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Human rights situations that require the Council's attention

Written statement* submitted by Americans for Democracy & Human Rights in Bahrain Inc, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only



Saudi Arabia and Capital punishment

Americans for Democracy & Human Rights in Bahrain (ADHRB) takes this opportunity at the 41st Session of the United Nations (UN) Human Rights Council (HRC) to raise concerns about the use of capital punishment in Saudi Arabia, in particular against dissidents and peaceful protesters.

Recent data and statistics

Saudi Arabia has increasingly imposed the death penalty over the past several years, executing at least 806 people since 2014. In 2014, Saudi Arabia executed 90 people, 158 people in 2015, 154 people in 2016, 146 people in 2017, and 148 people in 2018.¹ As of 15 May 2019, Saudi Arabia has executed at least 110 people, including three minors and 44 foreign nationals.² Saudi Arabia has also carried out mass executions, including one on 2 January 2016 in which it executed 47 individuals, and one on 23 April 2019, in which it executed 37 individuals.

Sheikh Nimr AlNimr and the 2016 Mass execution

On 2 January 2016, Saudi Arabia executed 47 people on allegations of terrorist crimes, the largest mass execution in Saudi Arabia since 1980.³ The 47 people executed included two peaceful protesters and four men who were minors at the time of their alleged offenses. Mustafa Abkar, Ali AlRabeh, Amin AlGhamdi, and Meshaal AlFaraj were minors at the time they allegedly committed their crimes. Mohammed AlShiuk and Mohammed AlSuweimal were arrested for participating in peaceful protests in Saudi Arabia's Eastern Province. Many of the victims were convicted in unfair trials, and Saudi Arabia's prison administration itself informed AlSuweimal's family that he was not found to have committed a serious crime.

Also among those executed was Sheikh Nimr AlNimr, a Shia cleric and social justice activist who called for peaceful political reforms and advocated for nonviolent civil disobedience against policies which marginalized Saudi Arabia's Shia community. Sheikh AlNimr supported the 2011 Eastern Province demonstrations and went into hiding for fear of government reprisal. In 2012, the authorities arrested Sheikh AlNimr without a warrant, during which government officials shot him.

The authorities held him for over 260 days without charging him, often in an isolation cell. They prevented him from speaking to his family for months and from receiving medical treatment for his injuries. Throughout his hearings in 2013 and 2014, the authorities repeatedly violated Sheikh AlNimr's right to a fair trial, and, on 15 October 2014, the Specialized Criminal Court (SCC) sentenced Sheikh AlNimr to death. The court based the sentence on sermons delivered by Sheikh AlNimr. However, human rights organizations have failed to find in his sermons any examples of incitement to violence or terrorist activity.⁴

On 17 November 2014, the Working Group on Arbitrary Detention and several Special Rapporteurs issued a statement saying that Sheikh AlNimr's trial "did not meet the most

¹ "The Death Penalty: An International Perspective," Death Penalty Information Center, updated 2019, <https://deathpenaltyinfo.org/death-penalty-international-perspective>.

² Cornell Center on the Death Penalty Worldwide, "Death Penalty Database," Cornell University, last updated 15 May 2019, <http://www.deathpenaltyworldwide.org/country-search-post.cfm?142-9chk=on&hideinfo=on#Saudi%20Arabia>.

³ "Saudi Arabia: Mass Execution Largest Since 1980," Human Rights Watch, 4 January 2016, <https://www.hrw.org/news/2016/01/04/saudi-arabia-mass-execution-largest-1980#>.

⁴ "Fact Check: The Truth About Sheikh Nimr AlNimr," Americans for Democracy & Human Rights in Bahrain, 29 December 2015, <https://www.adhrb.org/2015/12/fact-check-the-truth-about-sheikh-nimr/>.

stringent due process and fair trial guarantees.” The appeals court upheld the SCC’s ruling, however, and Saudi Arabia’s Supreme Court ratified Sheikh AlNimr’s sentence in October 2015, leaving him no further avenues for appeal prior to his execution.⁵

Executions in 2017

In 2017, Saudi Arabia carried out at least two executions in the span of two days. On 10 July 2017, Saudi Arabia executed six men, including one Pakistani national accused of a nonlethal crime. On 11 July, the government executed four protestors, Yusuf AlMsheikhass, Amjad AlMuaybed, Zuhair AlBasri, and Mahdi AlSayegh. The men were charged with protesting, which Saudi Arabia’s counter-terrorism law classifies as a terrorism-related offense. However, according to human rights organizations Amnesty International and the European-Saudi Organisation for Human Rights (ESOHR), Saudi authorities tortured at least three of the men into confessing to committing these crimes. The men were sentenced to death and executed on the basis of their coerced confessions.⁶

Abbas AlHassan and the 2019 Mass execution

On 23 April 2019, Saudi Arabia executed 37 men on allegations of terrorism-related crimes, 16 of whom had previously been the subject of communications from UN bodies. In response, the UN High Commissioner for Human Rights strongly condemned the executions, while the European Union External Action Service (EEAS) expressed further concerns regarding the executions.

