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Serious concerns remain for young men at risk of execution in Saudi Arabia

Amnesty International remains extremely concerned about the impending executions of three young men arrested as teenagers and sentenced to death in Saudi Arabia. Ali al-Nimr, Abdullah al-Zaher and Dawood al-Marhoon have exhausted all of their appeals and are at risk of being executed at any time.

The three young Shi'a activists were arrested individually in 2012 aged 17, 16 and 17 respectively, for offences they are said to have committed while participating in anti-government protests in Saudi Arabia's Eastern Province. They were all held for periods in a centre for juvenile rehabilitation until they reached the age of 18; an indication that the authorities recognized and treated them as juveniles at the time.

On 27 May 2014 the Specialized Criminal Court (SCC) in Riyadh, which was set up to deal with security-related offences, sentenced Ali al-Nimr to death for a range of offences including taking part in anti-government protests, attacking security forces, possessing a machine-gun and carrying out an armed robbery. Abdullah al-Zaher and Dawood al-Marhoon were also sentenced to death by the same court in October 2014 on a list of similar charges. In all three cases the court appears to have based its decision on "confessions" the young men say were extracted through torture and other ill-treatment.

For example, Ali al-Nimr has said that during interrogations by officials in the Ministry of Interior's General Directorate of Investigations (GDI or al-Mabahith) prison, he was beaten, kicked and otherwise ill-treated by four officers who forced him to sign statements that he was not allowed to read and was misled into believing these were his release orders.¹ Instead of ordering an immediate investigation into Ali al-Nimr's allegations, the judge claimed that he asked the Ministry of Interior to look into the allegations of torture against its own security officers. No investigation was known to have been carried out, and the judge meanwhile proceeded to convict and sentence Ali al-Nimr to death relying entirely on the "confession".

Amnesty International also learned last week that a fourth young Shi'a man, Abdulkareem al-Hawaj, had his conviction and death sentence, which was imposed on him for offences committed when he

¹ See Amnesty International, *Saudi Arabia: Juvenile offender's death sentence must shame the authorities into meaningful action*, 29 September 2015, <https://www.amnesty.org/en/documents/mde23/2557/2015/en/>

was under 18 years of age, confirmed on appeal, despite the clear prohibition under international law on the use of the death penalty on juvenile offenders.

[Abdulkareem al-Hawaj](#) was arrested on 16 January 2014 in relation to offences he is also said to have committed while participating in anti-government demonstrations when he was aged only 16. He was convicted and sentenced to death by the SCC on 27 July 2016 after a grossly unfair trial.

Abdulkareem al-Hawaj has said that he was held incommunicado in solitary confinement for the first five months after his arrest whilst in pre-trial detention, first in the GDI prison in al-Qatif and then the GDI in Dammam, both in Eastern Saudi Arabia. He said that during this time, he was tortured, including being beaten and threatened with the death of his family, during interrogations by GDI officers, in order to make him write and sign a “confession”. The SCC appears to have based Abdulkareem al-Hawaj’s conviction solely on this “confession”.

Upon appeal Abdulkareem al-Hawaj’s case was reviewed by the SCC’s appeal division and sent back to the court of first instance with recommendations. On 14 March the SCC first instance court confirmed the conviction and death sentence again and sent it back to the Court of Appeal for its review.

Abdulkareem al-Hawaj was convicted of a number of offences including “throwing two Molotov cocktails”, “participating in riots that resulted in the shooting of an armoured vehicle”, “participating in illegal gatherings and chanting against the state” and using social media to share photos and videos of demonstrations in al-Qatif and Bahrain and to “insult the leaders”. Abdulkareem al-Hawaj denies all charges against him and denies participating in any of the acts attributed to him by the prosecution.

Amnesty International has repeatedly urged Saudi Arabia to quash the convictions and death sentences against each of the four men, which all followed grossly unfair trials. None of the young men were allowed access to their lawyers during their pre-trial detention and interrogations.

Arbitrarily detained

Last month a UN expert group determined that Ali al-Nimr, Abdullah al-Zaher and Dawood al-Marhoon are being arbitrarily detained and should be released immediately, in an opinion that also expresses concern for Saudi Arabia’s “continued abuse of fundamental rights”.

The [opinion](#) adopted by the Working Group on Arbitrary Detention (WGAD) on 6 February found that the three young men are arbitrarily detained and have been deprived of their liberty in breach of a number of provisions of the Universal Declaration of Human Rights (UDHR). The WGAD stated that the three young men have been deprived of their liberty without any legal basis, considering that they were prosecuted and sentenced on the basis of laws enacted two years after their arrest, in clear contravention of the principle of legality. The Working Group is also convinced that the deprivation of liberty was based on their exercise of the right to freedom of opinion and expression. Finally, the Working Group considered that their right to a fair trial was violated through, among other elements, the lack of warrant at the time of the arrest, prolonged pre-trial detention without access to *habeas corpus* and the use of incommunicado detention, secret trials and the reliance of “confessions” extracted through torture for the convictions.

