

AMNESTY INTERNATIONAL PUBLIC STATEMENT

Date: 15 December 2021 Index number: MDE 23/5105/2021

SAUDI ARABIA: IMPUNITY FOR CLERIC DEATH IN CUSTODY ILLUSTRATES DISREGARD FOR PRISONER RIGHTS

Saudi Arabian authorities' failure to effectively investigate the death in custody case of a prominent Saudi cleric who was brutally beaten to death in prison by another inmate, is an illustration of their contempt for the rights of imprisoned dissidents, Amnesty International said today.

Musa al-Qarni was found dead in his prison cell in Dhahban prison near Jeddah at around 2am on 10 October. His face, skull, and ribs were smashed and fractured, and he had suffered a brain haemorrhage. Yet two months later, Saudi judicial authorities have failed to effectively investigate his killing despite the presence of prosecutors at the scene after the day he was found dead.

Musa al-Qarni's death illustrates the secrecy that the Saudi Arabian authorities maintain around what takes place inside their prisons. Families of individuals who died in custody or shortly after being released from prison, are left in the dark about how their loved ones died without any transparent measures of recourse to justice or redress taken by the Saudi Arabian authorities, Amnesty International said.

According to the sources, Saudi Arabian public prosecution officials arrived at the scene at 11am, nine hours later. Al-Qarni was already dead by then. His family has yet to receive any information about the ongoing investigation by the Saudi authorities despite ongoing inquiries on the status of the investigation.

As set out in General Comment No.36 on Article 6 of the International Covenant on Civil and Political Rights, on the right to life, states have an obligation to "disclose relevant details about the investigation to the victim's next of kin, allow them to present new evidence, afford them with legal standing in the investigation, and make public information about the investigative steps taken and the investigation's findings, conclusions and recommendations."

As a cleric and a member of a group of academics and clerics known as the "Jeddah Reformers", al Qarni was a long-standing advocate of political reforms. On 3 February 2007, Saudi authorities arbitrarily arrested Musa al-Qarni alongside 15 other members of the group. In November 2011, The Specialized Criminal Court sentenced him to 20 years in prison after an unfair trial, followed by an additional 20-year travel ban for trying to establish a civil society organization, attempting to seize power, financing "terrorism" and engaging in money laundering. He was also accused of "incitement against the King," in relation to his criticism of the authorities and calls for political reform.

According to the Saudi human rights organization ALQST, members of the security forces and prison officials repeatedly tortured and otherwise ill-treated Musa al-Qarni on multiple occasions during his 14 years in detention. Earlier this year, al-Qarni wrote to authorities at the Royal Court to raise a complaint about his ill-treatment and harassment by inmates and prison officials.

Another case of death in custody that has not been investigated is that of human rights defender Dr Abdullah al-Hamid, a founding member of the Saudi Civil and Political Rights Association (ACPRA), who died at the age of 69 while in state custody after being denied adequate medical treatment in detention. He suffered from hypertension and was told by a hospital doctor he was taken to three months before his death that he urgently needed to undergo heart surgery. However, he was sent back to prison and told by prison officials that he would undergo the operation in Ramadan, which would be three months later. Despite his deteriorating health, he remained in detention rather than in the hospital, and was threatened by prison authorities that if he told his family about his health condition, they would cut his communication with his family. Dr Abdullah al-Hamid suffered a stroke on 9 April 2020, went into a coma and was transferred to the intensive care unit at al-Shumaisi Hospital in Riyadh. He remained in state custody throughout his time in hospital and died shortly thereafter in April 2020.

Where a person has died in state custody, international standards require that this be reported without delay to a competent judicial authority, that is independent of the detaining authority, and is mandated to conduct prompt, effective, impartial investigations.

ALQST for Human Rights has also documented the cases of several other individuals who died while in detention or shortly after being transferred to a hospital. In all such cases, Saudi Arabian authorities have denied family members

information about the health conditions of their loved ones. Journalist Saleh al-Shehi died on July 19, 2020 just two months after being unexpectedly released from prison. Although the authorities stated that he had died from Covid-19, the circumstances of his death, as well as of his release, remain shrouded in mystery.

Due to Saudi Arabia's persistent failure to effectively investigate deaths in custody and other serious human rights violations in prisons, only an independent investigation can provide credible information to his relatives as a first step towards ensuring their right to redress and prevention of reoccurrence.

General Comment No. 36 also sets out "loss of life occurring in custody, in unnatural circumstances, creates a presumption of arbitrary deprivation of life by State authorities, which can only be rebutted on the basis of a proper investigation which establishes the State's compliance with its obligations under Article 6."

Amnesty International calls on the authorities to invite the UN Special Rapporteur on extrajudicial, summary or arbitrary executions for a prompt independent investigation to shed light on the circumstances of Musa al-Qarni's death and recommend how to ensure those responsible for are brought to justice in a fair and transparent process. The investigation should examine reports of other deaths in custody, torture and other serious violations against those deprived of their liberty.

Saudi authorities continue to show contempt for the right to life, a universal human right applicable at all times and in all circumstances, and disregarded its obligation to conduct impartial investigations, prosecute wrongdoers and ensure right to truth and redress. It is time the UN Human Rights Council established a human rights monitoring and reporting mechanism on Saudi Arabia to stop these patterns, Amnesty International said.