



SULIAMON OLUFEMI

FORGOTTEN ON DEATH ROW IN SAUDI ARABIA

AMNESTY
INTERNATIONAL



Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

© Amnesty International 2020

Except where otherwise noted, content in this document is licensed under a Creative Commons (attribution, non-commercial, no derivatives, international 4.0) licence.

<https://creativecommons.org/licenses/by-nc-nd/4.0/legalcode>

For more information please visit the permissions page on our website: www.amnesty.org

Where material is attributed to a copyright owner other than Amnesty International this material is not subject to the Creative Commons licence.

First published in 2020

by Amnesty International Ltd

Peter Benenson House, 1 Easton Street

London WC1X 0DW, UK

Index: ACT 50/1777/2020

Original language: English

amnesty.org

**AMNESTY
INTERNATIONAL**



CONTENTS

| | |
|--|-----------|
| 1. BACKGROUND | 4 |
| 2. UNFAIR TRIALS, TORTURE AND OTHER ILL TREATMENT | 7 |
| 3. DEATH PENALTY IN SAUDI ARABIA | 9 |
| 4. CALLS | 11 |

1. BACKGROUND

“Injustice anywhere is a threat to justice everywhere.”

Martin Luther King Jr

Suliamon Olufemi, a Nigerian national, was born in Lagos on 20 April 1978. He travelled to Saudi Arabia on an Umrah¹ visa in September 2002. On arrival at the airport in Jeddah, Suliamon called his friend who he was scheduled to stay with in Jeddah. However, his friend’s telephone number was not working. A lady he met at the airport suggested to Suliamon to go to Karantina, a suburb of Jeddah, where he would find lots of Nigerians who might help him locate his friend.

Suliamon went to Karantina where he met some Nigerians; however, he could not locate his friend and no one there knew who his friend was. However, the Nigerians he met offered him their accommodation to stay.

On 28 September 2002, some days after Suliamon arrived in Saudi Arabia, he followed the Nigerians that offered him accommodation to a car wash in the Bab Sharif area of Jeddah, where many African nationals worked as car cleaners. On the day, a group of local men with guns, among them a police officer, raided the location and a dispute broke out between the local men and the foreign nationals which resulted in the police officer getting injured, he later died. The following day, 29 September 2002, mass arrests were carried out of foreign nationals by the Saudi authorities. Suliamon Olufemi and the following 12 Nigerian nationals were among those arrested in their accommodation: Abbas Majood Akanni; Murtala Amao Oladele; Abbas Azeez Oladuni; Nurudeen Owoalade; Nurudeen Sani; Mohammed Abdulahi Yussuf; Wahid Elebute; Ahmed Abbas Alabi; Mafiu Obadina; Samiu Hamud Zuberu; Kasim Afolabi; Abdullamim Shobayo.

Many of the foreign nationals arrested over the incident were put on trial, sentenced to short prison terms and lashes, and then deported. However, Suliamon Olufemi and the 12 other Nigerian nationals were put on trial together for the incident and the death of the police officer.

Amnesty International received reports that Suliamon was tortured during interrogation in order to force him to sign statements written in Arabic, a language that he could neither read nor understand. Under duress he was said to have put his fingerprints, which can be taken as a substitute for a signature, to a statement written in Arabic. He later learnt in court that he had “signed” a statement that said that he had hit the police officer over the head with a gun.

The 12 other men were said to have also been tortured including being hung upside down, kicked and beaten. One of the men was said to have received electric shock treatment to his genitals.

Suliamon Olufemi was sentenced to death in May 2005 following a closed trial which took place in the absence of legal or consular representation or adequate interpretation and translation facilities. The 12 other men were sentenced to prison terms and lashes. The 12 men were initially sentenced to five years imprisonment in May 2005; the sentence was increased to seven years imprisonment on 30 November

¹ Umrah is an Islamic pilgrimage to Mecca (the holiest city for Muslims, located in the Hejazi region of Saudi Arabia) that can be undertaken at any time of the year.