The WGAD also found that Saudi Arabia violated its obligations as a state party to the Convention on the Rights of the Child (CRC) by sentencing the young men to death for crimes they are alleged to have committed when they were under 18 years old.

As a state party to the CRC, Saudi Arabia is legally obliged to ensure that no one under the age of 18 is subjected to the death penalty nor to life imprisonment without possibility of release. However, its laws do not have unequivocal safeguards preventing the use of the death penalty against children and judges have the power to decide the age of majority for children, thereby allowing for the imposition of the death penalty for those deemed to have reached maturity. Such level of discretion can have serious consequences: the WGAD's opinion notes that Saudi Arabia claimed that the three young men were "fully fledged adults as their attainment of adulthood could be demonstrated by their capacity to bear religious, financial and criminal responsibility" and that there had been no violations of the country's obligations under the CRC.²

Mass death sentences

The Specialized Criminal Court was established in 2008 to deal with security-related offences. However, since 2014 when the country's [counter-terror law](#) came into effect, the court has increasingly been used to try human rights defenders and political activists, including dissident Shi'a Muslims who have criticized discrimination against their community, and whose work and activities are deemed a risk to national security.

In June, the SCC sentenced 14 members of the Shi'a minority to death after convicting them on charges that included shooting at security officials, inciting chaos and participating in demonstrations and riots. Nine others received prison terms and one was found not guilty. The court appears to have based its decisions mainly on the basis of "confessions" which the men said were extracted through torture.

According to court documents, all defendants, including the 14 sentenced to death, were held in pre-trial detention for an average of more than two years before their trial began. During that time most were placed in solitary confinement and denied access to their families and lawyers while they were interrogated.

All 14 defendants sentenced to death claimed that they were tortured and otherwise ill-treated during their interrogation in order to make them "confess". Some said they were even threatened with further torture if they refused to sign their "confession" in front of the authentication judge, who never questioned the validity of these "confessions". One defendant told the SCC during his trial: *"the interrogator told me: 'if you do not [agree to what I write], I will hang you by your arms and tie your legs and then will electrocute you with an electric machine that uses 1000 volts of electricity"*. In some cases, after listening to the circumstances surrounding the "confessions", the judge recommended the defendants be sent back for further interrogations, and consequently,

² UN Working Group on Arbitrary Detention, A/HRC/WGAD/2016/61, Opinion No. 61/2016 concerning three minors (minors A, B, and C, whose names are known to the Working Group) (Saudi Arabia), Para 30, available at: http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session77/A_HRC_WGAD_2016_61_AEV.pdf

further torture.

Most recently, on 1 December 2016, the SCC condemned a further [15 Shi'a men to death](#) after another mass grossly unfair trial. The men were among 32 people arrested across Saudi Arabia in 2013 and 2014 who were accused of spying for Iran. Fifteen others were sentenced to prison terms ranging from six months to 25 years and two were acquitted.

The men were charged with a series of offences including “high treason”, and some faced several other charges for acts that should not be considered criminal offences, such as “supporting protests”, “spreading the Shi’a faith” and “possessing banned books and videos”.

Some of the defendants told the court that they were threatened with solitary confinement and that they would be banned from having any contact with their families if they did not sign “confession” documents. They said they were told that if they refused to sign these “confessions”, their families would be imprisoned and locked in cells next to them.

Given the serious concerns about the fairness of these trials Amnesty International calls on the Saudi Arabian authorities to quash the convictions and death sentences and ensure that all defendants receive a fair trial in line with international law and standards and without resort to the death penalty. The authorities should also open an independent investigation into all allegations of torture and other ill-treatment made by defendants.

The death penalty is the ultimate cruel, inhuman and degrading punishment. Amnesty International opposes the death penalty for all cases without exception regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution. Saudi Arabia is one of the top executioners in the world, with more than 2,000 people executed between 1985 and 2016, at a time when 141 countries in the world are abolitionist in law or practice, including 104 countries that have abolished the death penalty for all crimes. Amnesty International renews its calls on the authorities to immediately establish a moratorium on all executions as a first step towards abolition of the death penalty.

Today, on Mother’s Day in much of the Arab world, the mothers of Ali al-Nimr, Abdullah al-Zaher, Dawood al-Marhoon and Abdulkareem al-Hawaj share their feelings and what they wish for other mothers like them. You can read their words [here](#).