One of the men executed was Abbas AlHassan, a father of four. The authorities arrested AlHassan without a warrant, tortured him to produce a confession, and then convicted him on charges such as “spreading the Shia faith,” for which they sentenced him to death. Also among the executed were three men – Mujtaba AlSweikat, Salman Qureish, and Abdulkarim AlHawaj – who were minors at the time of their alleged offenses. They were also tortured following their arrests. They were the subjects of numerous joint communications from UN Special Procedures, which called attention to repeated fair trial violations in their cases.

Munir AlAdam and the convention on the Rights of persons with disabilities

Munir AlAdam was also among those executed on 23 April 2019. AlAdam was a Saudi citizen who suffered an injury as a child that left him with impaired vision and hearing. On 8 April 2012, Saudi officers detained him for allegedly attending a pro-democracy protest. While detained, the officers beat him to the point where he could not walk for days. They transferred him two weeks later to another location, where officers subjected AlAdam to beatings on his ears so hard that they rendered him permanently deaf in one ear.

The authorities denied AlAdam access to legal counsel for three years, until his trial began in September 2015. In June 2016, he was sentenced to death for a number of non-lethal charges, including participating in a protest in 2012 and “sending texts,” although he did not own a phone. His death sentence was upheld on appeal in May 2017, and confirmed by the Supreme Court on 23 July 2017.

The Special Procedures issued several communications regarding his case, and the UN Committee on the Rights of Persons with Disabilities found Saudi Arabia in violation of its obligations under the Convention on the Rights of Persons with Disabilities (CRPD) for sentencing him to death. The Committee called upon the kingdom to provide AlAdam with

⁵ “The unjust arrest, trial, and execution of Sheikh Nimr al-Nimr,” Americans for Democracy & Human Rights in Bahrain, 4 May 2016, <https://www.adhrb.org/2016/05/9695/>

⁶ “Saudi Arabia Executes Four Protesters,” Americans for Democracy & Human Rights in Bahrain, 12 July 2017, <https://www.adhrb.org/2017/07/saudi-arabia-executes-four-protesters/>

effective remedies, and requested that it refrain from executing him while his case was still under the Committee's review. Nonetheless, the Saudi government executed AlAdam.⁷

Since AlAdam's conviction, the Committee has raised numerous concerns about Saudi Arabia's failure to recognize non-discrimination principles for disabled persons, and has made a number of recommendations to ensure the kingdom's compliance with the CRPD. Among these was an overarching recommendation that the government "raise awareness among actors of the judiciary, law enforcement officers, [and] civil servants" of the right of people with disabilities to equality and non-discrimination.

The Committee has also raised concerns regarding the torture of persons with disabilities, and has recommended Saudi Arabia implement a complaint mechanism among the community of disabled persons to encourage individual reporting. ADHRB welcomes these recommendations, and calls upon Saudi Arabia to implement them to the fullest extent possible and to commit to the Optional Protocol to the Convention against Torture.

Conclusion and recommendations

ADHRB calls upon the international community and the Human Rights Council to urge Saudi Arabia to:

Guarantee legal counsel and fair trials to all charged with a crime and grant a re-trial in accordance with international standards of fair trial and due process for those tried in cases where torture was used as evidence;

Hold all individuals involved in torture accountable and prosecute those found guilty, including by empowering an independent and impartial body with the ability to investigate abuses at all levels of government;

Provide the families of those executed with adequate compensation; and

Immediately institute a moratorium on the death penalty with an aim as to its abolition.

⁷ "UN, EU, and NGOs condemn the execution of 37 men in Saudi Arabia," Americans for Democracy & Human Rights in Bahrain, 24 April 2019, <https://www.adhrb.org/2019/04/un-eu-and-ngos-condemn-the-execution-of-37-men-in-saudi-arabia/>