2005 in a closed court; in 2006 it was increased to 10 years imprisonment and increased further to 15 years imprisonment with 1000 lashes. One of the 12 men, Nurudeen Sani, died in prison following a lack of medical care while the 11 remaining men were deported to Nigeria in 2017 after completing their 15-year prison sentence with 1000 lashes.

Throughout the Lower Court hearing, Suliamon Olufemi was taken to court along with the 12 other men. Initially, the men were unclear what was happening until a judge was said to ask them in English, "Why did you kill the policeman?" Suliamon Olufemi and the 12 other men denied that they had killed the police officer.

Whilst there was no lawyer or consular representative present, there was intermittently a translator from Sudan present who when allowed to speak to the men, spoke to them in English. Though they understand some English, their native language is Yoruba.

The Saudi Arabian Human Rights Commission, the country's official human rights institution, wrote to Amnesty International in April 2007 and confirmed that the death sentence against Suliamon Olufemi had been upheld by the Court of Cassation and the Supreme Judicial Council, meaning he has no further recourse to appeal.

Amnesty International has for years been appealing to the government of Saudi Arabia to grant Suliamon Olufemi clemency and pointing out the gross unfairness of his trial. The organization has also urged the Nigerian government to raise his case with the Saudi Arabian authorities and seek to prevent his execution.

According to Shari'a law in Saudi Arabia, if a crime is punished under the rule of *qisas* (retribution), as in Suliamon Olufemi's case, relatives of the murder victim have the right to decide if the offender should be executed or pardoned, in which case the death penalty is dropped, sometimes in return for *diyya* (compensation or "blood money"). Pardons by victims' relatives must be certified by courts of law. However, this does not automatically mean that a convicted person is spared from execution since judges have the power to invoke *hadd* (divinely prescribed fixed offences and punishments) and consider the murder as harmful to public order in addition to it being a crime against the victim and his family.

Amnesty International has received reports that the Saudi authorities continue to detain Suliamon in prison to allow the youngest child of the deceased police officer to reach the age of 18, when the family can accept or reject the payment of *diyya* (blood money) in place of the death penalty. There has been a lack of transparency from the Saudi authorities about Suliamon's case. Therefore, it is unclear whether the youngest child of the deceased police officer has reached the age of 18. However, considering the police officer was said to have died in September 2002 the youngest child may have already reached the age of 18 or will do so soon. Therefore, Amnesty International is concerned that Suliamon is at heightened risk of execution.

TIMELINE

| Date | Event |
|-------------------|--|
| September 2002 | Suliamon Olufemi arrived in Jeddah, Saudi Arabia on an Umrah visa |
| 28 September 2002 | A dispute broke out between local men with guns and foreign nationals at a car wash in the Bab Sharif area of Jeddah, a police officer was injured and later died |
| 29 September 2002 | Mass arrest of foreign nationals, including Suliamon Olufemi and 12 other Nigerian nationals, was carried out by the Saudi authorities |
| May 2005 | Suliamon Olufemi was sentenced to death while the 12 other men were sentenced to five years imprisonment |
| 30 November 2005 | The court increased the sentence of the 12 other men to seven years imprisonment |
| 2006 | The court increased the sentence of the 12 men to 10 years imprisonment and further increased it to 15 years imprisonment with 1000 lashes |
| April 2007 | The Saudi Arabian Human Rights Commission confirmed to Amnesty International that the death sentence against Suliamon Olufemi had been upheld by the Court of Cassation and the Supreme Judicial Council |
| 2009 | One of Suliamon Olufemi's co-defendants, Nurudeen Sani, died in prison |
| 19 April 2017 | Suliamon Olufemi's remaining 11 co-defendants were released from Dhahban prison, outside Jeddah, after completing their 15-year prison term and 1000 lashes |
| 29 April 2017 | Ten of Suliamon Olufemi's co-defendants were deported to Nigeria. The 11th man was deported to Nigeria approximately one month later |

2. UNFAIR TRIALS, TORTURE AND OTHER ILL TREATMENT

“Anyone can be falsely accused of a crime. Everyone accused of a crime deserves a fair trial.”

