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LETTER TO FOREIGN MINISTERS

HRC45: JOINTLY REITERATE CALLS ON SAUDI ARABIA TO RELEASE HUMAN RIGHTS DEFENDERS AND ADDRESS KEY BENCHMARKS FOR HUMAN RIGHTS REFORM

Dear Minister,

We are writing to urge that your government support joint action at the upcoming United Nations Human Rights Council session to hold Saudi Arabia to its international human rights obligations. We appreciate your commitment to supporting Saudi women's rights defenders and to the improvement of the human rights situation in Saudi Arabia. Your government's support to the joint statements delivered by Iceland and/or Australia at the Council in 2019 has contributed to direct impact on the ground. At least seven women human rights defenders have been provisionally released and the Saudi government has taken initial steps towards dismantling the male guardianship system.

However, since the last joint statement in September 2019, the human rights situation in Saudi Arabia has further deteriorated and we documented and reported several new cases of serious rights violations. We highlight below how the benchmarks set out in the joint statements that the Saudi government should fulfil to address the grave human rights concerns raised at the Council, have not been met to this date and therefore warrant further Council action.

NEW WAVES OF ARRESTS

Contrary to the demand to **ensure that all members of the public, including human rights defenders and journalists, can freely and fully exercise their rights to freedoms of expression, opinion and association, including online, without fear of reprisals**, the Saudi authorities continued their previous crackdown on civil society and arrested several individuals for exercising their fundamental rights.

- In November 2019, the Saudi authorities arrested at least eight journalists, activists and advocates of reform, both women and men. Due to significant international pressure and media coverage of the arrests, the Saudi authorities later released the majority of the activists.
- In late April 2020, the Saudi authorities carried out a spate of arrests of journalists and intellectuals for expressing sympathy over the death of reformer and rights activist Abdullah al-Hamid.

CONTINUED DETENTION, PERSECUTION AND HARASSMENT OF HRDS & PERSONS ARBITRARILY DETAINED

Despite the concern expressed in the previous joint statements **about the persecution, harassment and intimidation of activists, journalists, dissidents and their family members and the call made to release all individuals detained for exercising their fundamental freedoms**, human rights defenders and persons arbitrarily detained remain in detention and face ongoing persecution and harassment.

- The Saudi authorities carried on trying persons arbitrarily detained, including human rights defenders Mohamed al-Otaibi and Essa al-Nukhaifi, leading women human rights defenders including those named in the HRC40 joint statement¹ and Mayaa Al-Zahrani, as well as clerics like Salman al-Odah and Hassan Farhan al-Maliki, in judicial proceedings marred by violations of international fair trial guarantees.
- Saudi authorities had cut off all prison visits due to COVID-19. In a reoccurring pattern, a large number of detained human rights defenders and persons arbitrarily detained were denied regular contact with their families. Their trial sessions were postponed several times over many months for unknown reasons and have been put on hold completely since the outbreak of COVID-19 in March 2020.

¹ Loujain Al-Hathloul, Aziza Al-Yousef, Eman Al-Nafjan, Nouf Abdelaziz, Hatoon Al-Fassi, Samar Badawi, Nassima Al-Sadah, Mohammed Al-Bajadi, Amal Al-Harbi and Shadan Al-Anezi.

TORTURE, ILL-TREATMENT AND DEATHS IN DETENTION

While the joint statements **called for an end to impunity for torture and extrajudicial killings** and even though crown prince Mohammed bin Salman pledged in a TV interview to investigate the torture allegations raised by Saudi woman human rights defender Loujain al-Hathloul, no credible and independent investigation into these and other torture allegations have been conducted to date, and absolute impunity for the perpetrators of acts of torture and other forms of ill-treatment prevails.

In April 2020, prominent Saudi human rights defender and founding member of the Saudi Civil and Political Rights Association (ACPRA) Dr. Abdullah al-Hamid died in detention due to medical neglect. Al-Hamid, who was sentenced in 2012 to 11 years in prison for his peaceful human rights activism, spent many months in prison in a critical state of health, suffering from a cardiovascular disease, but was denied the medical care he needed, including surgery. On 9 April 2020, he lost consciousness but was only transferred four hours later to the King Saud Medical City Hospital, where he was diagnosed with a severe cerebral stroke that left him in a coma, and from which he ultimately died on 23 April 2020.

