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Saudi Arabia: Juvenile offender's death sentence must shame the authorities into meaningful action

The King of Saudi Arabia must refuse to ratify the outrageous death sentence against juvenile offender, [Ali Mohammed Baqir al-Nimr](#), Amnesty International said today.

The organization called on the authorities to quash Ali al-Nimr's death sentence, which followed a grossly unfair trial and was based on "confessions" Ali al-Nimr says were extracted under torture. It also urged the authorities to immediately impose an official moratorium on all executions and implement significant reforms in the country's criminal justice system.

Ali al-Nimr was sentenced to death by the Specialized Criminal Court (SCC), a special security and counter-terror court, on 27 May 2014. His death sentence was upheld both by the appeal division of the SCC and by the Supreme Court sometime earlier this year, without his or his lawyer's knowledge. He could be executed as soon as the King ratifies the sentence.

Defendants in Saudi Arabia can appeal first instance court decisions only in writing and within 30 days. However, Ali al-Nimr was denied the basic right to meet with his lawyer to respond to the charges initially brought against him, or to later appeal the death sentence issued by the First Instance judge at the SCC.

Ali al-Nimr was sentenced to death by the SCC in Jeddah for a list of 12 offences that included taking part in demonstrations against the government, attacking the security forces, possessing a machine-gun and carrying out an armed robbery. The court seems to have based its decision solely on "confessions" which Ali al-Nimr has said were extracted under torture and other ill-treatment. Instead of ordering an immediate investigation into Ali al-Nimr's allegation, the judge claims that he asked the Ministry of Interior to look into the allegation of torture against its own security officers. No known investigation was carried out, while the judge proceeded to sentence Ali al-Nimr to death relying entirely on the "confession".

Ali al-Nimr was arrested on 14 February 2012, when he was only 17 years old. The security forces did not produce an arrest warrant on detaining him. He was taken to the General Directorate of Investigations (GDI) prison in Dammam, in the Eastern Province, where he says he was tortured to "confess" and deceived into signing written statements that he was not allowed to read and was misled into believing were his release orders. He

was not allowed to see his lawyer or his family. He was then taken to a centre for juvenile rehabilitation, Dar al-Mulahaza, where he was held until he returned to the GDI prison in Dammam when he turned 18. This indicates that the authorities recognized and treated him as a juvenile offender when they first detained him.

Saudi Arabian officials have in the past vehemently denied using the death sentence against juvenile offenders.

Ali al-Nimr is one of at least seven Saudi Arabian Shi'a Muslim activists who were sentenced to death in 2014 following protests that have taken place in the Kingdom's Eastern Province since 2011. Activists claim that two of those are also juvenile offenders. At least 20 people suspected of taking part in those protests have been killed by security forces since 2011 and hundreds have been imprisoned, including prominent Saudi Arabia Shi'a Muslim clerics.

Ali al-Nimr's uncle, [Sheikh Nimr Baqir al-Nimr](#), prominent Shi's cleric and the Imam of al-Awamiyya mosque in eastern Saudi Arabia is one of those sentenced to death in relation to protests in the Eastern Province. He was detained without an arrest warrant on 8 July 2012 and was sentenced to death by the SCC on 15 October 2014 after a deeply flawed trial and for vaguely worded offences that violate the principle of legality. Some of the offences which he is accused of committing are furthermore not recognizably criminal offences under international human rights law.

Violations of international and Saudi Arabian laws

In sentencing a juvenile offender to death, Saudi Arabia has violated its obligations under international customary law and the Convention on the Rights of the Child (CRC), to which it is a state party. Article 37(a) of the CRC provides that "Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age." On 22 September 2015, a group of [three United Nations human rights experts](#) urged Saudi Arabia to halt the execution of Ali al-Nimr, stating that "[a]ny judgment imposing the death penalty upon persons who were children at the time of the offence, and their execution, are incompatible with Saudi Arabia's international obligations". They added, "Mr. al-Nimr did not receive a fair trial and his lawyer was not allowed to properly assist him and was prevented from accessing the case file."

The three experts maintained that "international law, accepted as binding by Saudi Arabia, provides that capital punishment may only be imposed following trials that comply with the most stringent requirements of fair trial and due process, or could otherwise be considered an arbitrary execution," and called upon Saudi Arabia to "establish a moratorium on the use of the death penalty, halt executions of persons convicted who were children at the time of the offence, and ensure a prompt and impartial investigation into all alleged acts of torture."

Saudi Arabian officials have not yet responded to international criticism on Ali al-Nimr's case. Earlier in September, Saudi Arabia's Permanent Representative at the United Nations' Human Rights Council in Geneva stated in a speech that Saudi Arabian "laws of

criminal proceedings, investigation and prosecution have ensured [the presence of] all internationally applicable safeguards [for fair trial].... [including] the presence of a lawyer from the moment of arrest, the right to be informed of their rights and charges against them ...". He added that the death penalty in Saudi Arabia "is only imposed for most serious crimes..."

In addition, the Saudi Arabian authorities have in Ali al-Nimr's case violated both international law and standards on fair trial rights during appeals, as well as the right to appeal provided by Saudi Arabian law. Under Saudi Arabian law, convicted individuals can appeal a first instance court decision in writing within 30 days of the sentence, but because Ali al-Nimr was prevented from meeting his lawyer, he was not able to present any appeal. According to international law and standards, fair trial rights must be respected during appeals, including the right to legal counsel, the right to adequate time and facilities to prepare the appeal, the right to equality of arms and the right to a public and reasoned judgment within a reasonable time.

The Saudi Arabian Law of Criminal Procedures, specifically Articles 36(1) and 102, other national law, as well as international treaties to which the country is a state party, particularly the Convention against Torture, clearly and categorically prohibit the use of torture or other ill-treatment. However, [defendants are routinely subjected to such practices to force them to "confess"](#) to committing the crimes they have been charged with, while detained without a lawyer present. They are often, as it appears in Ali al-Nimr's case, convicted solely on the basis of signed "confessions" obtained under torture or other ill-treatment, duress or deception, that are admitted by judges as evidence in trials.

The death penalty in Saudi Arabia

Saudi Arabia is one of the most prolific executioners in the world. So far this year, it has executed at least 134 people, almost half of them for offences that do not meet the threshold of "most serious crimes" for which the death penalty can be imposed under international law. Most of these crimes, such as drug-related offences, are not mandatorily punishable by death, according to the authorities' interpretation of Islamic Shari'a law, meaning that judges are expected to use their discretion to apply the death sentence in these cases.

The authorities repeatedly fail to abide by international standards for fair trial and UN Safeguards guaranteeing protection of the rights of those facing the death penalty.

Saudi Arabia also continues to sentence to death and execute individuals for crimes committed when they were below 18 years of age and against persons with mental disabilities, in violation of international law.

The death penalty is also used disproportionately against foreign nationals, the majority of whom are migrant workers with 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. Their country's embassies and consulates are not promptly informed of their arrest, or even of their executions. In some cases families of migrant workers as well as families of Saudi Arabian convicts are neither

notified in advance of the execution nor are their bodies returned to them to be buried.

In August 2015 Amnesty International detailed the above concerns in a dedicated report on Saudi Arabia's use of the death penalty, titled [*Killing in the name of justice: the death penalty in Saudi Arabia*](#).

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 offender; or the method used by the state to carry out the execution. The death penalty violates the right to life as recognized in the Universal Declaration of Human Rights. It is the ultimate cruel, inhuman and degrading punishment.

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