John Garamendi

Everyone has the right to physical and mental integrity; no one may be subjected to torture or to other cruel, inhuman or degrading treatment or punishment.² The right to freedom from torture and other ill-treatment or punishment is absolute. It is a norm of customary international law³ that applies to all people in all circumstances, and it may never be restricted. The state’s obligation to prevent torture and other ill-treatment applies not only on its own territory but also to anyone under its effective control anywhere.⁴

Saudi Arabia’s Law of Criminal Procedure states that “a person under arrest may not be subjected to any bodily or moral harm, nor torture or degrading treatment”.⁵

Everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law as set out in Article 14 of the International Covenant on Civil and Political Rights (ICCPR). International fair trial guarantees comprise, among others, the right of the defendant to be presumed innocent until and unless proved guilty; the right to be informed promptly and in detail in a language which they understand of the nature and cause of the charges; the right to adequate time and facilities to prepare a defence; the right of access to a lawyer of their choice and to communicate with counsel in a confidential manner; the right to free legal assistance for those unable to pay for it; the right to call and examine witnesses for the prosecution and to present witnesses for the defence; the right to free assistance of an interpreter if necessary; the right to consular notification for foreign nationals to communicate with and receive visits from representatives of their government; the right not to be compelled to testify against themselves or to confess guilt; and the right to appeal to a higher court.⁶

² Article 7 of the International Covenant on Civil and Political Rights, Article 2 of the Convention against Torture, Article 10 of the Migrant Workers Convention, Article 5 of the African Charter on Human and Peoples’ Rights, Article 13 of the Arab Charter on Human Rights.

³ See for example: International Court of Justice: Questions Relating to the Obligation to Prosecute or Extradite (Belgium v Senegal), Judgment of 20 July 2012, §99; Case Concerning Ahmadou Sadio Diallo (Republic of Guinea v Democratic Republic of the Congo), Judgment of 30 November 2010, §87; UN General Assembly resolution 66/150, third preambular paragraph; Prosecutor v Furundzija (IT-95-17/1) ICTY, Trial Judgment (1998) §§137-146

⁴ Human Rights Committee General Comment 31, §10; committee Against Torture General Comment 2

⁵ Law of Criminal Procedure, Article 2

⁶ Amnesty International: *Fair trial manual*, second edition (Index: POL 30/002/2014)

The UN Human Rights Committee has emphasized that: “To ill-treat persons against whom criminal charges are brought and to force them to make or sign, under duress, a confession admitting guilt violates both article 7 of the Covenant prohibiting torture and inhuman, cruel or degrading treatment and article 14, paragraph 3 (g) prohibiting compulsion to testify against oneself or confess guilt.”⁷

The imposition of the death penalty following an unfair trial violates the right to life and the prohibition of inhuman or degrading treatment or punishment.⁸

Despite these legal guarantees torture and other ill-treatment are widely used against people in Saudi Arabia; while unfair trials, including against foreign nationals, are common in the country. Amnesty International has documented many such cases.⁹

⁷ Human Rights Committee General Comment 32, Article 14: Right to equality before courts and tribunals and to a fair trial, §60

⁸ *Öcalan v Turkey* (46221/99), European Court Grand Chamber (2005) §§166-169

⁹ Amnesty International, *Defying world trends - Saudi Arabia's extensive use of capital punishment* (Index: MDE 23/015/2001); Amnesty International, *Affront to justice: Death penalty in Saudi Arabia* (Index: MDE 23/027/2008); Amnesty International, *'Killing in the name of justice': The death penalty in Saudi Arabia* (Index: MDE 23/2092/2015); Amnesty International, *'Muzzling Critical Voices: Politicized trials before Saudi Arabia's Specialized Criminal Court'* (MDE 23/1633/2020)

3. DEATH PENALTY IN SAUDI ARABIA

“Can the state, which represents the whole of society and has the duty of protecting society, fulfil that duty by lowering itself to the level of the murderer, and treating him as he treated others? The forfeiture of life is too absolute, too irreversible, for one human being to inflict it on another, even when backed by legal process.”