On 19 July 2020, well-known newspaper columnist, Saleh al-Shehi, died after having been released from prison just weeks before. Al-Shehi was arrested in January 2018, put on trial before the Specialised Criminal Court (SCC) and charged with “insulting the royal court” after criticising Crown Prince Mohammed bin Salman’s so-called anti-corruption drive. He was convicted and sentenced in a single session to five years in prison. After serving just two and a half years of his sentence, al-Shehi was unexpectedly released. In June 2020, he was transferred to intensive care in hospital, where he died on 19 July. The Saudi authorities have reported that he died from COVID-19; however, the authorities did not clarify his health condition while in detention.

DEATH PENALTY

Albeit appeals made in the previous joint statements **to end the use of the death penalty**, 2019 witnessed a large number of executions. A total of 185 individuals were executed, 94 of them Saudi citizens while the rest were foreign nationals, mainly from Pakistan, Yemen and Syria. Many were executed for non-violent drug offences. Among those executed in 2019 were Salman al-Quraish, and Abdulkareem al-Hawaj, who were minors at the time of their alleged crimes.

In April 2020, Saudi Arabia’s governmental Human Rights Commission announced the promulgation of new royal decrees that purportedly would end the death penalty for minors and halt discretionary floggings. It portrayed this as a major step towards reform of the Saudi criminal justice system. However, the decrees have not yet been published in the Official Gazette, raising questions about their legal status. More importantly, the royal decrees contain notable exceptions for certain types of crimes, meaning flogging and executions of child offenders will continue in some cases.

In an announcement published by the Human Rights Commission on 27 August, the country’s Public Prosecutor has ordered a review into the death sentences of three young men who were minors at the time of arrest and have been at imminent risk of execution. Ali al-Nimr, Abdullah al-Zaher and Dawood al-Marhoun, three young Shi’a activists, were all arrested as children in 2012 and charged with offences relating to their participation in anti-government protests in Saudi Arabia’s Eastern Province.

ACCOUNTABILITY FOR THE MURDER OF JOURNALIST JAMAL KHASHOGGI

Regardless of the calls to **establish truth and accountability for the murder of Jamal Khashoggi**, no meaningful steps towards accountability have been taken by the Saudi authorities. Instead, in December 2019, the SCC sentenced to death five out of 11 individuals accused of involvement in the murder, and three others to prison terms, in a trial shrouded in secrecy. Throughout the trial, the authorities failed to provide transparency and appeared to be protecting senior figures implicated in the murder from investigation and prosecution. The trial has been criticised for falling short of international standards and lacking transparency and impartiality. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions stated following the end of the trial that “those who ordered the executions not only walk free but have barely been touched by the investigation and the trial”.

In conclusion, we reiterate that human rights defenders and civil society groups can and should play a vital role in the process of reform which the Kingdom is pursuing. **The immediate and unconditional release of the women’s rights activists and human rights defenders would be a litmus test of the Saudi government’s political will** to improve the human rights situation on the ground and to engage constructively with the Council.

The Saudi government does respond to international pressure, but for the impact to continue and not backslide, it must be maintained. We recall that the situation in Saudi Arabia meets the objective criteria which your government has committed to applying in deciding whether a situation merits the Council’s attention.

Our organizations urge you to ensure sustained scrutiny by the Council at its 45th session by jointly reiterating calls on the Saudi government to implement the above-mentioned benchmarks, and by supporting the establishment of a monitoring and reporting mechanism over the situation.

Please accept the assurances of our highest consideration,

1. ACAT-France
2. ALQST
3. Americans for Democracy & Human Rights in Bahrain
4. Amnesty International
5. ARTICLE 19
6. Asian Forum for Human Rights and Development (FORUM-ASIA)
7. Bahrain Institute for Rights and Democracy (BIRD)
8. Cairo Institute for Human Rights Studies
9. CIVICUS
10. Coalition Tunisienne Contre la Peine de Mort
11. DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
12. English PEN
13. Equality Now
14. European Center for Democracy and Human Rights
15. European Saudi Organisation for Human Rights
16. Gulf Centre for Human Rights
17. Human Rights Watch
18. Humanists International
19. International Federation for Human Rights (FIDH)
20. International Service for Human Rights
21. L'Association "Perspectives El 3amel Ettounsi"
22. Ligue des écrivains tunisiens libres
23. Nachaz- Dissonances
24. No Peace without Justice
25. Organisation contre la torture en Tunisie
26. Southern Africa Human Rights Defenders Network (SAHRDN)
27. The Committee for the Respect of Liberties and Human Rights in Tunisia
28. Tunisian Association for the Promotion of the Right to Difference
29. Tunisian League of Human Rights (LTDH)
30. Vigilance for Democracy and the Civic State
31. Women's March Global
32. World Organisation Against Torture (OMCT)