arabia's Troubling Death Sentence," Human Rights Watch, 26 September 2015, <https://www.hrw.org/news/2015/09/26/saudi-arabias-troubling-death-sentence>.

<sup>15</sup> "Shia activists sentenced to death in Saudi Arabia," *BBC News*, May 28, 2014, accessed February 1, 2016, <http://www.bbc.com/news/world-middle-east-27601042>.

<sup>16</sup> "Saudi Arabia: Alleged Child Offender at Risk of Execution," Human Rights Watch, 15 September 2015, <https://www.hrw.org/news/2015/09/15/saudi-arabia-alleged-child-offender-risk-execution>.

<sup>17</sup> "Pharmacy Burglary and Joining a Terrorist Cell to Stir up Seditious," *Okaz*, 14 September 2015, <http://www.okaz.com.sa/new/Issues/20150915/Con20150915796602.htm>.

<sup>18</sup> "Urgent Action: Juvenile Offenders Risk Execution," Amnesty International, 15 October 2015, <http://www.amnestyusa.org/sites/default/files/uaa22915.pdf>.



tortured them into confessing.<sup>19</sup> The government has not investigated these allegations of torture. The SCC convicted Dawood and Abdullah on similar charges in October 2014, including taking part in protests, allegedly carrying out an armed robbery, and participating in the killing of police officers by making and using Molotov cocktails.<sup>20</sup> They have exhausted their appeals, and the government could carry out their executions at any time.

On 2 January 2016, the Government of Saudi Arabia carried out a mass execution of 47 people, the majority of whom had been convicted of terrorist crimes.<sup>21</sup> Those executed reportedly included at least two men who were arrested as minors, including one who was arrested at the age of 13.<sup>22</sup> The mass execution also claimed the life of Ali Saeed al-Rebh, an activist who was arrested for his protest activity at the age of 18.<sup>23</sup>

Saudi Arabia's repeated use of the death penalty against minors violates its commitments under Article 37 of the UN-CRC. Article 37 (a) stipulates that States Parties shall not impose capital punishment for offences committed by persons below eighteen years of age. Saudi Arabia's use of torture against child detainees further violates Article 37 (a), which mandates that no child be subjected to torture or other cruel, inhuman or degrading treatment or punishment. The government's failure to provide prompt legal assistance to minors accused in death penalty cases violates Article 37 (d), which guarantees that every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance. Saudi Arabia's pattern of targeting child protesters contravenes its obligations under Articles 13, 14, and 15 of the UN-CRC, which guarantees children the rights to freedom of expression, thought, and assembly.

The Kingdom of Saudi Arabia must adhere to its commitments under the UN-CRC and cease the practice of executing those convicted of crimes committed as minors. It must investigate allegations of torture against minors and work to ensure that child detainees are not subjected to abuses. Further, it must respect minors' universal human rights.

### **Recommendations to the Government of Saudi Arabia:**

- Issue a moratorium on the death penalty for those who committed crimes under the age of 18, and put an immediate stay of execution on all prisoners sentenced to death for crimes committed as minors;

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<sup>19</sup> "NGOs Urge Sec. Kerry to Act in Case of Sheikh Nimr al-Nimr," Americans for Democracy & Human Rights in Bahrain, 19 November 2015, [http://www.adhrb.org/wp-content/uploads/2015/11/2015.11.20\\_IRF-Sheikh-Nimr\\_Final1.pdf](http://www.adhrb.org/wp-content/uploads/2015/11/2015.11.20_IRF-Sheikh-Nimr_Final1.pdf).

<sup>20</sup> "Saudi Arabia: Fears grow that three young activists could soon be executed," Amnesty International, 16 October 2015, <https://www.amnesty.org/en/latest/news/2015/10/saudi-arabia-three-young-activists-could-soon-be-executed/>.

<sup>21</sup> "Saudi Government Executes Sheikh Nimr," Americans for Democracy & Human Rights in Bahrain, 2 January 2016, <http://www.adhrb.org/2016/01/saudi-government-executes-sheikh-nimr/>.

<sup>22</sup> "REVEALED: Juvenile prisoners and mentally ill killed in Saudi executions," *Middle East Eye*, 8 January 2016, accessed 1 February 2016, <http://www.middleeasteye.net/news/untold-story-prisoners-arrested-children-and-mentally-unwell-inmates-executed-saudi-8396661>.

<sup>23</sup> "Saudi Arabia executions: The political protesters who were killed – and those still on death row," *The Independent*, 3 January 2016, accessed 1 February 2016, <http://www.independent.co.uk/news/world/middle-east/saudi-arabia-executions-the-political-protesters-who-were-killed-and-those-still-on-death-row-a6795016.html>.



- Open new investigations into the arrests, detentions, and convictions of all prisoners sentenced to death for crimes committed as minors;
- Investigate all allegations of torture against minors;
- Cease the practice of sentencing minors to corporal punishment;
- Raise the age of criminal responsibility to 18 years old;
- Ensure speedy and adequate legal representation for minors charged with crimes; and
- Guarantee minors' rights to freedom of expression and association/

## **Recommendations to the UN**

- Call on the Government of Saudi Arabia to consider a formal moratorium on the use of capital punishment, especially for those under the age of 18;
- Urge the Government of Saudi Arabia to stay the executions of prisoners convicted for crimes committed as minors;
- Insist that the Saudi government permits UN Special Procedures to visit and conduct comprehensive evaluations of the criminal justice system; and
- Encourage the full range of relevant Special Procedures to conduct country assessments of Saudi Arabia, paying particular attention to the use of capital punishment, torture, and legal manipulation against minors.