Kofi Annan

Saudi Arabia is one of the most prolific executioners in the world. Between January 1985, the earliest year from when information on executions is available, and 31 December 2019 Saudi Arabia executed at least 2,900 persons; close to half were foreign nationals.

The death penalty is used disproportionately against foreign nationals in Saudi Arabia, particularly migrant workers from poor and developing countries in Africa, the Middle East and Asia. These foreign nationals tend to have no knowledge of Arabic – the language in which they are questioned while in detention and in which trial proceedings are carried out. They are often denied adequate interpretation assistance. In 2019, Saudi Arabia executed 184 people, 96 – 52% – of whom were foreign nationals. Between 2015 and 2019, 12 Nigerian nationals were executed by the Saudi Arabian authorities.

The authorities repeatedly fail to abide by international law and standards relating to fair trial and the death penalty. Often trials in death penalty cases are held in secret and their proceedings are unfair and summary with no legal assistance or representation through the various stages of detention and trial. Defendants may be convicted solely on the basis of “confessions” obtained under torture or other ill-treatment. Amnesty International has documented many such cases.¹⁰

Saudi Arabia routinely fails to inform families of prisoners and, in the case of foreign nationals, their foreign consulates of the date of executions. They also fail to directly inform them of executions after they have been carried out nor are their bodies returned to them to be buried. In many instances, convicted prisoners are informed of their impending execution a day before it is carried out, specifically when they are taken to a

¹⁰ Amnesty International, *Defying world trends - Saudi Arabia's extensive use of capital punishment* (Index: MDE 23/015/2001); Amnesty International, *Affront to justice: Death penalty in Saudi Arabia* (Index: MDE 23/027/2008); Amnesty International, *'Killing in the name of justice': The death penalty in Saudi Arabia* (Index: MDE 23/2092/2015); Amnesty International, *'Muzzling Critical Voices: Politicized trials before Saudi Arabia's Specialized Criminal Court'* (MDE 23/1633/2020)

solitary cell in preparation for it. In some cases, including those of foreign nationals, family members and foreign consulates have found out about the execution of their relative or national through the media or public announcements.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature or circumstances of the crime, the guilt, innocence or other characteristics of the individual and the method used by the state to carry out the execution. The death penalty violates the right to life as proclaimed in the Universal Declaration of Human Rights. It is the ultimate cruel, inhuman and degrading punishment.

4. CALLS

“There is no justice in killing in the name of justice.”

Archbishop Desmond Tutu

Amnesty International calls on the government of Nigeria to:

- Intervene on behalf of Suliamon Olufemi and ensure he is protected from the death penalty, and assist him to seek clemency;
- Provide Suliamon Olufemi with adequate consular assistance;
- Urge the government of Saudi Arabia not to execute Suliamon Olufemi but review his case with a view to granting him clemency.

**AMNESTY INTERNATIONAL
IS A GLOBAL MOVEMENT
FOR HUMAN RIGHTS.
WHEN INJUSTICE HAPPENS
TO ONE PERSON, IT
MATTERS TO US ALL.**

CONTACT US



info@amnesty.org



+44 (0)20 7413 5500

JOIN THE CONVERSATION



www.facebook.com/AmnestyGlobal



[@Amnesty](https://twitter.com/Amnesty)

SULIAMON OLUFEMI

FORGOTTEN ON DEATH ROW

This briefing highlights the case of Suliamon Olufemi who is currently on death row in Saudi Arabia and at risk of execution. Suliamon Olufemi received an unfair trial; he has been languishing in prison in Saudi Arabia since 2002 and maintains his innocence.

Amnesty International is calling on the government of Nigeria to: intervene on behalf of Suliamon Olufemi and ensure he is protected from the death penalty and assist him to seek clemency; provide him with adequate consular assistance; and urge the government of Saudi Arabia not to execute him but review his case with a view to granting him clemency.